

Response to Resistance Report

Key West Police Department

Case No: 24-147

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: 1.10.24 **3. Time:** 1050 **4. Location:** 2900 N. Roosevelt **5. Incident type:** Trespass/D.C.

INCIDENT	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input checked="" type="checkbox"/> Passive:	Failed to follow commands	<input checked="" type="checkbox"/> Physical Control	Takedown
	<input checked="" type="checkbox"/> Active:	Pulled away	<input type="checkbox"/> Non-lethal Weapon	
	<input type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force	
	<input type="checkbox"/> Deadly Force:			

10. Last Name: Van Buskirk **11. First:** Eric **12. Race:** White **13. Sex:** M

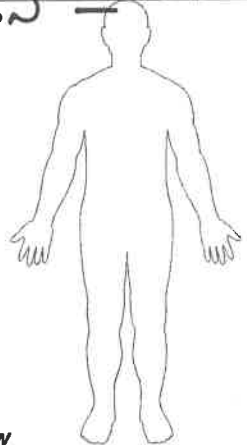
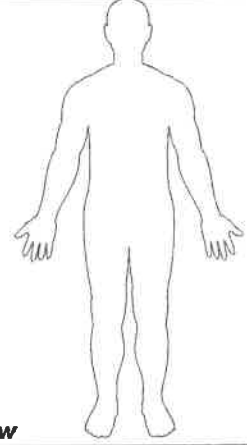
14. DOB: 7.1.61 **15. Height:** 5.07 **16. Weight:** 160

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
	<p><i>ABRASTON</i></p>	

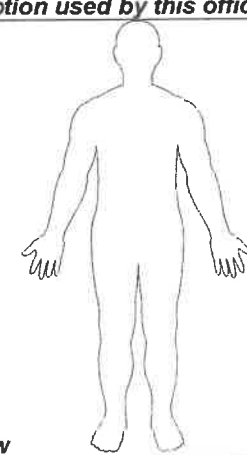
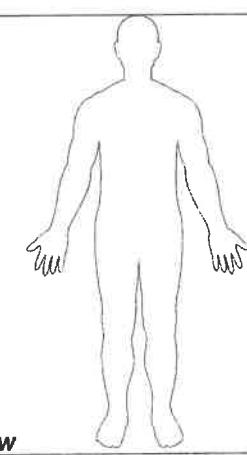
23. Officer: Mark Siracuse **24. Race:** W **25. Sex:** M **26. Age:** 37 **27. Height:** 5.08 **28. Weight:** 160

29. Duty Status: On-duty Off-duty Extra duty employment Uniformed Plain clothes **30. Yrs Exp:** 15

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

OFFICER	 35. Anterior View	 Posterior View

Response to Resistance Report (continued)

Key West Police Department

Case No: 24-147

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: 1/10/24		41. Time: 1050		
	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 type="checkbox"/> Yes (If "No", explain why)				
	Sgt. On scene				
	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
P. Rodenewitz 2198 SGT. MARK SIRACUSE 3366		[Signature] 2198 3366		1/10/24	
47. Preparing Supervisor / Printed Name		48. Preparing Supervisor / 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 checked="" type="checkbox"/> Yes				
	[Signature] 3366 51. Signature of Internal Affairs Inspector			1/16/24 52. Date	

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 24-000147

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
SIRACUSE, M.W. (3366)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
24-000147
Date / Time Reported
Wed 01/10/2024 10:48

Victim	Offense
KEY PLAZA	DISORDERLY CONDUCT

-- Eric John Van Buskirk Arrest Narrative:

On January 10, 2024, at approximately 1700 hours I, Officer D. Agleev, responded to 2900 North Roosevelt Boulevard (Publix Super Market at Key Plaza), reference a disorderly conduct.

Publix manager Matt (Reporting Person, phone number 352-215-0389) advised, a homeless person wearing an orange T-shirt had entered the store and started yelling at him and causing a scene, making the customers of the business very uncomfortable.

Upon arrival, Sergeant Siracuse and I located the homeless person matching the description inside a next-door business Dollar Tree. The male was identified by his Florida ID as Eric Van Buskirk (DOB 07/01/1961, Arrestee).

The Dispatch advised me, Van Buskirk had been trespass warned a day before from another business in the same plaza (T-Mobile) for causing a scene while being under the influence of alcoholic beverages (see CAD 240090129).

While speaking to Van Buskirk I observed the smell of alcohol emanating from his breath. His speech was loud and irate, placing people around him in distress.

The business owners of Key Plaza had authorized the Key West Police Department to act on their behalf because they did not want people to loiter around harassing possible customers. Several KWPD No-Trespassing signs had been placed in various locations around the plaza.

I issued Van Buskirk a Trespass Warning from the entire area of Key Plaza and documented it under CAD 240100107. I specifically advised Van Buskirk, he would be arrested, if he did not leave the plaza property, including the parking lot.

Several minutes later after documenting the warning, I observed Sergeant Siracuse with Van Buskirk in the parking lot of the afore-mentioned plaza. Van Buskirk was roaming around the plaza, oblivious to the recently issued trespass warning.

When Sergeant Siracuse and I tried to place Van Buskirk in custody, he started actively pulling away from us trying to break our handcuffing efforts. We had to redirect Van Buskirk to the ground, where we were able to put both his arms behind his back and handcuff him. During the encounter Van Buskirk kept twisting his body and pulling away his arms. Van Buskirk was actively cursing and throwing profanities at us.

While resisting our efforts to detain him, Van Buskirk suffered an approximately 1" in diameter abrasion to the right side of forehead, which was later treated and cleared by the ER. I photographed the injury using my Axon Capture App.

