

Response to Resistance Report

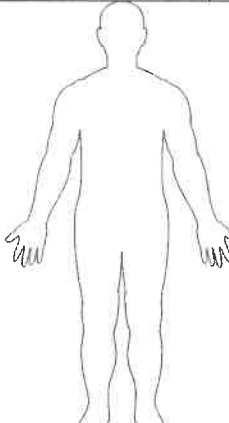
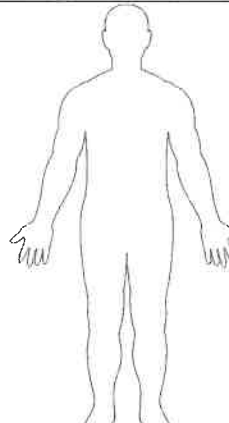
Key West Police Department

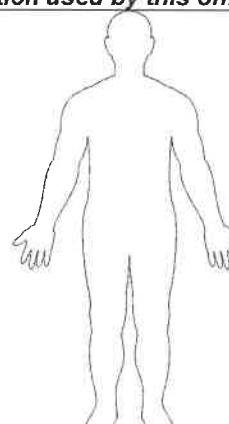
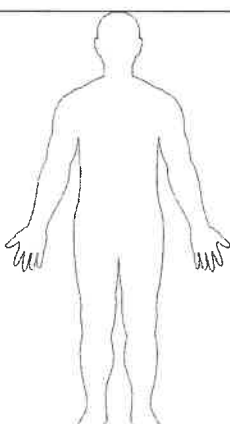
Case No: 22-2635

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: 05/04/22	3. Time: 2050	4. Location: LKMC	5. Incident type: S34/Resisting
	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:	Pushed by Officer. Tensing	<input type="checkbox"/> Non-lethal Weapon	
	<input type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force	
<input type="checkbox"/> Deadly Force:				


SUBJECT	10. Last Name: Hayes	11. First: Cordney	12. Race: B	13. Sex: M
	14. DOB: 10/15/1995	15. Height: 6'00"	16. Weight: 170	
	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 type="checkbox"/> Intoxicated <input type="checkbox"/> Under the influence of controlled substance <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input type="checkbox"/> Detention			
				
2. Anterior View		Posterior View		

OFFICER	23. Officer: Tim Malak	24. Race: W	25. Sex: M	26. Age: 31	27. Height: 6'00"	28. Weight: 225
	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: 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: Takedown					
						
35. Anterior View		Posterior View				

Response to Resistance Report (continued)

Key West Police Department

Case No: 22-2635

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: 05/04/22 41. Time: 2050	
	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
Albert Hall	LKMC Security Guard	
47. Is further review recommended: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		 322 48. Preparing Supervisor's Signature / ID
		49. Date 05/05/2022
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 type="checkbox"/> Yes If "No", complete section 51)	
	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						Case# 22-002635			
		Agency Name Key West Police Department		ORI FL0440100		Date / Time Reported 05/04/2022 20:33 Wed		Last Known Secure 05/04/2022 20:33 Wed			
I N C I D E N T D A T A	Location of Incident 5900 COLLEGE RD, Key West FL 33040-			Premise Type Medical Facility		Beat/GP B6, GPB6		At Found 05/04/2022 20:33 Wed			
	#1	Crime Incident(s) (Com) Resist Arrest / Escape XOM			Weapon / Tools NOT APPLICABLE/NONE			Activity			
					Entry		Exit		Security		
	#2	Crime Incident (Com) Warrant Arrest ZOB			Weapon / Tools			Activity			
					Entry		Exit		Security		
	#3	Crime Incident ()			Weapon / Tools			Activity			
				Entry		Exit		Security			
MO											
V I C T I M	# of Victims 1		Type: SOCIETY/PUBLIC/STATE			Injury:		Domestic: N			
	V1	Victim/Business Name (Last, First, Middle) Society			Victim of Crime # 1,2	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		
	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)										
O T H E R S I N V O L V E D	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		
	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	AXON BWC 3958				
		35	EVID	\$0.00		1	FLEET 3958				
Officer/ID# LITTON, ANDREW J. (3958)											
Invest ID# (0)					Supervisor (0)						
Status	Complainant Signature			Case Status Cleared By Arrest		05/04/2022		Case Disposition: Cleared By Arrest		05/04/2022	
R_CS1IBR										Page 1	

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 22-002635

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
MALAK, T.J. (4045)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim <i>Society</i>	Offense <i>RESIST ARREST / ESCAPE</i>	OCA <i>22-002635</i>
		Date / Time Reported <i>Wed 05/04/2022 20:33</i>

On 05/04/2022 at approximately 2033 hours, I (Ofc. A. Litton) responded to the Lower Keys medical Center, 5900 College Road, to assist Officer T. Malak with a subject fighting the security staff.

