Response to Resistance Report

Key West Police Department

Case No: 22-4141

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

- [x] 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: 7/22/22 **3. Time:** 0800 **4. Location:** 3920 S.R.B # 110W **5. Incident type:** Trespasser

6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
[ ] Passive:		[ ] Physical Control	
[x] Active:	Tensed up, pulled away	[x] Non-lethal Weapon	Drive Stun
[ ] Aggressive:		[ ] Deadly Force	
[ ] Deadly Force:			

SUBJECT

10. Last Name: NYERS **11. First:** CHARLES **12. Race:** W **13. Sex:** M

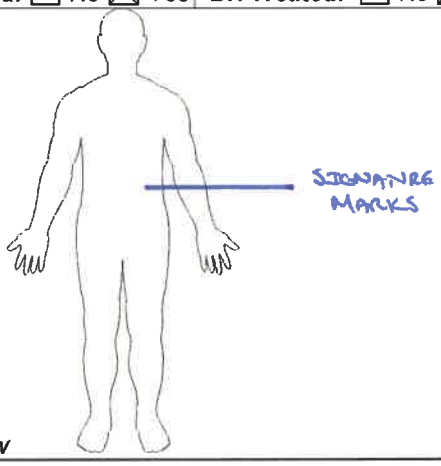
14. DOB: 5/26/1980 **15. Height:** 5'11 **16. Weight:** 170

17. Did you observe the subject: [ ] No [x] Yes If NO, explain why in Section 42. If "YES", complete sections 18-22

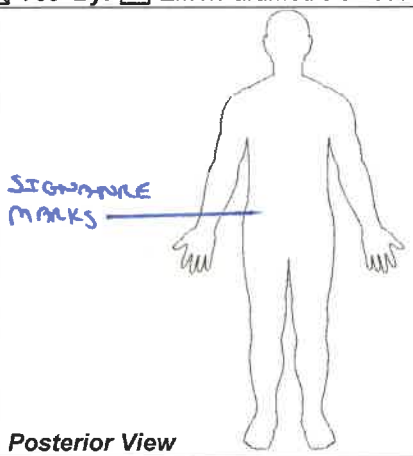
18. Appeared to be: [ ] Intoxicated [x] Under the influence of controlled substance [x] Emotionally / mentally disturbed

19. Injuries: [ ] No [x] Evident [ ] Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)

20. Photographed: [ ] No [x] Yes **21. Treated:** [ ] No [x] Yes **By:** [ ] EMT/Paramedic on scene [x] Hospital [x] Detention



22. Anterior View



Posterior View

OFFICER

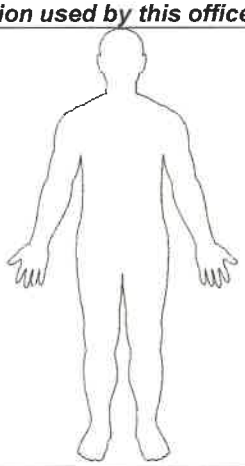
23. Officer: BRIAN LEAHY **24. Race:** W **25. Sex:** M **26. Age:** 53 **27. Height:** 5'10 **28. Weight:** 219

29. Duty Status: [x] On-duty [ ] Off-duty [ ] Extra duty employment [ ] Uniformed [ ] Plain clothes **30. Yrs Exp:** 15

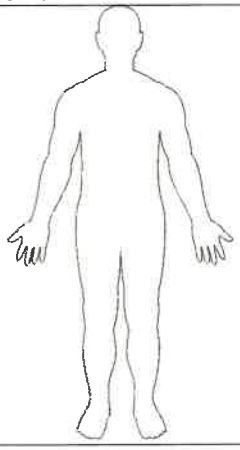
31. Injuries: [x] No [ ] Evident [ ] Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

32. Photographed: [x] No [ ] Yes **33. Treated:** [x] No [ ] Yes **By:** [ ] EMT/Paramedic on scene [ ] Hospital

34. Response option used by this officer: (If **TASER®**, also reference line number from **TASER®** section) DRIVE STUN



35. Anterior View



Posterior View

Response to Resistance Report (continued)

