Response to Resistance Report

Key West Police Department

Case No: 22-5578

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: 09/30/2022 **3. Time:** 0136 **4. Location:** 801 Virginia Street **5. Incident type:** Resisting

6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
☒ Passive:	Ignored Verbal Commands	☒ Physical Control	Take Down
☒ Active:	Pulling, Bracing, Tensing	☐ Non-lethal Weapon	
☐ Aggressive:		☐ Deadly Force	
☐ Deadly Force:			

SUBJECT

10. Last Name: Wallace **11. First:** Mathew **12. Race:** W **13. Sex:** M

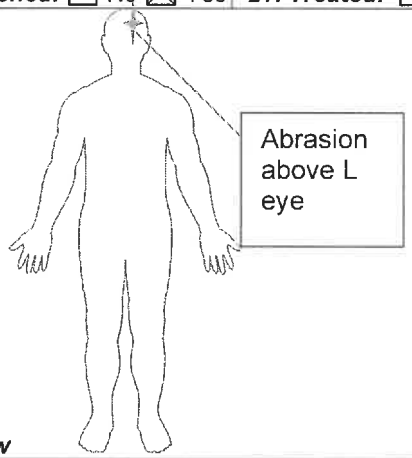
14. DOB: 12/07/1986 **15. Height:** 5'06" **16. Weight:** 160

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

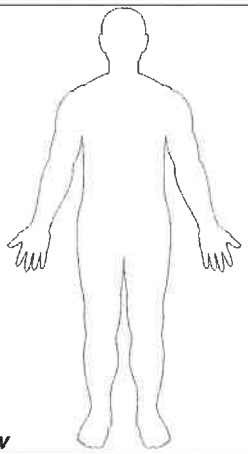
18. Appeared to be: ☒ Intoxicated ☐ Under the influence of controlled substance ☐ Emotionally / mentally disturbed

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



Anterior View



Posterior View

OFFICER

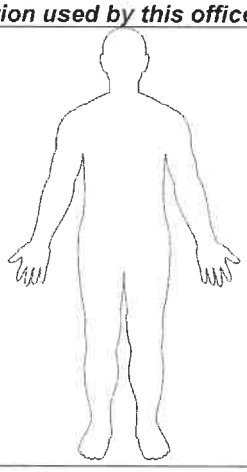
23. Officer: Jorge Lopez **24. Race:** W **25. Sex:** M **26. Age:** 28 **27. Height:** 5'05" **28. Weight:** 160

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

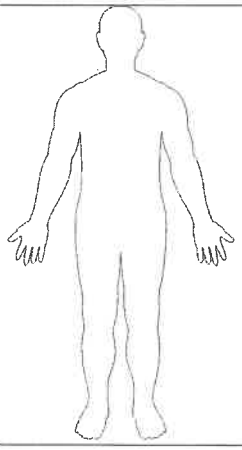
31. Injuries: ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

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

34. Response option used by this officer: Takedown



35. Anterior View



Posterior View

Response to Resistance Report (continued)

Key West Police Department

Case No: 22-5578

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: 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:

☐ ***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: 09/30/2022 ***41. Time:*** 0136

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

47. Is further review recommended: ☒ No ☐ Yes

FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS

A Rodriguez 3465 — 48. Preparing Supervisor's Signature / ID

10/03/2022 — 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:

Response to Resistance Report (continued)

Key West Police Department

Case No: 22-5578

OFFICER

23. Officer: Esteban Andrade ***24. Race:*** W ***25. Sex:*** M ***26. Age:*** 45 ***27. Height:*** 5'07" ***28. Weight:*** 165

29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain ***30. Yrs Exp:*** 1

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: **Assist in takedown and handcuffing**

35. Anterior View

Posterior View

OFFICER

23. Officer: Samuel Adorno ***24. Race:*** H ***25. Sex:*** M ***26. Age:*** 24 ***27. Height:*** 6'01" ***28. Weight:*** 180

29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain ***30. Yrs Exp:*** 1

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: **Assist in takedown and handcuffing**

35. Anterior View

Posterior View

INCIDENT/INVESTIGATION REPORT

Agency Name	Key West Police Department
ORI	FL0440100
Case#	22-005578
Date / Time Reported	09/30/2022 03:43 Fri
Last Known Secure	09/30/2022 03:42 Fri
At Found	09/30/2022 03:43 Fri

INCIDENT DATA

Location of Incident	Gang Relat	Premise Type	Beat/GP
801 VIRGINIA ST, Key West FL 33040	NO	Highway / Street /	B4, GPB4

