

Response to Resistance Report

Key West Police Department

Case No: 23-412

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)

2. Date: 1/21/23 **3. Time:** 1700 **4. Location:** 2508 N. Roosevelt **5. Incident type:** Fight

INCIDENT	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input type="checkbox"/> Passive: <input checked="" type="checkbox"/> Active: <input type="checkbox"/> Aggressive: <input type="checkbox"/> Deadly Force:	_____ Pulled away, kicked at Ofc. _____ _____	<input checked="" type="checkbox"/> Physical Control <input type="checkbox"/> Non-lethal Weapon <input type="checkbox"/> Deadly Force	Takedown _____ _____

10. Last Name: Huete **11. First:** Katherine **12. Race:** White **13. Sex:** F

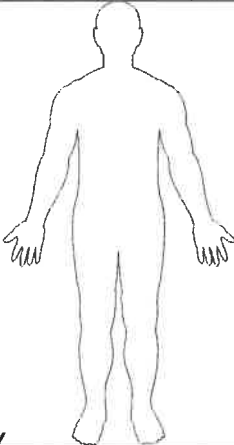
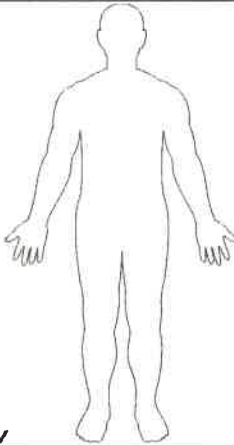
14. DOB: 5/3/2007 **15. Height:** 506 **16. Weight:** 130

17. Did you observe the subject: No Yes If NO, explain why in Section 42. If "YES", complete sections 18-22

18. Appeared to be: Intoxicated Under the influence of controlled substance Emotionally / mentally disturbed

19. Injuries: No Evident Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)

20. Photographed: No Yes **21. Treated:** No Yes **By:** EMT/Paramedic on scene Hospital Detention

SUBJECT	22. Anterior View	Posterior View
		

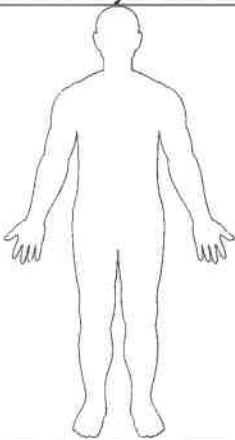
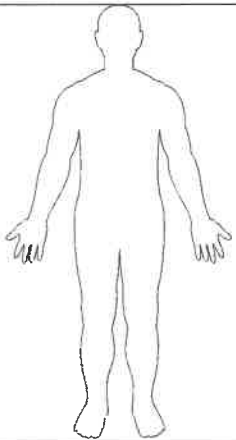
23. Officer: Tim Malak **24. Race:** W **25. Sex:** M **26. Age:** 32 **27. Height:** 600 **28. Weight:** 230

29. Duty Status: On-duty Off-duty Extra duty employment Uniformed Plain clothes **30. Yrs Exp:** 10

31. Injuries: No Evident Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

32. Photographed: No Yes **33. Treated:** No Yes **By:** EMT/Paramedic on scene Hospital


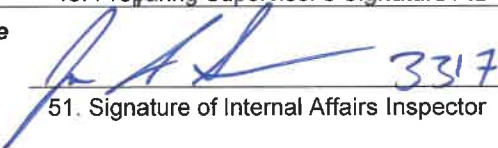
34. Response option used by this officer: (If TASER®, also reference line number from TASER® section) Takedown

OFFICER	35. Anterior View	Posterior View
		

Response to Resistance Report (continued)

Key West Police Department

Case No: 23-412

TASER USE ONLY	36. TASER® device serial #		37. TASER® device serial #		
	Battery serial #		Battery serial #		
	Cartridge 1 serial #1	serial #2	Cartridge 1 serial #1	serial #2	
	Cartridge 2 serial #3	serial # 4	Cartridge 2 serial # 3	serial #4	
	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: 01/22/2023		41. Time: 1700		
	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
	Phillip Crumbley		917 Simonton Street (Owner of Sugar Apple)		305 393 1031
INT. AFF.	47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		48. Preparing Supervisor's Signature / ID		
	FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		 3306		
			1/22/23		
			49. Date		
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)		51. Signature of Internal Affairs Inspector			
		 3317			
		3/8/2023			
		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 # 23-000412

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
MALAK, T.J. (4045), RAMOS MARTINEZ, J. (4263), MEDINA, G.A. (3437), HAYNIE, T. (3836), SIRACUSE, M.W. (3366)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 23-000412
Date / Time Reported Sun 01/22/2023 13:57

Victim JUVENILE	Offense BATTERY
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On 01/21/23 at approximately 1631 hours, Officer Malak and I, Officer Golovanov, were dispatched to 2508 N Roosevelt Blvd in reference to a battery.

