

Response to Resistance Report

Key West Police Department

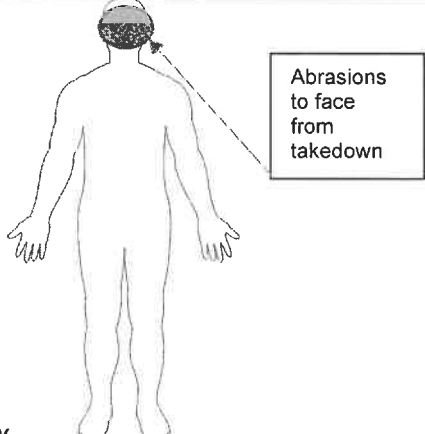
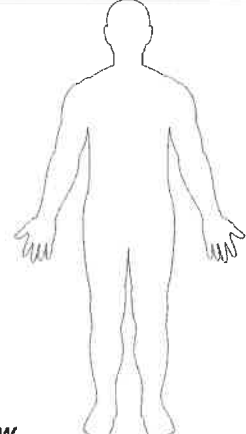
Case No: 23-869

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

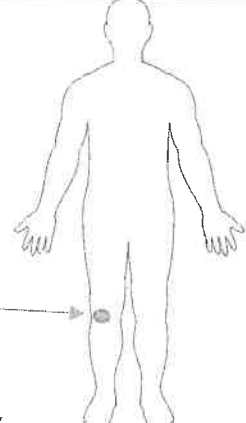
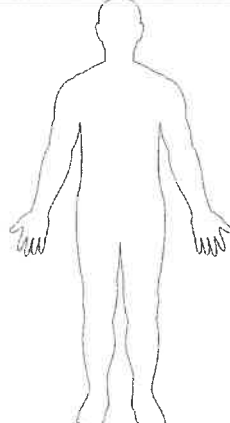
- A response through the use of non-lethal weapons,
- Applies weaponless physical force of strikes, kicks, or "take-downs"
- When any person sustains an apparent substantial or fatal injury as a result of the application of force
- When any person complains of injury as a result of the application of 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: 02/10/23		3. Time: 0105		4. Location: 202 Duval / Ricks		5. Incident type: Resisting/S34	
	6. Resistance Level		7. Explanation		8. Response Option		9. Explanation	
	<input type="checkbox"/> Passive:		_____		<input checked="" type="checkbox"/> Physical Control		Take Down	
	<input checked="" type="checkbox"/> Active:		Bracing, Tensing, Pushing		<input type="checkbox"/> Non-lethal Weapon		_____	
<input checked="" type="checkbox"/> Aggressive:		_____		<input type="checkbox"/> Deadly Force		_____		
<input type="checkbox"/> Deadly Force:		_____		_____		_____		

10. Last Name: Thoburn		11. First: Kase		12. Race: W		13. Sex: M	
14. DOB: 10/05/1990		15. Height: 6'02		16. Weight: 240			
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 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 type="checkbox"/> Detention							

SUBJECT	 <p>22. Anterior View</p>	 <p>Posterior View</p>
	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">Abrasions to face from takedown</div>	

23. Officer: E. Andrade		24. Race: W		25. Sex: M		26. Age: 45		27. Height: 5'07"		28. Weight: 165	
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: 1.5											
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 type="checkbox"/> No <input checked="" 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	 <p>35. Anterior View</p>	 <p>Posterior View</p>
	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">Abrasion to right knee</div>	

Response to Resistance Report (continued)

Key West Police Department

Case No: 23-869

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: 1		
	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:		Device downloaded by:			
<input checked="" 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: 02/10/23		41. Time: 0115		
	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
	Jeffrey Portche				913-221-8805
	Ricks Bouncers				
<u>D. Kourti</u>		<u>[Signature]</u> 3026		02/10/23	
47. Preparing Supervisor / Printed Name		48. Preparing Supervisor / 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		<u>[Signature]</u> 3317		<u>3/8/2023</u>
			51. Signature of Internal Affairs Inspector		52. Date

**INCIDENT/INVESTIGATION
REPORT**

Agency Name
Key West Police Department

ORI
FL0440100

Case#
23-000869

Date / Time Reported
02/10/2023 01:08 Fri

Last Known Secure
02/10/2023 01:08 Fri

At Found
02/10/2023 01:08 Fri

Location of Incident
202 DUVAL ST, Key West FL 33040

Gang Relat
NO

Premise Type
Bar/nightclub

Beat/GP
B1, GPB1

#1 Crime Incident(s)
**Obstruction Of Justice
XOX** (Com) Weapon / Tools Activity
N

