

Response to Resistance Report

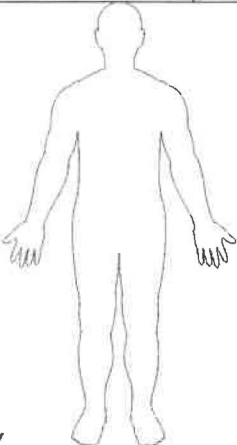
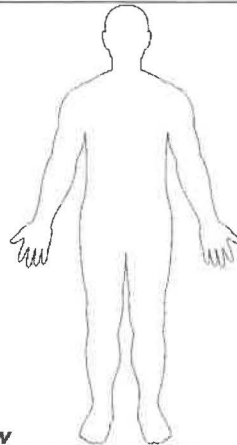
Key West Police Department

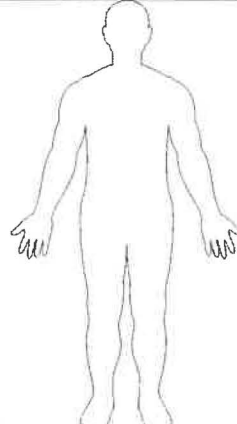
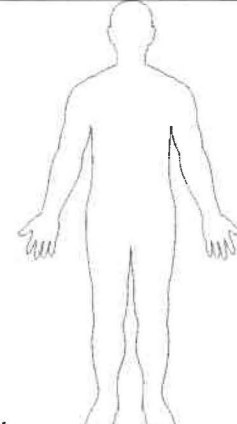
Case No: 19-4131

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: 07/06/2019	3. Time: 2250hrs	4. Location: 1107 Duval Street	5. Incident type: Intoxicated Person
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	☒ Passive:	Non-Compliant	☒ Physical Control	Joint Manipulation
	☒ Active:	Pulling Away, Bracing	☒ Non-lethal Weapon	Drive Stun
	☒ Aggressive:	Swinging at Officers	☐ Deadly Force	
☐ Deadly Force:				

SUBJECT	10. Last Name: Phelps	11. First: Clayton	12. Race: White	13. Sex: Male
	14. DOB: 03/04/1998	15. Height: 6'02	16. Weight:	
	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			
				
22. Anterior View		Posterior View		

OFFICER	23. Officer: Santiago Perez	24. Race: H	25. Sex: M	26. Age: 55	27. Height: 5'-9"	28. Weight: 215
	29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes 30. Yrs Exp: 1.5					
	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: (If TASER®, also reference line number from TASER® section) 37					
						
35. Anterior View		Posterior View				

Response to Resistance Report (continued)

Key West Police Department

Case No: 19-4131

TASER USE ONLY	36. TASER® device serial # X120056T7		37. TASER® device serial #	
	TASER®Cam serial # V21001KP7		TASER®Cam serial #	
	Cartridge 1 serial #		Cartridge 1 serial #	
	Cartridge 2 serial #		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:		Target distance at probe launch:	
	Distance between probes:		Distance between probes:	
	Probes removed by (name):		Probes removed by (name):	
	Device downloaded by: Sgt. F. Carter Sims		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: 07/06/2019		41. Time: 2250	
	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	
45. Is further review recommended: ☒ No ☐ Yes		3022		
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		07/07/2019		
		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)		7/23/19		
		49. Signature of Internal Affairs Inspector		
		50. Date		
51. If section 48 is "No" record the Professional Standards Control Number:		52. Date Entered:		

INCIDENT DATA

#3	Crime Incident
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Weapon / Tools	
Entry	Exit

	Activity
Security	

MO

# of Victims		1		Type: SOCIETY/PUBLIC/STATE				Injury:				Domestic: N			
V1	Victim/Business Name (Last, First, Middle)					Victim of Crime #		DOB		Race	Sex	Relationship To Offender	Resident Status		Military Branch/Status
	STATE OF FLORIDA					1,2		Age				ST	N/A		
Home Address												Home Phone			
Employer Name/Address										Business Phone			Mobile Phone		
KEY WEST POLICE DEPT															
VYR	Make	Model	Style	Color	Lic/Lis					VIN					

V
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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

[illegible]

Invest ID#	(0)	Supervisor	SIMS, FRED CARTER	(2301)
Complainant Signature	Case Status Cleared By Arrest	07/07/2019	Case Disposition: Cleared By Arrest	07/07/2019
			Page 1	

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 19-004131

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
PEREZ, S. (3834)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

19-004131

Victim

STATE OF FLORIDA

Offense

RESIST ARREST / ESCAPE

Date / Time Reported

Sat 07/06/2019 22:40

On Saturday, July 6, 2019 at approximately 2240 hours, Ofc. Perez and I (Ofc. Arguello) were dispatched to 1102-A Duval Street, reference a male (later identified as Clayton Phelps, DOB 3/4/98) sleeping on the sidewalk.

