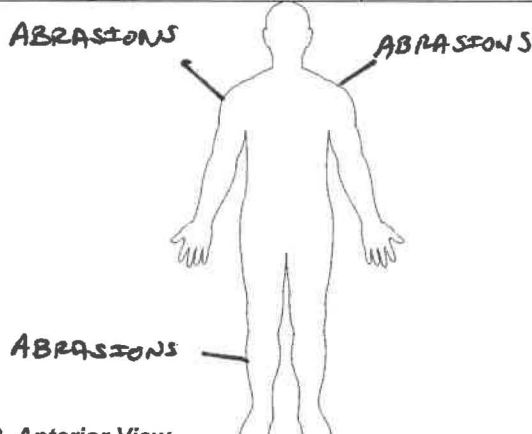
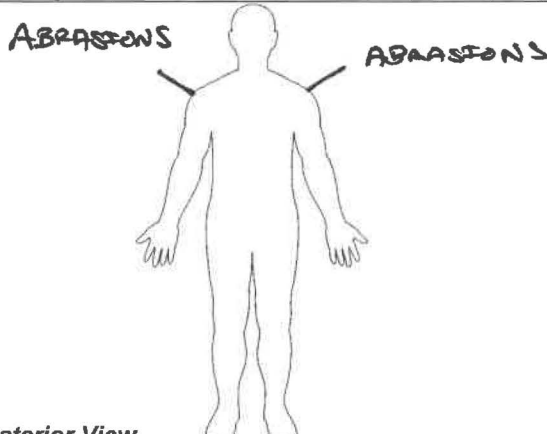
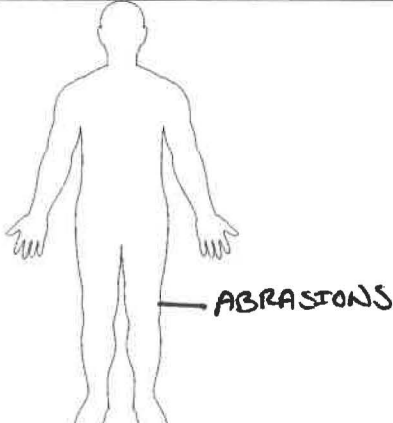
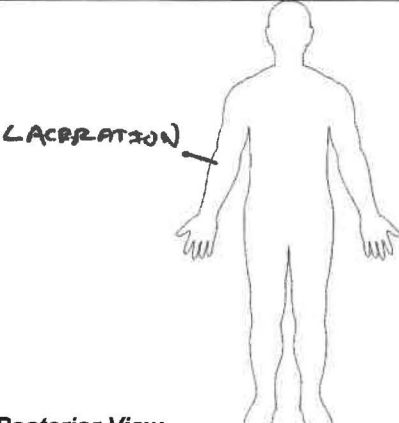


Response to Resistance Report

Key West Police Department

Case No: 19- 880

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: 2/9/19	3. Time: 0030	4. Location: 810 Center St.	5. Incident: Resisting		
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation		
	☒ Passive:	Would not obey orders	☒ Physical Control	Take down		
	☒ Active:	Flailing, pulling away	☐ Non-lethal Weapon			
	☐ Aggressive:		☐ Deadly Force			
☐ Deadly Force:						
SUBJECT	10. Last Name: Clark		11. First: Artis	12. Race: B	13. Sex: M	
	14. DOB: 11/27/70		15. Height: 5'06"	16. Weight: 150		
	17. Did yo/u 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: Karl Malsheimer		24. Race : W	25. Sex: M	26. Age: 28
		29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment		☐ Uniformed	☒ Plain clothes	28. Weight: 157
30. Yrs Exp: 7						
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: Take Down, physical control						
						
35. Anterior View		Posterior View				

Response to Resistance Report (continued)

