

Response to Resistance Report

Key West Police Department

Case No: 21-2300

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: 05/01/21 **3. Time:** 2130 HR **4. Location:** Petronia / Center **5. Incident type:** S33 / Batt Leo

INCIDENT	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input checked="" type="checkbox"/> Passive:	Verbally Combative	<input checked="" type="checkbox"/> Physical Control	Take Down
<input checked="" type="checkbox"/> Active:	Bracing, Tensing, Pulling	<input checked="" type="checkbox"/> Non-lethal Weapon	TASER (Drive Stun)	
<input checked="" type="checkbox"/> Aggressive:	Kicking, Head-butting	<input type="checkbox"/> Deadly Force		
<input type="checkbox"/> Deadly Force:				

10. Last Name: Fernandes **11. First:** Zachary **12. Race:** W **13. Sex:** M

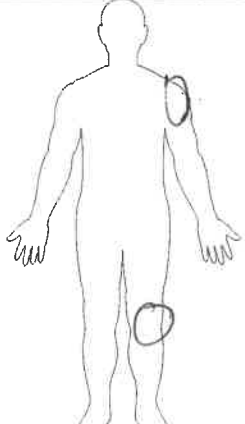
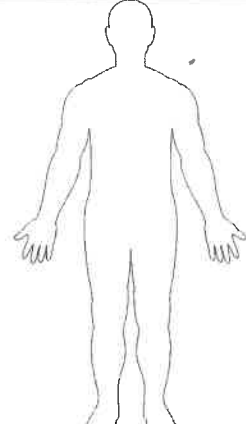
14. DOB: 09/22/1997 **15. Height:** 5'09" **16. Weight:** 165

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

SUBJECT	22. Anterior View		Posterior View	
				

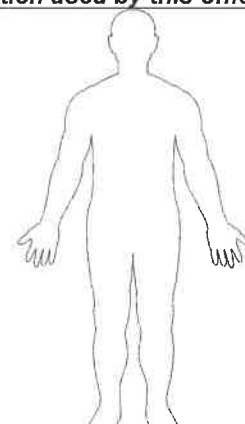
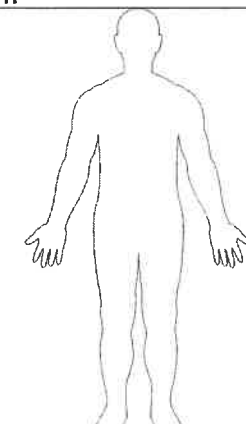
23. Officer: KENNETH JW WAITE **24. W** **25. Sex:** M **26. Age:** 32 **27. Height:** 6'0 **28. Weight:** 198

29. Duty Status: On-duty Off-duty Extra duty employment Uniformed Plain clothes **30. Yrs Exp:** 2

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: TASER Drive Stun, Take Down

OFFICER	35. Anterior View		Posterior View	
				

Response to Resistance Report (continued)

Key West Police Department

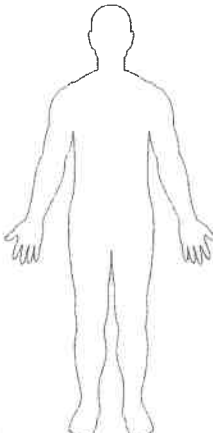
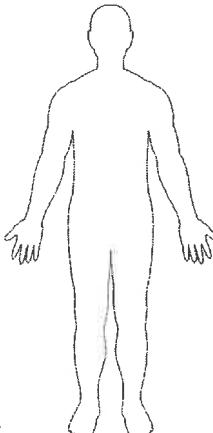
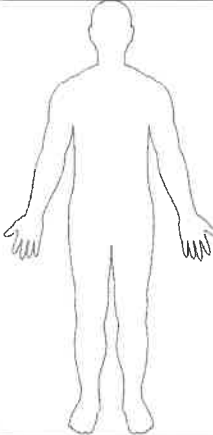
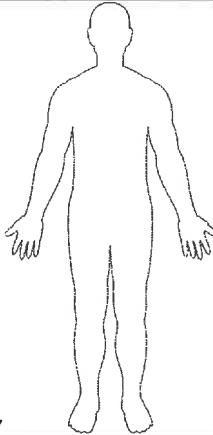
Case No: 21-2300

