

Response to Resistance Report

Key West Police Department

Case No: 23-2107

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: 04/08/2023 **3. Time:** 2:01 PM **4. Location:** Overseas Market **5. Incident type:** Trespassing

INCIDENT	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input checked="" type="checkbox"/> Passive:	Non-Compliant	<input checked="" type="checkbox"/> Physical Control	Take down
	<input checked="" type="checkbox"/> Active:	Attempted to defeat officer	<input checked="" type="checkbox"/> Non-lethal Weapon	Fist to head
	<input checked="" type="checkbox"/> Aggressive:	Struck officer in groin	<input type="checkbox"/> Deadly Force	
	<input type="checkbox"/> Deadly Force:			

10. Last Name: Smith **11. First:** Wayne **12. Race:** W **13. Sex:** M

14. DOB: 11/24/1957 **15. Height:** 5'-8" **16. Weight:** 220 LBS

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	<p>Right Cheek Abrasion</p> <p>Right Elbow Abrasion</p> <p>Right knee Abrasion</p> <p>Left Ear Abrasion</p>	<p>No Injuries Noted</p>
	<p>22. Anterior View</p>	<p>Posterior View</p>

23. Officer: William Howell **24. Race:** W **25. Sex:** M **26. Age:** 37 **27. Height:** 6'-1" **28. Weight:** 225 LBS

29. Duty Status: On-duty Off-duty Extra duty employment Uniformed Plain clothes **30. Yrs Exp:** 3.6

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	<p>N</p> <p>A</p>	<p>N</p> <p>A</p>
	<p>35. Anterior View</p>	<p>Posterior View</p>

Response to Resistance Report (continued)

Key West Police Department

Case No: 23-2107

TASER USE ONLY	36. TASER® device serial #	37. TASER® device serial #	
	Battery serial #	Battery serial #	
	Cartridge 1 serial #1 serial #2	Cartridge 1 serial #1 serial #2	
	Cartridge 2 serial #3 serial #4	Cartridge 2 serial #3 serial #4	
	Number of cycles: <i>N</i>	Number of cycles: <i>N</i>	
	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 checked="" 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: 04/08/2023		
	41. Time: 1:50 PM		
	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
47. Preparing Supervisor / Printed Name <i>Sgt. Frank Duponty 1951</i>		49. Date 4/09/2023	
48. Preparing Supervisor / Signature / ID <i>Sgt. Frank Duponty 1951</i>		49. Date 4/09/2023	
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		
	51. Signature of Internal Affairs Inspector <i>[Signature]</i> 3317	52. Date 5/10/2023	

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 23-002107

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
SIRACUSE, M.W. (3366), HANSELL, K.C. (3662), TELLIER, J.J. (3544)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 23-002107
Date / Time Reported Sat 04/08/2023 13:41

Victim HOWELL, WILLIAM NEIL	Offense BATTERY
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-- Wayne Frederick Smith Arrest Narrative:

On Saturday, 04/08/2023 at approximately 1341 hours, I (Ofc. Howell) completed an area check of 2700 North Roosevelt Boulevard (Overseas Market), specifically 2814 North Roosevelt Boulevard (Five Guys Burgers) and discovered a white male subject possibly trespassing.

I encountered Wayne F. Smith (DOB: 11/24/1957, Arrestee) walking within the middle of the public exit lane for vehicle traffic, pushing a shopping cart and carrying a metal frame office chair within the shopping cart. Ofc. K. Hansell and I encountered Smith no less than thirty minutes prior to this encounter and provided Smith with a trespass warning for the same location. During the previous encounter, I explained extensively to Smith that any subsequent offenses would/could result in an arrest. I stopped Smith and instructed him to move out of the active lane of busy traffic and into the empty parking area in front of Five Guys Hamburgers. Smith immediately became argumentative and began yelling and screaming at me. I instructed Smith to step away from the shopping cart, with the metal frame office chair. I instructed Smith to turn around, face away from me and place his hands behind his back. I explained to Smith that he was under arrest for trespassing. Smith continuously yelled that he was "being compliant" however, his actions and body language were contrary to his statements. Smith immediately grabbed the metal frame office chair from the shopping cart and began to attempt to walk away. Smith was carrying the metal frame office chair in his right hand. I gave Smith at least three clear and concise verbal commands to stop walking away and to place his hands behind his back. I also knew from previous encounters with Smith that he carried a multi-tool with different blades in a pouch on his right hip. As I attempted to take Smith into custody, he suddenly and swiftly attempted to pull away, lunged back as though he planned to strike me with the metal frame office chair. Due to Smith's actions, continuous aggression, and level of resistance rising I performed a leg sweep and placed Smith on the ground in a somewhat controlled manner, maintaining control of Smith's left hand. Smith finally dropped the metal frame office chair. Smith snatched his left hand from me, and rolled over pushing himself up to his hands and knees. At this point, Smith struck me in the groin at least three times with either a close-fist punch with his left hand and/or his left elbow. Smith also grabbed my ankles and attempted to knock me off balance and/or take me to the ground. Immediately and out of reaction to the pain of being struck in the groin, I struck Smith on the left side of the head at least twice and pushed Smith away. I stepped back and disengaged, feeling the effect of Smith's groin strikes. I began to feel somewhat incapacitated as Smith's strikes to my groin began to limit my movement. Smith stood up and resumed a fighting stance, with his fist clenched in a closed manner. I reengaged and again grabbed Smith's left hand, giving clear and concise commands to place his hands behind his back and to stop resisting. Smith continuously reached for the pouch on his right hip, despite my instructions to stop resisting and to place his hands behind his back. Smith continuously yelled that he was "being compliant" however, again his actions and body language contradicted his statements. Due to Smith's actions, continuous aggression, and level of resistance rising I performed another leg sweep and placed Smith on the ground in a somewhat controlled manner. Smith again snatched his left hand from me and attempted to strike me in the groin again several times with a closed fist. I regained control of Smith's left hand. At this point, Ofc. K. Hansell and Sgt. Siracuse arrived on scene. Ofc. K. Hansell gained control of Smith's right hand and Sgt. Siracuse assisted with Smith's legs, as we finally placed Smith in handcuffs. Smith was instructed to stop resisting and place his hands behind his back by all officers involved. Smith continued to yell obscenities toward me and continuously refused to comply with our lawful, legal orders.

