Response to Resistance Report

Key West Police Department

Case No: 22-1670

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: 03/20/2022 **3. Time:** 1827 Hrs **4. Location:** 1106 Angela Street **5. Incident type:** S36B

6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
☒ Passive:	Refused to comply, aggressive	☐ Physical Control	
☐ Active:	nature and potential for harm	☒ Non-lethal Weapon	TASER PROBE DEPLY
☐ Aggressive:	due to size	☐ Deadly Force	
☐ Deadly Force:			

SUBJECT

10. Last Name: Eltringham **11. First:** John **12. Race:** W **13. Sex:** M

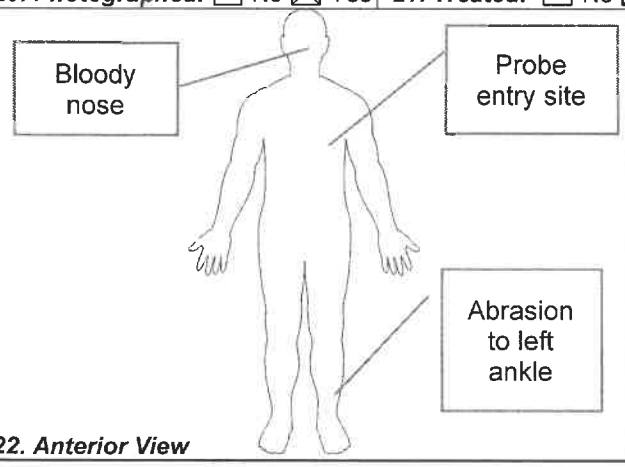
14. DOB: 08/25/1974 **15. Height:** 6'03" **16. Weight:** 270 lbs

17. Did you observe the subject: ☐ No ☒ Yes If NO, explain why in Section 42. If "YES", complete sections 18-22

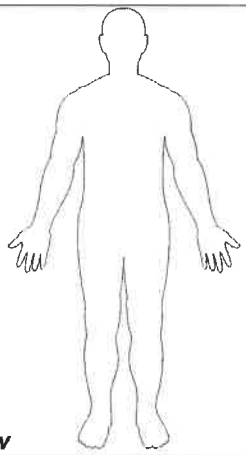
18. Appeared to be: ☒ Intoxicated ☐ Under the influence of controlled substance ☐ Emotionally / mentally disturbed

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



22. Anterior View



Posterior View

OFFICER

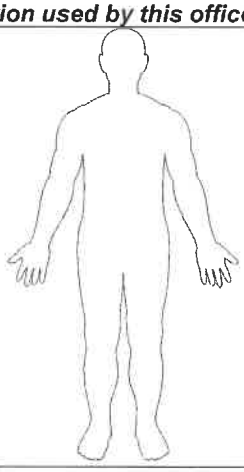
23. Officer: Leo Hernandez **24.** W **25. Sex:** M **26. Age:** 46 **27. Height:** 5'04" **28. Weigh:** 150 lbs

29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes **30. Yrs Exp:** 2.5

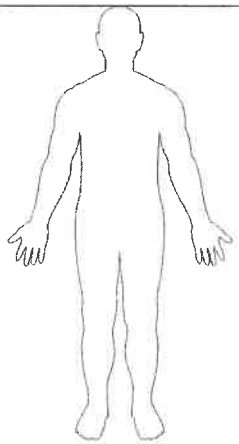
31. Injuries: ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

32. Photographed: ☒ No ☐ Yes **33. Treated:** ☒ No ☐ Yes **By:** ☐ EMT/Paramedic on scene ☐ Hospital

34. Response option used by this officer: Taser probe deployment.



35. Anterior View



Posterior View

Response to Resistance Report (continued)

Key West Police Department

Case No: 22-1670

TASER USE ONLY

36. TASER® device serial # X1200CRPK	37. TASER® device serial #
TASER®Cam serial # V21002AK9	TASER®Cam serial #
Cartridge 1 serial # C41088MDT	Cartridge 1 serial #
Cartridge 2 serial #	Cartridge 2 serial #
Number of cycles: 1	Number of cycles:
Type of contact: ☒ Probe ☐ CODS ☐ Drive Stun	Type of contact: ☐ Probe ☐ CODS ☐ Drive Stun
Did probes penetrate skin: ☒ Yes ☐ No	Did probes penetrate skin: ☐ Yes ☐ No
Target distance at probe launch: 5 feet	Target distance at probe launch:
Distance between probes: 18 inches	Distance between probes:
Probes removed by (name): Ofc. Hernandez	Probes removed by (name):
Device downloaded by: Sgt. Stockton	Device downloaded by:

☐ ***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:

☒ All necessary criminal elements.
☒ All details of the arrest
☒ Details articulating the subject's words, mannerisms and actions that justify the use of force.
☒ Details outlining the response to resistance utilized by each officer.
☒ Detailed description of injury complaints and/or observed injuries
☒ Details outlining the decontamination, first aid or medical treatment provided to the officer and/or subject.

