Response to Resistance Report

Key West Police Department

Case No: 22-6212

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: 10/30/2022 **3. Time:** 0130 **4. Location:** 1075 Duval "Circle K" **5. Incident type:** S22P / S0

6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
☒ Passive:	Ignored Verbal Commands	☐ Physical Control	
☒ Active:	Began to walk away, then at Ofc.	☒ Non-lethal Weapon	TASER
☐ Aggressive:		☐ Deadly Force	
☒ Deadly Force:	Armed with 10" fillet knife		

SUBJECT

10. Last Name: Tidwell **11. First:** Matthew **12. Race:** W **13. Sex:** M

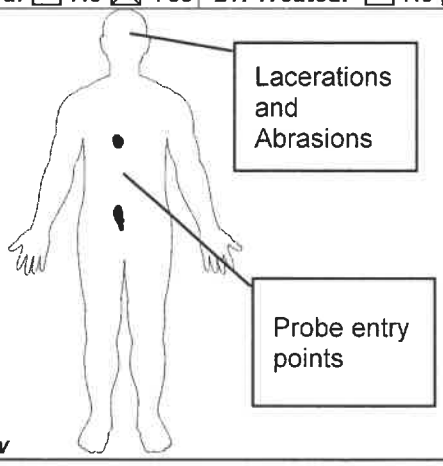
14. DOB: 01/09/1978 **15. Height:** 6'02" **16. Weight:** 170

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

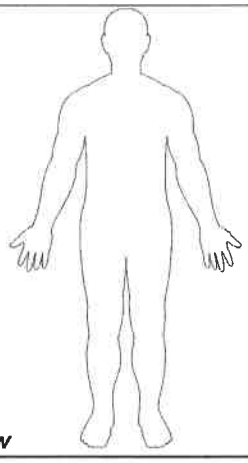
18. Appeared to be: ☒ Intoxicated ☐ Under the influence of controlled substance ☒ Emotionally / mentally disturbed

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



22. Anterior View



Posterior View

OFFICER

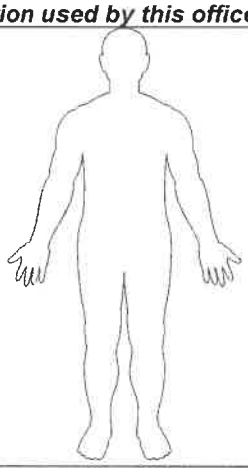
23. Officer: Scott Ham **24. Race:** W **25. Sex:** M **26. Age:** 31 **27. Height:** 6" **28. Weight:** 210

29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes **30. Yrs Exp:** 3

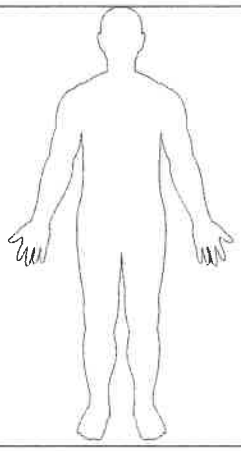
31. Injuries: ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

32. Photographed: ☒ No ☐ Yes **33. Treated:** ☒ No ☐ Yes **By:** ☐ EMT/Paramedic on scene ☐ Hospital

34. Response option used by this officer: TASER Probe Deployment



35. Anterior View



Posterior View

Response to Resistance Report (continued)

Key West Police Department

Case No: 22-6212

TASER USE ONLY

36. TASER® device serial # X1200CT84	37. TASER® device serial #
TASER®Cam serial # V21001KH1	TASER®Cam serial #
Cartridge 1 serial # C41088MRX	Cartridge 1 serial #
Cartridge 2 serial #	Cartridge 2 serial #
Number of cycles: 2	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: 10-15 feet	Target distance at probe launch: N/A
Distance between probes: 12-20 inches	Distance between probes: N/A
Probes removed by (name): KWFD	Probes removed by (name): N/A
Device downloaded by: Left in Office for Sgt. Stockton	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: 10/30/2022 ***41. Time:*** 0125

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)

Officer drew TASER on a combative, disturbed subject armed with a 10" fillet knife. Officers' firearm should have beei drawn as first response option due to the situation. This conflicts with basic training. PAF completed

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

3022 — 48. Preparing Supervisor's Signature / ID

10/30/2022 — 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)

