

Response to Resistance Report

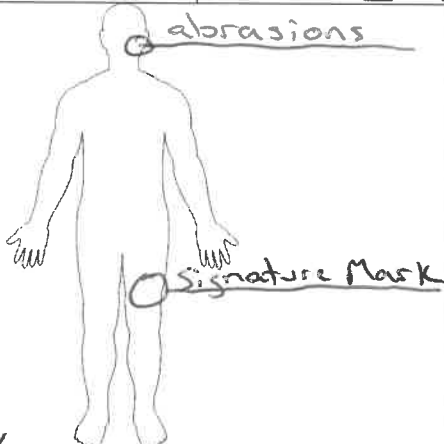
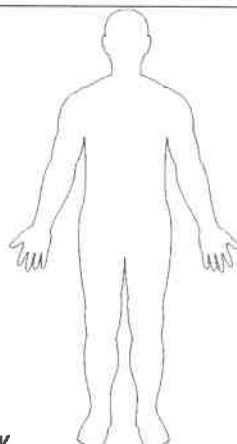
Key West Police Department

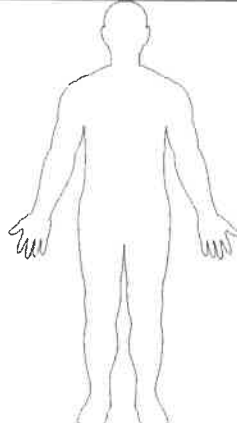
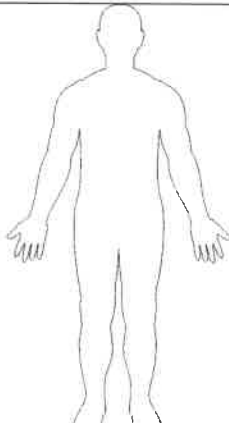
Case No: 20.4954

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: 12.06.20	3. Time: 0215	4. Location: Cow Key Bridge	5. Incident type: S12
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input type="checkbox"/> Passive:		<input checked="" type="checkbox"/> Physical Control	Arm drag takedown
	<input checked="" type="checkbox"/> Active:	Tensing Body & Pulling Away	<input checked="" type="checkbox"/> Non-lethal Weapon	Pepper Spray & TASER
	<input type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force	
	<input type="checkbox"/> Deadly Force:			

SUBJECT	10. Last Name: Estopinan	11. First: Marisa	12. Race: H	13. Sex: F
	14. DOB: 10.09.79	15. Height: 5.05	16. Weight: 110	
	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 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 checked="" type="checkbox"/> Hospital <input type="checkbox"/> Detention			
				
	22. Anterior View		Posterior View	

OFFICER	23. Officer: Matthew Hansell	24. Race: W	25. Sex: M	26. Age: 47	27. Height: 5.07	28. Weight: 180
	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: 17					
	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

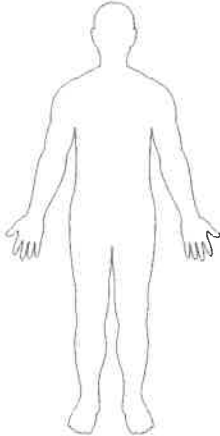
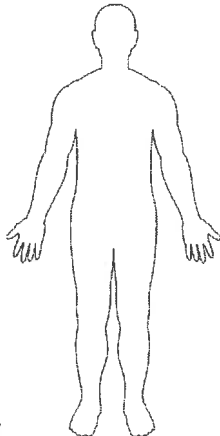
Case No: 20.4954 Error! Reference source not found.

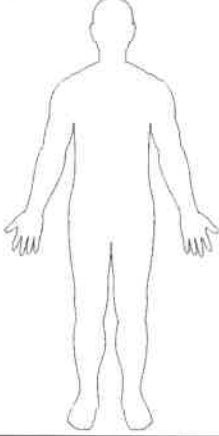
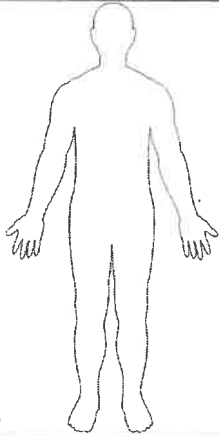
TASER USE ONLY	36. TASER® device serial # <u>X120056RN</u>		37. TASER® device serial #	
	TASER®Cam serial # <u>V21002AHP</u>		TASER®Cam serial #	
	Cartridge 1 serial #		Cartridge 1 serial #	
	Cartridge 2 serial #		Cartridge 2 serial #	
	Number of cycles:		Number of cycles:	
	Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input checked="" 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 checked="" 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: <u>C. Sims</u>		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.			
	40. Notified Date: <u>12.06.20</u>		41. Time: <u>0215</u>	
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
SUPERVISOR'S INQUIRY	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)			
	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		2301	12.06.20	
		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: 20.4954 Error! Reference source not found.

