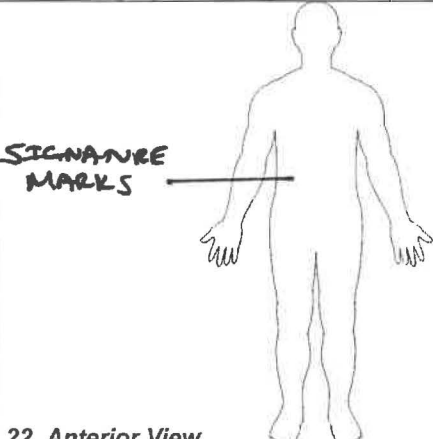
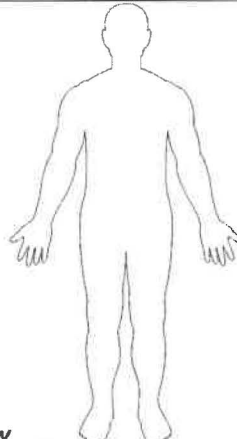
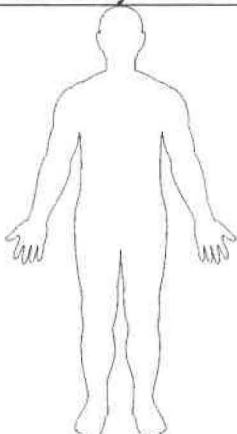
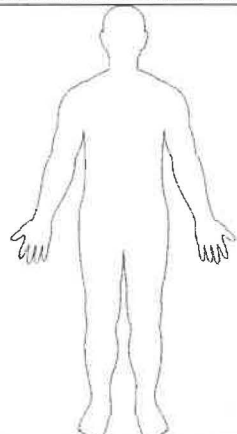


Response to Resistance Report

Key West Police Department

Case No: 19-7630

1. A Response to Resistance Report will be completed by the supervisor for: (Check all that apply)						
<input checked="" type="checkbox"/> A response through the use of non-lethal weapons,						
<input type="checkbox"/> Applies weaponless physical force of strikes, kicks, or "take-downs"						
<input type="checkbox"/> When any person sustains an apparent substantial or fatal injury as a result of the application of force						
<input type="checkbox"/> When any person complains of injury as a result of the application of force						
<input type="checkbox"/> Discharge of firearm in the line of duty off-duty or on-duty (other than for training, maintenance or ballistics testing)						
INCIDENT	2. Date: 12/29/19	3. Time: 0300 hrs	4. Location: 1029 Truman Ave.	5. Incident type: Hit & Run		
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation		
	<input checked="" type="checkbox"/> Passive:	Refused to sit in vehicle.	<input checked="" type="checkbox"/> Physical Control	Joint Manipulation		
	<input checked="" type="checkbox"/> Active:	Pulled away	<input checked="" type="checkbox"/> Non-lethal Weapon	Taser drive-stun		
<input type="checkbox"/> Aggressive:			<input type="checkbox"/> Deadly Force			
<input type="checkbox"/> Deadly Force:						
SUBJECT	10. Last Name: Hill		11. First: Phernando	12. Race: B	13. Sex: M	
	14. DOB: 9/19/84		15. Height: 6'03	16. Weight: 300		
	17. Did you observe the subject: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If NO, explain why in Section 42. If "YES", complete sections 18-22					
	18. Appeared to be: <input checked="" type="checkbox"/> Intoxicated <input checked="" type="checkbox"/> Under the influence of controlled substance <input checked="" type="checkbox"/> Emotionally / mentally disturbed					
	19. Injuries: <input type="checkbox"/> No <input checked="" type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)					
	20. Photographed: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes 21. Treated: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input checked="" type="checkbox"/> Detention					
						
	22. Anterior View		Posterior View			
	OFFICER	23. Officer: Chase Purcell				
		24. Race: W 25. Sex: M 26. Age: 24 27. Height: 6'00 28. Weight: 245				
29. Duty Status: <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input checked="" type="checkbox"/> Uniformed <input type="checkbox"/> Plain clothes 30. Yrs Exp: 1						
31. Injuries: <input checked="" type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)						
32. Photographed: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes 33. Treated: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital						
34. Response option used by this officer: (If TASER®, also reference line number from TASER® section)						
						
