

Response to Resistance Report

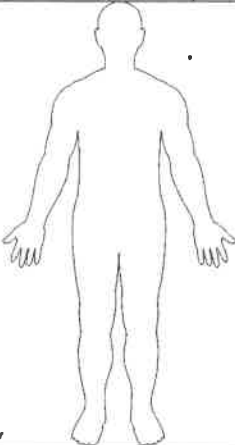
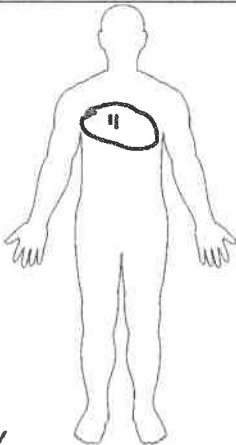
Key West Police Department

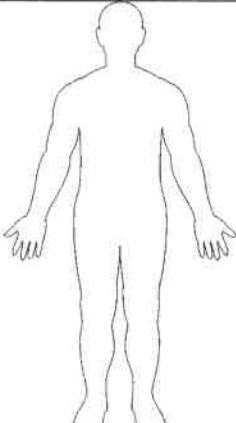
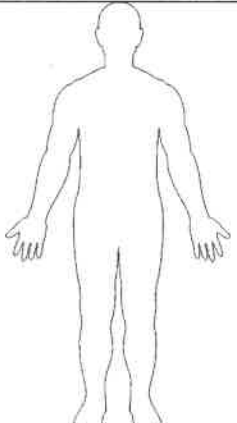
Case No: 19-0445

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: 1/20/2019	3. Time: 2310	4. Location: 801 Duval St	5. Incident type: S36b
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	☒ Passive:	Non-Compliant	☒ Physical Control	Joint Manipulation
	☒ Active:	Pulling Away	☒ Non-lethal Weapon	Drive Stun
	☐ Aggressive:		☐ Deadly Force	
	☐ Deadly Force:			

SUBJECT	10. Last Name: Reagan	11. First: Benjamin	12. Race: White	13. Sex: M
	14. DOB: 05/27/1997	15. Height: 5'07"	16. Weight: 210	
	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: Santiago Perez	24. Race: H	25. Sex: M	26. Age: 54	27. Height: 5'-9"	28. Weight: 215
	29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes 30. Yrs Exp: 1.2					
	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: (If TASER®, also reference line number from TASER® section) 37					
						
35. Anterior View		Posterior View				

Response to Resistance Report (continued)

Key West Police Department

Case No: 19-0445

TASER USE ONLY	36. TASER® device serial # X120056T7		37. TASER® device serial #	
	TASER®Cam serial # V21001KP7		TASER®Cam serial #	
	Cartridge 1 serial #		Cartridge 1 serial #	
	Cartridge 2 serial #		Cartridge 2 serial #	
	Number of cycles: 2		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: <u>Sgt. J. Dean</u>		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: 1/20/2019		41. Time: 2311	
	42. Did you respond to the scene: ☐ No ☒ Yes (If "No", explain why)			
	43. Did you meet with the Officer: ☐ No ☒ Yes (If "No", explain why)			
	44. Were you able to locate any independent witnesses: ☐ No ☒ Yes (If "Yes," list below)			
	Name	Address	Phone Number	
	Kalen Fortuna	31612 Ave D, Big Pine Key , FL, 33043	(305) 587-4641	
	Lauren Maguire	261 Miami Ave, Indialantic, FL, 32903	(321) 537-0348	
	Joshua Eldredge	2500 Patterson Ave, Key West, FL, 33040	(305) 676-2786	
45. Is further review recommended: ☒ No ☐ Yes				
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS				
INT. AFF.	48. Did the review of this incident conclude that use of force was in compliance with Departmental policy? ☐ No ☒ Yes (If "No", complete section 51)		46. Preparing Supervisor's Signature / ID <u>3386</u>	
			47. Date 1/20/19	
			49. Signature of Internal Affairs Inspector <u>1/22/19</u>	
51. If section 48 is "No" record the Professional Standards Control Number:		52. Date Entered:		

