

Response to Resistance Report

Key West Police Department

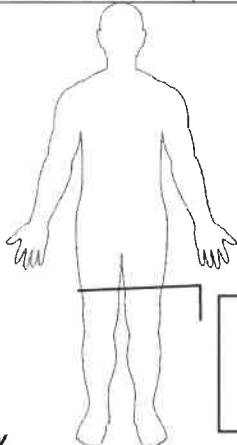
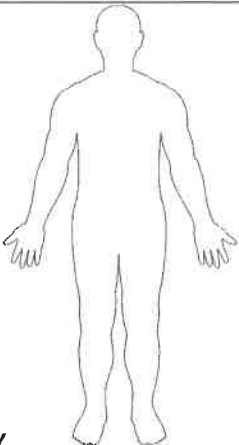
Case No: 22-2272

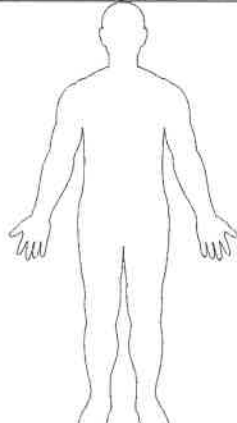
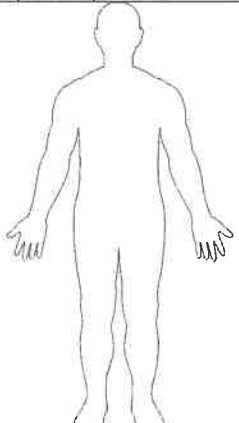
1. A Response to Resistance Report will be completed by the supervisor for:

(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: 04/17/2022	3. Time: 2207	4. Location: 1500 Bertha Street	5. Incident type: Resisting
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	☒ Passive:	Refused to comply with orders	☒ Physical Control	Take Down
	☒ Active:	Bracing, Tensing, Pulling Away	☐ Non-lethal Weapon	
	☐ Aggressive:		☐ Deadly Force	
	☐ Deadly Force:			

SUBJECT	10. Last Name: West	11. First: Phillip	12. Race: B	13. Sex: M
	14. DOB: 07/07/1991	15. Height: 5'10	16. Weight: 175	
	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: Esteban Andrade	24. Race: W	25. Sex: M	26. Age:	27. Height: 5'07"	28. Weight: 160
	29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes 30. Yrs Exp: 1					
	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: Strikes to the right thigh (pain compliance)					
	 35. Anterior View		 Posterior View			

Response to Resistance Report (continued)

Key West Police Department

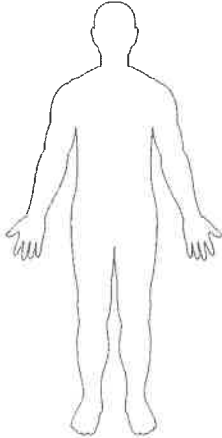
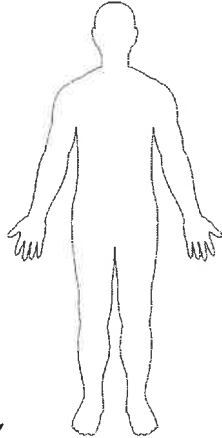
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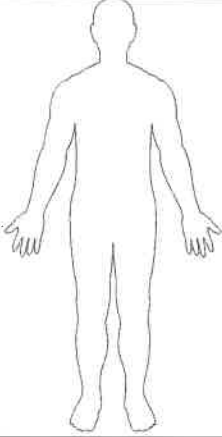
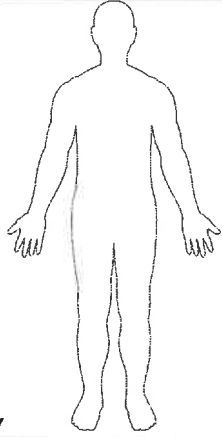
TASER USE ONLY	36. TASER® device serial #		37. TASER® device serial #	
	TASER®Cam serial #		TASER®Cam serial #	
	Cartridge 1 serial #		Cartridge 1 serial #	
	Cartridge 2 serial #		Cartridge 2 serial #	
	Number of cycles:		Number of cycles:	
	Type of contact: ☐ Probe ☐ CODS ☐ Drive Stun		Type of contact: ☐ Probe ☐ CODS ☐ Drive Stun	
	Did probes penetrate skin: ☐ Yes ☐ No		Did probes penetrate skin: ☐ Yes ☐ No	
	Target distance at probe launch:		Target distance at probe launch:	
	Distance between probes:		Distance between probes:	
	Probes removed by (name):		Probes removed by (name):	
Device downloaded by:		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: 04/17/2022		41. Time: 2210	
	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)			
	46. Were you able to locate any independent witnesses: ☒ No ☐ Yes (If "Yes," list below)			
	Name		Address	
INT. AFF.	47. Is further review recommended: ☒ No ☐ Yes		04/20/2022	
	FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		48. Preparing Supervisor's Signature / ID	
	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	
	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: 22-2272

