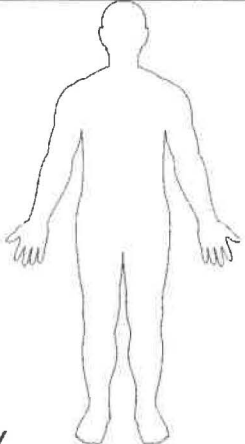
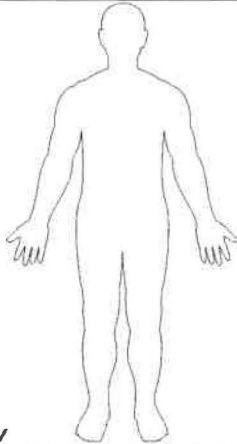
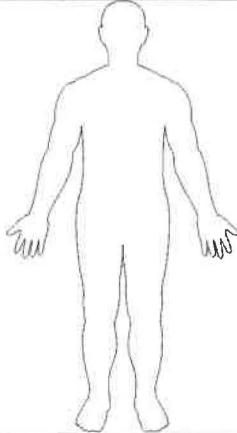
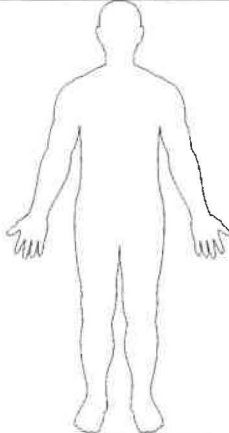


Response to Resistance Report

Key West Police Department


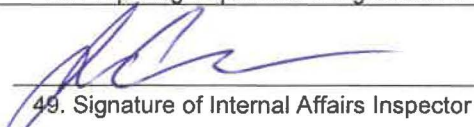
Case No: 20-0078

1. A Response to Resistance Report will be completed by the supervisor for: (Check all that apply)					
<input type="checkbox"/> A response through the use of non-lethal weapons,					
<input checked="" 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: 01/04/20	3. Time: 0200	4. Location: 1300 15 th Court	5. Incident type: T50/S12	
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation	
	<input type="checkbox"/> Passive:		<input checked="" type="checkbox"/> Physical Control	Take Down	
	<input checked="" type="checkbox"/> Active:	Pushing, Pulling, Bracing, Tensing	<input type="checkbox"/> Non-lethal Weapon		
	<input type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force		
<input type="checkbox"/> Deadly Force:					
SUBJECT	10. Last Name: Joseph		11. First: Jean	12. Race: Black 13. Sex: Male	
	14. DOB: 04/10/90		15. Height: 6'01	16. Weight: 185	
	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 type="checkbox"/> Intoxicated <input type="checkbox"/> Under the influence of controlled substance <input type="checkbox"/> Emotionally / mentally disturbed				
	19. 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 22)				
	20. Photographed: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes 21. Treated: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input type="checkbox"/> Detention				
					
	22. Anterior View		Posterior View		
	OFFICER	23. Officer: Tim Malak		24. Race: W	25. Sex: M
		26. Age: 29		27. Height: 6'00	28. Weight: 240
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: 5					
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: 20-0078

TASER USE ONLY	36. TASER® device serial #		37. TASER® device serial #	
	TASER®Cam serial #		TASER®Cam serial #	
	Cartridge 1 serial #		Cartridge 1 serial #	
	Cartridge 2 serial #		Cartridge 2 serial #	
	Number of cycles:		Number of cycles:	
	Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input type="checkbox"/> Drive Stun		Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input type="checkbox"/> Drive Stun	
	Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No		Did probes penetrate skin: <input type="checkbox"/> Yes <input 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:		Device downloaded by:	
	<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: 01/03/20		41. Time: 0200	
	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)			
INT. AFF.	44. Were you able to locate any independent witnesses: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)			
	Name		Address	
45. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		 46. Preparing Supervisor's Signature / ID		
		47. Date 1-4-20		
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 1/9/20		
51. If section 48 is "No" record the Professional Standards Control Number:		52. Date Entered:		

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# 20-000078	
	ORI FL0440100				Date / Time Reported 01/04/2020 21:18 Sat	
	Location of Incident 1300 15th Ct Lot 38, Key West FL 33040-			Premise Type Highway / Street / Road/	Beat/GP	Last Known Secure 01/04/2020 21:18 Sat
						At Found 01/04/2020 21:18 Sat

D E T A I L S	#1	Crime Incident(s) Resist Arrest / Escape XOM	(Com)	Weapon / Tools NOT APPLICABLE/NONE	Activity	
				Entry	Exit	Security
	#2	Crime Incident Traffic Offense (non-dui) VEC	(Com)	Weapon / Tools	Activity	
				Entry	Exit	Security
	#3	Crime Incident	()	Weapon / Tools	Activity	
				Entry	Exit	Security

M O V I C T I M	# of Victims 1		Type: SOCIETY/PUBLIC/STATE		Injury:		Domestic: N		
	V1	Victim/Business Name (Last, First, Middle) Society	Victim of Crime # 1,2	DOB Age	Race	Sex	Relationship To Offender	Resident Status N/A	Military Branch/Status
	Home Address							Home Phone	
	Employer Name/Address						Business Phone		Mobile Phone
	VYR	Make	Model	Style	Color	Lic/Lis	VIN		