When I arrived, Officer T. Malak already had Cordney Hayes in custody. Hayes was actively fighting with Security when Officer T. Malak arrived. Officer T. Malak escorted Hayes out of Lower Keys Medical and attempted to speak with him when Hayes tried to push past Officer T. Malak and continue to fight with the security guard. Hayes also threatened violence to Officer T. Malak prior to being placed on the ground and put in handcuffs (see Officer T. Malak's supplemental). I arrived on scene and ran Hayes' ID card in my patrol vehicle to find he had a warrant out of MCSO. I searched Hayes, placed him in my patrol vehicle, and transported him to MCDC without incident. The warrant information is as follows:

Warrant number: 22MM303AM

Warrant date: 04/27/2022

Charge: 893.147-1, drug equipment possession

Bond: \$5,000

Signed by: Judge Miller

Axon BWC and in-car were activated during this incident and later uploaded to Evidence.com.

Based on his actions during this incident, Cordney Hayes violated FSS 843.02, resisting without violence. Hayes defied Officer T. Malak's commands and attempted to push past Officer T. Malak to continue physically fighting with hospital staff.

Incident Report Suspect List

Key West Police Department

OCA: 22-002635

1	Name (Last, First, Middle) <i>HAYES, CORDNEY MOLLORY</i>						Also Known As				Home Address <i>1 GENERAL DELIVERY KEY WEST, FL 33040</i>																																															
	Business Address <i>OUTBACK STAKEHOUSE</i>																																																									
	DOB <i>10/13/1995</i>	Age <i>26</i>	Race <i>B</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>600</i>	Wgt <i>160</i>	Hair <i>BLK</i>	Eye <i>BRO</i>	Skin <i>DRK</i>	Driver's License / State. <i>H200113953730 FL</i>																																															
	Scars, Marks, Tattoos, or other distinguishing features																																																									
<table border="1"> <tr> <td colspan="3">Reported Suspect Detail</td> <td colspan="3">Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td colspan="2">Height</td> <td colspan="2">Weight</td> <td>SSN</td> </tr> <tr> <td colspan="2">Weapon, Type</td> <td colspan="2">Feature</td> <td colspan="2">Make</td> <td colspan="3">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">Veh Yr/Make/Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="3">Lic/St</td> <td colspan="3">VIN</td> </tr> </table>															Reported Suspect Detail			Suspect Age			Race	Sex	Eth	Height		Weight		SSN	Weapon, Type		Feature		Make		Model			Color		Caliber	Dir of Travel Mode of Travel			Veh Yr/Make/Model				Drs	Style		Color		Lic/St			VIN		
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<div>Notes</div> <div>Physical Char</div>																																																										

Incident Report Related Property List

Key West Police Department

OCA: 22-002635

1	Property Description AXON BWC 3958				Make		Model		Caliber	
	Color	Serial No.		Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally			
	Status Evidence	Date 05/04/2022	NIC #	State #		Local #		OAN		
	Name (Last, First, Middle)				DOB		Age	Race	Sex	

Notes

2	Property Description FLEET 3958				Make		Model		Caliber	
	Color	Serial No.		Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally			
	Status Evidence	Date 05/04/2022	NIC #	State #		Local #		OAN		
	Name (Last, First, Middle)				DOB		Age	Race	Sex	

Notes

OCA: 22002638

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

Investigator: MALAK, TIMOTHY J (4045)

Date / Time: 05/05/2022 04:28:41, Thursday

Supervisor: KOURI, DAVID G (3022)

Supervisor Review Date / Time: 05/05/2022 04:59:16, Thursday

Contact:

Reference: General Supplemental Report

On 5/4/22 at 2033hrs, I officer Malak was dispatched to 5900 College Rd (Lower Keys Medical Center), as an assisting unit, in regards to a combative subject.

Upon arrival, I walked into the ER hallway, where I observed hospital staff restraining a Male, later identified as Cordney Hayes, on the ground. I approached Hayes and instructed him to calm down so he can be allowed to his feet. After approximately 2 minutes, Hayes settled down and was allowed to his feet. Immediately, Hayes began to shout at myself and hospital staff. I explained to Hayes why I was on location and that he needed to leave the property. Hayes continued his antics, but I was able to gain soft hand control and escort him outside into the parking lot.

Once in the parking lot, Hayes became verbally combative again and threatened to fight the hospital security. During my conversation with Hayes, he balled his fists and attempted to push past me to get to the security guard. I grabbed Hayes by his wrists, gained control of his body, and assisted him to the ground. Once on the ground, I used a wrist control technique to apply handcuffs (checked for proper fit and double locked).

I requested a supervisor to the scene due to the take down, with Sgt. Kouri promptly responding (see Sgt. Kouri's completed RRI report for further details).

Hayes reported no injuries as a result of the incident and photographs were taken.

During the course of this investigation, Hayes continued to obstruct my duties to efficiently complete tasks. Therefore, Hayes was charged with FSS 843.02, Resisting Officers Without Violence.

My BWC was active for this incident.

Investigator Signature: _____