

Response to Resistance Report

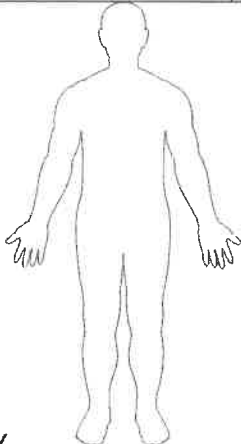
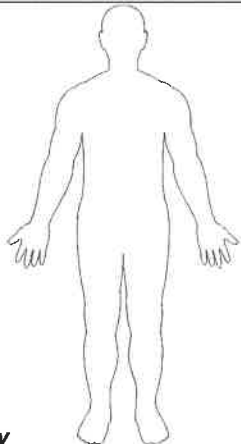
Key West Police Department

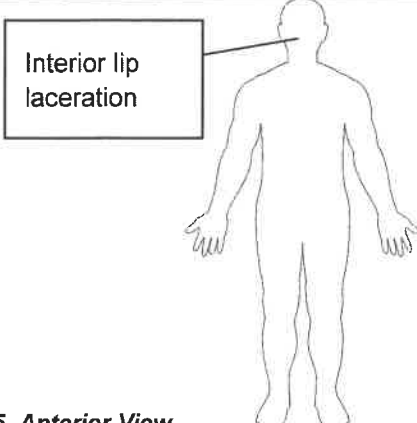
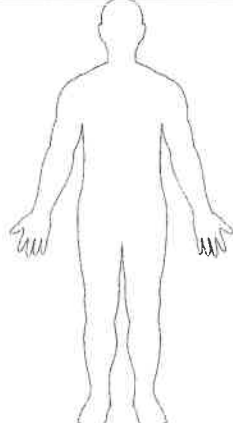
Case No: 22-0746

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: 02/05/2022	3. Time: 0330	4. Location: 5900 College Rd MCDC	5. Incident type: S1 & Batt LEO
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input checked="" type="checkbox"/> Passive:	Ignored Verbal Commands	<input checked="" type="checkbox"/> Physical Control	Take Down
	<input checked="" type="checkbox"/> Active:	Pushing, Bracing, Tensing	<input type="checkbox"/> Non-lethal Weapon	
	<input checked="" type="checkbox"/> Aggressive:	Kicking Officer in the Face	<input type="checkbox"/> Deadly Force	
	<input type="checkbox"/> Deadly Force:			

SUBJECT	10. Last Name: Puac	11. First: Vidal	12. Race: W	13. Sex: M
	14. DOB: 01/04/2001	15. Height: 5'05"	16. Weight: 150	
	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 checked="" type="checkbox"/> No <input 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 type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input checked="" type="checkbox"/> 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: <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 type="checkbox"/> No <input checked="" 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					
						
	35. Anterior View			Posterior View		

Response to Resistance Report (continued)

Key West Police Department

Case No: 22-0746

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: 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: 02/05/2022		41. Time: 0340	
	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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)			
	Name		Address	
	Phone Number			
INT. AFF.	47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		02/05/2022	
	FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		48. Preparing Supervisor's Signature / ID	
	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	
	53. If section 48 is "No" record the Professional Standards Control Number:		54. Date Entered:	

		INCIDENT/INVESTIGATION REPORT										Case# 22-000746			
I N C I D E N T D A T A	Agency Name <i>Key West Police Department</i>												Date / Time Reported 02/05/2022 02:20 Sat		
	ORI <i>FL0440100</i>												Last Known Secure 02/05/2022 02:20 Sat		
	Location of Incident <i>916 GEORGIA ST, Key West FL 33040-</i>				Premise Type <i>Highway / Street / Road/</i>				Beat/GP B3, GPB3		At Found 02/05/2022 02:20 Sat				
	#1	Crime Incident(s) <i>Battery Felony BFE</i>				(Com)	Weapon / Tools <i>HANDS, FIST, FEET</i>				Activity				
	Entry				Exit				Security						
#2	Crime Incident <i>Driving Under The Influence DUI</i>				(Com)	Weapon / Tools				Activity					
	Entry				Exit				Security						
#3	Crime Incident <i>Traffic Offense (non-dui) VEC</i>				(Com)	Weapon / Tools				Activity					
	Entry				Exit				Security						
MO															
V I C T I M	# of Victims 2		Type: SOCIETY/PUBLIC/STATE				Injury:				Domestic: N				
	V1	Victim/Business Name (Last, First, Middle) <i>Society</i>				Victim of Crime # 2,3	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				
	VYR	Make	Model	Style	Color	Lic/Lis	VIN								
O T H E R S I N V O L V E D	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)														
	Type: INDIVIDUAL Injury: Lacerations														
	Code V2	Name (Last, First, Middle) <i>MAYORGA LOPEZ, JORGE LUIS</i>				Victim of Crime # 1,	DOB Age 28	Race W	Sex M	Relationship To Offender ST	Resident Status Resident	Military Branch/Status			
	Home Address <i>1604 N ROOSEVELT BLVD KEY WEST, FL 33040</i>										Home Phone <i>305-809-1000</i>				
	Employer Name/Address <i>Key West Police Department, 1604 N ROOSEVELT BLVD (POLICE OFFICER)</i>								Business Phone <i>305-809-1111</i>		Mobile Phone <i>305-509-2340</i>				
	Type: Injury:														
	Code	Name (Last, First, Middle)				Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status			
	Home Address										Home Phone				
	Employer Name/Address								Business Phone		Mobile Phone				
	P R O P E R T Y	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					
02		TOWE		\$0.00		1	2017 WHI, EPZC76 FL			TOYT			2T1BURHEXHC838510		
Officer/ID# <i>MAYORGA LOPEZ, JORGE (3722)</i>															
Invest ID# <i>(0)</i> Supervisor <i>(0)</i>															
Status	Complainant Signature				Case Status <i>Cleared By Arrest</i>				Case Disposition: <i>Cleared By Arrest</i>				Page 1		