TASER USE ONLY	36. TASER® device serial # X1200CRV3		37. TASER® device serial #		
	TASER®Cam serial # V21002AKK		TASER®Cam serial #		
	Cartridge 1 serial # N/A		Cartridge 1 serial #		
	Cartridge 2 serial # N/A		Cartridge 2 serial #		
	Number of cycles: 3		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: N/A		Target distance at probe launch:		
	Distance between probes: N/A		Distance between probes:		
	Probes removed by (name): N/A		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: 05-01-21		41. Time: 2130 HOURS		
	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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)				
	46. 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
47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				05-01-21	
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		48. Preparing Supervisor's Signature / ID		49. Date	
INT. AFF.	50. 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)				
			51. Signature of Internal Affairs Inspector		52. Date
53. If section 48 is "No" record the Professional Standards Control Number:				54. Date Entered:	

Response to Resistance Report (continued)

Key West Police Department

Case No: 21-2300

OFFICER	23. Officer: Andrew Litton 24. Race: W 25. Sex: M 26. Age: 31 27. Height: 5'09" 28. Weight: 209	
	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: 2.5	
	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: Assist in Takedown	
 <p>35. Anterior View</p>	 <p>Posterior View</p>	
OFFICER	23. Officer: David Kouri 24. Race: W 25. Sex: M 26. Age: 34 27. Height: 5'11" 28. Weight: 225	
	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: 14	
	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: Assist in Takedown	
 <p>35. Anterior View</p>	 <p>Posterior View</p>	

INCIDENT/INVESTIGATION REPORT

I N C I D E N T D A T A	Agency Name Key West Police Department		Case# 21-002300								
	ORI FL0440100		Date / Time Reported 05/01/2021 20:46 Sat								
	Location of Incident 911 FORT ST Apt. 101, Key West FL 33040-		Premise Type Highway / Street / Road/	Beat/GP B2, GPB2	Last Known Secure 05/01/2021 20:46 Sat						
					At Found 05/01/2021 20:46 Sat						
D E T A I L S	#1	Crime Incident(s) Battery SCA	(Com)	Weapon / Tools HANDS, FIST, FEET	Activity						
				Entry	Exit	Security					
	#2	Crime Incident Criminal Mischief / Vandalism VAC	(Com)	Weapon / Tools	Activity						
				Entry	Exit	Security					
	#3	Crime Incident Resist Arrest / Escape XOM	(Com)	Weapon / Tools	Activity						
				Entry	Exit	Security					
MO											
V I C T I M	# of Victims	3		Type: INDIVIDUAL	Injury: Domestic: N						
	V1	Victim/Business Name (Last, First, Middle) BROWN, ERIC CYRUS		Victim of Crime # 2	DOB 06/01/1960 Age 60	Race B	Sex M	Relationship To Offender ST	Resident Status Resident	Military Branch/Status	
	Home Address 911 FORT STREET - 101, Key West, FL 33040-								Home Phone		
	Employer Name/Address SELF EMPLOYED								Business Phone		Mobile Phone
	VYR	Make	Model	Style	Color	Lic/Lis	VIN				
2018	KIA		4D	BLK	ORRW10, FL	5XXGU4L33JG238859					
CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)											
O T H E R S	Type: SOCIETY/PUBLIC/STATE			Injury:							
	Code	Name (Last, First, Middle)		Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
	V2	SOCIETY		3	/ / Age				N/A		
	Home Address								Home Phone		
	Employer Name/Address							Business Phone		Mobile Phone	
I N V O L V E D	Type: INDIVIDUAL			Injury: None							
	Code	Name (Last, First, Middle)		Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
	V3	WAITE, KENNETH JOHN 3		1	10/26/1988 Age 32	W	M	ST	Resident		
	Home Address 1604 N ROOSEVELT BLVD KEY WEST, FL 33040								Home Phone 305-809-1000		
	Employer Name/Address (POLICE OFFICER)							Business Phone		Mobile Phone	
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/Tc	Value	OJ	QTY	Property Description		Make/Model	Serial Number	
		92	D	\$270.00		1	DRIVER SIDE MIRROR				
		35	EVID	\$0.00		1	AXON BWC 3967				
		1	02	N	\$0.00		1	2018 BLK, ORRW10 FL	KIA	5XXGU4L33JG238859	
			02	N	\$0.00		1	1999 GRN, Z44JPK FL	FORD	1FMRU1764XLB98016	
Officer/ID# PURCELL, CHASE (3967)											
Invest ID# (0)					Supervisor (0)						
Status	Complainant Signature			Case Status <i>Cleared By Arrest</i>		05/02/2021		Case Disposition: <i>Cleared By Arrest</i>		05/02/2021	Page 1