	Crime Incident(s)		Weapon / Tools			Activity
#1	Disorderly Conduct DCA	(Com)	NOT APPLICABLE/NONE			
			Entry	Exit	Security	
#2	Resist Arrest / Escape XOM	(Com)	Weapon / Tools			Activity
			Entry	Exit	Security	
#3		( )	Weapon / Tools			Activity
			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	Email	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) WI = Witness IO = Involved Other RP = 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	Email	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	Email	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	BWC, 3722.	AXON	
	35	EVID	$0.00		1	FLEET, 3722.	AXON	

Officer/ID# MAYORGA LOPEZ, JORGE (3722)

Invest ID# (0) | Supervisor (0)

Status

Complainant Signature	Case Status	Case Disposition:	
	Cleared By Arrest 09/30/2022	Cleared By Arrest 09/30/2022	Page 1

Incident Report Additional Name List

Key West Police Department

OCA: *22-005578*

Additional Name List

	Name Code/#		Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1)	*WI*	*1*	*GREENWAY, CINDY JEAN*		*06/04/1979*	*43*	*W*	*F*
		Address	*801 VIRGINIA ST , KEY WEST, FL 33040-*		**H:** *479-790-8907*			
		Empl/Addr	*Key West Yacht Club*		**B:** - -			
					Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # *22-005578*

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

KOURI, D.G. (3022), HAM, R. (4009), ADORNO, S.D. (4155), ANDRADE, E. (4158)

Suspect Hate / Bias Motivated:

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 22-005578 *Key West Police Department*

NARRATIVE

-- Mathew Tyler Wallace Arrest Narrative:
On September 30, 2022, at approximately 0022 hours, Ofc. Andrade was dispatched to a verbal altercation at 801 Virginia Street. The caller told Key West Dispatch his ex-girlfriend is threating to kill his dog and hurt his current girlfriend. I, Ofc. Lopez responded to the above location to assist Ofc. Andrade as I responded to the above location, and I am familiar with this ongoing issue.

I conducted my investigation, and I later documented this incident, see case 22-5577. Towards the end of my investigation a male who resides at 801 Virginia Street arrived on scene. The male was identified earlier this evening with his Florida driver`s license as Matthew Wallace, (dob:12/07/1986). Wallace walked upstairs to his apartment, and he opened the front door of his apartment for his friend. Wallace`s friend was identified with her Florida driver`s license as Stephanie Johnson, (dob:08/13/1992). Johnson needed to gather her belongings and she retrieved them shortly after. I walked back downstairs with Johnson towards her car. While I was walking with Johnson across the street towards the Church`s parking lot, (1010 Windsor Lane), I heard Wallace obnoxiously screaming from the second-floor balcony of (801 Virginia Street). I was standing in the parking lot across the street, and I heard Wallace screaming, "I didn`t do anything" and then Wallace screamed, "I`m in my fucking home". Wallace continued screaming saying, "My house and I have no idea what the fuck just happened". Wallace screamed, "I`m not drunk this is bullshit". Wallace walked inside his apartment, and he slammed the front door very hard to the point I heard it from where I was standing.

It should be noted that this event happened at approximately 0200 hours in a residential neighborhood.

I had several Law Enforcement encounters with Wallace in the past. Wallace has an antagonistic demeanor, and he becomes aggressive, and very argumentative when he is under the influence of an alcoholic beverage. Wallace has a tendency of instigating problems and disregarding the peace and quiet of the residents in this neighborhood in the past. Wallace said in the past this is his house and seems not to understand that his belligerent and obnoxious screams at this time of the night is disrupting the peace and quiet for his neighbors.

I then walked upstairs in an attempt to make contact with Wallace.

I was standing on the second-floor balcony near second apartment located next door to Wallace`s apartment. Wallace opened the door shortly after. I began walking towards him as he opened the door. Wallace tried to get back inside as soon as he saw me. I grabbed his right wrist, and I attempted to pull him outside the apartment as he was actively pulling away from me. Wallace was actively resisting when I was attempting to pull him outside of the apartment and I escorted Wallace to the ground. While Wallace was laying down on the floor, I attempted to place handcuffs on him, and he actively pulled away his hands away from me. Ofc. Adorno and Ofc. Andrade were assisting me as I was trying to place handcuffs on Wallace. Ofc. Andrade instructed Wallace to place his hands behind his back. However, Wallace continued resisting by not complying with Ofc. Andrade`s verbal instructions. I was able to place handcuffs on Wallace shortly after. Wallace yelled several times, "I did nothing wrong this is bullshit". The dogs in this neighborhood started barking. Wallace continued screaming extremely loud, "I did nothing fucking wrong". I told Wallace it`s 2`oclock in the morning and to stop yelling. I walked Wallace downstairs towards my patrol vehicle. Wallace continued screaming and reminded Wallace his neighbors are sleeping, and they have had enough. Wallace replied, "I don`t care".

