

# Response to Resistance Report

Key West Police Department

Case No: 23-5637

**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:** 10/14/2023      **3. Time:** 1642      **4. Location:** 501 Greene Street      **5. Incident type:** Resisting With V

INCIDENT	<b>6. Resistance Level</b>	<b>7. Explanation</b>	<b>8. Response Option</b>	<b>9. Explanation</b>
	<input checked="" type="checkbox"/> Passive:	Ignoring verbal commands	<input checked="" type="checkbox"/> Physical Control	Take-down
<input checked="" type="checkbox"/> Active:	Tensing, pulling away, bracing	<input type="checkbox"/> Non-lethal Weapon		
<input checked="" type="checkbox"/> Aggressive:	Striking fist on face	<input type="checkbox"/> Deadly Force		
<input type="checkbox"/> Deadly Force:				

**10. Last Name:** Peters      **11. First:** Justin      **12. Race:** W      **13. Sex:** M

**14. DOB:** 5/18/82      **15. Height:** 602      **16. Weight:** 210

**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	<b>22. Anterior View</b>	<b>Posterior View</b>

**23. Officer:** Ofc. L. Hernandez      **24. Race:** H      **25. Sex:** M      **26. Age:** 48      **27. Height:** 5'04"      **28. Weight:** 145

**29. Duty Status:**  On-duty  Off-duty  Extra duty employment       Uniformed  Plain clothes      **30. Yrs Exp:** 4

**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

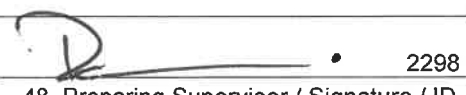

**34. Response option used by this officer:** Take-down

OFFICER	<b>35. Anterior View</b>	<b>Posterior View</b>

# Response to Resistance Report (continued)

Key West Police Department

Case No: 23-5637

<b>TASER USE ONLY</b>	<b>36. TASER® device serial</b>		<b>37. TASER® device serial #</b>		
	Battery serial #		Battery serial #		
	Cartridge 1 serial #1:	serial #2	Cartridge 1 serial #1	serial #2	
	Cartridge 2 serial #3	serial #4	Cartridge 2 serial #3	serial #4	
	Number of cycles: 1		Number of cycles:		
	Type of contact: <input type="checkbox"/> Probe <input checked="" type="checkbox"/> CODS <input 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 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: Ofc. K. Bouvier		Device downloaded by:			
<input type="checkbox"/> <b>38. Check and list any additional TASER® devices, cartridges or details in the incident description section.</b>					
<b>REPORT</b>	<b>39. Offense/Incident Report and/or Warrant Affidavit must include:</b>				
	<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.					
<b>SUPERVISOR'S INQUIRY</b>	<b>40. Notified Date:</b> 10/14/23		<b>41. Time:</b> 1642 hours		
	<b>42. Did you respond to the scene:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	<b>43. Did you watch all relevant videos associated with the use of force?</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	<b>44. Did you meet with the Officer(s):</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	<b>45. During your review did you find any potential policy violations or training issues associated with the incident?</b>				
	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)				
	<b>46. Were you able to locate any independent witnesses:</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)				
	Name		Address		Phone Number
Sgt. Pablo Rodriguez				2298	
47. Preparing Supervisor / Printed Name		48. Preparing Supervisor / Signature / ID		49. Date	
				10/14/2023	
<b>INT. AFF.</b>	<b>50. Did the review of this incident conclude that use of force was in compliance with Departmental policy?</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes				
	51. Signature of Internal Affairs Inspector			52. Date	
			1/17/24		

## INCIDENT/INVESTIGATION REPORT

Case# **23-005637**  
 Date / Time Reported **10/14/2023 16:29 Sat**  
 Last Known Secure **10/14/2023 16:29 Sat**  
 At Found **10/14/2023 16:29 Sat**

