

Response to Resistance Report

Key West Police Department

Case No: 23-130

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: 1.8.23 **3. Time:** 0850 **4. Location:** 1124 Truman Ave. **5. Incident type:** Trespassing

INCIDENT	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input checked="" type="checkbox"/> Passive:	Refused to follow commands	<input checked="" type="checkbox"/> Physical Control	Wrist Locks
<input checked="" type="checkbox"/> Active:	Tensed – Took fighting stance	<input checked="" type="checkbox"/> Non-lethal Weapon	O.C. Spray	
<input type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force		
<input type="checkbox"/> Deadly Force:				

10. Last Name: Leggette **11. First:** Henry **12. Race:** Black **13. Sex:** M

14. DOB: 8/11/78 **15. Height:** 5'09 **16. Weight:** 190

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		Posterior View	

23. Officer: Santiago Perez **24. Race:** H **25. Sex:** M **26. Age:** 58 **27. Height:** 5.09 **28. Weight:** 215

29. Duty Status: On-duty Off-duty Extra duty employment Uniformed Plain clothes **30. Yrs Exp:** 4

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


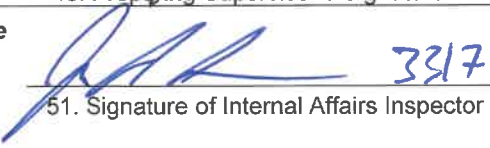
34. Response option used by this officer: O.C. Spray followed by wrist locks after subject was sat down.

OFFICER	35. Anterior View		Posterior View	

Response to Resistance Report (continued)

Key West Police Department

Case No: 23-130

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: <input 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 type="checkbox"/> Yes <input type="checkbox"/> No		Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> 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:			
<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: 1.8.23		41. Time: 0850		
	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	
	Kelly Noda		1124 Truman Ave (Store Manager)	305 780 4980 (Cell)	
	Clarence Barber		1124 Truman Ave (Employee)	305 589 5988 (Cell)	
47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				1.8.23	
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		48. Preparing Supervisor's Signature / ID		49. Date	
INT. AFF.	50. Did the review of this incident conclude that use of force was in compliance with Departmental policy? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If "No", complete section 51)				
			3317		3/8/2023
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

Agency Name <i>Key West Police Department</i>
ORI <i>FL0440100</i>

Case# <i>23-000130</i>
Date / Time Reported <i>01/08/2023 08:48 Sun</i>
Last Known Secure <i>01/08/2023 08:48 Sun</i>
At Found <i>01/08/2023 08:48 Sun</i>

Location of Incident <i>1124 TRUMAN AVE, Key West FL 33040</i>	Gang Relat <i>NO</i>	Premise Type <i>Service/gas Station</i>	Beat/GP <i>B4, GPB4</i>
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#	Crime Incident(s)	(Com)	Weapon / Tools			Activity
			Entry	Exit	Security	
#1	<i>Baker / Marchman Act ZOJ</i>					
#2	<i>Crime Incident</i>					
#3	<i>Crime Incident</i>					

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# of Victims <i>0</i>	Type:	Injury:	Domestic: <i>N</i>
Victim/Business Name (Last, First, Middle) V1		Victim of Crime #	DOB
Home Address		Email	Home Phone
Employer Name/Address		Business Phone	Mobile Phone
VYR	Make	Model	Style
Color	Lic/Lis	VIN	

CODES: V- Victim (Denote V2, V3) WI = Witness IO = Involved Other RP = Reporting Person (if other than victim)
Type: **INDIVIDUAL** Injury:

Code <i>IO</i>	Name (Last, First, Middle) <i>LEGGETTE, HENRY LEE</i>	Victim of Crime #	DOB <i>08/11/1978</i>	Race <i>B</i>	Sex <i>M</i>	Relationship To Offender	Resident Status <i>Non-Resident</i>	Military Branch/Status
Home Address <i>23 E ADAMS AVE DETROIT, MI 48226</i>		Email		Home Phone		Business Phone		Mobile Phone
Employer Name/Address <i>HOMELESS (HOMELESS)</i>		Business Phone		Mobile Phone				

Type:	Injury:							
Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
Home Address		Email		Home Phone		Business Phone		Mobile Phone
Employer Name/Address		Business Phone		Mobile Phone				

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown
("OJ" = Recovered for Other Jurisdiction)

VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
	<i>27</i>	<i>EVID</i>	<i>\$0.00</i>		<i>1</i>	<i>BWC 3834</i>		

Officer/ID# <i>PEREZ, SANTIAGO (3834)</i>	Supervisor <i>SIRACUSE, MARK W (3366)</i>
Invest ID# <i>(0)</i>	

Status	Complainant Signature	Case Status <i>Open</i>	Case Disposition: <i>01/08/2023</i>	Page 1
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INCIDENT DATA

VICTIM

OTHERS INVOLVED

PROPERTY

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 23-000130

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

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
23-000130
Date / Time Reported
Sun 01/08/2023 08:48

Victim	Offense
	BAKER / MARCHMAN ACT

On Sunday, January 8, 2023, at approximately 0907 hours, I, Officer Santiago Perez was dispatched to Chevron Gas Station, located at 1124 Truman Ave, reference a trespasser.

