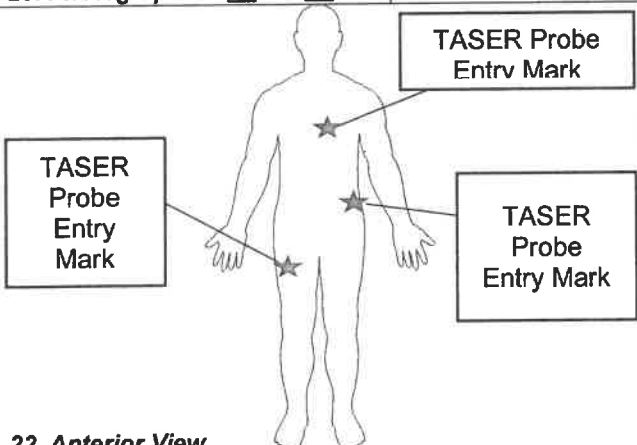
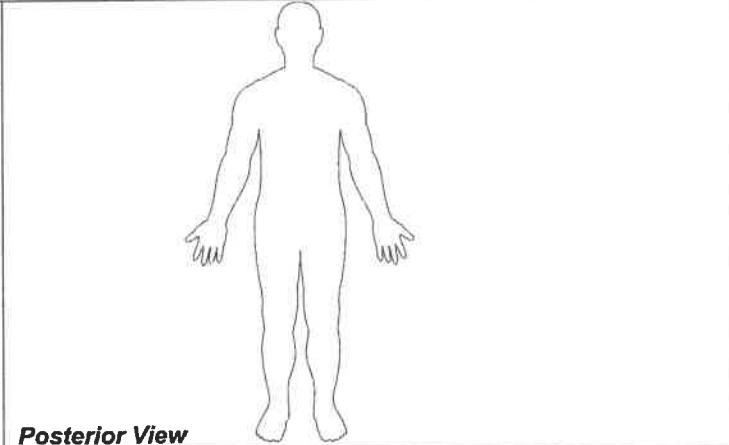
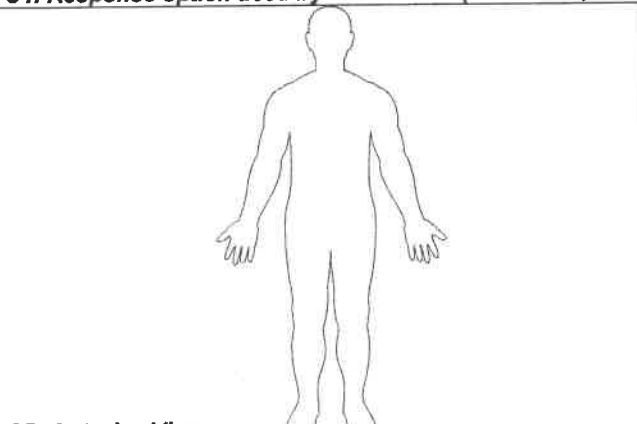
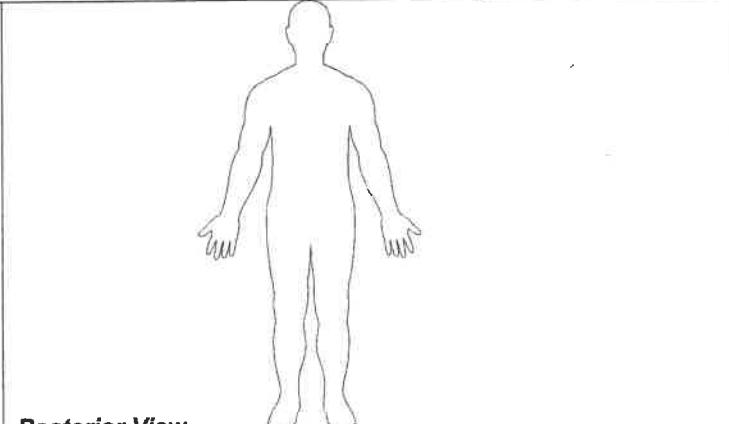