During this encounter, I smelled a strong odor of an alcoholic beverage on his body. Wallace appeared to be under the influence of alcoholic beverage. Wallace screamed repetitive statements throughout this incident, and he appeared not to follow simple instructions.

I searched Wallace before I placed him in the rear passenger side of my patrol vehicle. I noticed Wallace had a small

cut above his left eyebrow. Sgt. D. Kouri responded on scene for the response to resistance incident.

The neighbor who resides in the rear apartment expressed her concerns about Wallace`s apartment earlier in the evening. This neighbor was woken up by the noise Wallace was making. The neighbor was later identified as Cynthia Greenway, (06/04/1979). Cynthia said to Ofc. Ham that she woke up to the noise, banging noises, and the door slamming. Cynthia filled out a witness statement and the statement was later placed into the Key West Records Division.

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

I later transported Wallace to The Monroe County Detention Center. My In-car Axon camera was activated during the transportation.

Based on the facts and evidence, Matthew Wallace, did affect the peace and quiet of the residents in this residential neighborhood at approximately 0200 hours. Wallace displayed an antagonistic demeanor, and he became argumentative for no reason. Wallace appeared to be as if he was instigating a reaction from the Officers on scene to the extent, he began screaming extremely loud for no reason. I was standing in the parking lot across the street, and I heard Wallace screaming, "I didn`t do anything" and then Wallace screamed, "I`m in my fucking home". Wallace continued screaming saying, "My house and I have no idea what the fuck just happened". Wallace screamed, "I`m not drunk this is bullshit". Wallace walked inside his apartment, and he slammed the front door very hard to the point I heard it from across the street. Wallace has no regards with disrupting the peace and quiet for his neighbors at this time of the night. Wallace`s belligerent behavior is disrupting the peace and quiet for the residents in this area. Contrary to F.S.S. 877.03.

Based on the facts and evidence, Matthew Wallace, did resist and oppose to place his hands behind his back. I grabbed his right wrist, and I attempted to pull him outside the apartment while he was pulling away from me. Wallace was actively resisting when I was attempting to pull him outside of the apartment and I escorted Wallace to the ground. While Wallace was laying down on the floor, I attempted to place handcuffs on him, and he actively pulled away his hands away from me. Ofc. Adorno and Ofc. Andrade were assisting me as I was trying to place handcuffs on Wallace. Ofc. Andrade instructed Wallace to place his hands behind his back. However, Wallace continued resisting by not complying with Ofc. Andrade`s verbal instructions. Contrary to F.S.S. 843.02.

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Incident Report Suspect List

Key West Police Department

OCA: *22-005578*

1

Name (Last, First, Middle)	Also Known As	Home Address
WALLACE, MATHEW TYLER		*801 VIRGINIA ST - 3* *KEY WEST, FL 33040* *937-308-1144*

Business Address *NORTH AMERICAN SENIOR BENEFITS*
937-308-1144, BENEFITS COORDR

DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.
12/07/1986	*35*	*W*	*M*	*N*	*506*	*165*	*BRO*	*BLU*	*FAR*	*W420558864470 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: *22-005578*

1

Property Description	Make	Model	Caliber
BWC, 3722.	***AXON***		

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

Status	Date	NIC #	State #	Local #	OAN
Evidence	***09/30/2022***				

Name (Last, First, Middle)	DOB	Age	Race	Sex
**** No name ****				

Notes

2

Property Description	Make	Model	Caliber
FLEET, 3722.	***AXON***		

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

Status	Date	NIC #	State #	Local #	OAN
Evidence	***09/30/2022***				

Name (Last, First, Middle)	DOB	Age	Race	Sex
**** No name ****				

Notes

CASE SUPPLEMENTAL REPORT

NOT SUPERVISOR APPROVED

Printed: 10/03/2022 04:10

OCA: ***22005578***

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

Investigator: *ANDRADE, ESTEBAN (4158)*
Date / Time: *10/03/2022 03:57:34, Monday*
Supervisor: *(0)*
Supervisor Review Date / Time: *NOT REVIEWED*
Contact:
Reference: *General Supplemental Report*

On Friday, September 30, 2022, at approximately 0030 hours, I Ofc Andrade, responded to 801 Virginia Street, reference an alleged assault.

I arrived on scene and saw Ofc Ham speaking with the reporting party, Jose Guzman. Ofc Adorno and Ofc Lopez arrived moments later.