Upon arrival, I noticed Phelps laying in front of 1107 Duval Street across the sidewalk. I noticed about four pedestrian walking around Phelps to get through the sidewalk. Phelps was laying face down, Ofc. Perez turned him around in attempt to wake him up. Phelps was sweating and was not responding to Ofc. Perez's order to "wake up. Ofc. Perez attempted to wake Phelps up by performing a sternum rub. Phelps become alert and slapped Ofc. Perez hand. Ofc. Perez and I Introduced ourselves as "Key West Police" (It should be noted that Ofc. Perez and I were wearing our KWPD class B uniforms, immediately recognizable as police officers). Phelps went back to sleep and ignored our commands to get up. Ofc. Perez gave Phelps a second sternum rub. Phelps aggressively attempted to get up, I ordered him to stay down but he refused. Phelps smelled of alcohol and had bloodshot eyes. I grabbed Phelps left arm and announced myself as "Key West Police" again. Phelps stated, "turn fucking loose of me right now". I ordered Phelps to stop resisting, he continued to pull away. Ofc. Perez told Phelps to stop resisting or he was going to get tasered, he continued to pull away. I ordered Phelps to put his hands behind, he refused. Ofc. Perez drive stunned Phelps on his upper right chest area. Phelps moved his body forward and took me with his momentum, since I was grabbing his arm. I fell on my left knee and had a small laceration. Phelps began yelling, "Motherfucker, would you let go off me!". Phelps continued to resist. I displayed my taser on Phelps and told him that he was going to get tasered if he didn't place his hands behind his back. Phelps complied and Ofc. Perez placed him in handcuff.

Based on the facts, evidence and my direct observation there is probable cause to believe on 7/6/19 at about 2240 hours Clayton Phelps obstructed the sidewalk from normal passage of pedestrians. I witnessed pedestrian stopping and walking around Phelps which is a Key west city Ordinance violation MOV 62-2.

Based on the facts, evidence and my direct observation there is probable cause to believe on 7/6/19 at about 2240 hours Clayton Phelps resisted by pulling away and refusing to follow Ofc. Perez and my commands while we were executing a legal investigation, which is a violation of Florida State Statute 843.02.

I transported Phelps to the Monroe County Detention Center. On the way to the Monroe County Detention Center, Phelps stated that he did what he did but wanted to apologize. This incident was recorded on my BWC.

Incident Report Suspect List

Key West Police Department

OCA: 19-004131

1	Name (Last, First, Middle) <i>PHELPS, CLAYTON CABELL</i>					Also Known As					Home Address <i>3300 SANDGULLY DR MELBOURNE, FL 32912 321-355-8290</i>																																																											
	Business Address <i>UNKNOWN</i>																																																																					
	DOB <i>03/04/1998</i>	Age <i>21</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>602</i>	Wgt <i>200</i>	Hair <i>BLN</i>	Eye <i>GRN</i>	Skin <i>LGT</i>	Driver's License / State. <i>P412103980840 FL</i>																																																											
	Scars, Marks, Tattoos, or other distinguishing features																																																																					
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Incident Report Related Property List

Key West Police Department

OCA: 19-004131

1	Property Description BWC/3917			Make		Model		Caliber	
	Color	Serial No.	Value \$0.00		Qty 1.000	Unit	Jurisdiction Locally		
	Status Evidence	Date 07/07/2019	NIC #	State #	Local #		OAN		
	Name (Last, First, Middle) * No name *				DOB		Age	Race	Sex

Notes

CASE SUPPLEMENTAL REPORT

Printed: 08/12/2019 10:26

Key West Police Department

OCA: **19004131**

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

Case Status: *CLEARED BY ARREST***Case Mng Status:** *NA***Occurred:** *07/06/2019***Offense:** *RESIST ARREST / ESCAPE***Investigator:** *PEREZ, SANTIAGO (3834)***Date / Time:** *07/06/2019 23:12:11, Saturday***Supervisor:** *SIMS, FRED CARTER (2301)***Supervisor Review Date / Time:** *07/07/2019 00:18:51, Sunday***Contact:****Reference:** *General Supplemental Report*

On Saturday, July 06, 2019, approximately 2241 Hours I, Officer Perez was dispatched to 1107 Duval Street to assist Officer Arguelo, reference a male passed out on the sidewalk.

Upon arrival, I found a white male laying on the sidewalk face down. I introduced myself as Key West Police Officer. I was wearing my KWPD Class B uniform and readily recognizable as a police officer. Officer Arguelo arrived on scene. I gave the male several verbal commands to wake up, I kept introducing myself as a Key West Police Officer.

The male did not respond to my commands. I proceeded to grab his right shoulder and his right hip and rolled him right side up. I then did a sternum rub with my knuckles on the male's chest. The white male responded in an aggressive manner. He sat up and swung at me but did not hit me.

Officer Arguelo grabbed the subject's left hand to handcuff him. The subject resisted by tensing and pulled away from Officer Arguelo. I grabbed the subject's left hand and he also resisted by tensing and pulling away from me. Officer Arguelo and I gave the subject several verbal commands to stop resisting and to place his hands behind his back.

I pulled out my Taser and removed the Taser cartridge. I continued to give the subject verbal commands to stop resisting and to place his hands behind his back or I would Taser him. The subject ignored our lawful commands. I drive stunned the subject on the right side of his chest. The subject stopped resisting immediately. Officer Arguelo pull out his Taser, pointed at the subject while I placed him in handcuffed. I had no further involvement in this case. My BWC was activated through this encounter.///END OF REPORT///

Investigator Signature

Supervisor Signature