Key West Police Department

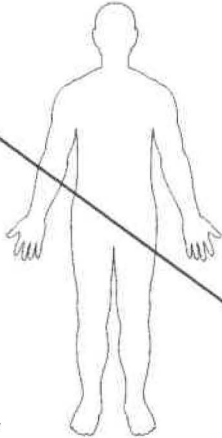
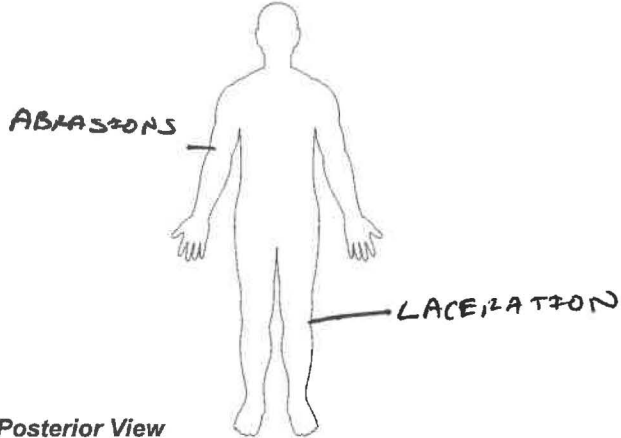
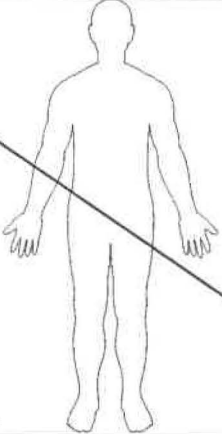
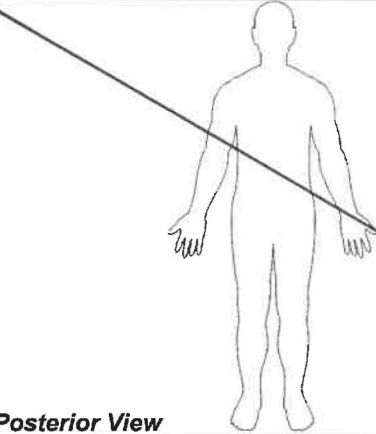
Case No: 19-880

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	
	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.		
SUPERVISOR'S INQUIRY	40. Notified Date: 2/9/19	41. Time: 0046	
	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)		
INT. AFF.	44. Were you able to locate any independent witnesses: ☒ No ☐ Yes (If "Yes," list below)		
	Name	Address	Phone Number
45. Is further review recommended: ☒ No ☐ Yes			
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS			
Sgt M. Siracuse		2/9/19	
46. Preparing Supervisor's Signature / ID		47. Date	
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)		2/19/19	
49. Signature of Internal Affairs Inspector		50. Date	
51. If section 48 is "No" record the Professional Standards Control Number:		52. Date Entered:	

Response to Resistance Report (continued)

Key West Police Department

Case No: 19-880

OFFICER	23. Officer: Jay Conaty				24. Race : W	25. Sex: M	26. Age: 33	27. Height : 5'9"	28. Weight: 175
	29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☐ Uniformed ☒ Plain				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: Take Down, physical control								
									
	35. Anterior View				Posterior View				
OFFICER	23. Officer: Bradley Lariz				24. Race : W	25. Sex: M	26. Age: 43	Height : 5'10	Weight: 160
	29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☐ Uniformed ☒ Plain				30. Yrs Exp: 16				
	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: Take Down, Physical control								
									
	35. Anterior View				Posterior View				

INCIDENT DATA

MOV
I
C
T
I
M

OTHERS INVOLVED

PROPERTYStatus

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 19-000880

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
	B	EVI	0.400	GM	0.4G FTP COCAINE	Poss

Assisting Officers

LARIZ, J.B. (2705), SIRACUSE, M.W. (3366), HAMMERS, J.L. (3631), HAMMERS, J.L. (3631), TYLER, B. (3914),
BEERBOWER, K.E. (2199), MALSHEIMER, K.E. (3388)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

19-000880

Victim

Society

Offense

DRUG POSSESSION CONTROLLED

Date / Time Reported

Sat 02/09/2019 00:46

On February 9, 2019 at approximately 0046 hours, I (Detective Jay Conaty), Detective Sergeant Bradley Lariz and Detective Karl Malsheimer were driving north on the 800 block of Center Street.

We recognized a black male also going north on a bicycle directly in front of us as Artis Mitchell Clark (DOB 11/27/1970). Clark had three active arrest warrants (KWPD case numbers 18-6997, 18-7216 and 18-7365) reference sale of cocaine. As Clark approached 821 Center Street, Detective Sergeant Lariz, Detective Malsheimer and I got out of our vehicle and approached Clark. We were in plain clothes and had our badges and guns displayed on our waists. I said "Key West Police" and Detective Sergeant Lariz told Clark that he had warrants for his arrest. Clark responded by saying, "y'all don't gotta run up on me like that."

