

Response to Resistance Report

Key West Police Department

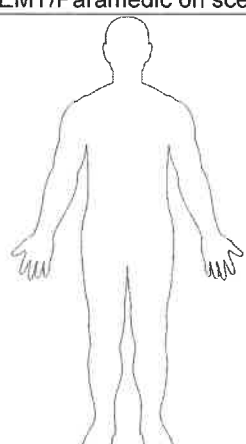
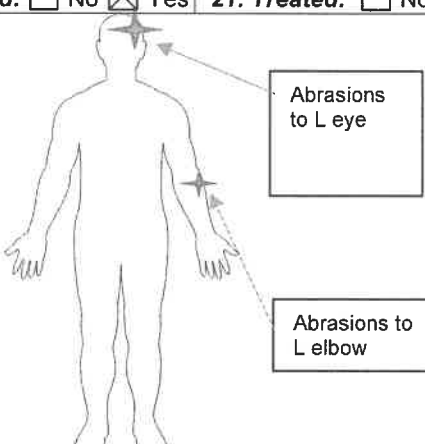
Case No: 23-1255

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

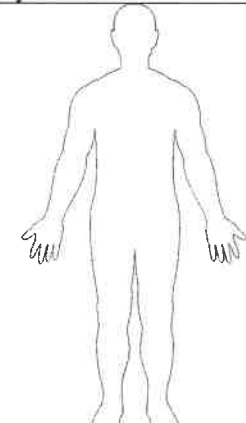
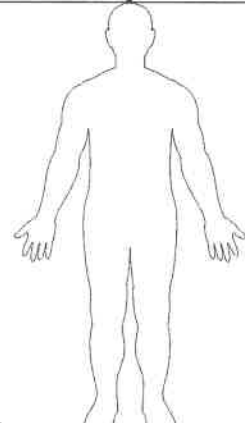
- ☐ A response through the use of non-lethal weapons,
☒ Applies weaponless physical force of strikes, kicks, or "take-downs"
☐ When any person sustains an apparent substantial or fatal injury as a result of the application of force
☒ When any person complains of injury as a result of the application 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: 02/27/23	3. Time: 1930	4. Location: 3300 Blk Flagler Ave	5. Incident type: Resisting/S36B
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input checked="" type="checkbox"/> Passive:	Ignoring verbal commands	<input checked="" type="checkbox"/> Physical Control	Take down
	<input checked="" type="checkbox"/> Active:	Tensing, pulling away	<input type="checkbox"/> Non-lethal Weapon	
	<input checked="" type="checkbox"/> Aggressive:	Kicking at officers	<input type="checkbox"/> Deadly Force	
<input type="checkbox"/> Deadly Force:				

SUBJECT	10. Last Name: Moreno DeLeon	11. First: Bricia	12. Race: H	13. Sex: F
	14. DOB: 05/21/2004	15. Height: 5'05"	16. Weight: 115	
	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 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			
	22. Anterior View		Posterior View	



OFFICER	23. Officer: Ofc. L. Carr	24. Race: B	25. Sex: F	26. Age: 64	27. Height: 5'05"	28. Weight: 125
	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					
	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: Modified arm bar takedown/Physical control					
35. Anterior View		Posterior View				



Response to Resistance Report (continued)

Key West Police Department

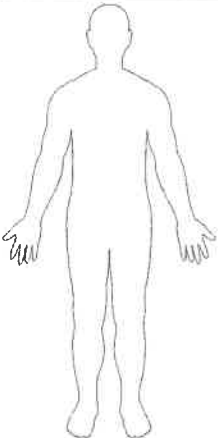
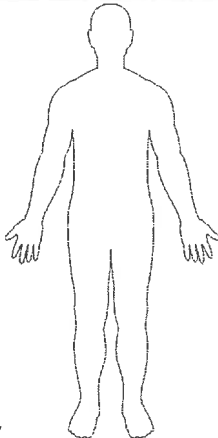
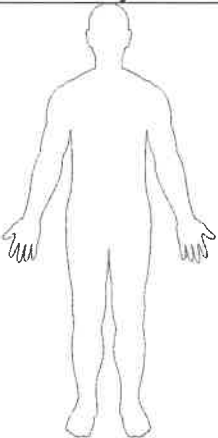
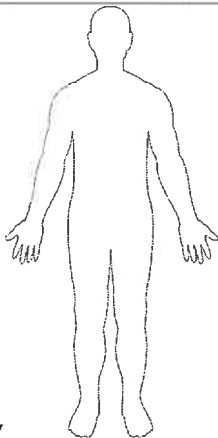
Case No: 23-1255

