

Response to Resistance Report

Key West Police Department

Case No: 20 - 001875

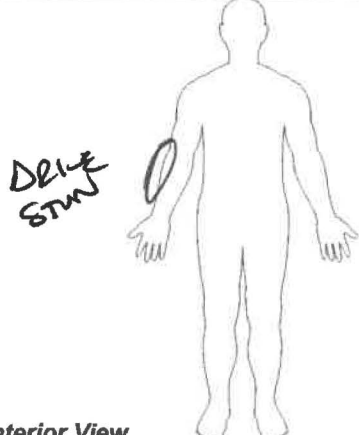
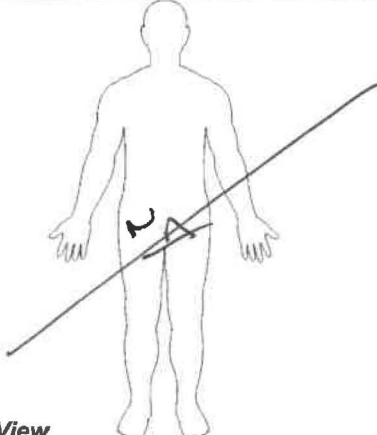
1. A Response to Resistance Report will be completed by the supervisor for: (Check all that apply)

- ☒ 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)

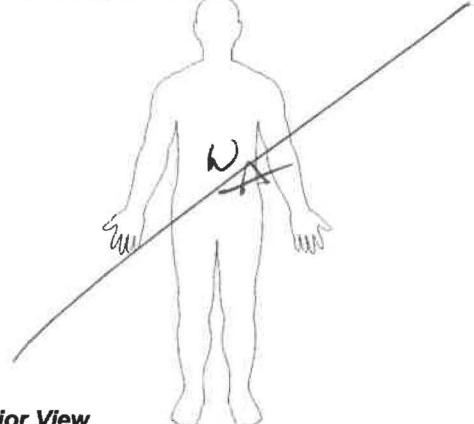
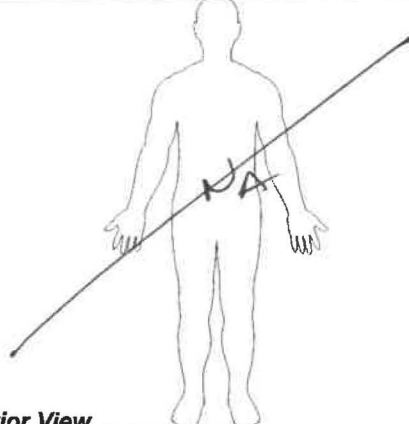
2. Date: 4/5/2020 3. Time: 1613 Hrs 4. Location: 1300 White Street 5. Incident type: Baker Act

INCIDENT	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
<input checked="" type="checkbox"/>	Passive:	Ignored verbal commands	<input checked="" type="checkbox"/>	Physical Control
<input checked="" type="checkbox"/>	Active:	Ran away	<input checked="" type="checkbox"/>	Non-lethal Weapon
<input checked="" type="checkbox"/>	Aggressive:	Reaching, grabbing	<input type="checkbox"/>	Deadly Force
<input type="checkbox"/>	Deadly Force:			

10. Last Name: Goldberg	11. First: Victor	12. Race: W	13. Sex: M
14. DOB: 3/06/1990	15. Height: 5'11	16. Weight: 160	
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 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 type="checkbox"/> No <input checked="" type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input checked="" type="checkbox"/> Hospital <input type="checkbox"/> Detention			

SUBJECT	22. Anterior View	Posterior View
		

23. Officer: Alioht Marrero Valdez	24. Race: W	25. Sex: M	26. Age: 27	27. Height: 5' 09	28. Weight: 165
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: 3					
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) Drive Stun					

OFFICER	35. Anterior View	Posterior View
		

Response to Resistance Report (continued)

