



KEY WEST POLICE DEPT.
 1604 N. ROOSEVELT BLVD.
 Key West, FL, 33040
 (305) 809-1000

Draft

Response to Resistance EVT-00000177-1

Response to Resistance EVT-00000177-1

Primary Officer: Del Valle, Marcus (1176)

Overview

Event Information

Reporting

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"
- Discharge of firearm in the line of duty, off-duty or on-duty (other than for training, maintenance or ballistics testing)
- When any person complains of injury as a result of the application of force
- When any person sustains an apparent substantial or fatal injury as a result of the application of force

Event Details

INCIDENT ID 0124003218	DATE 06/15/2024	TIME 00:45
LOCATION Rick's Bar, 202 Duval St, Key West, FL, 33040, USA		
INCIDENT TYPE S32 - Theft		
OTHER AGENCIES INVOLVED? N - No		

Persons

Fleschler, joseph C

Person Role

ROLE Subject

Person Details

LAST NAME Fleschler	FIRST NAME joseph	MIDDLE NAME C	SUFFIX
DOB 03/05/1995	AGE 29	SEX M	RACE W
HEIGHT 6' 0"	WEIGHT 230	CLOTHING TYPE Loose / Hanging	
ETHNICITY Not Hispanic or Latino			

Identifying Documents

Document

ID TYPE Social Security Card	SOCIAL SECURITY NUMBER 138-98-9361
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Persons (continued)

Fleschler, Joseph C (continued)

ID TYPE Driver's License	ISSUING STATE New Jersey
ID NUMBER F52824106303954	
EXPIRATION DATE 03/05/2028	CLASS CLASS E
RESTRICTIONS N/A	

Contact

Address

ADDRESS TYPE H - Home
LOCATION 1050 Rahway Road, Plainfield NJ 0760-3408

Phone Number

PHONE NUMBER TYPE Home	PHONE NUMBER (908) 499-1486
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E-Mail

Response to Resistance Circumstances

DID YOU OBSERVE THE SUBJECT? Yes
APPEARED TO BE <input type="checkbox"/> Emotionally/Mentally disturbed <input checked="" type="checkbox"/> Intoxicated <input type="checkbox"/> Not Applicable <input type="checkbox"/> Under the influence of controlled substance
SUBJECT ARRESTED Yes

Rittgers, Ross L

Person Role

ROLE Witness

Person Details

LAST NAME Rittgers	FIRST NAME Ross	MIDDLE NAME L	SUFFIX	
DOB 05/17/1990	AGE 34	SEX M	RACE W	ETHNICITY Not Hispanic or Latino
HEIGHT 6' 1"	WEIGHT 240			

Identifying Documents

Document

ID TYPE Social Security Card	SOCIAL SECURITY NUMBER 590-98-3761
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Persons (continued)

Rittgers, Ross L (continued)

ID TYPE Driver's License	ISSUING STATE
	ID NUMBER
EXPIRATION DATE	CLASS
RESTRICTIONS	

Contact

Address

ADDRESS TYPE H - Home
LOCATION 3333 Duck Ave #J102, Key West FL 33040

Phone Number

PHONE NUMBER TYPE Mobile	PHONE NUMBER (904) 314-4507
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E-Mail

Officers

GRUBA, JACK (4156)

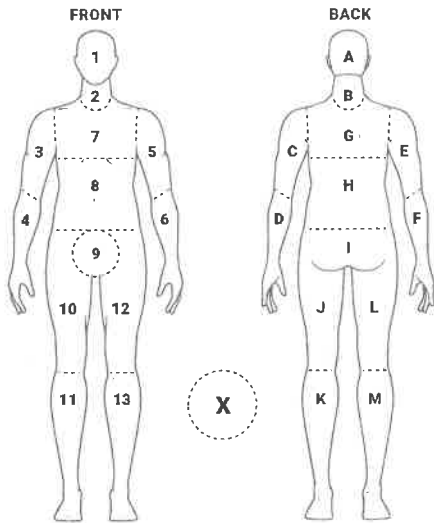
Officer Details

ROLE Involved	OFFICER / EMPLOYEE GRUBA, JACK (4156)	POSITION Officer	DIVISION Night Patrol Division
PATROL SHIFT Alpha Night Shift	EMPLOYEE YEARS OF SERVICE 2.5		
UNIFORMED OR PLAIN CLOTHES Uniformed	EMPLOYEE WAS ON DUTY On Duty		

EMPLOYEE RACE White	EMPLOYEE ETHNICITY Not Hispanic or Latino	EMPLOYEE SEX Male
EMPLOYEE AGE 29	EMPLOYEE HEIGHT 6' 0"	EMPLOYEE WEIGHT 195
INJURIES No		
BODY WORN CAMERA (BWC) ACTIVATED DURING INCIDENT <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		