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: 02/27/23		41. Time: 1930 hours	
	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		Phone Number
INT. AFF.	Sgt. Alex Rodriguez		02/27/2023	
	47. Preparing Supervisor / Printed Name		48. Preparing Supervisor / 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 checked="" type="checkbox"/> Yes		49. Date 51. Signature of Internal Affairs Inspector 52. Date	

Response to Resistance Report (continued)

Key West Police Department

Case No: 23-1255

OFFICER	23. Officer: Ofc. K. Bouvier				24. Race: B	25. Sex: M	26. Age: 40	27. Height: 5'10"	28. Weight: 285
	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							30. Yrs Exp: 10	
	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: Modified Arm Bar Takedown								
									
	35. Anterior View				Posterior View				
OFFICER	23. Officer: Ofc. J. Hesse				24. Race: W	25. Sex: M	26. Age: 36	27. Height: 5'07"	28. Weight: 160
	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							30. Yrs Exp: 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 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: Modified Arm Bar Takedown								
									
	35. Anterior View				Posterior View				

INCIDENT DATA

MO

VICTIM

OTHERS INVOLVED

PROPERTY

Agency Name Key West Police Department		INCIDENT/INVESTIGATION REPORT				Case# 23-001255			
ORI FL0440100						Date / Time Reported 02/27/2023 18:54 Mon			
Location of Incident 3228 FLAGLER AVE, Key West FL 33040		Gang Relat NO	Premise Type Service/gas Station	Beat/GP B6, GPB6		Last Known Secure 02/27/2023 18:50 Mon			
						At Found 02/27/2023 18:54 Mon			
#1	Crime Incident(s) Battery SCA	(Com)	Weapon / Tools Personal Weapons			Activity N			
			Entry	Exit	Security				
#2	Crime Incident Obstruction Of Justice XOX	(Com)	Weapon / Tools Personal Weapons			Activity N			
			Entry	Exit	Security				
#3	Crime Incident	()	Weapon / Tools			Activity			
			Entry	Exit	Security				
# of Victims 2		Type: INDIVIDUAL		Injury: Apparent Minor Injury		Domestic: Y			
V1	Victim/Business Name (Last, First, Middle) TOLEDO, YIROBYS		Victim of Crime # 1	DOB 05/18/1981 Age 41	Race W	Sex M	Relationship To Offender IBG	Resident Status Resident	Military Branch/Status
Home Address 11 DRIFTWOOD DRIVE , Key West, FL 33040-				Email			Home Phone 786-290-6284		
Employer Name/Address				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 # 2	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		
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 Frm/To	Value	OJ	QTY	Property Description		Make/Model	Serial Number
27	EVID		\$0.00		1	BWC 2198			
27	EVID		\$0.00		1	FLEET AXON 5255			
Officer/ID# CARR, LEAH P (2198)									
Invest ID# (0)					Supervisor RODRIGUEZ, ALEXANDER (3465)				
Status	Complainant Signature			Case Status Cleared By Arrest 02/28/2023		Case Disposition:			Page 1
R_CS1IBR Printed By: ARODRIGUEZ, L19119 # arodriguez Sys#: 1 02/28/2023 02:45									

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 23-001255

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
 BOUVIER, K. (3356), RODRIGUEZ, A. (3465), HESSE, J. (4305), ANDRADE, E. (4158)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

23-001255

Victim

TOLEDO, YIROBYS

Offense

BATTERY

Date / Time Reported

Mon 02/27/2023 18:54

-- Bricria Maylin Moreno DeLeon Arrest Narrative:

On Monday, February 27, 2023, at approximately 6:55 pm., I (Ofc. L. Carr), Ofc. K. Bouvier and Ofc. J. we were approached by the victim, Yirobys Raul Toledo (DOB 5/18/1981.) He appeared to be upset and his shirt was torn. He used a combination of English and Spanish to explain what was happening. Based on his statements It appeared he may have been involved in a Domestic dispute.

Ofc. Hesse stood by with Toledo while Ofc. Bouvier and I attempted to located DeLeon at the Mobile station, we were unable to locate her. Ofc. Hesse then advised DeLeon was standing at his location. DeLeon appeared agitated and was yelling at Toledo.

DeLeon refused to comply with request to move away from Toledo and continued to yell at him. Officers Bouvier and Hesse redirected her away from Toledo by placing a hand on her shoulder and motioning for her to move away. DeLeon refused to move and began to tense and pull away from the Officers. She then sat down on the sidewalk and began kicking at Ofc. Bouvier, Hesse and me. DeLeon kicked me on my left shin. I grabbed DeLeon's ankles to prevent her from kicking me again. DeLeon continued to resist our efforts to place her in handcuffs. We rolled her onto her stomach to handcuff her. After she was placed into handcuffs, we then rolled her off her stomach, stood her up and placed her in my patrol vehicle.

Toledo and DeLeon speak primarily Spanish. Ofc. E Andrade was requested to respond to the scene to provide translation.

