

Response to Resistance Report

Key West Police Department

Case No: 23-1289

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: 02/28/23 **3. Time:** 2344 **4. Location:** 2801 N. Roos. Blvd **5. Incident type:** S34/S36A

INCIDENT	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input checked="" type="checkbox"/> Passive: <input type="checkbox"/> Active: <input checked="" type="checkbox"/> Aggressive: <input checked="" type="checkbox"/> Deadly Force:	Ignoring verbal commands Knife/fighting stance Advancing on ofc with knife	<input type="checkbox"/> Physical Control <input checked="" type="checkbox"/> Non-lethal Weapon <input type="checkbox"/> Deadly Force	TASER

10. Last Name: Vega **11. First:** Hatuey **12. Race:** H **13. Sex:** M

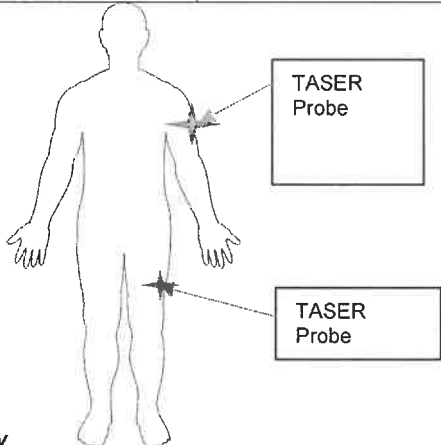
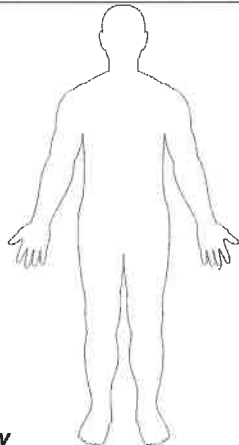
14. DOB: 08/06/1953 **15. Height:** 5'09" **16. Weight:** 155

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	22. Anterior View	Posterior View
		

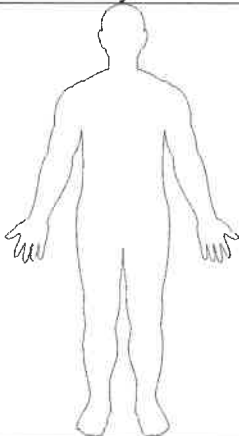
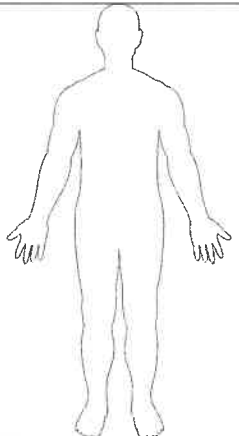
23. Officer: Ofc. J. Hesse **24. Race:** W **25. Sex:** M **26. Age:** 36 **27. Height:** 5'07" **28. Weight:** 160

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

OFFICER	35. Anterior View	Posterior View
		

Response to Resistance Report (continued)

Key West Police Department

Case No: 23-1289

TASER USE ONLY	36. TASER® device serial # X400180AF		37. TASER® device serial #		
	Battery serial # X44635680		Battery serial #		
	Cartridge 1 serial #1: X49242WA92 serial #2: X482K7AEP		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 checked="" type="checkbox"/> Probe <input 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 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: 4-7 feet		Target distance at probe launch:		
	Distance between probes: 16 inches		Distance between probes:		
	Probes removed by (name): Sgt. A. Rodriguez (loose probes)		Probes removed by (name):		
Device downloaded by: Ofc. J. Hesse (docked battery)		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.				
<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.					
SUPERVISOR'S INQUIRY	40. Notified Date: 02/28/23		41. Time: 2345 hours		
	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
Sgt. Alex Rodriguez		 3465		02/28/2023	
47. Preparing Supervisor / Printed Name		48. Preparing Supervisor / Signature / ID		49. Date	
INT. AFF.	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		 3317		
			51. Signature of Internal Affairs Inspector		
				52. Date	
				3/8/2023	