Based on the facts and evidence I believe, there is probable cause, that on 01/10/2024 Eric Van Buskirk while in the state of alcoholic intoxication caused a public disturbance on the premises of Key Plaza Shopping Center, violating FSS 856.011, Disorderly Intoxication.

Based on the facts and evidence I believe, there is probable cause, that on 01/10/2024 Eric Van Buskirk did willfully enter and remain on the property of Key Plaza Shopping Center defying the trespass warning which was issued and documented by Key West Police Department. Eric Van Buskirk violated FSS 810.09-1A1, Trespass on Property

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 24-000147
Date / Time Reported Wed 01/10/2024 10:48

Victim KEY PLAZA	Offense DISORDERLY CONDUCT
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Other than Structure or Conveyance.

Based on the facts and evidence I believe, there is probable cause, that on 01/10/2024 Eric Van Buskirk did resist Sergeant Siracuse and me, Officer Agleev, while we were in the lawful execution of our legal duty. Van Buskirk was actively tensing, twisting his body, and pulling away his arms, trying to break our efforts to handcuff him. During the encounter with Van Buskirk, both Sergeant Siracuse and I were in the uniform of Key West Police Department, easily identified as law enforcement officers. The incident took place in front of our KWPD marked police vehicles. Van Buskirk violated FSS 843.02, Resisting an Officer Without Violence.

I transported Van Buskirk to the Lower Keys Medical Center for medical clearance and later to the Monroe County Detention Center.

My BWC and Fleet-in-Car were activated and uploaded to Axon Evidence.

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Incident Report Suspect List

Key West Police Department

OCA: 24-000147

1	Name (Last, First, Middle) <i>VAN BUSKIRK, ERIC JOHN</i>					Also Known As					Home Address <i>6003 PENINSULAR AVE - STE 3 KEY WEST, FL 33040 305-394-3901</i>				
	Business Address <i>NONE, CARPENTRY</i>														
	DOB <i>07/01/1961</i>	Age <i>62</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>507</i>	Wgt <i>185</i>	Hair <i>BRO</i>	Eye <i>BLU</i>	Skin <i>LBR</i>	Driver's License / State <i>V512210612410 FL</i>				
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			
Veh Yr / Make / Model			Drs	Style		Color		Lic Plate / State			VIN				
Notes							Physical Char								

Incident Report Related Property List

Key West Police Department

OCA: 24-000147

1	Property Description BWC 4007			Make AXON		Model BWC		Caliber	
Color		Serial No.		Value \$0.00		Qty 2.000		Unit	
Status Evidence		Date 01/10/2024		NIC #		State #		Local #	
Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	

Notes

2	Property Description FLEET 4007			Make AXON		Model FLEET		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit	
Status Evidence		Date 01/10/2024		NIC #		State #		Local #	
Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	

Notes

3	Property Description PHOTOS 4007			Make AXON		Model CAPTURE		Caliber	
Color		Serial No.		Value \$0.00		Qty 4.000		Unit	
Status Evidence		Date 01/10/2024		NIC #		State #		Local #	
Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	

Notes

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 01/10/2024 13:00

OCA: **24000147**

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

Investigator: *SIRACUSE, MARK W (3366)*

Date / Time: *01/10/2024 12:32:09, Wednesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On 1.10.24, at approximately 1000 hours, I (Sgt. M. Siracuse) responded to Key Plaza (2900 N. Roosevelt Blvd.) reference a disorderly subject inside the Publix Supermarket. Upon arrival, the subject was no longer in the store, but the manager said he had walked further inside the plaza (northbound), and was wearing an orange t-shirt. The description matched a male subject I was out with the prior day at the same shopping center for causing a disturbance inside the T-Mobile store.

Ofc. D. Agleev and I located the subject, later identified as Eric Van Buskirk inside the Dollar Tree. Eric was holding an open package of bologna, eating it with his bare hands as he walked through the store. I gave Eric the opportunity to pay for the item prior to leaving the store and being trespassed from the complex. Eric was intoxicated with slurred speech and was unsteady on his feet. Eric would occasionally get loud, and at one point pointed out a blond female and made a comment about her look. I told Eric we were going to allow him to pay, then trespass him, but if he continued he would be arrested for disorderly conduct.

Once outside the store, Ofc. Agleev and I informed Eric he was now trespassed from the plaza. Eric walked through the parking lot (eastbound) before I lost sight of him on the opposite side of the plaza. As I was leaving the plaza, I located Eric back on the north side of the parking lot across from the Publix. I pulled over well ahead of Eric and he approached me again on foot. Eric said his bicycle had a flat and he needed to get it fixed. I told Eric to walk it down the Blvd. (as he was too intoxicated to ride it anyway), and take it to a bicycle store on Truman Ave. I then told Eric this was his last chance to leave the plaza. Eric began walking away, then turned around and started walking back toward my car. I approached Eric and he began saying "Don't take me to jail." I reached out for Eric's right arm and told him to walk with us. Eric pulled his right arm away. I reached and grabbed Eric's left arm, which he lifted and tried to pull out of my hands. At that point I used an arm bar and took Eric to the ground. Ofc Agleev had control of Eric's right half of his body and placed him in handcuffs.

We lifted Eric and placed him in the rear of Ofc. Agleev's patrol vehicle. Eric had sustained a small abrasion to his forehead from rubbing against the pavement. I photographed the injury and had Ofc. Agleev transport him to the LKMC for treatment/clearance. I met with Sgt. P. Rodriguez at the KWPD station and we reviewed the RRI together.

My BWC was activated for all three encounters with Eric.

Investigator Signature: _____

