

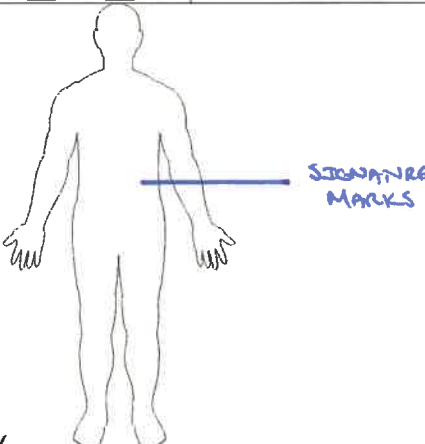
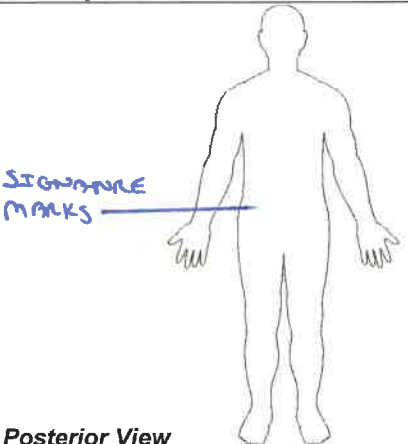
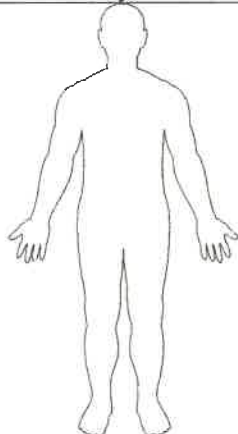
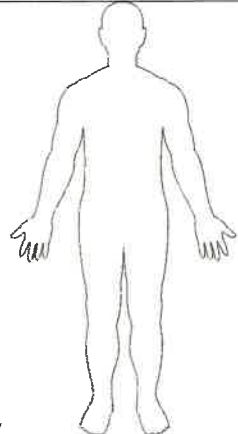
Response to Resistance Report

Key West Police Department

Case No: 22-4141

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: 7/22/22	3. Time: 0800	4. Location: 3920 S.R.B # 110W	5. Incident type: Trespasser
	6. Resistance Level <input type="checkbox"/> Passive: <input checked="" type="checkbox"/> Active: <input type="checkbox"/> Aggressive: <input type="checkbox"/> Deadly Force:	7. Explanation Tensed up, pulled away	8. Response Option <input type="checkbox"/> Physical Control <input checked="" type="checkbox"/> Non-lethal Weapon <input type="checkbox"/> Deadly Force	9. Explanation Drive Stun
SUBJECT	10. Last Name: NYERS	11. First: CHARLES	12. Race: W	13. Sex: M
	14. DOB: 5/26/1980	15. Height: 5'11	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 checked="" type="checkbox"/> Under the influence of controlled substance <input checked="" type="checkbox"/> Emotionally / mentally disturbed			
	19. Injuries: <input type="checkbox"/> No <input checked="" 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 checked="" type="checkbox"/> Hospital <input checked="" type="checkbox"/> Detention			
SUBJECT	22. Anterior View		Posterior View	
				
OFFICER	23. Officer: BRIAN LEAHY	24. Race: W	25. Sex: M	26. Age: 53 27. Height: 5'10 28. Weight: 219
	29. Duty Status: <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input type="checkbox"/> Uniformed <input type="checkbox"/> Plain clothes 30. Yrs Exp: 15			
	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: (If TASER®, also reference line number from TASER® section) DRIVE STUN			
	35. Anterior View		Posterior View	
				

Response to Resistance Report (continued)

Key West Police Department

22-4141 **Error! Reference source not found.**

Case No:

TASER USE ONLY	36. TASER® device serial # X1200CRT5		37. TASER® device serial #	
	TASER®Cam serial # V21001KP4		TASER®Cam serial #	
	Cartridge 1 serial #		Cartridge 1 serial #	
	Cartridge 2 serial #		Cartridge 2 serial #	
	Number of cycles: 3		Number of cycles:	
	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 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: M. SIRACUSE		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: 7/22/22		41. Time: 0800	
	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	
INT. AFF.	47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		7/22/22	
	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:		
52. Date				