INCIDENT DATE

Agency Name  
**Key West Police Department**  
 ORI  
**FL0440100**

Location of Incident  
**501 GREENE ST, Key West FL 33040**  
 Gang Relat  
**NO**  
 Premise Type  
**Highway/road/alley/st**  
 Beat/GP  
**B1, GPB1**

#1	Crime Incident(s) <b>Battery Aggravated AGD</b>	(Com)	Weapon / Tools <b>Personal Weapons</b>	Activity <b>N</b>
			Entry	Exit
			Security	
#2	Crime Incident <b>Disorderly Conduct DCA</b>	(Com)	Weapon / Tools	Activity
			Entry	Exit
			Security	
#3	Crime Incident <b>Trespassing XOT</b>	(Com)	Weapon / Tools	Activity
			Entry	Exit
			Security	

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VICTIM

# of Victims **2** Type: **LAW ENFORCEMENT (LEO)** Injury: **Possible Internal Injury** Domestic: **N**

V1	Victim/Business Name (Last, First, Middle) <b>HERNANDEZ, LEONARDO</b>	Victim of Crime # <b>1,4</b>	DOB <b>01/09/1975</b> Age <b>48</b>	Race <b>W</b>	Sex <b>M</b>	Relationship To Offender <b>1ST</b>	Resident Status <b>Resident</b>	Military Branch/Status
Home Address <b>1604 N ROOSEVELT BLVD , Key West, FL 33040-</b>			Email			Home Phone <b>305- -</b>		
Employer Name/Address <b>KEY WEST POLICE DEPARTMENT 1604 N ROOSEVELT BLVD (POLICE)</b>					Business Phone		Mobile Phone	
VYR	Make	Model	Style	Color	Lic/Lis	VIN		

OTHERS INVOLVED

CODES: V- Victim (Denote V2, V3) WI = Witness IO = Involved Other RP = Reporting Person (if other than victim)

Type: **BUSINESS** Injury:

Code <b>V2</b>	Name (Last, First, Middle) <b>ROCK HOUSE LIVE KEY WEST</b>	Victim of Crime # <b>2,3</b>	DOB <b>/ /</b> Age	Race	Sex	Relationship To Offender <b>1ST</b>	Resident Status <b>N/A</b>	Military Branch/Status
Home Address <b>135 DUVAL ST KEY WEST, FL 33040</b>			Email			Home Phone <b>305-440-3263</b>		
Employer Name/Address					Business Phone		Mobile Phone	

Type: **INDIVIDUAL** Injury:

Code <b>RP</b>	Name (Last, First, Middle) <b>MAUNEY, MICHAEL LINDEMANN</b>	Victim of Crime #	DOB <b>10/27/1987</b> Age <b>35</b>	Race <b>W</b>	Sex <b>M</b>	Relationship To Offender	Resident Status <b>Resident</b>	Military Branch/Status
Home Address <b>3307 DONALD AVE KEY WEST, FL 33040</b>			Email			Home Phone <b>305-849-1797</b>		
Employer Name/Address <b>(BOAT CAPTAIN)</b>					Business Phone		Mobile Phone	

PROPERTY

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/Tc	Value	OJ	QTY	Property Description	Make/Model	Serial Number
	27	EVID	\$0.00		1	BWC 3452		
	27	EVID	\$0.00		1	AXON FLEET 3452		
	74	EVID	\$0.00		4	AXON PHOTOS		

Officer/ID# **HERNANDEZ, LEONARDO (3452)**  
 Invest ID# **(0)** Supervisor **(0)**  
 Complainant Signature Case Status **Cleared By Arrest** 10/14/2023 Case Disposition: Page 1

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 23-005637
Date / Time Reported Sat 10/14/2023 16:29

Victim HERNANDEZ, LEONARDO	Offense BATTERY AGGRAVATED
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-- Justin David Peters Arrest Narrative:

On Saturday October 14, 2023, at about 1632 hours, Ofc. Gustavo Medina and I, (Ofc. L. Hernandez), were dispatched to 135 Duval Street (Rock House Live), in reference to a male refusing to leave the establishment and acting belligerent. The reporting party said the male was getting more aggressive and was trying to reenter the establishment after being told to leave.

