

Response to Resistance Report

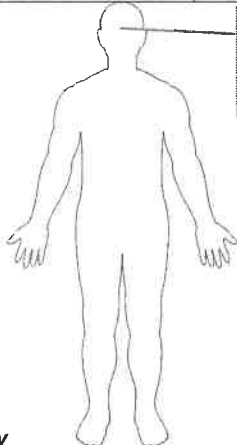
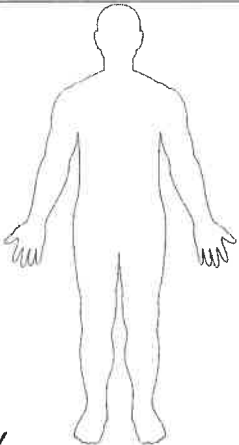
Key West Police Department

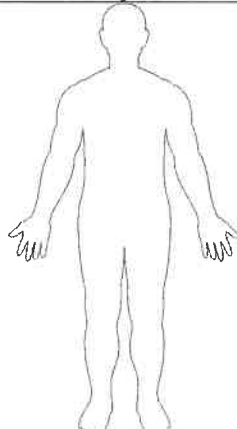
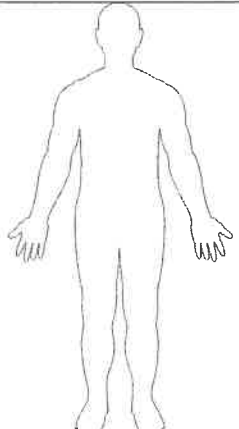
Case No: 22-2831

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: 05/14/2022	3. Time: 1745 Hrs	4. Location: 1300 Atlantic	5. Incident type: S36B LEO
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	☐ Passive:	Refused to comply, verbally	☒ Physical Control	
	☒ Active:	Aggressive walking toward Officer	☐ Non-lethal Weapon	Takedown
	☒ Aggressive:	Elbowed Officer in chest	☐ Deadly Force	
	☐ Deadly Force:			

SUBJECT	10. Last Name: Lemoine	11. First: Kathryn	12. Race: W	13. Sex: F
	14. DOB: 05/20/1979	15. Height: 5'02	16. Weight: 120	
	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: Takedown					
						
	35. Anterior View		Posterior View			

Response to Resistance Report (continued)

Key West Police Department

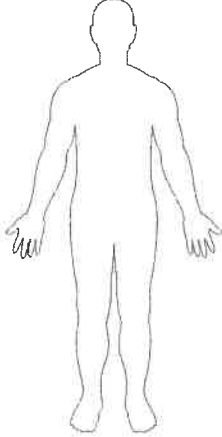
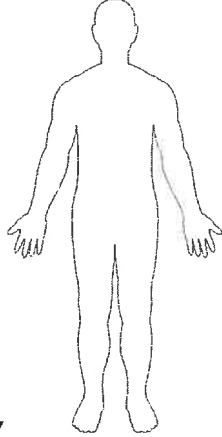
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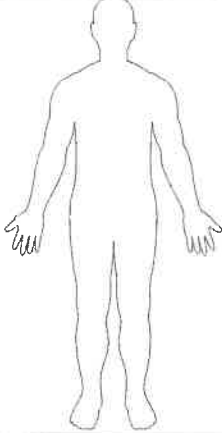
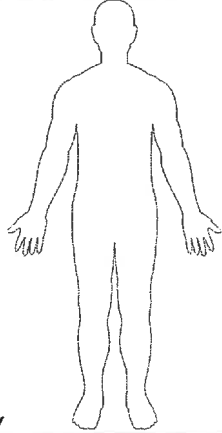
TASER USE ONLY	36. TASER® device serial #		37. TASER® device serial #	
	TASER®Cam serial #		TASER®Cam serial #	
	Cartridge 1 serial #		Cartridge 1 serial #	
	Cartridge 2 serial #		Cartridge 2 serial #	
	Number of cycles: 1		Number of cycles:	
	Type of contact: ☐ Probe ☐ CODS ☐ Drive Stun		Type of contact: ☐ Probe ☐ CODS ☐ Drive Stun	
	Did probes penetrate skin: ☐ Yes ☐ No		Did probes penetrate skin: ☐ Yes ☐ No	
	Target distance at probe launch:		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: 05/14/2022		41. Time: 1750 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)			
	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 FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		 3022 48. Preparing Supervisor's Signature / ID	
			05/14/2022 49. Date	
	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: 22-2831