Reporting party, identified as Kimberly Lindstrom, stated that the younger couple was arguing inside a car. Then she noticed that the couple started using violence toward each other. The female was pulled out of the passenger seat, and the male slapped her and continued to pull her hair. The female hit and kicked the male and ran around the car to enter the back seat in what appeared to be an effort to get away (see Lindstrom's completed written statement for further).

Upon arrival, we located the vehicle, and Officer Malak ran to the rear passenger door when he saw a male, later identified as Pedro Vargas De La Cruz, who was pulling a female, later identified as Katherin Huete, by the hair and shirt. Officer Malak pulled Pedro from the car. I handcuffed Pedro, and Officer Malak started pulling the female from the vehicle. Katherin started to scream and resist.

Due to the level of resistance, Officer Malak utilized a controlled takedown to ensure the securing of Katherin went smoothly without further injuries. It should be noted Katherin had a minor laceration above her left eyebrow, not from the takedown but from the original incident.

Due to the controlled takedown of Katherin Huete, Officer Malak contacted Sergeant Siracuse to fill up the RRI report. See Sergeant Siracuse's RRI report.

We separated Pedro and Katherin. I read Pedro his Miranda rights. Pedro stated that he got into an argument with Katherin inside the vehicle. Pedro wanted Katherin to leave his car, but she refused. Pedro got out of the vehicle and started pulling on Katherin. While Pedro was pulling on Katherin, her head struck a metal seat clip, causing her to bleed from the forehead. Pedro said that after he saw the blood, he jumped on Katherin and tried to stop the bleeding when Officer Malak pulled him from the vehicle.

Officer Malak read Katherin her Miranda rights. Katherin confirmed that she was refusing to leave Pedro's car, and when he pulled her out of the car, she hit her forehead on the metal seat clip while Pedro was pulling her from the car. During the investigation, we found out that Katherin was a 15-year-old juvenile, and Pedro was a 20-year-old adult.

Officer Malak contacted Katherin's father, Fredy Huete, and DCF. Due to Katherin being a juvenile, Fredy wished to pursue charges against Pedro in reference to the incident.

I searched Pedro before I placed him into the patrol car. I transported Pedro to MCDC without incident. Axon BWC and in-car were activated during this incident and later uploaded to Evidence.com.

Once Pedro was turned over to Monroe County Jail staff, I contacted DCF about the incident. I spoke with DCF agent Sheri #378 and explained the incident to her. Agent Sheri explained this incident would be documented; however, it will not be investigated by DCF due to Pedro not being a caregiver of Katherin.

Based on the facts and evidence of this case, Pedro Vargas De La Cruz violated FSS 784.03, battery. Pedro caused bodily harm to Katherin by knowingly and intentionally pulling her from the car and hitting her forehead on the metal seat clip.

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA <i>23-000412</i>
Date / Time Reported <i>Sun 01/22/2023 13:57</i>

Victim <i>JUVENILE</i>	Offense <i>BATTERY</i>
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Pedro Vargas De La Cruz violated FSS 827.03-C, child abuse. Pedro knowingly and willfully abused a child without causing great bodily harm.

Incident Report Suspect List

Key West Police Department

OCA: 23-000412

1	Name (Last, First, Middle)					Also Known As					Home Address				
	VARGAS DE LA CRUZ, PEDRO ANTONIO										6630 MALONEY AVE UNIT 3A KEY WEST, FL 33040				
	Business Address														
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State				
04/05/2002	20	W	M	H	507					V622661021251 FL					
Scars, Marks, Tattoos, or other distinguishing features															
<hr/>															
<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			
Veh Yr / Make / Model			Drs	Style		Color		Lic Plate / State			VIN				
Notes							Physical Char								

Incident Report Related Property List

Key West Police Department

OCA: 23-000412

1	Property Description BWC 4262	Make	Model	Caliber
	Color	Serial No.	Value \$0.00	Qty 1.000
			Unit EA	Jurisdiction Locally
	Status Evidence	Date 01/22/2023	NIC #	State #
			Local #	OAN
	Name (Last, First, Middle) * No name *		DOB	Age
			Race	Sex

Notes

CASE SUPPLEMENTAL REPORT

Printed: 02/28/2023 09:00

Key West Police Department

OCA: 23000412

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

Case Status: CLEARED BY ARREST

Case Mng Status: NA

Occurred: 01/22/2023

Offense: BATTERY

Investigator: MALAK, TIMOTHY J (4045)

Date / Time: 02/20/2023 14:07:16, Monday

Supervisor: RODRIGUEZ, PABLO D (2298)

Supervisor Review Date / Time: 02/22/2023 09:32:44, Wednesday

Contact:

Reference: General Supplemental Report

On 1/22/23, I Officer Malak Along with Officer Golovanov responded to 2508 N Roosevelt Blvd (Conch Plaza), in reference to a physical disturbance. The RP stated there was a fight going on between a male and a female, with the female kicking the male in the stomach. Also, while we were coming up to the location, the RP stated the two were getting in the back seat of the vehicle but continuing to physically fight.