Officers (continued)

GRUBA, JACK (4156) (continued)



Response Action

Response Action

FORCE USED AGAINST P - Person
PERSON FORCE USED AGAINST Fleschler, joseph C
RESISTANCE LEVEL <input checked="" type="checkbox"/> Active <input type="checkbox"/> Aggressive <input type="checkbox"/> Deadly Force <input type="checkbox"/> Passive
EXPLANATION OF RESISTANCE LEVEL See Officer Report

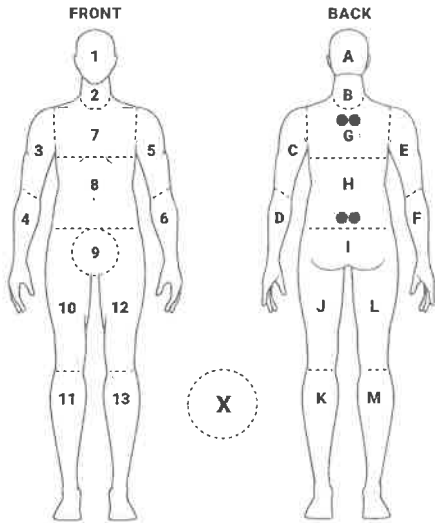
Force

Force

INVOLVED OFFICER GRUBA, JACK (4156)	FORCE TYPE TASER CEW
DISTANCE BETWEEN OFFICER AND SUBJECT (FT) 10	NUMBER OF APPLICATIONS 2
CEW MODEL TASER 7	CEW ACTION Aimed-deliberate aiming of CEW at targeted subject
SERIAL NUMBER X40018072	

Response Action (continued)

Response Action



Force Location

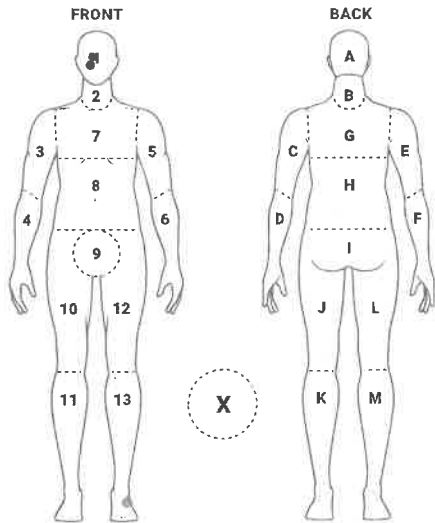
BODY REGION Upper Back	DETAILED LOCATION Upper Back (Unspecified)
NUMBER OF IMPACTS 2	INJURY SUSTAINED FROM DIRECT FORCE Evident
TREATED Yes	TREATED BY EMT/Paramedic on scene
INJURY DETAILS Probe marks minor bleeding	PHOTOGRAPHED Yes

BODY REGION Lower Back	DETAILED LOCATION Lower Spine
NUMBER OF IMPACTS 1	INJURY SUSTAINED FROM DIRECT FORCE Evident
TREATED Yes	TREATED BY EMT/Paramedic on scene
INJURY DETAILS Probe marks minor bleeding	PHOTOGRAPHED Yes

Related Injuries

Response Action (continued)

Response Action



Injury Location

BODY REGION Face	DETAILED LOCATION Right Cheek
INJURY SUSTAINED WITHOUT DIRECT FORCE Evident	TREATED Yes
TREATED BY EMT/Paramedic on scene	INJURY DETAILS Abrasions from fall after being tased

BODY REGION Left Front Lower Leg	DETAILED LOCATION Left Foot
INJURY SUSTAINED WITHOUT DIRECT FORCE Evident	TREATED Yes
TREATED BY EMT/Paramedic on scene	INJURY DETAILS Abrasions and laceration to toes

BODY REGION Face	DETAILED LOCATION Right Eye
INJURY SUSTAINED WITHOUT DIRECT FORCE Evident	TREATED Yes
TREATED BY EMT/Paramedic on scene	INJURY DETAILS Abrasion and contusion to the eyebrow area

Investigation

Investigation Details

Report Information

OFFENSE/INCIDENT REPORT AND/OR WARRANT AFFIDAVIT MUST INCLUDE
<input checked="" type="checkbox"/> All details of the arrest

Investigation (continued)