#2 Crime Incident () Weapon / Tools Activity

#3 Crime Incident () Weapon / Tools Activity

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of Victims **I** Type: **SOCIETY/PUBLIC/STATE** Injury: Domestic: **N**

V1 Victim/Business Name (Last, First, Middle) **Society** Victim of Crime # **I** DOB **Age** Race **W** Sex **M** Relationship To Offender **N/A** Resident Status **N/A** Military Branch/Status

Home Address 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) WI = Witness IO = Involved Other RP = Reporting Person (if other than victim)

Type: **INDIVIDUAL** Injury:

IO Code Name (Last, First, Middle) **HARTMANN, NICHOLAS RYAN** Victim of Crime # **06/06/1985** DOB **Age 37** Race **W** Sex **M** Relationship To Offender **Non-Resident** Resident Status **Non-Resident** Military Branch/Status

Home Address **461 COOL BEND LANE SUMMERVILLE, SC 29486** 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

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1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)

VI #	Code	Status Frn/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
27	EVID		\$0.00		4	BWC 4158	AXON/Bwc	
27	EVID		\$0.00		2	IN-CAR 4158	AXON/in-car	
77	EVID		\$0.00		8	PHOTOS 4158	AXON/Upload	
27	EVID		\$0.00		1	SURVEILLANCE VIDEO		

Officer/ID# **ANDRADE, ESTEBAN (4158)**

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Invest ID# **(0)** Supervisor **RODRIGUEZ, ALEXANDER (3465)**

Status Complainant Signature Case Status **Cleared By Arrest** **02/10/2023** Case Disposition: Page 1

Incident Report Additional Name List

Key West Police Department

OCA: 23-000869

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	BLAKE, JOSHUA JAY		06/13/1978	44	W	M
Address	5625 MACDONALD AVE UNIT 2 , KEY WEST, FL 33040-		H:	305-879-1541		
Empl/Addr	Ricks, 202 Duval St		B:	305-296-5513		
			Mobile #:	- -		
2) WI 2	PORTSCHE, JEFFREY LYNN		03/11/1974	48	W	M
Address	24085 W 114TH PL , OLATHE, KS 66061-		H:	913-221-8805		
Empl/Addr	Unknown		B:	- -		
			Mobile #:	- -		

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 23-000869

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
BOUVIER, K. (3356), KOURI, D.G. (3022)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
23-000869
Date / Time Reported
Fri 02/10/2023 01:08

Victim	Offense	Date / Time Reported
	OBSTRUCTION OF JUSTICE	Fri 02/10/2023 01:08

-- Kase M Thoburn Arrest Narrative:

On Friday, February 10, 2023, at approximately 0112 hours, I (Ofc Andrade) responded to Rick's Bar, 202 Duval St, reference two males harassing patrons. Both were described as white males, with one wearing a green shirt with khaki shorts and the other a blue shirt with black pants.

On arrival I briefly met with Rick's Bar staff who pointed out the first male, Nicholas Ryan Hartman DOB 06/06/1985, wearing the green shirt and khaki shorts. I pulled Nicholas aside to speak with him. An employee then pointed out the other involved male (later identified as Kase M Thoburn DOB 10/05/1990 of California), wearing the blue shirt and black pants. Nicholas said he did not know Kase and added that he himself was being harassed by Kase "the whole time; telling me I'm not credible." I asked Nicholas for his ID and he was reluctant to do so but ultimately complied. I explained that I would be talking with Rick's staff and then return to speak with him.

Rick's employees again pointed out Kase to me and told me he kept coming in and harassing patrons. I approached Kase and introduced myself and asked him to please come with me. I took a few steps backwards and motioned for him to follow me with my hand. Kase said no, pointed in the distance and said something about getting an Uber, and began to move in that direction. I stepped back towards Kase and I immediately became aware that Kase was intoxicated due to the smell of alcohol emanating from his person and his slurred speech. I reached for Kase's left arm and he pulled it away with his elbow facing me. When he put his elbow down, I grabbed and held Kase's left arm and began to walk him away from the establishment. As we were walking, Kase began to pull his arm away from me and I told him to stop, or he would be placed in handcuffs. It was at this point that I became aware of Kase's potential for resistance and surmised his superiority in strength and stature.

