Response to Resistance Report Key West Police Department

1. A	Response to Resistance Report will be completed A response through the use of non-lethal weapons,	by the supe	rvisor for: (C	heck all that apply)
\boxtimes	Applies weaponless physical force of strikes, kicks, or "take-	-downs"		
	When any person sustains an apparent substantial or fatal i	njury as a rest	ult of the application of t	force
\boxtimes	When any person complains of injury as a result of the appli	cation of force	9	
\perp	Discharge of firearm in the line of duty off-duty or on-duty (o	ther than for tr		
	2. Date: 11/24/23 3. Time: 2035 4. Local	ation: 3230 N	RB / Outback 5. Inc	cident type: S34
F	6. Resistance Level 7. Explanation	8. <u>Re</u> :	sponse Option	9. Explanation
NCIDENT	Passive: Ignoring verbal commands		Physical Control	Take Down – Forced against car
<u> </u>	Active: Bracing, Pushing, Pulling Awa	у 🗆	Non-lethal Weapon	
=	Aggressive:		Deadly Force	
	Deadly Force:			
		st: Javier	12. Ra	ce: H 13. Sex: M
	14. DOB : 03/20/1989 15. He	ight: 5'11"		eight: 180
1	17. Did you observe the subject: No X Yes	If NO, explain	why in Section 42. If "	"YES", complete sections 18-22
	18. Appeared to be: Intoxicated Under the influen	ce of controlle	ed substance 🗵 Emo	tionally / mentally disturbed
	19. Injuries: No Evident Alleged (If Evident of	or Alleged, des	scribe and indicate area	as on charts in Section 22)
	20. Photographed: No X Yes 21. Treated: No	Yes By:	☐ EMT/Paramedic on s	scene 🛛 Hospital 🔲 Detention
				_
H) (
SUBJECT				
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	laceration		1 // 1	
	() () to lip		()()	
) () () () (
	22. Anterior View	Posterior V	iew ()	
	23. Officer: Ofc. J. Lopez 24. Race: H 25.	Sex: M 2	6. Age: 29 27. Height	t: 5'06" 28. Weight: 155
	29. Duty Status: On-duty Off-duty Extra duty e	mployment 🗵		clothes 30. Yrs Exp: 4
	31. Injuries: No Evident Alleged (If Evident of	r Alleged, des	cribe and indicate area	
1			/: EMT/Paramedic	
1	34. Response option used by this officer: Takedown - P			***************************************
				_
~) (
OFFICER				
莊	/ // // //		/ / * * \	
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1	Eur line		Eur I h	an Su
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			()()	
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	35. Anterior View	Posterior Vi	iew (/\)	

