

Response to Resistance Report

Key West Police Department

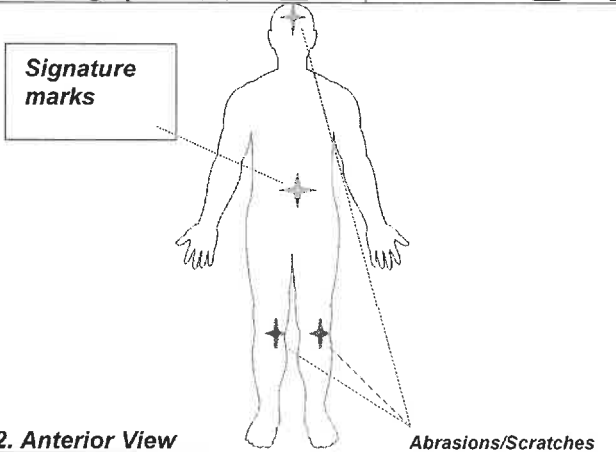
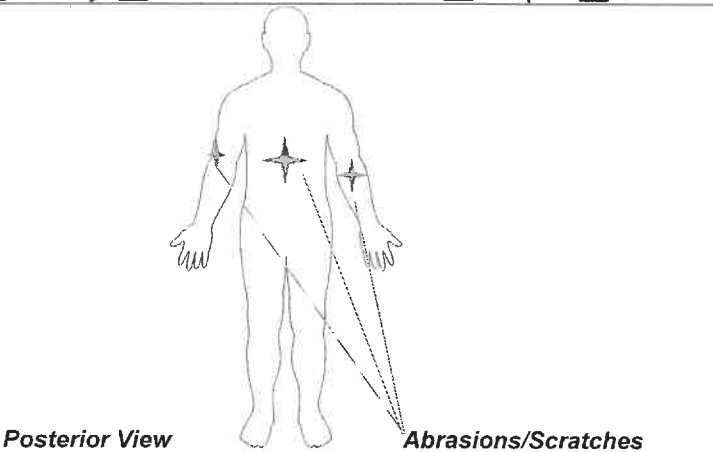
Case No: 21-3885

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

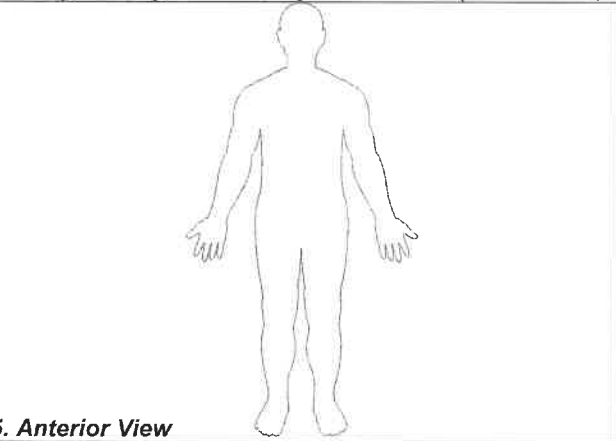
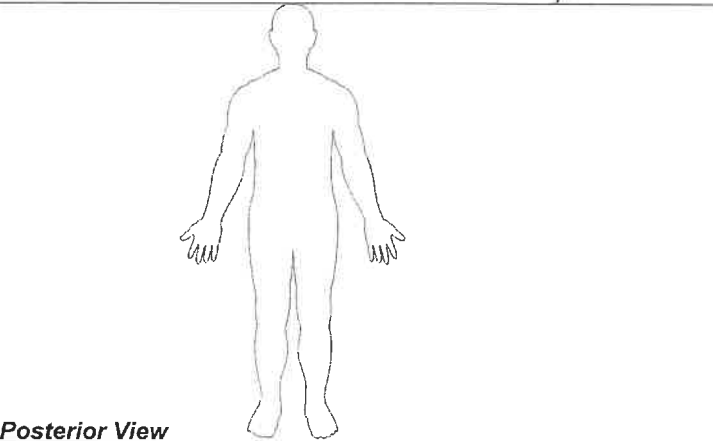
- ☒ A response through the use of non-lethal weapons,
☐ Applies weaponless physical force of strikes, kicks, or "take-downs"
☐ When any person sustains an apparent substantial or fatal injury as a result of the application of force
☐ When any person complains of injury as a result of the application 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: 07/21/21	3. Time: 2035	4. Location: 0 Duval Street	5. Incident type: Batt Leo/ Resist w/o
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input type="checkbox"/> Passive:		<input type="checkbox"/> Physical Control	
	<input checked="" type="checkbox"/> Active:	Pulling hands away/tensing	<input checked="" type="checkbox"/> Non-lethal Weapon	TASER/Drive Stun
	<input type="checkbox"/> Aggressive:	Kicking, scratching, punching ofc's	<input type="checkbox"/> Deadly Force	
	<input type="checkbox"/> Deadly Force:			

