Response to Resistance Report

Key West Police Department

Case No: 22-1290

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: 03/04/22 **3. Time:** 0350 **4. Location:** 3700 N. Roos. Blvd. **5. Incident type:** Resisting w/o

6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
[ ] Passive:		[ ] Physical Control	
[x] Active:	Fleeing on foot	[x] Non-lethal Weapon	TASER
[ ] Aggressive:		[ ] Deadly Force	
[ ] Deadly Force:			

SUBJECT

10. Last Name: Shelly **11. First:** Austin **12. Race:** W **13. Sex:** M

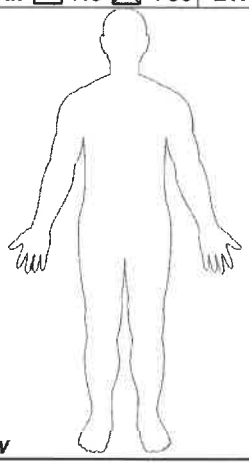
14. DOB: 03/13/1999 **15. Height:** 6'00" **16. Weight:** 180

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

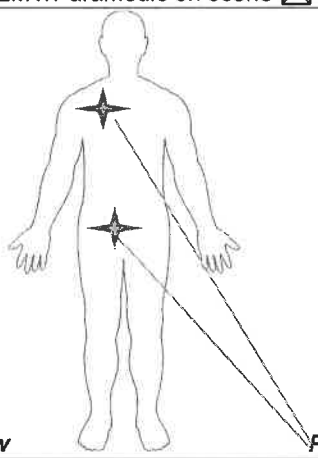
18. Appeared to be: [ ] Intoxicated [ ] Under the influence of controlled substance [ ] Emotionally / mentally disturbed

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:** [x] EMT/Paramedic on scene [x] Hospital [ ] Detention



22. Anterior View



Posterior View **Probe entries**

OFFICER

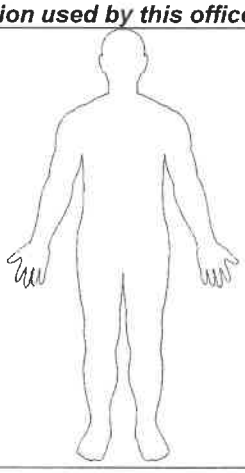
23. Officer: Thomas Clark **24. Race:** W **25. Sex:** M **26. Age:** 33 **27. Height:** 5'11" **28. Weight:** 220

29. Duty Status: [x] On-duty [ ] Off-duty [ ] Extra duty employment [x] Uniformed [ ] Plain clothes **30. Yrs Exp:** 10

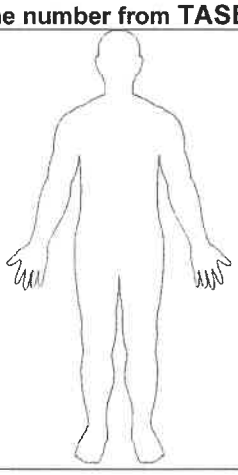
31. Injuries: [x] No [ ] Evident [ ] Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

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) TASER



35. Anterior View



Posterior View

Response to Resistance Report (continued)

Key West Police Department

Case No: 22-1290

TASER USE ONLY

36. TASER® device serial # X1200CRW6	37. TASER® device serial #
TASER®Cam serial # V21002AMW	TASER®Cam serial #
Cartridge 1 serial # C4109W9D5	Cartridge 1 serial #
Cartridge 2 serial # N/A	Cartridge 2 serial #
Number of cycles: 1	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: 10 feet	Target distance at probe launch:
Distance between probes: 15 inches	Distance between probes:
Probes removed by (name): Sgt. A. Rodriguez	Probes removed by (name):
Device downloaded by: Sgt. A. Rodriguez	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: 03/04/2022 ***41. Time:*** 0355

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

A. Rodriguez 3465 — 48. Preparing Supervisor's Signature / ID

03/07/2022 — 49. Date

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	Key West Police Department
ORI	FL0440100
Case#	22-001290
Date / Time Reported	03/04/2022 03:49 Fri
Last Known Secure	03/04/2022 03:49 Fri
At Found	03/04/2022 03:49 Fri

INCIDENT DATA

Location of Incident	Premise Type	Beat/GP
3700 N ROOSEVELT BLVD, Key West FL 33040-	Service / Gas Station	B5, GPB5

	Crime Incident(s)	Weapon / Tools	Activity	Entry	Exit	Security
#1	Drug Possession Controlled Substance DRA (Com)	NOT APPLICABLE/NONE				
#2	Drug Possession Of Paraphernalia / Equipment - DRF (Com)					
#3	Obstruction Of Justice XOX (Com)					

MO

VICTIM

# of Victims 1 | Type: SOCIETY/PUBLIC/STATE | Injury: | Domestic: N

	Victim/Business Name (Last, First, Middle)	Victim of Crime #	DOB / Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
V1	Society	1,2,3					N/A	

Home Address | Home Phone

Employer Name/Address | Business Phone | Mobile Phone

VYR	Make	Model	Style	Color	Lic/Lis	VIN

OTHERS INVOLVED

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

Type: | Injury:

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

Home Address | 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 | 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		1	BWC 3484		
	35	EVID	$0.00		2	FLEET 3484		

Officer/ID# CLARK, THOMAS E (3484)

Invest ID# (0) | Supervisor REVOREDO, NICK (2962)

Status | Complainant Signature | Case Status Cleared By Arrest 03/04/2022 | Case Disposition: Cleared By Arrest 03/04/2022 | Page 1

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # *22-001290*

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

Suspect Hate / Bias Motivated:

NARRATIVE

NARCOTICS ARREST/ RESPONSE TO RESISTANCE INCIDENT

On Friday, 03/04/22, at approximately 0349hrs, I (Ofc. T. Clark), while on routine patrol of 3700 N. Roosevelt Blvd, Exxon "Uppys", observed a suspicious person, sitting in front of the closed business.

