

Response to Resistance Report

Key West Police Department

Case No: 20-1632

1. A Response to Resistance Report will be completed by the supervisor for:

(Check all that apply)

- ☐ A response through the use of non-lethal weapons,
☒ Applies weaponless physical force of strikes, kicks, or "take-downs"
☐ When any person sustains an apparent substantial or fatal injury as a result of the application of force
☐ When any person complains of injury as a result of the application of force
☐ Discharge of firearm in the line of duty off-duty or on-duty (other than for training, maintenance or ballistics testing)

INCIDENT

2. Date: 03/13/20 3. Time: 0038 4. Location: KOTS Staging Area 5. Incident type: Resisting / MMA

6. Resistance Level 7. Explanation 8. Response Option 9. Explanation

- ☒ Passive: Ignoring Verbal Commands ☒ Physical Control Take Down
☒ Active: Pulling Away / Bracing / Tensing ☐ Non-lethal Weapon
☐ Aggressive: ☐ Deadly Force
☐ Deadly Force:

SUBJECT

10. Last Name: Berry 11. First: Steve 12. Race: H 13. Sex: M

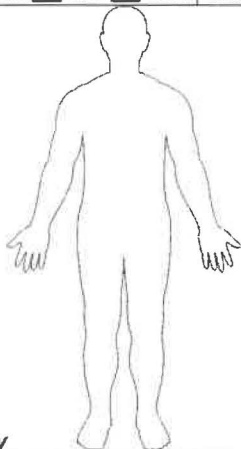
14. DOB: 04/15/1963 15. Height: 5'09" 16. Weight: 165

17. Did you observe the subject: ☐ No ☒ Yes If NO, explain why in Section 42. If "YES", complete sections 18-22

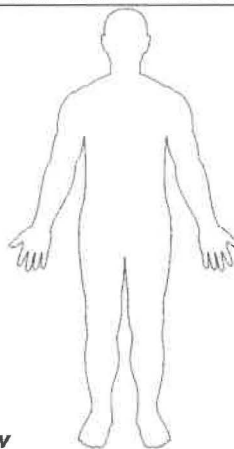
18. Appeared to be: ☒ Intoxicated ☒ Under the influence of controlled substance ☐ Emotionally / mentally disturbed

19. Injuries: ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)

20. Photographed: ☐ No ☒ Yes 21. Treated: ☒ No ☐ Yes By: ☐ EMT/Paramedic on scene ☐ Hospital ☐ Detention



22. Anterior View



Posterior View

TASER PROBE MARKS

OFFICER

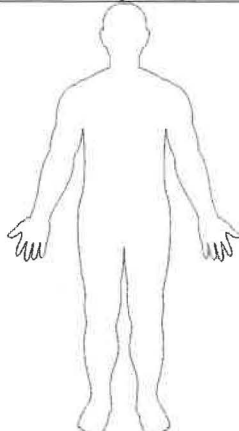
23. Officer: Cleyton Morris 24. Race: w 25. Sex: m 26. Age: 26 27. Height: 5'11 28. Weight: 175

29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes 30. Yrs Exp: 1.5

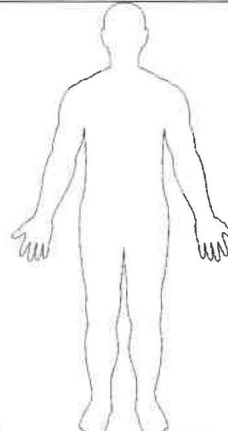
31. Injuries: ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

32. Photographed: ☒ No ☐ Yes 33. Treated: ☒ No ☐ Yes By: ☐ EMT/Paramedic on scene ☐ 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: 20-1632

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: 03/13/20		41. Time: 0038	
	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		Phone Number
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 <u>3022</u>		
		47. Date <u>03/13/20</u>		
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 <u>[Signature]</u>		
		50. Date <u>3/16/20</u>		
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# 20-001632					
	ORI FL0440100				Date / Time Reported 03/13/2020 00:38 Fri					
	Location of Incident 5330 College Rd, Key West FL 33040-				Last Known Secure 03/13/2020 00:38 Fri					
					At Found 03/13/2020 00:38 Fri					
M O	#1 Crime Incident(s) (Com) Resist Arrest / Escape XOM		Premise Type Highway / Street / Road/		Beat/GP B6, GPB6					
			Weapon / Tools NOT APPLICABLE/NONE		Activity					
	#2 Crime Incident ()		Entry		Exit	Security				
			Weapon / Tools		Activity					
	#3 Crime Incident ()		Entry		Exit	Security				
			Weapon / Tools		Activity					
V I C T I M	# of Victims 1		Type: SOCIETY/PUBLIC/STATE		Injury:	Domestic: N				
	Victim/Business Name (Last, First, Middle) V1 Society		Victim of Crime # 1	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			
	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim) Type: Injury:									
O T H E R I N V O L V E D	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	
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 Frm/To	Value	OJ	QTY	Property Description		Make/Model	Serial Number
	35	EVID		\$0.00		1	BWC, 3722.		AXON	
	35	EVID		\$0.00		1	AXON BWC 3926			
	35	EVID		\$0.00		1	COBAN 3926			
Officer/ID# MORRIS, CLEYTON B (3926)										
Invest ID# (0)							Supervisor VAZQUEZ, BILLY (3467)			
Status	Complainant Signature				Case Status <i>Cleared By Arrest</i>		Case Disposition: <i>Cleared By Arrest</i>		Page 1	