35. Anterior View		Posterior View				

Response to Resistance Report (continued)

Key West Police Department

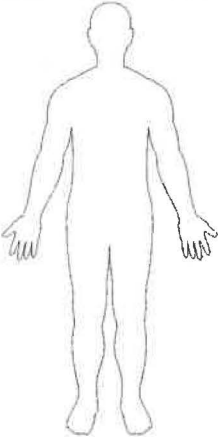
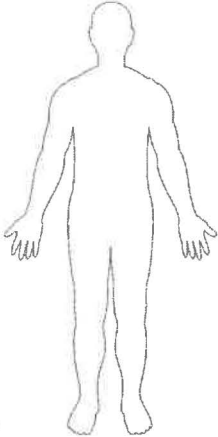
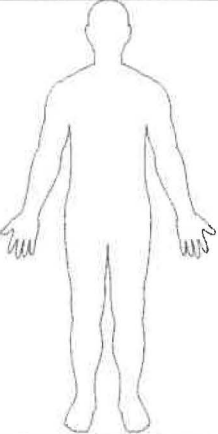
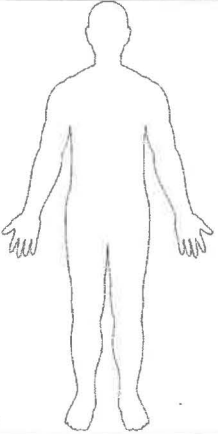
Case No: 19-7630

TASER USE ONLY	36. TASER® device serial # X120056TN		37. TASER® device serial # X12002MOH	
	TASER®Cam serial # V210024E5		TASER®Cam serial # V21000VM4	
	Cartridge 1 serial #		Cartridge 1 serial #	
	Cartridge 2 serial #		Cartridge 2 serial #	
	Number of cycles: 2		Number of cycles: 2	
	Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input checked="" type="checkbox"/> Drive Stun		Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input checked="" type="checkbox"/> Drive Stun	
	Did probes penetrate skin: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Did probes penetrate skin: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	Target distance at probe launch:		Target distance at probe launch:	
	Distance between probes:		Distance between probes:	
	Probes removed by (name):		Probes removed by (name):	
	Device downloaded by: Sgt. M. Siracuse		Device downloaded by: Sgt. M. Siracuse	
	<input type="checkbox"/> 38. Check and list any additional TASER® devices, cartridges or details in the incident description section.			
REPORT	39. Offense/Incident Report and/or Warrant Affidavit must include:			
	<input checked="" type="checkbox"/> All necessary criminal elements.			
	<input checked="" type="checkbox"/> All details of the arrest			
	<input checked="" type="checkbox"/> Details articulating the subject's words, mannerisms and actions that justify the use of force.			
	<input checked="" type="checkbox"/> Details outlining the response to resistance utilized by each officer.			
	<input checked="" type="checkbox"/> Detailed description of injury complaints and/or observed injuries			
<input checked="" type="checkbox"/> Details outlining the decontamination, first aid or medical treatment provided to the officer and/or subject.				
SUPERVISOR'S INQUIRY	40. Notified Date: 12/29/19		41. Time: 0300	
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	43. Did you meet with the Officer: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	44. Were you able to locate any independent witnesses: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "Yes," list below)			
	Name		Address	
	Howard Fitch		55 Palmetto Dr. Key West	
45. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		12/29/19		
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		46. Preparing Supervisor's Signature / ID		
		47. Date		
INT. AFF.	48. Did the review of this incident conclude that use of force was in compliance with Departmental policy? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", complete section 51)			
	49. Signature of Internal Affairs Inspector		50. Date	
	51. If section 48 is "No" record the Professional Standards Control Number:		52. Date Entered:	

Response to Resistance Report (continued)

