

Sean T. Brandenburg

Chief of Police



Key West

POLICE DEPARTMENT

TO: Citizen's Review Board

FROM: Sergeant Jeffrey Dean

DATE: 4/28/2021

RE: RRI 21-267

The reason for the delay of sending this Response to Resistance Incident that occurred on January 16, 2021 (KWPD # 21-267), was due to the fact that it was determined by the RRI Review Board that the use of force was not in compliance with departmental policy. Therefore, the officer involved in the RRI, Brett Dehanas, has received discipline in the form of a written reprimand and has also undergone de-escalation training.

Please submit any questions you may have about this incident or any others in the normal way.

A handwritten signature in blue ink, appearing to read "Jeffrey Dean".

Sergeant Jeffrey Dean



RESPECT - INTEGRITY - FAIRNESS - SERVICE

Key West Police Department 1604 N. Roosevelt Blvd. Key West, FL 33040 (305) 809-1111
cityofkeywest-fl.gov



Response to Resistance Report

Key West Police Department

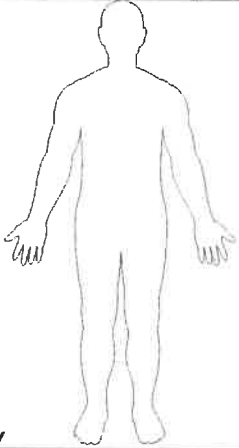
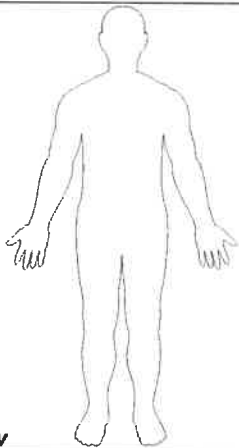
Case No: 21-267

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

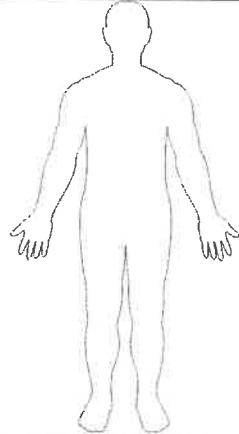
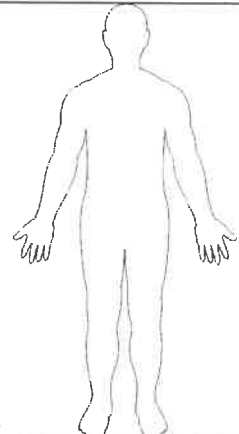
- ☒ A response through the use of non-lethal weapons,
☐ Applies weaponless physical force of strikes, kicks, or "take-downs"
☐ When any person sustains an apparent substantial or fatal injury as a result of the application of force
☐ When any person complains of injury as a result of the application 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: 1.16.2021	3. Time: 1443	4. Location: Petronia/Duval	5. Incident type: Resisting
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input type="checkbox"/> Passive:		<input type="checkbox"/> Physical Control	
	<input checked="" type="checkbox"/> Active:	Walking away, pulling away	<input checked="" type="checkbox"/> Non-lethal Weapon	Drive Stun
	<input type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force	
	<input type="checkbox"/> Deadly Force:			

10. Last Name: Bennett	11. First: Paul	12. Race: White	13. Sex: M
14. DOB: 1.17.77	15. Height: 508	16. Weight: 180	
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 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 checked="" type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input type="checkbox"/> Detention			

SUBJECT		
	22. Anterior View	Posterior View

23. Officer: Brett Dehanas	24. Race: W	25. Sex: M	26. Age: 28	27. Height: 5'10	28. Weight: 155
29. Duty Status: <input type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input checked="" type="checkbox"/> Extra duty employment <input checked="" type="checkbox"/> Uniformed <input type="checkbox"/> Plain clothes 30. Yrs Exp: 4					
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

Case No: 21-267 Error! Reference source not found.

TASER USE ONLY	36. TASER® device serial # X120058D4	37. TASER® device serial #	
	TASER®Cam serial # V21002AVN	TASER®Cam serial #	
	Cartridge 1 serial #	Cartridge 1 serial #	
	Cartridge 2 serial #	Cartridge 2 serial #	
	Number of cycles: <1	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 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: 1.16.21	41. Time: 1443	
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)		
	43. Did you watch all relevant videos associated with the use of force? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)		
	44. Did you meet with the Officer(s): <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)		
	45. During your review did you find any potential policy violations or training issues associated with the incident? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "Yes," list below)		
	Training – Detaining/use of force		
	Policy – Decorum		
	46. Were you able to locate any independent witnesses: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "Yes," list below)		
	Name	Address	Phone Number
	William James Rumbold	1201 E. Sandy Ridge Rd., Monroe, NC, 28112	704 292 9881
INT. AFF.	47. Is further review recommended: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		
	48. Preparing Supervisor's Signature / ID		
	49. Date		
	50. Did the review of this incident conclude that use of force was in compliance with Departmental policy? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If "No", complete section 51		
53. If section 48 is "No" record the Professional Standards Control Number: NO #			
54. Date Entered: 4/28/21			