Key West Police Department

Case No: 22-4141**Error! Reference source not found.**

TASER USE ONLY

36. TASER® device serial # X1200CRT5	***37. TASER® device serial #***
TASER®Cam serial # V21001KP4	TASER®Cam serial #
Cartridge 1 serial #	Cartridge 1 serial #
Cartridge 2 serial #	Cartridge 2 serial #
Number of cycles: 3	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: M. SIRACUSE	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: 7/22/22 ***41. Time:*** 0800

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	Phone Number

47. Is further review recommended: ☒ No ☐ Yes

FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS

48. Preparing Supervisor's Signature / ID — 49. Date: 7/22/22

INT. AFF.

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:***

INCIDENT/INVESTIGATION REPORT

Agency Name	Case#
Key West Police Department	22-004141
ORI: FL0440100	Date / Time Reported: 07/22/2022 07:50 Fri
	Last Known Secure: 07/22/2022 07:50 Fri
	At Found: 07/22/2022 07:50 Fri

INCIDENT DATA

Location of Incident	Gang Relat	Premise Type	Beat/GP
3920 S ROOSEVELT BLVD Apt. 110W, Key West	NO	Home Of Vi - Single	B6, GPB6

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

MO

VICTIM

# of Victims 2 | Type: INDIVIDUAL | Injury: None | Domestic: N

	Victim/Business Name (Last, First, Middle)	Victim of Crime #	DOB / Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
V1	PLIKERD, HALEY	2	08/27/1985 Age 36	W	F	XB	Resident	

Home Address	Email	Home Phone
3920 SOUTH ROOSEVELT BLVD - 110W, Key West, FL 33040-		574-457-6591

Employer Name/Address	Business Phone	Mobile Phone
HOB 1105 LEON ST (TEACHER)		

VYR	Make	Model	Style	Color	Lic/Lis	VIN

OTHERS INVOLVED

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

Type: SOCIETY/PUBLIC/STATE | Injury:

Code	Name (Last, First, Middle)	Victim of Crime #	DOB / Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
V2	SOCIETY	1	/ / Age				N/A	

Home Address	Email	Home Phone

Employer Name/Address	Business Phone	Mobile Phone

Type: | Injury:

Code	Name (Last, First, Middle)	Victim of Crime #	DOB / Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status

Home Address	Email	Home Phone

Employer Name/Address	Business Phone	Mobile Phone

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	$0.00		3	AXON BWC 2965		
	35	EVID	$0.00		1	INCAR CAMERA		

Officer/ID# LEAHY, BRIAN P (2965)

Invest ID# (0) | Supervisor (0)

Status

Complainant Signature	Case Status	Case Disposition:	
	Cleared By Arrest 07/22/2022	Cleared By Arrest 07/22/2022	Page 1

Incident Report Suspect List

Key West Police Department

OCA: *22-004141*

1	Name (Last, First, Middle)	Also Known As	Home Address
	NYERS, CHARLES EUGENE		*704 S SYRACUSE WEBSTER RD SYRACUSE, IN 46567*
	Business Address *UNK, UNK*		

DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.
05/26/1980	*42*	*W*	*M*	*N*	*511*	*180*	*GRY*	*BLU*	*LGT*	*1350219193 IN*

Scars, Marks, Tattoos, or other distinguishing features

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

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # *22-004141*

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
DRUGS						

Assisting Officers

SIRACUSE, M.W. (3366), HARTLE, R.W. (2520), MEDINA, G.A. (3437), WAITE, K.J. (3646)

Suspect Hate / Bias Motivated:

NARRATIVE

-- Charles Eugene Nyers Arrest Narrative:
On 07/22/2022, at approximately 0750 hours, Officers Hartle, Waite, Medina, Sgt. Siracuse and I, Officer Leahy responded to 3920 South Roosevelt Blvd. Apt. 110W in reference to a trespasser.

Key West Police Dispatch advised a white male, later identified by his Indiana driver`s license as Charles Eugene Nyers (arrestee) had entered Apt. 110W of the above address. The apartment is occupied and leased by a white female, later identified by her Indiana driver`s license as Haley Plikerd. Nyers is Plikerd`s ex-boyfriend and the father to their son who now lives with his mother, Plikerd.