Response to Resistance Report

Key West Police Department

Case No: 23-3317

1. A Response to Resistance Report will be completed by the supervisor for: (Check all that apply)		
<input checked="" type="checkbox"/> A response through the use of non-lethal weapons, <input type="checkbox"/> Applies weaponless physical force of strikes, kicks, or "take-downs" <input type="checkbox"/> When any person sustains an apparent substantial or fatal injury as a result of the application of force <input type="checkbox"/> When any person complains of injury as a result of the application of force <input type="checkbox"/> Discharge of firearm in the line of duty off-duty or on-duty (other than for training, maintenance or ballistics testing)		
INCIDENT	2. Date: 06/07/23 3. Time: 2010 4. Location: 500-Blk Front St 5. Incident type: Agg Assault	
	6. Resistance Level 7. Explanation 8. Response Option 9. Explanation	
	<input checked="" type="checkbox"/> Passive: Ignoring Commands <input type="checkbox"/> Physical Control	
	<input checked="" type="checkbox"/> Active: Evasive Movements <input checked="" type="checkbox"/> Non-lethal Weapon: Taser	
<input checked="" type="checkbox"/> Aggressive: Taking Fighting Stance <input type="checkbox"/> Deadly Force		
<input type="checkbox"/> Deadly Force:		
SUBJECT	10. Last Name: Rios 11. First: Luis 12. Race: W 13. Sex: M	
	14. DOB: 11/11/1982 15. Height: 5'10" 16. Weight: 275	
	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 checked="" type="checkbox"/> Hospital <input type="checkbox"/> Detention	
		
	22. Anterior View	Posterior View
	OFFICER	23. Officer: Josue Ramos-Martinez 24. Race: W 25. Sex: M 26. Age: 31 27. Height: 5'5" 28. Weight: 220
		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: 7m
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) Takedown & TASER		
		
35. Anterior View	Posterior View	

Response to Resistance Report (continued)

Key West Police Department

Case No: 23-3317

TASER USE ONLY	36. TASER® device serial # X400180D6		37. TASER® device serial #		
	Battery serial # X44629802		Battery serial #		
	Cartridge 1 serial #1 X493K6ENK serial #2 X483K5A85		Cartridge 1 serial #1 serial #2		
	Cartridge 2 serial #3 serial # 4		Cartridge 2 serial # 3 serial #4		
	Number of cycles: 2		Number of cycles:		
	Type of contact: <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Target distance at probe launch: 10 ft		Target distance at probe launch:		
	Distance between probes: 18-20 Inches		Distance between probes:		
	Probes removed by (name): Sgt. Revoredo		Probes removed by (name):		
Device downloaded by: Ofc. Josue Ramos-Martinez		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.				
SUPERVISOR'S INQUIRY	<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.				
	40. Notified Date: 06/07/23		41. Time: 2007		
	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
INT. AFF.	Sgt. N. Revoredo 2962		M. L. L. 2962		06/07/23
	47. Preparing Supervisor / Printed Name		48. Preparing Supervisor / Signature / ID		49. Date
	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		51. Signature of Internal Affairs Inspector		52. Date
		3317		7/27/2023	