Key West Police Department

20-1875

TASER USE ONLY	36. TASER® device serial # X1200CW37	37. TASER® device serial #														
	TASER®Cam serial # V21001Y1H	TASER®Cam serial #														
	Cartridge 1 serial # C41078PAN	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 checked="" type="checkbox"/> Drive Stun	Type of contact: <input type="checkbox"/> Probe <input checked="" 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:	Target distance at probe launch:														
	Distance between probes:	Distance between probes:														
	Probes removed by (name):	Probes removed by (name):														
Device downloaded by: Sgt Kouri	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.																
INQUIRY	40. Notified Date: 4/5/2020															
	41. Time: 1615 hours															
	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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)															
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:30%;">Name</th> <th style="width:40%;">Address</th> <th style="width:30%;">Phone Number</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		Name	Address	Phone Number												
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																
INT. AFF.	46. Preparing Supervisor's Signature / ID <u>Pablo Rodriguez 2298</u>															
	47. Date <u>4/5/2020</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>4/14/20</u>																
51. If section 48 is "No" record the Professional Standards Control Number:																
52. Date Entered:																

INCIDENT DATA

Location of Incident <i>1300 White St/united St, Key West FL 33040-</i>		Premise Type <i>Government / Public Bldg</i>	Beat/GP <i>B4, GPB4</i>	04/05/2020 16:13 Sun	
				At Found	04/05/2020 16:13 Sun
#1	Crime Incident(s) <i>Baker / Marchman Act</i> <i>ZOJ</i>	(Corn)	Weapon / Tools <i>NOT APPLICABLE/NONE</i>		Activity
			Entry	Exit	Security
#2	Crime Incident	()	Weapon / Tools		Activity
			Entry	Exit	Security
#3	Crime Incident	()	Weapon / Tools		Activity
			Entry	Exit	Security

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# of Victims 0		Type:		Injury:				Domestic: N			
V1	Victim/Business Name (Last, First, Middle)				Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
						Age					
Home Address									Home Phone		
Employer Name/Address							Business Phone		Mobile Phone		
VYR	Make	Model	Style	Color	Lic/Lis		VIN				

OTHERS INVOLVED

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)												
Type: INDIVIDUAL						Injury:						
Code IO	Name (Last, First, Middle) GOLDBERG, VICTOR E				Victim of Crime #	DOB 03/06/1990 Age 30		Race W	Sex M	Relationship To Offender	Resident Status Resident	Military Branch/Status
Home Address 21217 Via Eden Boca Raton, FL 33433										Home Phone 561-672-5529		
Employer Name/Address UNEMPLOYED, 1445 S Roosevelt Blvd								Business Phone 305-292-0017		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		

PROPERTY

[illegible]

Officer/ID#	VALDES-MARRERO, ALIOHT (3820)		
Invest ID#	(0)	Supervisor	RODRIGUEZ, PABLO D (2298)
Complainant Signature	Case Status Information Only 04/05/2020	Case Disposition:	Page 1

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 20-001875

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found						
	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D R U G S						

Assisting Officers
RODRIGUEZ, P.D. (2298), LEAHY, B.P. (2965), DEHANAS, B.T. (3756), KOURI, G.A. (3737), PEREZ, S. (3834)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

20-001875

Victim

Offense

BAKER / MARCHMAN ACT

Date / Time Reported

Sun 04/05/2020 16:13

On April 5, 2020, at approximately 1611 hours, I (Ofc Valdes Marrero) responded to 1300 White St (City Hall), in reference to a trespasser.

Sgt. Rodriguez was on scene with a male subject (later identified as Victor Goldberg) who was sitting on top of the tiger statue. Sgt. Rodriguez asked Goldberg to get off the tiger several times and Goldberg refused to comply. Sgt. Rodriguez also smelled a strong odor of burnt marijuana and saw Goldberg smoking a cigarette. It was later determined the cigarette was a hemp cigarette, which smells like illegal marijuana. Sgt Rodriguez told Goldberg to place his hands behind his back to detain him, pending the outcome of the investigation. Goldberg refused to comply with Sgt Rodriguez's orders and instead decided to run into traffic at the intersection of United St. / White St., which is a busy intersection.