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 22-000746

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
PEREZ, R. (4010)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim Society	Offense BATTERY FELONY	OCA 22-000746 Date / Time Reported Sat 02/05/2022 02:20
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On February 5, 2022, at approximately 0220 hours, Ofc. R. Perez conducted a traffic stop near the intersection of Truman Avenue and Georgia Street. I, Ofc. Lopez responded to the traffic stop to back Ofc. R. Perez.

Ofc. R. Perez told me that he was traveling west near the 1200 block of Truman Avenue. Ofc. R. Perez told me as he was approaching the intersection of Truman Avenue and White Street. Ofc. R. Perez saw a white vehicle traveling north near the 900 block of White Street. Ofc. R. Perez told me the white vehicle approached the intersection of White Street and Truman Avenue by making a left sharp turn onto Truman Avenue, (East). Ofc. R. Perez told me the vehicle did not properly/safely made the left turn.

Ofc. R. Perez told me he did a U-turn in the intersection of White Street and Truman Avenue to make a traffic stop on the vehicle. Ofc. R. Perez told me he saw the white vehicle making a left turn onto Georgia Street. Ofc. R. Perez told me when he approached the intersection of Truman Avenue and Georgia Street, he saw the white vehicle parked in the middle of the road facing west. Ofc. R. Perez told me the vehicle then started backing up in an attempt to get back in the lane of traffic. However, the white vehicle was on the wrong lane of traffic. The white vehicle then parked on the opposite side of traffic.

Ofc. R. Perez was in a Key West Police marked vehicle equipped with emergency lights and sirens. Ofc. R. Perez immediately got behind the vehicle and he activated his blue overhead emergency lights. The white vehicle was bearing Florida registration EPZC76. Ofc. R. Perez told me the driver of the vehicle opened the door and attempted to get out of the vehicle. Ofc. R. Perez told me he instructed the driver to get back inside the vehicle. On contact with the driver Ofc. R. Perez told the driver the reason of the traffic stop. Ofc. R. Perez requested the driver to provide his driver's license, registration and proof of insurance. The driver told Ofc. R. Perez that he does not have a valid driver's license. Ofc. R. Perez said the driver only speaks Spanish and he noticed the driver had a slurred speech. (It should be noted Ofc. R. Perez is fluent in Spanish, and he was able to communicate with the driver). The driver later identified himself as Vidal Puac, (dob:01/04/2001). Ofc. R. Perez told me while he was speaking with Vidal, he smelled a strong odor of an alcoholic beverage on Vidal's breath. Ofc. R. Perez told me Vidal could not finish his sentences, and he was difficult to understand.

I am fluent in Spanish, and I was able to communicate with Vidal. Vidal told me he has been residing in the City of Key West for approximately eight years. Vidal told me that he is currently employed by a licensed contractor as a painter. While I was speaking with Vidal, I noticed he had glassy eyes, watery eyes and bloodshot eyes.

I asked Vidal if he would participate in Standardized field Sobriety Exercises to dispel my suspicion, he was operating a motor vehicle while under the influence of an alcoholic beverage to the point his normal faculties were impaired. Vidal agreed.

