

Response to Resistance Report

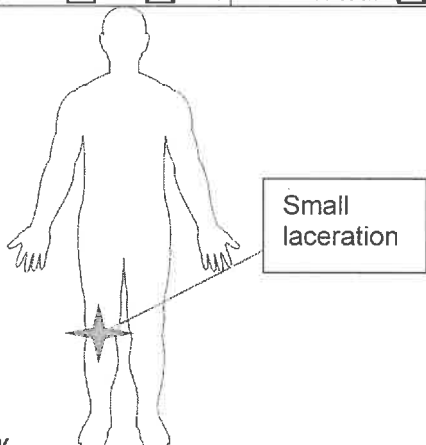
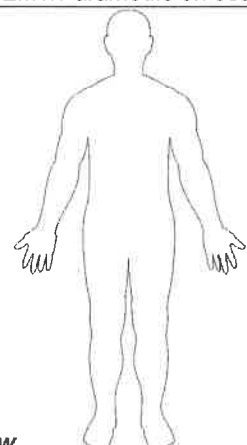
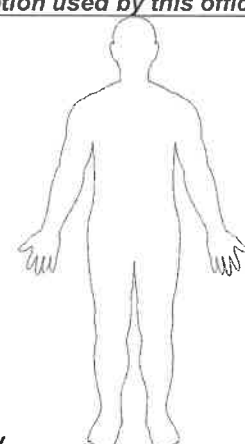
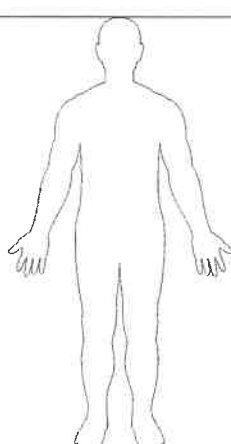
Key West Police Department

Case No: 22-4702

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: 08/16/2022	3. Time: 2003	4. Location: 517 Duval Street	5. Incident type: S32/Resisting
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	☒ Passive:	Ignored Verbal Commands	☒ Physical Control	Take Down
	☒ Active:	Pushing, Bracing, Tensing	☐ Non-lethal Weapon	
SUBJECT	☒ Aggressive:	Headbutting officer	☐ Deadly Force	
	☐ Deadly Force:			
	10. Last Name: Ramos	11. First: Victor	12. Race: H	13. Sex: M
	14. DOB: 07/15/1989	15. Height: 6'00"	16. Weight: 180	
	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			
	 Small laceration			
	Anterior View		Posterior View	
OFFICER	23. Officer: Leo Hernandez 24. Race: W 25. Sex: M 26. Age: 47 27. Height: 5'04" 28. Weight: 150			
	29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes 30. Yrs Exp: 3			
	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			
				
35. Anterior View		Posterior View		

Response to Resistance Report (continued)

Key West Police Department

Case No: 22-4702

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: N/A	Target distance at probe launch: N/A	
	Distance between probes: N/A	Distance between probes: N/A	
	Probes removed by (name): N/A	Probes removed by (name): N/A	
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.		
SUPERVISOR'S INQUIRY	40. Notified Date: 08/16/2022 41. Time: 2003		
	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
INT. AFF.	47. Is further review recommended: ☒ No ☐ Yes FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		
	48. Preparing Supervisor's Signature / ID A Rodriguez 3465 49. Date 08/16/2022		
	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