INCIDENT/INVESTIGATION REPORT

Agency Name Key West Police Department
ORI FL0440100

Case# 23-001289
Date / Time Reported 02/28/2023 23:34 Tue
Last Known Secure 02/28/2023 23:34 Tue
At Found 02/28/2023 23:34 Tue

Location of Incident 2801 N ROOSEVELT BLVD, Key West FL 33040	Gang Relat	Premise Type Field/woods	Beat/GP B5, GPB5
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#	Crime Incident(s)	(Com)	Weapon / Tools	Activity
#1	Assault / Threats SCB		Knife/cutting Instrument	N
			Entry	Exit
			Security	
#2	Drug Possession Of Paraphernalia / Equipment - DRF			P
			Entry	Exit
			Security	
#3	Trespassing XOT			N
			Entry	Exit
			Security	

MO

# of Victims 3	Type: SOCIETY/PUBLIC/STATE	Injury:	Domestic: N
V1	Victim/Business Name (Last, First, Middle) Society	Victim of Crime # 2	DOB Age
Home Address		Email	Resident Status N/A
Employer Name/Address		Business Phone	Military Branch/Status
VYR	Make	Model	VIN
Style	Color	Lic/Lis	Home Phone
Employer Name/Address		Business Phone	Mobile Phone

VICTIM

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

Type: BUSINESS		Injury:	
V2	Name (Last, First, Middle) PARROT KEY RESORT	Victim of Crime # 3	DOB Age
Home Address		Email	Resident Status N/A
Employer Name/Address 2801 N ROOSEVELT		Business Phone	Military Branch/Status
Type: INDIVIDUAL		Injury: None	
V3	Name (Last, First, Middle) ANDRADE, ESTEBAN	Victim of Crime # 1,4	DOB 05/11/1977 Age 45
Home Address 1604 N ROOSEVELT BLVD KEY WEST, FL 33040		Email	Resident Status Resident
Employer Name/Address Key West Police Department, 1604 N ROOSEVELT BLVD (POLICE OFFICER)		Business Phone	Military Branch/Status

OTHERS INVOLVED

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
27	EVID		\$0.00		1	BWC 4284		
27	EVID		\$0.00		1	FLEET AXON 4284		
11	6		\$20.00		1	DRUG/NARCOTIC EQUIPMENT		
80	EVID		\$0.00		1	WEAPONS- SILVER KNIFE W/BLUE HANDLE		
27	EVID		\$0.00		2	AXON CAPTURE		

PROPERTY

Officer/ID# ROMAN, VERONICA (4284)	Invest ID# (0)	Supervisor (0)
Complainant Signature	Case Status <i>Cleared By Arrest</i> 03/01/2023	Case Disposition:

Incident Report Additional Offense List

Key West Police Department

OCA: 23-001289

Offense List (Continued)

Page 2

Counter	Offense Description	Fel/Misd	Statute	Completed/Attempted
# 4	RESIST ARREST / ESCAPE		XOM	Com

Incident Report Additional Name List

Key West Police Department

OCA: 23-001289

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) RP 1	KNOWLES, MICHAEL JOSEPH		11/13/1973	49	B	M
	Address 913 4TH STREET Apt. 107A, KEY WEST, FL 33040-		H: 786-259-2641			
	Empl/Addr		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 23-001289

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
D R U G S						

Assisting Officers
HESSE, J. (4305), ANDRADE, E. (4158)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 23-001289
Date / Time Reported Tue 02/28/2023 23:34

Victim Society	Offense ASSAULT / THREATS
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On February 28, 2023, at approximately 2341 hours, I, Officer V. Roman (ID: 4284) responded to 2801 N. Roosevelt Boulevard, Key West, FL in reference to a Trespass.

Upon arrival, I immediately heard yelling from the tree line between Parrot Key Hotel and Walgreens (2805 North Roosevelt Blvd) and observed Officer Hesse (ID: 4305) running towards a security guard who was standing in the parking lot. As I ran towards the tree line, I observed Officer Andrade (ID: 4158) yelling at a Hispanic male later identified as Hatuey Manuel Vega (DOB: 08/06/1953, Arrestee) to drop the knife.