SUMMARY JUDGEMENT
WRITTEN REPRIMAND/
RETRAINING

		INCIDENT/INVESTIGATION REPORT										Case# 21-000267						
I N C I D E N T D A T A	Agency Name Key West Police Department												Date / Time Reported 01/16/2021 14:43 Sat					
	ORI FL0440100												Last Known Secure 01/16/2021 14:43 Sat					
	Location of Incident 499 PETRONIA ST/DUVAL ST, Key West FL 33040-				Premise Type Highway / Street / Road/				Beat/GP B2, GPB2		At Found 01/16/2021 14:43 Sat							
	#1	Crime Incident(s) Ordinance Violation XOP				(Com)				Weapon / Tools NOT APPLICABLE/NONE				Activity				
										Entry				Exit		Security		
V I C T I M	#2	Crime Incident Incident Report ZOD				(Com)				Weapon / Tools				Activity				
										Entry				Exit		Security		
	#3	Crime Incident				()				Weapon / Tools				Activity				
										Entry				Exit		Security		
MO																		
O T H E R I N V O L V E D	# of Victims 1		Type: SOCIETY/PUBLIC/STATE				Injury:				Domestic: N							
	V1		Victim/Business Name (Last, First, Middle) Society				Victim of Crime # I,		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					
P R O P E R T Y	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) BENNETT, PAUL KENNETH				Victim of Crime #		DOB Age 43		Race W M		Relationship To Offender		Resident Status Non-Resident		Military Branch/Status	
	Home Address 435 3RD ST PORT ANGELES, WA 98362										Home Phone 808-286-9669							
	Employer Name/Address UNKNOWN, UNKNOWN (UNKNOWN)										Business Phone 000-000-0000		Mobile Phone 808-286-9669					
S T A T U S	Type: INDIVIDUAL Injury:																	
	Code IO		Name (Last, First, Middle) MUIR, LAWRENCE LYLE				Victim of Crime #		DOB Age 41		Race W M		Relationship To Offender		Resident Status Non-Resident		Military Branch/Status	
	Home Address 3432 DENMARK AVE EAGAN, MN 55123										Home Phone 406-995-2353							
	Employer Name/Address UNKNOWN, UNKNOWN (UNKNOWN)										Business Phone 000-000-0000		Mobile Phone 808-286-9669					
	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		1	AXON BWC/3756				BWC FOOTAGE/Bwc Footage							
Officer/ID# DEHANAS, BRETT T (3756)																		
Invest ID# (0)																		
Supervisor SIRACUSE, MARK W (3366)																		
Status	Complainant Signature				Case Status Information Only				01/16/2021				Case Disposition:				Page 1	

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 21-000267

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

ARGUELLO, V.S. (3917), SIRACUSE, M.W. (3366), STEVENS, T.R. (2609), PETERS, T. (3269), CALVERT, M.M. (3451), BEERBOWER, K.E. (2199)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim <i>Society</i>	Offense <i>ORDINANCE VIOLATION</i>	OCA <i>21-000267</i> Date / Time Reported <i>Sat 01/16/2021 14:43</i>
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START OF REPORT

On 01/16/21, at approximately 1440HRS, I (Ofc. B. DeHanas) was on an assigned detail to enforce Key West City Ordinance 21-20 (city ordinance). I was stationed in the 700 block of Duval Street.

INCIDENT

This incident involves Paul Kenneth Bennett. Paul violated city ordinance by not wearing his facial covering as I had asked him to do. Paul subsequently resisted my efforts to investigate.

I asked Paul several times to put his facial covering on. He repeatedly refused to comply with my order. I could tell that Paul was becoming more aggravated by his actions (he was pointing out other individuals who were not wearing their masks and continued to disregard my request that he put his facial covering on). I told Paul to put his mask on. Paul still did not comply with my lawful order. I repeatedly asked Paul to "please" put his mask on. I told Paul I would issue him a citation if he did not put his facial covering on. I continued to tell Paul to put his facial covering on and that he could take it off when he was away from me.

Paul folded his mask up and attempted to cover his nose and mouth (without actually putting the facial covering on). I asked him to put his mask on the "whole way". MOV 21-01 states to follow CDC guidelines for the proper wearing of a mask. The CDC website provides a video that describes to properly wear a mask by securing the mask under the chin and if the mask has loops to put those loops around your ears. Paul was not complying with CDC guidelines. Paul started to walk away from me without me telling him to do so. Paul took the facial covering away from his face and told me his facial covering was on. I told him to put the mask "all the way on". Paul put the facial covering over his nose and mouth again (without putting it all the way on as I asked). Paul started talking to me about a mental health condition of his. I asked him to follow me to my car multiple times. Paul refused to walk to my car and then walked away from me without me asking him to. Paul put his facial covering on as I asked him to. I told Paul that was all I was asking him to do.