Case No: 23-6441

Response to Resistance Report (continued) Key West Police Department

Case No: 23-6441

	36. TASER® device serial #		37. TASER® device serial #	
	Battery serial #		Battery serial #	
	Cartridge 1 serial #1: serial	‡ 2:	Cartridge 1 serial #1	serial #2
7	Cartridge 2 serial #3 serial :	‡ 4	Cartridge 2 serial # 3	serial #4
O	Number of cycles:		Number of cycles:	
SE	Type of contact: Probe CODS	Drive Stun	Type of contact: ☐ Probe ☐ COD	S Drive Stun
2	Did probes penetrate skin: ☐ Yes ☐ N	0	Did probes penetrate skin: ☐ Yes │	□ No
TASER USE ONLY	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:	
	☐ 38. Check and list any additional	ASER® devices	, cartridges or details in the incid	dent description section.
	39. Offense/Incident Report and/or War			
	All necessary criminal elements.	i ant Amuavit mus	t include.	
₽	All details of the arrest			
REPORT	Details articulating the subject's words	mannerisms and	actions that justify the use of force	
R	Details outlining the response to resis			
	Detailed description of injury complain	•		
			treatment provided to the officer and/o	r subject
	40. Notified Date: 11/24/2023		1. Time: 2040 hours	i subject.
	42. Did you respond to the scene:		If "No", explain why)	
	42. Dia you respond to the scene.	INO Miles (I	ii No , explain why)	
	43. Did you watch all relevant videos as			
	43. Did you watch all relevant videos as	sociated with the	use of force? No res (ii No	, explain why)
ŀ		T 57		
≿	44. Did you meet with the Officer(s):	」No ⊠ Yes (If "N	No", explain why)	
INQUIRY				
ž	45. During your review did you find an	y potential policy	violations or training issues associa	ted with the incident?
တ	No Yes (If "Yes," list below)			
Ä				
VISOR'				
낊	46. Were you able to locate any indepe	ndent witnesses:	No Tyes (If "Yes" list below)	
SUPER	Name	ident withesses.	Address	Phone Number
S			7,447,555	T Hono Hambor
ŀ				
			0 10	M
	1) Charc		11 1/2	m /1.21 02
	D' LOOLOT		8 Preparing Supervisor / Signature / II	n //- 16 - 73 D 49. Date
-	47. Preparing Supervisor / Printed Name		repairing Supervisor / Signature / ii	J 48. Date
	EO Did the residence of this is also		0	1. 1
AFF.	50. Did the review of this incident conc		July 2 338	6 1/17/24
NT.	of force was in compliance with Depart policy? No Yes	mentai 6	Signature of Internal Affairs Inspector	r 52. Date
Z	policy/ INO I Yes			

	A .		NT					3	NCIDE	NT/INV	FST	IGATI	ON	177					
	Ag		Name	est Police	Dane	anta o	a f	, "	TOIDL			IOATI			Case#	23-0064	41		
I	OF		ixey w	FL0440		ırımei	u			REPO	JKI						2023	22:54	Fri
N C	Lou	cotion	of Incid		1100			I Com	a Dalat Da		. :		D(C)		Last Kno	own Securi 11/24/		22:53	Fri
I D		230 N	ROOS	SEVELT BL	VD, I	Key We	est FL 33	8040 N	IO	emise Type Restau			Beat/Gl B5, GPI		At Foun	d		22:54	Fri
E N	#1	#1 Crime Incident(s) Trespassing					(Com)	Weapon	/ Tools		ų.						Activit	ty	
T		XC		· · · ·					Entry			Exit			Secu	rity			
D A	#2	ΛI	ime Inci					(Com)	Weapon	/ Tools		-						Activi	ty
T A		# 2 Resist Arrest / Escape XOM						Entry			Exit			Secu	rity				
А	#3	Cr	ime Inci	dent				()	Weapon	/ Tools							T	Activit	у
									Entry			Exit			Secu	rity			
МО																			
	# o	f Vict	_				PUBLIC/	STATE		Injury						Domesti	c: N		
3.7	Ι,,			siness Name (Last, F	irst, Mi	ddle)			Victim of Crime #]	DOB	Race Se	Rela	tionship Offender	Resident	Status		itary
V I	V	1 3	ociety							2	Ag	e		100	Hender	N/A	4	Branch	/Status
C T	Но	ome A	ddress								Emai	ı		,				e Phone	
I M	En	nploy	er Name/	'Address									Busine	ss Pho	ne		Mobi	le Phone	
	V	YR	Make	Model		S	tyle	Color	or Lic/Lis VIN										
	CC	ODES	· V- Vi	ctim (Denote V	2, V3)	WI	= Witness	IO = Inve	olved Other	r RP =]	Reporti	ng Person	(if other	than vi	ctim)				
0										Injury									
T H E	Coc V2	"" _		st, First, Middle CK STEAK		SE				Victim of Crime #	// Age	: :	Race Se		Offender	Resident		Mili Branch	
R S			ddress	SEVELT RV	KEY	WES	T FI 33	040			Emai			1		1.02		e Phone	
1	3230 N ROOSEVELT BV KEY WEST, FL 33040 Employer Name/Address												Busine		ne -292-06	567	Mobi	le Phone	
N	Ту	ре:								Injury	:				<u></u>				
V O L	Coc	le N	ame (La	st, First, Middle	e)					Victim of Crime #	Age	OOB	Race Se		Relationship Reside To Offender		Status	Mili Branch	
V E	Ho	me A	ddress						Email				Но			Phone			
D	En	nploye	r Name/	Address									Busine	ss Pho	ne		Mobi	le Phone	
	1 =	= Non	e 2 = B	Surned 3 = Co	unter	eit / For	ged 4=	Damaged /	Vandalized	1 5 = Reco	vered	6 = Seize	d 7 = S	tolen 8	8 = Unkn	own			
	VI #	Cod	Status Frm/To	Value		QTY	vered for C	Other Jurisdi Propert	y Descripti	ion			Make/	Model		T	Seria	ıl Numbe	r
		27	EVID	\$0.00		1	BWC 3722					AXON					Borns	111411100	
_		27	EVID	\$0.00		1	FLEET 37	22				AXON							
P R											-					_			
O P											_								
Е																			
R T	_																		
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1	Off	icer/II	L D#	MAYORGA	IO	F7 14	ORCE	(3722)						_					
	-	est ID		(0)	LUF	ne J	JAGE	(3/22)				Supervis	or			(0)			
Status	_		ant Sign				Case	Status ed By Arrest			2025		sposition:			(0)		Door	
							Clear	ea by Arrest		11/26/.	2023 l							Page	- 1

