

Response to Resistance Report

Key West Police Department

Case No: 23-5738

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)

2. Date: 10/21/2023 **3. Time:** 0217 **4. Location:** 320 Angela Street **5. Incident type:** Domestic/Resist

INCIDENT	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input checked="" type="checkbox"/> Passive:	Tensing	<input checked="" type="checkbox"/> Physical Control	Tackle, distraction strike
<input checked="" type="checkbox"/> Active:	Running away, pulling away	<input type="checkbox"/> Non-lethal Weapon		
<input type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force		
<input type="checkbox"/> Deadly Force:				

10. Last Name: Estopinan **11. First:** Franco **12. Race:** W **13. Sex:** M

14. DOB: 12/26/1991 **15. Height:** 5'06" **16. Weight:** 170

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

SUBJECT	22. Anterior View	Posterior View

23. Officer: Jack Gruba **24. Race:** W **25. Sex:** M **26. Age:** 28 **27. Height:** 6'00" **28. Weight:** 200

29. Duty Status: On-duty Off-duty Extra duty employment Uniformed Plain clothes **30. Yrs Exp:** 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: Takedown – Front tackle

OFFICER	35. Anterior View	Posterior View

Response to Resistance Report (continued)

Key West Police Department

Case No: 23-5738

TASER USE ONLY	36. TASER® device serial #		37. TASER® device serial #		
	Battery serial #		Battery serial #		
	Cartridge 1 serial #1	serial #2	Cartridge 1 serial #1	serial #2	
	Cartridge 2 serial #3	serial # 4	Cartridge 2 serial # 3	serial #4	
	Number of cycles:		Number of cycles:		
	Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input type="checkbox"/> Drive Stun		Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input type="checkbox"/> Drive Stun		
	Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No		Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> 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:			
<input type="checkbox"/> 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:				
	<input checked="" type="checkbox"/> All necessary criminal elements. <input checked="" type="checkbox"/> All details of the arrest <input checked="" type="checkbox"/> Details articulating the subject's words, mannerisms and actions that justify the use of force. <input checked="" type="checkbox"/> Details outlining the response to resistance utilized by each officer. <input checked="" type="checkbox"/> Detailed description of injury complaints and/or observed injuries <input checked="" type="checkbox"/> Details outlining the decontamination, first aid or medical treatment provided to the officer and/or subject.				
SUPERVISOR'S INQUIRY	40. Notified Date: 10/21/2023		41. Time: 0217 hours		
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	43. Did you watch all relevant videos associated with the use of force? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	44. Did you meet with the Officer(s): <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	45. During your review did you find any potential policy violations or training issues associated with the incident? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)				
	46. Were you able to locate any independent witnesses: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)				
	Name		Address		Phone Number
47. Preparing Supervisor / Printed Name: <u>Sgt. Malsheimer</u>		48. Preparing Supervisor / Signature / ID: <u>[Signature] 3388</u>		49. Date: <u>10/21/2023</u>	
INT. AFF.	50. Did the review of this incident conclude that use of force was in compliance with Departmental policy? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		51. Signature of Internal Affairs Inspector: <u>[Signature] 3386</u>		
			52. Date: <u>1/17/24</u>		

Incident Report Additional Offense List

Key West Police Department

OCA: 23-005738

Offense List (Continued)

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Counter	Offense Description	Fel/Misd	Statute	Completed/Attempted
# 4	ALL OTHER OFFENSES		ALL OTHER	Com

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 23-005738

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
YOUNG, J. (4219)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 23-005738
Date / Time Reported Sat 10/21/23 01:52

Victim CAMPOS, MARIA E	Offense BATTERY DOMESTIC BY STRANGULATION
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-- Franco Yamil Estopinan Arrest Narrative:

On 10/21/2023, at approximately 0152 hours, Ofc. James Young and I, Ofc. Gruba were dispatched to 302 Angela St, in reference to a possible domestic battery.

Upon arrival, Ofc. Young and I met with the victim, identified as Maria Campos, who was bleeding from the face in several areas and was visibly shaking. Campos told us that her boyfriend of 3 years is in a drug rehab program and was not supposed to have alcohol. Campos said her boyfriend, later identified as Franco Estopinan, called her around 0130 hours and said he was at Sloppy Joes. Campos could tell Estopinan was highly intoxicated over the phone. Campos told me around 0150 hours Estopinan came back to the hotel room angry, believing Campos might have been cheating on him. Estopinan did not know the combination to get into the hotel room, so he began banging on the door. Campos did not want Estopinan making a scene, so she opened the door. Campos said Estopinan immediately "jumped" on her and punched her several times in the face. Campos fell onto the bed. Campos said her phone was on the bed next to her and Estopinan grabbed it. Campos said Estopinan then started to smother her with his hand, restricting her airway through both her nose and mouth. Campos bit Estopinan's hand to get her airways back. Estopinan then bit Campos right above her forehead, in her hairline. Campos was able to break free from Estopinan. Without a phone to call 911, Campos started knocking on doors, across the hall of the hotel, to try and get someone to help her. When Campos started to knock on doors, Estopinan ran out of the hotel, still with Campos' phone and yelling threats that he was going to hurt her. Campos did not get any response from knocking on doors, but eventually realized her Apple Watch could call 911. Campos was able to contact 911 with her watch and waited in the hotel room until Ofc. Young and I arrived.