Plikerd said Nyers arrived at her home on unannounced on 07/20/2022. Plikerd said Nyers was not supposed to come to Key West until next week. Plikerd stated Nyers was off his medications and was being threatening towards her on 07/20/2022. KWPD Officer Roberts arrived on scene of 07/20/2022 and issued Nyers a trespass warning for the above apartment. If Nyers returned to the apartment, he would be subject to arrest. (CAD # 222010207).

On 07/21/2022 Plikerd said she brought Nyers to the doctors to get a shot for the medications he was supposed to be on reference mental illness. Plikerd said she allowed Nyers to stay the night of 07/21/2022 because he had nowhere to go.

On the morning of 07/22/2022, Plikerd said Nyers became unstable and angry, so she locked herself in the bedroom of the apartment with her children. Plikerd said she asked Nyers to leave the apartment several times and he refused, stating he will never leave the apartment and will always be there. Plikerd stated Nyers said when she left for work, he was going to take their son.

Upon arrival the apartment, we contacted Nyers who was in the living room. We also contacted Plikerd who confirmed she did not want Nyers at her residence and told him to leave. I asked Nyers if he remembers officers coming to the apartment and telling him he was trespassed from the apartment. Nyers said he did not remember.

Based on the facts and evidence, I believe there is probable cause that on 07/22/2022 Charles Eugene Nyers did knowingly and intentionally stay in Apt 110W after being asked several times by Haley Plikerd to leave the apartment prior to establishing a permanent residency violating FSS 810.09 (2)(B) trespassing fail to leave upon owner`s request.

I told Nyers to stand up and place his hands behind his back. Officer Waite took control of both of Nyers arms to handcuff him. Nyers attempted to pull away from Officer Waite. Officer Hartle took hold of Nyers left arm in attempt to assist Officer Waite in handcuffing Nyers. Nyers continued to try and pull away. I removed my TASER from my TASER\ holster and pointed it at Nyers. I told Nyers to place his hands behind his back or he would be TASED. Nyers became more enraged and started to pull officers towards me as Nyers yelled, "Do it do it do it." Officer Hartle and Officer Waite were able to redirect Nyers to the couch in the living room. Nyers continued not to place his hands behind his back and forcibly held his hands and arms in front of his body. Officer Medina arrived on scene to help to secure Nyers. I told Nyers to place his hands behind his back again or he would be TASED. Nyers ignored my lawful command. I removed my TASER cartridge from my TASER devise. I initiated three drive stuns to Nyers lower back and left rib cage. Officers were able to release Nyers arms from the front of his body due to the muscle incapacitation from the TASER. Officers were able to place Nyers in handcuffs.

Based on the facts and evidence, I believe there is probable cause that on 07/22/2022, Charles Eugene Myers did

Draft Only

knowingly and intentionally pull away from officers, forcibly hold his arms in front of him, thwarting all efforts of officers to place him (Nyers) into handcuffs for arrest violating FSS 843.02 resist officer without violence.

Sgt. Siracuse took photos of the red signature marks where Nyers had been TASER drive stunned.

Nyers was subsequently transported to Lower Keys Medical Center for medical clearance.

Nyers was subsequently transported to the Monroe County Detention Center.

My AXON BWC and in-car camera were activated.

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CASE SUPPLEMENTAL REPORT

Printed: 07/26/2022 14:31

Key West Police Department OCA: **22004141**

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

Case Status: *CLEARED BY ARREST* **Case Mng Status:** *NA* **Occurred:** *07/22/2022*

Offense: *RESIST ARREST / ESCAPE*

Investigator: *WAITE, KENNETH J (3646)* **Date / Time:** *07/22/2022 14:43:33, Friday*

Supervisor: *SIRACUSE, MARK W (3366)* **Supervisor Review Date / Time:** *07/23/2022 05:47:54, Saturday*

Contact: **Reference:** *General Supplemental Report*

On July 22, 2022, at approximately 0750 hours, I (Ofc. Waite) responded to Unit 110W at Ocean Walk Apartments in reference to a verbal disturbance. The caller, Haley Plikerd, advised her ex-boyfriend, identified later as Charles Nyers, attempted to pick up their son and leave with him.