SUBJECT	10. Last Name: Makar	11. First: Katherine	12. Race: W	13. Sex: F
	14. DOB: 06/13/1991	15. Height: 5'06"	16. Weight: 135	
	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 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 checked="" type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input checked="" type="checkbox"/> Detention			

SUBJECT	22. Anterior View	22. Posterior View
		

OFFICER	23. Officer: Nicholas Dantu	24. Race: W	25. Sex: M	26. Age: 47	27. Height: 5'11"	28. Weight: 200
	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) TASER					

OFFICER	35. Anterior View	35. Posterior View
		

Response to Resistance Report (continued)

Key West Police Department

21-3885Error! Reference source not found.

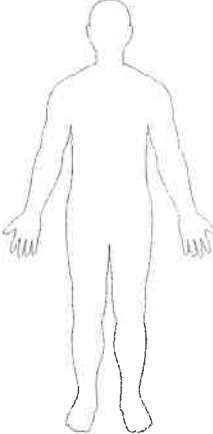
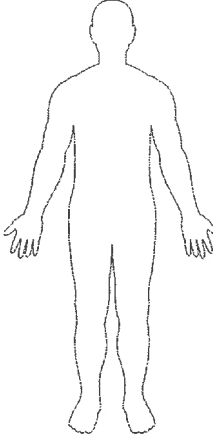
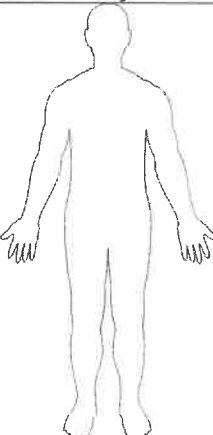
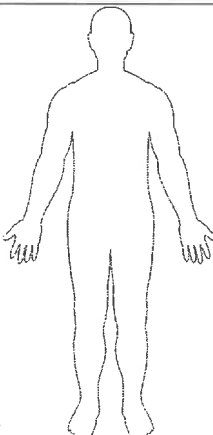
Case No:

TASER USE ONLY	36. TASER® device serial # X12005723		37. TASER® device serial # X1200CVYV	
	TASER®Cam serial # V21002AHX		TASER®Cam serial # V21002ATC	
	Cartridge 1 serial # N/A		Cartridge 1 serial # N/A	
	Cartridge 2 serial # N/A		Cartridge 2 serial # N/A	
	Number of cycles: 1		Number of cycles: 2	
	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 checked="" 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 checked="" type="checkbox"/> No	
	Target distance at probe launch: N/A		Target distance at probe launch: N/A	
	Distance between probes: N/A		Distance between probes: N/A	
	Probes removed by (name): N/A		Probes removed by (name): N/A	
Device downloaded by: Sgt. J. Stockton		Device downloaded by: Sgt. J. Stockton		
<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: 07/21/2021		41. Time: 2035	
	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 type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "Yes," list below)			
	Name	Address	Phone Number	
	Justin Poirier	209 W. Evergreen Blvd. Apt. 555, Vancouver, WA 98660	812-484-8915	
	Mark Louney	3615 NE 207 Street, Aventura, FL 33180	978-430-9701	
	47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
	FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		A. Rodriguez 3465	
		07/21/2021		
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 checked="" type="checkbox"/> Yes If "No", complete section 51)		49. Preparing Supervisor's Signature / ID	
			49. Date	
	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: 21-3885Error! Reference source not found.

