

Response to Resistance Report

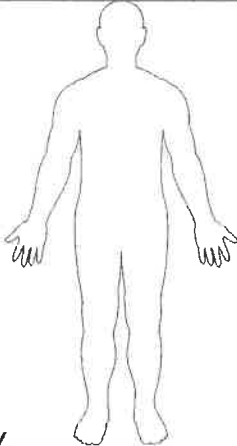
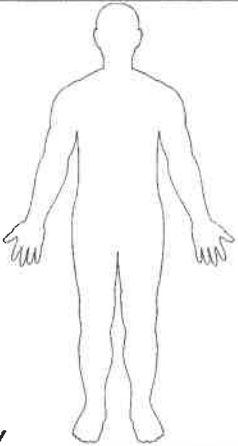
Key West Police Department

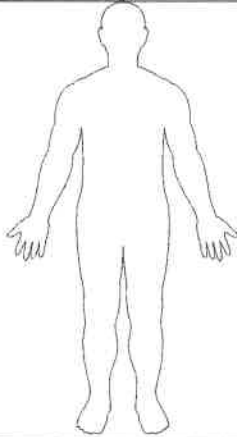
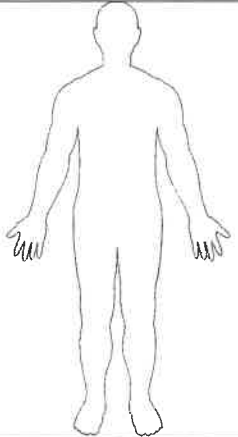
Case No: 22-0762

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: 02/06/2022	3. Time: 0205	4. Location: 202 Duval / Ricks Bar	5. Incident type: S34/Battery LEO
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input checked="" type="checkbox"/> Passive:	Refused to comply with orders	<input checked="" type="checkbox"/> Physical Control	Take down
	<input checked="" type="checkbox"/> Active:	Bracing and Tensing	<input type="checkbox"/> Non-lethal Weapon	
	<input checked="" type="checkbox"/> Aggressive:	Physically pushed Officer	<input type="checkbox"/> Deadly Force	
	<input type="checkbox"/> Deadly Force:			

SUBJECT	10. Last Name: Matney	11. First: Marcus	12. Race: W	13. Sex: M
	14. DOB: 02/06/1973	15. Height: 5'10	16. Weight: 190	
	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 type="checkbox"/> No <input type="checkbox"/> Evident <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input type="checkbox"/> Detention			
				
	22. Anterior View		Posterior View	

OFFICER	23. Officer: William Howell	24. Race: W	25. Sex: M	26. Age: 35	27. Height: 6'01"	28. Weight: 220
	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					
	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 checked="" type="checkbox"/> No <input 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

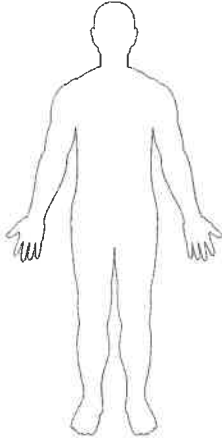
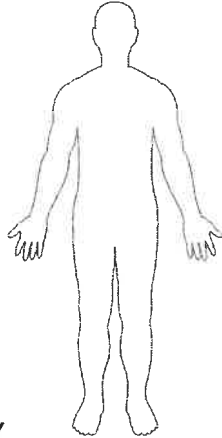
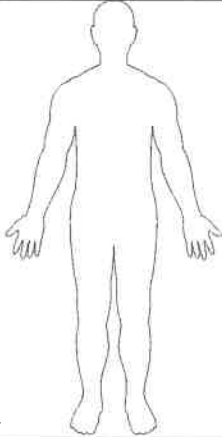
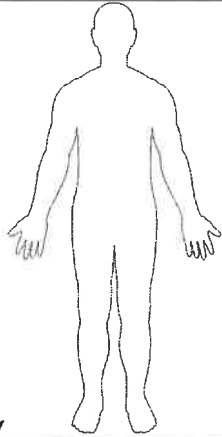
Case No: 22-0762

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.			
	40. Notified Date: 02/06/2022		41. Time: 0215	
	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)			
SUPERVISOR'S INQUIRY	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
	Ricks Management/Security	202 Duval Street / Video Provided		
INT. AFF.	47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		02/06/2022	
	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:	

Response to Resistance Report (continued)