Toledo told Ofc. Andrade he was parked at the Mobile station (3228 Flagler Avenue). He said he and his girlfriend, Bricria Maylin Moreno DeLeon (DOB 5/21/2004) had been dating for 11 months. Toledo said they had been arguing all day because he wanted to break up with DeLeon. Toledo said they had driven to the Mobile station so he could buy some water. While sitting in the parked vehicle the couple continued to argue. When Toledo said he had enough of her and just wanted to be rid of her, DeLeon physically pushed Toledo in his chest then grabbed his shirt and tore it at the left shoulder. There was a fresh scratch on Toledo's neck near his torn shirt.

DeLeon confirmed they had been dating for 11 months. She said Toledo wanted to break up with her because she had cheated on him in the past. She stated they had been arguing all day. While parked at the Mobile station she said she was sitting on top of the center console, as they continued to argue. To console Toledo, she had reached out to hold his hands. When Toledo pulled away, DeLeon admitted to hitting Toledo and grabbing his shirt to not fall off the console.

I believe DeLeon, by striking then tearing Toledo's shirt, intentionally touched or struck Toledo against his will. DeLeon also intentionally caused bodily harm to Toledo by scratching his neck. DeLeon is in violation of FSS 784.03 (1A1).

I also believe DeLeon knowingly and willfully resisted and obstructed with violence, by pulling away from and kicking at Officers, in violation of FSS 843.01. At the time we were in full uniform and engaged in the lawful execution of our legal duty.

Sgt. A. Rodriguez arrived on scene and completed a RRI report. DeLeon complained of an abrasion to her left forehead and soreness in her left elbow and neck. She was transported by me to Lower Keys Medical Center for evaluation. She was cleared by medical staff and then transported to Monroe County Detention Center without

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim <i>TOLEDO, YIROBYS</i>	Offense <i>BATTERY</i>	OCA <i>23-001255</i>
		Date / Time Reported <i>Mon 02/27/2023 18:54</i>

further incident.

Toledo was given a Victim's Rights Brochure with an agency case number attached.

My BWC and Fleet Axon were activated during the encounter and video uploaded to Evidence.com.

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Incident Report Suspect List

Key West Police Department

OCA: 23-001255

1	Name (Last, First, Middle)					Also Known As					Home Address				
	MORENO DELEON, BRICIA MAYLIN										1213 14TH STREET - 27 KEY WEST, FL 33040 305-783-6554				
	Business Address														
DOB		Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State				
05/21/2004		18	W	F	H	500	115	BRO	BRO	LBR					
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				
Veh Yr / Make / Model			Drs	Style		Color		Lic Plate / State			VIN				
Notes										Physical Char					

OCA: 23001255

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

Investigator: HESSE, JOSHUA (4305)

Date / Time: 02/27/2023 23:46:55, Monday

Supervisor: RODRIGUEZ, ALEXANDER (3465) Supervisor Review Date / Time: 02/28/2023 00:59:22, Tuesday

Contact:

Reference: General Supplemental Report

On Monday, February 27, 2023 at approximately 1854hrs, I Ofc. J. Hesse was in the area of 3316 Flagler Ave along with Ofc's Carr and Bouvier on an unrelated call for service. While at the location officers were approached by a male subject who indicated he was involved in some sort of altercation with his girlfriend while at the Mobil gas station, located at 3228 Flagler Ave, approximately 1/2 block to the west.

Due to an initial Spanish/English language barrier, it was unclear what events had transpired, however I did note the male's shirt collar was torn and he indicated "yes" when I asked if it was due to the altercation with his girlfriend. Ofc. Andrade was requested to the scene to assist with translation between the subjects and officers.

The male subject indicated to officers that his girlfriend was still at the gas station in a gray minivan. While awaiting the arrival of Ofc. Andrade, Ofc's Carr and Bouvier walked to the location to contact the female half. I activated my Axon BWC at that time. As I stayed with the male, I saw a female approaching our position and asked the male if it was his girlfriend and he indicated it was.

I walked towards the female to maintain separation between the two and told her to walk the other direction and she stopped walking but did not turn around. I attempted to physically guide her further away from the male and she immediately exerted force with her right arm against the resistance I was applying to her arm. At that time, due to the absence of other officers I broke physical contact with the female and stood in her line of sight of the male. She did not make any further attempts to get closer to the male, however she did try to yell to him a couple time which were quickly stopped.

When Ofc. Carr and Ofc. Bouvier returned to my position, Ofc. Bouvier again ordered the female to walk further away from the male and she refused. When Ofc. Bouvier attempted to guide her movement by exerting force against her right arm, she immediately resisted. Ofc. Bouvier took control of her right arm to redirect her she threw her body weight rearward and turned with her back towards me. I took control of her left wrist and bicep, and she then dropped her weight to the ground into a seated position. Ofc. Bouvier and myself attempted to lift the female back to her feet while she screamed "NO!" and would not place any weight onto her feet.