Investigation Details

<input checked="" type="checkbox"/> All necessary criminal elements
<input checked="" type="checkbox"/> Detailed description of injury complaints and/or observed injuries
<input checked="" type="checkbox"/> Details articulating the subject's words, mannerisms and actions that justify the Response to Resistance
<input checked="" type="checkbox"/> Details outlining the Response to Resistance utilized by each officer
<input checked="" type="checkbox"/> Details outlining the decontamination, first aid or medical treatment provided to the officer and/or subject

Narrative

NARRATIVE OF INCIDENT

KWPD Officer Jack Gruba was standing at the corner of Charles and Duval Street. He observed one of Ricks Bar bouncer running after a white male who was carrying a rolled up black flag. The male was later identified as Joseph Fleschler, date of birth March 5, 1995. Officer Gruba was informed by the bouncer that Fleschler stole a flag from the Dirty Harry's Bar. As Officer Gruba attempted to handcuff Fleschler he resisted Officer Gruba by running away from Officers Gruba as he was trying take control of him. Fleschler ran north on Duval Street towards Greene Street. Officer Gruba gave chase and he deployed his taser hitting Fleschler in his upper and middle back with three prongs creating a solid NMI.

Fleschler fell to the pavement yelling "you got me." Fleschler immediately put his hands to his back and he was taken into custody. A head to toe evaluation to check Fleschler for injuries revealed that he received abrasions and contusions to his right cheek, right eye brow and his left foot. Fleschler was arrested and charged with theft and resisting an officer without violence. I photographed Fleschler's injuries and later entered the photos into the KWPD Property Section as evidence. Fleschler received medical attention on scene from Key West Fire Rescue.

I was able to contact an independent witness who saw Fleschler fleeing from Officer Gruba. I identified him as Ross Von Rittgers, date of birth May 17,1990, Ph# 904-314-4507. Rittgers said he saw Fleschler running from Officer Gruba, Officer Gruba tasered him and took him into custody.

I contacted NAS Watch Commander Office and I spoke to Petty Officer Mack Young and notified him of the incident.

Supervisor's Inquiry

NOTIFIED DATE 06/15/2024	NOTIFIED TIME 00:47
DID SUPERVISOR RESPOND TO THE SCENE Yes	DID SUPERVISOR WATCH ALL RELEVANT VIDEOS ASSOCIATED WITH THE RESPONSE TO Yes
DID SUPERVISOR MEET WITH THE OFFICER(S)? Yes	
DURING SUPERVISOR'S REVIEW DID YOU FIND AN POTENTIAL POLICY VIOLATIONS OR TRAINING ISSUES ASSOCIATED WITH THE INCIDENT? No	
WAS SUPERVISOR ABLE TO LOCATE ANY INDEPENDENT WITNESSES? Yes	HAVE THEY BEEN ADDED TO THE PERSON(S) SECTION OF THIS REPORT? Yes

Supervisor Comments

SUPERVISOR DEL VALLE, MARCUS (1176)	RANK Sergeant	REVIEW DATE 06/15/2024
COMMENTS		

Professional Standards Division

Reviewer

Incident Report Additional Name List

Key West Police Department

OCA: 24-003218

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) IO 2	STEMAGE, DEONTE GEORGE		05/21/1994	30	B	M
	Address 3920 S ROOSEVELT BLVD Apt. 310N, KEY WEST, FL 3304		H: 305-587-3211			
	Empl/Addr Fury		B: - -			
			Mobile #: - -			
2) WI 1	PAKENAS, MARQUESA D		07/15/1998	25	W	F
	Address 802 CATHERINE ST, KEY WEST, FL 33040-		H: 630-379-9886			
	Empl/Addr		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 24-003218

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
WILLIAMS, C.V. (2703), DEL VALLE, M. (1176), DAVIS, S. (4270)

Suspect Hate / Bias Motivated:

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 24-003218

Key West Police Department

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 24-003218
Date / Time Reported Sat 06/15/2024 00:45

Victim DURTY HARRYS BAR	Offense THEFT OTHER
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-- Joseph Churan Fleschler Arrest Narrative:

On 06/15/2024, at approximately 0045 hours, I, Ofc. Gruba, was on routine foot patrol at Charles St and Duval St, when I saw a male running towards me and away from Dirty Harrys security. The male was soon stopped by security a few feet away from me, when one bouncer jumped on the male's back.

