

Response to Resistance Report

Key West Police Department

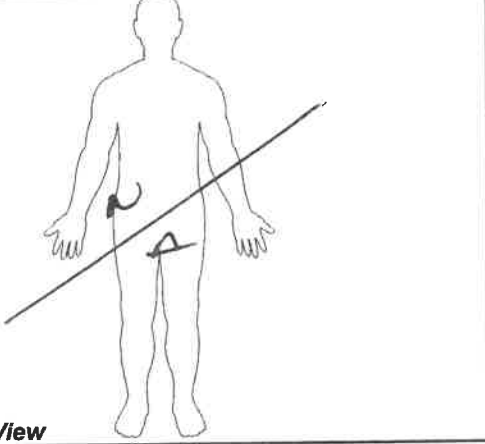
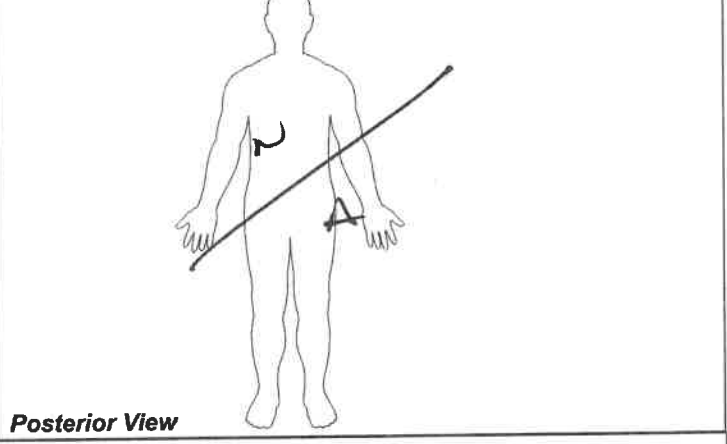
Case No: 24 - 1611

1. A Response to Resistance Report will be completed by the supervisor for: (Check all that apply)

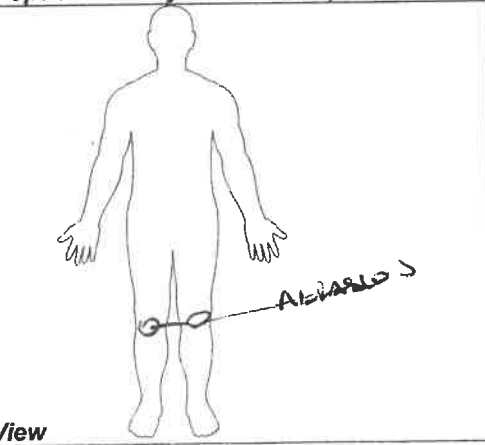
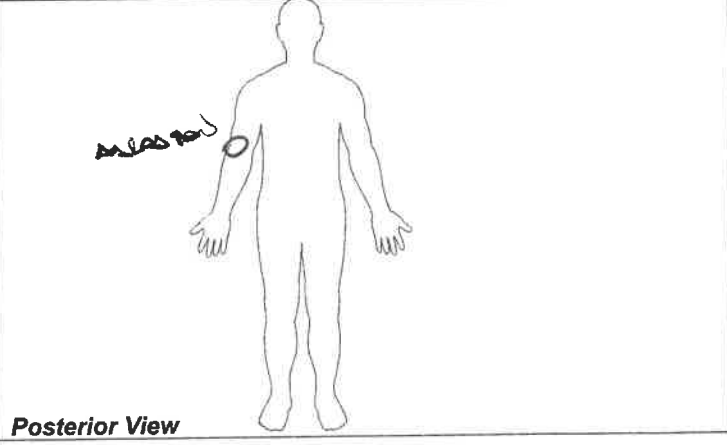
- A response through the use of non-lethal weapons,
- Applies weaponless physical force of strikes, kicks, or "take-downs"
- When any person sustains an apparent substantial or fatal injury as a result of the application of force
- When any person complains of injury as a result of the application of 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: 03/21/2024		3. Time: 9:30 AM		4. Location: 400 Front Street		5. Incident type: S31 / S32	
	6. Resistance Level		7. Explanation		8. Response Option		9. Explanation	
	<input checked="" type="checkbox"/> Passive:		Did not comply		<input checked="" type="checkbox"/> Physical Control		Take Down / handcuffs	
	<input checked="" type="checkbox"/> Active:		Fled from police		<input type="checkbox"/> Non-lethal Weapon			
<input checked="" type="checkbox"/> Aggressive:		Fighting hitting		<input type="checkbox"/> Deadly Force				
<input type="checkbox"/> Deadly Force:								