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 20-001632

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

VAZQUEZ, B. (3467), KOURI, D.G. (3022), MAYORGA LOPEZ, J. (3722)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

20-001632

Victim

Society

Offense

RESIST ARREST / ESCAPE

Date / Time Reported

Fri 03/13/2020 00:38

On Friday, March 13, 2020, at 0038 hours, I (Officer Morris) was traveling north on College Road and saw a male, later identified as Steve Berry, standing in the middle of the road. I had to completely stop my vehicle to avoid hitting Berry. Berry stumbled backward out of the roadway onto the shoulder of the road. I parked my patrol vehicle off the road next to the KOTS staging area (5330 College Road) and approached Berry who was standing in the grass near the road.

I introduced myself to Berry and asked him if he was ok. I asked Berry if he was intoxicated because he was stumbling, and I noticed he wasn't wearing a shoe. I immediately recognized Berry was highly intoxicated. Berry had slurred speech, red/glassy eyes, and was very unsteady on his feet. I pointed out to Berry that he was only wearing one shoe and noticed there was a large bottle of vodka near his shoe. I asked Berry what he was doing, and he said he was looking for a place to stay for the night. I asked Berry if he had ever heard of KOTS and he said, "KOTS is a piece of shit". I pointed out to Berry that I recognized the large bottle of vodka next to his shoe. I noticed two large rocks that were behind Berry on the ground and Berry again started to stumble. I asked Berry multiple times to sit down and even tried to assist Berry to the ground, explaining to him that I didn't want him to fall. I took Berry by his left wrist and his left elbow and asked him to sit down for his safety. While I was holding Berry, he attempted to pull his left arm from my grasp multiple times. I let go of Berry's arm and once again explained to Berry that I was trying to help him. I explained to Berry he was highly intoxicated, and I needed him to sit down. Berry again began to stumble backward toward College Road. I again took Berry by his left arm and asked him to sit down. After giving Berry multiple loud verbal commands to sit down, I performed a leg sweep on Berry's left leg and assisted him to the ground.

Officer Lopez arrived on scene. I asked Berry what his name was and he identified himself by name and date of birth. I explained to Officer Lopez that Berry was going to be placed into custody reference the Marchman Act due to his level of intoxication. Berry provided me with an Illinois ID card. Berry's ID returned to a Steve Berry, D.O.B. 4/15/1963.

I told Berry, who at the time was sitting on the ground with his feet crossed in front of him, to place his hands behind his back. I placed my handcuffs on Berry's left hand and as I was trying to handcuff Berry's right hand, Berry pulled his arm away from me. I again told Berry to place his hands behind his back and Berry again pulled his hand away. Berry was tightening his arm and pushing back against me, attempting to prohibit me from placing him into handcuffs. I continuously gave Berry loud verbal commands to place his hands behind his back and Berry continued to stiffen his body and refused to place his right hand behind his back. I pushed Berry forward, causing him to lay on his stomach, so he would not continue to have leverage with his body. When I pushed Berry forward, Berry placed his right arm under his body. I continued to give Berry loud verbal commands to place his hand behind his back and he tensed his arm, refusing to give me his right arm. Officer Lopez was able to take Berry's right hand and place it behind Berry's back while I handcuffed Berry's right hand.

I returned Berry to the seated position and advised Key West Police Department Dispatch that we had to perform a takedown on Berry and asked for a Sgt. to respond.

Officer Lopez and I assisted Berry to my patrol car and placed Berry into my vehicle. Sgt. Vazquez and Sgt. Kouri responded to the scene to complete an RRI. I transported Berry to the Monroe County Detention Center without further incident.