3317 — 51. Signature of Internal Affairs Inspector

2/13/2023 — 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#	22-006212
Date / Time Reported	10/30/2022 01:16 Sun
Last Known Secure	10/30/2022 01:16 Sun
At Found	10/30/2022 01:16 Sun

INCIDENT DATA

Location of Incident	Premise Type	Beat/GP
1075 DUVAL ST, Key West FL 33040-	Highway / Street / Road/	B2, GPB2

	Crime Incident(s)		Weapon / Tools	Activity
#1	Disorderly Conduct DCA	(Com)	KNIFE Entry / Exit / Security	
#2	Resist Arrest / Escape XOM	(Com)	Weapon / Tools Entry / Exit / Security	
#3		( )	Weapon / Tools Entry / Exit / Security	

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					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	AXON BWC 4009	AXON/Bwc	
	35	EVID	$0.00		1	AXON FLEET 4009	AXON/Fleet	
	35	EVID	$0.00		1	TASER VIDEO 4009		

Officer/ID# HAM, RANDOLPH (4009)

Invest ID# (0) | Supervisor (0)

Status

Complainant Signature | Case Status: Cleared By Arrest 10/30/2022 | Case Disposition: Cleared By Arrest 10/30/2022

Incident Report Additional Name List

Key West Police Department

OCA: *22-006212*

Additional Name List

	Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1)	*WI 1*	*REED, DANNY KEITH*		*10/11/1972*	*50*	*W*	*M*
	Address	*5537 COLLEGE RD , KEY WEST, FL 33040-*		**H:** - -			
	Empl/Addr	*Performer*		**B:** - -			
				Mobile #: - -			
2)	*WI 2*	*KINDER, GENE ANTHONY*		*11/18/1973*	*48*	*W*	*M*
	Address	*6933 JERSEY MILL RD , ALEXANDRIA, OH*		**H:** *954-200-5193*			
	Empl/Addr			**B:** - -			
				Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # *22-006212*

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

ANE, A.A. (3418), HERNANDEZ, L. (3452), ADORNO, S.D. (4155)

Suspect Hate / Bias Motivated:

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 22-006212 *Key West Police Department*

NARRATIVE

On October 30, 2022, at approximately 0120 hours, I, Ofc. S. Ham was dispatched to 1075 Duval St. (Circle K), reference a physical disturbance.

Upon arrival, a group of males walked past me as I approached the establishment. The suspect later identified as Matthew Tidwell, was bleeding from the face. Matthew matched the description of the suspect provided by KWPD dispatch. I pulled my TASER as I approached Matthew because KWPD dispatch advised that Matthew had just fought one male and was attempting to fight others. I then saw that Matthew had a filet knife with an orange handle in his right hand. I instructed Matthew to drop the knife and he did. I gave Matthew a few commands to step away from the knife and take a seat. Matthew eventually backed away from the knife and approached the wall beside Circle K.

There was a small crowd of people standing around the establishment as I continued to tell Matthew to sit down. Matthew stated he was going to have a seat on the steps of the establishment. Matthew took a few steps towards the establishment and then turned towards me. Matthew yelled stating that he wasn`t going to sit down, and I was going to have to tase him. Matthew turned away from me and acted as if he was going to walk away. I told Matthew to stop, or he was going to be tased. Matthew stopped and turned towards me yelling I was going to have to tase him. Matthew then took a step towards me. I told Matthew to not take another step and he did. I deployed my TASER, striking Matthew in the torso. Matthew fell to the ground as he experienced NMI (neuromuscular incapacitation). Matthew attempted to remove the probes once he was on the ground, and I deployed another five-second cycle, once again achieving NMI. Matthew`s cooperation increased, and I was able to place him into handcuffs. I maintained control of Matthew sitting on the sidewalk while Ofc. S. Adorno and Ofc. A. Ane spoke to witnesses on scene.

Ofc. S. Adorno stated to me that only one of the witnesses saw the altercation from the beginning. Ofc. Adorno stated to me the other three witnesses only saw Matthew walking back from his bicycle with the knife yelling that he was going to kill him. Ofc. Adorno stated the witness that saw the entire altercation was identified by his Florida ID card as Danny Reed. Ofc. Adorno stated the following to me that he was advised from Danny: Danny stated that Matthew was yelling at a family that was walking on the opposite side of the street. Danny stated the mother, told the father not to engage Matthew. Danny stated they had a young child approximately 10 years old. Danny stated Matthew went after the kid in an aggressive manner, as if he was going to attack him. Danny stated the father got between them and punched Matthew once in the face. Danny stated Matthew went down to the ground and the father of the kid began to walk away. Danny stated Matthew got up and ran towards his bicycle near Duval square to grab a knife. Danny stated Matthew ran back towards the front of Circle K holding the filet knife. Danny stated Matthew was irate with the knife yelling "where did he go, I`m going to kill him." Danny stated Matthew did not threaten anyone else there with the knife, just held it in his hand.