Upon arrival, I observed a male (Pedro Vargas De La Cruz) on top of a female (Katherine Huete Ramirez) in the back seat of the described vehicle. As I got closer to the vehicle, I could hear Ramirez yelling for De La Cruz to get off of her. I approached the vehicle and grabbed De La Cruz by the back of his shirt and passed him off to Ofc Golovanov, with Ofc Golovanov handcuffing him.

As I went back to the vehicle, Ramirez came out of the vehicle, saying "Its me, its me". I approached Ramirez and instructed her to get away from the car and come to me. I should be noted, Ramirez had a small laceration to left side of her head due to the incident responded to. I grabbed Ramirez by the back of the shirt with her saying "Its me hitting him, its me". I attempted to handcuff Ramirez with her tensing up and not giving me her hands. I instructed her to stop resisting and to give me her hands, with Ramirez continuing to resist. Ramirez placed her hand and right leg on the back of the vehicle and pushed ff the vehicle into me. While we were both moving backwards, I used her momentum and brought her to the ground. Ramirez continued to tense up and not give me both of her hands. I kept instructing Ramirez to stop resisting and if she continued, she would be tased. Ramirez loosened up her arms enough for me to gain control and put her in handcuffs. Once controlled, I contacted the on duty watch supervisor and requested him to the scene for a Use of Force report (See Sgt Siracuse's RRI report for further). Due to injury to the head of Ramirez (Injured prior to my involvement with her), I also contacted KWFD to the scene for a medical evaluation.

Ofc Ramos arrived on location and sat with Ramirez until KWFD got to the scene.

Due to the injury I observed on Ramirez` head, I completed a quick search of the vehicle for any weapons or safety concerns, nothing was located.

KWFD arrived on location and brought Ramirez to the back of the ambulance for a medica examination.

I approached De La Cruz, who was being interviewed by Ofc Golovanov, and asked him to tell me about the incident. De La Cruz explained him and Ramirez were in an argument and he wanted her to get out of the car. Ramirez did not get out of the car, so he got out and went over to her side of the vehicle. He began trying to drag her out and a struggle ensued. De La Cruz said Ramirez did not hit him, but was not getting out of the car, so he began to pull on her harder. During his efforts to get Ramirez out of the car, her head hit the side buckle of the seat, causing it to bleed. Once she

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 02/28/2023 09:00

Key West Police Department

OCA: 23000412

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Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *01/22/2023*

Offense: *BATTERY*

Investigator: *MALAK, TIMOTHY J (4045)*

Date / Time: *02/20/2023 14:07:16, Monday*

Supervisor: *RODRIGUEZ, PABLO D (2298)*

Supervisor Review Date / Time: *02/22/2023 09:32:44, Wednesday*

Contact:

Reference: *General Supplemental Report*

started bleeding, KWPD arrived on scene.

It should be noted, While KWFD was conducting their initial examination of Ramirez, it was learned she is 15yo. Given Ramirez is a juvenile, Her father was contacted and requested to the scene.

I relocated to the ack of KWFD ambulance and conducted an interview with Ramirez. Ramirez explained the following in summary;

Ramirez was picked up by De La Cruz earlier in the day to hang out. The two were just driving around talking, when De La Cruz stated he had to go to work. The two proceeded to drive to the parking lot of Papa John`s Pizza and began to argue about events later in the day. De La Cruz wanted Ramirez to get out of the car and Ramirez did not want to get out because he was afraid De LA Cruz was going to leave her. Ramirez remained in the vehicle, and De LA Cruz came around to her side and tried pulling her out. During the struggle, Ramirez hit her head on the car, so she began kicking him off of her. Ramirez got away from De La Cruz and ran to the other side of the car, where De La Cruz continued to grab and pull on her, that`s when KWPD arrived on location.

Ramirez` father (Freddy Ramirez) arrived on location and was made aware of the incident. Freddy stated he has been having issues with Ramirez as if late and it started when she started being friends with De LA Cruz. Due to Freddy only speaking Spanish, Ofc Medina conducted the interview with him. Once the interview was completed, Ramirez was turned over to Freddy and the two left the scene.

I explained the outcome of the incident to De LA Cruz and he was transported to Monroe County Jail (see Ofc Golovanov`s report for further).

Investigator Signature

Supervisor Signature