Incident Report Additional Name List

Key West Police Department

OCA: 23-006441

Additional Name List

10	Name	e Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	e Sex
1)	WI	1	MICK, JUSTIN LEE		02/25/1992	31	W	M
		Address	39 MIRIAM ST , KEY WEST, FL 33040-		н: 954-82	5-39	77	
	E	mpl/Addr			B:			
				Mo	bite #:			
2)	WI	2	DAVIS, JAMES S		05/21/1964	59	W	M
		Address	3930 S ROOSEVELT BLVD Apt. 203E, KEY WEST, FL 3304		H: 305-30	7-40(58	
	E	mpl/Addr			B:			
				Mo	bile #:			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 23-006441

Statu Code	s L=	= Lost	S = Stolen R = Re	covered D = Dar	naged $Z = Seized$ $B = Burned$ $C = Counterfeit / I$	Forged F = Found
	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D						
R						
G						
					— 4 — - 5 P—	
	Assis	ting Of	ficers			
	KC	OURI,	D.G. (3022), HI	ESSE, J. (4305)		

Suspect Hate / Bias Motivated:

INCIDENT/INVESTIGATION REPORT

Natt. (cont.) OCA: 23-006441 Key West Police Department

NARRATIVE

R	OCA	
Key West Police Department		23-006441
Victim	Offense	Date / Time Reported
Society	TRESPASSING	Fri 11/24/2023 22:54

-- Javier Antomarchy J Arrest Narrative:

On November 24, 2023, at approximately 2031 hours, Ofc. Hesse and I, Ofc. Lopez were dispatched to Outback Steakhouse located at 3230 N. Roosevelt Boulevard. Key West Dispatched received a 911 call from an employee at the above-mentioned location. The caller told Key West Dispatch a Hispanic male sat at the bar inside the establishment. The caller told Key West Dispatch the male is extremely intoxicated, belligerent and yelling at the customers. The caller told Key West Dispatch the Hispanic male was wearing a black shirt and cargo shorts.

Key West Communications advised me over the radio that the Hispanic male matched the description of the male that was reported causing a disturbance at Regal Cinema. The caller told Key West Dispatch the male was inside Regal Cinema and being disruptive and refusing to leave. CAD:233280136, this call was received approximately 30 minutes prior to this current event.

It should be noted that I responded to Regal Cinema, and I observed a Hispanic male wearing a black shirt and cargo shorts. I observed this male standing on the main entrance speaking with an employee. As I was walking towards the entrance the male walked away and the employee informed me that she was able to convince the male to leave.