OFFICER	23. Officer: Andrew Hudson 24. Race: W 25. Sex: M 26. Age: 33 27. Height 6'00" 28. Weight 165					
	29. Duty Status: <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input type="checkbox"/> Uniformed <input checked="" type="checkbox"/> Plain 30. Yrs Exp: 8					
	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) TASER					
						
	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
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M

OTHERS INVOLVED

PROPERTY

Status

Incident Report Additional Name List

Key West Police Department

OCA: 21-003885

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	LEVERING, RODGER WILLIAM		11/22/1972	48	W	M
	Address 1 KESTRAL WAY, KEY WEST, FL 33040-		H: 443-534-4989			
	Empl/Addr Ocean Key, 0 Duval St		B: 844-443-0089			
			Mobile #: - -			
2) WI 2	POIRIER, JUSTIN		10/02/1993	27	W	M
	Address 3100 SE 168TH AVE Apt. 246, VANCOUVER, WA 98683-		H: 812-484-8915			
	Empl/Addr Unk, Unk		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 21-003885

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

Assisting Officers
 RODRIGUEZ, A. (3465), HUDSON, A.J. (3940), SOZA, J. (4012), MALAK, T.J. (4045)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim <i>DANTU, NICHOLAS JOHN</i>	Offense <i>BATTERY</i>	OCA <i>21-003885</i>
		Date / Time Reported <i>Wed 07/21/2021 20:26</i>

On 07/21/2021, at about 2026 hours, I (Ofc. Nick Dantu) was dispatched to 0 Duval Street, Sunset Pier. This was about people jumping off the pier into the water.

When I arrived, I made my way to the Sunset Pier to search for people who I believed were still in the water. When I approached the Tiki bar, I noticed a woman, (Katherine Makar) near the bar in her underwear or Bikini shoving a male person, (Richard Coe) and yelling. At first, I did not know if this was a separate incident from the original call. I walked toward Makar and began to activate my BWC. I asked Makar to stop and come with me. Makar looked at me and told me not to touch her. I tried to escort Makar away from Coe, but Makar turned and began to physically resist. By physically resisting Makar knocked my BWC to the ground as I was attempting to activate it.

I tried to take hold of Makar's arms to detain her, but Makar became violent. Makar shoved at me and tried to pull away. Makar pushed into me and tried to scratch at me. Makar was wet and slippery. It was extremely hard to get a grip on Makar's wrists. Makar broke free from my grip and continued to become violent. Makar tried to shove me again and I grabbed on to her shoulders and arm. Makar slipped and both Makar and I fell to the ground. Makar continued to fight me. Makar tried to scratch me, bite me, and grab at my groin multiple times. I managed to gain control of both Makar's wrists and told Makar to stop fighting me. Makar said she would stop. I began to slowly release one of her wrists and reach for my handcuffs, but Makar yanked her hand away and tried to hit me. I let go her other wrist, reached for my taser, and warned Makar that she was going to be tased. Makar did not seem to care. Makar was trying to scratch and kick at me as I removed the taser cartridge and attempted to drive stun Makar on her lower left abdomen. The taser did not affect Makar and I was not certain if I had made contact. (Makar was fighting and pushing me as I attempted to drive stun her.) I decided to holster my Taser after one cycle and physically detain Makar, (I was able to hold Makar by both wrists on the ground, so she was not able to strike or scratch me. Makar tried to bite me and kick her legs at me.

Ofc. Soza and Ofc. Hudson arrived on scene. I asked Ofc. Soza to take hold of one of Makar's wrists while I held the other. Ofc. Soza secured Makar's left wrist and was able to place a handcuff on it. Makar slipped out of the handcuff, (her wrist was wet and slippery). Makar began to kick her legs at me and Ofc. Soza.