Key West Police Department

Case No: 19-7630

OFFICER	23. Officer: Brian Leahy		24. Race: W	25. Sex: M	26. Age: 51	27. Height: 5'10	28. Weight: 215
	29. Duty Status: <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input type="checkbox"/> Uniformed <input type="checkbox"/> Plain		30. Yrs Exp: 14				
	31. Injuries: <input checked="" type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)						
	32. Photographed: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		33. Treated: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital				
	34. Response option used by this officer: (If TASER®, also reference line number from TASER® section)						
	 35. Anterior View				 Posterior View		
OFFICER	23. Officer: Bryan Tyler		24. Race: W	25. Sex: M	26. Age: 39	27. Height: 6'	28. Weight: 220
	29. Duty Status: <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input checked="" type="checkbox"/> Uniformed <input type="checkbox"/> Plain		30. Yrs Exp: 15				
	31. Injuries: <input type="checkbox"/> No <input type="checkbox"/> Evident <input checked="" type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)						
	32. Photographed: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		33. Treated: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital				
	34. Response option used by this officer: (If TASER®, also reference line number from TASER® section)						
	 35. Anterior View				 Posterior View		

INCIDENT/INVESTIGATION REPORT

I N C I D E N T D A T A	Agency Name Key West Police Department		INCIDENT/INVESTIGATION REPORT		Case# 19-007630						
	ORI FL0440100				Date / Time Reported 12/29/2019 02:52 Sun						
	Location of Incident 1029 Truman Ave, Key West FL 33040-				Last Known Secure 12/29/2019 02:52 Sun						
					At Found 12/29/2019 02:52 Sun						
#1	Crime Incident(s) Drug Possession Controlled Substance DRA		(Com)		Weapon / Tools NOT APPLICABLE/NONE		Activity				
					Entry		Exit		Security		
	Crime Incident Resist Arrest / Escape XOM		(Com)		Weapon / Tools		Activity				
					Entry		Exit		Security		
	Crime Incident Traffic Hit & Run VEB		(Com)		Weapon / Tools		Activity				
					Entry		Exit		Security		
MO											
V I C T I M	# of Victims 2		Type: SOCIETY/PUBLIC/STATE		Injury:		Domestic: N				
	Victim/Business Name (Last, First, Middle) SOCIETY		Victim of Crime # 1,2		DOB Age		Race Sex Relationship To Offender Resident Status Military Branch/Status ST N/A				
	Home Address 525 ANGELA ST, Key West, FL 33040-						Home Phone				
	Employer Name/Address						Business Phone		Mobile Phone		
	VYR		Make		Model		Style		Color		
	Lic/Lis		VIN								
O T H E R S	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)										
	Type: INDIVIDUAL				Injury: None						
	Code V2		Name (Last, First, Middle) MICHEL, EDDY		Victim of Crime # 3		DOB 07/09/1983		Age 36		
	Race B		Sex M		Relationship To Offender ST		Resident Status Non-Resident		Military Branch/Status		
	Home Address 35 Miriam - G Key West, FL 33040						Home Phone 786-419-6690				
	Employer Name/Address						Business Phone		Mobile Phone		
I N V O L V E D	Type: INDIVIDUAL				Injury:						
	Code IO		Name (Last, First, Middle) ANDERSON, JUSTIN EDWARD		Victim of Crime #		DOB 10/23/1975		Age 44		
	Race W		Sex M		Relationship To Offender		Resident Status Non-Resident		Military Branch/Status		
	Home Address 2803 Faircroft Way Monroe, NC 281108837						Home Phone 305-902-8135				
	Employer Name/Address						Business Phone		Mobile Phone 305-890-6759		
	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)										
P R O P E R T Y	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description		Make/Model	Serial Number	
	35	EVID		\$0.00	NO	1	AXON BWC 3833 VIDEO				
	35	EVID		\$0.00		1	AXON BWC 3967				
	02	TOWE		\$30,000.00	NO	1	2007 WHI, NKMB23 FL		NISS	5N1AR18W57C617312	
	2	02	NONE	\$25,000.00	NO	1	2015 SIL, 6468XP FL		INFI	5N1AL0MNXFC503071	
Officer/ID# WILLIAMS, JOELLE D (3833)											
Invest ID# (0)					Supervisor RODRIGUEZ, PABLO D (2298)						
Status	Complainant Signature				Case Status Cleared By Arrest		12/29/2019		Case Disposition: Cleared By Arrest		12/29/2019