INCIDENT/INVESTIGATION REPORT

I N C I D E N T D A T A	Agency Name Key West Police Department						Case# 22-004141			
	ORI FL0440100						Date / Time Reported 07/22/2022 07:50 Fri			
	Location of Incident 3920 S ROOSEVELT BLVD Apt. 110W, Key West		Gang Relat NO	Premise Type Home Of Vi - Single	Beat/GP B6, GPB6	Last Known Secure 07/22/2022 07:50 Fri				
						At Found 07/22/2022 07:50 Fri				

V I C T I M	#1	Crime Incident(s) Resist Arrest / Escape XOM	(Com)	Weapon / Tools NOT APPLICABLE/NONE				Activity	
				Entry		Exit		Security	
	#2	Crime Incident Trespassing XOT	(Com)	Weapon / Tools				Activity	
				Entry		Exit		Security	
	#3	Crime Incident	()	Weapon / Tools				Activity	
				Entry		Exit		Security	

O T H E R I N V O L V E D	# of Victims 2		Type: INDIVIDUAL		Injury: None		Domestic: N				
	V1	Victim/Business Name (Last, First, Middle) PLIKERD, HALEY			Victim of Crime # 2	DOB 08/27/1985 Age 36	Race W	Sex F	Relationship To Offender XB	Resident Status Resident	Military Branch/Status
	Home Address 3920 SOUTH ROOSEVELT BLVD - 110W, Key West, FL 33040-					Email			Home Phone 574-457-6591		
	Employer Name/Address HOB 1105 LEON ST (TEACHER)					Business Phone			Mobile Phone		
	VYR	Make	Model	Style	Color	Lic/Lis	VIN				
	CODES: V- Victim (Denote V2, V3) WI = Witness IO = Involved Other RP = Reporting Person (if other than victim) Type: SOCIETY/PUBLIC/STATE Injury:										
Code V2	Name (Last, First, Middle) SOCIETY			Victim of Crime # 1	DOB / / Age	Race	Sex	Relationship To Offender	Resident Status N/A	Military Branch/Status	
Home Address					Email			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					Email			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 Fm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number		
	35	EVID		\$0.00		3	AXON BWC 2965				
	35	EVID		\$0.00		1	INCAR CAMERA				

Officer/ID# LEAHY, BRIAN P (2965)	Invest ID# (0)	Supervisor (0)	
Status	Complainant Signature	Case Status <i>Cleared By Arrest</i> 07/22/2022	Case Disposition: <i>Cleared By Arrest</i> 07/22/2022 Page 1

Incident Report Suspect List

Key West Police Department

OCA: 22-004141

1	Name (Last, First, Middle) <i>NYERS, CHARLES EUGENE</i>					Also Known As					Home Address <i>704 S SYRACUSE WEBSTER RD SYRACUSE, IN 46567</i>				
	Business Address <i>UNK, UNK</i>														
	DOB <i>05/26/1980</i>	Age <i>42</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>511</i>	Wgt <i>180</i>	Hair <i>GRY</i>	Eye <i>BLU</i>	Skin <i>LGT</i>	Driver's License / State. <i>1350219193 IN</i>				
	Scars, Marks, Tattoos, or other distinguishing features														
Reported Suspect Detail															
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					

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 22-004141

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

SIRACUSE, M.W. (3366), HARTLE, R.W. (2520), MEDINA, G.A. (3437), WAITE, K.J. (3646)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

22-004141

Victim

PLIKERD, HALEY

Offense

RESIST ARREST / ESCAPE

Date / Time Reported

Fri 07/22/2022 07:50

-- Charles Eugene Nyers Arrest Narrative:

On 07/22/2022, at approximately 0750 hours, Officers Hartle, Waite, Medina, Sgt. Siracuse and I, Officer Leahy responded to 3920 South Roosevelt Blvd. Apt. 110W in reference to a trespasser.

Key West Police Dispatch advised a white male, later identified by his Indiana driver's license as Charles Eugene Nyers (arrestee) had entered Apt. 110W of the above address. The apartment is occupied and leased by a white female, later identified by her Indiana driver's license as Haley Plikerd. Nyers is Plikerd's ex-boyfriend and the father to their son who now lives with his mother, Plikerd.

