

Response to Resistance Report

Key West Police Department

Case No: 21-5683

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)

<p>2. Date: 10/16/2021 3. Time: 0210 hrs 4. Location: 276 Margaret Street 5. Incident type: Trespass/RWOB</p>					
INCIDENT	<p>6. Resistance Level</p> <p><input checked="" type="checkbox"/> Passive: Refused verbal commands <input checked="" type="checkbox"/> Active: Braced <input type="checkbox"/> Aggressive: <input type="checkbox"/> Deadly Force:</p>	<p>7. Explanation</p> <p>Refused verbal commands Braced</p>	<p>8. Response Option</p> <p><input checked="" type="checkbox"/> Physical Control <input type="checkbox"/> Non-lethal Weapon <input type="checkbox"/> Deadly Force</p>	<p>9. Explanation</p> <p>Take Down</p>	
	<p>10. Last Name: Schmitz 11. First: Story 12. Race: W 13. Sex: M 14. DOB: 02/07/1997 15. Height: 6'03 16. Weight: 170 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 type="checkbox"/> Intoxicated <input checked="" type="checkbox"/> Under the influence of controlled substance <input checked="" type="checkbox"/> Emotionally / mentally disturbed 19. 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 22) 20. Photographed: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes 21. Treated: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input type="checkbox"/> Detention</p>				
SUBJECT					
	<p>22. Anterior View</p>	<p>Posterior View</p>			
OFFICER	<p>23. Officer: Tim Malak 24. Race: W 25. Sex: M 26. Age: 30 27. Height: 6'0 28. Weight: 240 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: 6 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: Take Down</p>				
<p>35. Anterior View</p>		<p>Posterior View</p>			

Response to Resistance Report (continued)

Key West Police Department

Case No: 21-5683

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: 5	Number of cycles: 1
	Type of contact: <input 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Did probes penetrate skin: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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:	
<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: 10/16/2021	41. Time: 0210 hrs
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)	
	43. Did you meet with the Officer: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)	
44. Were you able to locate any independent witnesses: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "Yes," list below)		
Name	Address	Phone Number
Carla Bellenger	Fogarty Avenue, KW	305-797-3460
45. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS	10/16/2021	
46. Preparing Supervisor's Signature / ID	47. Date	
48. 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 (If "No", complete section 51)	49. Signature of Internal Affairs Inspector	50. Date
51. If section 48 is "No" record the Professional Standards Control Number: 52. Date Entered:		

INCIDENT/INVESTIGATION

REPORT

Agency Name	Key West Police Department	
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Case#	21-005683
Date / Time Reported	10/16/2021 02:04 Sat
Last Known Secure	10/16/2021 02:04 Sat
At Found	10/16/2021 02:04 Sat

ORJ	FL0440100	
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Location of Incident	Gang Relat	Premise Type	Beat/GP
231 MARGARET ST, Key West FL 33040	NO	Parking Lot / Area	B3, GPB3

#1	Crime Incident(s) <i>Resist Arrest / Escape</i> <i>XOM</i>	(Com)	Weapon / Tools	NOT APPLICABLE/NONE	Activity	
			Entry	Exit	Security	
#2	Crime Incident <i>Trespassing</i> <i>XOT</i>	(Com)	Weapon / Tools	Activity		
			Entry	Exit	Security	
#3	Crime Incident	()	Weapon / Tools	Activity		
			Entry	Exit	Security	

MO	# of Victims 2		Type: INDIVIDUAL	Injury: None			Domestic: N				
V	V1	Victim/Business Name (Last, First, Middle) <i>BELLENGER, CARLA SARIEGO</i>			Victim of Crime # 1	DOB 01/09/1970 Age 51	Race W	Sex F	Relationship To Offender ST	Resident Status Resident	Military Branch/Status
I	Home Address <i>2017 FOGARTY AVE, Key West, FL 33040-</i>							Home Phone 305-797-3460			
C	Employer Name/Address <i>UNKNOWN (UNKNOWN)</i>							Business Phone		Mobile Phone	
T	VYR 2015	Make NISS	Model	Style PK	Color SIL	Lic/Lis 09FDD, FL	VIN IN6AD0ER3FN740411				

O	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)										
T	Type: SOCIETY/PUBLIC/STATE		Injury:								
H	Code V2	Name (Last, First, Middle) <i>SOCIETY</i>			Victim of Crime # 2	DOB / / Age	Race	Sex	Relationship To Offender	Resident Status N/A	Military Branch/Status
E	Home Address							Home Phone			
R	Employer Name/Address							Business Phone		Mobile Phone	
S	Type:		Injury:								
I	Code	Name (Last, First, Middle)			Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
N	Age							Home Phone			
V	Home Address							Business Phone		Mobile Phone	
O	Employer Name/Address										
L	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)										
E	VI #	Code	Status	Frm/Tc	Value	OJ	QTY	Property Description		Make/Model	Serial Number
D	35	EVID	\$0.00			1		BWC 4045		AXON	
P	35	EVID	\$0.00			1		FLEET 4050		AXON	
R	1	02	N		\$0.00	1		2015 SIL, 09FDD FL		NISS	IN6AD0ER3FN740411
O											
P											
R											
E											
T											
Y											