OFFICER	23. Officer: Scott Ham						24. Race: W	25. Sex: M	26. Age:	27. Height: 6'00'	28. Weight: 205
	29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment						☒ Uniformed ☐ Plain		30. Yrs Exp: 2		
	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: Assist in Takedown										
											
	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				Case# 22-002831	
I N C I D E N T D A T A	Agency Name <i>Key West Police Department</i>		ORI <i>FL0440100</i>		Date / Time Reported <i>05/14/2022 17:40 Sat</i>		
	Location of Incident <i>1699 STEVEN AVE/ATLANTIC BLVD, Key West</i>		Gang Relat <i>NO</i>	Premise Type <i>Highway / Street /</i>	Beat/GP <i>B4, GPB4</i>		
	Last Known Secure <i>05/14/2022 17:40 Sat</i>		At Found <i>05/14/2022 17:40 Sat</i>				
M O	#1	Crime Incident(s) <i>Battery SCA</i>		(Com)	Weapon / Tools <i>HANDS, FIST, FEET</i>		Activity
		Entry			Exit		Security
	#2	Crime Incident <i>Resist Arrest / Escape XOM</i>		(Com)	Weapon / Tools		Activity
		Entry			Exit		Security
	#3	Crime Incident <i>Obstruction Of Justice XOX</i>		(Com)	Weapon / Tools		Activity
		Entry			Exit		Security
V I C T I M	# of Victims	<i>2</i>		Type:	<i>LAW ENFORCEMENT (LEO)</i>		Injury: <i>None</i>
		Victim/Business Name (Last, First, Middle) <i>HERNANDEZ, LEONARDO</i>		Victim of Crime # <i>1,</i>	DOB <i>01/09/1975</i>	Race <i>W</i>	Sex <i>M</i>
		Home Address <i>1604 N ROOSEVELT BLVD, Key West, FL 33040-</i>		Relationship To Offender <i>ST</i>		Resident Status	Military Branch/Status
		Employer Name/Address <i>KEY WEST POLICE DEPARTMENT 1604 N ROOSEVELT BLVD (POLICE)</i>		Business Phone		Mobile Phone	
		VYR	Make	Model	Style	Color	Lie/Lis
		VIN					
O T H E R S	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)						
	Type: <i>SOCIETY/PUBLIC/STATE</i>			Injury:			
	Code <i>V2</i>	Name (Last, First, Middle) <i>SOCIETY</i>		Victim of Crime # <i>2,3</i>	DOB <i>/ /</i>	Race	Sex
	Home Address		Relationship To Offender		Resident Status <i>N/A</i>	Military Branch/Status	
	Employer Name/Address		Business Phone		Mobile Phone		
	Type:		Injury:				
I N V O L V E D	Code	Name (Last, First, Middle)		Victim of Crime #	DOB <i>Age</i>	Race	Sex
	Home Address		Relationship To Offender		Resident Status	Military Branch/Status	
	Employer Name/Address		Business Phone		Mobile Phone		
	Type:		Injury:				
	Home Address		Relationship To Offender		Resident Status	Military Branch/Status	
	Employer Name/Address		Business Phone		Mobile Phone		
P R O P E R T Y	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)						
	V1 #	Code	Status Frm/To	Value	OJ	QTY	Property Description
		<i>35</i>	<i>EVID</i>	<i>\$0.00</i>		<i>1</i>	<i>BWC 3452</i>
		<i>35</i>	<i>EVID</i>	<i>\$0.00</i>		<i>1</i>	<i>AXON FLEET 3452</i>
Officer/ID# <i>HERNANDEZ, LEONARDO (3452)</i>							
Invest ID# <i>HERNANDEZ, LEONARDO (3452)</i>							
Supervisor <i>KOURI, DAVID G (3022)</i>							
Status	Complainant Signature			Case Status <i>Cleared By Arrest</i>		Case Disposition: <i>Cleared By Arrest</i>	
			<i>05/14/2022</i>		<i>05/14/2022</i>		
					Page 1		