OFFICER	23. Officer: <i>Raymond Roscoe</i> 24. Race: <i>W</i> 25. Sex: <i>M</i> 26. Age: <i>42</i> 27. Height: <i>5.07</i> 28. Weight: <i>168</i>					
	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: <i>14MO</i>					
	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: 24. Race: 25. Sex: 26. Age: 27. Height: 28. Weight:					
	29. Duty Status: <input 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:					
	31. Injuries: <input 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 type="checkbox"/> No <input type="checkbox"/> Yes 33. Treated: <input 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 DATA

MOV
I
C
T
I
M

OTHERS INVOLVED

PROPERTY

Status

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 20-004954

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
	B	EVI	1.000	GM	COCAINE (OTHER THAN CRACK)	Poss

Assisting Officers
SIMS, F.C. (2301), HUDSON, A.J. (3940), ROSCOE, R. (4011)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

20-004954

Victim

STATE OF FLORIDA

Offense

DRUG POSSESSION CONTROLLED

Date / Time Reported

Sun 12/06/2020 02:15

On 12-06-2020 at approximately 02:15hrs, I K-9 Ofc. Matthew Hansell of the Key West police Department, was leaving the parking lot of Niles Chevy GMC located at 3500 N Roosevelt Blvd.

As I was leaving the lot, I observed a red Mercedes SUV drive by my location outbound at a high rate of speed. I watched as the Mercedes blew past another vehicle outbound as if the other vehicle was standing still.

I estimated the speed of the Mercedes to be at least 72mph. It should be noted the speed limit on N. Roosevelt is clearly marked both in bound and outbound at 35mph. I am also certified in the State of Florida for speed measurement and have been certified since 2008. This includes making visual speed estimations.

I pulled my patrol vehicle onto N. Roosevelt Blvd and attempted to catch up with the Mercedes. I was not able to pull behind the Mercedes until it had stopped behind an Arnold's tow truck in the turn lane for outbound US1.

Once the light cycled, I activated my emergency lights and siren and conducted a traffic stop, with the Mercedes pulling over to the left into the turn that goes to the Hyatt Beach House Resort Property.

I made contact with the driver, later identified as Marisa Estopinan. Estopinan looked at me with a dejected look on her face and with a derogatory tone stated, `` Why are you pulling me over. `` `` I wasn't speeding.`` I asked Estopinan if she knew the speed limit on the boulevard and she stated, `` I'm a conch.`` Estopinan then told me the speed limit was 50mph.

I had Estopinan turn her vehicle off as I requested an additional Officer. As I watched Estopinan she seemed upset and confused. She had red blood shot eyes and was sweating.

I asked Estopinan if she had anything to drink tonight and she immediately took a drink from an energy drink. Estopinan asked for a supervisor to my stop and after explaining that a supervisor was not necessary for a civil stop, I entertained her request and had Sgt. Sims respond to our location.

While we waited for a Sergeant to arrive, Estopinan continued to ignore my request to exit the vehicle and kept arguing the reason for the stop. Estopinan was further reaching into places I could not see and at one point attempted to light a cigarette. I opened the driver side door of her vehicle so that I could have a clear view of her.

I told Estopinan to not light a cigarettes and that she was now resisting if she continued to ignore my lawful commands.

It was clear Estopinan was making no attempt to obey anything I was asking of her and argued every point I made. I reached into her vehicle to take the cigarettes away as she attempted to light it. Estopinan tensed up and pulled back away from me, telling me to not do it because she has a federal offense.

I reached in and unlocked her seat belt before taking control of her left hand with my right hand. I placed Estopinan's hand behind her back as she lunged forward in an attempt to pull away further.

Estopinan started screaming at me and continued to tell me not to do it. I told Estopinan she would be pepper sprayed if she kept resisting. I took out my OC Spray and gave two one second burst to the forehead of Estopinan.