As I was arriving at the scene, I observed Sgt. Rodriguez running after Goldberg towards the laundry-mat. I immediately got out of my patrol vehicle and assisted Sgt Rodriguez. I displayed my agency issued Taser device and told Goldberg to put his hands behind his back. Goldberg refused to comply with my commands and kept walking away. I grabbed Goldberg's arm and I redirected him to the ground to place him into custody. While on the ground, Goldberg was yelling for officers to kill him and shoot him. Goldberg continued resisting by tensing up and refused to put his hands behind his back. I used my Taser dry stun device on Goldberg's thigh to achieve compliance due to the level of active resistance he was displaying. Once other officers arrived on scene, we were able to place Goldberg into custody.

It was later determined Goldberg suffers from epilepsy and seizures. Due to his conditions, Goldberg was taken to LKMC as a baker act instead of an arrest. Goldberg repeatedly said he wanted to die and wanted officers to shoot him. Goldberg displayed wanton disregard to his safety and the safety of others. I have reasons to believe Goldberg will refuse to care for himself and no one else is able to care for him. Due to all the conditions, Goldberg meets criteria as an involuntary baker act.

This incident was recorded with my in-car patrol camera and my Axon body worn camera. Both videos were uploaded to the server as evidence.

Incident Report Related Property List

Key West Police Department

OCA: 20-001875

1 Property Description IN CAR CAMERA 3820		Make		Model		Caliber	
Color	Serial No.	Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally		
Status Evidence	Date 04/05/2020	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex	

Notes

2 Property Description BWC 3820		Make		Model		Caliber	
Color	Serial No.	Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally		
Status Evidence	Date 04/05/2020	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex	

Notes

3 Property Description AXON TASER CAMERA 3820		Make		Model		Caliber	
Color	Serial No.	Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally		
Status Evidence	Date 04/05/2020	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex	

Notes

Video will be uploaded on my next duty day. Software was having issues.

CASE SUPPLEMENTAL REPORT

Printed: 04/14/2020 10:42

Key West Police Department

OCA: 20001875

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

Case Status: *INFORMATION ONLY*Case Mng Status: *NA*

Occurred: 04/05/2020

Offense: *BAKER / MARCHMAN ACT*Investigator: *RODRIGUEZ, PABLO D (2298)*

Date / Time: 04/06/2020 10:14:32, Monday

Supervisor: *DEAN, JEFFREY (3386)*

Supervisor Review Date / Time: 04/06/2020 11:17:19, Monday

Contact:

Reference: *General Supplemental Report*

On 4/5/2020, at about 1610 hours, I made contact with a suspect at 1300 White Street. The suspect was sitting on the tiger statue, in front of Key West City Hall, with an electric guitar. I observed him for a few seconds and asked what he was doing and told him to get off of it, he apologized and said he was stupid and had seizures. He dismounted the tiger and sat at a bench, a few feet behind the tiger. I drove around the block and noticed he had climbed on the tiger again and was smoking what smelled strongly like marijuana. I approached him and asked if I had told him to get off the tiger and he replied again by stating he had seizures and was stupid. He sat with his legs crossed and appeared to be concealing the marijuana cigarettes on his right side. I ordered him off the tiger and told him to get on the ground. He placed the cigarettes on the ground, said he did not want to and ran away with his guitar and suit thought the middle of the intersection. As he ran, he yelled for help. Officer Marrero directed him to the ground in a controlled manner and drive stunned his right arm, as we tried to handcuff him, while he resisted by pulling away and attempting to grab my leg. The suspect was later identified as Victor Goldberg. Goldberg appeared to be either mentally handicapped or under the influence of drugs. It was my assessment that it would be appropriate to get him medical help. RRI completed. No injuries noted. Goldberg went to the emergency room for evaluation.

Investigator Signature

Supervisor Signature