As Detective Sergeant Lariz instructed Clark to put his hands behind his back, I attempted to apply handcuffs to Clark. Clark pulled his arms away and kept yelling "what is the charge?" We repeatedly told Clark to put his hands behind his back and that he was under arrest. Clark was on the front porch of 821 Center Street at this point. Clark continued to pull away from us and refused to comply with our instructions. We also told Clark to get on the ground several times.

Clark again tried to pull away from us and tried to get away by going along a retainer wall in front of the house. We were able to get a hold on Clark and during the struggle, we took Clark to the ground off of the porch. All four of us went to the ground in front of 821 Center Street. Clark continued to resist while on the ground and would not put his hands behind his back. Eventually, Detective Malsheimer was able to apply handcuffs. During the struggle, Detective Malsheimer and I sustained minor injuries (lacerations).

Detective Jesse Hammers, Sergeant Mark Siracuse and Officer Ken Beerbower arrived to assist. Clark was handcuffed in front of his body. Officer Beerbower and Detective Sergeant Lariz then searched Clark's person. I called for an ambulance to evaluate Clark as we was complaining that he could not catch his breath. Detective Sergeant Lariz found a glass pipe in Clark's left shoe. Detective Sergeant Lariz also found a small, plastic bag that was tied in a knot containing a white, powder-like substance in the small right front pocket of Clark's shorts. Detective Malsheimer field-tested the glass pipe and the white, powder like substance. The glass pipe field-tested positive (FTP) for cocaine residue. The white, powder-like substance FTP for cocaine. The weight of the FTP cocaine was 0.4 grams.

Detective Malsheimer packaged the FTP cocaine and glass pipe as evidence. Detective Malsheimer also submitted \$319.00 in U.S. currency and a Kyocera cell phone that was in Clark's pocket into property for safekeeping after counting.

I asked communications channel 1 to send rescue to evaluate Clark, as he was complaining of difficulty breathing. Rescue 2 arrived and after evaluation, told me that Clark had no medical need. Clark still asked to be transported to the hospital, which Rescue did. I rode in the ambulance with Clark and Rescue. Detective Hammers was waiting at Lower Keys Medical Center to remain with Clark until he was cleared. Clark was medically cleared a short time later.

I sustained multiple lacerations to my right knee and left elbow, Detective Malsheimer also sustained minor lacerations. We treated the cuts with gauze and hydrogen peroxide provided by Rescue on scene. Detective Sergeant Lariz completed a notice of injury.

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

19-000880

Victim

Society

Offense

DRUG POSSESSION CONTROLLED

Date / Time Reported

Sat 02/09/2019 00:46

Detective Sergeant Lariz and Detective Malsheimer had their BWCs activated for this event, however they shut off during the struggle.

Incident Report Suspect List

Key West Police Department

OCA: 19-000880

1	Name (Last, First, Middle) <i>CLARK, ARTIS MITCHELL</i>						Also Known As <i>CALRK, ARTIS M; CLARK, ARTIS MITCHELL; CLARKE,</i>				Home Address <i>821 CENTER ST KEY WEST, FL 33040 305-294-1390</i>	
	Business Address <i>NONE, NONE</i>											
	DOB <i>11/27/1970</i>	Age <i>48</i>	Race <i>B</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt	Wgt <i>165</i>	Hair <i>BLD</i>	Eye <i>BRO</i>	Skin <i>DRK</i>	Driver's License / State. <i>C4616013704270 FL</i>	
Scars, Marks, Tattoos, or other distinguishing features												

<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

*BUILD, MEDIUM/AVERAGE
BUILD, SLIM/THIN/SMALL
BUILD, HEAVY/LARGE
FACIAL HAIR, NO FACIAL HAIR
HAIR TYPE, BALD
HAIR TYPE, SHORT
HAND USE, UNKNOWN
TEETH, OTHER*

Incident Report Related Property List

Key West Police Department

OCA: 19-000880

1 Property Description 0.4G FTP COCAINE		Make		Model		Caliber	
Color	Serial No.	Value \$50.00	Qty 0.400	Unit GM	Jurisdiction Locally		
Status Evidence	Date 02/09/2019	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) Clark, Artis Mitchell			DOB 11/27/1970	Age 48	Race B	Sex M	

Notes

IN CLEAR BAGGIE

2 Property Description GLASS PIPE, FTP COCAINE RESIDUE		Make		Model		Caliber	
Color	Serial No.	Value \$0.00	Qty 1.000	Unit EA	Jurisdiction Locally		
Status Evidence	Date 02/09/2019	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) Clark, Artis Mitchell			DOB 11/27/1970	Age 48	Race B	Sex M	