		INCIDENT/INVESTIGATION REPORT										Case# 19-000445			
												Date / Time Reported 01/20/2019 23:06 Sun			
INCIDENT DATA	Agency Name Key West Police Department												Last Known Secure 01/20/2019 23:06 Sun		
	ORI FL0440100												At Found 01/20/2019 23:06 Sun		
	Location of Incident 801 Duval St, Key West FL 33040-				Premise Type Bar / Nightclub / Lounge				Beat/GP B2, GPB2						
	#1	Crime Incident(s) Battery SCA				(Com)				Weapon / Tools HANDS, FIST, FEET				Activity	
	#2	Crime Incident				()				Weapon / Tools				Activity	
	#3	Crime Incident				()				Weapon / Tools				Activity	
MO															
VICTIM	# of Victims 2		Type: INDIVIDUAL				Injury: Minor Injuries				Domestic: N				
	V1	Victim/Business Name (Last, First, Middle) FORTUNA, KALEN EDWARD				Victim of Crime # 1,		DOB 07/07/1988 Age 30		Race W	Sex M	Relationship To Offender ST	Resident Status Resident	Military Branch/Status	
		Home Address 7001 SHRIMP RD , Key West, FL 33040-										Home Phone 305-587-4641			
	Employer Name/Address								Business Phone		Mobile Phone				
	VYR	Make	Model	Style	Color	Lic/Lis	VIN								
	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)														
OTHERS INVOLVED	Type: INDIVIDUAL						Injury: Minor Injuries								
	V2	Name (Last, First, Middle) MAGUIRE, LAUREN ELIZABETH				Victim of Crime # 1,		DOB 09/27/1993 Age 25		Race W	Sex F	Relationship To Offender ST	Resident Status Resident	Military Branch/Status	
		Home Address 261 Miami Ave Indialantic, FL 32903										Home Phone 321-537-0348			
	Employer Name/Address								Business Phone		Mobile Phone				
	Type: INDIVIDUAL						Injury:								
	IO	Name (Last, First, Middle) ELDREDGE, JOSHUA LEAMING				Victim of Crime #		DOB 01/19/1989 Age 30		Race W	Sex M	Relationship To Offender	Resident Status Resident	Military Branch/Status	
Home Address 2500 Patterson Ave Key West, FL 33040										Home Phone 305-676-2786					
Employer Name/Address Eight O One, 801 Duval St (BOUNCER)								Business Phone		Mobile Phone 213-215-3385					
PROPERTY	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)														
	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description				Make/Model		Serial Number		
		35	EVID	\$1.00		1	BWC 3834				AXON				
Officer/ID# PEREZ, SANTIAGO (3834)															
Invest ID# (0)										Supervisor (0)					
Status	Complainant Signature				Case Status Cleared By Arrest 01/21/2019				Case Disposition: Cleared By Arrest 01/21/2019				Page 1		

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 19-000445

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
ARGUELLO, V.S. (3917)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

Victim <i>FORTUNA, KALEN EDWARD</i>		OCA <i>19-000445</i>
Offense <i>BATTERY</i>		Date / Time Reported <i>Sun 01/20/2019 23:06</i>

On Sunday, January 21, 2019, approximately 2307 Hours, I, Officer Perez was dispatched to 801 Duval Street (Eight O One Pub), reference a male fighting with staff. Officer Arguello was also dispatched to the scene.

Upon arrival, Officer Arguello and I, were directed to the north east side of the bar, where bar security officer Joshua Eldredge (DOB 01/19/1989), had a white male held down on the ground. Officer Arguello and I, immediately tried to take the white male in to custody, and the white male was uncooperative by tensing his arms to prevent from being handcuff. Officer Arguello and I, gave the white male several verbal commands to stop resisting and the white male continue tensing and pulling away his arms. At that point I pulled out my Tazer, removed the Tazer cartridge and drive stunned, the white male to gain compliance.

