

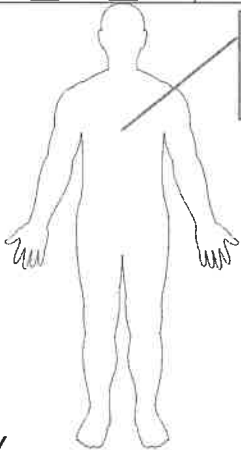
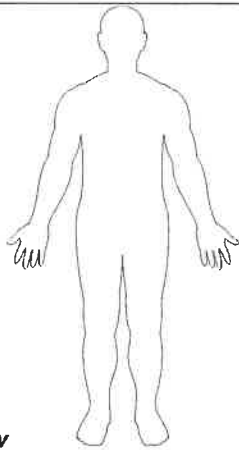
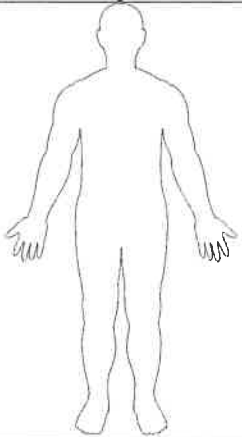
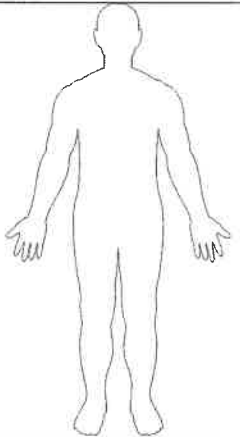
Response to Resistance Report

Key West Police Department

Case No: 22-2324

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: 04/20/2022	3. Time: 2042 Hrs	4. Location: 516 Duval Street	5. Incident type: S36B	
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation	
	<input type="checkbox"/> Passive:	Refused to comply, verbally	<input type="checkbox"/> Physical Control		
	<input checked="" type="checkbox"/> Active:	aggressive, walking toward	<input checked="" type="checkbox"/> Non-lethal Weapon	TASER PROBE DEPLOY	
	<input type="checkbox"/> Aggressive:	previous victim after instructed not	<input type="checkbox"/> Deadly Force		
	<input type="checkbox"/> Deadly Force:	to			
SUBJECT	10. Last Name: Finely	11. First: Mark	12. Race: W	13. Sex: M	
	14. DOB: 09/11/1987	15. Height: 5'09"	16. Weight: 320 lbs		
	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 type="checkbox"/> Under the influence of controlled substance <input type="checkbox"/> Emotionally / mentally disturbed				
	19. 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 22)				
	20. Photographed: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes 21. Treated: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input checked="" type="checkbox"/> Detention				
					
	22. Anterior View		Posterior View		
	OFFICER	23. Officer: Leo Hernandez			
		24. W	25. Sex: M	26. Age: 46	27. Height: 5'04"
28. Weight: 150 lbs					
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: 2.5					
31. 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 35)					
32. Photographed: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes 33. Treated: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> 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: 22-2324

TASER USE ONLY	36. TASER® device serial # X1200CRPK		37. TASER® device serial #		
	TASER®Cam serial # V21002AK9		TASER®Cam serial #		
	Cartridge 1 serial # C410C7E2C		Cartridge 1 serial #		
	Cartridge 2 serial #		Cartridge 2 serial #		
	Number of cycles: 1		Number of cycles:		
	Type of contact: <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Target distance at probe launch: 6 feet		Target distance at probe launch:		
	Distance between probes: 6 inches		Distance between probes:		
	Probes removed by (name): Ofc. Hernandez		Probes removed by (name):		
Device downloaded by: Sgt. Stockton		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: 04/20/2022		41. Time: 2042 hrs		
	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
	Keith John Page		414 Van Buren Ave S, Edina, MN 55343		(612) 759-2751
	INT. AFF.	47. Is further review recommended: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		3755	
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		04/20/2022			
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)		48. Preparing Supervisor's Signature / ID			
51. Signature of Internal Affairs Inspector		49. Date			
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: 22-002324

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	PAGE, KEITH JOHN		11/29/1964	57	W	M
	Address 414 VAN BUREN AVE S, EDINA, MN 55343--846		H: 612-759-2751			
	Empl/Addr Unknown		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 22-002324

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
HAM, R. (4009), ADORNO, S.D. (4155)

Suspect Hate / Bias Motivated:

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 22-002324

Key West Police Department

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

22-002324

Victim

Society

Offense

DISORDERLY CONDUCT

Date / Time Reported

Wed 04/20/2022 20:30

On Wednesday April 20, 2022, at about 2032 hours, I, (Ofc. L. Hernandez), was dispatched to the 500 block of Duval Street, reference a subject who was actively threatening patrons of La Trattoria and had committed a battery on a manager of the restaurant.