Notes

3 Property Description \$319.00 US CURRENCY		Make		Model		Caliber	
Color	Serial No.	Value \$319.00	Qty 1.000	Unit EA	Jurisdiction Locally		
Status Safekeeping	Date 02/09/2019	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) Clark, Artis Mitchell			DOB 11/27/1970	Age 48	Race B	Sex M	

Notes

20X15,10X1,5X1,1X4

4 Property Description KYOCERA CELL PHONE		Make		Model		Caliber	
Color Black	Serial No. 0140160C1347574	Value \$50.00	Qty 1.000	Unit	Jurisdiction Locally		
Status Safekeeping	Date 02/09/2019	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) Clark, Artis Mitchell			DOB 11/27/1970	Age 48	Race B	Sex M	

Notes

Incident Report Related Property List

Key West Police Department

OCA: 19-000880

5	Property Description DVD			Make		Model		Caliber	
	Color	Serial No.	Value \$0.00		Qty 1.000	Unit EA	Jurisdiction Locally		
	Status Evidence	Date 02/09/2019	NIC #	State #		Local #		OAN	
	Name (Last, First, Middle) Clark, Artis Mitchell				DOB 11/27/1970		Age 48	Race B	Sex M

Notes

6	Property Description AXON BWC 2705			Make		Model		Caliber	
	Color	Serial No.	Value \$0.00		Qty 1.000	Unit DU	Jurisdiction Locally		
	Status Evidence	Date 02/09/2019	NIC #	State #		Local #		OAN	
	Name (Last, First, Middle) * No name *				DOB		Age	Race	Sex

Notes

Key West Police Department

OCA: 19000880

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

Case Status: CLEARED BY ARREST

Case Mng Status: NA

Occurred: 02/09/2019

Offense: DRUG POSSESSION CONTROLLED SUBSTANCE

Investigator: MALSHEIMER, KARL ERIC Jr (3388)

Date / Time: 02/12/2019 17:06:39, Tuesday

Supervisor: LARIZ, JOSEPH BRADLEY (2705)

Supervisor Review Date / Time: 02/12/2019 17:07:08, Tuesday

Contact:

Reference: General Supplemental Report

On February 9, 2019, at approximately 0046 hours, Sergeant Lariz, Detective Conaty, and I (Detective Malsheimer) made contact with Artis Mitchell Clark as he was walking up the stairs to the front porch of his residence (821 Center Street). The Key West Police Department Special Investigations Unit was holding three original felony arrest warrants for Clark.

We approached Clark wearing plain clothes with our badges and firearms exposed. Detective Conaty identified us as "Key West Police" and Sergeant Lariz told Clark he had warrants [for his arrest]. Clark stated that we did not have to "run up on" him like that. At this point, Clark was standing on his front porch at 821 Center Street.

Sergeant Lariz commanded Clark to put his hands behind his back, but Clark did not comply. Clark continued to pull his arms away from detectives in an attempt to prevent us from placing him into handcuffs. Clark kept screaming "what is the charge" and I told him he had warrants as we struggled to take him into custody. I attempted to pull Clark's right arm behind his back so he could be handcuffed and he was able to get his arm free and up to his chest as he tensed up. Clark continued to resist detectives on the porch for almost a minute. Clark was able to move from the front porch onto a short concrete wall connected to his residence and while still attempting to pull away from detectives. I held onto Clark's shirt briefly before being able to grab ahold of his left wrist. Detectives continued to pull Clark and he began falling onto the gravel in front of his steps. I wrapped my arms around Clark's legs to prevent him from kicking or running away. While Clark was on the ground he continued to resist us by not allowing us control of his hands to handcuff him. I was able to place his left hand into a handcuff but Clark refused to bring both of his hands closer together so the handcuffs could reach. Clark held onto the groin area of his pants with his handcuffed hand (left hand) to prevent me from moving it closer to his right hand, which Sergeant Lariz was attempting to control and bring closer. Eventually, Sergeant Lariz was able to move Clark's right hand close enough that I could place both hands in handcuffs. Clark was handcuffed in the front of his body.

