

Response to Resistance Report

Key West Police Department

Case No: 23-1826

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: 03/25/2023 **3. Time:** 2322 **4. Location:** 200 Duval Street **5. Incident type:** Resisting w/ violence

INCIDENT	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input checked="" type="checkbox"/> Passive:	Posturing, ignoring lawful orders	<input checked="" type="checkbox"/> Physical Control	Take down, joint manipulation
<input checked="" type="checkbox"/> Active:	Bracing, pulling away	<input checked="" type="checkbox"/> Non-lethal Weapon	TASER Deployment	
<input checked="" type="checkbox"/> Aggressive:	Aggressive approach, grabbing officer	<input type="checkbox"/> Deadly Force		
<input type="checkbox"/> Deadly Force:				

10. Last Name: Nesdale **11. First:** Seath **12. Race:** W **13. Sex:** M

14. DOB: 06/30/1993 **15. Height:** 6'00 **16. Weight:** 215

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: Alex Rodriguez **24. Race:** W **25. Sex:** M **26. Age:** 31 **27. Height:** 5'09" **28. Weight:** 165

29. Duty Status: On-duty Off-duty Extra duty employment Uniformed Plain clothes **30. Yrs Exp:** 11

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: TASER

OFFICER	35. Anterior View	Posterior View

Response to Resistance Report (continued)

Key West Police Department

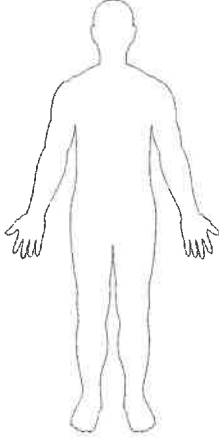
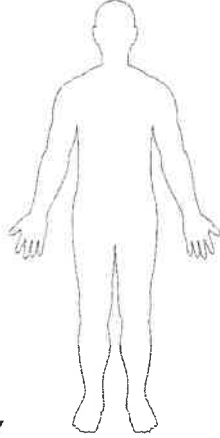
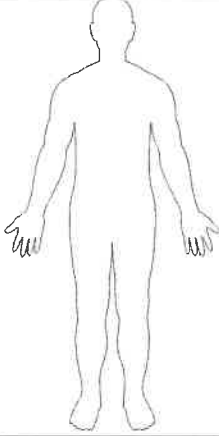
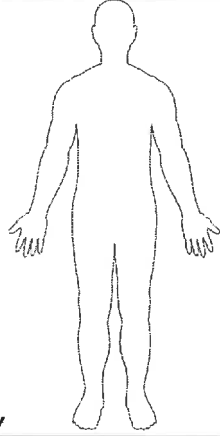
Case No: 23-1826

TASER USE ONLY	36. TASER® device serial # X400180D1	37. TASER® device serial #	
	Battery serial # X44635673	Battery serial #	
	Cartridge 1 serial #: X4824TMK9	Cartridge 1 serial #	
	Cartridge 2 serial # X493K6HDV	Cartridge 2 serial #	
	Number of cycles: 2	Number of cycles:	
	Type of contact: <input checked="" type="checkbox"/> Probe <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Target distance at probe launch: 10 Feet (1 st) contact (2 nd)	Target distance at probe launch:	
	Distance between probes: 1 miss 1 fell out (1 st) 1 inch (2 nd)	Distance between probes:	
	Probes removed by (name): Alex Rodriguez	Probes removed by (name):	
Device downloaded by: Alex Rodriguez	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: 03/25/2023		
	41. Time: 2322		
	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
47. Preparing Supervisor / Printed Name <u>Sgt. Malsheimer</u>		48. Preparing Supervisor / Signature / ID <u>WM 3388</u>	
		49. Date <u>3/26/23</u>	
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		
	51. Signature of Internal Affairs Inspector <u>[Signature]</u>		
		52. Date <u>4/26/2023</u>	

Response to Resistance Report (continued)

Key West Police Department

Case No: 23-1826

OFFICER	23. Officer: Samuel Adorno 24. Race: W 25. Sex: M 26. Age: 24 27. Height: 6'03" 28. Weight: 175	
	29. Duty Status: <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input checked="" type="checkbox"/> Extra duty employment <input checked="" type="checkbox"/> Uniformed <input type="checkbox"/> Plain 30. Yrs Exp: 2	
	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: Take down, joint manipulation	
 <p>35. Anterior View</p>	 <p>Posterior View</p>	
OFFICER	23. Officer: 24. Race: 25. Sex: 26. Age: 27. Height 28. Weight	
	29. Duty Status: <input type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input type="checkbox"/> Uniformed <input type="checkbox"/> Plain 30. Yrs Exp:	
	31. Injuries: <input 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 type="checkbox"/> Yes 33. Treated: <input 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)	
 <p>35. Anterior View</p>	 <p>Posterior View</p>	