Ofc. Hudson arrived on scene and attempted to assist but was kicked in the head by Makar. (See Ofc. Hudson's supplemental). Ofc. Hudson was able to take Ofc. Soza's taser and drive stun Makar but, Makar continued to fight. KWFR arrived on scene and helped control Makar's legs. Ofc. Hudson, Ofc. Soza and I were able to turn Makar onto her stomach and handcuff Makar's hands behind her back.

KWFR transported Makar to the ambulance parked in front of the Ocean Key Resort and Ofc. Tim Malak remained with Makar in the ambulance. KWFR attended to Makar.

Sgt. A. Rodriguez arrived on scene and spoke with, Ofc Hudson, Ofc. Soza, Makar, Coe, and me.

Sgt. A. Rodriguez was able to obtain video footage of the incident from a witness. Sgt. A. Rodriguez uploaded the video footage to evidence.com

I spoke with Coe. Coe told me that Makar was angry and upset because:

- Makar lost her phone in the water when she jumped off the pier,
- Coe had told Makar that he does not love her more than his own family,
- and a person at the bar was filming Makar.

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim <i>DANTU, NICHOLAS JOHN</i>	Offense <i>BATTERY</i>	OCA <i>21-003885</i>
		Date / Time Reported <i>Wed 07/21/2021 20:26</i>

According to Coe, Makar was trying to get physical and fight the person that was filming her, and Coe was trying to stop Makar from being physical.

Ofc. Soza obtained two written Statements from Justin Poirier and Rodger Levering.

According to Levering:

"A male and female jumped into the marina off Sunset Pier. When they climbed out of the water, I asked them to leave the property. The female screamed in my face and slapped me in the face. As I backed up, she followed me and continued to scream. I blocked repeated attempts of her trying to reach for my phone in my pocket. A coworker stepped in between us and she slapped him in the face. KWPD arrived".

According to Poirier:

"a clearly intoxicated woman, late 20's to early 30's, Caucasian, was subdued by one officer initially for behaving in coherently. She then resisted being subdued/arrested and physically tried to fight off multiple officers and was eventually tased after multiple officers arrived to detain her".

See Ofc. Juan Soza's supplemental for further information.

I decided to arrest Makar under section 784.07-2B, Florida Statutes: Battery on a Law Enforcement Officer. Based on the facts and evidence in this case there is probable cause to believe that Makar on 7/21/2021 at about 2030 hours did intentionally touch or strike a police officer/law enforcement officer, (Ofc. Dantu) against his will; Makar knew that Ofc. Dantu was a law enforcement officer/police officer; and Ofc. Dantu was engaged in the lawful performance of his duties when Makar committed the battery.

I decided to arrest Makar under section 877.03, Florida Statutes: Disorderly Conduct / Breach of Peace. Based on the facts and evidence in this case there is probable cause to believe that Makar, on 07/21/2021, at about 2030 hours, corrupted the public morals, outraged the sense of public decency, and affected the peace and quiet of persons who may have observed the act. Makar was also encompassed in brawling and fighting.

I decided to arrest Makar under section 843.01, Florida Statutes: Resisting an Officer with Violence. Based on the facts and evidence in this case there is probable cause to believe that Makar, on 07/21/2021, at about 2030 hours: Knowingly and willfully resisted, obstructed, or opposed a law enforcement office by offering to do violence to him or doing violence towards him; at the time the officer was engaged in the execution of legal process or the lawful execution of a legal duty; at the time, the alleged victim, (Ofc. Dantu) was an officer or person legally authorized to execute legal process; and at the time, Makar knew that Ofc. Dantu was in fact an officer or person legally authorized to execute process.

I transported Makar to Monroe County Detention Center.