I observed Hatuey who was in an aggressive fighting stance with his left foot forward and his left fist balled up while yelling at Officer Andrade.

Based on Officer Andrade statement and my observation, I removed my agency issued firearm from my holster, and pointed in the direction of Hatuey. As Officer Andrade continued to give Hatuey verbal commands to "drop it", Hatuey continued to refuse and yelled to leave him alone and to kill him.

As Hatuey refused to comply and continued to yell while in an aggressive fighting stance and in possession of a knife in his right hand, Officer Hesse deployed his TASER. Officer Hesse deployed his first TASER cartridge which was ineffective, Officer Hesse then deployed his second TASER cartridge with complete Neuromuscular Incapacitation (NMI).

While Hatuey was laying supine under NMI, I approached him grabbing his left arm, pulling him away from the area the knife was last seen by Officer Andrade. I then turned Hatuey over onto his stomach, placing both arms behind his back with the back of his hands placed together and secure him in handcuffs. Hatuey was escorted out of the tree line, towards the marked patrol vehicles where he was searched and evaluated by my Key West Fire Department before being placed into the back of my marked patrol vehicle.

Officer Hesse then met with security officer, Michael J. Knowles (DOB: 11/13/1973, Reporter) who stated he verbally trespassed Hatuey from the property twice on 02/27/2023. Michael stated as he attempted to approach Hatuey tonight, 02/28/2023, Hatuey took a fighting stance while in the tree line and was aggressively yelling at Michael. Michael stated he then left the area due to Hatuey demeanor and called for law enforcement to respond.

While conducting a search of Hatuey possessions, a glass pipe with brown and dark green leafy substance consisted with the use of cannabis was in Hatuey's backpack.

Based on facts and evidence, Hatuey intentionally and unlawfully threatened, either by word or act, to do violence to Officer Andrade. At the time, Hatuey appeared to have the ability to carry out the threat. The act of Hatuey created in the mind of Officer Andrade a well-founded fear that the violence was about to take place. The assault was made with a deadly weapon. The assault was made with a fully formed, conscious intent to commit Aggravated Assault upon Officer Andrade. Officer Andrade was at the time a law enforcement officer. Hatuey knew Officer Andrade was a law enforcement officer based on Officer Andrade announcing his presence and being dressed in a full Key West Police Department uniform, clearly identifiable as a Police Officer; based on the silver badge emblem that reads "Officer Key West Police FLA." Above his left breast, "Key West Police" patches on each shoulder, and a silver pin on the right and left side of his collared shirt, that read "KWPD." At the time of the assault, Officer Andrade was engaged in the lawful performance of his duties.

Hatuey intentionally and unlawfully resisted without violence, to wit: resisting, obstructing, or opposing, Officer

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 23-001289
Date / Time Reported Tue 02/28/2023 23:34

Victim Society	Offense ASSAULT / THREATS
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Andrade, while in the lawful execution of his legal duties while in possession of a deadly weapon.

Hatuey willfully knew of the presence of drug paraphernalia due to it being inside his backpack within immediate reach of his person. Hatuey possessed the drug paraphernalia with intent to use it to inhale a controlled substance into the human body.

Hatuey willfully entered upon or remained in property other than a structure or conveyance. The property was [in the lawful possession of Michael who is a licensed security officer by Parrot Key Hotel. Notice not to enter upon or remain in that property had been given by actual communication to Hatuey by Michael.

A search of Hatuey was conducted subsequent to arrest. Hatuey was in the rear seat of my patrol vehicle and secured in a seatbelt. I transported Hatuey to the Monroe County Detention Center, after being medically cleared at Lower Keys Medical Center, without incident.

The knife that was in the possession of Hatuey was located near his right hand by Officer Andrade and has been entered into evidence. The knife was approximately 6"-7" in length. The glass pipe with the brown and green leafy substance has been entered into evidence.

Photos were gathered of the knife and have been uploaded into evidence.com.