O T H E R I N V O L V E D	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)									
	Type:					Injury:				
	Code	Name (Last, First, Middle)	Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
	Home Address							Home Phone		
	Employer Name/Address						Business Phone		Mobile Phone	
	Type:					Injury:				
	Code	Name (Last, First, Middle)	Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
	Home Address							Home Phone		
	Employer Name/Address						Business Phone		Mobile Phone	

P R O P E R T Y	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)									
	VI #	Code	Status Frn/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number	
		35	EVID	\$0.00		1	BWC 3757			
		35	EVID	\$0.00		1	BWC 4045	AXON		
		35	EVID	\$0.00		1	IN CAR CAMERA 4045	COBAN		
		02	NONE	\$0.00		1	2004 BLK, KNMQ81 FL	TOYT Rav 4	JTEBT17R940034594	

Officer/ID#	MALAK, TIMOTHY J (4045)		
Invest ID#	(0)		
Status	Complainant Signature	Case Status <i>Cleared By Arrest</i>	Case Disposition: <i>Cleared By Arrest</i>

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 20-000078

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

Assisting Officers

GILLESPIE, A.M. (3757), KOURI, D.G. (3022), HANSELL, M. (3648)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

20-000078

Victim

Society

Offense

RESIST ARREST / ESCAPE

Date / Time Reported

Sat 01/04/2020 21:18

On 1/4/2020 at 0153, I, Officer Malak, was conducting traffic enforcement in the area of 19th St and Duck Ave. I observed a Black Toyota Rav 4 bearing tag number KNMQ81, traveling west bound on Duck Ave, fail to stop at the posted stop sign.

I activated my overhead blue lights and initiated a traffic stop in the driveway on 1300 15th Ct trailer park. The vehicle initially stopped at the beginning on the entrance way, but when I did not quickly approach the driver, he put his vehicle in drive and proceeded to drive away. The vehicle stopped again approximately 20 feet from the original stop.

I approached the vehicle and identified the driver as, Jean Joseph DOB 2/10/1993, and asked why he moved from the initial traffic stop. Joseph did not answer my question directly, only stating he seen me behind him. Joseph did not have an explanation for attempting to leave the traffic stop. I advised Joseph he was being stopped for failing to stop at a posted stop sign. Joseph stated he did stop because he saw me behind him the entire time. Joseph provided me with his Driver's license, Insurance, registration, and I returned to my patrol vehicle.

I checked Joseph through F/NCIC and learned the vehicle Joseph was driving has had prior drug arrests. Upon learning this information, I contacted the on duty K9 officer and brought him to the scene. See Officer Hansell's report for further.

Once the K9 was completed, I approached Joseph again and advised him of his citation for failing to stop at a stop sign (316.123-2a). I explained the terms of the ticket and allowed Joseph to ask questions to clarify. I provided Joseph with his Driver's license and copy of his citation.

Before myself or Sgt. Kouri could move for the vehicle, Joseph sped off in the parking lot. If myself or Sgt. Kouri did not move our feet, the vehicle would have struck us. After Joseph cleared Sgt. Kouri and I, he sped off into the parking lot, almost hitting three other people, including a small child.

I got back into my patrol vehicle and went after Joseph and his vehicle once again. I caught up to the vehicle as it was parking in front of 1300 15th Ct Lot 38. Joseph was getting out of his vehicle, despite my commands not to. I approached Joseph and advised him, he is being placed under arrest for Reckless Driving. I put one handcuff on Joseph and while I was attempting to apply the second, Joseph pulled away from me. I instructed Joseph to stop resisting, with Joseph continuing to pull away. I used a modified arm bar technique to bring Joseph to the ground for better control tactics. Officer Gillespie assisted me in gaining control of Joseph. Joseph continued to resist, so I activated my taser, without deployment, and advised Joseph he would be tased if he continued to resist. Joseph eventually complied with my commands and myself and Officer Gillespie placed Joseph into handcuffs (checking for proper fit and double locking).

Joseph was then assisted to his feet and placed into the rear passenger side of my patrol vehicle. Once seat belted, Joseph was transported to Monroe County Jail without further incident.

Jean Joseph drove his motor vehicle in a willful and wanton disregard for the safety of persons, therefore is charged with FSS 316.192.1a (Reckless Driving). Jean Joseph also knowingly and willfully resisted arrest by disobeying lawful commands and attempting to pull away, therefore will be charged with FSS 843.42 (Resist a law enforcement officer W/O violence).

REPORTING OFFICER NARRATIVE*Key West Police Department*

Victim <i>Society</i>	Offense <i>RESIST ARREST / ESCAPE</i>	OCA <i>20-000078</i>
		Date / Time Reported <i>Sat 01/04/2020 21:18</i>

Jean Joseph signed his criminal citations and was given a subsequent court date of 1/17/2020 at 1430, in front of Judge Wilson.

The above incident was captured on BWC and in car camera 4045.

Once completing my actions, I cleared with nothing further.