Plikerd said Nyers arrived at her home on unannounced on 07/20/2022. Plikerd said Nyers was not supposed to come to Key West until next week. Plikerd stated Nyers was off his medications and was being threatening towards her on 07/20/2022. KWPD Officer Roberts arrived on scene of 07/20/2022 and issued Nyers a trespass warning for the above apartment. If Nyers returned to the apartment, he would be subject to arrest. (CAD # 222010207).

On 07/21/2022 Plikerd said she brought Nyers to the doctors to get a shot for the medications he was supposed to be on reference mental illness. Plikerd said she allowed Nyers to stay the night of 07/21/2022 because he had nowhere to go.

On the morning of 07/22/2022, Plikerd said Nyers became unstable and angry, so she locked herself in the bedroom of the apartment with her children. Plikerd said she asked Nyers to leave the apartment several times and he refused, stating he will never leave the apartment and will always be there. Plikerd stated Nyers said when she left for work, he was going to take their son.

Upon arrival the apartment, we contacted Nyers who was in the living room. We also contacted Plikerd who confirmed she did not want Nyers at her residence and told him to leave. I asked Nyers if he remembers officers coming to the apartment and telling him he was trespassed from the apartment. Nyers said he did not remember.

Based on the facts and evidence, I believe there is probable cause that on 07/22/2022 Charles Eugene Nyers did knowingly and intentionally stay in Apt 110W after being asked several times by Haley Plikerd to leave the apartment prior to establishing a permanent residency violating FSS 810.09 (2)(B) trespassing fail to leave upon owner's request.

I told Nyers to stand up and place his hands behind his back. Officer Waite took control of both of Nyers arms to handcuff him. Nyers attempted to pull away from Officer Waite. Officer Hartle took hold of Nyers left arm in attempt to assist Officer Waite in handcuffing Nyers. Nyers continued to try and pull away. I removed my TASER from my TASER holster and pointed it at Nyers. I told Nyers to place his hands behind his back or he would be TASED. Nyers became more enraged and started to pull officers towards me as Nyers yelled, "Do it do it do it." Officer Hartle and Officer Waite were able to redirect Nyers to the couch in the living room. Nyers continued not to place his hands behind his back and forcibly held his hands and arms in front of his body. Officer Medina arrived on scene to help to secure Nyers. I told Nyers to place his hands behind his back again or he would be TASED. Nyers ignored my lawful command. I removed my TASER cartridge from my TASER devise. I initiated three drive stuns to Nyers lower back and left rib cage. Officers were able to release Nyers arms from the front of his body due to the muscle incapacitation from the TASER. Officers were able to place Nyers in handcuffs.

Based on the facts and evidence, I believe there is probable cause that on 07/22/2022, Charles Eugene Myers did

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

22-004141

Victim

PLIKERD, HALEY

Offense

RESIST ARREST / ESCAPE

Date / Time Reported

Fri 07/22/2022 07:50

knowingly and intentionally pull away from officers, forcibly hold his arms in front of him, thwarting all efforts of officers to place him (Nyers) into handcuffs for arrest violating FSS 843.02 resist officer without violence.

Sgt. Siracuse took photos of the red signature marks where Nyers had been TASER drive stunned.

Nyers was subsequently transported to Lower Keys Medical Center for medical clearance.

Nyers was subsequently transported to the Monroe County Detention Center.

My AXON BWC and in-car camera were activated.

=====

CASE SUPPLEMENTAL REPORT

Printed: 07/26/2022 14:31

Key West Police Department

OCA: **22004141**

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

Case Status: *CLEARED BY ARREST*Case Mng Status: *NA*Occurred: *07/22/2022*Offense: *RESIST ARREST / ESCAPE*Investigator: *WAITE, KENNETH J (3646)*Date / Time: *07/22/2022 14:43:33, Friday*Supervisor: *SIRACUSE, MARK W (3366)*Supervisor Review Date / Time: *07/23/2022 05:47:54, Saturday*

Contact:

Reference: *General Supplemental Report*

On July 22, 2022, at approximately 0750 hours, I (Ofc. Waite) responded to Unit 110W at Ocean Walk Apartments in reference to a verbal disturbance. The caller, Haley Plikerd, advised her ex-boyfriend, identified later as Charles Nyers, attempted to pick up their son and leave with him.

