

Response to Resistance Report

Key West Police Department

Case No: 22-4352

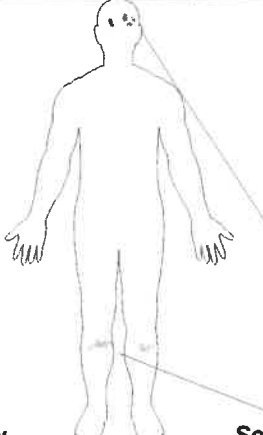
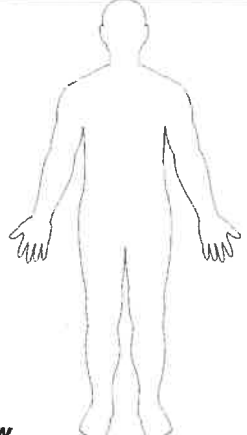
1. A Response to Resistance Report will be completed by the supervisor for: (Check all that apply)

- ☒ 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)

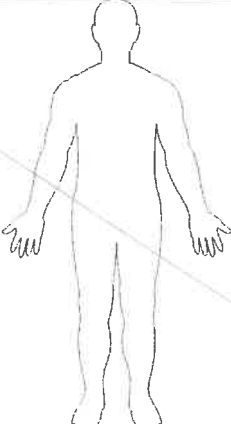
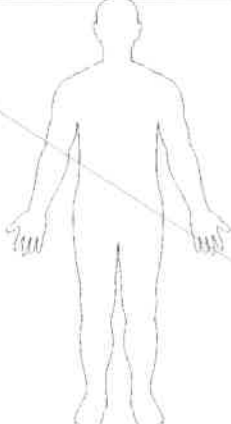
2. Date: 07/30/22 3. Time: 2105 4. Location: 3840 N. Roosevelt Blvd. 5. Incident type: Resist w/out viol.

INCIDENT	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
INCIDENT	☒ Passive:	Tensing	☒ Physical Control	Ground control
	☒ Active:	Fleeing, Pulling Away	☒ Non-lethal Weapon	OC Spray
	☐ Aggressive:		☐ Deadly Force	
	☐ Deadly Force:			

10. Last Name: Portier 11. First: Brett 12. Race: W 13. Sex: M
14. DOB: 12/15/1978 15. Height: 6'02" 16. Weight: 300
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	Scrapes/ OC spray	Posterior View
SUBJECT			

23. Officer: Matthew Hansell 24. Race: W 25. Sex: M 26. Age: 49 27. Height: 5'07" 28. Weight: 185
29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes 30. Yrs Exp: 19
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) OC Spray

OFFICER	35. Anterior View	Posterior View
OFFICER		

Response to Resistance Report (continued)

Key West Police Department

Case No:

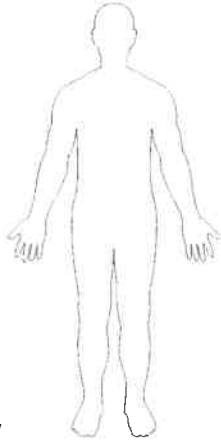
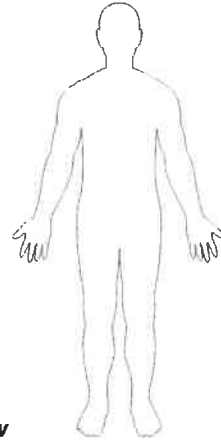
22-4352

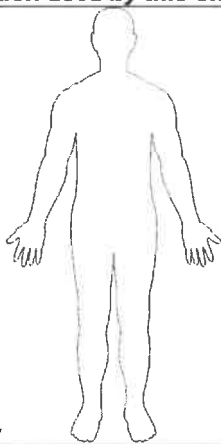
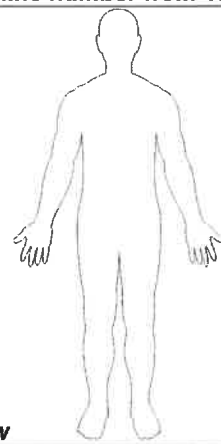
TASER USE ONLY	36. TASER® device serial #	37. TASER® device serial #	
	TASER®Cam serial #	TASER®Cam serial #	
	Cartridge 1 serial #	Cartridge 1 serial #	
	Cartridge 2 serial #	Cartridge 2 serial #	
	Number of cycles:	Number of cycles:	
	Type of contact: ☐ Probe ☐ CODS ☐ Drive Stun	Type of contact: ☐ 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:	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: 07/30/22 41. Time: 2118		
	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
INT. AFF.	47. Is further review recommended: ☒ No ☐ Yes FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		
	48. Preparing Supervisor's Signature / ID 49. Date 07/30/22		
	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:			