When I arrived at the front entrance of Outback Steakhouse, I observed and recognized the same Hispanic male from the prior call I responded. This Hispanic male was seated on a chair by the entrance of the establishment. Ofc. Hesse was speaking with the male. I had several Law Enforcement encounters in the past with this male. This Hispanic male is known to be very confrontational and aggressive, and he does not follow instructions from Police Officers.

The Hispanic male was later identified with his Florida identification card as Javier Antomarchy, (dob:03/20/1989).

I told Ofc. Hesse that we needed to safely detain Javier by placing handcuffs on him before one of us goes inside the establishment and make contact with the employees. For Officer Safety I proceeded by identifying myself and then instructing Javier to please stand up. I told Javier 3 times to stand up and he refused to follow my instructions. I proceeded by grabbing Javier's right wrist and moving it behind his back. As I was attempting to move his right hand behind his back and lifting him up for him to stand up, Javier dropped all this weight down. Javier began tensing up his body and actively pulling his right arm towards the front of his body. I escorted Javier towards a chair that was located in front of him in order for me to gain control of his hands. Once I placed Javier against the chair, I instructed Javier to place his hands behind his back and he continued pulling his right arm towards the front of his body. I told Javier again to place his hands behind his back. I began applying pain compliance by bending Javier's wrist in order for him to stop pulling his right arm away from me. As I was bending his wrist Javier continued resisting by tensing up his body and attempting to pull his right arm away from me. At this point my body worn camera was knocked down to the ground as I was attempting to gain control of Javier's hands. I told Javier to stop resisting and pulling his arm away. I started bending Javier's right wrist more and then he finally stopped resisting after I was bending his right wrist. I was able to place handcuffs on Javier with Ofc. Hesse's assistance.

Ofc. Hesse and I escorted Javier towards my patrol vehicle. Once we were standing near the rear passenger side door of my patrol vehicle, I instructed Javier to stand up against my patrol vehicle. I instructed Javier to place his feet apart. Javier was tensing up his body and actively moving side to side. I told Javier to stop moving. I began searching Javier's right front pocket. I had my left hand around Javier's bicep while using my right hand to search his pocket. Javier then began turning his body towards my face. I immediately pushed Javier's body by using my left hand that I had around his bicep. I told Javier to stop moving several times and he then finally stopped moving his body in order for me to complete my search. I then noticed Javier was bleeding from his bottom lip.

My body worn camera was activated during this incident, 3722.

	REPORTING OFFICER NARRATIVE	OCA
Key West Police Department		23-006441
Victim	Offense	Date / Time Reported
Society	TRESPASSING	Fri 11/24/2023 22:54

Ofc. Hesse then placed Javier in the rear passenger seat of my patrol vehicle. I then notified and requested Sgt. Kouri respond to my location for a response to resistance incident. Ofc. Kouri then arrived and made contact with Javier.

Ofc. Hesse then went inside Outback Steakhouse to speak with management. Ofc Hesse made contact with Justin Lee Mick, (dob:02/25/1992). Justin filled out a witness statement stating the following.

Javier entered the establishment requesting to be served. Once Javier was sat inside the establishment he ignored, and he did not wish to be served. Javier then began harassing employees and patrons of this establishment. Javier demanding to use their cellphones. Javier was asked to leave, and he became combative and he began making threats towards staff members. Javier kept refusing to leave after being asked to leave.

Ofc. Hesse made contact with James Davis, (dob:05/21/1964). Davis filled out a witness statement stating the following.

Javier went inside this establishment, and he could not order food. Javier started getting angry with people. Javier was asked to leave 5 times and he refused to leave.

Ofc. Hesse then provided me with the witness's information, and he witness statements. I later placed the witness's statements in the Key West Police Records Division.

I transported Javier to the Lower Keys Medical Center for medical clearance before taking him to the Jail. My in-car Axon camera was activated during the transportation, 3722.

Javier had a small laceration on his bottom lip, and he was medically cleared by the Hospital. I then transported Javier to the Monroe County Detention Center. My in-car Axon camera was activated during the transportation, 3722.

