

Response to Resistance Report

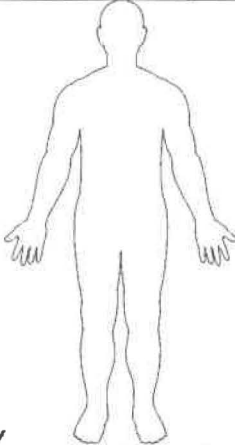
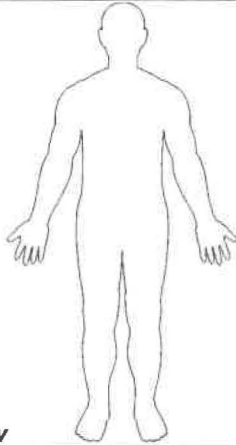
Key West Police Department

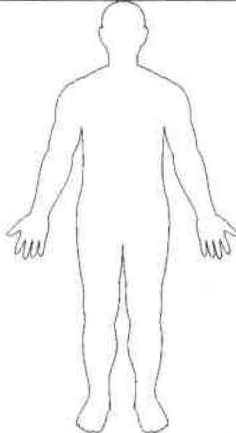
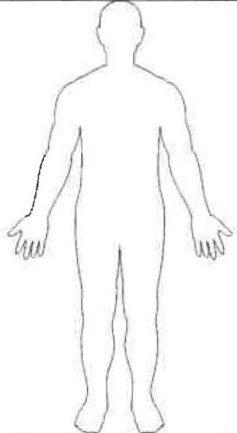
Case No: 19-0509

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: 1/24/2019	3. Time: 0020	4. Location: 1129 Fleming St	5. Incident type: s34
	6. Resistance Level		7. Explanation	8. Response Option
	☐ Passive:	Pulling/Tensing	☒ Physical Control	Take-Down
	☒ Active:		☐ Non-lethal Weapon	
	☐ Aggressive:		☐ Deadly Force	
☐ Deadly Force:				

SUBJECT	10. Last Name: Kimrey	11. First: Joshua	12. Race: w	13. Sex: m
	14. DOB: 02/25/1975	15. Height: 508	16. Weight: 180	
	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			
				

OFFICER	23. Officer: Alioht Valdes-Marrero	24. Race: W	25. Sex: m	26. Age:	27. Height:	28. Weight: 170
	29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☐ Uniformed ☐ Plain clothes 30. Yrs Exp:					
	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)					
						

35. Anterior View

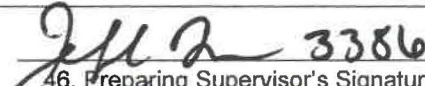
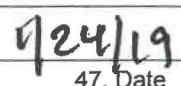
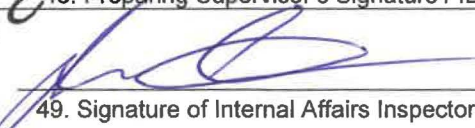
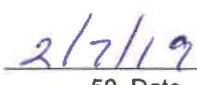
Posterior View

Response to Resistance Report (continued)

Key West Police Department

Case No:

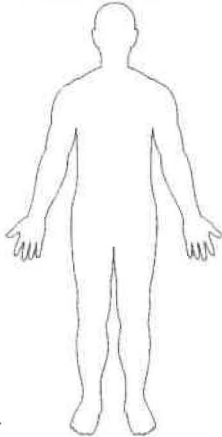
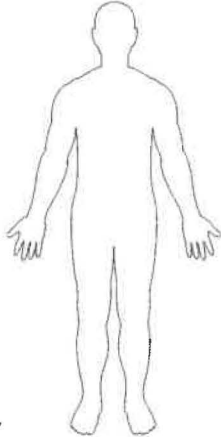
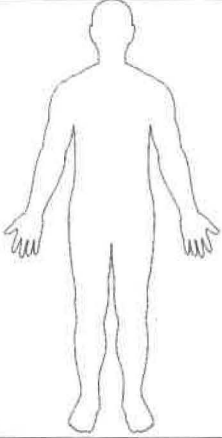
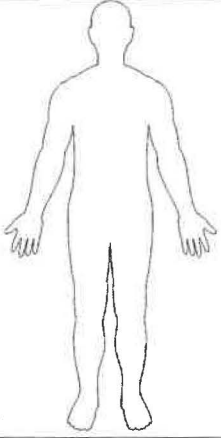
19-0509