Response to Resistance Report (continued)

Key West Police Department

Case No: 22-4352

OFFICER	23. Officer: Randy Perez 24. Race: W 25. Sex: M 26. Age: 32 27. Height: 5'8" 28. Weight: 210					
	29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain 30. Yrs Exp: 2.5					
	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)					
OFFICER						
	35. Anterior View			Posterior View		

OFFICER	23. Officer: 24. Race: 25. Sex: 26. Age: 27. Height: 28. Weight:					
	29. Duty Status: ☐ On-duty ☐ Off-duty ☐ Extra duty employment ☐ Uniformed ☐ Plain 30. Yrs Exp:					
	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)					
OFFICER						
	35. Anterior View			Posterior View		

I N C I D E N T D A T A	Agency Name Key West Police Department				INCIDENT/INVESTIGATION REPORT				Case# 22-004352				
	ORI FL0440100								Date / Time Reported 07/30/2022 21:05 Sat				
	Location of Incident 3840 N ROOSEVELT BLVD, Key West FL 33040				Gang Relat NO	Premise Type Highway / Street /		Beat/GP B5, GPB5		Last Known Secure 07/30/2022 21:05 Sat			
									At Found 07/30/2022 21:05 Sat				
D E T A I L S	#1	Crime Incident(s) Resist Arrest / Escape XOM			(Com)	Weapon / Tools NOT APPLICABLE/NONE				Activity			
						Entry		Exit		Security			
	#2	Crime Incident			()	Weapon / Tools				Activity			
						Entry		Exit		Security			
	#3	Crime Incident			()	Weapon / Tools				Activity			
						Entry		Exit		Security			
MO													
V I C T I M	# of Victims 1		Type: SOCIETY/PUBLIC/STATE				Injury:			Domestic: N			
	V1		Victim/Business Name (Last, First, Middle) Society				Victim of Crime # 1,	DOB Age	Race	Sex	Relationship To Offender	Resident Status N/A	Military Branch/Status
	Home Address										Home Phone		
	Employer Name/Address								Business Phone		Mobile Phone		
	VYR	Make	Model	Style	Color	Lic/Lis		VIN					
	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)												
O T H E R I N V O L V E D	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	
P R O P E R T Y	Home Address										Home Phone		
	Employer Name/Address								Business Phone		Mobile Phone		
	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 / HANSELL 3648						
		03	TOWE	\$0.00		1	2021 BLK , QRHQ64 FL		RAM		3C6RR6KT6MG707068		
Officer/ID# HANSELL, MATTHEW (3648)													
Invest ID# (0)								Supervisor (0)					
Status	Complainant Signature				Case Status <i>Cleared By Arrest</i> 07/31/2022				Case Disposition: <i>Cleared By Arrest</i> 07/31/2022				Page 1

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 22-004352

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
REVOREDO, N. (2962), CALVERT, M.M. (3451), AGLEEV, D. (4007), PEREZ, R. (4010), ROSCOE, R. (4011)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim <i>Society</i>	Offense <i>RESIST ARREST / ESCAPE</i>	OCA <i>22-004352</i>
		Date / Time Reported <i>Sat 07/30/2022 21:05</i>

On 07-30-2022, I K-9 Ofc. Matthew Hansell of the Key West Police Department, was conducting traffic enforcement at 4400 Overseas Highway now referred to as the Cheryl H. Cates Memorial Bridge.

I was positioned on the South portion of the bridge along the grass shoulder facing South approximately 100 feet before the entrance to Key West at North Roosevelt Blvd.

During this time, I observed a dark in color Dodge Ram pass my location at a high rate of speed nearly rear end a vehicle in the turn lane for North Roosevelt Blvd traffic. I visually estimated the speed of the Dodge Ram to be approximately 50 to 52 miles per hour.

It should be noted that the speed limit coming into the city of Key West is 30 mph. There is a posted speed limit sign stating 30 mph 100 feet before the College Road traffic light as you driver South on US1 entering Key West. There is a second 30mph speed limit sign at the Cheryl H. Cates Memorial Bridge as after you cross the college road intersection. I am also certified in Lazer / Radar/ Speed and Visual Estimate, having received this training from the Hillsborough County Public Safety Institute in 2008.

I pulled out of my location and onto N. Roosevelt Blvd. I pulled behind the pickup as it continued inbound. As I was about to activate my emergency lights and siren to conduct a traffic stop, the truck took an abrupt turn into the Conch Tour Train parking lot located at 3840 N. Roosevelt Blvd. speeding to the back of the parking lot. This parking lot is for tour bus and employee parking and offers no permitted use for the general public making the driver's actions odd.