Detective Hammers, Officer Beerbower and Sergeant Siracuse arrived on scene. Sergeant Lariz searched Clark and found a baggie containing a white powdery substance (0.4 grams FTP cocaine) and a glass smoking pipe (FTP cocaine residue) which I took possession of. Rescue responded to the scene to assess Clark and eventually transported him to Lower Keys Medical Center. I field tested, weighed, and packaged all recovered evidence. My body-worn camera was activated during this incident but was unintentionally turned off in the middle of the struggle.

On February 12, 2019, I met with "Steve", who is a manager at Key West Hospitality Inns. 817 Center Street, which is a vacation rental next door to where the incident occurred has a surveillance camera pointing to the area. I obtained surveillance video of the incident which I placed onto a DVD. The surveillance video shows the aforementioned details, but much of the incident is obstructed by a tree in front of the camera.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 02/19/2019 08:47

Key West Police Department

OCA: **19000880**

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

Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *02/09/2019*

Offense: *DRUG POSSESSION CONTROLLED SUBSTANCE*

Investigator: *MALSHEIMER, KARL ERIC Jr (3388)*

Date / Time: *02/12/2019 17:06:39, Tuesday*

Supervisor: *LARIZ, JOSEPH BRADLEY (2705)*

Supervisor Review Date / Time: *02/12/2019 17:07:08, Tuesday*

Contact:

Reference: *General Supplemental Report*

I submitted all evidence to the KYPD Property & Evidence Section.

Nothing further.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 02/19/2019 08:47

Key West Police Department

OCA: **19000880**

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

Case Status: *CLEARED BY ARREST*Case Mng Status: *NA*Occurred: *02/09/2019*Offense: *DRUG POSSESSION CONTROLLED SUBSTANCE*Investigator: *LARIZ, JOSEPH BRADLEY (2705)*Date / Time: *02/13/2019 21:48:41, Wednesday*Supervisor: *RODRIGUEZ, PABLO D (2298)*Supervisor Review Date / Time: *02/14/2019 01:21:24, Thursday*

Contact:

Reference: *General Supplemental Report*

On February 9, 2019, at approximately 0046 hours, I Sgt. B. Lariz was with Detectives Malsheimer and Conaty in an unmarked police vehicle. As we were traveling north on the 900 block of Center St., we saw Artis Clark riding a bicycle north in front of us. We had three arrest warrants for Clark in reference to sale of cocaine. As Clark arrived at his residence, 821 Center St., we exited our vehicle and approached Clark to arrest him. I was wearing plain clothes but had my badge and gun exposed on my waist. I made contact with Clark on the front porch, which was about three steps high. I identified us as Key West Police and we told Clark multiple times that he was under arrest and had warrants. I grabbed Clark's arms and tried to put them behind his back to handcuff him. Clark was pulling away and trying to open the front door of the residence. Det. Conaty and I tried to gain control of Clark but he kept yelling and was pulling away from us. Clark was told to get on the ground, however he refused to do so. Det. Malsheimer assisted with trying to detain Clark but he continued to pull away and tried to flee. Clark pulled away and climbed across an approximate four foot barrier in front of the porch trying to run away. After taking a few steps across the barrier, we were able to pull Clark down and redirect him to the ground. Once on the ground, Clark was on top of Det. Conaty. Det. Malsheimer and I attempted to handcuff Clark but he was still pulling away from us and would not put his hands behind his back. Det. Malsheimer got a handcuff on Clark's left wrist but we could not get his right arm behind his back. Eventually Clark turned onto his back and we had to handcuff him on the front of his body.

Sgt. Siracuse and Officer K. Beerbower arrived on scene. I searched Clark incident to arrest. During the search, I found a bag of suspected powder cocaine in Clark's right front small pocket, above his regular front right pocket. I gave the bag to Det. Conaty. I asked Clark if there was anything illegal in his shoes or socks. Clark said, "This shoe" and removed his left shoe. I found a glass pipe in his shoe, which is commonly used to smoke crack cocaine. I gave the pipe to Det. Conaty.

Clark complained that he couldn't breathe so we had rescue respond. Clark was transported to the Lower Keys Medical Center by rescue and Det. Conaty rode with them. Clark was later cleared and transported to the Monroe County Detention Center.

I turned my Axon body camera on when we made contact with Clark, however it somehow turned off during the struggle. Once Clark was in custody, I had to turn the camera back on.

Det. Malsheimer later recovered a video from a house in the area that recorded the incident.

Possession of cocaine and resisting without violence case number 19-880

Sale of cocaine case numbers, 18-6997, 18-7216 and 18-7365.

Investigator Signature

Supervisor Signature