Incident Report Additional Name List

Key West Police Department

OCA: 19-007630

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	LEWIS ZUK, JUSTIN MATTHEW		05/04/1993	26	W	M
Address	3839 Duck Ave , Key West, FL 33040-		H: 305-928-0764			
Empl/Addr	Bare Assest, 1029 Truman Ave		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 19-007630

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found

D R U G S	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
	E	EVI	0.200	GM	FTP MARIJUANA	Poss

Assisting Officers

SIRACUSE, M.W. (3366), VAZQUEZ, B. (3467), PURCELL, C. (3967), LEAHY, B.P. (2965), PEREZ, R. (4010), TYLER, B. (3914), MORRIS, C.B. (3926)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

Victim <i>SOCIETY</i>	Offense <i>DRUG POSSESSION CONTROLLED</i>	OCA <i>19-007630</i>
		Date / Time Reported <i>Sun 12/29/2019 02:52</i>

On 12/29/2019, at about 0305 hours, I (Officer J. Williams) was dispatched to 1029 Truman Avenue, Bare Assets, in reference to a traffic crash.

Upon arrival, I met with reporting party, Eddy Michel, who told me his vehicle (bearing Florida tag# 6468XP) was struck by another vehicle (bearing Florida Tag # NKMB23) in the parking lot of Bare Assets. Michel said he was an Uber driver and was driving through the parking lot at Bare Assets when a vehicle backed into the right, front and rear passenger doors to his vehicle.

I could see a dent and scratches on both doors on Michel's vehicle. Michel's vehicle was directly behind the other vehicle in the parking lot. Michel told me the driver of the vehicle that hit him (later identified as Phernando Hill) walked away and left the property, approximately five minutes before my arrival.

A security guard at Bare Assets, identified as Justin Lewis Zuk, told me he witnessed the crash and saw Hill leave the property and walk west on Truman Avenue. Zuk described Hill as a black male, six feet tall, between 280-300lbs, wearing glasses, cargo shorts, and a tank top with black stripes. I aired a Be On The Look Out over the radio. Zuk told me Hill was with his friend, identified as Justin Anderson, when they arrived at Bare Assets. Zuk told me he saw Hill get out of his vehicle, after backing into Michel's vehicle, and stumble around as if he was intoxicated. Zuk said Hill tried to come back into the club, but once he realized officers were on the way, he left on foot.

I spoke with Anderson, who told me he only knew Hill from working with him in Marathon, and only knew him by the nickname "Nimo."

I showed a picture of Hill from Florida Crime Information Center (FCIC) and the National Crime Information Center (NCIC) to Zuk, Michel and Anderson. Zuk and Michel both told me it was possible it was the driver, but he seemed to be a lot heavier in person than he did in the picture. Anderson told me he wasn't sure, and he was too intoxicated to decide.

The manager at Bare Assets sent me a screenshot of the suspect (Hill) from the video footage to my work email, from the parking lot of Bare Assets. The suspect (Hill) pictured in the screenshot of the video footage matched the description Zuk gave to me.

I showed Zuk and Michel the image from the video and they both told me he was the driver who backed into Michel's vehicle and left the scene without providing any information.

I finished a driver exchange of information and requested a wrecker to get Hill's vehicle. I gave Michel the exchange of information and he left the property.

As I was waiting for the wrecker to arrive on scene, a security guard at Bare Assets told me he could see Phernando Hill walking down the sidewalk in front of the business. I saw Hill, and I saw that he matched the description of the suspect that Zuk and Michel had identified in the video footage.

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

19-007630

Victim

SOCIETY

Offense

DRUG POSSESSION CONTROLLED

Date / Time Reported

Sun 12/29/2019 02:52

I told Hill to come over to my patrol car and speak with me. I read Hill his Miranda Rights and he spoke with me. Hill told me he did not get into a traffic crash in the parking lot of Bare Assets. Hill appeared to be highly under the influence of alcohol and/or controlled substances. Hill had the odor of alcohol coming from his person and was unsteady on his feet. I noticed Hills's eyes were red and glossy when he spoke with me.