By the time the pickup truck stopped I had activated my emergency lights. As I put my police vehicle into park, The driver door of the truck immediately opened and the male driver, later identified as Brett Portier attempted to get out.

I walked up to Portier and asked him what he was doing, as it was clear he was trying to hide from me. I could also see Portier had glassy bloodshot watery eyes and I could smell an overpowering odor of an alcoholic beverage coming from his person. I asked him to get out of his vehicle. Portier looked at me with a blank stare and for a split second I thought he was going to drive away. I asked him if he understood me and had him stand at the back of his pickup away from the driver seat.

I called out the traffic stop on Key West Dispatch Channel 1 as the radio traffic was busy earlier in reference to a medical emergency as I was attempting to stop Portier.

I requested an additional officer to the scene in order to conduct a DUI investigation based on my observations of Portier to this point.

I asked Portier why he was speeding and where he was going to. Portier mumbled something incoherent about his speed and stated he was going to his girlfriends.

I asked Portier for his information, which he provided verbally. I checked Portier's information in FCIC / NCIC which showed he was on probation out of Florida for DUI-causing serious bodily injury, however he had a valid Connecticut Driver's License.

As I was checking Portier's information, I noticed he seemed uneasy. He began pacing back and forth at the rear bumper and looking around as if he was looking for a place to run.

I had to ask him multiple times to remain at the back of his pickup and to take his hands out of his pockets. I

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

22-004352

Victim

Society

Offense

RESIST ARREST / ESCAPE

Date / Time Reported

Sat 07/30/2022 21:05

continued checking Portier's information in NCIC/FCIC while waiting for back up officers.

At one point during the encounter Portier ducked down on the passenger side of his truck and out of my sight. It was obvious Portier was contemplating running from me and I had no choice but to place him into handcuffs, while waiting for additional officers to arrive.

I asked Portier to put his hands behind his back and grabbed his right arm. Portier pulled away from my grasp, turned into me with his fists and arms clenched as if he was going to attack me and asking, "What for?" as he then pushed and pulled away from me.

I told Portier to stop, even telling him he could be bit by a K-9. Portier continued to ignore my commands and gave him one quick burst toward the top of his forehead as he pulled away.

Portier then proceeded to run toward the back parking lot as I asked for units to step it up. Portier continued running and circled back around toward his truck and my police vehicle. I ran after Portier each time catching up to him grabbing ahold of his arms attempting to control him as he avoided arrest. Portier was much taller and bigger than me and he was able to push me away each time and continue running. I shouted multiple times for Portier to get on the ground as he ran. At one point he turned back toward me and still refused to get on the ground where he received an additional OC spray.

This still seemed to have no affect but Portier slowed down as he was now out of breath. I used my right leg to sweep Portier to the ground as he still refused to obey my commands to go down.

Ofc. Perez arrived and we attempted to handcuff him. Portier still refused to comply and kept pulling his hands away from us and back under his chest even trying to post up. After several more attempts and yelling, I was able to pull Portier's left hand out from under him and place it into hand cuffs with the assistance of Ofc. Perez.

Additional officers arrived on scene and Portier was secured. I walked back to my police vehicle to calm down. Sgt. Revoredo arrived on scene as well and I explained the stop and the use of force.

Portier was treated at the scene by Key West Fire Rescue Engine R3 before being transported by Ofc. Roscoe to Lower Keys Medical Center and eventually the Monroe County Jail.

I conducted a K-9 sniff of the truck under case number 22-4354 with a negative alert. I waited on scene until Arnolds Towing arrived to tow the pick up.

Portier was issued traffic citation AEU65FE in violation of Florida Statute 316.074-1 for violation of traffic control device in reference to speeding that was witnessed by myself.

Portier was also charged with Resisting / Obstructing and Officer without violence under Florida Statute 843.02.

The facts of this arrest affidavit are as follows.

1. The defendant Portier, resisted my attempts to be placed into hand cuffs by pulling away and running. Each time I would re-engage Portier by grabbing him, he would push and shove me away and keep running.
2. At the time of Portier's resisting, I was legally performing law enforcement duties as defined by the State of Florida and which consisted of a traffic stop of a vehicle Portier was driving. Portier was not free to leave.

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim <i>Society</i>	Offense <i>RESIST ARREST / ESCAPE</i>	OCA <i>22-004352</i> Date / Time Reported <i>Sat 07/30/2022 21:05</i>
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3. At the time of the stop Portier knew I was a law enforcement officer conducting a traffic stop as identified by my police vehicle and uniform as well as our interaction before he fled.

