

Response to Resistance Report

Key West Police Department

Case No: 21-7061

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: 12/17/2021	3. Time: 0300	4. Location: 2001 S. Roosevelt	5. Incident type: S34 & Resisting
	6. <u>Resistance Level</u>	7. <u>Explanation</u>	8. <u>Response Option</u>	9. <u>Explanation</u>
	<input checked="" type="checkbox"/> Passive: Ignored Verbal Commands <input checked="" type="checkbox"/> Active: Bracing, Tensing, Pulling Away <input type="checkbox"/> Aggressive: <input type="checkbox"/> Deadly Force:	<input checked="" type="checkbox"/> Physical Control <input checked="" type="checkbox"/> Non-lethal Weapon <input type="checkbox"/> Deadly Force	TASER Drive Stun	
SUBJECT	10. Last Name: Shibley	11. First: George	12. Race: W	13. Sex: M
	14. DOB: 10/09/1984	15. Height: 6'01"	16. Weight: 195	
	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 type="checkbox"/> No <input checked="" type="checkbox"/> Yes	21. Treated: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	By: <input checked="" type="checkbox"/> EMT/Paramedic on scene <input checked="" type="checkbox"/> Hospital	<input checked="" type="checkbox"/> Detention
	 22. Anterior View	 Posterior View	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> Signature Marks </div>	
OFFICER	23. Officer: Jorge Lopez	24. Race: W	25. Sex: M	26. Age: 28 27. Height: 5'05" 28. Weight: 160
	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: Takedown/Strikes/TASER Deployment			
	 35. Anterior View	 Posterior View		

Response to Resistance Report (continued)

Key West Police Department

Case No: 21-7061

TASER USE ONLY	36. TASER® device serial # X1200CRYA	37. TASER® device serial #	
	TASER®Cam serial # V21002AKP	TASER®Cam serial #	
	Cartridge 1 serial #	Cartridge 1 serial #	
	Cartridge 2 serial #	Cartridge 2 serial #	
	Number of cycles: 4	Number of cycles:	
	Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input checked="" 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 checked="" type="checkbox"/> No	Did probes penetrate skin: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	Target distance at probe launch: N/A	Target distance at probe launch: N/A	
	Distance between probes: N/A	Distance between probes: N/A	
	Probes removed by (name): N/A	Probes removed by (name): N/A	
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: 12/17/2021	41. Time: 0315	
	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
	Kierra Donohue	Barbary/Margaritaville Manager	305-292-9800
47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS	3022	12/23/2021	
48. Preparing Supervisor's Signature / ID		49. Date	
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	51. Signature of Internal Affairs Inspector	52. Date	
53. If section 48 is "No" record the Professional Standards Control Number:		54. Date Entered:	

INCIDENT/INVESTIGATION REPORT				Case# 21-007061								
Agency Name Key West Police Department				Date / Time Reported 12/17/2021 03:03 Fri								
ORI FL0440100				Last Known Secure 12/17/2021 03:03 Fri								
Location of Incident 2001 S ROOSEVELT BLVD, Key West FL 33040				At Found 12/17/2021 03:03 Fri								
I N C I D E N T	Gang Relat NO		Premise Type Hotel / Motel Other		Beat/GP B6, GPB6							
	Crime Incident(s) <i>Resist Arrest / Escape XOM</i>		(Com)		Weapon / Tools <i>NOT APPLICABLE/NONE</i>	Activity						
D A T A	Crime Incident <i>Trespassing XOT</i>		(Com)		Weapon / Tools	Activity						
M O	Crime Incident		()		Weapon / Tools	Activity						
# of Victims 2		Type: BUSINESS		Injury:		Domestic: N						
V I C T I M	Victim/Business Name (Last, First, Middle) V1 MARGARITAVILLE			Victim of Crime # 2,	DOB // : Age	Race	Sex	Relationship To Offender ST	Resident Status N/A	Military Branch/Status		
Home Address 2001 S ROOSEVELT BLVD, Key West, FL 33040-								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)						Injury:						
Type: SOCIETY/PUBLIC/STATE						Injury:						
O T H E R S	Code Name (Last, First, Middle) V2 SOCIETY			Victim of Crime # I	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			
I N V O L V E D	Type:					Injury:						
Code Name (Last, First, Middle)						Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
Age								N/A				
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)												
P R O P E R T Y	VI #	Code	Status Frm/Tc	Value	OJ	QTY	Property Description		Make/Model			Serial Number
	35	EVID		\$0.00		1	BWC, 3722		AXON			
	35	EVID		\$0.00		1	TASER, 3722		AXON			
Officer/ID# MAYORGA LOPEZ, JORGE (3722)												
Invest ID# (0)							Supervisor HALEY, MATTHEW W (2807)					
Status	Complainant Signature			Case Status Cleared By Arrest		Case Disposition Cleared By Arrest		12/17/2021			Page 1	