I N C I D E N T D A T A	Agency Name Key West Police Department		INCIDENT/INVESTIGATION REPORT				Case# 23-003317							
	ORI FL0440100						Date / Time Reported 06/07/2023 20:03 Wed							
	Location of Incident 101 DUVAL ST, Key West FL 33040		Gang Relat NO	Premise Type Highway/road/alley/st	Beat/GP B1, GPB1		Last Known Secure 06/07/2023 20:03 Wed							
							At Found 06/07/2023 20:03 Wed							
#1	Crime Incident(s) Assault Aggravated AGA		(Com)	Weapon / Tools Knife/cutting Instrument			Activity N							
				Entry			Exit							
				Security										
#2	Crime Incident Resist Arrest / Escape XOM		(Com)	Weapon / Tools Personal Weapons			Activity							
				Entry			Exit							
				Security										
#3	Crime Incident		()	Weapon / Tools			Activity							
				Entry			Exit							
				Security										
MO														
V I C T I M	# of Victims 2		Type: INDIVIDUAL		Injury: None				Domestic: N					
	V1		Victim/Business Name (Last, First, Middle) GRAYER, MICHAEL			Victim of Crime # 1		DOB 12/04/1988 Age 34		Race B	Sex M	Relationship To Offender 1ST	Resident Status Resident	Military Branch/Status
	Home Address 26009 KNIGHTS TOWER DR , Kingwood, TX 77339-					Email				Home Phone 832-984-5930				
	Employer Name/Address					Business Phone				Mobile Phone				
	VYR	Make	Model	Style	Color	Lic/Lis		VIN						
	CODES: V- Victim (Denote V2, V3) WI = Witness IO = Involved Other RP = Reporting Person (if other than victim)													
O T H E R I N V O L V E D	Type: SOCIETY/PUBLIC/STATE													
	Code V2		Name (Last, First, Middle) SOCIETY			Victim of Crime # 2		DOB / / Age		Race	Sex	Relationship To Offender	Resident Status N/A	Military Branch/Status
	Home Address					Email				Home Phone				
	Employer Name/Address					Business Phone				Mobile Phone				
	Type: INDIVIDUAL													
	Code IO		Name (Last, First, Middle) RIOS, DIANE ELIZABETH			Victim of Crime #		DOB 08/12/1980 Age 42		Race W	Sex F	Relationship To Offender	Resident Status Non-Resident	Military Branch/Status
P R O P E R T Y	Home Address 2172 PEBBLE POINT DRIVE GREEN COVE SPRINGS, FL 32043					Email				Home Phone 757-719-3371				
	Employer Name/Address					Business Phone				Mobile Phone				
	1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)													
	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description			Make/Model			Serial Number	
	80	EVID		\$50.00		1	KNIFE			FROST USA				
	27	EVID		\$1.00		1	4263 AXON BWC							
27	EVID		\$1.00		1	4263 COBAN IN-CAR								
Officer/ID# RAMOS MARTINEZ, JOSUE (4263)														
Invest ID# (0)										Supervisor (0)				
Status	Complainant Signature				Case Status Cleared By Arrest 06/08/2023				Case Disposition:				Page 1	
R_CS1IBR Printed By: JOSUE.MARTINEZ, L23102 # Sys#: 1 06/08/2023 03:10														

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 23-003317

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 MALSHEIMER, K.E. (3388), DEL VALLE, H. (1152), HANSELL, M. (3648), REVOREDO, N. (2962), CALDWELL, M. (4260)						

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

23-003317

Victim

GRAYER, MICHAEL

Offense

ASSAULT AGGRAVATED

Date / Time Reported

Wed 06/07/2023 20:03

-- Luis Antonio Rios Arrest Narrative:

On 06/07/2023 at approximately 20:06 hours, I (Officer Josue Ramos) was dispatched to the report of a man wielding a knife and threatening individuals with it at 101 Duval St (CVS).

I arrived at the intersection of Front St and Duval St where I was flagged down by a witness, later identified by his Texas Driver's License as Michael Anthony Grayer Jr (D.O.B 12/04/1988). Grayer, was later determined to be the victim, stated the man I was looking for was in the alley on the backside of the 101 Duval St (CVS).

I arrived and observed an extremely agitated and irate white male (later identified by his Florida Driver's License as Luis Antonio Jr Rios D.O.B 11/11/1982) The male met the description given to me by dispatch. Rios was being covered by an unknown woman (later identified by her Florida Driver's license as Diane Elizabeth Rios D.O.B 08/12/1980).

I stepped out of my Key West Police Department Patrol vehicle and drew my Key West Police Department issued service weapon, while giving commands for the individual to get on the ground. Rios did not comply with my commands and became more irate and belligerent towards me. I observed Rios taking aggressive stances multiple times and making threats of violence towards me. Rios stated multiple times that he was a combat veteran. I commanded Elizabeth to move aside, and she stated she could not. Since Elizabeth was obstructing my view of Rios, I decided to holster my service weapon and draw my Key West Police Department issued Axon 7 taser. I continued to give Rios commands "to get on the ground" and he continued to ignore me. I deployed my taser. The first taser deployment had little to no effect on the male, and he stepped towards me. I deployed my second taser cartridge, and it had better effect but did not engage NMI how it was intended. Rios turned away from me and proceeded to try and get away. I continued to give verbal commands, but the Rios did not comply. I approached the subject and gave him two drive stuns to the lower stomach area to gain compliance. The male stopped resisting and was directed to the ground. I applied hand restraints and all force ceased.