SUPERVISOR' S INQUIRY

40. Notified Date: 03/20/2022 ***41. Time:*** 2033 hrs

42. Did you respond to the scene: ☐ No ☒ Yes (If "No", explain why)

43. Did you watch all relevant videos associated with the use of force? ☐ No ☒ Yes (If "No", explain why)

44. Did you meet with the Officer(s): ☐ ***No*** ☒ ***Yes (If "No", explain why)***

45. During your review did you find any potential policy violations or training issues associated with the incident?

☐ No ☒ Yes (If "Yes," list below)

Timing of the BWC activation prior to the use of force.

46. Were you able to locate any independent witnesses: ☒ No ☐ Yes (If "Yes," list below)

Name	Address	Phone Number

47. Is further review recommended: ☐ No ☒ Yes

FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS

3631 — 48. Preparing Supervisor's Signature / ID

03/24/2022 — 49. Date

INT. AFF.

50. Did the review of this incident conclude that use of force was in compliance with Departmental policy? ☐ No ☐ 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: 22-1670**Error! Reference source not found.**

OFFICER

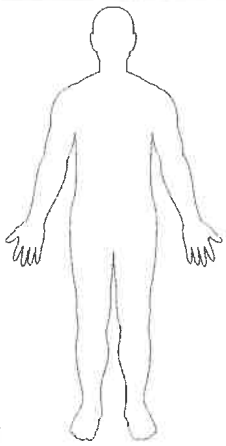
23. Officer: Randal Hartle ***24. Race:*** W ***25. Sex:*** M ***26. Age:*** 32 ***27. Height:*** 5'09" ***28. Weight:*** 240

29. Duty Status: ☐ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain ***30. Yrs Exp:*** 21

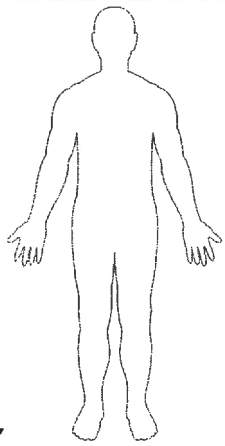
31. Injuries: ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

32. Photographed: ☒ No ☐ Yes ***33. Treated:*** ☒ No ☐ Yes ***By:*** ☐ EMT/Paramedic on scene ☐ Hospital

34. Response option used by this officer: Assisted in handcuffing



35. Anterior View



Posterior View

OFFICER

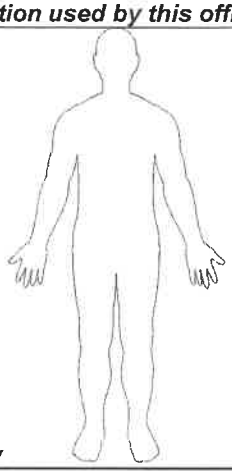
23. Officer: ***24. Race:*** ***25. Sex:*** ***26. Age:*** ***27. Height*** ***28. Weight***

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

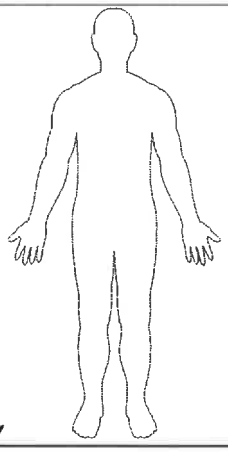
31. Injuries: ☐ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

32. Photographed: ☐ No ☐ Yes ***33. Treated:*** ☐ No ☐ Yes ***By:*** ☐ EMT/Paramedic on scene ☐ Hospital

34. Response option used by this officer: **(If TASER®, also reference line number from TASER® section)**



35. Anterior View



Posterior View

INCIDENT/INVESTIGATION REPORT

Agency Name	Key West Police Department
ORI	FL0440100
Case#	22-001670
Date / Time Reported	03/20/2022 18:25 Sun
Last Known Secure	03/20/2022 18:25 Sun
At Found	03/20/2022 18:25 Sun

INCIDENT DATA

Location of Incident	Premise Type	Beat/GP
628 GRINNELL ST/ANGELA ST, Key West FL 33040-	Highway / Street / Road/	B3, GPB3

