

Response to Resistance Report

Key West Police Department

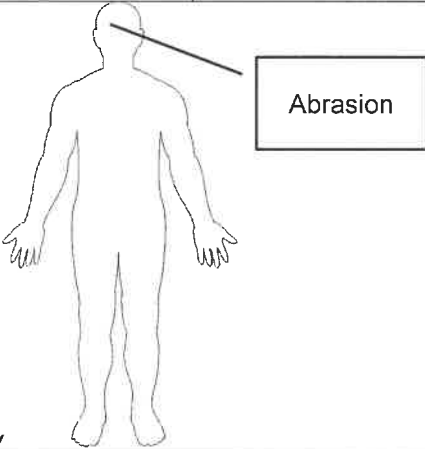
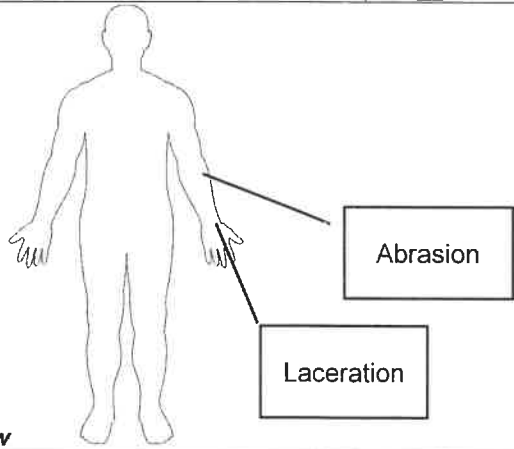
Case No: 22-2533

1. A Response to Resistance Report will be completed by the supervisor for: (Check all that apply)

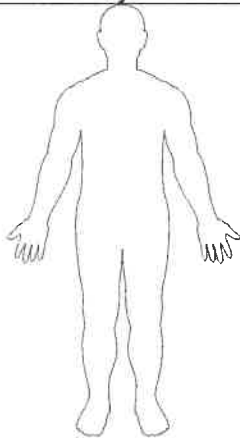
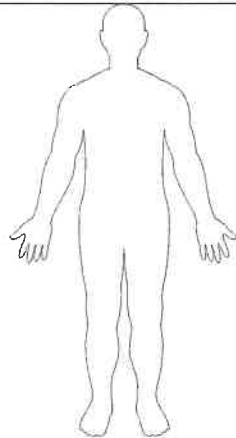
- ☐ A response through the use of non-lethal weapons,
☒ Applies weaponless physical force of strikes, kicks, or "take-downs"
☐ When any person sustains an apparent substantial or fatal injury as a result of the application of force
☐ When any person complains of injury as a result of the application 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: 04/29/2022	3. Time: 2208	4. Location: Charles St/Duval St	5. Incident type: S32
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	☒ Passive:	Refused to comply with orders	☒ Physical Control	Takedown
	☒ Active:	Bracing and Tensing, pulling	☐ Non-lethal Weapon	
	☐ Aggressive:	Arms away	☐ Deadly Force	
	☐ Deadly Force:			

10. Last Name: Florin	11. First: Mihalakle	12. Race: W	13. Sex: M
14. DOB: 02/28/1987	15. Height: 5'07	16. Weight: 150	
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
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23. Officer: William Howell	24. Race: W	25. Sex: M	26. Age: 35	27. Height: 6'01"	28. Weight: 220
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					

OFFICER	 35. Anterior View	 Posterior View
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Response to Resistance Report (continued)

Key West Police Department

Case No: 22-2533

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.			
	40. Notified Date: 04/29/2022		41. Time: 2212	
	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)			
SUPERVISOR'S INQUIRY	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		3755	
	FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		04/29/2022	
	48. Preparing Supervisor's Signature / ID		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	
53. If section 48 is "No" record the Professional Standards Control Number:		54. Date Entered:		