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 22-002831

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

HAM, R. (4009), MAYORGA LOPEZ, J. (3722)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim <i>HERNANDEZ, LEONARDO</i>	Offense <i>BATTERY</i>	OCA <i>22-002831</i>
		Date / Time Reported <i>Sat 05/14/2022 17:40</i>

-- Kathryn Marie Lemoine Arrest Narrative:

On Saturday May 14, 2022, at about 1743 hours, I, (Ofc. L. Hernandez), was dispatched to the corner of Stevens and Atlantic Avenue, in reference to a male and female having sex, doing drugs, being drunk, and arguing.

Upon arrival, I met with the male and female, who were sitting on one of the planters next to 1500 Atlantic Boulevard. The male was later identified as Robert William Scott Browning (DOB 11/10/1957) and the female as Kathryn Marie Lemoine (DOB 05/20/1979) (Arrestee). Browning and Lemoine were sitting next to each other and kissing. Their belongings, such as bicycles, bags, and shoes, were spread out on the bike path. Both were under the influence of alcoholic intoxicants as per their slurred speech, blood shot glassy and droopy eyes and strong smell of alcoholic beverage (s) emanating from their breath and body. I started to question Lemoine and Browning by asking them what they were doing. They said, "we are just sitting here". Soon after, Ofc. R. Ham arrived on scene to provide backup assistance. I asked both to provide identification and Browning provided his Florida ID card. Lemoine said she did not have identification. I asked Lemoine to provide her full name. Lemoine gave me the name of Dharma Weaber. I asked Lemoine multiple times to spell her first name, middle and last and she would repeat the name Dharma as being her first name. Lemoine began to get belligerent, she said, "fuck you" and then screamed from the top of her lungs incoherently. Lemoine began to stand and raised her arms, walking towards Ofc. Ham and I in an attacking manner while screaming. I gave Lemoine loud and cleared lawful commands to calm down and she kept charging towards us. As I am trying to detain Lemoine by grabbing her arms, she swung her left elbow hitting me on my chest and knocking down my body worn camera. I perceived the situation escalating as Lemoine was not complying with our lawful loud and cleared commands asking her to stop resisting. To take control of the situation, to prevent harm to us and to Lemoine I took her down to the ground in a control manner with the assistance of Ofc. Ham with a leg sweep. Lemoine kept resisting as we were trying to place her in handcuffs by pulling away and tensing up. Ofc. Ham and I gained control of Lemoine and placed her in handcuffs, checked them for tightness and double locked them. Ofc. J. Lopez arrived on scene and assisted us. Lemoine tried to use her legs to defeat our attempts of placing her in custody. Lemoine raised both of her legs towards Ofc. Lopez. A hobble had to be used to restrain Lemoine's legs and to prevent her from harming us. Lemoine sustained scrapes on her face and feet from the take down. Once we had full control of Lemoine I requested Key West Fire Rescue to respond to treat Lemoine for her minor injuries and for my supervisor to respond to the scene to conduct a response to resistance investigation. Key West Fire Rescue 1 arrived on scene, and we helped them place Lemoine in their stretcher. Lemoine kept screaming from the top of her lungs as she was being placed into the ambulance. My supervisor Sgt. D. Kouri arrived on scene and completed the response to resistance investigation. I believe the level of force used to control the volatile situation was reasonable and necessary. Lemoine refused to listen to multiple lawful commands from Ofc. Ham and myself.

Browning was asked for how long and how he met Lemoine, and he said he just met her while riding his bicycle in the area today and decided to sit down with her. Browning had some preexisting lacerations to the left side of his neck. I asked him multiple times how he sustained the injuries to his neck, and he would not respond. Browning was eventually informed he was free to go and left the scene.