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

20-004954

Victim

STATE OF FLORIDA

Offense

DRUG POSSESSION CONTROLLED

Date / Time Reported

Sun 12/06/2020 02:15

Estopinan continued to resist as Ofc. Roscoe arrived on scene. Ofc. Roscoe and I attempted to pull Estopinan out of the vehicle and she had wedged herself between the steering wheel and center console.

I told Ofc. Roscoe to drive stun Estopinan with his department issued TASER in order to gain compliance. Once Ofc. Roscoe drive stunned Estopinan, she was removed from the car using an arm drag and redirected to the ground. I grabbed both her hands and attempted to put them behind her back as Estopinan continued to resist by flailing on the ground and trying to pull her hands back under her stomach.

I was able to secure her left hand behind her back and with the assistance of Ofc. Hudson, who at this time took control of both Estopinan's wrists had placed handcuffs on her.

Estopinan continued to scream and pull against officers attempts to keep her on the ground. Estopinan eventually stood up and was escorted by Ofc. Roscoe and Ofc. Hudson to Ofc. Roscoe's patrol vehicle.

A still combative Estopinan, was placed into the back seat of Ofc. Roscoe's patrol vehicle and taken to Lower Key's Medical Center for medical clearance before being transported to the Monroe County Jail.

Ofc. Hudson conducted a search of the Mercedes prior to Arnold's Towing arriving for the vehicle tow. Inside Estopinan's purse Ofc. Hudson located a clear cellophane baggy with what appeared to be a white powdery substance consistant with powder cocaine.

I took a cocaine wipe from one of my test kits and tested the powder, which tested positive for cocaine. I took possession of the cocaine and later placed it into evidence to be sent of to the FDLE lab for testing.

Arnold's towing took possession of the Mercedes and took it to their tow yard.

I issued Estopinan a citation for reckless driving under Florida Statute 316.192-1A. Estopinan drove with blatant and wanton disregard for public safety while operating a motor vehicle consisting of excessive and dangerous speed. Over taking another motor vehicle in a reckless manner and improper and illegal passing. She was driving well over double the posted speed limit of 35MPH.

Estopinan was charged with Resisting and Obstructing an Officer without Violence under Florida Statute 843.02. Estopinan resisted arrest by refusing to exit her vehicle. Estopinan pulled away from officers by pulling her body away from their attempts to gain control and by wedging herself into her vehicle. She also refused to put her hands behind her back once out of the car.

Estopinan was charged with Possession of Cocaine under Florida Statute 893.13-6A. A search of Estopinan's purse by Ofc. Hudson revealed a small clear bag with powder cocaine. The cocaine was field tested positive on scene.

The citations were later taken to Estopinan at jail.

My Axon camera was used for this incident.

CASE STATUS / CLEARED WITH ARREST

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

20-004954

Victim

STATE OF FLORIDA

Offense

DRUG POSSESSION CONTROLLED

Date / Time Reported

Sun 12/06/2020 02:15

Incident Report Suspect List

Key West Police Department

OCA: 20-004954

1	Name (Last, First, Middle) <i>ESTOPINAN, MARISA NICOLE</i>						Also Known As				Home Address <i>3201 FLAGLER AVE KEY WEST, FL 33040</i>																																										
	Business Address																																																				
	DOB <i>10/09/1979</i>	Age <i>41</i>	Race <i>W</i>	Sex <i>F</i>	Eth <i>U</i>	Hgt <i>505</i>	Wgt	Hair <i>BRO</i>	Eye <i>BRO</i>	Skin <i>MED</i>	Driver's License / State. <i>E231554798690 FL</i>																																										
	Scars, Marks, Tattoos, or other distinguishing features																																																				
<table border="1"> <tr> <td colspan="2"><i>Reported Suspect Detail</i></td> <td colspan="2">Suspect Age <i>41</i></td> <td>Race <i>W</i></td> <td>Sex <i>F</i></td> <td>Eth</td> <td colspan="2">Height <i>505 -505</i></td> <td colspan="2">Weight <i>120</i></td> <td colspan="2">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 colspan="2">Caliber</td> <td colspan="2">Dir of Travel 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="2">VIN</td> </tr> </table>														<i>Reported Suspect Detail</i>		Suspect Age <i>41</i>		Race <i>W</i>	Sex <i>F</i>	Eth	Height <i>505 -505</i>		Weight <i>120</i>		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																																														