Officer Tyler arrived on scene (see supplemental report). Officer Tyler and I placed Hill in custody. I searched Hills's person and I found a green leafy substance, wrapped in a brown cigar type paper, in the front, left pocket of Hills's shorts.

As Officer Tyler went to speak to someone in the parking lot, Hill began to pull away from me, while yelling that he wasn't going "anywhere without a lieutenant." I held Hill by his arm and asked Officer Tyler to help me. I told Hill repeatedly to "stop" and he did not comply and continued to pull away. Officer Tyler helped me bring Hill back to my patrol car and attempted to get him to go inside my patrol car. Hill refused to sit inside the patrol car and continuously tensed his body and pulled away from us.

Officer Tyler told Hill to get into the patrol car and asked him if he wanted a charge for resisting, and Hill sad "yay." Officer Tyler and I struggled with Hill and as he pushed himself into us, to get away from the patrol car. Hill repeated himself by saying no, while pushing his body away from the patrol vehicle.

Officer Tyler requested more units to be enroute to our location, as Hill continued to not comply and refused to get inside of the patrol car. Officers Purcell, Leahy, Morris, Tyler and I all attempted to get Hill in my patrol car. Officers deployed their tasers in attempt to gain physical compliance from Hill (see supplemental reports).

Hill used physically evasive movements in an attempt to resist officer's efforts to gain physical compliance. Hill used his large stature and body weight in an aggressive manner to physically resist Officer Tyler and I's attempt to place him into my patrol vehicle. Hill did so by shoving his body against us, physically pushing us away from him.

After Hill was secure in my patrol vehicle, I transported him to Monroe County Detention Center. Once in the sally port, Hill refused to get out of my patrol vehicle and was physically removed by officers and MCSO deputies into a restraint chair, where he was brought up to see the nurse.

I tested the green leafy substance that I found in Hills's pocket and it field tested positive for marijuana.

Based on the facts and evidence, I believe there is probable cause that on 12/29/2019, Phernando Hill did knowingly have marijuana in his possession, in the pocket of the shorts he was wearing, in violation of FSS 893.13-6B MARIJUANA-POSSESS NOT MORE THAN 20 GRAMS.

Based on the facts and evidence, I believe there is probable cause that on 12/29/2019, Phernando Hill did knowingly and intentionally resist officers without violence by refusing to get in or out of my patrol vehicle and by using physically evasive movements to avoid being placed in my patrol vehicle, in violation of FSS 843.02 RESIST / OBSTRUCT OFFICER W/O VIOLENCE.

Based on the facts and evidence, I believe there is probable cause that on 12/29/2019, Phernando Hill did knowingly and intentionally resist officers with violence. After being legally arrested, while attempting to further secure him inside my patrol vehicle, Hill became aggressive with officers by using his large stature and body weight in an

REPORTING OFFICER NARRATIVE*Key West Police Department*

Victim <i>SOCIETY</i>	Offense <i>DRUG POSSESSION CONTROLLED</i>	OCA <i>19-007630</i>
		Date / Time Reported <i>Sun 12/29/2019 02:52</i>

aggressive manner to physically resist officers in violation of FSS 843.01 RESIST OFFICER WITH VIOLENCE.

Based on the facts and evidence, I believe there is probable cause that on 12/29/2019, Phernando Hill did knowingly and intentionally leave the scene of a car crash he was involved in, without leaving any information to any parties on scene, in violation of FSS 316.061-1 LEAVE SCENE OF CRASH W/O GIVING INFO W/ >\$50 DAMAGE.