Campos had blood coming from her nose and left ear. Campos also had what appeared to be a bite mark on the top of her head. Campos had very long, red fingernails, and all of them were fully intact. There were blood spots all over the white linen sheets on the bed.

Using my phone, Campos was able to find the location of her phone, which was pinging at the corner of Angela St and Whitehead St. Campos told us that Estopinan was wearing a white tank top and jean shorts.

Ofc. Young and I walked to the location where the phone was pinging to try to find Estopinan. As we were passing by 320 Angela St (Robert Gabriel Apartments) (City owned private property), Ofc. Young saw a man matching Campos' description, ducking behind some trash cans in the complex. The man immediately ran South through the complex, Ofc. Young and I both followed. After almost running the whole perimeter of the complex, I met Estopinan on the North-West corner of the apartment complex. I redirected Estopinan to the ground with a guided tackle. Estopinan began to tense up once on the ground, limiting my ability to place him in handcuffs. The resistance was met with me using a distractionary hand strike to the face. Estopinan immediately complied and I was able to place Estopinan into handcuffs. Estopinan was placed into the back of Ofc. Young's patrol vehicle and was transported to Monroe County Detention Center.

Campos filled out a statement from and initialed that she is willing to cooperate in the prosecution of this case. I gave Campos a victim's rights brochure with my name and the case number on it.

I took photos of the scene and of Campos. I will upload all of them to Evidence.com.

At the jail, I tried to get Estopinan's side of the story, but he refused to talk to me. I took pictures of Estopinan and will upload them to Evidence.com.

Incident Report Suspect List

Key West Police Department

OCA: 23-005738

1	Name (Last, First, Middle) <i>ESTOPINAN, FRANCO YAMIL</i>						Also Known As				Home Address <i>1865 79TH STREET CSWY - 3C NORTH BAY VILLAGE, FL 33141 305-986-3758</i>	
	Business Address											
	DOB <i>12/26/91</i>	Age <i>31</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>H</i>	Hgt <i>506</i>	Wgt	Hair <i>BLK</i>	Eye <i>BRO</i>	Skin <i>LBR</i>	Driver's License / State <i>E231259914660 FL</i>	
	Scars, Marks, Tattoos, or other distinguishing features											
Reported Suspect Detail												
Weapon, Type		Feature		Make		Model		Color		Caliber	Dir of Travel	SSN
Veh Yr / Make / Model			Drs	Style		Color		Lic Plate / State		VIN		
Notes						Physical Char						

Incident Report Related Property List

Key West Police Department

OCA: 23-005738

1	Property Description BWC 4156			Make		Model		Caliber	
	Color	Serial No.		Value \$0.00		Qty 1.000		Unit	Jurisdiction Locally
	Status Evidence		Date 10/21/23 0	NIC #		State #		Local #	
	Name (Last, First, Middle) * No name *			DOB		Age		Race	Sex

Notes

2	Property Description AXON CAPTURE			Make		Model		Caliber	
	Color	Serial No.		Value \$0.00		Qty 25.000		Unit EA	Jurisdiction Locally
	Status Evidence		Date 10/21/23 0	NIC #		State #		Local #	
	Name (Last, First, Middle) * No name *			DOB		Age		Race	Sex

Notes

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 10/21/23 19:45

OCA: **23005738**

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

Investigator: *YOUNG, J.*

Date / Time: *10/21/23 03:52:33, Saturday*

Supervisor: *MALSHEIMER, K. E.*

Supervisor Review Date / Time: *10/21/23 04:53:20, Saturday*

Contact:

Reference: *General Supplemental Report*

On Saturday, 10-21-23, at approximately 0154 hours, I (Officer James Young) responded to a battery at 302 Angela St.

Officer Gruba and I met with a female, named Maria Campos, in room 126, at the Angelinas Guest House. Maria had a bloody face, bloody nose and a scratched left ear. Maria told Officer Gruba the fight was about her boyfriend accusing her of cheating on him. Officer Gruba questioned Maria about the incident. Maria said he took her phone and had to call the police with her apple watch. I asked Maria if her boyfriend had any weapons and a description of what he was wearing. Maria told Officer Gruba and I he had no weapons and was wearing a white tank top and blue shorts. Officer Gruba took photos of Maria markings.

Officer Gruba was able to track Maria phone with the apple track my phone app. The location showed, her phone was on the corner of Angela St and Whitehead St. Officer Gruba and I went to locate the boyfriend. Officer Gruba and I were walking towards Whitehead St when I saw a male with a white tank top and blue shorts. I shouted at the male to stop, I was in my police uniform and the male ran away from us. The male was able to get behind the building of Robert Gaberial, Officer Gruba wanted me to run the east side of the building, while he run the south side to surround the male. Officer Gruba saw the male run out towards Angela St. I ran back to Officer Gruba. Officer Gruba was able to takedown the male. I ran up to Officer Gruba and the male and help control his left arm. The male wouldn't give up left arm to place in handcuffs. The male finally gave up, so Officer Gruba could handcuff him.

Officer Gruba and I searched the male and placed him into my transport van. I transported the male to Monroe County Detention Center without any incident.

My Axon was activated and uploaded to evidence.com.