INCIDENT DATA		INCIDENT/INVESTIGATION REPORT													
		Agency Name <i>Key West Police Department</i>						Case# <i>22-002533</i>							
		ORI <i>FL0440100</i>						Date / Time Reported <i>04/29/2022 22:07 Fri</i>							
		Location of Incident <i>208 DUVAL ST - C, Key West FL 33040</i>						Gang Relat <i>NO</i>		Premise Type <i>Highway / Street /</i>		Beat/GP <i>B1, GPB1</i>			
MO	#1	Crime Incident(s) <i>Theft Other THK</i>				(Com)		Weapon / Tools <i>NOT APPLICABLE/NONE</i>				Activity			
		Entry		Exit		Security									
	#2	Crime Incident <i>Resist Arrest / Escape XOM</i>				(Com)		Weapon / Tools				Activity			
		Entry		Exit		Security									
	#3	Crime Incident				()		Weapon / Tools				Activity			
		Entry		Exit		Security									
VICTIM	# of Victims <i>2</i>		Type: <i>INDIVIDUAL</i>				Injury: <i>None</i>				Domestic: <i>N</i>				
	V1	Victim/Business Name (Last, First, Middle) <i>FURMAN, JOSHUA WILLETT</i>				Victim of Crime # <i>1</i>		DOB <i>06/07/1966</i>		Race <i>W</i>	Sex <i>M</i>	Relationship To Offender <i>ST</i>	Resident Status <i>Resident</i>	Military Branch/Status	
		Home Address <i>132 PEARY CT, Key West, FL 33040-</i>				Email				Home Phone <i>410-903-9676</i>					
	Employer Name/Address						Business Phone				Mobile Phone				
	VYR	Make	Model	Style	Color	Lic/Lis	VIN								
	CODES: V- Victim (Denote V2, V3) WI = Witness IO = Involved Other RP = Reporting Person (if other than victim) Type: <i>SOCIETY/PUBLIC/STATE</i> Injury:														
	V2	Name (Last, First, Middle) <i>SOCIETY</i>				Victim of Crime # <i>2</i>		DOB <i>//</i>		Race	Sex	Relationship To Offender	Resident Status <i>N/A</i>	Military Branch/Status	
		Home Address				Email				Home Phone					
	Employer Name/Address						Business Phone				Mobile Phone				
	OTHER INVOLVED	Type: Injury:													
Code		Name (Last, First, Middle)				Victim of Crime #		DOB		Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
		Home Address				Email				Home Phone					
Employer Name/Address						Business Phone				Mobile Phone					
Code		Name (Last, First, Middle)				Victim of Crime #		DOB		Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
		Home Address				Email				Home Phone					
Employer Name/Address						Business Phone				Mobile Phone					
L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)															
PROPERTY		VI #	Code	Status Frm/Tc	Value	OJ	QTY	Property Description			Make/Model			Serial Number	
			<i>35</i>	<i>EVID</i>	<i>\$0.00</i>		<i>1</i>	<i>BWC 4155</i>			<i>AXON</i>				
		<i>35</i>	<i>EVID</i>	<i>\$0.00</i>		<i>1</i>	<i>COBAN 5207</i>			<i>COBAN</i>					
		<i>12</i>	<i>S</i>	<i>\$60.00</i>		<i>6</i>	<i>HOTDOGS</i>								
Officer/ID# <i>ADORNO, SAMUEL D (4155)</i> Outstanding Stolen Val [Total Stolen]: \$60.00 [\$60.00]															
Invest ID# <i>(0)</i>										Supervisor <i>(0)</i>					
Status	Complainant Signature					Case Status <i>Cleared By Arrest</i>			Case Disposition: <i>04/30/2022</i>			Page 1			

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

22-002533

Victim

FURMAN, JOSHUA WILLETT

Offense

THEFT OTHER

Date / Time Reported

Fri 04/29/2022 22:07

On April 29, 2022, at approximately 2235 hours, I (Ofc. Adorno) responded to 208 Duval St reference a theft that had occurred.