On arrival, Ofc. Hartle and I made contact with Charles inside of the residence. Ofc. Leahy met with Haley and learned Charles had been trespassed from the property earlier in the week. Ofc. Leahy instructed Charles to stand up and place his hand behinds his back. As I attempted to handcuff Charles, he immediately pulled away from me. I instructed Charles to place his hands behind his back and he refused. Due to his resistance, Ofc. Leahy displayed his Taser device and informed Charles that he would be tased if he continued to resist our attempts of control. Charles shouted, "Do it!" and lunged towards Ofc. Leahy. Ofc. Hartle and I placed Charles on a nearby couch in an attempt to limit his movement. Charles placed his arms underneath his chest to prevent me form the placing the handcuffs on his wrist. Ofc. Leahy utilized the drive stun technique with his Taser device on Charles. Shortly after, Charles placed his hands behind allowing me to place the handcuffs around his wrist. Sgt. Siracuse, Ofc. Medina, and I escorted Charles to Ofc. Medina`s patrol vehicle while Ofc. Leahy completed his investigation.

This was the extent of my involvement in this case.

My BWC was activated.

Investigator Signature Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 08/01/2022 08:50

Key West Police Department OCA: **22004141**

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

Case Status: *CLEARED BY ARREST* **Case Mng Status:** *NA* **Occurred:** *07/22/2022*

Offense: *RESIST ARREST / ESCAPE*

Investigator: *MEDINA, GUSTAVO A (3437)* **Date / Time:** *07/27/2022 07:12:36, Wednesday*

Supervisor: *RODRIGUEZ, PABLO D (2298)* **Supervisor Review Date / Time:** *07/27/2022 10:06:44, Wednesday*

Contact: **Reference:** *General Supplemental Report*

On July 22, 2022 I Officer Gustavo Medina responded to 3920 Roosevelt Blvd (Unit 110W) in reference to a trespass incident.

Upon my arrival, I heard over the Key West Police radio that officers were involved in a resistance with the suspect inside the unit. I ran to the room from the hallway and observed Officer Waite, Officer Leahy and Officer Hartle attempting to get the subject (identified as Charles Nyers) in custody. I noticed Nyers was laying face forward unto the living room couch, while Officer Hartle and Officer Waite were attempting to restrain him and place him in custody. I observed Officer Leahy holding his Tazer and giving clear loud verbal commands to Nyers to comply and not resist arrest or he will be Tazed. Officer Leahy then instructed me to come around him and grab Nyers right hand that he had lodged underneath his upper torso area. I grabbed the hand and attempted to pull it back towards his back, so that it could be handcuffed. Officer Leahy then deployed his Tazer in the drive stun setting (without cartridge) on Nyers person.

I was then able to place Nyers right hand towards his back. He was subsequently placed in handcuffs. Sergeant SIracuse arrived on scene and began speaking with Nyers on the couch. He then began to calm down and comply. We lifted him up off the couch and began escorting him outside. Sergeant Siracuse and I escorted Nyers down to my patrol vehicle. I then transported him to Monroe County Jail. He was refused entry due to the Doctor requesting him to be medically cleared by the ER. I then transported Nyers to Lower Keys Medical Center ER to get medically cleared.

Medical staff and Dr. Sanchez from the ER completed tests and medical treatment to Nyers. He was then medically cleared by the ER. I then transported Nyers back to the Monroe County Jail. I was then met downstairs in the sally port by MCSO Deputy Reams. She requested the medical clearance paperwork. She took it upstairs and came back shortly afterwards and was instructed by the intake doctor to have a specific test done (CPK) by the ER, because Nyers will not be admitted inside without it.

I then transported Nyers back to the ER and informed them that the subject was not admitted into the jail without the specific test. The ER then completed the new tests and provided me with a copy of the results to give to intake.

He was transported back to intake where he was admitted inside. His belongings were given to intake for prisoner property and safekeeping.

My bwc was activated during the incident and later uploaded to the Axon server as evidence.

I had no further involvement.///END OF REPORT///

Investigator Signature Supervisor Signature