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 21-002300
Date / Time Reported Sat 05/01/2021 20:46

Victim

BROWN, ERIC CYRUS

Offense

BATTERY

On 5/1/2021 at approximately 2048 hours, I, Officer Purcell, responded to 911-101 Fort St in reference to a male damaging vehicles.

Upon my arrival I met with Eric Brown who stated a Ford vehicle with a yellow canoe strapped to the top drove past his residence. Brown stated as the Ford drove by a white male (later identified as Zachary Fernandes) leaned out of the passenger side front window and struck the side view mirrors of his vehicle and the vehicle next to his. Brown described the male as a thin shirtless white male. Several other people in the area stated they witnessed the same thing as Brown. One of the bystanders stated he followed the green Ford bearing Florida plate- Z44JPK to the intersection of Southard St and Whitehead St.

I inspected the side view mirrors of both vehicles. The vehicle parked next to Brown's vehicle was not damaged. Brown's black 2018 Kia bearing Florida plate- QRRW10 appeared to have sustained some damage. The driver's side view mirror was folded all the way forward towards the hood of the vehicle. After the mirror was folded back into place it remained loose on the pivot point. Brown explained to me the mirror was motorized and was supposed to fold in automatically when the vehicle was locked. Brown locked the vehicle to see if the mirror motor was damaged. The driver's side view mirror only moved approximately one inch when the vehicle was locked. Brown showed me the still operational passenger's side view mirror which folded in flush to the vehicle. It was apparent the driver's side view mirror of Brown's vehicle had sustained internal damage to the mirror's motor. I performed an internet search and found the normal cost to replace a Kia Mirror motor is approximately \$270. Brown stated he wished to press charges.

Officer Litton located the suspect vehicle and performed a traffic stop at the intersection of Petronia St and Dupont Ln. Officer Waite assisted Officer Litton after the vehicle had been stopped. I contacted Officer Waite and passed on the description of the suspect in the front passenger seat of the vehicle. Officer Waite confirmed a male matching the suspects description was in the front passenger seat of the vehicle.

I spoke with Brown who agreed to do a show up to attempt to identify the suspect. Brown sat in the back of my patrol vehicle and I drove him to the intersection of Center St and Petronia St. Officer Waite had Fernandes standing at the intersection when we arrived. I illuminated Fernandes with my patrol vehicle's spotlight in order to provide Brown with a clear view of his face. Brown informed me Fernandes was the male he witnessed striking his vehicle. I informed Officer Waite of the positive identification via radio.

I drove Brown to his home. I provided Brown with a case number.

I returned to the traffic stop and observed Fernandes laying on the ground kicking and screaming profanities at the officers holding him down. I assisted Officer Ham with the other occupants of the vehicle while Fernandes was being placed into the back of Officer Waite's patrol vehicle.

KWFD arrived on scene and medically evaluated and cleared Fernandes.
I noted a small abrasion on Fernandes' left shoulder and left knee.

Officer Waite transported Fernandes to the Monroe County Detention Center.

I met with Officer Waite at the detention center. Officer Waite informed me Fernandes initially refused to obey his lawful command to exit the vehicle. Officer Waite stated he escorted Fernandes to the intersection for the show up. Officer Waite told me Fernandes refused his lawful command to face my patrol vehicle and had to be forcibly turned. Officer Waite told me he placed Fernandes in handcuffs and escorted him to his patrol car. Officer Waite stated Fernandes refused to comply to lawful commands to sit in his patrol vehicle. Officer Waite told me Fernandes was