The Field Sobriety Exercises are as follows:

1) Horizontal Gaze Nystagmus: I explained the exercise to Vidal. Vidal understood the instructions. Vidal was able to follow the stimulus, his eyes tracked equally, and had equal pupil size. During the exercise I observed six clues. Vidal had lack of smooth pursuit in both eyes and had distinct, sustained Nystagmus at maximum deviation on both eyes, and Onset prior to 45 degrees in the right and left eye. Throughout the exercise Vidal did not keep his head still and would move it side to side while following the stimulus. Vidal stooped following the stimulus a couple times and it appeared to be difficult for him to follow it. I smelled a strong odor of an alcoholic beverage emanating from Vidal's body when I stood closer to him. Vidal was swaying his body side to side and back and forth while

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

22-000746

Victim

Society

Offense

BATTERY FELONY

Date / Time Reported

Sat 02/05/2022 02:20

following the stimulus with his head.

2) Walk and Turn: I began giving Vidal instructions. I told Vidal to step on the white line and place his feet together. I told Vidal to place his left foot on the line and place his right foot in front of it touching heel to toe. However, Vidal continued taking steps forward and I told him to stop. I reminded Vidal I will let him know what to do next. Vidal had a difficult time keeping his balance and following my instructions. Vidal removed his right foot from the white line several times to help himself with his balance. Vidal was leaning his body to his left side several times, and he had a difficult time remaining in the starting position. I demonstrated the exercise to Vidal, and he said he understood. When Vidal took step number 6, he lost his balance and he stepped off the line. After Vidal took step number 6, he said, "8" and then he lost his balance again. Vidal stepped off the line when he took step number 8. On the second set of 9 steps Vidal stepped off the line when taking step number 1. When Vidal took step number 4, he stopped for approximately two seconds. When Vidal took step number 5, he stopped again for approximately two seconds.

3) One Leg Stand: I explained the exercise to Vidal. Vidal said he understood the instructions. Vidal began the exercise by raising his right foot approximately 2-3 inches off the ground. Vidal dropped his foot down when he said, "1004". When Vidal said, "1004" his body started leaning to the left side of his body. Vidal started the exercise again and he lifted his right foot approximately 2-3 inches off the ground. Vidal dropped his right foot several times. Vidal was swaying his body side to side during this exercise, and I had to stop the exercise to prevent Vidal from falling to the ground.

Based on my training and experience and the totality of circumstances; his physical appearance, odor of an alcoholic beverage, and his performance of SFSE's, I believe Vidal was impaired by either an alcoholic beverage and/or chemical substance which impaired his normal faculties to safely operate a motor vehicle.

I told Vidal to place his hands behind his back and I placed handcuffs on Vidal. Ofc. R. Perez and I walked Vidal to my patrol vehicle. I told Vidal to stand up against my vehicle. While I was searching Vidal, he began turning his body to the left side of his body trying to get away from us. Ofc. R. Perez and I instructed Vidal not to move. While I was searching Vidal's left front pocket, he tried to turn his body around towards me and extended his right elbow in an attempt to hit me with his elbow. I placed Vidal in the rear passenger side and while I was placing the seatbelt on him, he used his right feet to kick me on my right leg. I grabbed Vidal's right leg and I moved it inside my vehicle. (This was captured with my body worn camera, 3722).

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

Ofc. R. Perez had the vehicle towed by Arnold's Towing shortly after.

I transported Vidal to the Monroe County Detention Center.

Vidal told The Correction Deputy he needed to use the bathroom and The Correction Deputy removed the handcuffs from Vidal. After Vidal used the bathroom The correction Deputy placed the handcuffs on the front of Vidal's body. I then began the twenty (20) minute observation period at 0323 hours. During the required 20-minute observation, Vidal was seated on a chair in the report writing room of The Jail. I was seated approximately 4 feet away from him completing my report. Vidal suddenly stood up and he started walking towards me with his hands extended towards me. I stood up and I tried to sit him down back on the chair. However, Vidal began leaning his body forward against

REPORTING OFFICER NARRATIVE*Key West Police Department*

Victim <i>Society</i>	Offense <i>BATTERY FELONY</i>	OCA <i>22-000746</i>
		Date / Time Reported <i>Sat 02/05/2022 02:20</i>

me refusing to sit down. I grabbed Vidal by his right elbow in an attempt to escort him to the ground and he began dropping his weight to the ground and leaning his upper body down. I was able to escort Vidal to the ground and Vidal turned his body, (Facing up). I grabbed Vidal's left elbow in an attempt to roll his body, (Facing the ground). While I was trying to roll Vidal's body, (Facing the ground) Vidal used his right foot to kick me in the face. I then used my right elbow to place my weight on top of his left shoulder area. I made Vidal rolled over to the ground, (Facing to the ground). Once I was on top of Vidal's back, he tried to stand up and I wrapped my legs around his legs, and he could not get up. The Correction Deputies ran inside the room, and I instructed them to place him in the restraining chair. The Correction Deputies placed Vidal in the restraining chair shortly after. (This was recorded with my body worn camera, 3722).