I was in full KWPD uniform in a marked KWPD patrol vehicle.

The property is posted with signs authorizing KWPD with permissions to trespass warn and remove subjects. Recently, this area has been subject to complaint, reference trespassers on the property at night.

On approach of the subject, later identified by name and DOB as, Austin Shelly 03/13/99, I could smell the strong odor of freshly burning marijuana. Austin appeared nervous by my approach.

Austin was seated on the ground and quickly began shoving what appeared to be a glass smoking pipe into a back pack in front of him. I began to tell Austin my observations. Austin then told me he was leaving. Austin then began to stand and grab his belongings. I gave Austin several lawful commands to have a seat, activating my BWC.

Austin disobeyed my lawful commands to have a seat and quickly began to actively physical resist, by fleeing my investigation. Austin ran through the parking lot and I chased him.

I deployed my department issued TASER (S/N X1200CRW6). The darts made contact with Austins back and the device achieved full Neuromuscular incapacitation (NMI). As Austin was fleeing and NMI was achieved he fell down into the parking lot pavement.

Austin then attempted to beg me not to arrest him. Austin was issued several lawful commands to place his hands behind his back, in which he ignored, attempting to negotiate. Austin finally obeyed, placing his hands behind his back. I then placed Austin under arrest.

During the course of placing Austin under arrest, he issued numerous spontaneous utterances, which were, but not limited to:

"I`m going through alot and I was just getting high"
"All I got is some weed, some Xanax"
"Please don`t take me to jail"

Sgt A. Rodriguez responded to the scene to complete a Response to Resistance Incident Report.
Ofc. R. Roscoe and Ofc. M. Hansell responded as back up Officer`s.

Austin claimed pain to his right thumb from his fall (dislocated). Austin did not claim any further injury.

Upon search of Austin`s back pack, I located the following items:

x 2 glass smoking pipes, one appeared to be bulbous, had a burned residue and used for smoking the narcotic Metahamphetamine (no other legitimate purpose, known to me from experience). The other glass smoking pipe contained a burned residue, and smelled strongly of freshly burned marijuana.

x 1 clear plastic baggie, containing a clear rock like substance (later FTP Methamphetamine 2.1 grams).

x21 white rectangular shaped Xanax pills (identified by Ofc. M. Hansell). No prescription.

x5 Orange oval shaped Amphetamine 30mg pills (identified by Ofc. M. Hansell). No prescription.

x1 baggie, 4.1 grams of FTP Marijuana.

x1 digital scale.

KWPD EMS responded to the scene.

I transported Austin to LKMC ER for treatment (dislocated thumb). Once treated I transported Austin to MCDC.

Ofc. M. Hansell submitted my expended TASER cartridge, the suspected narcotics and their paraphernalia into KWPD Evidence.

Due to the totality of the circumstances, I found probable cause to charge Austin with the following:

x1 count, FSS 843.02, Resisting Without Violence, for willfully and actively resisting my lawful investigation, by disobeying my lawful commands to sit, for fleeing from me (full KWPD uniform), for refusing to place his hands behind his back after receiving verbal commands.

x3 count, FSS 893.13(6)(A), Possession of a Controlled Substance, for being in possession without a prescription of 21 Xanax pills (1 count), 5 Amphetamine pills (1 count) and 2.1 grams of FTP Methamphetamine (1 count). Located in his back pack.

x1 count, FSS 893.13(6)(B), Possession of Marijuana under 20 grams (no Medical Card), for the FTP Marijuana 4.1grams. Located in his back pack.

x1 count, FSS 893.147(1), Possession of Drug Paraphernalia, for the glass smoking pipes, with their burned residue, clearly identifiable to me from training and experience to serve no other legitimate purpose but for smoking narcotics. One pipe for Marijuana and one pipe for Methamphetamine. Located in his back pack.

This case is cleared by arrest.///

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Incident Report Suspect List

Key West Police Department

OCA: *22-001290*

1	Name (Last, First, Middle)	Also Known As	Home Address
	SHELLY, AUSTIN LEE		*9417 BERRY LN* *SEBASTIAN, AR 94209*
	Business Address		

DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.
03/13/1999	*22*	*W*	*M*	*N*	*600*	*190*	*BLN*	*BLU*	*MED*	*942093395 OK*

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

Draft Only

Incident Report Related Property List

Key West Police Department

OCA: *22-001290*

1	Property Description	Make	Model	Caliber
	BWC 3484			

Color	Serial No.	Value	Qty	Unit	Jurisdiction
		$0.00	***1.000***		***Locally***

Status	Date	NIC #	State #	Local #	OAN
Evidence	***03/04/2022***				

Name (Last, First, Middle)	DOB	Age	Race	Sex

Notes

2	Property Description	Make	Model	Caliber
	FLEET 3484			

Color	Serial No.	Value	Qty	Unit	Jurisdiction
		$0.00	***2.000***		***Locally***

Status	Date	NIC #	State #	Local #	OAN
Evidence	***03/04/2022***				

Name (Last, First, Middle)	DOB	Age	Race	Sex

Notes

Draft Only