I searched Smith subsequent to arrest. Ofc. Tellier and I walked Smith to my patrol vehicle.

Due to his actions, Smith received small lacerations on his elbows and knees. Smith also received a small laceration on his left earlobe and a one-inch abrasion on his cheek, just below his left eye, due to his actions. Smith refused

REPORTING OFFICER NARRATIVE

Key West Police Department

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Victim HOWELL, WILLIAM NEIL	Offense BATTERY
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treatment on scene from Fire/Rescue 3, reference run number: 23-001972 for further details. I transported Smith to Lower Keys Medical Center for further medical evaluation. Smith was treated and medically cleared by Dr. Patrick.

I transported Smith to Monroe County Detention Center, without further incident.

Throughout the arrest, Smith yelled and screamed about his other belongings being "across the parking lot." Sgt. Duponty searched the immediate area and could not locate any of Smith's belongings.

I, personally, issued Smith a trespass warning for 2700 North Roosevelt Boulevard on 04/08/2023 at approximately 1303 hours, reference CAD number: 230980083 for further information. I, personally, issued Smith a warning reference obstructing public right of way at 1300 Atlantic Boulevard on 10/22/2022 at approximately 1632, reference CAD number: 222740120 for further information.

Based on the facts and evidence, I believe there is probable cause that on 04/08/2023, Wayne F. Smith did knowingly and intentionally violate F.S.S. 784.07-2B Battery On LEO/Firefighter/EMT, by actually and purposely striking me with a close fist at least twice in the groin while I was engaged in my legal, lawful duties as a uniformed law enforcement officer.

Based on the facts and evidence, I believe there is probable cause that on 04/08/2023, Wayne F. Smith did knowingly and intentionally violate F.S.S. 810.09-1A1 Trespass on Property Other Than Structure or Conveyance, by actually and purposefully remaining on the premises and refusing to leave the property, after being warned by clearly marked and visible signage as well as multiple warnings from law enforcement officers.

Based on the facts and evidence, I believe there is probable cause that on 04/08/2023, Wayne F. Smith did knowingly and intentionally violate M.O.V. 62-2 Obstruction of Public Right of Way/Street, by actually and purposely walking in the middle of a busy the public exit of 2700 North Roosevelt Boulevard while hindering vehicle traffic, after multiple warnings from law enforcement officers.

Smith appeared to be under the influence of alcohol. Smith's speech was slurred, and his eyes were glassy and bloodshot. Smith's breath had the odor of alcoholic intoxicants.

Smith did not appear to receive any other injuries from my takedowns and/or his actions, other than those previously listed.

My BWC was activated for encounter, use of force, arrest, and subsequent search of Smith. My FLEET Axon was activated for the transport of Smith to Lower Keys Medical Center and Monroe County Detention Center. I uploaded the video to Evidence.com.

At this time, no further information.

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Incident Report Suspect List

Key West Police Department

OCA: 23-002107

1	Name (Last, First, Middle) <i>SMITH, WAYNE FREDERICK</i>					Also Known As					Home Address <i>5537 COLLEGE RD KEY WEST, FL 33040 305-587-9130</i>				
	Business Address <i>NONE, NONE</i>														
	DOB <i>11/24/1957</i>	Age <i>65</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>509</i>	Wgt <i>230</i>	Hair <i>BLD</i>	Eye <i>BRO</i>	Skin <i>MED</i>	Driver's License / State <i>S530886574240 FL</i>				
Scars, Marks, Tattoos, or other distinguishing features															
Reported Suspect Detail															
Weapon, Type		Feature		Make		Model			Color		Caliber		Dir of Travel		SSN
Veh Yr / Make / Model		Drs	Style		Color			Lic Plate / State			VIN				
Notes										Physical Char					