Due to Vidal's aggressive behavior and trying to fight me I was unable to conduct the Breath Test for Vidal. I could not allow Vidal to disturb or damage the Intoxilyzer at the Monroe County Detention Center.

I informed Key West Communications Vidal kicked me in the face during a take down and Sgt. Hammers responded to the MDCD.

It should be noted that I had several cuts and blood inside my mouth caused by Vidal's kick. (Sgt. Hammer used his Axon Capture app to photograph my injury).

Vidal was issued the following UNIFORM DUI CITATION: AEU5HUE.

Vidal was issued the following UNIFORM CITATION: AEU5HVE. (Operating a motor vehicle without a valid driver's license).

Vidal was assigned a Court date on February 18, 2022, with Judge Fowler, 9:00 am, at the Key West Courthouse. The Correction Deputy placed Vidal's citations inside is property bag.

Based on the facts and evidence, Vidal Puac knowingly and willfully did kick me on my right leg with his right foot. When I was placing the seatbelt on Vidal was being belligerent and he used his right foot to kick me on my leg. During the 20-minute observation Vidal suddenly stood up and he started walking towards me with his hands extended towards me. I stood up and I tried to sit him down back on the chair. However, Vidal began leaning his body forward against me refusing to sit down. I grabbed Vidal by his right elbow in an attempt to escort him to the ground and he began dropping his weight to the ground and leaning his upper body down. I was able to escort Vidal to the ground and Vidal turned his body, (Facing up). I grabbed Vidal's left elbow in an attempt to roll his body, (Facing the ground). While I was trying to roll Vidal's body, (Facing the ground) Vidal used his right foot to kick me in the face. I then used my right elbow to place my weight on top of his left shoulder area. I made Vidal rolled over to the ground, (Facing to the ground). It should be noted that I had several cuts and blood inside my mouth caused by Vidal's kick. Contrary to F.S.S. 843.01.

Based on the facts and evidence, Vidal Puac did knowingly and willfully operate a motor vehicle without a valid driver's license. Vidal told me he has been residing in The City of Key West for approximately eight years. Vidal is currently employed in The City of Key West by a Licensed Contractor as a painter. Vidal has established residency in the State of Florida. Contrary to F.S.S. 322.03(1).

It should be noted Vidal was arrested on November 7, 2021, for operating a motor vehicle without a valid driver's license and operating a motor vehicle under the influence of alcohol or narcotics. KWPD case 21-6244.

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

22-000746

Victim

Society

Offense

BATTERY FELONY

Date / Time Reported

Sat 02/05/2022 02:20

Incident Report Suspect List

Key West Police Department

OCA: 22-000746

1	Name (Last, First, Middle) <i>PUAC, VIDAL</i>					Also Known As					Home Address <i>TRUMAN/GEORGE ST - 3 KEY WEST, FL 33040 305-879-2533</i>																																											
	Business Address <i>MESSERY PAINTING, PAINTER</i>																																																					
	DOB <i>01/04/2001</i>	Age <i>21</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>H</i>	Hgt <i>504</i>	Wgt <i>140</i>	Hair <i>BLK</i>	Eye <i>BRO</i>	Skin <i>OLI</i>	Driver's License / State.																																											
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="2">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="2">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="2">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	
<i>Reported Suspect Detail</i>		Suspect Age		Race	Sex	Eth	Height		Weight		SSN																																											
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VehYr/Make/Model				Drs	Style		Color		Lic/St		VIN																																											
Notes								Physical Char																																														

Incident Report Related Vehicle List

Key West Police Department

OCA: 22-000746

1	Veh Yr/Make/Model <i>2017 TOYT</i>				Style <i>4D</i>		Color <i>WHI</i>		Lic/Lis /Decal <i>EPZC76 FL 2021, 08753471</i>				VIN <i>2T1BURHEXHC838510</i>			
	IBR Status <i>Towed</i>				Date <i>02/05/2022</i>		Location <i>916 GEORGIA ST, KEY WEST FL</i>									
	Condition			Value <i>\$0.00</i>			Offense Code <i>0410</i>		Jurisdiction <i>Locally</i>			State #		NIC #		
	Name (Last, First, Middle) <i>* No name *</i>						Also Known As				Home Address					
	Business Address															
	DOB		Age	Race	Sex	Hgt	Wgt	Scars, Marks, Tattoos, or other distinguishing features								

Notes