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 21-007061

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 <i>KOURI, D.G. (3022), HAM, R. (4009), MALAK, T.J. (4045), ADORNO, S.D. (4155)</i>						

Suspect Hate / Bias Motivated:

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 21-007061

Key West Police Department

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA	21-007061
Date / Time Reported	Fri 12/17/2021 03:03

On December 17, 2021 at approximately 0305 hours, Ofc. Ham and I, Ofc. Lopez were dispatched to the Margaritaville Resort located at 2001 South Roosevelt Boulevard. The General Manager told Key West Dispatch that a group of 5-7 intoxicated males were verbally aggressive in the lobby area. The General Manager told Key West Dispatch the males needed to be removed from the property.

Upon arrival, Ofc. Ham and I walked towards the lobby area. Ofc. Ham walked towards the Manager's office behind the counter. I saw a male sleeping on a couch in the lobby area. I saw two empty glass Corona beer bottles next to the male and one brown suitcase. The manager was later identified with her Florida driver's license as Kierra Donohue, (dob:12/09/1996). Kierra told Ofc. Ham and I that some of the males left the property. I asked Kierra if the male who was sleeping on the couch was one of them and Kierra said she was not sure. Kierra, (GM) told me if the male was not staying in this hotel he needed to be removed from the property. I walked up to the male who was sleeping on the couch and I picked up the two empty Corona beer bottles. I used my right hand to rub the male's chest in an attempt to wake him up. I was not getting the male's attention and I had to continue rubbing his chest with my hand. After several attempts the male was able to wake up and then I asked the male what hotel he is staying at and he said, "Here". I smelled a strong odor of an alcohol beverage emanating from the male's breath. I asked the male again what was the name of the hotel he is staying at and he said "Soballo" I asked the male again for the name of the hotel and he said again, "Soballo". The male proceeded to place his feet on top of a table. I told the male this is not his hotel and I needed him to get his belongings and leave the property. The male closed his eyes as if he was going back to sleep disregarding my instructions. I had to use my hand to rub his chest one more time. Ofc. Ham told the male he was inside a private property and he is now trespassing. Ofc. Ham told the male he needed to stand up and leave the property.

The male was later identified with his Pennsylvania driver's license as George Shibley, (Dob:10/09/1984). I told George to get his feet off the table. George stood up and proceeded to walk away towards the lobby counter. Ofc. Ham asked George where he was going and George said, "To bed". Ofc. Ham and the Kierra, (GM) told George that he is not staying in this hotel. Kierra, (GM) told George that he needed to get his belongings and leave the property. George walked towards the main entrance. I helped George by moving his suitcase outside the lobby. Ofc. Ham, George and I walked outside the lobby. Ofc. Ham told George to get his suitcase and leave the property again. George replied by saying, "I'm going back in". Kierra, (GM) was standing by the main entrance and she told George if he does not leave, he is going to get arrested. George proceeded to sit down by the steps of the main entrance and said, "I'm going to stay here, and you can call the cops". I told George if does not get up and leave the property I am going to put him in handcuffs and George said, "Ok". George disregarded my verbal commands, and I grabbed his left arm in an attempt to assist him to stand up. George pulled his arm away from me and he sat back down on the steps. I grabbed George's left wrist and he pulled his left arm away from me. I grabbed George one more time and I pulled his body towards the ground to gain control of his hands. George continued pulling his left arm away from me and I told him to give me his hand. However, George disregarded my verbal commands. Ofc. Ham walked up to George to assist me with him. George continued resisting and he did not want to give us his hands. George was pulling his hands away from Ofc. Ham and I for approximately 2-5 seconds.

I grabbed my Department's issued TASER, and I removed the cartridge from the TASER. I activated my TASER and I drive-stun George on his lower back area because he was turning his body away from me. Ofc. Ham was attempting to grab George's wrist and George turned his body around, (Facing up) while on the ground. I gave George loud verbal commands to give me his hands and he continued actively resisting by turning his body away from me. Ofc. Ham told George to lay down on his stomach and George disregarded his verbal commands. George placed his body in a recovering position, and I told George to give me his hands. I had to drive-stun George a couple more times because he was not complying with our verbal commands. Ofc. Ham and I were able to get George's right wrist behind his back. However, George refused to give us his left wrist. I had to drive-stun George a couple more times. I told George to stop resisting and he did not follow our verbal commands. George kept his left arm in front of him

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA	21-007061
Date / Time Reported	Fri 12/17/2021 03:03

Victim
MARGARITAVILLE

Offense
RESIST ARREST / ESCAPE

while he was laying down. Ofc. Ham and I were able to place George in handcuffs shortly after. I grabbed George's left arm and I placed him on a recovery position.