Incident Report Suspect List

Key West Police Department

OCA: 21-002300

1	Name (Last, First, Middle) <i>FERNANDES, ZACHARY MICHAEL</i>					Also Known As					Home Address <i>7651 ACE RD S LAKE WORTH, FL 33467</i>				
	Business Address														
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.				
	<i>09/22/1997</i>	<i>23</i>	<i>W</i>	<i>M</i>	<i>N</i>	<i>508</i>	<i>165</i>	<i>BRO</i>	<i>BRO</i>	<i>LBR</i>	<i>F655993973420 FL</i>				
Scars, Marks, Tattoos, or other distinguishing features															
<hr/>															
<i>Reported Suspect Detail</i>		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					
Notes							Physical Char								

Incident Report Related Property List

Key West Police Department

OCA: 21-002300

1	Property Description DRIVER SIDE MIRROR			Make		Model		Caliber	
	Color Black	Serial No.		Value \$270.00		Qty 1.000		Unit	Jurisdiction Locally
	Status Damaged/destroye	Date 05/01/2021	NIC #		State #		Local #		OAN
	Name (Last, First, Middle) Waite, Kenneth John 3				DOB 10/26/1988		Age 32	Race W	Sex M

Notes

2	Property Description AXON BWC 3967			Make		Model		Caliber	
	Color	Serial No.		Value \$0.00		Qty 1.000		Unit	Jurisdiction Locally
	Status Evidence	Date 05/01/2021	NIC #		State #		Local #		OAN
	Name (Last, First, Middle) Waite, Kenneth John 3				DOB 10/26/1988		Age 32	Race W	Sex M

Notes

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 05/02/2021 02:11

OCA: **21002300**

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

Investigator: *WAITE, KENNETH J (3646)*

Date / Time: *05/02/2021 01:00:53, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On May 1, 2021, at approximately 2050 hours, I, Ofc. Waite, was dispatched to 911 Fort Street Apartment 101 as backup for Ofc. Purcell who was investigating a report of criminal mischief in the area. While enroute, Ofc. Purcell issued a BOLO for the suspect's vehicle. Shortly after the BOLO was issued, Ofc. Litton located the vehicle near the intersection of Center Street and Petronia Street and conducted a traffic stop. I responded to the traffic stop to assist Ofc. Litton.

On arrival, I observed Ofc. Litton's vehicle parked behind a 1999 Green Ford Bronco bearing FL Tag Z44JPK. I approached the vehicle and observed five occupants inside, three males and two females. I contacted Ofc. Purcell who told me the suspect was described as a shirtless white male sitting in the front passenger seat. I informed Ofc. Purcell that the subject sitting in the front passenger seat was also a shirtless white male. Ofc. Purcell advised he would be enroute to my location shortly with a witness and asked that I assist him with conducting a show-up.

I instructed the occupants to exit the vehicle and sit on an adjacent curb. The driver and backseat passengers complied immediately. The shirtless male subject sitting in the front passenger seat, identified later as Zachary Fernandes, stubbornly remained inside of the vehicle. With assistance from the two female occupants, I was able to gain compliance from Fernandes and he eventually exited the vehicle and sat on the curb. Throughout my interactions with Fernandes, he exhibited an angry and aggressive demeanor.

Ofc. Purcell advised he was enroute to my location with the witness. I informed Ofc. Purcell that I would escort Fernandes to the intersection of Center Street and Petronia Street for the show up. I instructed Fernandes to stand up and walk to the intersection with me. With an angry look on his face, Fernandes complied. While waiting for Ofc. Purcell, I instructed Fernandes to face south towards the intersection of Olivia Street and Center Street. Fernandes refused to comply and defiantly faced west towards the traffic stop. As Ofc. Purcell turned north on to Center Street from Olivia Street, I instructed Fernandes to face Ofc. Purcell's patrol vehicle. Fernandes refused. I approached Fernandes, grabbed him by the arms, and turned his body towards Ofc. Purcell's patrol vehicle. Fernandes immediately thrust his arms in an upwards direction and exclaimed "Don't fucking touch me!" in an aggressive manner.