INCIDENT/INVESTIGATION REPORT

I N C I D E N T D A T A	Agency Name <i>Key West Police Department</i>		Case# <i>23-001826</i>						
	ORI <i>FL0440100</i>		Date / Time Reported <i>03/25/2023 23:22 Sat</i>						
	Location of Incident <i>212 DUVAL ST, Key West FL 33040</i>		Gang Relat NO	Premise Type <i>Highway/road/alley/st</i>	Beat/GP B1, GPB1				
			Last Known Secure <i>03/25/2023 23:22 Sat</i>		At Found <i>03/25/2023 23:22 Sat</i>				
M O	#1	Crime Incident(s) <i>Resist Arrest / Escape XOM</i>	(Com)	Weapon / Tools	Activity				
				Entry	Exit	Security			
	#2	Crime Incident	()	Weapon / Tools	Activity				
				Entry	Exit	Security			
	#3	Crime Incident	()	Weapon / Tools	Activity				
				Entry	Exit	Security			
V I C T I M	# of Victims <i>1</i>		Type: SOCIETY/PUBLIC/STATE		Injury:	Domestic: N			
	Victim/Business Name (Last, First, Middle) <i>Society</i>		Victim of Crime # <i>1</i>	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
			Age					<i>N/A</i>	
	Home Address				Email		Home Phone		
	Employer Name/Address				Business Phone		Mobile Phone		
	VYR	Make	Model	Style	Color	Lic/Lis	VIN		
O T H E R I N V O L V E D	CODES: V- Victim (Denote V2, V3) WI = Witness IO = Involved Other RP = Reporting Person (if other than victim)								
	Type:		Injury:						
	Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
			Age						
	Home Address				Email		Home Phone		
	Employer Name/Address				Business Phone		Mobile Phone		
P R O P E R T Y	Type:		Injury:						
	Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
			Age						
	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/Tc	Value	OJ	QTY	Property Description	Make/Model	Serial Number	
	<i>35</i>	<i>EVID</i>	<i>\$0.00</i>		<i>1</i>	<i>BWC 4155</i>	<i>AXON</i>		
Officer/ID# <i>ADORNO, SAMUEL D (4155)</i>									
Invest ID# <i>(0)</i>					Supervisor <i>REVOREDO, NICK (2962)</i>				
Status	Complainant Signature			Case Status <i>Cleared By Arrest</i>		<i>03/26/2023</i>		Case Disposition.	Page 1

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 23-001826

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

Suspect Hate / Bias Motivated:

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Narr. (cont.) OCA: 23-001826

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
23-001826
Date / Time Reported
Sat 03/25/2023 23:22

Victim

Society

Offense

RESIST ARREST / ESCAPE

-- Seath John Nesdale Arrest Narrative:

On March 25, 2023, at approximately 2220 hours, Sgt. A. Rodriguez and I (Ofc. Adorno) were flagged down by a bystander reference a domestic verbal argument occurring in front of 212 Duval St.

Upon arrival, I observed a white male, later identified as Seath Nesdale, acting extremely aggressive toward his other half, later identified as Victoria Nesdale. Seath was seen flailing his arms, raising his voice, and steadily approaching Victoria, who was trapped against a corner under the curtilage of 212 Duval St. I could see Victoria was emotionally frustrated as she was uncontrollably crying during the verbal altercation.

Sgt. A. Rodriguez was able to escort Victoria away from Seath. I asked Seath what was going on and why he was arguing with Victoria. It was clear Seath was extremely intoxicated as he could barely keep his balance along with an odor of an alcoholic beverage emanating from his breath. Seath was asked once again what was going on. Seath did not answer. Seath began to close the distance between me and him as he explained the two were just having an argument.

I took a step back, to gain distance, and asked Seath not to approach me again. Seath took another step, closing the distance between the both of us once again. At this time, I pushed Seath back, utilizing both arms, to gain distance. Seath began to yell at Sgt. Rodriguez stating, "He just pushed me". Sgt. A. Rodriguez displayed his TASER in the direction of Seath and instructed him to back up, turn around, and place his hands behind his back. Seath continued to yell at Sgt. A. Rodriguez and myself. Seath then turned toward me and yelled "I will punch the fuck out of you". I could see Seath's right hand was clenched, his stance was bladed, and he began posturing himself in what I believed to be a preparation to fight.