4. Portier's initial resistance was ducking to the side of his vehicle out of my sight in an attempt to leave the area.

My BWC was sued for this case.

Case Status: CLEARED WITH ARREST

Incident Report Suspect List

Key West Police Department

OCA: 22-004352

1	Name (Last, First, Middle) PORTIER, BRETT HUNTER						Also Known As				Home Address 2640 LAKE SHORE DRIVE - 509 WEST PALM BEACH, FL 33404 914-356-0554																																									
	Business Address SELF, SALES																																																			
	DOB 12/15/1978	Age 43	Race W	Sex M	Eth N	Hgt 602	Wgt 300	Hair BRO	Eye BLU	Skin LGT	Driver's License / State. P636068784550 FL																																									
	Scars, Marks, Tattoos, or other distinguishing features																																																			
<table border="1"> <tr> <td colspan="2">Reported Suspect Detail</td> <td colspan="2">Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td colspan="2">Height</td> <td colspan="2">Weight</td> <td colspan="2">SSN</td> </tr> <tr> <td colspan="2">Weapon, Type</td> <td colspan="2">Feature</td> <td colspan="2">Make</td> <td colspan="2">Model</td> <td colspan="2">Color</td> <td>Caliber</td> <td colspan="2">Dir of Travel Mode of Travel</td> </tr> <tr> <td colspan="4">VehYr/Make/Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="2">Lic/St</td> <td colspan="2">VIN</td> </tr> </table>														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	
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 Vehicle List

Key West Police Department

OCA: 22-004352

1	VehYr/Make/Model 2021 RAM		Style TK		Color BLK		Lic/Lis /Decal QRHQ64 FL 2023, 01101746		VIN 3C6RR6KT6MG707068		
	IBR Status Towed		Date 07/30/2022		Location 3840 N ROOSEVELT BLVD, KEY WEST FL						
	Condition		Value \$0.00		Offense Code		Jurisdiction Locally		State # NIC #		
	Name (Last, First, Middle) Portier, Sandra Lynn				Also Known As				Home Address 2640 LAKE SHORE DRIVE - 509 WEST PALM BEACH, FL 33404		
	Business Address										
DOB 01/23/1947		Age 75	Race W	Sex F	Hgt 506	Wgt	Scars, Marks, Tattoos, or other distinguishing features				

Notes

Incident Report Related Property List

Key West Police Department

OCA: 22-004352

1	Property Description BWC / HANSELL 3648			Make		Model		Caliber	
	Color	Serial No.		Value		Qty		Unit	Jurisdiction
				\$0.00		1.000		DU	Locally
	Status Evidence	Date 07/30/2022	NIC #	State #		Local #		OAN	
	Name (Last, First, Middle) Portier, Brett Hunter				DOB 12/15/1978		Age 43	Race W	Sex M

Notes

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 07/31/2022 01:17

OCA: **22004352**

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

Investigator: *PEREZ, RANDY (4010)*

Date / Time: *07/31/2022 01:11:43, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On 07/30/2022, at 2150 hours, I (Ofc. R. Perez) was in route to 3840 N. Roosevelt Blvd. to assist Ofc. M. Hansell with a traffic stop. While in route Ofc. Hansell advised that he needed expedited back up. I turned on my emergency lights and drove priority one to his location.

Upon arrival I see Ofc. M. Hansell trying to take control of a male later identified as Brett Portier. I exited my vehicle and run toward Ofc. Hansell. Ofc. Hansell was able to take Portier to the ground using a modified leg sweep takedown. I assisted Ofc. Hansell in holding Portier down by placing my left knee on Portier's buttocks. I also assisted in hand cuffing Portier. When Portier was detained, I stayed with him while waiting on rescue to treat him from the OC spray he had been sprayed with. Portier was then transported by Ofc. Roscoe.

My AXON BWC and AXON FLEET cameras were activated during this incident.

Investigator Signature: _____

Incident Report Related Property List

Key West Police Department

OCA: 22-004352

1 Property Description AXON BWC 4010		Make		Model		Caliber	
Color	Serial No.	Value \$0.00		Qty 1.000	Unit	Jurisdiction Locally	
Status Evidence	Date 07/30/2022	NIC #	State #		Local #		OAN
Name (Last, First, Middle) * No name *			DOB		Age	Race	Sex

Notes

2 Property Description AXON FLEET 4010		Make		Model		Caliber	
Color	Serial No.	Value \$0.00		Qty 1.000	Unit	Jurisdiction Locally	
Status Evidence	Date 07/30/2022	NIC #	State #		Local #		OAN
Name (Last, First, Middle) * No name *			DOB		Age	Race	Sex

Notes