Paul took his mask off again while he was still in my presence. I started to walk toward him and said "sir" in order to get his attention. Paul continued to walk away from me. This was when I decided I was going to place Paul under arrest for resisting my attempts to investigate and gain voluntary compliance with city ordinance. I got my handcuffs out and went to secure Paul with them. I told Paul to put his hands behind his back (as he was actively taking his mask off again). Paul jerked and pulled away from me hard. I told Paul not to resist. I told Paul to put his hand behind his back multiple times and Paul failed to comply with my order. I told Paul he was going to Jail and that I was going to deploy my TASER device on him. Paul continued to refuse my lawful orders to place his hands behind his back. I told Paul I did not want to deploy my TASER device on him. Paul started to point out other individuals who were not wearing their mask as I was dealing with him. Paul continued to pull away from me without giving me his right arm to properly concern him. I contemplated releasing Paul but decided not to give the actions he was displaying toward me. All the while I was repeatedly asking him to put his hands behind his back. Other officers responded. I repeatedly asked Paul to put his hands behind his back. Paul refused all of our lawful orders for him to place his hands behind his back.

Paul started to scream and ask why he was under arrest. I told Paul I was going to drive stun him (deploy my TASER device on him without using the prongs). Paul refused to put his hands behind his back. I drive stunned Paul without using the full cycle. Paul slumped to the ground. Paul continued to yell and scream. I was ultimately able to

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim Society	Offense ORDINANCE VIOLATION	OCA 21-000267 Date / Time Reported Sat 01/16/2021 14:43
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secure Paul by placing handcuffs in the front of him. Ofc. Stevens requested a supervisor and I requested an ambulance to respond. I explained to Paul that we do not enjoy doing this.

Sgt. Siracuse responded as well as rescue personnel. I explained the situation to Sgt. Siracuse.

After speaking with Sgt. Siracuse, I decided not to arrest Paul for resisting due to the fact that he may have been experiencing a mental health issue during this incident (ticking, social anxiety issues) and did not attempt (intend) to commit any criminal act. I used my discretion in this incident to only issue a civil citation for failing to follow city ordinance.

Paul did not receive any further medical care and stated he was not injured.

I issued Paul a civil citation for violating city ordinance. Paul understood what he was signing and signed the citation.

ORDINANCE VIOLATION

- MOV 21-20
- Court Date: 02/01/21 at 1330HRS
- Judge Wilson
- 302 Fleming Street (Freeman Justice Center)

My AXON Body Worn Camera (BWC) was activated during this incident. I later uploaded my BWC footage onto the Key West Police Department AXON Server.

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 01/17/2021 07:01

OCA: **21000267**

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

Investigator: *CALVERT, MONICA M (3451)*

Date / Time: *01/16/2021 16:10:45, Saturday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On Saturday, January 16, 2021 I (Ofc. M. Calvert) was assigned to work on Duval St for the COVID Detail, asking citizens and visitors to comply with the city mask mandate.

At 1444 hours Ofc. Dehanas, also on the detail, called over the radio that he was with a non compliant subject at Pentronia St and Duval St and needed assistance. I was near my vehicle at Eaton St and Duval St at the time, and drove to assist Officer Dehanas. I arrived on scene and within a minute, Ofc. Stevens also arrived. I observed Ofc. Dehanas holding the male's left arm with a handcuff attached and asking for compliance to place his hands behind his back. The male, later identified by his Washington driver's license as Paul Bennett, was yelling loudly and not complying with Ofc. Dehana's lawful verbal orders. I placed my hands on Bennett's right arm and he braced and tensed, still refusing to put his hands behind his back. I held onto his arm and Ofc. Steven's grabbed the other arm when he arrived, Ofc. Dehanas stepped back and stated he for Bennett to comply or he would be drive stunned with the Taser. Bennett continued to scream, drawing a crowd around us, and brace and tense his arms so they could not be moved. Ofc. Dehanas drive stunned Bennett and he went to the ground, assisted, and the he was cuffed by Ofc. Dehanas in the front at that moment to secure him.

Bennett sustained minor scrapes to his left arm and left shin and a slight red mark on the lower back from the Taser. Sgt. Siracuse was called to the scene and Rescue 2 came to check Bennett. Sgt. Siracuse took photos of Bennett for the RRI.

Bennett disclosed he had medical conditions that were aggravated by the wearing of the mask, and these conditions were confirmed by a friend who was present with him.

After discussion between Sgt. Siracuse and Ofc. Dehanas, Bennett was released with a citation issued by Ofc. Dehanas. I removed the handcuffs from Bennett and he was compliant after that point.

My BWC was activated.

Nothing further.

Investigator Signature: _____