At this time, Sgt. A. Rodriguez once again advised Seath to turn around, and place his hands behind his back and Seath refused to comply. I then approached Seath from the side and grabbed his left arm, in an attempt to utilize joint manipulation to get his arm behind him. Seath pulled away from me, and began to grab my outer vest in an attempt to break away from me. Sgt. A. Rodriguez then fired his TASER making negative contact with Seath's body.

I then grabbed Seath once again, and took him down to the ground in a controlled manner. As Seath was on the ground, he began to tuck both arms under his body. I gave loud verbal commands to Seath to release both arms and place them behind his back. Seath continued to resist and held both arms under his body and tensed his arms, hindering our ability to place him into handcuffs. I was able to free the left arm of Seath utilizing joint manipulation however Seath was still hiding his right arm under his body. Sgt. A. Rodriguez told Seath he was going to receive another cycle from the TASER if he did not release his right arm. Seath still did not release his right arm. Sgt. A. Rodriguez utilized his TASER in drive stun mode as pain compliance to release the right arm of Seath. Seath was then placed in handcuffs and escorted to the rear of my patrol vehicle.

Key West Rescue was on scene and was able to treat Seath for some lacerations suffered during the arrest.

Sgt. Reveredo and Sgt. Malsheimer responded to the scene to conduct a Response to Resistance Investigation.

Seath was actively resisting, and due to his level of resistance, we had to meet it with what was reasonable and necessary to prevent further risk of harm to himself as well as others around.

Based on the facts and evidence:

Seath Nesdale knowingly and willfully resisted and obstructed my efforts and attempts to detain him, while using violence towards my person, contrary to FSS 843.01-Resisting with violence. During the above incident, Sgt. A.

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA <i>23-001826</i>
Date / Time Reported <i>Sat 03/25/2023 23:22</i>

Victim <i>Society</i>	Offense <i>RESIST ARREST / ESCAPE</i>	
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Rodriguez and I were both wearing our Class B uniforms with clearly identifiable agency insignia.

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Incident Report Suspect List

Key West Police Department

OCA: 23-001826

1	Name (Last, First, Middle) <i>NESDALE, SEATH JOHN</i>						Also Known As				Home Address <i>1732 PAUL PAYNE STORE RD TAYLORSVILLE, NC 28681</i>			
	Business Address <i>UNKNOWN</i>													
	DOB <i>06/30/1993</i>	Age <i>29</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>600</i>	Wgt <i>150</i>	Hair <i>BRO</i>	Eye <i>BRO</i>	Skin <i>FAR</i>	Driver's License / State <i>000048458614 NC</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			
Veh Yr / Make / Model			Drs	Style		Color		Lic Plate / State		VIN				
Notes						Physical Char								

2	Name (Last, First, Middle) <i>NESDALE, VICTORIA</i>						Also Known As				Home Address <i>87 PINE HILL CIR WALTHAM, MA 02451</i>			
	Business Address <i>UNKNOWN</i>													
	DOB <i>02/13/1992</i>	Age <i>31</i>	Race <i>W</i>	Sex <i>F</i>	Eth <i>N</i>	Hgt <i>505</i>	Wgt <i>120</i>	Hair <i>BLK</i>	Eye <i>BLK</i>	Skin <i>FAR</i>	Driver's License / State <i>S72944686 MA</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			
Veh Yr / Make / Model			Drs	Style		Color		Lic Plate / State		VIN				
Notes						Physical Char								

Incident Report Related Property List

Key West Police Department

OCA: 23-001826

1	Property Description BWC 4155	Make AXON	Model	Caliber		
	Color	Serial No.	Value \$0.00	Qty 1.000	Unit EA	Jurisdiction Locally
	Status Evidence	Date 03/25/2023	NIC #	State #	Local #	OAN
	Name (Last, First, Middle) * No name *		DOB	Age	Race	Sex

Notes

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 03/26/2023 01:43

OCA: **23001826**

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

Investigator: *RODRIGUEZ, ALEXANDER (3465)*

Date / Time: *03/26/2023 01:42:51, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On Saturday, March 25, 2023 at approximately 2320 hours, Ofc. S. Adorno and I (Sgt. A. Rodriguez) were assigned to the lower Duval Street detail due to spring break crowds. Ofc. S. Adorno and I were flagged down about a possible domestic violence issue between a male and a female approximately 50 feet south of the intersection of Charles Street and Duval Street.

