

Response to Resistance Report

Key West Police Department

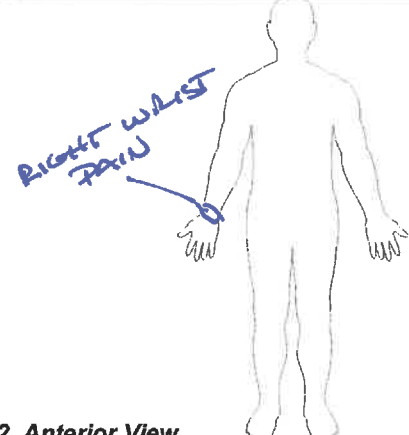
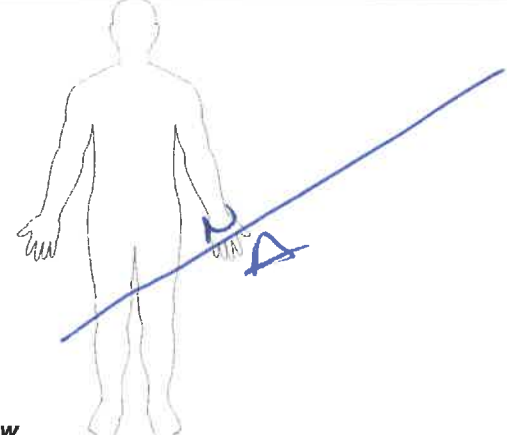
Case No: 21-2194

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

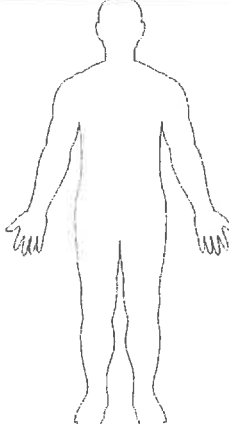
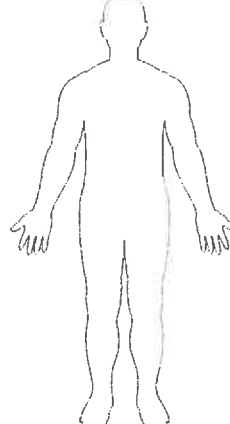
A response through the use of non-lethal weapons,
 Applies weaponless physical force of strikes, kicks, or "take-downs"
 When any person sustains an apparent substantial or fatal injury as a result of the application of force
 When any person complains of injury as a result of the application of force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

INCIDENT	2. Date: 4/26/21	3. Time: 1559 hrs	4. Location: 201 William Street	5. Incident type: Fight/ Resist
	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:	Tensing / Pulling away	<input type="checkbox"/> Non-lethal Weapon	
	<input type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force	
	<input type="checkbox"/> Deadly Force:			

10. Last Name: Bortell	11. First: Robert	12. Race: W	13. Sex: M
14. DOB: 10/23/81	15. Height: 5'11'	16. Weight: 175	
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 checked="" 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 checked="" type="checkbox"/> Hospital <input type="checkbox"/> Detention			

SUBJECT		
	22. Anterior View	Posterior View

23. Officer: Thomas Haynie	24. Race: W	25. Sex: M	26. Age: 33	27. Height: 5'6	28. Weight: 135
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: 3.5					
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: Redirect/ Take Down					

OFFICER		
	35. Anterior View	Posterior View

Response to Resistance Report (continued)

Key West Police Department

Case No: 21-2194

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: 5	Number of cycles: 1
	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 checked="" 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: 4/26/21	
	41. Time: 1613 PM	
	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)	
	Name	Address
45. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		
Sgt P. Rodriguez 2298		4/27/21
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 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:

Incident Report Additional Name List

Key West Police Department

OCA: 21-002194

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	MALIKI, LEILA		12/14/1995	25	W	F
	Address 1112 WATSON ST, KEY WEST, FL 33040-		H: 305-393-2941			
	Empl/Addr Cuban Coffee Queen		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 21-002194

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
STANDERWICK, S.J. (2864), DEHANAS, B.T. (3756), BRABLC, M. (3925)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

		OCA 21-002194
Victim <i>REINECCIUS, JEFFERY SCOTT</i>	Offense <i>BATTERY</i>	Date / Time Reported <i>Mon 04/26/2021 15:59</i>

On Monday, April 26, 2021 at 4:00 PM, I heard Key West Communications Channel One dispatch officers to a fight at the Cuban Coffee Queen at 234 Margaret Street. The reporting party told Key West Dispatch two males were fighting and throwing glass. The reporting party said one of the males had a tattoo on his face and was wearing a blue, Ron Jon brand shirt. Another caller, Leila Maliki (Cuban Coffee Queen employee), reported there were three males. Leila said the males were on the side of the brewery (The Waterfront Brewery at 201 William Street). I was conducting an area check of the Key West Bight and dispatched myself, to assist with the call, from Lazy Way Lane.

As I was approaching the Waterfront Brewery, I observed three males walking hastily toward my car. One of the males had a blue Ron Jon brand shirt on. I activated my overhead lights and got out of my car. I ordered the males to stop. One of the males, later identified as Robert Bortell, was very vocal, insisted everything was ok, and said they were going to leave.

One of the other males, Wyatt Cadwell, was crying and mentioned something about an incident that occurred.