Key West Police Department

Case No: 22-0762 **Error! Reference source not found.**

OFFICER	23. Officer: Andrew Litton 24. Race: W 25. Sex: M 26. Age: 32 27. Height: 5'09" 28. Weight: 200					
	29. Duty Status: <input type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input checked="" type="checkbox"/> Uniformed <input type="checkbox"/> Plain 30. Yrs Exp: 3					
	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 checked="" type="checkbox"/> No <input 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: Take Down					
OFFICER						
	35. Anterior View			Posterior View		
	23. Officer: 24. Race: 25. Sex: 26. Age: 27. Height 28. Weight					
	29. Duty Status: <input type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input type="checkbox"/> Uniformed <input type="checkbox"/> Plain 30. Yrs Exp:					
	31. Injuries: <input type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)					
OFFICER	32. Photographed: <input type="checkbox"/> No <input type="checkbox"/> Yes 33. Treated: <input 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: (If TASER®, also reference line number from TASER® section)					
						
	35. Anterior View			Posterior View		

INCIDENT DATA

#1	Crime Incident(s) <i>Battery</i> <i>SCA</i>
#2	Crime Incident <i>Resist Arrest / Escape</i> <i>XOM</i>
#3	Crime Incident <i>Trespassing</i> <i>XOT</i>

Beat/GP
B1, GPB1

Case#	22-000762
Date / Time Reported	02/06/2022 02:05 Sun
Last Known Secure	02/06/2022 02:05 Sun
At Found	02/06/2022 02:05 Sun

Activity

Activity

Activity

MO

# of Victims		3		Type: LAW ENFORCEMENT (LEO)				Injury: None				Domestic: N			
V1	Victim/Business Name (Last, First, Middle)					Victim of Crime #	DOB		Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status		
	LITTON, ANDREW JAMES						07/18/1989								
					1	Age 32		W	M	ST	Resident				
Home Address											Home Phone				
1604 N ROOSEVELT BLVD , Key West, FL 33040-											305-809-1000				
Employer Name/Address									Business Phone		Mobile Phone				
VYR	Make	Model	Style	Color	Lic/Lis				VIN						

V
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M

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)										
Type: BUSINESS					Injury:					
Code V2	Name (Last, First, Middle) RICKS BAR			Victim of Crime # 3	DOB / / : : Age	Race	Sex	Relationship To Offender ST	Resident Status N/A	Military Branch/Status
Home Address 202 DUVAL ST KEY WEST, FL 33040								Home Phone		
Employer Name/Address						Business Phone 305-296-4890		Mobile Phone		
Type: SOCIETY/PUBLIC/STATE					Injury:					
Code V3	Name (Last, First, Middle) SOCIETY			Victim of Crime # 2	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		

OTHERS INVOLVED

[illegible]

P
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Y

Officer/ID# <i>LITTON, ANDREW J. (3958)</i>			
Invest ID# <i>(0)</i>		Supervisor <i>(0)</i>	
Complainant Signature	Case Status <i>Cleared By Arrest</i>	Case Disposition: <i>Cleared By Arrest</i>	Page 1
	<i>02/06/2022</i>	<i>02/06/2022</i>	

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 22-000762

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

BRABLC, M. (3925), HOWELL, W.N. (4059)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE• *Key West Police Department*

Victim <i>LITTON, ANDREW JAMES</i>	Offense <i>BATTERY</i>	OCA <i>22-000762</i>
		Date / Time Reported <i>Sun 02/06/2022 02:05</i>

On 02/06/2022 at approximately 0200 hours, I (Ofc. A. Litton) was on foot patrol of lower Duval Street when I walked into Rick's Bar, 202 Duval Street.

As soon as I walked into Rick's Bar, I saw approximately four Rick's staff attempting to physically remove a male subject who continued to fight back and try and go back into the bar. The Rick's employees repeatedly told the male, later identified as Marcus Matney, to leave the property. I went in front of Marcus, so he could clearly see my Key West Police badge and uniform, grabbed one of his arms, and assisted in removing him from the property. Officer W. Howell was close behind me and assisted in removing Marcus from the property.

Marcus stood off the Rick's property as I explained he was not welcome on the property. Marcus was shouting about his brother, Michael Matney, still being in Rick's as Officer W. Howell and I stood in front of him. With his right arm, Marcus then pushed the left side of my body as he tried to push past me to get back into Rick's. I immediately pushed Marcus' arm off me and with my right open hand, pushed Marcus' chest to distance him from me.