Ofc Lopez conducted his investigation into the alleged assault incident (see 22-5577). Concluding the investigation, it was decided that the other party involved in this incident, Stephanie Johnson, would leave the area with her two children. Johnson called herself a taxicab and it arrived shortly thereafter. I helped Johnson carry her things and son to the taxicab. At the taxicab Johnson said she locked her purse in the apartment and did not have a key. She called Matthew Wallace, the lease holder of the apartment, to come unlock it for her.

Shortly after Wallace arrived on scene and opened the apartment door for Johnson to collect her purse. I stayed with Johnson`s children who were waiting in the taxicab. While I was waiting with the children, I could hear Wallace screaming and yelling obscenities from his balcony. I also heard a door slamming hard. I tried to keep the children distracted so they would not focus on the yelling.

Johnson returned to the taxicab with a car seat and her purse and left the scene in the taxicab. I looked up at the 2nd story balcony and saw that Ofc Ham, Ofc Adorno, and Ofc Lopez were up there. I walked up the stairs to the balcony. Ofc Ham was at the top of the stairs and Ofc Adorno and Ofc Lopez were standing between the two apartments on the balcony. Shortly after Wallace opened the door to his apartment. Ofc Lopez and Ofc Adorno immediately walked towards Wallace. Wallace tried to retreat into his apartment as soon as he saw Ofc Lopez and Ofc Adorno. Ofc Lopez and Ofc Adorno reached out to grab Wallace, preventing him from going back inside. Wallace immediately began pulling away from Ofc Lopez and Ofc Adorno. I then immediately made my way to them. Ofc Lopez and Ofc Adorno escorted Wallace to the ground. I put my right hand on the upper part of Wallace`s back and held him down ordering him to place his hands behind his back. Wallace was not complying with my commands and was tensing his body and attempting to pull his arms free of Ofc Lopez`s and Ofc Adorno`s grasp.

Ofc Lopez was able to place handcuffs on Wallace and we walked him to Ofc Lopez`s patrol vehicle where Ofc Lopez performed a search subsequent to arrest and placed Wallace in the back of his patrol car. Wallace continued shouting obscenities with no regard to Ofc Lopez asking him to be quiet, telling Wallace that it was late, and people are trying to sleep. Ofc Lopez then left the scene.

Ofc Ham spoke to a neighbor, Cindy Greenway, who told him she was awakened by all the noise. I had Greenway fill out a witness statement that was later placed into the Key West Records Division.

Investigator Signature:_____

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

Investigator: *ANDRADE, ESTEBAN (4158)*
Date / Time: *10/03/2022 03:57:34, Monday*
Supervisor: *(0)*
Supervisor Review Date / Time: *NOT REVIEWED*
Contact:
Reference: *General Supplemental Report*

My BWC was active during this incident.

End of Supplemental Report.

Investigator Signature:_____

CASE SUPPLEMENTAL REPORT

Printed: 10/03/2022 04:13

OCA: ***22005578***

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

Investigator: *ADORNO, SAMUEL D (4155)* Date / Time: *10/03/2022 03:30:45, Monday*

Supervisor: *RODRIGUEZ, ALEXANDER (3465)* Supervisor Review Date / Time: *10/03/2022 04:11:20, Monday*

Contact: Reference: *General Supplemental Report*

On September 30, 2022, at approximately 0022 hours, I (Ofc. Adorno) was dispatched to a verbal altercation at 801 Virginia Street. The notes indicated the reporting person`s ex-girlfriend was threating to kill his dog and hurt his current girlfriend. Ofc. Lopez arrived to the location due to his familiarity with the on going issue.

Ofc. Lopez finished his investigation, see case 22-5577 for more information. As Ofc. Lopez finished his encounter with the parties, a male individual who also resides at this location, identified as Matthew Wallace began to act belligerent as he referred the situation that was going on. I asked Matthew to go inside multiple times, as it was approximately 0200 hours in a residential neighborhood. Wallace continued to yell that he didn`t do nothing at the top of his lungs along with "Fuck you cops". After screaming for approximately 10 minutes, Wallace walked into his house and slammed the front door. Ofc. Lopez, Ofc. Ham, Ofc. Andrade and I walked to the second floor of the balcony to advise he was disrupting the peace of the neighborhood. Ofc. Lopez approached the door as Wallace opened it. Wallace attempted to get back inside the house as quick as possible.

Ofc. Lopez grabbed his right wrist as I grabbed his left wrist as Wallace pulled away and actively resisted. Officers on scene escorted Wallace to the ground. Officers on scene attempted to place handcuffs on him, as he actively pulled away his hands away from us. I assisted Ofc. Lopez place handcuffs on Wallace. Wallace continued resisting by not complying with Ofc. Andrade`s verbal instructions. Shortly after, we were able to place handcuffs on Wallace and place him in the rear of the patrol vehicle.

Investigator Signature:_____