Incident Report Suspect List

Key West Police Department

OCA: 19-007630

1	Name (Last, First, Middle)					Also Known As					Home Address				
	HILL, PHERNANDO TORRES										260 41ST STREET GULF - 1 MARATHON, FL 33050 305-879-5698				
	Business Address														
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.				
	09/19/1984	35	B	M	N	603	300	BLK	BLK	BLK	H400678843390 FL				
Scars, Marks, Tattoos, or other distinguishing features															
Reported Suspect Detail															
Suspect Age					Race	Sex	Eth	Height	Weight	SSN					
Weapon, Type		Feature		Make		Model		Color	Caliber	Dir of Travel					
										Mode of Travel					
VehYr/Make/Model				Drs	Style		Color	Lic/St	VIN						

Notes

Physical Char

BUILD, HEAVY/LARGE
FACIAL HAIR, GOTEE ONLY
HAIR TYPE, SHORT
HAND USE, LEFT
TEETH, OTHER

Incident Report Related Vehicle List

Key West Police Department

OCA: 19-007630

1	VehYr/Make/Model 2007 NISS		Style 4D		Color WHI		Lic/Lis /Decal NKMB23 FL 2020, 1780706		VIN 5N1AR18W57C617312	
	IBR Status Towed		Date 12/29/2019		Location 1029 TRUMAN AVE, KEY WEST FL					
	Condition		Value \$30,000.00		Offense Code 4010		Jurisdiction Other Jurisdiction		State # NIC #	
	Name (Last, First, Middle) Hill, Phernando Torres				Also Known As				Home Address 260 41ST STREET GULF - 1 MARATHON, FL 33050 305-879-5698	
	Business Address									
	DOB 09/19/1984	Age 35	Race B	Sex M	Hgt 603	Wgt 300	Scars, Marks, Tattoos, or other distinguishing features			

Notes

2	VehYr/Make/Model 2015 INFI		Style UT		Color SIL		Lic/Lis /Decal 6468XP FL 2020, 08249640		VIN 5N1AL0MNXFC503071	
	IBR Status None		Date 12/29/2019		Location 1029 TRUMAN AVE, KEY WEST FL					
	Condition		Value \$25,000.00		Offense Code 4010		Jurisdiction Other Jurisdiction		State # NIC #	
	Name (Last, First, Middle) Michel, Eddy				Also Known As				Home Address 35 MIRIAM - G KEY WEST, FL 33040 786-419-6690	
	Business Address									
	DOB 07/09/1983	Age 36	Race B	Sex M	Hgt 509	Wgt 150	Scars, Marks, Tattoos, or other distinguishing features			

Notes

Incident Report Related Property List

Key West Police Department

OCA: 19-007630

1 Property Description AXON BWC 3833 VIDEO		Make		Model		Caliber	
Color	Serial No.	Value \$0.00		Qty 1.000	Unit	Jurisdiction Other	
Status Evidence	Date 12/29/2019	NIC #	State #	Local #		OAN	
Name (Last, First, Middle) * No name *			DOB		Age	Race	Sex

Notes

2 Property Description AXON BWC 3967		Make		Model		Caliber	
Color	Serial No.	Value \$0.00		Qty 1.000	Unit	Jurisdiction Locally	
Status Evidence	Date 12/30/2019	NIC #	State #	Local #		OAN	
Name (Last, First, Middle) * No name *			DOB		Age	Race	Sex

Notes

3 Property Description FTP MARIJUANA		Make		Model		Caliber	
Color Green	Serial No.	Value \$10.00		Qty 0.200	Unit GM	Jurisdiction Other	
Status Evidence	Date 12/29/2019	NIC #	State #	Local #		OAN	
Name (Last, First, Middle) Hill, Phernando Torres			DOB 09/19/1984		Age 35	Race B	Sex M

Notes

CASE SUPPLEMENTAL REPORT

Printed: 01/07/2020 09:35

Key West Police Department

OCA: **19007630**

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLEARED BY ARREST*Case Mng Status: *NA*Occurred: *12/29/2019*Offense: *DRUG POSSESSION CONTROLLED SUBSTANCE*

Investigator: *PURCELL, CHASE (3967)*Date / Time: *12/29/2019 22:06:50, Sunday*Supervisor: *VAZQUEZ, BILLY (3467)*Supervisor Review Date / Time: *12/30/2019 04:52:16, Monday*

Contact:

Reference: *General Supplemental Report*

On 12/29/2019 at approximately 0413 hours, I, Officer Purcell, responded to a call for backup from Officer Tyler at 1029 Truman Ave.