Upon arrival, I observed Ofc. Howell with one detained male on the side of Red Garter Saloon located at 208 Duval St. The male was later identified as Mihalakle Florin. Ofc. Howell stated he was doing a routine foot patrol of the 200 Block of Duval St and speaking with a nearby bouncer when he observed Florin reach into a nearby Hot Dog stand and take a hotdog. Ofc. Howell was advised Florin was kicked out of Ricks, Tree Bar and Red Garter earlier that day. Florin proceeded to eat the hot dog while walking South on Duval St. Ofc. Howell followed Florin and announced himself as a Key West Police Officer and told him to stop. Florin continued to walk. Ofc. Howell told Florin to stop walking and sit down 5 times before Ofc. Howell grabbed his arm to perform a leg sweep. Ofc. Howell failed in the leg sweep but was able to bring Florin to a nearby wall utilizing pain compliance. Ofc. Howell was only able to place one hand into handcuffs as Florin kept pulling away his free hand. Through pain compliance, Ofc. Howell was able to grab the other hand, and handcuff properly checking for proper fitting. Florin had minor scratches toward his right elbow and right eyebrow.

Sgt. J.T Conaty arrived on scene and checked Florin's injuries. Florin denied all medical treatment.

Shortly after, the owner of the hot dog stand returned and was told that Florin grabbed a hotdog without paying. The owner was later identified as Joshua Furman. Joshua stated he must have taken more than one Hotdog due to how many he had left in the stand. Joshua estimated a total of 6 hotdogs were taken. Joshua added he would like to press charges for the incident. The total amount of hotdogs taken were approximately \$60.00.

Florin was searched incident to arrest and placed in the rear of my patrol vehicle. Florin was then transported to Monroe County Detention Center without incident and handed over to Deputies for processing.

Photos were taken of the minor injuries Florin sustained during this incident and will be uploaded on Evidence.Com.

My BWC was activated during the call.

Based on the facts and evidence, I believe there is probable cause that Mihalakle Florin did knowingly and intentionally violate F.S.S. 812.014-3A Petit Theft Under \$100, by intentionally and unlawfully depriving Joshua Furman and his property, whether temporary or permanent, while not being entitled to it by eating several hotdogs, totaling to \$60.00.

Based on the facts and evidence, I believe there is probable cause that Mihalakle Florin resisted and obstructed Ofc. Howell by actively walking away while being told to stop and avoiding coming in contact with Ofc. Howell as he tried to handcuff his free arm Contrary to F.S.S 843.02 - Resisting Officer without Violence to his or her person.

Incident Report Related Property List

Key West Police Department

OCA: 22-002533

1	Property Description BWC 4155			Make AXON		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit EA	
Status Evidence		Date 04/29/2022		NIC #		State #		Local #	
Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	

Notes

2	Property Description COBAN 5207			Make COBAN		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit EA	
Status Evidence		Date 04/29/2022		NIC #		State #		Local #	
Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	

Notes

3	Property Description HOTDOGS			Make		Model		Caliber	
Color		Serial No.		Value \$60.00		Qty 6.000		Unit	
Status Stolen		Date 04/29/2022		NIC #		State #		Local #	
Name (Last, First, Middle) Furman, Joshua Willett		DOB 06/07/1966		Age 55		Race W		Sex M	

Notes

OCA: 22002533

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

Investigator: *HOWELL, WILLIAM N (4059)*Date / Time: *04/29/2022 22:07:28, Friday*Supervisor: *CONATY, JAY THOMAS (3755)*Supervisor Review Date / Time: *04/30/2022 19:51:01, Saturday*

Contact:

Reference: *General Supplemental Report*

On Saturday, 04/29/2022 at approximately 2207 hours; I (Ofc. Howell) was completing an area check of the 200 Block of Duval Street and I witnessed an unknown white male subject reach into the hot dog cart near the entrance of 208-C Duval Street (Red Garter Saloon) and remove a hot dog, without paying for it.