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:	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:													
☐ 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: 1/24/2019	41. Time: 0021												
	42. Did you respond to the scene: ☐ No ☒ Yes (If "No", explain why)													
	43. Did you meet with the Officer: ☐ No ☒ Yes (If "No", explain why)													
44. Were you able to locate any independent witnesses: ☐ No ☒ Yes (If "Yes," list below)														
<table border="1"><thead><tr><th>Name</th><th>Address</th><th>Phone Number</th></tr></thead><tbody><tr><td>Jeffrey Smead</td><td>904 Olivia St</td><td>(305) 942-3240</td></tr><tr><td>William Kimrey</td><td>5468 Tice St, Fort Meyers, FL 33905</td><td>(724) 689-5180</td></tr><tr><td>Julian Ward</td><td>1800 Atlantic Blvd #325, Key West, FL 33040</td><td>(305) 849-2484</td></tr></tbody></table>			Name	Address	Phone Number	Jeffrey Smead	904 Olivia St	(305) 942-3240	William Kimrey	5468 Tice St, Fort Meyers, FL 33905	(724) 689-5180	Julian Ward	1800 Atlantic Blvd #325, Key West, FL 33040	(305) 849-2484
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Julian Ward	1800 Atlantic Blvd #325, Key West, FL 33040	(305) 849-2484												
45. Is further review recommended: ☒ No ☐ Yes FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS														
 46. Preparing Supervisor's Signature / ID 3386		 47. Date												
INT. AFF.	48. Did the review of this incident conclude that use of force was in compliance with Departmental policy? ☐ No ☒ Yes (If "No", complete section 51)													
	 49. Signature of Internal Affairs Inspector													
	 50. Date													
51. If section 48 is "No" record the Professional Standards Control Number:		52. Date Entered:												

Response to Resistance Report (continued)

Key West Police Department

Case No: 19-0509

OFFICER	23. Officer: Anthony Gillespie 24. Race: w 25. Sex: m 26. Age: 49 27. Height 5'11" 28. Weight 260										
	29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☐ Uniformed ☐ Plain					30. Yrs Exp: 2.5					
	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)										
											
	35. Anterior View			Posterior View							
OFFICER	23. Officer:						24. Race:	25. Sex:	26. Age:	27. Height	28. Weight
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INCIDENT/INVESTIGATION REPORT		Case# 19-000509							
I N C I D E N T D A T A	Agency Name Key West Police Department		Date / Time Reported 01/24/2019 00:04 Thu						
	ORI FL0440100		Last Known Secure 01/24/2019 00:04 Thu						
	Location of Incident 1129 Fleming St, Key West FL 33040-		At Found 01/24/2019 00:04 Thu						
	Premise Type Hotel / Motel Other	Zone/Tract B3, GPB3							
#1	Crime Incident(s) (Com) Resist Arrest / Escape XOM		Weapon / Tools NOT APPLICABLE/NONE						
	Entry		Exit						
	Security		Activity						
	#2	Crime Incident ()		Weapon / Tools					
		Entry		Exit					
		Security		Activity					
#3		Crime Incident ()		Weapon / Tools					
		Entry		Exit					
		Security		Activity					
	MO								
	V I C T I M	# of Victims 1		Type: SOCIETY/PUBLIC/STATE					
		Victim/Business Name (Last, First, Middle) V1 Society		Injury: Domestic: N					
Victim of Crime # 1		DOB Age	Race Sex Relationship To Offender						
Home Address		Resident Status N/A							
Employer Name/Address		Military Branch/Status							
Home Phone									
O T H E R S	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)								
I N V O L V E D	Type: INDIVIDUAL		Injury:						
	Code RP	Name (Last, First, Middle) SMEAD, JEFFREY ALEXANDER	Victim of Crime # 12/13/1983 Age 35						
	DOB	Race Sex W M	Relationship To Offender						
	Home Address 904 Olivia St Key West, FL 33040		Resident Status Resident						
	Employer Name/Address Island House (GM)		Military Branch/Status						
	Home Phone 305-942-3240								
P R O P E R T Y	Type: INDIVIDUAL		Injury:						
	Code IO	Name (Last, First, Middle) KIMREY, WILLIAM JOSHUA	Victim of Crime # 01/06/1949 Age 70						
	DOB	Race Sex W M	Relationship To Offender						
	Home Address 5468 Tice St - 95 Fort Myers, FL 33905		Resident Status Resident						
	Employer Name/Address UNKNOWN (UNKOWN)		Military Branch/Status						
	Home Phone 724-689-5180								
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/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
	35	EVID		\$0.00		1	AXON BWC 3820		
Officer/ID# VALDES-MARRERO, ALIOHT (3820)									
Invest ID# (0)									
Supervisor DEAN, JEFFREY (3386)									
Status	Complainant Signature				Case Status Cleared By Arrest		Case Disposition: Cleared By Arrest		Page 1
R_CS1IBR				Printed By: JDEAN, L17053 # jdean				Sys#: 1	
01/25/2019 00:27									

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 19-000509

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

DEAN, J. (3386), GILLESPIE, A.M. (3757)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim Society	Offense RESIST ARREST / ESCAPE	OCA 19-000509 Date / Time Reported Thu 01/24/2019 00:04
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On January 24, 2019, at approximately 0013 hours, I (Ofc Valdes Marrero) responded to 1129 Fleming St (Island House for Men) in reference to a trespasser and a verbal altercation. Dispatch advised there was a male subject refusing to leave the property and threatening staff members. Dispatch said the male had curly hair and was naked.