	Crime Incident(s)	(Com)	Weapon / Tools	Activity
#1	Battery SCA		HANDS, FIST, FEET	
			Entry / Exit / Security	
#2	Crime Incident Resist Arrest / Escape XOM	(Com)	Weapon / Tools	Activity
			Entry / Exit / Security	
#3	Crime Incident	( )	Weapon / Tools	Activity
			Entry / Exit / Security	

MO

VICTIM

# of Victims 2 | Type: INDIVIDUAL | Injury: Minor Injuries | Domestic: Y

	Victim/Business Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
V1	ELTRINGHAM, AMY LOUISE	1,	01/23/1975 Age 47	W	F	SE	Non-Resident	

Home Address	Home Phone
1 SILVER MAPLE COURT , Baltimore, MD 21220-	443-986-7095

Employer Name/Address	Business Phone	Mobile Phone
UNKNOWN (UNKNOWN)		

VYR	Make	Model	Style	Color	Lic/Lis	VIN

OTHERS INVOLVED

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

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	2,	/ / Age				N/A	

Home Address	Home Phone

Employer Name/Address	Business Phone	Mobile Phone

Type: | Injury:

Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
			Age					

Home Address	Home Phone

Employer Name/Address	Business Phone	Mobile Phone

PROPERTY

L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found
("OJ" = Recovered for Other Jurisdiction)

VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
	35	EVID	$0.00		1	BWC 3452		
	35	EVID	$0.00		1	AXON FLEET 3452		
	99	EVID	$0.00		6	AXON PHOTOS 3452		

Officer/ID# HERNANDEZ, LEONARDO (3452)

Invest ID# HERNANDEZ, LEONARDO (3452) | Supervisor HAMMERS, JESSE L (3631)

Status

Complainant Signature	Case Status	Case Disposition:	
	Cleared By Arrest 03/20/2022	Cleared By Arrest 03/20/2022	Page 1

Incident Report Additional Name List

Key West Police Department

OCA: *22-001670*

Additional Name List

	Name Code/#		Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1)	*WI*	*1*	*CUNNINGHAM, JOHN HAROLD*		*06/23/1960*	*61*	*W*	*M*
	Address		*522 GRINNELL STREET , KEY WEST, FL 33040-*		**H:** - -			
	Empl/Addr				**B:** - -			
					Mobile #: - -			

Draft Only

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # *22-001670*

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
DRUGS						

Assisting Officers

HARTLE, R.W. (2520), HOWELL, W.N. (4059), ADORNO, S.D. (4155), ANDRADE, E. (4158)

Suspect Hate / Bias Motivated:

NARRATIVE

-- John David Eltringham Arrest Narrative:

On Sunday March 20, 2022, at about 1827 hours, I, (Ofc. L. Hernandez), was dispatched to the area of Grinnell and Angela Street, reference a domestic violence incident.

Upon arrival, I met with a male, later identified as John Harold Cunningham (DOB 06/23/1960) (witness), who flagged me down and advised me the male and female involved in the domestic violence incident were walking together on Angela Street towards White Street.

As I was driving towards White Street, I could see the female walking in front of the male, as she was trying to get away from him, at about 50-75 feet apart from each other. I caught up to the male, John David Eltringham (DOB 08/25/1974) (Arrestee), identified by his Maryland driver`s license. John was visibly and evidently upset, I asked him to stop and face me, he hesitated but did stop. I ordered John to stop and have a sit on the curb and he began to scream and refused. I asked John several more times to comply and he began to make movements towards the direction of his wife, Amy Louise Eltringham (DOB 01/23/1975) (victim). I ordered John again to stop and have a seat and he said he was not going to comply. Ofc. R. Hartle arrived on scene to provide backup assistance and asked John to comply, and John declined. I unholstered my taser and pointed towards John`s direction. I warned John he was going to get tased and he said "tase me, I don`t care, tase me". I ordered John again to comply and he again refused and made movements towards the direction of his wife again. I deployed my taser to physically control John. The taser probes contacted John`s left side of his torso causing John to fall down to the ground through neuromuscular incapacitation.

Once on the ground, I immediately ordered John to place his hands behind his back, I placed him in handcuffs, checked them for tightness and double locked them. I then place John in a recovery position and removed both probes from his body while using personal protective equipment (gloves). John`s active resistance behavior by making movements towards his wife while being ordered to sit down after being warned multiple times to comply by myself and Ofc. Hartle and his physical statue (John is 6`3" 270 lbs) gave us no other alternative to control the volatile situation but to use my taser. I believe due to the totality of circumstances the force I used was reasonably necessary. Key West Rescue 1 arrived on scene and after assessing John medically, they transported him to Lower Keys Medical Center Emergency Room for further treatment. After John was medically cleared by the ER I transported him to the Monroe County Detention Center where he was turned over to Detention Deputies without issues.

