

Response to Resistance Report

Key West Police Department

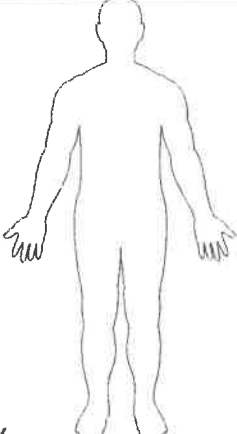
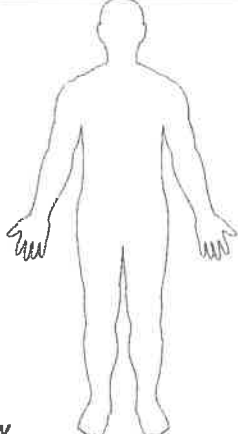
Case No: 23-130

1. A Response to Resistance Report will be completed by the supervisor for: (Check all that apply)

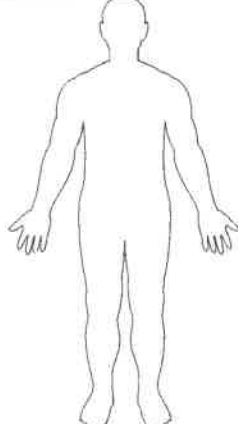
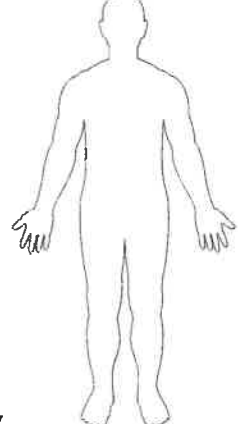
- A response through the use of non-lethal weapons,
- Applies weaponless physical force of strikes, kicks, or "take-downs"
- When any person sustains an apparent substantial or fatal injury as a result of the application of force
- When any person complains of injury as a result of the application of 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: 1.8.23		3. Time: 0850		4. Location: 1124 Truman Ave.		5. Incident type: Trespassing	
	6. Resistance Level		7. Explanation		8. Response Option		9. Explanation	
	<input checked="" type="checkbox"/> Passive:		Refused to follow commands		<input checked="" type="checkbox"/> Physical Control		Wrist Locks	
	<input checked="" type="checkbox"/> Active:		Tensed – Took fighting stance		<input checked="" type="checkbox"/> Non-lethal Weapon		O.C. Spray	
<input type="checkbox"/> Aggressive:		_____		<input type="checkbox"/> Deadly Force		_____		
<input type="checkbox"/> Deadly Force:		_____		_____		_____		

10. Last Name: Leggette			11. First: Henry			12. Race: Black		13. Sex: M	
14. DOB: 8/11/78			15. Height: 5'09			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 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 type="checkbox"/> No <input checked="" type="checkbox"/> Yes By: <input checked="" type="checkbox"/> EMT/Paramedic on scene <input checked="" type="checkbox"/> Hospital <input type="checkbox"/> Detention									

SUBJECT	 <p>22. Anterior View</p>	 <p>Posterior View</p>
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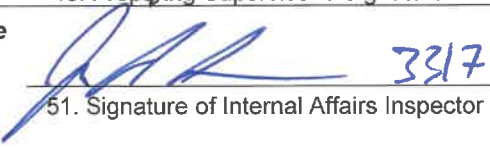
23. Officer: Santiago Perez		24. Race: H		25. Sex: M		26. Age: 58		27. Height: 5.09		28. Weight: 215	
29. Duty Status: <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input type="checkbox"/> Uniformed <input type="checkbox"/> Plain clothes										30. Yrs Exp: 4	
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: O.C. Spray followed by wrist locks after subject was sat down.											

OFFICER	 <p>35. Anterior View</p>	 <p>Posterior View</p>
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Response to Resistance Report (continued)

Key West Police Department

Case No: 23-130

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: 1.8.23		41. Time: 0850		
	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
	Kelly Noda		1124 Truman Ave (Store Manager)		305 780 4980 (Cell)
	Clarence Barber		1124 Truman Ave (Employee)		305 589 5988 (Cell)
47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				1.8.23	
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		48. Preparing Supervisor's Signature / ID		49. Date	
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 checked="" type="checkbox"/> Yes (If "No", complete section 51)		 3317		3/8/2023
			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

Key West Police Department

Case # 23-000130

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found

	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D R U G S						

Assisting Officers

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
23-000130
Date / Time Reported
Sun 01/08/2023 08:48

Victim	Offense
	BAKER / MARCHMAN ACT

On Sunday, January 8, 2023, at approximately 0907 hours, I, Officer Santiago Perez was dispatched to Chevron Gas Station, located at 1124 Truman Ave, reference a trespasser.