I stopped at the edge of the sidewalk next to the taxi stand and let go of Kase's arm. I told Kase that I needed his identification, and he began searching through his wallet. While Kase searched I explained why I needed to speak with him adding that I would be speaking with Rick's staff and then return to speak with him. Kase again told me that he was leaving and I explained that he was not free to leave yet. Kase handed me a card that was not his state identification and I told him that I needed his state identification, to which he replied that he did not have one. I asked Kase again, for clarification, if he had a driver's license and again, he said he did not. I saw what appeared to be a Veterans ID card in his left hand. I told Kase that if that is all he had I would take it, and I reached to grab the VA ID card. Kase said, "No. You cannot have it." I told Kase that I needed it as I reached for it again and Kase said, "I will not give it to you." I began to sense that Kase may pose a threat to my safety. I was able to grab the VA ID card and Kase said, "Now you just took it unwillingly." I responded that I did and asked him if I needed to place him in handcuffs. Kase then raised his phone, which was in his left hand, in front of my face and his, obstructing my view. I instinctually raised my left hand and quickly pushed his left hand down. Kase's phone fell to his right side, and he momentarily looked that way. I used this opportunity to attempt place him in handcuffs as I now strongly perceived he would escalate his level of opposition.

I grabbed Kase's right arm and attempted to place it behind his back. Kase immediately began to pull away from me and resist my efforts. I directed Kase's torso forward against a taxi that was parked directly next to us, in an effort to gain better control of his left arm and get him into handcuffs. Kase was able to defeat my efforts and managed to pull his left arm free of my grasp. I felt that Kase had the capacity to overpower me. I again attempted to regain control of Kase's left arm, but Kase was still actively resisting. I attempted an arm bar takedown but Kase's resistance made it impossible for me and I had to use my entire body weight to force Kase to the ground fearing that if Kase was able to get upright he would bring violence upon me, being that Kase is 6'2" approximately 230 lbs and I am 5'7" and 160 lbs. Kase fell to the ground face first causing injury. I also fell, while managing to maintain

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
23-000869
Date / Time Reported
Fri 02/10/2023 01:08

Victim	Offense	Date / Time Reported
	OBSTRUCTION OF JUSTICE	Fri 02/10/2023 01:08

somewhat control of Kase, striking my right knee on the cement, causing injury. I told Kase to stop resisting and place his hands behind his back. Kase replied, "No. Fuck you," and managed to completely straighten both arms in front of him against my efforts and attempted to get up. After great effort I was finally able to properly secure Kase's left arm behind his back. I told Kase to give me his right hand as I attempted to put it behind his back and Kase refused pulling it away from me. I finally gained control of Kase's right arm only after telling him that I would tase him if he did not comply. Ofc Lopez then arrived and assisted me in handcuffing Kase and Ofc Lopez walked away with him. At this time Ofc Litton, Ofc Bouvier, PO Carr, and Ofc Adorno arrived on scene. Moments later Sgt Kouri and Sgt A Rodriguez arrived.

I then spoke to a group of patrons that told me Kase had been threatening them and cursing them several times. Ofc Litton obtained a Statement Form from Jeffrey Lynn Portsche DOB 03/11/1974 from Kansas, who was amongst that group.

I also spoke with a Rick's security person, Joshua Jay Blake, 06/13/1978, who told me Kase was threatening customers, telling them he would wait for them and "take care of it," adding that he was very aggressive. Joshua completed a statement form.

Rick's manager, Jason, later told me he wished to have Kase and Nicholas trespass. I later informed Kase of this, while Ofc Bouvier and PO Carr informed Nicholas.

I transported Kase to Lower Keys Medical Center, 5900 College Rd, who complained of his head hurting. When we arrived Kase refused to get out of the vehicle saying he was unable. Ofc Hess came to Lower Keys Medical Center to assist. Kase got out of the vehicle and seen by medical staff where he was medically cleared.

I then transported Kase to MCDC for processing. It should be noted that Kase displayed paranoia while in transport accusing me of bribing Rick's security staff and asking fellow officers to get "our story straight."

Kase suffered a laceration to the bridge of his nose and minor abrasions to the forehead. Kase also had a minor abrasion on the bottom part of his right palm. I suffered an abrasion to my right knee. I photographed our injuries and submitted them to Evidence.com via Axon Upload.

The Statement Forms were submitted to Key West Police Records Department. Ofc Adorno was able to obtain surveillance footage from Rick's Bar staff and it will be submitted to Evidence.com via Axon Upload.

Kase M Thoburn committed the act of resisting an officer without violence, in violation of FSS 843.02, by opposing myself, Officer E. Andrade, of the Key West Police Department, while in my Class B duty uniform in the performance of my legal duties, by refusing to identify himself, failing to present his CA Driver's License, claiming that he did not have a state identification card, and telling me "No. You cannot have it... I will not give it to you," when I asked for his Veteran Identification Card, and by resisting my efforts to place him into handcuffs, pulling away from me, tensing his arms and locking them straight out to defeat my efforts of placing them behind his back.