Upon arrival, I met with the reporting party, Rolando, a manager at La Trattoria Restaurant located at 524 Duval Street. Rolando said Mark Edward Finley (DOB 09/11/1987) (Arrestee), shoved him for no apparent reason but he just wanted Mark to be escorted away and no charges to be pursued.

Rolando pointed me towards Mark, who was walking away North on Duval Street towards Fleming Street. Mark was stumbling and moving lethargically. Ofc. S. Adorno and I caught up to Mark and we identified ourselves as Key West Police Officers and he continued walking away. I grabbed Mark by his shoulders, gaining physical control, and Ofc. S. Adorno and I placed Mark in handcuffs. I checked them for tightness and double locked them.

We brought Mark to 516 Duval Street, San Carlos Museum, and helped him sit down. We identified Mark and told him that the person he battered decided not to press charges and that he should leave the area. We removed Mark's handcuffs and almost immediately he jumped to his feet and began to scream from the top of his lungs "fuck you cops, fuck you cops". We kept telling Mark to calm down and to grab his belongings, two wallets and sunglasses and walk away. Mark got more belligerent and said, "I am not picking up shit, get away from me, fuck you cops". We gave Mark more room as he requested but he would keep yelling at us and would not gather his belongings. While screaming the repeated vulgarities, Mark raised both of his arms and extended both of his "middle fingers" at myself and the other Officers on scene. Mark then began to walk towards me while yelling and raising his arms up in an aggressive manner. I told him to back away and to grab his stuff, he refused. I told Mark to walk away South on Duval to prevent him from meeting Rolando again, who was working the outside tables at La Trattoria. Due to Marks demeanor, violent and belligerent behavior, if he continued back towards La Trattoria, this could have re-escalated the situation with Rolando and the other patrons he was previously threatening. Mark's level of intoxication and violent behavior gave a clear, well founded and credible belief that a further altercation would take place, given all of his displayed behaviors. The tables that Rolando were working are located on the sidewalk and he would have easily contacted Rolando again if Mark would have headed in that direction.

I unholstered my taser, pointed it at Mark and kept telling Mark to go walk away the other direction and he kept screaming and raising his arms while turning towards the direction Rolando was at. Mark continued walking in my direction and ignoring the commands I was giving him. Due to Mark's location, size, violent demeanor and intoxication, I deployed my taser making contact with Mark's torso, causing Mark to be incapacitated by neuromuscular incapacitation. Mark fell on the ground, and we immediately placed in in handcuffs again, checked them for tightness and double locked them. I removed the probes from Mark and contacted Sgt. Conaty, who responded to the scene and completed the required Response to Resistance Investigation.

I believe due to Mark's belligerent behavior, continued disregard for lawful orders, violent tendencies, previous altercations, screaming from the top of his lungs and to prevent himself, ourselves and others from getting harm that the force we used was reasonable to bring the volatile situation under control. There were multiple bystanders that were watching us as we were trying to get Mark to move on. Mark was under the influence of alcoholic intoxicant (s) as per his slurred speech, strong odor of alcoholic beverage (s) emanating from his breath, unkept clothing and unsteady while walking. A crowd began to form of the west sidewalk of Duval Street, due to Mark's loud, aggressive and violent screaming.

I conducted a search incident to arrest of Mark and placed him in the back of my patrol vehicle. I transported Mark to the Monroe County Detention Center where he was turned over to Detention Deputies without incident.

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

22-002324

Victim

Society

Offense

DISORDERLY CONDUCT

Date / Time Reported

Wed 04/20/2022 20:30

A witness to the incident, Keith John Page (DOB 11/29/1964), completed a sworn written statement where he narrated that Mark "was stumbling, on the sidewalk, before seating himself on a table that was occupied by someone. Management was made aware and one of the managers, Rolando came out and told Mark to move along. Mark got verbal and pushed Rolando. Mark refused to leave and continued to scream obscenities and to threaten Rolando. When they police arrived, they tried to calm him down but he got more aggressive and was tased".

Based on all facts, evidence, and the totality of circumstances I believe I have probable cause that Mark committed the misdemeanor criminal offense of resisting an officer to himself / herself without violence as described in FSS 843-02 - Mark was ordered to walk away multiple times after being briefly detained for a battery incident where the victim did not want to press charges. Mark instead began to act belligerent and made attacking movements towards us.

Based on all facts, evidence, and the totality of circumstances I believe I have probable cause that Mark has committed the misdemeanor criminal offense of disorderly intoxication as described in FSS 856.011 - Mark was intoxicated while being involved in a battery incident; Mark caused a public disturbance as we were conducting our investigation and was not following lawful orders. Multiple bystanders stayed in the area and thanked us for detaining Mark. A bystander went on to say Mark was being disorderly for a while and that she was glad we took care of it.