I requested Sgt. Kouri to respond to my location. Ofc. Kouri arrived shortly after and he spoke with George.

Ofc. Ham and I assisted George standing up and we walked George to my patrol vehicle. Ofc. Ham and I searched George before placing him in the rear passenger side of my patrol vehicle.

Ofc. Malak and Ofc. Adorno responded on scene shortly after. I located George driver's license inside his pocket and a large amount of cash. Ofc. Malak counted George's money and the final amount was \$8,120.00. This was recorded with Ofc. Malak's body worn camera.

I searched George's suitcase before placing it inside the rear driver side of my patrol vehicle.

I transported George to the Monroe County Detention Center. My body worn camera was activated during the transportation.

The Correction Deputy at the MCDC advised that George needed to get medically clear first by the Hospital. I transported George to the Lower Medical Center to get medically clear. Doctor Alvarez medically cleared George shortly after.

I transported George to the MCDC, and he was processed by the Correction Deputies.

This incident was recorded with my body worn camera, 3722.

Based on the facts and evidence, George Shibley did willfully enter and remained inside this private property after he was asked to leave by Kierra, (General Manager). Kierra, (General Manager) for the Margaritaville Resort, Ofc. Ham and I told George to leave the property several times. However, George said he was going back inside, and he was going to stay here. George had several opportunities to leave the property and he did not comply with our verbal commands. Contrary to F.S.S. 810.09(1)(A).

Based on the facts and evidence, George Shibley did willfully and knowingly refuse to follow my verbal commands. I instructed George several times to give me his hands and he continued pulling his hands/arms away from me. Ofc. Ham and I attempted to gain control of George's hands and George refuse to comply. Ofc. Ham and I were wearing our class B uniform with the Key West Police insignia on our sleeves. Ofc. Ham and I were recognizable as Police Officers. Contrary to F.S.S. 843.02.

Incident Report Suspect List

Key West Police Department

OCA: 21-007061

1	Name (Last, First, Middle) SHIBLEY, GEORGE JOHN						Also Known As				Home Address 504 MCLEAN ST SCRANTON, PA 18508		
	Business Address SELF, CONSTRUCTION												
DOB 10/09/1984	Age 37	Race W	Sex M	Eth U	Hgt 601n	Wgt 200	Hair BRO	Eye BRO	Skin FAR	Driver's License / State. 26943882 PA			
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							

Monroe County Adult Arrest Form

KEY WEST PD

ARREST #

OBTS # _____

ARREST
 WARRANT
 COMPLAINT AFFIDAVIT

Filing Agency KEY WEST PD			Case # 21-007061			Doc. Control #		State ID #			FBI		SS #	
Defendant's Last Name SHIBLEY			First GEORGE		Middle JOHN			SUF			Alias CITIZENSHIP UNITED STATES			
Race W	Eth U	Sex M	Hgt 601n	Eyes BROW	Hair BRO	Wgt 200	Comp FAR	Age 37	DOB 10/09/1984	Birthplace	Scars, Marks, TT			
Facial Hair		Build		Marital St S	Hand Use		Glasses	Speech		Parole/Probation	Language Spoken			
Permanent Address 504 MCLEAN ST, SCRANTON, PA 18508									Phone (Home):		Local Address:			
Email Address									Phone (Cell):		Place of Employment SELF		Occupation CONSTRUCTION	
Arrest Location 2001 S ROOSEVELT BLVD									Area/ <input type="checkbox"/>	Phone (Work):		Arresting Officer MAYORGA LOPEZ, JORGE (3722)		
Violation Location 2001 S ROOSEVELT BLVD, KEY WEST, FL 33040									Area/ <input type="checkbox"/>	Date/Time of Violation 12/17/2021 03:03			Date/Time Arrested 12/17/2021 06:18	
DL # 26943882		State PA	Breathalyzer By		Reading		Miranda Advisement		By Whom?		Indication of:	Y	N	UK
Domestic Violence NO		Weapon Seized NOT APPLICABLE/NONE			Officer Injured? NO		Language Spoken?			Caution		Alcohol Influence: <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
Drug Type:		Type: B-Barbiturate N-N/A C-Cocaine A-Amphetamine			H-Hallucinogen M-Marijuana O-Opium			P-Paraphernalia/ U-Unknown Equipment S-Synthetic		Activity: Z-Other	Activity: B-Buy N-N/A P-Possess S-Sell	E-Use T-Traffic A-Smuggle D-Deliver	K-Dispense/ M-Manufacture/ Produce/ Cultivate	Distribute Z-Other