Puzzled at what I was witnessing, I asked security, "What happened?" Security told me the male, later identified as Joseph Fleschler, had stolen the flag he was holding in his hand. Fleschler saw me and put both of his hands in the air. I announced myself as an officer and told him to relax. I grabbed Fleschler's left arm. As I was trying to gain control of both arms, Fleschler ran north on Duval St. I yelled several times for Fleschler to stop. Fleschler did not. As Fleschler was turning right onto Greene St, I deployed my Taser. I did not achieve neuromuscular incapacitation on Fleschler with the initial deployment, so I deployed a second time. In stride, Fleschler's neuromuscular system was momentarily incapacitated, causing his body to cease movement and let gravity take over. I told Fleschler several times to put his hands behind his back. Fleschler would not at first and said, "Alright. Alright. Alright. You got me." Eventually Fleschler did put his hands behind his back. I placed Fleschler in handcuffs and into the back of Ofc. Davis' patrol vehicle.

As Fleschler was evaluated by rescue, I went back to Dirty Harrys to speak to witnesses and watch the video footage. The bartender, identified as Marquesa Pakenas, told me Fleschler had been giving her issues the whole night. At one point, Fleschler jumped on the bar at Dirty Harrys and stole a black Dirty Harrys flag that was hanging. Fleschler ran out of the bar and Pakenas attempted to stop him. This is when she flagged down security.

After talking to Pakenas, I spoke with one of the managers of Dirty Harrys, identified as Jason Walck. Walck and other security personnel told me the group of Navy guys that Fleschler was a part of had been giving them issues all night. One of the security personnel told me a gentleman I assisted in removing from the establishment earlier in the night was part of the same Navy group. Reference CAD #241660179. Walck showed me video of the theft. Video showed Fleschler staring at the flag, get onto the bar, reach and grab the flag hanging over the bar, then jog out towards Duval St. Walck stated the estimated the price of the flag was \$70.

After I had placed Fleschler into handcuffs and into the back of Ofc. Davis' vehicle, someone else had captured the flag, but I did not see who.

I eventually transferred Fleschler into my patrol vehicle and transported him to Monroe County Detention Center.

Fleschler violated Florida State Statute 812.014-3A, Petit Theft Under \$100. Fleschler (Defendant) knowingly and unlawfully obtained a Dirty Harrys flag (property alleged) of Dirty Harrys (Victim). He did so with intent to, either temporarily or permanently, deprive the business's right to the property or any benefit from it. The flag was valued at \$70.

Fleschler violated Florida State Statute 843.02, Resist Without Violence. Fleschler resisted, obstructed, opposed my (Ofc. Gruba) lawful commands. At the time, I was an officer. At the time, Fleschler knew I was an officer due to my class B uniform and myself identifying to him that I was an officer.

My BWC was activated during this incident.

End of report.

Incident Report Suspect List

Key West Police Department

OCA: 24-003218

1	Name (Last, First, Middle) <i>FLESchLER, JOSEPH CHURAN</i>					Also Known As					Home Address <i>1050 RAHWAY RD PLAINFIELD, NJ 07060 908-499-1486</i>				
	Business Address <i>US NAVY</i>										Driver's License / State <i>F52824106303954 NJ</i>				
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin					
<i>03/05/1995</i>	<i>29</i>	<i>W</i>	<i>M</i>	<i>N</i>	<i>605</i>	<i>230</i>	<i>BLN</i>	<i>BLU</i>	<i>LGT</i>						
Scars, Marks, Tattoos, or other distinguishing features															
<hr/>															
<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								

Incident Report Related Property List

Key West Police Department

OCA: 24-003218

1	Property Description BWC 4156				Make		Model		Caliber		
	Color		Serial No.		Value \$0.00		Qty 1.000		Unit	Jurisdiction Locally	
	Status Evidence		Date 06/15/2024	NIC #		State #		Local #		OAN	
	Name (Last, First, Middle) * No name *					DOB		Age	Race	Sex	

Notes

2	Property Description FLAG				Make		Model		Caliber		
	Color Black		Serial No.		Value \$70.00		Qty 1.000		Unit EA	Jurisdiction Locally	
	Status Stolen		Date 06/15/2024	NIC #		State #		Local #		OAN	
	Name (Last, First, Middle) DURTY HARRYS BAR.					DOB		Age	Race	Sex	

Notes

3	Property Description AXON-FLEET				Make		Model		Caliber		
	Color		Serial No.		Value \$0.00		Qty 1.000		Unit	Jurisdiction Locally	
	Status Evidence		Date 06/15/2024	NIC #		State #		Local #		OAN	
	Name (Last, First, Middle) * No name *					DOB		Age	Race	Sex	

Notes

4	Property Description AXON CAPTURE				Make		Model		Caliber		
	Color		Serial No.		Value \$0.00		Qty 2.000		Unit EA	Jurisdiction Locally	
	Status Evidence		Date 06/15/2024	NIC #		State #		Local #		OAN	
	Name (Last, First, Middle) * No name *					DOB		Age	Race	Sex	

Notes