The female then began flailing her legs and attempting to pull her arms free from officers' grasp and in towards her body. While attempting to get her into a standing position, she began kicking her feet out directly towards Ofc. Carr. At that time, I believed the female to be actively resisting arrest while using violence in the course of her action.

While the female continued to apply resistance against officers' actions, Ofc. Bouvier was able to maneuver the female from a supine position to a prone position to allow handcuffs to be applied. The handcuffs were applied and double locked. After the handcuffs were applied, checked for proper fit, and double locked, the female was immediately brought to a standing position and assessed for any major injuries, to which I observed none.

Investigator Signature: _____

OCA: **23001255**

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Investigator: *HESSE, JOSHUA (4305)*Date / Time: *02/27/2023 23:46:55, Monday*Supervisor: *RODRIGUEZ, ALEXANDER (3465)* Supervisor Review Date / Time: *02/28/2023 00:59:22, Tuesday*

Contact:

Reference: *General Supplemental Report*

Ofc. Carr completed a search of her person and no items of interest were located. The female was then secured into her patrol vehicle and her vehicle mounted camera activated. Ofc. Andrade arrived a short time later and assisted Ofc. Carr in completing the investigation.

This concluded my involvement in the investigation.

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 02/28/2023 04:58

OCA: **23001255**

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

Investigator: *BOUVIER, KRISTOPHER (3356)*

Date / Time: *02/28/2023 04:45:35, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On Monday February 27, 2023, at approximately, 6:55 PM, I, Ofc. K. Bouvier and two other officers were approached by a Latin male in the 3300 Block of Flagler Ave. as we were clearing a separate call.

The man was later identified as Yiroby Toledo, DOB 05/18/1981. Mr. Toledo's primary language is Spanish, however he was able to articulate his situation with enough English that I and the other officers were able to understand that he was involved in a domestic altercation and that the other half of the domestic altercation was across the street at the Mobile Gas Station. I observed that Mr. Toledo's shirt was ripped at the collar, and he had what appeared to be a fresh red scratch on the left side of his neck.

Ofc. L. Carr and I went to the gas station in an attempt to make contact with the other half of the altercation, however she had already left the gas station and was out with Ofc. J. Hesse and Mr. Toledo. Ofc. J. Hesse informed us over the radio that he was out with the other half of the altercation. As Ofc. L. Carr and I approached Ofc. J. Hesse and the female half of the altercation I could hear Ofc. J. Hesse telling the woman to step away from Mr. Toledo. The female, who was later identified as Bricia DeLeon, DOB 05/21/2004, was refusing to comply with Ofc. J. Hesse's multiple requests to step away from Mr. Toledo. I then asked Ms. DeLeon to step away and she refused. I asked Ms. DeLeon to step away from Mr. Toledo again and she refused. I then placed a hand on Ms. DeLeon's shoulder, and repeated my request for her to move away from Mr. Toledo and motioned in the direction I wanted her to walk. Ms. DeLeon refused to walk and pushed back against my hand, at which point I transitioned to take hold of Ms. DeLeon's arm. Ms. DeLeon began yelling at Mr. Toledo while she was pulling, pushing and eventually refused to stand altogether, laying her body on the ground and kicking in an attempt to defeat my effort to walk her away from the victim. As Ms. DeLeon was resisting Ofc. J. Hesse took control of Ms. DeLeon's other arm. While Ms. DeLeon was on the ground Ofc. L. Carr took control of her legs while Ofc. J. Hesse and I placed Ms. DeLeon into handcuffs. Once in handcuffs Ms. DeLeon calmed down enough to be assisted to her feet and walked over to a patrol car where she placed inside.

Ms. DeLeon complained that her head, neck and left arm were hurting as a result of the response to her resistance. Because of Ms. DeLeon's complaint of injury, Sgt. A. Rodriguez responded to the scene to conduct interviews for the RRI.

Ms. DeLeon was subsequently arrested for Battery on Mr. Toledo and for resisting Officers with violence. Ms. DeLeon was transported to Lower Keys Medical Center for clearance and then transported the Monroe County Detention Center, where she was turned over to detention staff without incident.

My KWPd issued Body-Cam was activated during this call. It should be noted that during the struggle with Ms. DeLeon my Body-Cam was knocked off of my uniform and fell to the sidewalk.

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 02/28/2023 04:58

OCA: **23001255**

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

Investigator: *BOUVIER, KRISTOPHER (3356)*

Date / Time: *02/28/2023 04:45:35, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

///NOTHING FOLLOWS///

Investigator Signature: _____