Upon arriving I encountered a black male on a wheelchair moving within the parking lot. The individual was later identified as Henry Lee Leggette (DOB 08/11/1978). Leggette told me he wanted to have the gas station attendant removed and stated he owns the gas station. I asked Leggette to move to a safe location within the parking lot, as vehicles were driving in and out of the gas station. Leggette refused to obey my lawful command. Leggette continued to move his wheelchair through the parking lot making him unsafe. After several commands to move to safety and to stop moving around, I told Leggette I was going to use OC spray to make him comply, Leggette ignore my commands and started to make fist and resisted aggressively. More than once Leggette got up from his wheelchair showing signs of wanting to fight me. I requested backup assistance through Key West Police Communications division (Comm1).

I continued to give Leggette verbal commands, attempting to get him to comply. After several warnings to use OC spray, I found myself having to OC spray Leggette to be able to take him into protective custody. Sergeant Mark Siracuse, responded to my location. After Sgt. Siracuse arrived, we both try to restrain Leggette, but he actively resisted After Sgt. Siracuse arrived, we both try (tried) to restrain Leggette, but he actively resisted by pulling off spit mask, tensing his arms, laying with his body on top of his arms. Sgt. Siracuse and I were forced to take Leggette to the ground to take him into protective custody. I had Key West Fire Rescue, respond to my location, and later Leggette was transported to Lower Keys Medical Center Emergency Room, where I proceeded to Baker Act Leggette. Sgt. Siracuse transported all of Leggette`s belongings to the Emergency room.

My BWC was activated during my encounter with Leggette and was later uploaded into evidence.com as evidence.



CASE SUPPLEMENTAL REPORT

Printed: 01/08/2023 12:04

*NOT SUPERVISOR APPROVED*OCA: **23000130**

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

Investigator: *SIRACUSE, MARK W (3366)*Date / Time: *01/08/2023 11:49:55, Sunday*Supervisor: *(0)*Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On 1.8.23, at approximately 0900 hours, I (Sgt. M. Siracuse) responded to Dion`s (1124 Truman Avenue) reference backup for Ofc. S. Perez. Ofc. Perez had responded to a disorderly trespasser (later identified as Henry Leggette), who was utilizing a wheelchair but was ambulatory.

Prior to my arrival, Ofc. S. Perez informed dispatch he had pepper sprayed Leggette. When I arrived, Leggette was sitting in the wheelchair, clearly irritated, with snot and drool coming from his mouth and nose. Leggette was yelling and did not seem mentally stable. I asked for Key West Rescue to respond to our location. I told Ofc. S. Perez I was going to place a spit mask on Leggette`s head prior to attempting to handcuff him to prevent exposure of his body fluids on us.

When we went to place on the hood, Leggette began yelling and attempted to pull it off. When we grabbed Leggette`s arms, he tensed and pull away. Leggette stood out of the wheelchair then fell back and rolled onto his front, locking his arms under his body. Leggette ignored several clear loud verbal commands and refused to place his hands behind his back. I was able to pry Leggette`s right hand from under his body and we placed a handcuff on his right wrist. After that, we manipulated Leggette`s body and placed his left arm behind his back and properly handcuffed him.

Key West Rescue arrived on scene and transported Leggette to the LKMC with Ofc. S. Perez onboard. I transported Leggette`s property to the LKMC. Leggette was diagnosed Schizophrenic and informed ER staff he was currently off his meds. After gathering all the information, we decided a Baker Act was best for Leggette. Ofc. Perez filled out the required paperwork and I left his property at the ER.

I transported Ofc. Perez back to Dions to get his patrol vehicle. Both of our BWC`s were activated during the incident, however mine was knocked off and onto the ground during the struggle. I completed the RRI for this incident with two witnesses from Dions and met with Leggette at the ER, who only claimed he had a pre-existing knee injury.

All photographs and videos were uploaded into Evidence.com

Investigator Signature: _____