Cunningham, who witnessed the incident between John and Amy, completed a sworn written statement where he noted John was standing over Amy, while she was on the ground screaming from the top of her lungs for help. Cunningham goes on to say that Amy eventually gets up and walks away from John and he followed her. Amy had a scraped right knee with some fresh blood emanating from it and some red marks on her face. When I asked Amy what had occurred and how she sustained her injuries she refused to talk to me other than saying she just wanted to go back home. John had a few scratches on the right side of his neck. When I asked John what had occurred and how he sustained the scratches to his neck he did not want to talk to me about it. Both John and Amy were under the influence of alcoholic intoxicant (s) as per their strong odor of alcoholic beverage (s) emanating from their breath, flushed faces, and droopy eyes. John and Amy are currently married for over 28 years, have 2 children in common and reside together. This incident meets the criteria of domestic violence as described if FSS 741.28. I provided Amy with a victim`s rights brochure and explained to Amy her rights. The brochure had my full name, ID # and case number written on it.

According to the witness statement, based on all facts, evidence and totality of circumstances I believe John was the primary aggressor in this domestic violence incident. I believe John has committed the misdemeanor criminal offense of battery touch or strike in violation of FSS 784.03 - John actually and intentionally touched and struck Amy causing bodily harm against her will.

Based on all facts, evidence, and totality of circumstances, I believe John committed the misdemeanor criminal offense of resisting an officer without violence to his / her person as described in FSS 843.02. John was encountered by two uniformed police officers, Ofc. Hartle and I were wearing our Key West Police Class B issued uniforms that clearly identifies us as police officers. John resisted our lawful commands and tried to move away from us as we were lawfully ordering him to stand down and was warned multiples times to comply to no avail as we were trying to conduct our investigation.

Sgt. J. Hammers responded to the scene and completed a response to resistance report.

My BWC and Axon Fleet (3452) were both activated during this incident and have been uploaded to Evidence.com

End of domestic violence report. Cleared by arrest.

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Incident Report Suspect List

Key West Police Department

OCA: *22-001670*

1	Name (Last, First, Middle)	Also Known As	Home Address
	ELTRINGHAM, JOHN DAVID		*1 SILVER MAPLE COURT BALTIMORE, MD 21220 443-986-7095*
	Business Address *RETIRED, RETIRED*		

DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.
08/25/1974	*47*	*W*	*M*	*N*	*603*	*270*	*BRO*	*BLU*	*LGT*	*E436429135663 MD*

Scars, Marks, Tattoos, or other distinguishing features

TAT OTHR OTHER / MULTIPLE TATOOS ON ARMS AND LEGS

Reported Suspect Detail	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

Draft Only

CASE SUPPLEMENTAL REPORT

NOT SUPERVISOR APPROVED

Printed: 03/22/2022 23:34

OCA: ***22001670***

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

Investigator: *HARTLE, RANDALL W (2520)*

Date / Time: *03/22/2022 16:20:48, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On Sunday 3-20-2022 close to 6:30 pm, I (Officer Hartle) heard a call come out over channel 1 about a domestic battery in progress between a male and female at Angela Street and Grinnell. I was working a special traffic detail and about to call off duty when this call came out. The caller said a woman was on the ground screaming for help. I went to this location and found a man walking his dog. He pointed in the direction of Angela and Frances Street. He advised that the male and female had walked off in that direction (and pointed to the east). I started that way and saw Officer Hernandez out in the roadway in front of 1105 Angela Street (Just east of Frances Street). As I pulled up, I Heard Officer Hernandez giving loud verbal commands to a large white male (Later identified as John Eltringham). Eltringham was in a slightly bladed fighting stance with his arms out and appeared very angry. He was not listening to Officer Hernandez, so I verbally engaged him also told him to sit down. Eltringham seemed very intoxicated and was bleeding from his nose. Eltringham then moved out of the street onto the sidewalk with his back to the fence. Eltringham was still acting very aggressive and was yelling that he was not going to sit down. Eltringham was then advised that he would be tased if he did not listen. He then yelled to fucking tase me then. Officer Hernandez did tase Eltringham. Eltringham was then secured, and Officer Hernendez placed him in hand cuffs. Other officers started arriving and with the scene in control, I cleared with an assist. My BWC was activated while securing Eltringham.

Investigator Signature:_____