On arrival, Ofc. Hartle and I made contact with Charles inside of the residence. Ofc. Leahy met with Haley and learned Charles had been trespassed from the property earlier in the week. Ofc. Leahy instructed Charles to stand up and place his hand behinds his back. As I attempted to handcuff Charles, he immediately pulled away from me. I instructed Charles to place his hands behind his back and he refused. Due to his resistance, Ofc. Leahy displayed his Taser device and informed Charles that he would be tased if he continued to resist our attempts of control. Charles shouted, "Do it!" and lunged towards Ofc. Leahy. Ofc. Hartle and I placed Charles on a nearby couch in an attempt to limit his movement. Charles placed his arms underneath his chest to prevent me from the placing the handcuffs on his wrist. Ofc. Leahy utilized the drive stun technique with his Taser device on Charles. Shortly after, Charles placed his hands behind allowing me to place the handcuffs around his wrist. Sgt. Siracuse, Ofc. Medina, and I escorted Charles to Ofc. Medina's patrol vehicle while Ofc. Leahy completed his investigation.

This was the extent of my involvement in this case.

My BWC was activated.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 08/01/2022 08:50

Key West Police Department

OCA: **22004141**

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

Case Status: *CLEARED BY ARREST***Case Mng Status:** *NA***Occurred:** *07/22/2022***Offense:** *RESIST ARREST / ESCAPE***Investigator:** *MEDINA, GUSTAVO A (3437)***Date / Time:** *07/27/2022 07:12:36, Wednesday***Supervisor:** *RODRIGUEZ, PABLO D (2298)***Supervisor Review Date / Time:** *07/27/2022 10:06:44, Wednesday***Contact:****Reference:** *General Supplemental Report*

On July 22, 2022 I Officer Gustavo Medina responded to 3920 Roosevelt Blvd (Unit 110W) in reference to a trespass incident.

Upon my arrival, I heard over the Key West Police radio that officers were involved in a resistance with the suspect inside the unit. I ran to the room from the hallway and observed Officer Waite, Officer Leahy and Officer Hartle attempting to get the subject (identified as Charles Nyers) in custody. I noticed Nyers was laying face forward unto the living room couch, while Officer Hartle and Officer Waite were attempting to restrain him and place him in custody. I observed Officer Leahy holding his Tazer and giving clear loud verbal commands to Nyers to comply and not resist arrest or he will be Tazed. Officer Leahy then instructed me to come around him and grab Nyers right hand that he had lodged underneath his upper torso area. I grabbed the hand and attempted to pull it back towards his back, so that it could be handcuffed. Officer Leahy then deployed his Tazer in the drive stun setting (without cartridge) on Nyers person.

I was then able to place Nyers right hand towards his back. He was subsequently placed in handcuffs. Sergeant Siracuse arrived on scene and began speaking with Nyers on the couch. He then began to calm down and comply. We lifted him up off the couch and began escorting him outside. Sergeant Siracuse and I escorted Nyers down to my patrol vehicle. I then transported him to Monroe County Jail. He was refused entry due to the Doctor requesting him to be medically cleared by the ER. I then transported Nyers to Lower Keys Medical Center ER to get medically cleared.

Medical staff and Dr. Sanchez from the ER completed tests and medical treatment to Nyers. He was then medically cleared by the ER. I then transported Nyers back to the Monroe County Jail. I was then met downstairs in the sally port by MCSO Deputy Reams. She requested the medical clearance paperwork. She took it upstairs and came back shortly afterwards and was instructed by the intake doctor to have a specific test done (CPK) by the ER, because Nyers will not be admitted inside without it.

I then transported Nyers back to the ER and informed them that the subject was not admitted into the jail without the specific test. The ER then completed the new tests and provided me with a copy of the results to give to intake.

He was transported back to intake where he was admitted inside. His belongings were given to intake for prisoner property and safekeeping.

My bwc was activated during the incident and later uploaded to the Axon server as evidence.

I had no further involvement.///END OF REPORT///

Investigator Signature

Supervisor Signature