10. Last Name: Martinez		11. First: John		12. Race: Hisp		13. Sex: M	
14. DOB: 10/7/83		15. Height: 5'-6"		16. Weight: 160			
17. Did you observe the subject: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If NO, explain why in Section 42. If "YES", complete sections 18-22							
18. Appeared to be: <input checked="" type="checkbox"/> Intoxicated <input checked="" type="checkbox"/> Under the influence of controlled substance <input checked="" type="checkbox"/> Emotionally / mentally disturbed							
19. Injuries: <input checked="" type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)							
20. Photographed: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes 21. Treated: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input checked="" type="checkbox"/> Hospital <input checked="" type="checkbox"/> Detention							

SUBJECT	 <p>22. Anterior View</p>	 <p>Posterior View</p>
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23. Officer: Stephen Mitchell		24. Race: W		25. Sex: M		26. Age: 51		27. Height: 508		28. Weight: 180	
29. Duty Status: <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input checked="" type="checkbox"/> Uniformed <input type="checkbox"/> Plain clothes 30. Yrs Exp: 17.5											
31. Injuries: <input type="checkbox"/> No <input checked="" type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)											
32. Photographed: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes 33. Treated: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes By: <input checked="" type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital											
34. Response option used by this officer: (If TASER®, also reference line number from TASER® section)											

OFFICER	 <p>35. Anterior View</p>	 <p>Posterior View</p>
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Response to Resistance Report (continued)

Key West Police Department

Case No: 24 1611

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 checked="" type="checkbox"/> COPS <input type="checkbox"/> Drive Stun		Type of contact: <input type="checkbox"/> Probe <input checked="" type="checkbox"/> COPS <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 checked="" 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: 03/21/24		41. Time: 9:30 AM		
	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 type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "Yes," list below)				
	Name		Address		Phone Number
	Jose Diaz				305 360 0738
	Rita Murphy				305 879 2193
	47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		Sgt Pablo Rodriguez <u>22018</u>		03/21/2024
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		48. Preparing Supervisor's Signature / ID		49. Date	
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 type="checkbox"/> Yes (If "No", complete section 51)				
	51. Signature of Internal Affairs Inspector <u>Jell D 3380</u>		52. Date <u>5/7/24</u>		
53. If section 48 is "No" record the Professional Standards Control Number:				54. Date Entered:	

Incident Report Additional Name List

Key West Police Department

OCA: 24-001611

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	DIAZ-NAPOLES, JOSE MANUEL		11/20/1974	49	W	M
	Address 13 WHISTLING DUCK LN, KEY WEST, FL 33040-		H: 305-360-0738			
	Empl/Addr El Meson De Pepe, 401 Wall St		B: - -			
			Mobile #: - -			
2) WI 2	BRINAS MURPHY, RITA MERCEDES		05/22/1963	60	W	F
	Address 1200 FIRST ST Apt. E6, KEY WEST, FL 33040-		H: 305-879-2193			
	Empl/Addr		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 24-001611

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
HAYNIE, T. (3836), STUTZ, T. (3138), AGLEEV, D. (4007)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
24-001611
Date / Time Reported
Thu 03/21/2024 09:27

Victim	Offense	Date / Time Reported
Society	RESIST ARREST / ESCAPE	Thu 03/21/2024 09:27

-- John Anthony Martinez Arrest Narrative:

On 03/21/2024, at about 0927 hours, I (Ofc. Stephen Mitchell) responded to 410 Wall Street, in reference to a white male who had hit several people and has a rock in his pocket and was removing his clothing.

Upon arrival, I saw a white male wearing a white t-shirt and gray shorts walking south on Tifts Street from Wall Street that matched the description of the suspect. I recognized the male from an earlier (CAD#01240810033) call involving a trespasser at St. Mary's Catholic Church. The male had fled from me on a bicycle when I tried to stop him.

I pulled onto Tifts Street and activated my body worn camera (BWC) and overhead lights. The male (John Anthony Marteniz) walked into the entrance of a t-shirt shop on Tifts Street, and then walked back out onto the sidewalk. As I was exiting my vehicle John started removing his clothing. As I approached John, he pulled his underwear down exposing his genitals and buttocks. I grabbed John's left wrist and turned him towards and against the wall of the t-shirt shop. As I was grabbing John's right wrist, John pulled away from me, and tried to run, but I still had a hold of his right wrist. I used my right leg to push John's legs to the right and spun him over my right hip which caused John to land on his buttocks on the sidewalk. I pushed John's upper body towards the ground and pulled his right arm behind his back. John started kicking and trying to pull his arm away from me. At that time three citizens nearby ran over and helped restrain John onto the ground as he continued kicking and attempting to pull his arms away from me. During the struggle to restrain John I looked down and saw John trying to grab my taser. I was able to turn my taser away from his grasp and get my handcuff onto his right wrist. Ofc. Dennis Agleev arrived on scene, and he was able to grab ahold of John's left wrist and pull his arm behind his back. I was then able to get the second handcuff onto his left wrist. Once John was handcuffed, we rolled him onto his left side and then to a seated position against the wall. Once John was against the wall, I saw John was trying to grab ahold of Ofc. D. Agleev's firearm and informed Ofc. D. Agleev.