The white male was later identified as Benjamin Christopher Reagan (DOB 05/27/1997). Officer Arguello and I, removed Reagan from the club and placed him handcuffed in the rear seat of my patrol vehicle.

I then met with Eldredge who told me Reagan punched a couple, later identified as Kalen Edward Fortuna (DOB 07/07/1988) and Lauren Elizabeth Maguire (DOB 09/27/1993). Fortuna told me that Regan had walked up to him and invited them to drink a shot. Fortuna said after they drank the shot, Regan told him "I'm going to put you to sleep", Fortuna asked Regan "did you put any drugs on my drink". Fortuna said that's when Regan grabbed him by the throat and tried to take him down. Fortuna said he was not able to breathe for ten to fifteen seconds. Fortuna said then Regan punched him in the right side of his face, turn and punched Maguire also on the right side of her face.

I took photos of Fortuna and Maguire faces. I also took a photo of Fortuna hands. I summited the pictures to The Key West Police Property/Evidence Department for evidence. My BWC was activated through the incident. I transported Reagan to the ER at Lower Keys Medical Center for clearance, and then to the Monroe County Detention Center with out incident.

Based on the facts and evidence of my investigation in this case, there is probable cause to believe that on 01/20/2019, at about 2307 hours, Regan, did commit two counts of battery intentionally striking Fortuna and Maguire in the face as well as choking Fortuna in violation of F.S.S. 784.03

Incident Report Suspect List

Key West Police Department

OCA: 19-000445

1	Name (Last, First, Middle) REAGAN, BENJAMIN CHRISTOPHER					Also Known As					Home Address 30861 MALAGA LN BIG PINE KEY, FL 33043 414-801-8074																																											
	Business Address DOLPHIN BAY WATER SPORT, WAVERUNNER RENL, BIG PINE KEY																																																					
	DOB 05/27/1997	Age 21	Race W	Sex M	Eth N	Hgt 507	Wgt 155	Hair BRO	Eye BLU	Skin LGT	Driver's License / State. R250063971870 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="2">SSN</td> </tr> <tr> <td>Weapon, Type</td> <td>Feature</td> <td colspan="2">Make</td> <td colspan="3">Model</td> <td colspan="2">Color</td> <td>Caliber</td> <td colspan="3">Dir of Travel Mode of Travel</td> </tr> <tr> <td colspan="2">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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VehYr/Make/Model		Drs	Style		Color		Lic/St		VIN																																													
Notes								Physical Char																																														

Incident Report Related Property List

Key West Police Department

OCA: 19-000445

1 Property Description BWC 3834		Make AXON		Model		Caliber	
Color	Serial No.	Value \$1.00	Qty 1.000	Unit	Jurisdiction Locally		
Status Evidence	Date 01/20/2019	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) Eldredge, Joshua Leaming			DOB 01/19/1989	Age 30	Race W	Sex M	

Notes

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 01/21/2019 04:40

OCA: **19000445**

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

Investigator: *ARGUELLO, VICTOR S (3917)*

Date / Time: *01/21/2019 04:03:13, Monday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On Sunday, January 20, 2019 at approximately 2306 hours, I (Ofc. Arguello) responded to 801 Duval Street, reference an unruly male (later identified as Benjamin Reagan).

Upon arrival, I noticed that the bar security guard had Reagan on the ground. Ofc. Perez and I ordered Reagan to place his hands behind his back and he refused. Reagan was pulling his arms away and attempting to get up. I was able to handcuff his left wrist, but Reagan pulled away his right arm. Ofc. Perez told Reagan that if he did not comply with his orders, he would be tased, he continued to resist. Ofc. Perez drive stunned Reagan on his back. Reagan stopped resisting, I was able to handcuff Reagan`s right wrist. I don`t have further involvement in this case.

Investigator Signature: _____