I N C I D E N T D A T A	Agency Name Key West Police Department		Case# 22-004702						
	ORI FL0440100								
	Location of Incident 917 DUVAL ST, Key West FL 33040-		Premise Type Highway / Street / Road/	Beat/GP B2, GPB2	Date / Time Reported 08/16/2022 19:03 Tue				
					Last Known Secure 08/16/2022 19:03 Tue				
M O	#1	Crime Incident(s) Battery Felony BFE	(Com)	Weapon / Tools HANDS, FIST, FEET	Activity				
				Entry	Exit				
				Security					
	#2	Crime Incident Fraud By Obtaining Food Or Lodging With Intent To Defraud - DND	(Com)	Weapon / Tools	Activity				
				Entry	Exit				
				Security					
V I C T I M	#3	Crime Incident Disorderly Conduct DCA	(Com)	Weapon / Tools	Activity				
				Entry	Exit				
				Security					
	# of Victims 3 Type: BUSINESS Injury: Domestic: N								
	V1	Victim/Business Name (Last, First, Middle) MARTINS		Victim of Crime # 2,	DOB // : : Age				
				Race	Sex				
Home Address 917 DUVAL ST, Key West, FL 33040-		Relationship To Offender ST		Resident Status N/A					
Employer Name/Address		Business Phone		Military Branch/Status					
VYR		Make	Model	Style	Color				
					Lic/Lis				
					VIN				
O T H E R S I N V O L V E D	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)								
	Type: SOCIETY/PUBLIC/STATE Injury:								
	Code V2	Name (Last, First, Middle) SOCIETY		Victim of Crime # 3,4	DOB // Age				
				Race	Sex				
	Home Address		Relationship To Offender						
			Resident Status N/A						
	Employer Name/Address		Military Branch/Status						
	Type: LAW ENFORCEMENT (LEO)		Injury: Internal Injuries Possible						
	Code V3	Name (Last, First, Middle) HERNANDEZ, LEONARDO		Victim of Crime # 1,2,3	DOB 01/09/1975 Age 47				
			Race W	Sex M					
Home Address 1604 N ROOSEVELT BLVD KEY WEST, FL 33040		Relationship To Offender ST		Resident Status					
Employer Name/Address Key West Police Department, 1604 N ROOSEVELT BLVD (POLICE OFFICER)		Business Phone 305-809-1111		Military Branch/Status 305- -					
L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)									
P R O P E R T Y	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
		99	EVID	\$0.00		1	AXON PHOTOS		
		35	EVID	\$0.00		1	AXON FLEET 3452		
		35	EVID	\$0.00		1	BWC 3452		
		12	EVID	\$82.24		1	FOOD/CONSUMABLE MATERIALS		
Officer/ID# HERNANDEZ, LEONARDO (3452)									
Invest ID# HERNANDEZ, LEONARDO (3452)					Supervisor RODRIGUEZ, ALEXANDER (3465)				
Status	Complainant Signature			Case Status <i>Cleared By Arrest</i>			Case Disposition: <i>Cleared By Arrest</i>		Page 1
				08/16/2022			08/16/2022		

Incident Report Additional Offense List

Key West Police Department

OCA: 22-004702

Offense List (Continued)

Page 2

Counter	Offense Description	Fel/Misd	Statute	Completed/Attempted
# 4	RESIST ARREST / ESCAPE		XOM	Com

Incident Report Additional Name List

Key West Police Department

OCA: 22-004702

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) IO 1	NEELY, NATHAN TOMLINSON III		10/02/1973	48	W	M
	Address 2217 FOGARTY AV, KEY WEST, FL 33040-		H: 305-901-9397			
	Empl/Addr Martins, 917 Duval St		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 22-004702

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

ANDRADE, E. (4158)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim <i>MARTINS</i>	Offense <i>BATTERY FELONY</i>	OCA <i>22-004702</i>
		Date / Time Reported <i>Tue 08/16/2022 19:03</i>

-- Victor De Jesus Ramos Arrest Narrative:

On Tuesday August 16, 2022, at about 1905 hours, I, (ofc. L. Hernandez), was on patrol within the City of Key West limits, when I saw a male matching the description of a suspect that had walked out on a \$82.24 tab at a local restaurant. The incident occurred at 917 Duval Street (Martin's Restaurant and Steakhouse). I was driving in the area of 525 Duval Street when I saw the male, later identified as Victor De Jesus Ramos (DOB 07/15/1989) (Arrestee), identified by his Florida driver's license.

The description given by Martin's staff was a Hispanic male wearing a Hawaiian shirt and blue shorts. Victor matched the description and was wearing the clothing as described. I asked Victor to step over to 515 in front of Coach Factory so we can talk. Victor complied. I asked Victor what happened, and he said, "I was kicked out of the restaurant by the server, I am going to sue them, I wanted to pay the bill, but they said they did not accept apple pay so I gave them a credit card, but the card declined payment". I asked Victor if he had any other means to pay several times and he said no. Victor began to act belligerent, speaking and yelling over me, as he was doing so, he was looking around across the street and on both south and north sides of Duval Street as if he was trying to gather an audience. Victor was screaming from the top of his lungs at times saying, "you are not listening to me" and making multiple incoherent statements. Victor was under the influence of alcoholic intoxicant (s) as per his slurred speech, strong odor of alcoholic beverages emanating from his breath and person, watery glassy eyes. Victor began to walk away from me, and I gave him loud and clear commands to stop. Victor complied and said, "come on Hernandez, we are the same, we are Hispanics" as he was oddly laughing.