Key West Fire Rescue 2 transported Lemoine to the Lower Keys Medical Center Emergency Room. Ofc. Ham rode with Rescue 2 to assist as Lemoine's level of resistance was still aggressive. I arrived at the LKMC Emergency Room and met with the medical staff who was treating Lemoine. When the doctor on duty tried to assess Lemoine she tried biting him. Lemoine had to be held down by hospital security and myself through the whole time she was being treated for her minor injuries. Lemoine mood and behavior kept changing. She would lay down on the bed but

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

22-002831

Victim

HERNANDEZ, LEONARDO

Offense

BATTERY

Date / Time Reported

Sat 05/14/2022 17:40

at times would try to get up and when told to calm down and lay down she would try to bite staff. Lemoine was eventually given medical clearance by the doctor. I transported Lemoine to the Monroe County Detention Center. At arrival at the jail, Lemoine began to behave belligerent again, she had to be held down by the Deputies and myself, as she kept trying to pull away from us and screaming from the top of her lungs. Lemoine would not comply and would not cease screaming. Due to her level of resistance and to prevent her from harming us and or herself the jail staff decided to place Lemoine in the restrain chair.

Based on all evidence, facts, and totality of circumstances, I believe I have probable cause Lemoine committed the felony criminal offense of battery on law enforcement officer as described in FSS 784.07 (2) (B). I informed Lemoine upon contacting her I was a police officer. During my encounter with Lemoine I was wearing my Key West Police Department issued Class B uniform which clearly identifies me as a law enforcement officer. Lemoine made attacking movements towards me and Ofc. Ham. Lemoine struck me on my chest with her left arm.

Based on all evidence, facts, and totality of circumstances, I believe I have probable cause Lemoine committed the felony criminal offense of resisting arrest with violence as described in FSS 843.01 - Lemoine made physical evasive and attacking movements to defeat our attempts of placing her under lawful arrest.

Based on all evidence, facts, and totality of circumstances, I believe I have probable cause Lemoine committed the misdemeanor criminal offense of giving false id to law enforcement as described in FSS 901.-36 (1) - Lemoine was legally detained during a criminal investigation. Lemoine gave a false name even after being asked multiple times to provide her full name and she repeatedly pronounced and spelled the false name.

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

End of report. Cleared by arrest.

Incident Report Suspect List

Key West Police Department

OCA: 22-002831

1	Name (Last, First, Middle) <i>LEMOINE, KATHRYN MARIE</i>					Also Known As					Home Address <i>86 SNOWBERRY WAY DILLON, CO 80435</i>																																													
	Business Address <i>UNKNOWN, UNKNOWN</i>																																																							
	DOB <i>05/20/1979</i>	Age <i>42</i>	Race <i>W</i>	Sex <i>F</i>	Eth <i>N</i>	Hgt <i>502</i>	Wgt <i>140</i>	Hair <i>BRO</i>	Eye <i>HAZ</i>	Skin <i>FAR</i>	Driver's License / State. <i>171450742 CO</i>																																													
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="4">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="3">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		
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																																																	

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 05/15/2022 00:11

OCA: **22002831**

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

Investigator: *MAYORGA LOPEZ, JORGE* (3722)

Date / Time: *05/14/2022 23:15:46, Saturday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On May 14, 2022, at approximately 1740 hours, Ofc. Hernandez, Ofc. Ham and I, Ofc. Lopez were dispatched near the 1000 block of Atlantic Boulevard.