Sergeant Nick Revoredo and Officer Henry Del Valle arrived to assist.

Sergeant N Revoredo observed blood on my person and advised me to get evaluated by Key West Fire Department.

The blood that was on my arms and hands was from Rios where the taser probes had impacted his body.

K9 Officer Matthew Hansell, Officer Michael Caldwell, and Sergeant Karl Malsheimer arrived to assist.

I was evaluated and cleared by KWFD after I washed Rio's blood from my arms and hands.

While I was walking away and towards KWFD I located a black folding knife in the location in which Rios was standing when I initially approached him.

Rios was evaluated by KWFD and cleared on scene.

I asked Officer Michael Caldwell to speak with and gather a nearby witness's/victims' information. The information gathered by Officer M. Caldwell is as follows: Michael Grayer Jr (D.O.B 12/04/1988) (Reference Officer Michael Caldwell's Supplemental.)

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

23-003317

Victim

GRAYER, MICHAEL

Offense

ASSAULT AGGRAVATED

Date / Time Reported

Wed 06/07/2023 20:03

I placed Rios under arrest. Officer H. Del Valle and Sergeant N. Revoredo assisted in placing Rios in the back of my KWPD patrol vehicle.

I transported Rios to Lower Keys Medical for further evaluation. While at Lower Keys Medical Center Rios continued to act bizarre. Rios stated how sorry he was and that he was reacting to a PTSD Iraq flashback. Rios was cleared by Lower Keys medical staff. I transported Rios to the Monroe County Detention Center without incident.

Since I had reports of a man, fitting Rios description, out brandishing a Knife and threatening individuals on the street, and since I had a witness/victim identify Rios as that man, and since I found the knife Rios was allegedly making the threats with in the location Rios was in when I first approached him, I find Luis Antonio Jr Rios (D.O.B 11/11/1982) to be in violation of FSS 784.021-1A Aggravated Assault with a Deadly Weapon.

Since Rios ignored my commands and continued to take bladed stances towards me, at times making threats of violence, and not complying with any of my commands even after being tased by my Axon Taser 7, I find Luis Antonio Jr Rios (D.O.B 11/11/1982) to be in violation of FSS 843.01 Resist Officer with Violence.

My Axon BWC was activated for the incident and Later Uploaded to Evidence.com.

My COBAN in-car video camera was activated for the incident and later uploaded.

I had no further involvement with this incident.

Incident Report Suspect List

Key West Police Department

OCA: 23-003317

1	Name (Last, First, Middle) <i>RIOS, LUIS ANTONIO</i>						Also Known As				Home Address <i>2172 PEBBLE POINT DRIVE GREEN COVE SPRINGS, FL 32043</i>																																
	Business Address																																										
	DOB <i>11/11/1982</i>	Age <i>40</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>U</i>	Hgt <i>510</i>	Wgt <i>250</i>	Hair <i>BLK</i>	Eye <i>BRO</i>	Skin <i>FAR</i>	Driver's License / State																																
	Scars, Marks, Tattoos, or other distinguishing features																																										
<table border="1"> <tr> <td colspan="2"><i>Reported Suspect Detail</i></td> <td colspan="2">Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td>Height</td> <td>Weight</td> <td>SSN</td> </tr> <tr> <td>Weapon, Type</td> <td>Feature</td> <td>Make</td> <td colspan="2">Model</td> <td>Color</td> <td>Caliber</td> <td colspan="2">Dir of Travel</td> <td>Mode of Travel</td> </tr> <tr> <td colspan="2">Veh Yr / Make / Model</td> <td>Drs</td> <td>Style</td> <td>Color</td> <td colspan="2">Lic Plate / State</td> <td colspan="3">VIN</td> </tr> </table>														<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	Veh Yr / Make / Model		Drs	Style	Color	Lic Plate / State		VIN		
<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																																		
Veh Yr / Make / Model		Drs	Style	Color	Lic Plate / State		VIN																																				
Notes							Physical Char																																				