OFFICER	23. Officer: Andrew Litton		24. Race: W	25. Sex: M	26. Age: 32	27. Height: 5'09"	28. Weight: 200
	29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment		☒ Uniformed ☐ Plain		30. Yrs Exp: 3.5		
	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 drive stun to the right ribs						
							
	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 DATA

MOV
I
C
T
I
M

OTHERS INVOLVED

PROPERTY

Status

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 22-002272

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

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

22-002272

Victim

Offense

OBSTRUCTION OF JUSTICE

Date / Time Reported

Sun 04/17/2022 22:07

-- Phillip Nathaniel Willi West Arrest Narrative:

On Sunday, April 17, 2022, at approximately 2207 hours, I (Ofc Andrade) was on patrol, turning south onto the 1500 block of Bertha Street, when I immediately witnessed a scooter (FL tag MAVL65) traveling north on Bertha Street after Venetia Street. Bertha Street is currently under construction and there is only southbound traffic from Flagler Avenue to Venetia Street.

The driver of the scooter (later identified as Phillip Nathaniel William West) immediately turned the scooter off the road and came to a stop in front of 1500 Bertha Street and dismounted the vehicle. I turned on my emergency lights, initiating a traffic stop and approached West. West insisted that he was unaware that the road he was traveling was a one-way road. West also said that he had a suspended driver's license. I then asked for identification which West provided. West provided a Florida Identification Card. I asked West to sit on the curb while I moved my patrol car to allow traffic to pass. I also used this time to enter West's identification into my computer system and confirmed that West did not have a driver's license.

I walked back to West and saw that Ofc. Litton had arrived on scene and was talking with him. West began acting erratically, started pacing back and forth and ranting about having a lawsuit against Key West Police. West began asking to go, telling us to take him to jail, and then asking not to be arrested. I asked West to please calm down and he sat down. West was on his cell phone and Ofc Litton asked him to hang up. West at first refused but then complied and sat the phone down.

I informed Ofc Litton that West did not have a driver's license. Ofc Litton and I then handcuffed West while he was seated. West began to raise his voice yelling, "I am not resisting...somebody help...I have a lawsuit man." Ofc Litton was on West's left side, and I was on his right. We stood West up and began to walk him towards Ofc Litton's patrol car. West asked for his cell phone, and I informed him that I would get it for him shortly. West continued, "Get my phone man, get my phone," while pulling away from Ofc Litton and I back towards his phone. I ordered him to, "Stop, stop resisting." Ofc Litton and I placed West against Ofc Litton's patrol car's front driver side quarter panel and stopped. West then began to forcefully push back against us with even greater force and tensed his body as we tried to redirect him forward while saying, "Get my phone, get my phone bro, get my phone...Get my phone nigga, get my phone." Ofc Litton redirected West to the ground onto his stomach. Ofc Litton commanded West to stop resisting, to which West replied that he was not. Ofc Litton then double locked West's handcuffs while saying "...so he doesn't hurt himself."

West began screaming, "Help me!" I performed a brief search of West's person for weapons while he was on the ground. We stood West up and walked him to my patrol car. I performed a search of his person and placed him into the back of my patrol car. West resisted going into the patrol by tensing his body and not moving into the backseat before finally getting in.

Sgt Kouri arrived on scene, and I explained the situation and circumstances. Ofc Litton collected West's belongings and brought them to my patrol car where we searched them. I placed West's belongings in a plastic bag and transported them with him to Monroe County Detention Center for processing.

On arrival at the detention center I photographed West from all sides. West was uncooperative while I was photographing him at first. West had a scrape on the left side of his left knee. West also had an abrasion on the anterior side of his left wrist. That abrasion was not present when Ofc Litton had double locked West's handcuffs after being redirected to the ground. The photographs were uploaded to Evidence.com via Axon Capture.

REPORTING OFFICER NARRATIVE*Key West Police Department*

Victim	Offense <i>OBSTRUCTION OF JUSTICE</i>	OCA <i>22-002272</i> Date / Time Reported <i>Sun 04/17/2022 22:07</i>
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Ofc Litton stayed at the scene and arranged for the scooter to be towed.

I issued Phillip Nathaniel William West, AEU5ROE, for driving without a license. I signed the citation and gave West a copy and had him sign the agency copy. I informed West of his court date. The agency copy of the citation was submitted to The Records Department at the Key West Police Department.

Phillip Nathaniel William West violated Florida State Statute 322.03(1) by knowingly and intentionally operating a motor vehicle upon Bertha Street without being in possession of a valid driver's license issued under chapter 322 Florida State Statutes.

Phillip Nathaniel William West committed the act of resisting an officer without violence, in violation of FSS 843.02, while lawfully handcuffed, by pulling away from Ofc Litton and I who were in the lawful execution of our duties, and forcefully pushing back against us with great force and tensing his body attempting to defeat our direction of intended movement and tensing his body preventing him from being placed into the backseat of my patrol car.