As we approached, we saw a male berating a female and the female was crying. I instructed the female, later identified as Victoria Nesdale, to step away from the male and to speak with me. Ofc. S. Adorno stayed with and spoke to the male half, later identified as Seath Nesdale.

As I spoke with Victoria and attempted to come to a resolution, I saw Seath begin to step towards Ofc. S. Adorno. I saw Ofc. S. Adorno's hand extend outwards in what appeared to be an attempt to create distance. Seath then advanced towards Ofc. S. Adorno in an aggressive demeanor with both fists clenched. I watched Ofc. S. Adorno push Seath back, again to create distance.

I unholstered my TASER, turned it on, pointed it towards Seath, instructed him to back up and turn around and place his hands behind his back. Ofc. S. Adorno gained control of Seath's left wrist/arm and Seath immediately offered resistance. I announced "TASER! TASER! TASER!" and Ofc. S. Adorno disengaged from Seath at which point I fired the TASER at Seath's person, while he attempted to again advance towards Ofc. S. Adorno. The first cycle was ineffective and Ofc. S. Adorno and Seath became entangled. I pulled the trigger again on my TASER device but there was no effect.

Ofc. S. Adorno took Seath to the ground and his resistance continued. I placed the TASER on Seath's lower back, and pulled the trigger on the TASER again, achieving neuromuscular incapacitation (NMI). After the cycle of NMI, Seath continued to resist by tensing and pulling his arms away, and refusing to follow verbal commands to stop fighting.

I used my TASER to fire several more drive stuns to Seath's torso, front and rear until compliance was achieved and he was ultimately handcuffed.

During the struggle with Seath, Victoria was told repeatedly to back up and stop her interference into the arrest of Seath. At one point, Victoria put her hand on Seath's back in between Ofc. S. Adorno, myself, and Seath, further hindering our ability to place him into handcuffs.

Once handcuffed, Seath was searched and moved to Charles Street where he was seated on the ground and watched by other responding officers.

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT

Printed: 03/26/2023 01:43

*NOT SUPERVISOR APPROVED*OCA: **23001826**

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

Investigator: *RODRIGUEZ, ALEXANDER (3465)*Date / Time: *03/26/2023 01:42:51, Sunday*Supervisor: *(0)*Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

As I began walking to Charles Street, Victoria followed me. I told her to stop, stay back, and not to advance any further. I informed Victoria I was giving her a lawful command to stay near the crosswalk of Charles Street at Duval Street and to not move.

As I made my way further down Charles Street to where Seath was located with other officers, I noticed Victoria behind me still. I gained control of her wrists, asked Ofc. L. Carr for her handcuffs, and placed Victoria into handcuffs.

I turned control and custody of Victoria over to Ofc. L. Carr and informed her that Victoria was now under arrest for resisting without violence.

My AXON BWC was activated for this incident.

Ofc. L. Carr transported Victoria to MCDC without incident. My TASER cartridges were turned over to Ofc. J. Torrecillas for submission into KYPD Property and Evidence.

Victoria was provided ample opportunity and instructed numerous times to stay back, however, willfully refused to follow the simple lawful order she was given, and was ultimately placed under arrest for resisting without violence. During the above incident, both Ofc. S. Adorno and I were wearing our class B uniforms with clearly identifiable agency insignia. Victoria was in violation of FSS 843.02.

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 03/26/2023 03:51

OCA: **23001826**

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

Investigator: *ROBERTS, ERIK (4194)*

Date / Time: *03/26/2023 02:15:19, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On Saturday 03/25/2023 at approximately 2223 hrs. I (Ofc. E. Roberts) responded to the 200 block of Duval St. reference an unknown problem spawned from unreadable panicked radio traffic from Sgt. A. Rodriguez.

On arrival I observed Sgt. Rodriguez and Ofc. S. Adorno applying handcuff restraints to Seath Nesdale on the sidewalk on the southwest corner of Duval St. and Charles St. Sgt. Rodriguez advised that he had deployed his taser. I escorted Nesdale to my patrol car on Charles St. and searched his person. I then stood by with his until KWFD Rescue responded to render aid.

While speaking with Nesdale, he unintentionally projected blood from his mouth into mine. I was provided Hydrogen Peroxide immediately by KWFD Rescue to rinse my mouth.

I transported Nesdale to the Monroe County Detention Center.

My Axon BWC was activated during this incident and uploaded to Evidence.com.

My Axon In-Car Recording System was activated during transport and uploaded to Evidence.com.

Investigator Signature: _____