Throughout the struggle John continued screaming he was an FBI agent, and he was hunting terrorist's multiple times. I asked John if he was hurt, and he said his nose hurt. I asked John if he took and drugs, John said he took "Molly", "About \$20.00 worth." John was sweating profusely, he was clenching his jaw and sticking his tongue out. John's eyes were glossy and erratic.

Key West Fire Department Rescue, Ofc. Thomas Haynie, Ofc. Thomas Stutz, Sgt. Pablo Rodriguez, and Sgt. Mark Siracuse arrived on scene.

Ofc. T. Haynie (See Supplemental Report) spoke with two witnesses Jose Manuel Diaz-Napoles, and Rita Mercedes Brinas Murphy. Ofc. T. Haynie said Jose and Rita saw John on Mallory square ripping electrical wires from light poles (\$200.00 damage). Ofc. T. Haynie said Jose and Rita told him John then started to hit an ATM machine but did not cause any damage. Ofc. T. Haynie said Jose and some other people attempted to restrain John, but he was able to pull away from them. I asked Ofc. T. Haynie if John had struck anyone, and he said no.

I rode with KWFD Rescue while John was transported to the Lower Keys Medical Center due to his continued violent behavior. John was treated and examined by Dr. Gandia in the emergency room and released. I transported John to the Monroe County Detention Center.

I uploaded my BWC and vehicle video, and two photographs of the damaged light poles onto the axon server.

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 24-001611
Date / Time Reported Thu 03/21/2024 09:27

Victim Society	Offense RESIST ARREST / ESCAPE
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John's Charges:

Disorder conduct F.S.S. 877.03

Whoever (JOHN) commits such acts as are of a nature to corrupt the public morals (Exposing his genitals and buttocks to employees from El Meson De Pepe's Restaurant), or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them (Tourists, and Employees), or engages in brawling or fighting, or engages in such conduct as to constitute a breach of the peace or disorderly conduct, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Criminal Mischief F.S.S. 806.13(1)

(1)(a) A person commits the offense of criminal mischief if he (JOHN) or she willfully and maliciously injures or damages (John ripped several wires out of the bottom of several light poles on Mallory Square) by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti thereon or other acts of vandalism thereto.

(b)1. If the damage to such property is \$200 or less, it is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Resisting with Violence F.S.S. 843.01

(1) Whoever (John) knowingly and willfully resists (John pulled his arm away from the officer and attempted to run), obstructs, or opposes any officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); member of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission; parole and probation supervisor; county probation officer; personnel or representative of the Department of Law Enforcement; or other person legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty, by offering or doing violence (John attempted to kick the officers, grabbed the officer's taser, and attempted to grab another officers firearm) to the person of such officer or legally authorized person, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

End report.

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Incident Report Suspect List

Key West Police Department

OCA: 24-001611

1	Name (Last, First, Middle) <i>MARTINEZ, JOHN ANTHONY</i>					Also Known As					Home Address <i>5537 COLLEGE RD KEY WEST, FL 33040</i>				
	Business Address														
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State					
<i>10/07/1983</i>	<i>40</i>	<i>W</i>	<i>M</i>	<i>N</i>	<i>505</i>	<i>170</i>	<i>BLD</i>	<i>BLU</i>	<i>MED</i>	<i>M635461833670 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				
Veh Yr / Make / Model				Drs	Style		Color		Lic Plate / State			VIN			
Notes										Physical Char					

Incident Report Related Property List

Key West Police Department

OCA: 24-001611

1	Property Description 3023 BWC VIDEO				Make		Model		Caliber		
	Color		Serial No.		Value \$0.00		Qty 1.000		Unit		Jurisdiction Locally
	Status Evidence		Date 03/21/2024		NIC #		State #		Local #		OAN
	Name (Last, First, Middle) * No name *					DOB		Age	Race	Sex	

Notes

2	Property Description 5239 VEHICLE VIDEO				Make		Model		Caliber		
	Color		Serial No.		Value \$0.00		Qty 2.000		Unit		Jurisdiction Locally
	Status Evidence		Date 03/21/2024		NIC #		State #		Local #		OAN
	Name (Last, First, Middle) * No name *					DOB		Age	Race	Sex	

Notes

3	Property Description PHOTOGRAPHS OF DAMAGED LIGHT POLES				Make		Model		Caliber		
	Color		Serial No.		Value \$0.00		Qty 2.000		Unit		Jurisdiction Locally
	Status Evidence		Date 03/21/2024		NIC #		State #		Local #		OAN
	Name (Last, First, Middle) * No name *					DOB		Age	Race	Sex	

Notes