My BWC was activated during this incident and uploaded to Evidence.com.

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Incident Report Suspect List

Key West Police Department

OCA: 22-002272

1	Name (Last, First, Middle)					Also Known As					Home Address																																													
	WEST, PHILLIP NATHANIAL WILLI										414 VIRGINIA ST KEY WEST, FL 33040 305-783-6330																																													
	Business Address																																																							
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.																																													
	07/07/1991	30	B	M	N	510	160	BRO	BRO	DRK	W230674912470 FL																																													
Scars, Marks, Tattoos, or other distinguishing features																																																								
<table border="1"> <tr> <td colspan="2">Reported Suspect Detail</td> <td colspan="2">Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td colspan="2">Height</td> <td colspan="2">Weight</td> <td colspan="3">SSN</td> </tr> <tr> <td colspan="2">Weapon, Type</td> <td colspan="2">Feature</td> <td colspan="2">Make</td> <td colspan="2">Model</td> <td colspan="2">Color</td> <td>Caliber</td> <td colspan="3">Dir of Travel Mode of Travel</td> </tr> <tr> <td colspan="3">VehYr/Make/Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="2">Lic/St</td> <td colspan="4">VIN</td> </tr> </table>															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			
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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 Vehicle List

Key West Police Department

OCA: 22-002272

1	VehYr/Make/Model 2009 YAMA, Zuma			Style MC		Color BLU		Lic/Lis /Decal MAVL65 FL 2022, 12135458			VIN LPRSA20A59A824474	
	IBR Status Towed			Date 04/17/2022		Location 1500 BERTHA ST, KEY WEST FL						
	Condition USED/WORKING		Value \$500.00		Offense Code 4010		Jurisdiction Locally		State #		NIC #	
	Name (Last, First, Middle) Dostal, Richard Alan					Also Known As			Home Address 210 TRUMAN AVE KEY WEST, FL 33040 305-766-0239			
	Business Address SELF											
	DOB 06/27/1951		Age 70	Race W	Sex M	Hgt 508	Wgt 185	Scars, Marks, Tattoos, or other distinguishing features				

Notes

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 04/18/2022 00:37

OCA: **22002272**

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

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

Date / Time: *04/17/2022 23:06:25, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact: *West, Phillip Nathaniel Willi*
414 Virginia St, Key West
305-783-6330

Reference: *General Supplemental Report*

On 04/17/2022 at approximately 2200 hours, I (Ofc. A. Litton) responded to the area of 1500 Bertha Street to assist Officer E. Andrade with a traffic stop.

When I arrived, Phillip West was standing on the sidewalk, next to his blue Yamaha Scooter (FL tag MAVL65) while Officer E. Andrade was running his information in his patrol car. West was visibly upset about the situation, pacing on the sidewalk, shouting on the phone, and exclaiming he had a current lawsuit against the Key West Police Department. I attempted to explain I had no prior experiences with West, but he just continued to shout his discontent for the Key West Police Department.

Officer E. Andrade walked up and attempted to speak with West, who continued to shout nonsense. West eventually sat down on the curb to speak with Officer E. Andrade. In Officer E. Andrade's hand, I noticed the red text "IDENTIFICATION CARD" across the top of West's ID card. Officer E. Andrade then informed me West did indeed not possess a valid driver's license.

I grabbed West's left arm and moved it behind West as I told him to place his hands behind his back. I placed West in handcuffs and stood him up with Officer E. Andrade. West continued to shout about his phone left on the sidewalk when we informed West we would retrieve it for him. As we walked West toward the patrol vehicle, West continued to tense his body and pull away from Officer E. Andrade and me. As we walked closer to the trafficway toward the patrol vehicle, West began to make more of an effort to pull away from Officer E. Andrade and me. We placed West against the front of my patrol vehicle when he attempted to turn toward Officer E. Andrade and shouting in a more aggressive manner as he pushed against Officer E. Andrade. West now had enough room between him and the patrol vehicle, so I redirected West's momentum away from Officer E. Andrade and into the ground. West landed on his chest and stomach and did not appear to be affected by or hurt in any way from the fall. I kept pressure on the top of West's back with my hand while Officer E. Andrade assured West was unarmed and the handcuffs were double locked. Once West calmed down, we picked him up and continued walking him to Officer E. Andrade's patrol vehicle where he was searched and sat inside.

I retrieved and searched West's property and spoke with Sergeant D. Kouri after he arrived on scene. I completed a tow slip for the scooter and gave it to Arnold's Towing. Axon BWC was activated during this incident and later uploaded to Evidence.com. This concludes my involvement in this case.

Investigator Signature: _____

Incident Report Related Property List

Key West Police Department

OCA: 22-002272

1	Property Description BWC 3958			Make		Model		Caliber	
	Color	Serial No.		Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally		
	Status Evidence	Date 04/17/2022	NIC #	State #	Local #	OAN			
	Name (Last, First, Middle) * No name *			DOB		Age	Race	Sex	

Notes