Robert continued to be clamorous, insisting they should just leave. I attempted to explain that they couldn't leave as I was dispatched the area to investigate a fight. Wyatt agreed to stay and talk with me, but Robert repeatedly grabbed Wyatt's arm, trying to convince him to leave. At one point I told Robert he was free to leave, hoping he would leave Wyatt to talk to me, but Robert refused to leave Wyatt. I told Robert he wasn't free to leave as he was obstructing my investigation. I gave several loud verbal commands to Robert to stop attempting to leave. At one point I pushed at his chest with my hand to prevent him from walking away. Robert stayed and kept trying to convince Wyatt to leave. I displayed my taser, as a show of force, to prevent Wyatt and Robert from leaving.

Shortly after, Officer DeHanas arrived on scene. I detained Wyatt and Officer DeHanas detained Robert. I brought Wyatt over to a curb in front of the brewery and sat him down. I observed Robert refusing to obey Officer DeHanas' orders to sit down. Robert was clamorous and stiffened his body. I feared for Officer Dehanas' safety, approached Robert, placed my left knee into the back of his right knee and redirected him to the ground in a controlled manner.

At one point a local subject who I knew from previous arrests, Scott King, flagged me down and told me the males I was out with fought his friend, "red" (Jeffrey Reineccius). I asked Scott to walk me over to the Cuban Coffee Queen so I could speak with Jeffrey. Jeffrey didn't seem interested in talking at the time. I asked Scott if there were any witnesses to what happened. Scott didn't know. Scott did tell me he defended Jeffrey and confronted Wyatt, punching him in the face.

I spoke with the reporting party, Leila. Leila told me she heard glass break and a piece of glass even entered through the order window at the coffee shop and struck her person. Leila said she observed the male with the face tattoo fighting Jeffrey. Leila said she believed the male with the face tattoo instigated the fight.

I returned to speak with Wyatt and Robert. I was flagged down by a male who told me he observed Wyatt, Robert, and their other friend acting disorderly earlier in the day. The witness didn't wish to identify himself.

I learned later that an off-duty law enforcement officer flagged Officer Brable down and told him the guy with the face tattoo instigated the fight.

I read Wyatt the Miranda Warning. Wyatt told me he understood and refused to answer questions. I attempted to

REPORTING OFFICER NARRATIVE

Key West Police Department

		OCA 21-002194
Victim REINECCIUS, JEFFERY SCOTT	Offense BATTERY	Date / Time Reported Mon 04/26/2021 15:59

speaking with Robert, but he was still acting belligerent. I placed Robert in the back of my patrol car and told him he was under arrest for resisting. Robert complained about wrist pain to Officer DeHanas. Officer DeHanas requested rescue. Rescue responded and transported Robert to the Lower Keys Medical Center. Officer DeHanas accompanied rescue to the ER.

Sergeant Pablo Rodriguez responded to the scene for a Response to Resistance investigation before the ambulance left.

Jeffrey returned to the scene and appeared to be loitering. I told him to leave the area as he was upsetting the other parties. Jeffrey told me he wanted to press charges against Wyatt for battery. I gave Jeffrey this case number. Jeffrey told me Wyatt and his friends confronted him and Wyatt hit him first. Jeffrey told me he wasn't in any pain and didn't have any visible injuries. It should be noted that I had to order Jeffrey to leave the area as his continued presence upset the other parties. Jeffrey was reluctant to leave.

I placed Wyatt in the back of my patrol car and told him he was under arrest for battery. I spoke with Wyatt on the way out to the jail. He told me he understood he wished not to speak after Miranda but said he wanted to talk about what happened. Wyatt admitted to being involved in the fight but said Jeffrey battered him first. Wyatt said Jeffrey upset him by saying something inappropriate about his sister. Wyatt didn't complain of any injuries and never mentioned Scott King striking him.

Wyatt and Robert's other friend was vocal on scene but his actions didn't warrant an arrest.

Robert was medically cleared. Officer Ham transported Robert to the jail.

Officer Standerwick left contact information at the Cuban Coffee Queen and asked if they could provide us with video surveillance footage.

Wyatt did violate Florida State Statute 784.03(1)(a)(1), BATTERY-TOUCH OR STRIKE by actually and intentionally striking Jeffrey against his will.

I activated my KWPD issued bodycam and in-car camera during this call.

Incident Report Suspect List

Key West Police Department

OCA: 21-002194

1	Name (Last, First, Middle) <i>CADWELL, WYATT ELLIS</i>					Also Known As					Home Address <i>87436 OVERSEAS HWY ISLAMORADA, FL 33036 305-923-4683</i>				
	Business Address														
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.					
<i>06/11/1997</i>	<i>23</i>	<i>W</i>	<i>M</i>	<i>N</i>	<i>509</i>	<i>140</i>	<i>BRO</i>	<i>BRO</i>	<i>DBR</i>	<i>C340885972110 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		
VehYr/Make/Model			Drs	Style		Color		Lic/St		VIN			
Notes							Physical Char						

2	Name (Last, First, Middle) <i>BORTELL, ROBERT FRANCIS 3</i>					Also Known As					Home Address <i>142 INDIAN AVE TAVERNIER, FL 33070 941-952-8760</i>				
	Business Address														
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.					
<i>10/23/1981</i>	<i>39</i>	<i>W</i>	<i>M</i>	<i>N</i>	<i>511</i>	<i>175</i>	<i>BRO</i>	<i>BRO</i>	<i>LGT</i>	<i>B634766813830 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		
VehYr/Make/Model			Drs	Style		Color		Lic/St		VIN			
Notes							Physical Char						