Incident Report Related Property List

Key West Police Department

OCA: 23-003317

1	Property Description KNIFE				Make FROST USA		Model		Caliber	
	Color Black		Serial No.		Value \$50.00		Qty 1.000		Unit	
	Status Evidence		Date 06/07/2023		NIC #		State #		Local #	
	Name (Last, First, Middle) Rios, Luis Antonio		DOB 11/11/1982		Age 40		Race W		Sex M	
	Jurisdiction Locally									

Notes

2	Property Description 4263 AXON BWC				Make		Model		Caliber	
	Color		Serial No.		Value \$1.00		Qty 1.000		Unit	
	Status Evidence		Date 06/07/2023		NIC #		State #		Local #	
	Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	
	Jurisdiction Locally									

Notes

3	Property Description 4263 COBAN IN-CAR				Make		Model		Caliber	
	Color		Serial No.		Value \$1.00		Qty 1.000		Unit	
	Status Evidence		Date 06/07/2023		NIC #		State #		Local #	
	Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	
	Jurisdiction Locally									

Notes

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 06/08/2023 03:14

OCA: **23003317**

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

Investigator: *CALDWELL, MICHAEL (4260)*

Date / Time: *06/07/2023 21:34:22, Wednesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On Wednesday, June 7, 2023, at approximately 8:08 PM, I responded to an officer in need of assistance near 101 Duval St.

I arrived on scene as a back up unit and observed a male with Taser probes hanging from him. He was secured in handcuffs. Det. H. DelValle and Ofc. Ramos were on scene near the male.

I began to interview surrounding parties to see if they witnessed the response to resistance. The first person I encountered was a white female who stated she was the detained male's spouse. She identified herself to me via her Florida DL as Diane Rios (DOB 08/12/1980). Diane stated she and her husband were drinking and that he suffered from PTSD. She stated he drank too much and became aggressive toward other people. Diane stated Ofc. Ramos arrived on scene and attempted to speak with her husband, but he was not listening and ended up getting tased.

The other observers near by stated they did not witness what occurred.

A male on a scooter sitting in the parking lot of Conch Train Tours came forward and identified himself as a victim of aggravated assault. The male identified to himself me via his Texas DL as Michael Grayer Jr. (DOB 12/04/1988).

Michael stated the following to me. I recorded this encounter via my BWC as he did not wish to provide a written statement:

Michael was traveling North on Duval St and turned onto Front St where he observed the male and female arguing. The male took off his shirt near the steps of CVS, 101 Duval St. Michael observed the male had a switch blade knife in his hand. The male focused his attention on Michael and began taking steps toward him and his scooter, knife in hand, yelling at him. Michael felt threatened once the male was approximately five feet from his scooter and he drove away. He saw police were on scene and returned, across the street at Conch Train Tours. Michael could not recall which hand the knife was in or the color of the knife. He stated he felt threatened and left before things escalated. Michael stated verbally he would pursue charges for aggravated assault against the male.

Once the male and scene were secure, I departed. Ofc. Ramos stated he was enroute to Lower Keys Medical Center via Key west Communications Channel 1 with the arrested male. Being as the arrestee was combative, I accompanied Ofc. Ramos while the male was being medically cleared.

While we were waiting on the medical clearance, the male was speaking about his PTSD. He stated in the moments leading up to the encounter with law enforcement he had a flash back from Iraq. During his recollection of events, he stated that everyone he saw was a jihadi, and called them rag heads. He stated at one point that "sometimes you just

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 06/08/2023 03:14

OCA: **23003317**

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

Investigator: *CALDWELL, MICHAEL (4260)*

Date / Time: *06/07/2023 21:34:22, Wednesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

want to kill someone. It feels good." He then began sobbing.

The male was cleared medically and Ofc. Ramos transported him to Monroe County Detention Center.

I activated my BWC and uploaded the videos to Evidence.com

This was the extent of my involvement with this case.

End of supplemental report.

Investigator Signature: _____