My BWC was activated for the investigation, arrest, and subsequent search of Hatuey. My FLEET AXON was activated for the transport of Hatuey to the Monroe County Detention Center.

Nothing further to report.

Incident Report Suspect List

Key West Police Department

OCA: 23-001289

1	Name (Last, First, Middle) <i>VEGA, HATUEY M</i>					Also Known As					Home Address <i>1 GENERAL DELIVERY KEY WEST, FL 33040</i>				
	Business Address <i>NONE, NONE, NONE</i>														
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State					
<i>08/06/1953</i>	<i>69</i>	<i>W</i>	<i>M</i>	<i>H</i>	<i>509</i>		<i>GRY</i>	<i>BRO</i>	<i>FAR</i>	<i>V200333532860 FL</i>					
Scars, Marks, Tattoos, or other distinguishing features															

<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 _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 03/01/2023 03:51

OCA: **23001289**

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

Investigator: *HESSE, JOSHUA (4305)*

Date / Time: *03/01/2023 02:17:43, Wednesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On Tuesday, February 28th 2023 at approximately 2340hrs I, Ofc. J. Hesse was dispatched to the report of a male subject trespassing at 2801 N Roosevelt Blvd, along with other officers. While en route officers were informed the male subject at the location was being aggressive towards the complainant and a clothing description was provided.

Upon my arrival, I found Ofc. Andrade had been the first to arrive at the location. I immediately heard Ofc. Andrade yelling commands, in Spanish, with another male subject yelling back. I activated my Axon BWC and quickly located Ofc. Andrade inside an area with very thick vegetation and a steep grade, loudly announcing commands, holding the male trespasser at gun point. I then drew and activated my Taser device while Ofc. Andrade maintained lethal cover.

At that time, I observed the male to be positioned in a fighting stance with his left leg in front of his right and his body bladed towards Ofc. Andrade. I was able to see the subjects left hand which he would alternate between pointing directly at Ofc. Andrade and balling his hand up into a clenched fist. I was unable to see the subjects right hand which he kept in the same location, which from my perspective, was behind his right leg as if to be hiding an object. As I maneuvered myself into a position that would allow an effective taser deployment due to the thick vegetation, I was told by Ofc. Andrade the subject was holding a knife in his right hand.

Around this time Ofc. Roman arrived and provided lethal cover from a different angle. In the short passage of time to that point, I noted that Ofc. Andrade had identified himself as a police officer multiple times and had given repeated commands to drop the object in his hand in both English and Spanish.

A moment later I observed a large, fixed blade knife with a blue handle in the subjects' right hand which was being held with the blade in an upright position. In that moment, based on the subject's behavior in a situation that was tense, uncertain, and rapidly evolving, I believed the male to be an imminent threat to officers' safety. I discharged my taser device at an estimated distance of about twelve feet, with my aiming point of the subject's left thigh and left bicep. Upon discharge I immediately noted the upper probe had struck a small tree branch and had missed my target area of his bicep. I additionally noted no change in the subject's behavior.

I discharged a second cartridge at the subject with the same aiming points as the first cartridge and noted immediate neuromuscular incapacitation. The subject then fell backwards into the brush, landing on his back, however he retained control of the knife in his right hand. The subject was ordered several more times to drop the knife at which point he complied.

Ofc. Andrade was able to secure the knife after which he and Ofc. Roman applied handcuffs to the subject. About that time, several other officers arrived on scene to assist with removing the subject from the brush. All taser probes were able to be located with none of them showing any damage to the tip of the darts. All parts of the expended taser probes,

Investigator Signature: _____

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Investigator: *HESSE, JOSHUA (4305)*

Date / Time: *03/01/2023 02:17:43, Wednesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

to include the cartridges, were later entered into evidence.

Upon the subject being secured by officers, I photographed the knife the male had been holding which was a fillet-style knife. I estimated the item to be approximately nine inches long with an approximately six-inch blade. Custody of the knife was later transferred to Ofc. Roman.