Ofc. Purcell conducted the show up and informed me the witness positively identified Fernandes as the suspect. Fernandes was placed into handcuffs and walked to my patrol vehicle. While walking to my vehicle, Fernandes told Ofc. Litton and I that he was not going to enter my patrol vehicle. Ofc. Litton attempted to assist Fernandes into the rear of my patrol vehicle, and he was met with passive resistance from Fernandes. Fernandes verbally and physically refused to enter the vehicle. Ofc. Litton assisted Fernandes into the rear of my patrol and I secured the seatbelt restraint. With his hands behind his back, Fernandes unfastened the seat belt. As I attempted to close the rear passenger side door, Fernandes stuck his legs outside of the vehicle to prevent me from closing the door. I instructed Fernandes, no less than six times, to place his legs inside of the vehicle. Each time, Fernandes replied "Fuck You!", defying my

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 05/02/2021 02:12

OCA: **21002300**

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

Investigator: *WAITE, KENNETH J (3646)*

Date / Time: *05/02/2021 01:00:53, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

lawful orders. In an attempt to gain compliance from Fernandes, I delivered one cycle from my Taser device into Fernandes' right leg using the drive-stun technique. Fernandes continued to resist, refusing to place his legs inside of the vehicle. I delivered a second cycle from the Taser into Fernandes' abdomen. Fernandes continued to resist. I delivered a third and final cycle into Fernandes' right hamstring. Fernandes complied immediately and placed his legs inside of the vehicle. Ofc. Litton and I remained with Fernandes while Ofc. Purcell completed his investigation.

I was informed by Fernandes' friends that he suffers from mental health issues and does not take his medication on a regular basis. I passed this information on to Key West Communications and Key West Fire Department Rescue 2 was dispatched to my location.

While awaiting Ofc. Purcell, Fernandes began violently kicking the door of my patrol vehicle and striking his head against the partition. To prevent Fernandes from harming himself, Ofc. Litton and I decided to remove Fernandes from the vehicle and secure his legs using a HOBBLE device to limit his mobility. While removing Fernandes from the vehicle, he violently kicked towards Ofc. Litton and I. Once out of the vehicle, Fernandes was instructed to lay on the ground due to his violent behavior. Fernandes refused and attempted to pull away from Ofc. Litton and I. Ofc. Litton, Sgt. Kouri, Ofc. Bozzetti and I assisted Fernandes to the ground in a controlled manner. Once on the ground, Ofc. Litton secured Fernandes' legs using the HOBBLE device and a spit mask was placed over his head. Ofc. Litton and I assisted Fernandes to his feet and placed him into my patrol vehicle. While attempting to place the seatbelt restraint across Fernandes' body, Fernandes violently thrust his head forward striking me in the left cheek bone. Once secure, Key West Rescue 2 evaluated Fernandes and he refused care.

I transported Fernandes to the Monroe County Detention Center. At the jail, Ofc. Purcell took custody of Fernandes.

My BWC and in-car Coban were activated throughout this call.

This was the extent of my involvement in this case.

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 05/01/2021 22:41

OCA: **21002300**

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

Investigator: *KOURI, DAVID G (3022)*

Date / Time: *05/01/2021 22:39:12, Saturday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On May 1st, 2021, at around 2120 hours, I (Sgt. Kouri), responded to the intersection of Petronia Street and Center Street, in reference to a Response to Resistance Incident (RRI). Ofc. Waite had performed a drive-stun Tase, on a combative and resisting subject, identified as Zachary Fernandes.

Upon arrival, I made sure that individuals involved in the incident did not require medial attention. While Ofc. Waite was explaining to me what happened, I could hear Fernandes in the rear of a Patrol Vehicle, striking his head and attempting to kick the interior of the vehicle. I could also hear Fernandes screaming vulgarities with an agitated and loud tone.

We walked over to the vehicle that Fernandes was inside of to remove him, and place a HOBBLE restraint on his legs, so it would limit his mobility. This action would hopefully prevent injury caused by his violent actions. Once the door was open, Fernandes became increasingly hostile with the Officers, and began kicking towards Ofc. Waite and Ofc. Litton. Fernandes was removed from the vehicle, and due to his violent and resistive behavior, was told to lay on the ground. Fernandes refused to comply and continued resisting. Fernandes was attempting to pull and push away and defeat the Officers legal and lawful actions. After a brief struggle, Fernandes was placed on the ground by Ofc. Waite, Ofc. Litton and myself.

Once on the ground, I gave Fernandes multiple clear, repetitive verbal commands to stop resisting. Fernandez continued to struggle and began yelling explicit vulgarities. After another brief struggle, the HOBBLE restraint was placed onto Fernandes, as well as a KWPD Department Issued "Spit Hood". Once these items were placed onto Fernandes for his safety and protection, he was assisted back to his feet, to be placed back into the vehicle.