I photographed Makar's face and stomach. I uploaded the photographs to evidence.com

I uploaded my BWC footage to evidence.com

Incident Report Suspect List

Key West Police Department

OCA: 21-003885

1	Name (Last, First, Middle) <i>MAKAR, KATHERINE</i>					Also Known As					Home Address <i>3225 EAGLE AVENUE KEY WEST, FL 33040 224-456-8939</i>				
	Business Address <i>HOME DEPOT, RETAIL, UNK</i>														
	DOB <i>06/13/1991</i>	Age <i>30</i>	Race <i>W</i>	Sex <i>F</i>	Eth <i>N</i>	Hgt <i>506</i>	Wgt <i>145</i>	Hair <i>BRO</i>	Eye <i>BRO</i>	Skin <i>FAR</i>	Driver's License / State. <i>M260500917130 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				
											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: 21-003885

1	Property Description BWC / 3835				Make		Model		Caliber	
	Color		Serial No.		Value \$0.00		Qty 1.000		Unit	
	Status Evidence		Date 07/21/2021		NIC #		State #		Local #	
	Name (Last, First, Middle) Poirier, Justin		DOB 10/02/1993		Age 27		Race W		Sex M	
	Jurisdiction Locally									

Notes

2	Property Description PHOTOGRAPHS				Make		Model		Caliber	
	Color		Serial No.		Value \$0.00		Qty 1.000		Unit	
	Status Evidence		Date 07/21/2021		NIC #		State #		Local #	
	Name (Last, First, Middle) Poirier, Justin		DOB 10/02/1993		Age 27		Race W		Sex M	
	Jurisdiction Locally									

Notes

OCA: 21003885

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

Investigator: SOZA, JUAN (4012)

Date / Time: 07/21/2021 23:50:18, Wednesday

Supervisor: RODRIGUEZ, ALEXANDER (3465) Supervisor Review Date / Time: 07/22/2021 01:17:55, Thursday

Contact:

Reference: General Supplemental Report

On 07/21/2021 at approximately 2026 hours, I (Ofc. Soza) responded to Sunset Pier located at 0 Duval street in reference to a medical assist.

Upon arrival, I was told by a bystander that the woman we were looking for was at the end of Sunset Pier. I ran towards the end of Sunset Pier, when I was flagged down by multiple by-standers. The bystanders pointed near the bar; in the direction the incident was occurring.

Once I arrived on scene, I saw Ofc. Dantu talking to a woman, who seemed to be irritated. The woman was later identified as, Katherine Makar (DOB:06/13/1991). I saw Ofc.Dantu jump on Makar to gain control of her as she was not complying to his verbal commands. Once on the ground, Makar was yelling profanity towards Ofc. Dantu. She screamed "get off me, you fucking pigs". Ofc. Dantu attempted to gain control of Makar but Makar actively resisted by pulling away from him several times and refused to put her hands behind her back after Ofc. Dantu and I gave her loud verbal commands to put her hands behind her back. Makar appeared to have an altered state of mind and appeared to be under the influence of an alcoholic beverage. Makar smelled of an alcoholic beverage and had slurred speech. While on the ground, Makar kicked upwards and struck Ofc. Hudson and Ofc. Dantu in the face. During the struggle, Ofc. Hudson asked for my TASER. I gave Ofc. Hudson my TASER, which he later used to drive stun Makar in order to gain compliance.

After the drive stun, we managed to get control of Makar and place her in the prone position. I placed handcuffs on Makar. Makar was later placed in the back of Rescue 2, where she was medically cleared and then placed in the rear of Ofc. Dantu's patrol vehicle.

While on scene, two male individuals walked up to me and stated they saw what had occurred near the bar. One was identified by his Washington Drivers license as Justin Poirier (DOB:10/02/1993). The other one was identified by his Florida Drivers license as Rodger Levering (DOB:11/22/1972). I asked if they would be willing to fill out a witness statement form. Both agreed. I was provided with two filled out witness statement forms, which I later placed in Key West Police department records.

My department issued body worn camera was partially on during this incident due to Makar kicking my body camera off during the struggle. I uploaded what was recorded to evidence.com

Nothing further at this time.

Investigator Signature: _____

Incident Report Related Property List

Key West Police Department

OCA: 21-003885

1	Property Description AXON BWC 4012			Make AXON		Model BWC		Caliber	
	Color	Serial No.		Value \$0.00	Qty 1.000	Unit EA	Jurisdiction Locally		
	Status Evidence	Date 07/22/2021	NIC #	State #	Local #	OAN			
	Name (Last, First, Middle) * No name *				DOB	Age	Race	Sex	

Notes