I spoke with Ofc. A. Ane who stated he spoke with the original reporting party and witness (Gene Kinder). Ofc. Ane stated the following to me that he was advised by Gene: Gene stated he saw Matthew kicking over trash cans and trying to fight everyone. Gene stated that he watched Matthew try and throw punches with one other male and then he called 911. Gene stated he did not see Matthew walk back to his bicycle to obtain the knife.

Ofc. L. Hernandez collected the filet knife and submitted it into KWPD property and evidence.

Key West Rescue personnel arrived on scene and removed the TASER prongs. Key West Rescue personnel attempted to clean up Matthew`s face and inspect for injuries, but Matthew began spitting. Matthew was placed in a spit hood by Ofc. Hernandez. Key West Rescue transported Matthew to Lower Keys Medical Center without incident. I rode with Key West Rescue to assist with transport.

Matthew was looked over by doctor and taken in for a CT scan. Doctor at the ER advised me that Matthew had

sustained a broken nose and nothing else. Matthew was medically cleared by the ER.

I transported Matthew to Monroe County Detention Center without incident. Upon arrival, Monroe County nursing staff denied Matthew for uncontrolled bleeding from his nose. I transported Matthew back to Lower Keys Medical Center for another medical clearance. Matthew was cleaned up at the ER and medically cleared a second time.

Matthew was kicking over garbage cans and attempting to fight people passing by. Matthew was struck one time in the face for attempting to attack the unknown male`s son. Matthew then retrieved a filet knife from his bicycle and began yelling to everyone, "where did he go, I`m going to kill him." Matthew was holding a filet knife in his hands and yelling when I arrived on scene. There is probable cause to believe that Matthew was in violation of F.S.S. 877.03 Disorderly Conduct.

Matthew was holding a filet knife in his right hand when I arrived and refused to take a seat after dropping the knife. I gave Matthew multiple commands to sit down and not approach me. Matthew refused to listen and began to approach me after multiple warnings. I deployed my TASER striking him in the chest and lower abdomen. Matthew was in violation of F.S.S. 843.02 Resisting without violence.

My Axon BWC, Axon Fleet in-car and TASER video camera were activated and uploaded.

Incident Report Suspect List

Key West Police Department

OCA: *22-006212*

1	Name (Last, First, Middle)	Also Known As	Home Address
	TIDWELL, MATHEW FORREST		*1213 14 ST LOT 259* *KEY WEST, FL 33040* *937-356-9918*
	Business Address *NONE, NONE*		

DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.
01/09/1978	*44*	*W*	*M*	*N*	*602*	*170*	*BLD*	*BLU*	*MED*	*T34054678009 FL*

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

Incident Report Related Property List

Key West Police Department

OCA: *22-006212*

1	Property Description	Make	Model	Caliber
	AXON BWC 4009	***AXON***	***BWC***	

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

Status	Date	NIC #	State #	Local #	OAN
Evidence	***10/30/2022***				

Name (Last, First, Middle)	DOB	Age	Race	Sex
Kinder, Gene Anthony	***11/18/1973***	***48***	***W***	***M***

Notes

2	Property Description	Make	Model	Caliber
	AXON FLEET 4009	***AXON***	***FLEET***	

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

Status	Date	NIC #	State #	Local #	OAN
Evidence	***10/30/2022***				

Name (Last, First, Middle)	DOB	Age	Race	Sex
Kinder, Gene Anthony	***11/18/1973***	***48***	***W***	***M***

Notes

3	Property Description	Make	Model	Caliber
	TASER VIDEO 4009			

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

Status	Date	NIC #	State #	Local #	OAN
Evidence	***10/30/2022***				

Name (Last, First, Middle)	DOB	Age	Race	Sex
Kinder, Gene Anthony	***11/18/1973***	***48***	***W***	***M***

Notes