I escorted Javier to the second floor of the MCDC. Javier was turned over to the Department of Corrections for further processing.

Based on the facts and evidence, Javier Antomarchy, did knowingly and willfully refused to follow my verbal instructions while I was engaging in my legal duties as a Police Officer. I responded to above-mentioned private establishment for Javier's belligerent and combative behavior. I identified myself as a Police Officer to Javier and then I proceeded to give him verbal instructions. I instructed Javier to stand up 3 times and he refused to stand up. I was attempting to detain Javier by placing handcuffs on him for Officer Safety due to his combative and aggressive demeanor from my previous Law Enforcement encounters I had with him. Javier began resisting by tensing up his body and pulling his arm away from me. It should be noted I was wearing my class B uniform with the Key West Police insignia on my sleeves. I was recognizable as a Police Officer. Contrary to F.S.S. 843.02

Based on the facts and evidence, Javier Antomarchy, did knowingly and willfully affected the public decency inside this private establishment. Javier disrupted the patrons and employees by causing a disturbance by becoming belligerent towards the patrons and employees. Javier demanded to use a cellphone from the patrons and employees. Javier's behavior affected the duties of the employees that were actively working to the extend the staff had to call 911 to get Police to intervene. It should be noted that the defendant was arrested under FSS 509.143(2). However, this statue is not in FDLE's Arrest Table and I am forced to use FSS 877.03. The defendant should be charged under 509.143(2).

Based on the facts and evidence, Javier Antomarchy, did knowingly and willfully refuse to leave this private establishment when asked by the staff members. Javier's belligerent and aggressive demeanor caused the need for

REPORTING OFFICER NARRATIVE

	REPORTING OFFICER NARRATIVE	OCA
Key West Police Department		23-006441
Victim	Offense	Date / Time Reported
Society	TRESPASSING	Fri 11/24/2023 22:54

staff members to ask him to leave. However, Javier refused to leave the establishment. It should be noted that Ofc. Hesse obtained witness statements indicating that Javier refused to leave, and Javier became more aggressive towards the patrons and staff members of this establishment. As soon as Ofc. Hesse was walking towards the main entrance of this establishment; he observed a male through the front window. This male then walked out through the front doors of this establishment. Contrary to F.S.S. 810.08.

Incident Report Suspect List

Key West Police Department

OCA: 23-006441

1	Name (Last, First ANTOMARO Business Address	CHY, JA			ELESS	Y	Also k	Known As			553 KE	e Address 27 COLLEGE F Y WEST, FL 33 3-937-4526	_
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Drive	r's License / State	
	03/20/1989	34	W	M	H	511	172	BLK	BRO	FAR	A5.	354208910001	FL
	Scars, Marks, Ta TAT RGT Reported Susp	HAND) / TAT	Ü	ON R	ING FIN		Sex Eth	Heig	ht	Weig	ht	SSN
	теропен визр												
	Weapon, Type	Featu	re	Mak	ce	N	Iodel		Col	or	Caliber	Dir of Travel Mode of Trave	·l
	Veh Yr / Make / I	Model		Dr	s Styl	е	C	olor	Lic Pl	ate / State	""	VIN	
	Notes									Physical C	har		

Incident Report Related Property List

Key West Police Department

OCA: 23-006441

1	Property Description BWC 3722				Make AXON			Model			Caliber
	Color	Serial No.		Value			Qty		Unit	Jurisdi	iction
						\$0.00		1.000	EA		Locally
	Status	Date	NIC#		State #			Local#		OAN	
	Evidence	11/24/2023									
	Name (Last, First, Middle)				DOB			Age	Race	Sex
	* No name *										

Notes

Property Description	ı			1	Make			Model			Caliber
FLEET 3722					AXON						
Color	Serial No.			Value			Qty		Unit	Juris	diction
						\$0.00		1.000	EA		Locally
Status	Е	ate	NIC#		State #			Local #		OAN	
Evidence	ce	11/24/2023									
Name (Last, First, M	liddle)				THE	DOB		T	Age	Race	Sex
* No name *											