I approached the unknown white male subject and instructed him to return the hot dog, however he shoved the hot dog in his mouth. I instructed the unknown white male subject to move away from the hot dog cart and sit down on the curb at the corner of Charles Street and Duval Street. The unknown white male subject initially refused to comply stating, "No." The unknown white male subject continued to consume the stolen hot dog. I asked the unknown white male subject for a form of identification, and he continued to ignore me, again shaking his head "no." The unknown white male subject attempted to walk backward away from me. I grabbed the unknown white male subject by his left wrist and instructed him to stop. The unknown white male subject immediately became aggressive and suddenly and swiftly began attempting to pull away from me and refused to comply with my legal, lawful orders to "stop resisting." Due to the unknown white male subject's actions and level of resistance rising, I placed Florin in an arm bar and attempted to leg sweep the unknown white male subject. Due to his intoxication level, the unknown white male subject stumbled over my attempted leg sweep. At this point, I regained control of the subject, grabbing the top of his shoulder while pushing him down into a seated position, placing the unknown white male subject on the ground in a controlled manner.

The unknown white male subject appeared to calm down momentarily. I again attempted to ask the unknown white male subject for a form of identification, he again refused, shaking his head "no." The unknown white male subject then attempted to stand up several times. I instructed him to stop and stay seated. Due the unknown white male subject's continuous actions, including attempting to leave, I decided to place him in handcuffs. I grabbed the unknown white male subject's right arm and placed it in a handcuff. The unknown white male subject immediately became aggressive and suddenly and swiftly began attempting to pull away from me and refused to comply with my legal, lawful orders to "stop resisting." I rolled the unknown white male subject over, laying him down in a controlled manner. The unknown white male subject continued to attempt to struggle with me, while refusing to place his left arm behind his back. I eventually regained control of the unknown white male subject's left arm and placed it in a handcuff. I returned the unknown white male subject to a seated position and placed him against the wall of the business.

Shortly afterward, Ofc. Adorno arrived on scene. After continuously speaking with the unknown white male subject, Ofc. Adorno was able retrieve a name from the subject, Mihalakle Florin (DOB: 02/27/1987, Arrestee). Florin continued to speak with Ofc. Adorno in English and Spanish.

Florin sustained minor abrasions on his right arm, near his elbow, as well on the front side of his head, near his right

Investigator Signature: _____

OCA: 22002533

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Contact:

Reference: *General Supplemental Report*

temple, due to his resistance. Florin had a small amount of blood dripping from the small abrasion on his temple. Florin refused medical attention on scene.

Florin appeared to be under the influence of alcohol. Florin's speech was slurred, and his eyes were glassy and bloodshot. Florin's breath had the odor of alcoholic intoxicants. Florin appeared to be under the influence of narcotics. Florin's speech was incoherent and unintelligible at times. Florin's pupils were contracted, and his eyes were bloodshot. Florin's balance was impaired to the point that he occasionally stumbled while walking.

Managers of Rick's Bar provided me with a security footage DVD that captured the theft and limited angles of Florin resisting while attempting to struggle with me as I handcuffed him. I submitted the copy of the Rick's Bar security footage DVD to the Key West Police Department Property and Evidence.

My BWC was activated for the encounter, theft, takedown, arrest, and subsequent search of Florin. I uploaded the videos to Evidence.com.

At this time, no further information.

Investigator Signature: _____

Incident Report Related Property List

Key West Police Department

OCA: 22-002533

1	Property Description BWC 4059				Make		Model		Caliber	
	Color	Serial No.		Value \$0.00	Qty 1.000	Unit EA		Jurisdiction Locally		
	Status Evidence	Date 04/29/2022	NIC #		State #		Local #		OAN	
	Name (Last, First, Middle) * No name *				DOB		Age	Race	Sex	

Notes

2	Property Description RICK'S SECURITY FOOTAGE DVD				Make		Model		Caliber	
	Color	Serial No.		Value \$0.00	Qty 1.000	Unit EA		Jurisdiction Locally		
	Status Evidence	Date 04/29/2022	NIC #		State #		Local #		OAN	
	Name (Last, First, Middle) * No name *				DOB		Age	Race	Sex	

Notes