Upon my arrival I observed Officer Tyler and Officer Williams holding a large black male (Phernando Hill) against the side of a patrol car. I exited my patrol vehicle and took control of Hill's right arm. Officer Tyler instructed Hill to get in the back seat of the patrol vehicle. Hill did not comply. Officer Tyler and I forced Hill into a sitting position in the back of the patrol car. Hill pushed against us and attempted to keep us from placing him in the vehicle. I instructed Hill to put his feet in the patrol vehicle. Hill refused. I instructed Hill several more times to place his feet in the patrol car. Hill continued to refuse.

I unholstered my Taser and removed the cartridge. I informed Hill it was a Taser and if he did not put his feet in the vehicle I would tase him. Hill refused to put his feet in the vehicle. I instructed Hill several more times to place his feet in the vehicle warning him that I would tase him if he did not. Hill told me do what you have to do. I utilized my Taser to drive stun Hill in the center of his torso. Hill tensed up but did not place his feet in the vehicle. Officer Leahy deployed his Taser and also utilized it to drive stun Hill. After several drive stuns from Officer Leahy and I Hill complied and put his feet in the patrol vehicle. I secured Hill with a seat belt.

This incident was recorded with my Axon BWC.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 01/07/2020 09:35

*Key West Police Department*OCA: **19007630**

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Case Status: *CLEARED BY ARREST***Case Mng Status:** *NA***Occurred:** *12/29/2019***Offense:** *DRUG POSSESSION CONTROLLED SUBSTANCE***Investigator:** *LEAHY, BRIAN P (2965)***Date / Time:** *12/29/2019 23:01:50, Sunday***Supervisor:** *SIRACUSE, MARK W (3366)***Supervisor Review Date / Time:** *12/30/2019 02:08:19, Monday***Contact:****Reference:** *General Supplemental Report*

On 12/29/2019, at approximately 0300 hours, I, Officer Leahy and multiple other KWPD responded Priority 1 (emergency lights and sirens) to 1029 Truman Avenue (Bare Assets) to assist Officer Tyler who had aired he was in a fight and needed help.

Upon arrival, I responded to Officer J. Williams patrol vehicle. I observed Officer Purcell trying to place a black male arrestee, identified as Phernado Hill, into the rear of Officer J. Williams patrol vehicle. Hill was not placing his legs into the patrol vehicle. After several lawful commands and physical efforts to place Hill into the patrol vehicle, Sgt. Vazquez gave the order to Officer Purcell to use his TASER and drive stun Hill. Officer Purcell removed his TASER from his duty belt and administered an off-cartridge drive stun to Hill's stomach area. I observed Hill was not complying with the off-cartridge drive stun Officer Purcell was administering so I removed my TASER from my duty belt and administered an off-cartridge drive stun to Hill's stomach area and subsequently to Hill's right arm pit area. Hill immediately complied and placed his legs in the patrol vehicle. I had no further involvement in the incident.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 01/07/2020 09:35

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Case Status: *CLEARED BY ARREST***Case Mng Status:** *NA***Occurred:** *12/29/2019***Offense:** *DRUG POSSESSION CONTROLLED SUBSTANCE***Investigator:** *TYLER, BRYAN (3914)***Date / Time:** *12/29/2019 23:29:56, Sunday***Supervisor:** *SIRACUSE, MARK W (3366)***Supervisor Review Date / Time:** *12/30/2019 02:28:36, Monday***Contact:****Reference:** *General Supplemental Report*

On December 29, 2019 at 0406 I (Officer Tyler) was dispatched to 1028 Truman Avenue to assist Officer Williams' with a Hit and Run arrest.

Upon arrival, I observed Officer Williams' speaking with the suspect who was identified as Phernando Hill. Hill is 6ft 4 inches tall and weighs approximately 300 pounds. Officer Williams' advised me the witnesses at Bare Assets that observed the crash and the driver that was struck identified Hill as the operator of the motor vehicle. Hill left the scene on foot after striking the other car.