I then spoke with the complainant, Michael Knowles, who was working as a contracted security guard at the resort property. Knowles told me that the male subject had been seen at the location several times over the previous couple days and had been verbally warned (x2) for trespassing by Knowles, a person granted the authority by the property owner. Knowles told me the male had been acting increasingly aggressive towards any person that contacted him, prompting Knowles to call police to contact him this time.

Due to a separate incident stemming from the contacts made at the time, that concluded my involvement in the investigation.

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT

Printed: 03/01/2023 04:07

*NOT SUPERVISOR APPROVED*OCA: **23001289**

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

Investigator: *ANDRADE, ESTEBAN (4158)*Date / Time: *03/01/2023 00:40:33, Wednesday*Supervisor: *(0)*Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On Tuesday, February 28, 2023, at approximately 2340 hours, I (Ofc Andrade) responded as a back-up officer for Ofc Roman to the Parrot Key Resort, 2801 N Roosevelt Blvd, reference a trespassing incident.

On arrival I met with Michael, the resort's security officer on duty. Michael informed me that there was a male (Hatuey Vega) on the property that had been recently trespassed from the property. Michael then walked me to the area where Hatuey was, which was in the tree/brush line that bordered the east end of the property. Ofc Hessee arrived on scene and began making his way in my direction.

Michael and I arrived at the edge of the tree/brush line where Hatuey was. The tree/brush line was thick and not easily traversed with poor visibility. I heard a loud yell coming from the tree/brush line and I identified myself as Key West Police in a loud voice and entered the tree/brush line. I could hear rustling amongst the foliage and Hatuey yell out in Spanish, "Police what!" and to "Wait there!" I replied to Hatuey in Spanish (all communications between Hatuey and I were in Spanish from this moment forward) that I was a police officer and that I was not waiting as I continued through the tree/brush line until reaching a small clearing. Once there I saw Hatuey bent forward and then stand up in an aggressive defensive posture, with the left side of his body angled towards me and his right hand hidden behind his right thigh. I told Hatuey to stay where he was and not to move. Hatuey began yelling "Kill me! Kill me!" I asked Hatuey what he had in his hand. Hatuey did not answer me but instead continued yelling for me to kill him. I told Hatuey to show me his hands repeatedly, but he refused and continued yelling at me while becoming progressively louder and aggressive, all the while maintaining his right hand hidden behind his right thigh and tensing his body. Due to Hatuey's aggressive posturing, his yelling for me to kill him, and his refusal to show me his right hand, I drew my service weapon on him.

By this point Ofc Hessee was also in the small clearing somewhere to my right; I never took my eyes off Hatuey and his right hand. I was able to catch a glimpse of what Hatuey had in his right hand, it appeared to be the tip of a knife. I told Hatuey to put down the knife twice before informing Ofc Hesse of what I saw. Moments later I was able to see that what Hatuey had in his right hand was a knife with a blue handle. At this point Ofc Roman was also on scene somewhere to my right. Ofc Hesse told me he had his TASER out and asked if I had "lethal," and I replied that I did. I continued telling Hatuey to put the knife down and we could talk. Hatuey shouted "Who are you!" and I again told him that I was a Key West Police Officer and that we did not want to hurt him. I continued to order Hatuey to put the knife down. Hatuey continued yelling for me to kill him while tensing his body and refused to put the knife down.

Ofc Hesse informed us that he was going to deploy his TASER at Hatuey and subsequently did so. The initial discharge did not incapacitate Hatuey. Ofc Hesse then deployed a second discharge and Hatuey was incapacitated and fell backwards into the brush. The knife, moments later, fell from Hatuey's hand and I stepped forward and secured the knife in place by placing my foot over it and called it out. Ofc Roman then advanced and I assisted her in

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 03/01/2023 04:07

OCA: **23001289**

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Investigator: *ANDRADE, ESTEBAN (4158)*

Date / Time: *03/01/2023 00:40:33, Wednesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

handcuffing Hatuey and securing him.

I later collected the probes and cartridges and submitted them to the Key West Property and Evidence Department.

My BWC was activated during this encounter and submitted to Evidence.com.

End of supplemental report.

Investigator Signature: _____