Officer W. Howell saw Marcus push me as he tried to rush past, grabbed Marcus' arm with his right hand, and pulled Marcus' arm away from me. Officer W. Howell then also attempted to distance Marcus away from us with a single push with his right open palm to Marcus' chest. Marcus fell backwards onto the pavement and rolled into the street. I sat Marcus up on the sidewalk told him to stay seated on the pavement as Officer W. Howell asked for his ID. Marcus stated he was not going to provide his ID and was told by both Officer W. Howell and me to place his hands behind his back as he sat on the sidewalk. Marcus then tensed his body and tried to lock his arms in front of him so we could not place the handcuffs on. Officer W. Howell and I then rolled Marcus onto his stomach, giving him numerous commands to place his hands behind his back, until we managed to force his hands behind his back and place him in handcuffs.

Officer W. Howell and I picked Marcus up off the ground and walked him to a patrol vehicle, parked on Charles Street, where he was searched. During this, Marcus continued to resist, making numerous attempts to turn and face Officer W. Howell who repeatedly told Marcus to face away and to stop resisting. While Officer W. Howell and my back was turned to Michael and searching Marcus, Michael continuously attempted to walk up behind us to ascertain about his brother's arrest. Officer M. Brable and Officer W. Howell gave Michael numerous warnings to stop interfering with his brother's arrest. I very clearly explained to Michael that his brother was being arrested for battery on a law enforcement officer for attempting to push his way into Rick's Bar. I also told Michael he would be arrested for obstruction if he continued to interfere.

I walked away from Charles Street to retrieve my patrol vehicle parked on Greene Street. When I returned, Officer M. Brable had Michael in handcuffs for defying the ample warnings given to stop interfering with Marcus' arrest. Both Michael and Marcus were placed into the back of my patrol vehicle to await Sergeant D. Kouri's arrival for the RRI report. I was able to obtain a shortened video of this incident from the Rick's management and uploaded it to Evidence.com through the Axon Capture App. The management stated they would provide a full copy of this incident from their security cameras later. Axon BWC was activated during this incident and later uploaded to Evidence.com.

I transported Marcus and Michael to MCDC without incident.

Marcus had blood on his left elbow, assuming from him, but no cut could be seen. At the jail, I attempted to take a

REPORTING OFFICER NARRATIVE*Key West Police Department*

Victim <i>LITTON, ANDREW JAMES</i>	Offense <i>BATTERY</i>	OCA <i>22-000762</i> Date / Time Reported <i>Sun 02/06/2022 02:05</i>
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picture of Marcus' elbow, but he continued to deny this as he hid his elbow behind his body for every attempt. Marcus also stated his tooth was broken during this incident and again refused to allow any documentation of his injuries, claiming it was his First Amendment Right not to.

Based on his actions during this incident, Marcus Matney violated FSS 784.07-2B, battery on a law enforcement officer, when he pushed me in an attempt to force his way back into Rick's Bar after being removed.

Based on his actions during this incident, Marcus Matney violated FSS 843.02, resisting without violence, when during the course of his arrest, Matney tensed his body and tried to lock his hands in front of him so he could not be placed in handcuffs. Matney also defied numerous commands during his arrest including placing his hands behind his back and attempting to turn and confront officers while in handcuffs.

Based on his actions during this incident, Marcus Matney violated FSS 810.08, trespassing in property or structure, when he was told by Rick's staff that he needed to leave the property. Matney forced the Rick's staff to attempt to physically remove him from the property until officers arrived and assisted. Once off the property and warned he could not reenter, Matney attempted to force his way back onto the property, pushing a Key West Police officer in the process.

Based on his actions during this incident, Michael Matney violated FSS 843.02, obstructing an officer without violence, when he continuously attempted to interfere with his brother's arrest. Matney was told repeatedly to back away from his brother while he was being arrested and ignored all commands and warnings.

Incident Report Suspect List

Key West Police Department

OCA: 22-000762

1	Name (Last, First, Middle) <i>MATNEY, MARCUS D</i>					Also Known As					Home Address <i>531 RICHMOND ST COLUMBUS, WI 53925</i>				
	Business Address														
	DOB <i>02/06/1973</i>	Age <i>49</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>510</i>	Wgt <i>210</i>	Hair <i>BLD</i>	Eye <i>BLU</i>	Skin <i>LGT</i>	Driver's License / State. <i>M3505447304608 WI</i>				
Scars, Marks, Tattoos, or other distinguishing features															

<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			
Notes							Physical Char						

2	Name (Last, First, Middle) <i>MATNEY, MICHAEL LEE</i>					Also Known As					Home Address <i>531 RICHMOND ST COLUMBUS, WI 53925</i>				
	Business Address														
	DOB <i>02/06/1973</i>	Age <i>49</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>511</i>	Wgt <i>190</i>	Hair <i>BLD</i>	Eye <i>BLU</i>	Skin <i>LGT</i>	Driver's License / State. <i>M3505527304601 WI</i>				
Scars, Marks, Tattoos, or other distinguishing features															
<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					
Notes							Physical Char								

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 02/07/2022 05:12

OCA: **22000762**

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Investigator: *HOWELL, WILLIAM N (4059)*

Date / Time: *02/06/2022 05:46:22, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On Sunday, 02/06/2022 at approximately 0205 hours; Ofc. Litton and I (Ofc. Howell) completed an area check of 202 Duval Street (Rick's Bar) and encountered an unknown male subject possibly trespassing.