Upon arrival, Ofc Gillespie and myself met with the caller at the front desk. I activated my agency issued BWC (video was later uploaded to the server as evidence). The caller was the general manager for the property and he identified himself as Jeffrey Smead. Smead and another manager said there was a guest in room 103 that was being belligerent with the front desk personal and was possibly intoxicated. Front desk said they wanted police to speak with the subject (later identified as Joshua Kimrey per his PA DL) and have him quiet down to not disturb guests.

I was escorted to the room by the manager. I knocked on the room door and announced myself with Key West Police. Kimrey swung the room door open in an aggressive manner. Kimrey matched the description given by dispatch. I told Kimrey to step out of the room. I asked Kimrey what had happened and said he was being harassed by the front desk. Kimrey said he confronted the front desk about a disagreement they had.

As I was talking to Kimrey, I could smell a strong odor of an alcoholic beverage emanating from his breath. Kimrey had bloodshot and glassy eyes which are indicatives of alcohol consumption. Kimrey kept talking over me as I was explaining myself. Kimrey's demeanor was very hostile and was talking loudly. Kimrey assumed a "parade rest" position and said he was a military veteran. Kimrey continued arguing with me and continued to yell while disturbing other guests that were present in the area. I told Kimrey I was lawfully detaining him pending the outcome of a trespass and disorderly conduct investigation.

I stepped away to speak with Smead. Ofc Gillespie remained with Kimrey on front of his room. As I was talking with Smead about possible outcomes and solutions for the situation, Kimrey started jumping around and yelling loudly while walking away. I walked back to assist Ofc Gillespie in case the situation got out of hand. I tried talking with Kimrey but he would not listen to my commands to remain calm. Kimrey said he wanted to "escape the situation" as he was looking around for a place to run. I told Gillespie to grab Kimrey's left hand while I grabbed his right hand. I attempted to place Kimrey in handcuffs to avoid him fleeing from the scene and/or hurting himself due to his behavior. Kimrey refused to put his hand behind his back after I told him to do so multiple times. Kimrey was tensed up and kept pulling away from me several times to the point my body worn camera was knocked off my chest. Kimrey continued resisting and I decided to perform a take down maneuver in order to place Kimrey into custody.

While on the floor, Kimrey continued resisting by tensing up. After several attempts to place Kimrey into custody, Ofc Gillespie and I were able to handcuff him. I informed channel 1 of the response to resistance incident and asked for a supervisor. Ofc Gillespie and I lifted Kimrey up and transported him to my patrol vehicle. Kimrey continued resisting by pulling away as we were walking. Ofc Gillespie's body worn camera was knocked off several times while trying to control Kimrey. I placed Kimrey in the back of my patrol vehicle. Kimrey later mentioned he suffers from PTSD because he was prior airborne military.

I spoke with Smead and asked him if he wanted to press charges for the disorderly conduct and trespass after warning and he declined. Smead only wanted the subject trespass warned from the property.

I transported Kimrey to MCDC. On our way to MCDC, Kimrey's demeanor appeared to fluctuate from angry to sad a few times. Kimrey called me an array of names and referred to me a "private", which is a military term for the

REPORTING OFFICER NARRATIVE*Key West Police Department*

Victim <i>Society</i>	Offense <i>RESIST ARREST / ESCAPE</i>	OCA <i>19-000509</i>
		Date / Time Reported <i>Thu 01/24/2019 00:04</i>

lowest ranked officer. Once we arrived at MCDC, Ofc Gillespie, myself and other detention deputies transported Kimrey up in the elevator and into the booking center. On the elevator, Kimrey banged his head several times against the walls and continued to yell. Kimrey had to be placed in a restraint chair afterwards due to his aggressive behavior.

On January 24, 2019, I (Ofc Valdes Marrero) have probable cause to arrest Joshua Kimrey for violating F.S.S. 843.02 (Resist / Obstruct Officer w/o violence). Kimrey was lawfully detained pending the outcome of disorderly conduct and trespass investigation. Kimrey refused to comply with my commands to place his hands behind his back after being instructed to do so several times. Kimrey pulled away and tensed up several times as he was being handcuffed. Kimrey had to be taken to the ground in order to place him in handcuffs.