Ofc. E. Andrade was at 917 Duval Street speaking with the server that waited on Victor. Ofc. Andrade told me that Nathan Tomlinson Neely (DOB 10/02/1975) (Martin's server), said the owners want to pursue criminal charges if Victor is not able and willing to pay. I asked Victor again if he was able and willing to pay and he said no. Victor said, "I want to go over there, have a sit and drink some water". I then told Victor that was not going to happen, and I informed him he was committing a crime if he was not able to pay the tab. Victor proceeded to show me an app on his phone saying, "they would not accept this as payment". I told Victor he is not able to pay with that and I asked if he had any other means to pay, and he said no. Victor tried walking away from me, I gave him loud and clear commands to stop. Victor grabbed his cellphone and began to make a phone call. I told Victor to put his phone away and to sit down. Victor said he was not, I unholstered my taser, pointed at Victor and I gave loud and clear commands to sit on the adjacent curb and he eventually did, I placed Victor in handcuffs, checked them for tightness and double locked them. Victor kept trying to draw a crowd by screaming. I escorted Victor to my patrol vehicle, and I ordered him to face the vehicle and widen his stands. I began to conduct a search incident to arrest of Victor. Victor told me "Why are you searching me?" I answered because you are under arrest. Victor then began to tense up and made attempts to walk away from me. I kept telling Victor to stop moving and to stop resisting. Victor would not comply and when I realized he was trying to get away by pulling towards the rear of my vehicle, and would not listen to my lawful, loud, and clear multiple commands I tried to sit him down, but he threw his body against me hitting me with his shoulders on my chest area. Victor also tried to head butt me but missed. Due to Victor's aggressive resistance and to control the situation from escalating to a more volatile situation and for his safety and my safety I grabbed Victor by his shoulders and brought him down to the ground in a control manner and placed him on his side. Victor did not suffer any injuries during the use of force. Victor was screaming from the top of his lungs "please do not kill me, that is what you guys do, please do not kill me". I kept telling Victor to calm down.

Ofc. E. Andrade arrived on scene and assisted me with placing Victor in the rear of my patrol vehicle. Axon Fleet rear camera activated. I transported Victor to the Monroe County Detention Center where he was turned over to

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim <i>MARTINS</i>	Offense <i>BATTERY FELONY</i>	OCA <i>22-004702</i>
		Date / Time Reported <i>Tue 08/16/2022 19:03</i>

Detention Deputies with no issues. During transport Victor asked me several times to turn off the cameras while saying "we can resolve this, I know people, I do not want to drop any names, we are the same".

Based on all facts, evidence, and totality of circumstances, I believe I have probable cause Victor committed the felony criminal offense of battery on law enforcement officer as described in FSS 784.07-2B - Victor knowingly and intentionally hit me and tried to head butt me. I was on duty with my Class B Key West Police issued uniform during my encounter with Victor which clearly identifies me as a law enforcement officer.

Based on all facts, evidence, and totality of circumstances, I believe I have probable cause Victor committed the felony criminal offense of resisting an officer with violence as described in FSS 843.01 - Victor knowingly and willfully resisted me by pulling away, tensing up, making attacking movements at me which forced me to use a reasonable response to resistance and necessary to prevent him from hurting me or himself.

Based on all facts, evidence, and totality of circumstances, I believe I have probable cause Victor committed the misdemeanor criminal offense of defraud an innkeeper as described in FSS 509.151 - Victor obtained foods and beverages from Martin's with the intent to not pay. Victor walked on a \$82.24 dollar tab. Victor consumed the goods of the food service establishment and provided no means to pay.

Based on all facts, evidence, and totality of circumstances, I believe I have probable cause Victor committed the misdemeanor criminal offense of disorderly conduct as described in FSS 877.03 - Victor's acts and behavior corrupted the public morals and affected the peace and quiet. Victor engaged in resisting a law enforcement officer by fighting which drew a substantial crowd. Bystanders were stopping by and filming the incident from the same side of Duval we were on and also across the street.

Sgt. A. Rodriguez arrived on scene, reviewed incident and completed required response to resistance investigation.

My BWC and Axon Fleet (3452) were both activated during this incident.

End of report. Cleared by arrest.

=====

Incident Report Suspect List

Key West Police Department

OCA: 22-004702

1	Name (Last, First, Middle) <i>RAMOS, VICTOR DE JESUS</i>						Also Known As				Home Address <i>7815 CRESPI BLVD - 3 MIAMI BEACH, FL 33141</i>																																													
	Business Address <i>UNKNOWN, UNKNOWN</i>																																																							
	DOB <i>07/15/1989</i>	Age <i>33</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>H</i>	Hgt <i>600</i>	Wgt	Hair	Eye	Skin	Driver's License / State. <i>R520864892550 FL</i>																																													
	Scars, Marks, Tattoos, or other distinguishing features																																																							
<table border="1"> <tr> <td colspan="2"><i>Reported Suspect Detail</i></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="3">SSN</td> </tr> <tr> <td colspan="2">Weapon, Type</td> <td colspan="2">Feature</td> <td colspan="2">Make</td> <td colspan="2">Model</td> <td colspan="2">Color</td> <td>Caliber</td> <td colspan="3">Dir of Travel Mode of Travel</td> </tr> <tr> <td colspan="4">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="3">VIN</td> </tr> </table>															<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		
<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																																																	