Incident Report Suspect List

Key West Police Department

OCA: 20-000078

1	Name (Last, First, Middle) <i>JOSEPH, JEAN SOBNER</i>					Also Known As					Home Address <i>1300 15TH CT LOT 38 KEY WEST, FL 33040 305-747-4816</i>				
	Business Address <i>FED EX, DRIVER</i>														
	DOB <i>04/10/1990</i>	Age <i>29</i>	Race <i>B</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>601</i>	Wgt <i>180</i>	Hair <i>BLK</i>	Eye <i>BRO</i>	Skin <i>DRK</i>	Driver's License / State. <i>J210477901300 FL</i>				
Scars, Marks, Tattoos, or other distinguishing features															
<i>Reported Suspect Detail</i>															
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

*HAIR TYPE, LONG
HAIRSTYLE, PROCESSED
FACIAL HAIR, MUSTACHE AND GOTEE
SPEECH, ACCENT
SPEECH, FOREIGN
TEETH, UNEVEN*

Incident Report Related Vehicle List

Key West Police Department

OCA: 20-000078

1	VehYr/Make/Model 2004 TOYT, Rav 4				Style UT		Color BLK		Lic/Lis /Decal KNMQ81 FL 2020, 04187351				VIN JTEBT17R940034594	
	IBR Status None				Date 01/04/2020		Location 1300 15TH CT, KEY WEST FL							
	Condition		Value \$0.00		Offense Code 2650		Jurisdiction Locally		State #		NIC #			
	Name (Last, First, Middle) Carius, Jean Olsen						Also Known As				Home Address 1300 15TH CT LOT 66 KEY WEST, FL 33040 954-839-0801			
	Business Address CHARLIE MACS, COOK													
	DOB 02/10/1993		Age 26	Race B	Sex M	Hgt 511	Wgt 165	Scars, Marks, Tattoos, or other distinguishing features TAT RGT OTHER / WRITING.						

Notes

Incident Report Related Property List

Key West Police Department

OCA: 20-000078

1		Property Description BWC 3757			Make		Model		Caliber		
Color		Serial No.		Value \$0.00		Qty 1.000		Unit		Jurisdiction Locally	
Status Evidence		Date 01/04/2020		NIC #		State #		Local #		OAN	
Name (Last, First, Middle) * No name *						DOB		Age		Race	
										Sex	

Notes

2		Property Description BWC 4045			Make AXON		Model		Caliber		
Color		Serial No.		Value \$0.00		Qty 1.000		Unit EA		Jurisdiction Locally	
Status Evidence		Date 01/04/2020		NIC #		State #		Local #		OAN	
Name (Last, First, Middle) * No name *						DOB		Age		Race	
										Sex	

Notes

3		Property Description IN CAR CAMERA 4045			Make COBAN		Model		Caliber		
Color		Serial No.		Value \$0.00		Qty 1.000		Unit EA		Jurisdiction Locally	
Status Evidence		Date 01/04/2020		NIC #		State #		Local #		OAN	
Name (Last, First, Middle) * No name *						DOB		Age		Race	
										Sex	

Notes

CASE SUPPLEMENTAL REPORT

Printed: 02/04/2020 09:46

Key West Police Department

OCA: **20000078**

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

Case Status: *CLEARED BY ARREST*Case Mng Status: *NA*Occurred: *01/04/2020*Offense: *RESIST ARREST / ESCAPE*Investigator: *GILLESPIE, ANTHONY M (3757)*Date / Time: *01/04/2020 02:17:35, Saturday*Supervisor: *KOURI, DAVID G (3022)*Supervisor Review Date / Time: *01/04/2020 18:27:43, Saturday*

Contact:

Reference: *General Supplemental Report*

On 01/04/2020, at approximately 0128 hours, I responded to 1300 15 th Ct. (Poinciana trailer park) as a back up unit for Officer Malak on his traffic stop. After the traffic stop was concluded and the driver (identified as Jean Sobner Joseph) was given his traffic citation, Joseph slammed his driver side door and rapidly speed away, while Officer Malak and I were still standing next to the vehicle. Joseph aggressively accelerated through the parking lot of 3333 Duck Ave. (West Isle Club Apartments), almost running over 3 bystanders that were standing near the parking lot.

I entered my car and followed behind Officer Malak as he attempted to catch Joseph, in order to pull him over for reckless driving. Officer Malak and I caught up with Joseph in front of his home. As I approached Officer Malak and Joseph, I heard Officer Malak say to Joseph "stop resisting". I observed Joseph attempting to pull away from Officer Malak, then both men fell to the ground. Once both men were on the ground, I attempted to place Joseph's left arm behind his back. Joseph pulled his arm away from me, I instructed Joseph to "Give me your arm" but Joseph did not. I had to use physical force to put Joseph's left arm behind his back. Officer Malak gave loud verbal commands for Joseph to put his right arm behind his back, to which Joseph did not comply at first.

I assisted Officer Malak in placing Joseph into custody and into his patrol car.

I assisted in searching Joseph subject to arrest.

I activated my BWC during this incident.

I have no further information at the time of this report.

Investigator Signature

Supervisor Signature