Arrest information:

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim Society	Offense RESIST ARREST / ESCAPE	OCA 20-001632 Date / Time Reported Fri 03/13/2020 00:38
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Based on the facts and evidence, there is probable cause that on 03/13/2020, at 0038 hours, Steve Berry (DOB 4/15/1963) did refuse to obey multiple lawful commands and resist arrest by giving straight arm resistance and tensing his body, prohibiting me to place him into custody, in violation of F.S.S. 843.02 RESIST / OBSTRUCT OFFICER W/O VIOLENCE.

The incident was captured on my AXON BWC and in car COBAN.

Incident Report Suspect List

Key West Police Department

OCA: 20-001632

1	Name (Last, First, Middle) BERRY, STEVE W					Also Known As					Home Address 25635 PACK TRL SOUTH BEND, IN 46628-9030 574-323-6438																																																											
	Business Address UNEMPLOYED, UNEMPLOYED, UNEMPLOYED																																																																					
	DOB 04/15/1963	Age 56	Race W	Sex M	Eth N	Hgt 510	Wgt 170	Hair GRY	Eye BRO	Skin LGT	Driver's License / State. 8946885510 IN																																																											
	Scars, Marks, Tattoos, or other distinguishing features																																																																					
<table border="1"> <tr> <td colspan="2">Reported Suspect Detail</td> <td colspan="2">Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td colspan="2">Height</td> <td colspan="2">Weight</td> <td colspan="3">SSN</td> </tr> <tr> <td colspan="2">Weapon, Type</td> <td colspan="2">Feature</td> <td colspan="2">Make</td> <td colspan="2">Model</td> <td colspan="2">Color</td> <td>Caliber</td> <td colspan="3">Dir of Travel</td> </tr> <tr> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td></td> <td colspan="3">Mode of Travel</td> </tr> <tr> <td colspan="4">VehYr/Make/Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="2">Lic/St</td> <td colspan="3">VIN</td> </tr> </table>															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		
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VehYr/Make/Model				Drs	Style		Color		Lic/St		VIN																																																											

Notes

Physical Char

**BUILD / MEDIUM, VERAGE
FACIAL HAIR, STUBBLE
GLASSES, NONE
HAIR TYPE, SHORT
SPEECH, SLURRED**

Incident Report Related Property List

Key West Police Department

OCA: 20-001632

1 Property Description BWC, 3722.		Make AXON		Model		Caliber	
Color Black	Serial No.	Value \$0.00	Qty 1.000	Unit EA	Jurisdiction Locally		
Status Evidence	Date 03/13/2020	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex	

Notes

2 Property Description AXON BWC 3926		Make		Model		Caliber	
Color	Serial No.	Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally		
Status Evidence	Date 03/13/2020	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex	

Notes

3 Property Description COBAN 3926		Make		Model		Caliber	
Color	Serial No.	Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally		
Status Evidence	Date 03/13/2020	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex	

Notes

CASE SUPPLEMENTAL REPORT

Printed: 03/18/2020 13:00

Key West Police Department

OCA: **20001632**

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

Case Status: *CLEARED BY ARREST*Case Mng Status: *NA*Occurred: *03/13/2020*Offense: *RESIST ARREST / ESCAPE*Investigator: *MAYORGA LOPEZ, JORGE (3722)*Date / Time: *03/13/2020 01:11:19, Friday*Supervisor: *VAZQUEZ, BILLY (3467)*Supervisor Review Date / Time: *03/13/2020 02:39:51, Friday*Contact: *Berry, Steve W*
25635 Pack Trl, South Bend
*574-323-6438*Reference: *General Supplemental Report*

On 03/13/2020 at approximately 0035 hours, I, Ofc. Lopez backed Ofc. Morris with an intoxicated subject at 5530 College Road.

Upon arrival, I observed a male sitting on the ground, the male was later identified as Steve Berry, (dob:04/15/1963). Berry was highly intoxicated, Berry kept talking and he did not make sense. Ofc. Morris was trying to identify Berry with dispatch. Berry was unable to spell his name correctly to Ofc. Morris.

Berry later pulled his wallet from his pocket and Ofc. Morris located Berry's Michigan identification. Ofc. Morris was able to identify Berry. Ofc. Morris was going to take Berry into custody under the Marchman Act. Ofc. Morris instructed Berry to put his hands behind his back and Berry kept pulling his arm away. Ofc. Morris contacted him first and had control of one of his arms. Berry leaned his body forward as Ofc. Morris attempted to gain control of Berry. I placed my hand on Berry's right arm to assist Ofc. Morris put handcuffs on Berry. I told Berry five times "Stop resisting" and Berry kept pulling his right arm forward resisting both of us.

Berry was belligerent and did not comply with our verbal commands. Berry was forcefully placed into custody for resisting.

I stood by after Sergeant Kouri responded to the scene reference our response to resistance.

This incident was recorded with my body worn camera, 3722.

Investigator Signature

Supervisor Signature