End of resisting without violence. Cleared by arrest.

Incident Report Suspect List

Key West Police Department

OCA: 22-002324

1	Name (Last, First, Middle) <i>FINLEY, MARK EDWARD</i>						Also Known As				Home Address <i>2111 S CARROLTON AVE - B NEW ORLEANS, LA 70115</i>	
	Business Address <i>SELF EMPLOYES, BOAT CAPTAIN</i>											
	DOB <i>09/11/1987</i>	Age <i>34</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>509</i>	Wgt <i>320</i>	Hair <i>BRO</i>	Eye <i>HAZ</i>	Skin <i>LGT</i>	Driver's License / State. <i>12268608 IA</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		
								Mode of Travel	
VehYr/Make/Model		Drs	Style	Color	Lic/St	VIN			

Notes	Physical Char
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Incident Report Related Property List

Key West Police Department

OCA: 22-002324

1	Property Description BWC 3452				Make		Model		Caliber	
	Color	Serial No.		Value \$0.00		Qty 1.000		Unit EA	Jurisdiction Locally	
	Status Evidence	Date 04/20/2022	NIC #		State #		Local #		OAN	
	Name (Last, First, Middle) * No name *				DOB		Age		Race	Sex

Notes

2	Property Description AXON FLEET 3452				Make		Model		Caliber	
	Color	Serial No.		Value \$0.00		Qty 1.000		Unit EA	Jurisdiction Locally	
	Status Evidence	Date 04/20/2022	NIC #		State #		Local #		OAN	
	Name (Last, First, Middle) * No name *				DOB		Age		Race	Sex

Notes

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 04/21/2022 03:11

OCA: **22002324**

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

Investigator: *ADORNO, SAMUEL D (4155)*

Date / Time: *04/21/2022 00:35:32, Thursday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On April 20, 2022, at approximately 2034 hours, I (Ofc. Adorno) responded to 516 Duval St reference a battery that occurred.

Upon arrival, the reporting person pointed out a male (alleged suspect), later identified as Mark Finley. Finley was placed in handcuffs and brought to 516 Duval St (San Carlos Museum). Ofc. Hernandez and I helped Finley sit down and began to identify him. Finley was advised the person he battered did not want to press charges. We explained to Finley that he needed to leave the area immediately as we took the handcuffs off him. Right after, Finley began to scream "fuck you cops, fuck you cops" amongst holding his middle finger to the officers on scene. Finley was told to grab his belongings and leave the area multiple of times. Finley continued to take steps toward Ofc. Hernandez and I in an aggressive manner and continued to aggressively yell "Fuck you cops". Ofc. Hernandez told Finley once again to get his belongings and walk the other way so he does not come in contact with the reporting person. Finley continued to walk in the same direction as the reporting person once again. Ofc. Hernandez unholstered his Taser and once again gave loud and verbal commands to walk the other direction. Finley took another step to Ofc. Hernandez and the reporting person and Ofc. Hernandez deployed his Taser causing neuromuscular incapacitation. Finley was taken to the ground by Ofc. Ham and I and handcuffed. I checked for proper fitting and double locked the handcuffs.

While Ofc. Hernandez was attempting to remove the probes from Finley's body, Finley began to kick Ofc. Hernandez off him. Finley started to yell that we were taking blood from him and that we were not allowed. Finley was told multiple times that we were assisting in taking out the probes. Ofc. Ham was forced to hold down Finley's legs as I held down the top half of his torso. After Finley calmed down, Finley was lifted, searched incident to arrest and placed in the rear of Ofc. Hernandez patrol vehicle.

My body cam was activated for this incident.

NFA/NFI

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 04/21/2022 03:19

OCA: **22002324**

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

Investigator: *HAM, RANDOLPH (4009)*

Date / Time: *04/20/2022 22:55:35, Wednesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On April 20, 2022, at approximately 2033 hours, I, Ofc. S. Ham responded to 516 Duval St. as a back-up unit, reference a battery.

Upon arrival, Ofc. L. Hernandez and Ofc. S. Adorno had the suspect (Mark Finely) handcuffed and walking him towards me in front of 516 Duval St. Ofc. Hernandez sat Mark down on the sidewalk. I asked Ofc. Hernandez if he needed me to gather any information from the victim and he stated the victim didn't wish to pursue charges. Ofc. Hernandez stated to me that he and Ofc. Adorno were fine and I could clear. I shut off my Axon BWC and sat back inside my patrol car. As I was about to clear from the scene, I witnessed Mark becoming uncooperative with Ofc. Hernandez by leaning towards the ground as he was in a seated position.