My BWC was activated for this incident and submitted to Evidence.com.

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Incident Report Suspect List

Key West Police Department

OCA: 23-000869

1	Name (Last, First, Middle) <i>THOBURN, KASE M</i>					Also Known As					Home Address <i>16277 JACKSONVILLE RD JAMESTOWN, CA 95327</i>				
	Business Address <i>UNKNOWN, UNKNOWN</i>														
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State					
<i>10/05/1990</i>	<i>32</i>	<i>W</i>	<i>M</i>	<i>N</i>	<i>602</i>	<i>238</i>	<i>BRO</i>	<i>HAZ</i>	<i>FAR</i>	<i>E2322594 CA</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			
Veh Yr / Make / Model			Drs	Style		Color		Lic Plate / State			VIN				
Notes							Physical Char								

CASE SUPPLEMENTAL REPORT

Printed: 02/22/2023 22:54

OCA: **23000869**

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

Investigator: *HESSE, JOSHUA (4305)*

Date / Time: *02/10/2023 03:12:42, Friday*

Supervisor: *RODRIGUEZ, ALEXANDER (3465)* Supervisor Review Date / Time: *02/10/2023 03:41:56, Friday*

Contact:

Reference: *General Supplemental Report*

On Friday, February 10, 2023 at approximately 0206 hours I, Ofc. J. Hesse responded to Lower Keys Medical Center, located at 5900 College Rd, at the request of Ofc. E. Andrade. Ofc. Andrade was attempting to provide requested medical attention to Kase Thoburn (in custody) who was at that time refusing to exit the patrol vehicle. I arrived at the location, introduced myself as an officer to Thoburn, and activated my BWC. Thoburn became cooperative and was assisted from the patrol vehicle into the emergency room for medical clearance. Near the completion of his medical assessment Thoburn demanded to make a complaint regarding the initial incident to a police supervisor. Following Thoburn`s medical assessment he was secured into Ofc. Andrade`s patrol vehicle. I then notified Sgt. A. Rodriguez of Thoburn`s request. Thoburn was transported to the Monroe County Jail by Ofc. Andrade where I met the officer and Thoburn to assist with Thoburn`s transfer of custody to MCSO staff. BWC video uploaded to evidence.com.

Investigator Signature: _____

OCA: **23000869**

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

Investigator: *MAYORGA LOPEZ, JORGE* (3722) Date / Time: *02/10/2023 03:22:52, Friday*
Supervisor: *RODRIGUEZ, ALEXANDER* (3465) Supervisor Review Date / Time: *02/10/2023 04:09:20, Friday*
Contact: Reference: *General Supplemental Report*

On February 10, 2023, at approximately 0108 hours, Ofc. Andrade was dispatched to 202 Duval Street, (Rick's Bar). The caller told Key West Dispatch two males were threatening people outside the bar and then the two males proceeded to go inside the establishment after being told to leave.

Ofc. Andrade advised over the radio he arrived at the above-mentioned location and then shortly after he advised he was fighting with someone. I, Ofc. Lopez was working an off-duty detail near the above location and I responded shortly after.

When I responded on scene, I observed a large male laying down on the sidewalk, (Facing down). Ofc. Andrade was attempting to place handcuffs on the male. I grabbed the male's legs, and I held his legs down to prevent him from kicking any of us. The male appeared to be very upset and he continued arguing with Ofc. Andrae. Ofc. Andrade and I assisted the male getting back on his feet. I escorted the male to Ofc. Andrade's vehicle while Ofc. Andrade was picking up the male's belongings.

I placed the male up against Ofc. Andrade's vehicle. The male was cursing at me for no reason and he was making repetitive statements about how he was going to sue me with his attorney. I began searching the male's front pockets and he was constantly moving his upper body as if he was going to turn his body towards me while he was talking. I instructed the male to stop moving his upper body and he eventually complied. The male said I battered him, and I will pay for it. I reminded the male that I am the second Officer who responded on scene, and he is being affected by the level of intoxication he is in at this moment to tell the difference. The male told me he was not drunk. However, I could smell a strong odor of an alcoholic beverage emanating from his breath while he repeated himself numerous times trying to argue with me. The male had an antagonistic and argumentative demeanor during this incident.

Ofc. Adorno arrived on scene shortly after and I later returned to my off-duty detail.

This incident was recorded with my body worn camera, 3722.

Investigator Signature: _____