Hill was intoxicated and continually denied operating his vehicle. Officer Williams' and I placed Handcuffs on Hill without incident. After Hill was placed into handcuffs and told he was under arrest for hit and run, Officer Williams' leaned Hill against her car to search him incident to arrest.

While Officer Williams' was searching Hill, I went into Williams' car to get the tow slip for Hill's vehicle. When I walked into the parking lot to meet Arnold's towing Hill started to pull away from Officer Williams and came my direction in an aggressive manner. I grabbed Hill's arm and escorted him back to Officer Williams' car. I held out the tow slip and gave it to the tow truck driver while I was holding onto Hill with my other hand.

Hill said he wanted to talk to a Lieutenant. I advised Hill he was not getting a Lieutenant. I told Hill to get into the police car. Hill said, "NO IM NOT" I asked Hill if he wanted to catch a resisting charge. Hill responded "Yes". Again, I told Hill to get into the car Hill then asked if my camera was on, I advised him yes it was on. Hill pulled away from me, turned around and knocked my camera off my chest onto the ground. My camera landed in a position to still see the incident.

Hill continued to pull away, resisting and slinging me around. Due to Hill's size I was having a hard time controlling him. At one point I was slung into Officer Williams' patrol car, hurting my right arm. I finally was able to gain control of Hill using his body weight to get him against Williams' car. I was able to hold Hill against Williams car using pain compliance by holding his right arm up so he could not move. Hill said "stop doing that to me" referring to the position I had him in against the car. I told Hill to not move because I was not going to continue fighting him.

I advised Hill we were not moving until I got other units on scene. I held the position but reduced the pressure on his arm to not cause pain, but kept him in an uncomfortable position. It was my fear releasing Hill before other units arrived would allow Hill to become more violent. To protect officer's on scene and Hill, I held him in the position I had him in.

Investigator Signature

Supervisor Signature

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Officer Purcell arrived on scene and assisted me in getting Hill into the patrol car. While Officer Purcell and I continued trying to get Hill into the patrol car, Hill continued to fight us, pulling away and pushing against us, but we eventually got Hill's body into the patrol car. Once seated Hill still refused to put his feet into the car.

Officer Purcell and I told Hill again to get into the car, but Hill continually refused to put his feet into the car. Officer Purcell advised Hill he was going to take him if he did not get fully into the vehicle. Hill said to Officer Purcell "do what you gotta do I am going to sue all of you".

I then walked away from the vehicle to let Officer Purcell, Officer Leahy and Sgt. Vazquez handle the situation.

Once Hill was placed completely inside Officer Williams' patrol car, she took Hill to the Monroe County Detention Center. Officer Perez got into my patrol car with me and we followed Officer Williams' to the Detention Center. At the Detention Center Hill refused to get out of Williams' patrol car so he could be taken inside to be processed.

Sgt. Siracuse arrived at the detention center also. Sgt. Siracuse spoke with Hill, but Hill would not get out of the vehicle. Jail staff advised us that Hill is violent and always fights with law enforcement. Sgt. Siracuse asked the Detention Center Deputies to bring down the restraint chair so we would not have to fight Hill all the way upstairs to the booking room.

When the restraint chair arrived in the sally port Sgt. Siracuse and I helped Hill out of the vehicle and sat him on the floor. Hill was still refusing to stand up or go upstairs. Sgt. Siracuse, Detention Deputies, and I lifted Hill off the ground and put him into the restraint chair. Hill continued to ask to speak to a Lieutenant. Sgt. Siracuse advised him the Lieutenant was not available and he was in charge. Hill told Sgt. Siracuse he wanted to speak to a real Sgt.

My BWC was activated during the incident.

When I exited my patrol car after arriving on scene, I hit the activation button on my BWC but my BWC did not start recording. I noticed that my BWC light was blinking green (Not Recording) when I had to put hands on Hill. When I noticed this, I immediately hit my BWC activation button hard to make sure it was activated (Recording).

Investigator Signature

Supervisor Signature