I walked back over to Ofc. Hernandez who was about to uncuff Mark. Ofc. Hernandez released Mark from his handcuffs and Mark fell from a seated position to his side and yelled at Ofc. Hernandez. I reactivated my Axon BWC as Mark asked Ofc. Hernandez to step back six feet. Ofc. Hernandez stepped away from Mark and Mark jumped up to his feet and began to bounce towards Ofc. Hernandez. Ofc. Hernandez told Mark to relax and stand against the wall. Ofc. Adorno verified with KYPD dispatch that Mark was clear of any warrants. Ofc. Adorno asked Mark if he had an ID out of California and Mark held both arms up in the air and stated, "you got me." Ofc. Hernandez told Mark he can lower his hands and Mark yelled "fuck you." Ofc. Hernandez explained to Mark that he was close to being set free if he could just relax. Ofc. Hernandez asked Ofc. Adorno if Mark was cleared through dispatch and Ofc. Adorno stated yes. Ofc. Adorno attempted to hand Mark his belongings back and Mark stated, "I don't want your shit." Ofc. Hernandez told Mark it was his belongings and he stated to throw it on the ground by his glasses. Ofc. Adorno tossed Marks belongings onto the ground near his glasses.

Mark then began yelling, asking if "we were going to stop fucking with him." Mark yelled that he wasn't going to grab his belongings. Ofc. Hernandez advised Mark that he was free to go. Mark began yelling at Ofc. Adorno, Ofc. Hernandez and I, stating the following "fuck you guys, fuck you, fuck you." While Mark was yelling "fuck you" he took a step towards Ofc. Adorno and I and throwing his right arm out in front of his body in an aggressive pointing manner. Mark took a step back away from Ofc. Adorno and I and yelled, "fuck the cops" multiple times and raised both hands in the air to stick his middle fingers up at us. Mark yelled "check this out" and continued sticking his middle fingers in the air. I began to advise Mark if he continued his behavior, he was going to be arrested for disorderly conduct but was unable to finish due to Mark yelling over me.

I could see across the street that a crowd of people began to gather on the sidewalk. People were stopping in their walk to observe the loud obscene yelling that was coming from Mark.

Mark picked up his belongings from the ground and turned himself around. Mark stuck his middle finger up and yelled

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 04/21/2022 03:19

OCA: **22002324**

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

Investigator: *HAM, RANDOLPH (4009)*

Date / Time: *04/20/2022 22:55:35, Wednesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

"can I do this?" then stepped towards Ofc. Hernandez. Ofc. Hernandez pulled his taser and advised Mark to walk in the other direction. Mark did not turn around and walk the other direction but proceeded to walk towards the direction of Ofc. Hernandez. Ofc. Hernandez deployed his taser. Mark yelled and spun around towards me and Ofc. Adorno. I grabbed ahold of Mark by his left arm and gripped in preparation for a straight arm takedown. Mark dropped down to his knees and then laid down on his side. I advised Mark to roll onto his stomach and he did. Ofc. Adorno handcuffed Mark and then assisted in rolling Mark back onto his side. Ofc. Hernandez attempted to remove the taser prong from Marks mid-section and Mark started to kick his feet and pull away from Ofc. Adorno and Ofc. Hernandez. Mark began screaming, "that's not cool you can't take my blood." I gained control of Mark's legs until he stopped kicking. Ofc. Hernandez removed the two taser prongs from Mark and placed them inside the taser cartridge.

Ofc. Hernandez retrieved his patrol car and escorted Mark to it.

I spoke to a witness that stated he saw the entire encounter. The witness was later identified as Keith Page. I asked Keith if he wouldn't mind standing by until Sgt. J. Conaty arrived on scene, and he agreed.

I collected the taser cartridge, the green doors to the cartridge and three AFIDs from the scene. I placed them inside of an evidence bag to be packaged and submitted as evidence.

I provided Keith with a KWPD sworn witness statement. Keith filled out the statement form and I submitted it into the KWPD records department.

My Axon BWC was activated and uploaded.

Investigator Signature: _____

Incident Report Related Property List

Key West Police Department

OCA: 22-002324

1 Property Description AXON BWC 4009		Make AXON		Model BWC		Caliber	
Color	Serial No.	Value	Qty	Unit	Jurisdiction		
		\$0.00	3.000		Locally		
Status Evidence	Date 04/20/2022	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex	

Notes

2 Property Description TASER CARTRIDGE		Make TASER		Model CARTRIDGE		Caliber	
Color Black	Serial No. C410C7E2C	Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally		
Status Evidence	Date 04/20/2022	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex	

Notes

3 Property Description AFIDS		Make		Model		Caliber	
Color Pink/Yellow	Serial No. C410C7E2C	Value \$0.00	Qty 3.000	Unit	Jurisdiction Locally		
Status Evidence	Date 04/20/2022	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex	

Notes