Incident Report Suspect List

Key West Police Department

OCA: 19-000509

1	Name (Last, First, Middle) <i>KIMREY, JOSHUA NATHANIEL</i>					Also Known As					Home Address <i>227 LOUGH RD WIND RIDGE, PA 15380 724-678-3213</i>																																													
	Business Address <i>UNKNOWN</i>																																																							
	DOB <i>02/25/1975</i>	Age <i>43</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>508</i>	Wgt <i>171</i>	Hair <i>BRO</i>	Eye <i>GRN</i>	Skin <i>LGT</i>	Driver's License / State. <i>31373965 PA</i>																																													
	Scars, Marks, Tattoos, or other distinguishing features																																																							
<table border="1"> <tr> <td colspan="2"><i>Reported Suspect Detail</i></td> <td colspan="2">Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td colspan="2">Height</td> <td colspan="2">Weight</td> <td colspan="3">SSN</td> </tr> <tr> <td colspan="2">Weapon, Type</td> <td colspan="2">Feature</td> <td colspan="2">Make</td> <td colspan="2">Model</td> <td colspan="2">Color</td> <td>Caliber</td> <td colspan="3">Dir of Travel Mode of Travel</td> </tr> <tr> <td colspan="4">VehYr/Make/Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="2">Lic/St</td> <td colspan="3">VIN</td> </tr> </table>															<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		
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Notes							Physical Char																																																	

Incident Report Related Property List

Key West Police Department

OCA: 19-000509

1	Property Description AXON BWC 3820			Make		Model		Caliber	
	Color	Serial No.		Value \$0.00	Qty 1.000		Unit	Jurisdiction Locally	
	Status Evidence	Date 01/24/2019	NIC #	State #		Local #		OAN	
	Name (Last, First, Middle) Kimrey, William Joshua			DOB 01/06/1949		Age 70	Race W	Sex M	
	Notes								

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 01/25/19 01:22

OCA: **19000509**

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

Investigator: *GILLESPIE, A. M.*

Date / Time: *01/24/19 02:34:06, Thursday*

Supervisor: *DEAN, J.*

Supervisor Review Date / Time: *01/24/19 02:57:59, Thursday*

Contact:

Reference: *General Supplemental Report*

On 01/24/2019, at approximately 0004, I responded as a back up unit to 1129 Fleming St. unit C. (Island House for Men) in reference to a verbal disturbance.

Upon arrival, I entered the hotel behind Ofc. Valdes. We made contact with the hotel managers. They advised us that one of the males staying in room 103 had been making threats toward them and acting aggressively toward hotel guest. Ofc. Valdes and I walked to room 103 to make contact with the male.

Once we arrived at the room, we knocked and the male (Joshua Nathaniel Kimrey) exited the room. Almost immediately I observed Kimrey to have an aggressive posture, tensing his arms and clenching his fists. Kimrey was argumentative during the entire incident. Ofc. Valdes tried to explain why we were there talking to him and asked Kimrey what his side of the story was. Ofc. Valdes asked me to stay and watch Kimrey while conducted an investigation. I attempted to calm Kimrey by talking to him. Kimrey became more verbally aggressive, tensed his arms and body and grit his teeth. Throughout most of our interaction Kimrey spoke as if he were in the military and stood as if he were at attention. Kimrey was completely naked during the entire incident. Kimrey asked to go back into his room, Ofc. Valdes informed Kimrey that he was being detained and was not free to leave. Kimrey asked again to go back into his room, and Ofc. Valdes said that he could not go into his room at this point, Kimrey said "well we are going to have problems then". Kimrey said "I want to escape this situation" as he moved toward several other guests of the hotel that were in the nearby hot tub and the exit. Ofc. Valdes grabbed Kimrey's right arm and I grabbed his left arm and held him against the wall. I was able to get Kimrey's left arm behind his back, even though Kimrey continually tensed his arm and body. Ofc. Valdes had ahold of Kimrey's right arm and took him to the ground. Both Ofc. Valdes and Kimrey fell to the ground and I fell on top of them. While on the ground I was able to put Kimrey's left arm behind his back again. Ofc. Valdes placed Kimrey's right arm behind his back and then placed him into hand cuffs.

Kimrey would not walk out to Ofc. Valdes's patrol car, we had to carry him a portion of the way. After having to carry Kimrey for several steps, Kimrey started to walk on his own. Kimrey acted aggressively the entire ride out to MCDC and throughout the entire time he was being evaluated by the jail nurse.

I activated my BWC during this incident.

I have no further information at the time of this report.///END OF REPORT///