Upon arrival, Ofc. Hernandez was on scene speaking with a male and a female. Ofc. Hernandez provided me with the male's Florida identification card. I walked back to my patrol vehicle to conduct a name check on the male. The male was identified as Robert Browning, (dob:11/10/1957). While I was conducting a name check inside my patrol vehicle, I heard the female screaming. The female was standing close to Ofc. Hernandez. I walked out of my patrol vehicle, and I began walking towards Ofc. Hernandez. In a matter of seconds the female was laying down on the ground and she was moving her legs as if she was trying to kick Ofc. Ham. Ofc. Hernandez and Ofc. Ham were trying to gain control of the female. I grabbed the female's feet and I held her feet down to the ground to stop her from kicking Ofc. Ham. The female continued moving her legs and feet attempting to free herself. The female continued screaming very loud and being very combative. The female was speaking in an unknown language and then she began threatening me several times. The female said to me, "I will fuck you up" and then she said, "I will kill you". Ofc. Hernandez attempted several times to calm down the female and she could not stop her antagonistic demeanor.

The female was later was identified with her Colorado driver's license as Kathryn Lemoine, (dob:05/20/1978).

Kathryn appeared to be under the influence of a narcotic.

Key West Fire Rescue responded on scene to treat the female's injuries. Sgt. D. Kouri responded on scene as well.

This incident was recorded with my body worn camera, 3722.

I later transported Kathryn's bicycle to the Key West Property Division for safekeeping. I completed the property receipt and I placed it in The Key West Property Division.

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 05/15/2022 02:04

OCA: **22002831**

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

Investigator: *HAM, RANDOLPH (4009)*

Date / Time: *05/14/2022 18:48:26, Saturday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On May 14, 2022, at approximately 1744 hours, I, Ofc. S. Ham responded to 1000 Atlantic Ave as a back-up officer, reference a lewd and lascivious act.

Upon arrival, Ofc. J. Lopez and Ofc. L. Hernandez were on scene. Ofc. Hernandez was speaking to the male and female attempting to retrieve their identification. I saw on the male's neck what appeared to be scratch marks that were bleeding. The male was later identified as Robert Browning, by his Florida ID card. Ofc. Hernandez passed Roberts ID card to Ofc. Lopez to run his information on his in-car computer.

Ofc. Hernandez then began asking the female half what her name was, and she responded with Dharma. Ofc. Hernandez asked her for her middle name, and she began screaming in an unknown language. The female was later identified by her ID card, as Kathryn Lemoine. Kathryn while screaming began throwing her hand in the air and pointing her finger at myself and Ofc. Hernandez. Kathryn then stood up with haste from the edge of the flower bed and approached Ofc. Hernandez and me. I told Kathryn to sit back down, and she continued walking forward. Ofc. Hernandez placed his arms up to stop Kathryn from walking forward and she swatted his arms away. Kathryn then swung her left elbow at Ofc. Hernandez and struck him in the chest. I grabbed ahold of Kathryn by her right arm as Ofc. Hernandez gained control of her left arm. Ofc. Hernandez and I escorted Kathryn to the ground using a modified straight arm takedown. I handcuffed Kathryn as she continued attempting to pull away and fight with Ofc. Hernandez and I. Ofc. Hernandez gave Kathryn verbal commands to stop resisting. Ofc. Lopez came back from his vehicle and held Kathryn's feet down because she was attempting to kick me in the back. Kathryn continued acting irate on the ground and attempting to pull her legs out of Ofc. Lopez's grasp.

Ofc. Hernandez asked me to go through her backpack to try and find an ID for her. I was unable to locate an ID in the backpack when I heard Ofc. Hernandez ask for me to grab a hobble. I retrieved the hobble from the trunk of my patrol vehicle and placed it around Kathryn's ankles. I secured Kathryn's legs and waited for Key West Rescue personnel to arrive on scene.

I located a blue in color fanny pack behind where Kathryn was sitting. Upon searching the blue handbag, I located an ID out of Colorado belonging to her. I turned the property over to Ofc. Hernandez.

Key West Rescue personnel placed Kathryn on the stretcher and into the back of the ambulance. Key West Rescue personnel asked me to assist them on transport to Lower Keys Medical Center due to her irate behavior. Kathryn had already pulled out of the leg straps on the stretcher and was fighting with rescue personnel, preventing them from treating her. Kathryn was issued a dose of a substance to calm her down. Once Kathryn was calmed, I rode with Key West Rescue without further incident.

Investigator Signature: _____