Upon arriving I encountered a black male on a wheelchair moving within the parking lot. The individual was later identified as Henry Lee Leggette (DOB 08/11/1978). Leggette told me he wanted to have the gas station attendant removed and stated he owns the gas station. I asked Leggette to move to a safe location within the parking lot, as vehicles were driving in and out of the gas station. Leggette refused to obey my lawful command. Leggette continued to move his wheelchair through the parking lot making him unsafe. After several commands to move to safety and to stop moving around, I told Leggette I was going to use OC spray to make him comply, Leggette ignore my commands and started to make fist and resisted aggressively. More than once Leggette got up from his wheelchair showing signs of wanting to fight me. I requested backup assistance through Key West Police Communications division (Comm1).

I continued to give Leggette verbal commands, attempting to get him to comply. After several warnings to use OC spray, I found myself having to OC spray Leggette to be able to take him into protective custody. Sergeant Mark Siracuse, responded to my location. After Sgt. Siracuse arrived, we both try to restrain Leggette, but he actively resisted After Sgt. Siracuse arrived, we both try (tried) to restrain Leggette, but he actively resisted by pulling off spit mask, tensing his arms, laying with his body on top of his arms. Sgt. Siracuse and I were forced to take Leggette to the ground to take him into protective custody. I had Key West Fire Rescue, respond to my location, and later Leggette was transported to Lower Keys Medical Center Emergency Room, where I proceeded to Baker Act Leggette. Sgt. Siracuse transported all of Leggette`s belongings to the Emergency room.

My BWC was activated during my encounter with Leggette and was later uploaded into evidence.com as evidence.



CASE SUPPLEMENTAL REPORT

Printed: 01/08/2023 12:04

*NOT SUPERVISOR APPROVED*OCA: **23000130**

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

Investigator: *SIRACUSE, MARK W (3366)*Date / Time: *01/08/2023 11:49:55, Sunday*Supervisor: *(0)*Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On 1.8.23, at approximately 0900 hours, I (Sgt. M. Siracuse) responded to Dion's (1124 Truman Avenue) reference backup for Ofc. S. Perez. Ofc. Perez had responded to a disorderly trespasser (later identified as Henry Leggette), who was utilizing a wheelchair but was ambulatory.

Prior to my arrival, Ofc. S. Perez informed dispatch he had pepper sprayed Leggette. When I arrived, Leggette was sitting in the wheelchair, clearly irritated, with snot and drool coming from his mouth and nose. Leggette was yelling and did not seem mentally stable. I asked for Key West Rescue to respond to our location. I told Ofc. S. Perez I was going to place a spit mask on Leggette's head prior to attempting to handcuff him to prevent exposure of his body fluids on us.

When we went to place on the hood, Leggette began yelling and attempted to pull it off. When we grabbed Leggette's arms, he tensed and pull away. Leggette stood out of the wheelchair then fell back and rolled onto his front, locking his arms under his body. Leggette ignored several clear loud verbal commands and refused to place his hands behind his back. I was able to pry Leggette's right hand from under his body and we placed a handcuff on his right wrist. After that, we manipulated Leggette's body and placed his left arm behind his back and properly handcuffed him.

Key West Rescue arrived on scene and transported Leggette to the LKMC with Ofc. S. Perez onboard. I transported Leggette's property to the LKMC. Leggette was diagnosed Schizophrenic and informed ER staff he was currently off his meds. After gathering all the information, we decided a Baker Act was best for Leggette. Ofc. Perez filled out the required paperwork and I left his property at the ER.

I transported Ofc. Perez back to Dions to get his patrol vehicle. Both of our BWC's were activated during the incident, however mine was knocked off and onto the ground during the struggle. I completed the RRI for this incident with two witnesses from Dions and met with Leggette at the ER, who only claimed he had a pre-existing knee injury.

All photographs and videos were uploaded into Evidence.com

Investigator Signature: _____