Notes

CASE SUPPLEMENTAL REPORT

Printed: 11/25/2023 04:52

OCA: 23006441

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

Investigator: HESSE, JOSHUA (4305) Date / Time: 11/25/2023 01:49:55, Saturday

Supervisor: KOURI, DAVID G (3022)

Supervisor Review Date / Time: 11/25/2023 04:48:45, Saturday

Contact:

Reference: General Supplemental Report

On Friday, November 24, 2023 at approximately 2032 hours I, Ofc. J. Hesse, was dispatched with Ofc. J. Lopez to Outback Steakhouse, located a 3230 N. Roosevelt Blvd. Per the 911 caller, a male subject described as an intoxicated Hispanic male, wearing a black shirt and cargo shorts, was at the location refusing to leave and being belligerent.

Upon my arrival at the location, I observed a male subject matching the exact description as provided by dispatch, walking out the front doors of the restaurant with staff members pointing at him. I activated by Axon BWC and ordered the male subject, later identified as Javier Antomarchy, to take a seat on a nearby chair. Antomarchy immediately became defiant and demanding action against the restaurant for an unknown reason.

During the limited interaction to that point, I noted Antomarchy's speech to be slow and slurred, his eyes to be watery and bloodshot, and he had the strong odor of an alcoholic beverage on his breath. Antomarchy eventually complied with commands to sit while the incident was investigated, and to prevent him from falling due to his perceived extreme alcohol intoxication.

Upon the arrival of Ofc. Lopez, Antomarchy was ordered to stand to be detained in handcuffs while the incident was being investigated and he did not comply. Ofc. Lopez took control of Antomarchy's right arm while ordering him to stand and submit to handcuffs when I observed Antomarchy appear to turn towards Ofc. Lopez in a quick and unprovoked manner.

Ofc. Lopez guided Antomarchy away from his person to his right where Antomarchy was taken off balance due to a piece of furniture in his path. Handcuffs were then applied by Ofc. Lopez which were checked for proper fit.

Antomarchy was walked to Ofc. Lopez's patrol vehicle where a search of his person was conducted by Ofc. Lopez. At one point during the search, Antomarchy tensed his muscles, and attempted to turn towards officers with an abrupt, violent action. The force he applied was overcome by Ofc. Lopez and I by turning him back towards the patrol vehicle. Antomarchy was then asked to get into the patrol vehicle and he again attempted to forcefully turn away from the vehicle and towards officers. His force was again countered by officers and he was secured into the vehicle.

Following Antomarchy being secured into the vehicle, I spoke to James Davis (host) and Justin Mick (manager) at Outback Steakhouse. Both stated Antomarchy was seated at the bar of the establishment after Antomarchy was observed by staff standing outside the restaurant staring in.

I was told Antomarchy stated he wanted to order food, however, began aggressively asking customers to use their phones. It was reported to me that Antomarchy then began making unprovoked statements about fighting customers who were not engaging with him.

T		CI.	4
Inves	tigator	Signa	fure:

CASE SUPPLEMENTAL REPORT

Printed: 11/25/2023 04:52

OCA: 23006441

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

Investigator: HESSE, JOSHUA (4305)

Date / Time: 11/25/2023 01:49:55, Saturday

Supervisor: KOURI, DAVID G (3022) Supervisor Review Date / T

Supervisor Review Date / Time: 11/25/2023 04:48:45, Saturday

Contact:

Reference: General Supplemental Report

Davis told me he asked Antomarchy to leave five times and stated Antomarchy refused to do so. I was advised a short time after police were called, Antomarchy got up from his seat and walked out of the restaurant where I encountered him. Mick indicated the business did not wish to pursue charges for trespass, however requested Antomarchy be warned for trespass which was later issued.

This concluded my involvement in the investigation. See Ofc. Lopez's case report for greater details.

Axon BWC was activated during this incident.

Investigator Signature:_____