While placing Fernandes into the rear of the vehicle, he continued to resist and would not follow simple and clear directions that were being given to him. While Ofc. Waite was trying to place a seat belt onto Fernandes, to ensure his safety during transport, Fernandes violently forced his head at Ofc. Waite, intentionally "head-butting" him. After Fernandes head-butted Ofc Waite, he was finally able to be secured with a seat belt, so he could not further injure himself, or other Officers.

KWFD arrived on scene and medically evaluated and cleared Fernandes.

I noted a small abrasion on Fernandes' left shoulder and left knee.

Photographs were taken of Fernandes.

Fernandes was transported to MCDC and charged accordingly.

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 05/02/2021 03:55

OCA: **21002300**

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

Investigator: *LITTON, ANDREW J. (3958)*

Date / Time: *05/01/2021 22:18:17, Saturday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On 05/01/2021 at approximately 2100 hours, (Ofc. A. Litton) was on patrol in 600 block of Simonton Street when I observed a vehicle matching the BOLO for a criminal mischief investigation heading outbound on Angela Street, turn South on Simonton Street, then turn West on Patronia Street. I verified the license plate provided by the investigating officer before attempting to stop the vehicle. I activated my overhead blue lights and stopped the vehicle at the intersection of Petronia Street and Dupont Lane.

There were five occupants in the vehicle, a male driver, a male in the front passenger seat, two females and a male in the rear seat with the male sitting behind the driver. I stood by with the vehicle and occupants as I awaited the investigating officers to arrive. Officer K. Waite arrived on scene and ordered all occupants out of the vehicle. The male in the front passenger seat, later identified as Zachary Fernandes, was uncooperative the first moment Officer K. Waite arrived and ordered him out of the vehicle. Fernandes first refused to exit the vehicle when he was told.

During the investigation, Officer C. Purcell requested a show-up with Fernandes. Officer K. Waite and I walked with Fernandes East on Petronia Street to Center Street. Officer C. Purcell would be travelling North on Center Street with a witness for the show-up. Officer K. Waite told Fernandes numerous times to turn his body and face South on Center Street so the witness could see him. Fernandes remained uncooperative and refused to turn his body until Ofc. K. Waite grabbed his shoulders and turned him to face the correct direction of Officer C. Purcell's patrol vehicle. Fernandes became hostile towards Officer K. Waite by shouting expletives at him while telling him not to touch him. A positive ID was made by the witness and I took control of Fernandes' right arm as Officer K. Waite placed handcuffs on him.

As we walked Fernandes to Officer K. Waite's vehicle, Fernandes stated he was not going in the patrol vehicle. After he was searched Fernandes was still stating he was not going to get in the patrol vehicle. Fernandes resisted entering the vehicle, so I applied force to his hip to assist him into the vehicle. Once he was inside the vehicle, Fernandes left his foot outside so the door could not shut. Officer K. Waite warned Fernandes he was going to be tased and told Fernandes numerous times to place his foot inside the car. Fernandes responded "Fuck you" after majority of Officer K. Waite's requests as he continued to push the door open with his foot. Officer K. Waite delivered a drive stun with his taser until Fernandes complied and I was able to shut the door.

Once Sergeant D. Kouri arrived on scene, Fernandes was removed from the vehicle to be placed in a hobble for transport to MCDC. I opened the door with Officer K. Waite to remove Fernandes from the back seat. As the door opened, Fernandes attempted to kick both Officer K. Waite and me before we removed him from the seat. Fernandes was given numerous commands to get on the ground before he was directed to the ground by Sergeant D. Kouri, Officer K. Waite, Officer C. Bozzetti and myself. I ran to my vehicle, retrieved a hobble, and placed it on Fernandes' ankles. Because of his violent nature, I also placed a spit hood on Fernandes before placing him back in the patrol

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 05/02/2021 03:55

OCA: **21002300**

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Investigator: *LITTON, ANDREW J. (3958)*

Date / Time: *05/01/2021 22:18:17, Saturday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

vehicle.

I talked with the other vehicle occupants while EMS checked Fernandes before he was transported. The other vehicle occupants were released which concluded my involvement in this case.

Axon BWC and Coban in-car were activated during this incident and later uploaded to their respective servers.

Investigator Signature: _____