On arrival, I observed the male, later identified as Justin David Peters (DOB 05/18/1982), in a heated verbal and physical altercation with the staff of the establishment near the entrance to the business by the threshold of the door. The two male staff members, identified as Edward Louis Connor Reninger (DOB 08/11/2026) and Michael Lindemann Mauney (DOB 10/27/1987), were trying to keep Justin from reentering the establishment by extending their arm`s length.

I saw Justin moving forward in an aggressive manner towards the staff. As I was exiting my vehicle, I gave loud and clear commands to Justin to move away from the entrance and place his hands behind his back, due to the nature of the call, Justin`s unpredictable behavior I grabbed his left arm and began to order him to turn around and he tensed up, tried to pull away from me. I managed to turned him around but when I began to place him in handcuffs he tried to pull away from me aggressively, he knocked down my BWC with his arms and struck me on the left side of my face causing some redness to my left cheek.

Due to Justin`s continued aggressive resistance I brought Justin down to the ground by using a controlled take down technique and I managed to place him in handcuffs, checked them for tightness and double locked them. Ofc. G. Medina arrived on scene and assisted me to bring him to my patrol vehicle # 5218. I contacted Sgt. Pablo Rodriguez who arrived on scene and completed the required response to resistance investigation. It should be noted Justin did not suffer any visible injuries during the arrest.

Justin was under the influence of alcoholic beverages of controlled substances as per his erratic and unpredictable aggressive behavior, strong odor of alcoholic beverages emanating from his breath and person, bloodshot eyes, slurred and incoherent speech and unkept clothing. Justin kept crying and spitting during transport to the hospital and jail.

Ofc. G. Medina and I conducted an incident to arrest search of Justin and placed him in the back of my patrol vehicle # 5218, rear Axon Fleet (3452) activated. During transport to the Monroe County Detention Center, I noticed Justin began to bang his head against the partition of the patrol vehicle. I told Justin to stop, and he did but not after he caused a small laceration to the upper area of his forehead.

Due to this injury and his level of intoxication I decided to transport Justin to Lower Keys Medical Center to get medical clearance. Once Justin was medically cleared, I transported him to the Monroe County Detention Center where he was turned over to Detention Deputies without issues.

Based on all facts, evidence, and totality of circumstances I believe Justin committed the felony criminal offense of battery on law enforcement officer as described in FSS 784.07-2B - Justin actually and intentionally struck me in the face while I was in the course of a lawful arrest causing redness on my left cheek. I identified myself to Justin as an officer, I was wearing my Key West Police issued Class B uniform during my encounter with Justin which clearly identifies me as a law enforcement officer.

Based on all facts, evidence, and totality of circumstances I believe Justin committed the felony criminal offense of resisting arrest with violence as described in FSS 843.01 - Justin knowingly and willfully resisted a lawful arrest by

**REPORTING OFFICER NARRATIVE**

Key West Police Department

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Victim HERNANDEZ, LEONARDO	Offense BATTERY AGGRAVATED
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trying to defeat the detention by pulling away, tensing up and striking the arresting officer in the face.

Based on all facts, evidence, and totality of circumstance I believe Justin committed the misdemeanor criminal offense of trespassing, failing to leave after being ordered by owner / authorized agent of the establishment as described in FSS 810.09 - 2B - Justin defied the order of the manager on duty / bartender / authorized agent of the establishment to leave the premises.

Based on all facts, evidence, and totality of circumstances I believe Justin committed the misdemeanor criminal offense of disorderly conduct on the premises of a licensed establishment as defined in FSS 509.143 - Justin's actions created a credible threat to the safety of the staff and occupants of the establishment. Justin was refusing to leave and kept trying to reenter the establishment by force.

My BWC and Axon Fleet (3452) were both activated during this incident.

End of battery on LEO report. Cleared by arrest.

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