Officer/ID#	MALAK, TIMOTHY J (4045)					
Invest ID#	(0)					
Status	Complainant Signature	Case Status <i>Cleared By Arrest</i>	10/16/2021	Case Disposition: <i>Cleared By Arrest</i>	10/16/2021	Page 1

INCIDENT/INVESTIGATION REPORT

Key West Police Department

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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
KOURI, D.G. (3022), AGLEEV, D. (4007)

Suspect Hate / Bias Motivated:

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 21-005683

Key West Police Department

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
21-005683

Victim BELLENGER, CARLA SARIEGO	Offense RESIST ARREST / ESCAPE	Date / Time Reported Sat 10/16/2021 02:04
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On 10/16/202, at approximately 0204hrs, I, Officer Malak, responded to 231 Margaret St in reference to a male trespassing inside a truck.

Upon arrival, I met with the caller, Carla Bellenger. I asked Bellenger to explain the incident, with her explaining the following in summary;

Bellenger received a phone call from her friend to come pick her up from 231 Margaret, due to an argument with her boyfriend. Bellenger arrived on location and her friend jumped in the truck, but her boyfriend, later identified as Story Schmitz, jumped in the truck bed. Bellenger told Schmitz to get out of the truck, but Schmitz refused. Bellenger called KWPD to remove Schmitz from her vehicle.

I relocated to Schmitz and asked him to remove himself from the truck bed. I advised Schmitz of the potential charges he may face if he refused to exit, with Schmitz telling me to "Go Fuck Myself" and I'd have to forcefully remove him from the truck. I explained to Schmitz that wouldn't be in his best interest and for him to please just get out of the truck, again Schmitz shouted profanities at me. I approached Schmitz and grabbed him from under his arms. I lifted Schmitz out of the truck and placed him on the ground, where he began to tense up. Officer Agleev and I were able to get both of Schmitz hands and place him into handcuffs (checking for proper fit and double locking). I advised Schmitz he was being arrested for trespassing to a conveyance and assisted him to a standing position. Schmitz attempted to pull away and run but was placed in a wrist lock on assisted into my patrol vehicle.

Sgt. Kouri was called to the scene to document the takedown used to remove Schmitz from the truck bed. Schmitz denied any injuries and did not want rescue to be called (see completed RRI report for further details).

During the course of this incident, I attempted to identify Schmitz multiple times. Schmitz refused to identify himself, but with the help of outside sources, I was able to get him identified through F/NCIC.

Schmitz was transported to Monroe County Jail with no further incident.

Story Schmitz knowingly and willingly would not leave the motor vehicle (conveyance) of Carla Bellenger after being told by the owner and law enforcement. Therefore, Schmitz is being charged with FSS 810.08, Trespass in a structure or conveyance.

Story Schmitz knowingly and intentionally did not provide law enforcement with his proper identification during an active investigation. Therefore, Schmitz is being charged with FSS 843.02, Resisting/Obstructing a law enforcement officer W/O violence.

My BWC and Fleet in car system were active for this incident.

I cleared with an arrest and nothing further.

Incident Report Suspect List

Key West Police Department

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1	Name (Last, First, Middle) SCHMITZ, STORY ELIEZER						Also Known As					Home Address I GENERAL DELIVERY KEY WEST, FL 33040		
	Business Address NONE, NONE													
	DOB 02/07/1997	Age 24	Race W	Sex M	Eth N	Hgt 603	Wgt 160	Hair BLN	Eye BLU	Skin FAR	Driver's License / State. D08108616 AZ			
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			
VehYr/Make/Model			Drs	Style			Color		Lic/St			VIN		
Notes							Physical Char							

Incident Report Related Vehicle List

Key West Police Department

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1	VehYr/Make/Model 2015 NISS		Style PK	Color SIL	Lic/Lis /Decal 09FDD FL 2023, 0073180		VIN 1N6AD0ER3FN740411		
	IBR Status N		Date 10/16/2021	Location					
	Condition		Value \$0.00		Offense Code 2650	Jurisdiction Locally	State #		
	Name (Last, First, Middle) <i>Bellenger, Carla Sariego</i>				Also Known As		Home Address 2017 FOGARTY AVE KEY WEST, FL 33040 305-797-3460		
	Business Address UNKNOWN, UNKNOWN								
	DOB 01/09/1970	Age 51	Race W	Sex F	Hgt 502	Wgt 123	Scars, Marks, Tattoos, or other distinguishing features		

Notes