Defendant's Vehicle Make:	Type:	Year:	Color:	Vehicle Registration State:
VIN #		Tag #	Vehicle Tag Expiration:	
Vehicle Status:		Other identifiers or remarks:		

CODEFENDANT:

ADDRESS

PHONE #

RACE

SEX

DOB

COUNT	OFFENSES CHARGE	Statute	Warrant #	Court Date and Time	Citation #
1/M	RESIST / OBSTRUCT OFFICER W/O VIOLENCE	843.02			
2/M	TRESPASS ON PROPERTY OTHER THAN STRUCTURE OR CONVEYANCE	810.09			

Before me this date personally appeared who being first duly sworn deposes and says that on the 17th day of December, 2021

at 2001 S ROOSEVELT BLVD, KEY WEST, FL 33040

the above named defendant committed the above offenses charged and the facts showing probable cause to believe the same are as follows

On December 17, 2021 at approximately 0325 hours, Ofc. Ham and I, Ofc. Lopez were dispatched to the Margaritaville Resort located at 200

On December 17, 2021 at approximately 0305 hours, CIC. Hahn and I, CIC. Lopez were dispatched to the Margaritaville Resort located at 2001 South Roosevelt Boulevard. The General Manager told Key West Dispatch that a group of 5-7 intoxicated males were verbally aggressive in the lobby area. The General Manager told Key West Dispatch the males needed to be removed from the property.

I swear the above statement is correct and true to the best of my knowledge and belief.

OFFICER/ELECTRONIC SIGNATURE

APPROVING SUPERVISOR

DIVISION / UNIT

STATE OF FLORIDA COUNTY OF MONROE

The foregoing instrument was acknowledged before me this _____ day of _____, (year) _____, who is personally known to me or who has produced (ID Type) Police as identification and who DID take an oath.

SIXTEENTH JUDICIAL COURT
MONROE County
State of FLORIDA

OCA: **21007061**

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

Investigator: *HAM, RANDOLPH (4009)*Date / Time: *12/17/2021 05:49:02, Friday*Supervisor: *HALEY, MATTHEW W (2807)*Supervisor Review Date / Time: *12/17/2021 12:47:51, Friday*

Contact:

Reference: *General Supplemental Report*

On December 17, 2021 at approximately 0316 hours, Ofc. J. Lopez and I were dispatched to 2001 S. Roosevelt Blvd (Margaritaville Beach House Key West), reference trespassers.

Upon arrival, I spoke with the front desk clerk and she stated the large group of males had left the property but one more was still sitting on the chair in the lobby sleeping. The front desk clerk stated the male, later identified as George Shibley, was not a guest at the hotel and needed to leave the property.

Ofc. Lopez attempted to wake George up from the chair and he would open his eyes and close them again. I asked George if he knew where he was at and he stated "here." I advised George he was not staying at this hotel and he was currently trespassing. George stood up after being advised he will be arrested for trespassing if he refused to leave the property. George walked towards the front desk and I stopped him. George stated he was going to bed and Ofc. Lopez grabbed George's right arm and began walking George towards the exit. George walked past his suitcase. I slid George's suitcase out the front door while Ofc. Lopez walked George out of the front door. George sat down on the steps leading into the front doors of the lobby and stated, "I'm going to sit right here, call the cops." Ofc. Lopez gave George a verbal command to stand up and leave the property or he was going to be arrested. George did not get up off the step.

Ofc. Lopez went to assist George to stand up by raising George up by his left arm. George pulled away from Ofc. Lopez and went to sit back down. Ofc. Lopez redirected George off the step towards the next flat ground on the stairway. George clinched his hands together to prevent Ofc. Lopez and I from handcuffing him. I grabbed a hold of George's right wrist. George tensed up his right arm and tried to bring it back to the front of his body. I maintained control of George's right wrist and George rolled onto his stomach. George tucked his left arm underneath his body. I advised George if he did not bring his arm out from underneath him, he will be drive stunned. George would not bring his left arm out from underneath his body and continued to try and pull away from me. George then rolled on the floor to his backside as I maintained control of his right wrist. I gave George multiple verbal commands to roll onto his stomach. George rolled towards his stomach and then stopped on his left arm preventing Ofc. Lopez and I from retrieving it. I handcuffed George's right hand and told Ofc. Lopez to hold onto that arm. George had his left arm tucked underneath his body. I told George to bring out his arm and he would not. I grabbed ahold of George's left arm by his elbow and attempted to pull it from beneath him. George tensed up his left arm and tried pulling it back under his body. I retrieved George's arm out from underneath him and continued giving George commands to stop pulling away. George continued to tense his left arm until I got it handcuffed.

I sat George up and stood by until Sgt. D. Kouri arrived on scene.

My Axon BWC was activated.

Investigator Signature: _____