Ofc. Litton and I encountered Marcus D. Matney (DOB: 02/06/1973, Arrestee) and Michael L. Matney (DOB: 02/06/1973, Arrestee) who were being escorted from the property by Rick's Bar security.

D. Matney continuously attempted to struggle away from Rick's Bar security even as Ofc. Litton and I removed him from the property. While standing on the public sidewalk and as Ofc. Litton and I instructed D. Matney to vacate the area multiple times, D. Matney continuously engaged verbally with Rick's Bar security, yelling obscenities toward them as well as his brother, L. Matney. At one point, D. Matney attempted to push past Ofc. Litton by shoving the left side of Ofc. Litton's body. As D. Matney became even more agitated, he aggressively stepped towards Ofc. Litton and attempting to shove past Ofc. Litton. Due to D. Matney's actions and his rising level of resistance, Ofc. Litton immediately pushed D. Matney's arm away and shoved D. Matney's to maintain a reactionary gap. Witnessing D. Matney advance toward Ofc. Litton in an aggressive manner and attempt to shove Ofc. Litton while making contact with Ofc. Litton's shoulder, I reacted almost simultaneously with Ofc. Litton. I grabbed D. Matney by his right arm and pulled D. Matney away from Ofc. Litton. I immediately pushed D. Matney, at the same time as Ofc. Litton, to maintain a reactionary gap. D. Matney fell backward onto the sidewalk.

D. Matney immediately sat up and becoming increasingly irritated, yelling obscenities toward Ofc. Litton and me. I asked D. Matney for a form of identification, D. Matney refused. I asked D. Matney if he was refusing to identify himself twice. D. Matney refused to answer only stating, "I don't have to give you nothing."

As Ofc. Litton and I moved to place D. Matney in handcuffs, D. Matney attempted to pull away from Ofc. Litton and I several times. D. Matney struggled to pull his arms underneath his body, in an attempt to prevent Ofc. Litton and me from placing him in handcuffs. Ofc. Litton and I rolled D. Matney onto his stomach in a controlled manner. Ofc. Brable assisted Ofc. Litton and me to place D. Matney in handcuffs.

Ofc. Litton and I walked D. Matney to Ofc. Brable's patrol vehicle, to search D. Matney. Ofc. Litton and I searched D. Matney subsequent to arrest.

As Ofc. Litton and I were searching D. Matney his brother, L. Matney, continuously attempted to walked toward me. Ofc. Litton instructed L. Matney to remain on the sidewalk several times. Ofc. Brable instructed L. Matney several times to remain on the sidewalk several times. I instructed L. Matney to remain on the sidewalk several times. L. Matney refused to comply after several warnings and continuously attempted to walk toward me while I searched D. Matney. After approximately eleven verbal warnings to stay back and on the sidewalk, L. Matney pulled his cell phone

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 02/07/2022 05:12

OCA: **22000762**

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Investigator: *HOWELL, WILLIAM N (4059)*

Date / Time: *02/06/2022 05:46:22, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

from his pocket and again walked toward me. Ofc. Brable placed L. Matney in handcuffs. Ofc. Brable searched L. Matney subsequent to arrest.

Ofc. Litton and I walked D. Matney to Ofc. Litton's patrol vehicle. Ofc. Brable and I walked L. Matney to Ofc. Litton's patrol vehicle.

Ofc. Litton transported D. Matney and L. Matney to Monroe County Detention Center.

Rick's Bar management provided copies of security footage regarding the encounter, struggle, and arrest of D. Matney. Rick's Bar management provided copies of security footage regarding the encounter and repetitious warnings provide to L. Matney as well as his arrest. I uploaded copies of both videos to Evidence.com.

My BWC was activated for the encounter, arrest, subsequent search of D. Matney and L. Matney. My Fleet AXON was activated for the transport of D. Matney to Monroe County Detention Center. I uploaded the videos to Evidence.com.

At this time, no further information.

Investigator Signature: _____