Incident Report Related Vehicle List

Key West Police Department

OCA: 20-004954

1	VehYr/Make/Model 2017 MERZ		Style UT		Color RED/RED		Lic/Lis /Decal 650QGG FL 2021		VIN WDCTG4EB2HJ292888	
	IBR Status Arre		Date 12/06/2020		Location 4100 OVERSEAS HWY, KEY WEST FL					
	Condition FAIR		Value \$0.00		Offense Code 1810		Jurisdiction Locally		State # NIC #	
	Name (Last, First, Middle) Estopinan, Marisa Nicole				Also Known As			Home Address 3201 FLAGLER AVE KEY WEST, FL 33040		
	Business Address									
	DOB 10/09/1979		Age 41	Race W	Sex F	Hgt 505	Wgt	Scars, Marks, Tattoos, or other distinguishing features		

Notes

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 12/06/2020 19:39

OCA: **20004954**

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

Investigator: *HUDSON, ANDREW JOHN (3940)*

Date / Time: *12/06/2020 03:09:45, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On 12/06/2020 at approximately 0215, while on routine patrol in the City of Key West, I responded to the area of the Cow Key Channel Bridge (outbound lane) to assist Officer Hansell, who was on a traffic stop. While en-route, Officer Hansell notified me, via KYPD radio, to expedite my response as the driver was resisting arrest.

On arrival I saw Officer Hansell and Roscoe on the ground with the female attempting to gain control. The female, who was later identified as Marisa Estopinan, was screaming and continuing to not comply with the Officers orders. I was able to secure Estopinan in handcuffs.

Officer Roscoe and I assisted Estopinan to her feet and walked her to Officer Roscoe's patrol vehicle.

Estopinan was placed in the rear seat of Officer Roscoe's vehicle at which time she refused to put her legs inside the vehicle. I was able to get both of her legs inside the vehicle and secure the seat belt. I then activated the rear seat camera.

Officer Hansell and I conducted a search of the interior of the vehicle. I located a small clear plastic bag, containing a white powder substance, inside of a pocket of a wallet with Estopinan's social security card.

Officer Hansell conducted a field test the white powder substance; it showed a positive result for cocaine.

Arnold's towing responded and removed the vehicle.

All of the above was captured on my bodyworn and in-car camera, 3940.

Nothing further at this time.

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 12/06/2020 19:35

OCA: **20004954**

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

Investigator: *ROSCOE, RAYMOND (4011)*

Date / Time: *12/06/2020 04:29:09, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On 12/06/2020 at 0215 hours, I was dispatched to assist K-9 Ofc. Hansell on a traffic stop at US-1 at the Cow Key Channel bridge.

While enroute to the traffic stop K-9 Ofc. Hansell called for the officers responding to "step it up" he said he had one resisting and that he had already pepper-sprayed the subject.

When I arrived K-9 Ofc. Hansell was standing at the driver side door of the vehicle attempting to remove the driver, Marisa Estopinan, from of the vehicle.

I approached the driver door in attempted to assist K-9 Ofc. Hansell in removing Estopinan from the vehicle but she had wedged her legs under the steering wheel. I grabbed her legs in attempt to pull her out of the vehicle, but they would not come free. I warned Estopinan that if she did not get out of the vehicle, she would be TASED. She refused, so I removed the cartridge, armed the TASER, and placed it on Estopinan's left thigh. I pulled the trigger so the TASER could begin an automatic 5 second cycle. Estopinan immediately moved. She was drive stunned for no more than 2 seconds because of her movements.

At this point K-9 Ofc. Hansell pulled Estopinan from the vehicle and we escorted Estopinan to the ground in a controlled manner where we hand-cuffed her.

By this time Ofc. Hudson had arrived so he and I placed Estopinan in the back of my patrol car.

Ofc Hudson and K-9 Ofc. Hansell searched the vehicle. During the search Ofc. Hudson found a small clear bag containing a white powdery substance that later FTP for cocaine in a brown Coach wallet in the driver seat of the vehicle.

Ofc. Ane and I took Estopinan to Lower Keys Medical Center for a small abrasion to the left side of her chin, pepper-spray, and being drive stunned in her left thigh. She was cleared by attending physician at Lower Keys Medical Center ER.

Ofc. Ane and I then took Estopinan to the MCDC without further incident.

My BWC and Taser cameras recorded the above interaction.

Nothing further at this time.

Investigator Signature: _____