

# Response to Resistance Report

Key West Police Department

Case No: 18-2345

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: 4/25/18 3. Time: 1900 Hrs 4. Location: 3111 Northside Dr. 5. Incident: Resisting W/Out

6. Resistance Level 7. Explanation 8. Response Option 9. Explanation

- ☐ Passive: ☒ Physical Control Take-down  
☒ Active: Pulling away ☐ Non-lethal Weapon  
☐ Aggressive: ☐ Deadly Force  
☐ Deadly Force:

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

14. DOB: 9/6/67 15. Height: 5'10" 16. Weight: 190

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: Michael Pettee 24. Race : W 25. Sex: M 26. Age: 33 27. Height : 5'11" 28. Weight: 250

29. Duty Status: ☐ On-duty ☒ Off-duty ☐ Extra duty employment ☐ Uniformed ☒ Plain clothes 30. Yrs Exp: 6

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: Take-down

OFFICER

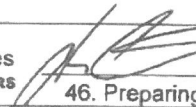
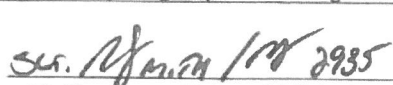
35. Anterior View

Posterior View

# **Response to Resistance Report (continued)**

Key West Police Department

Case No: **18-2345**

<b>TASER USE ONLY</b>	<b>36. TASER® device serial #</b>	<b>37. TASER® device serial #</b>
	TASER®Cam serial #	TASER®Cam serial #
	Cartridge 1 serial #	Cartridge 1 serial #
	Cartridge 2 serial #	Cartridge 2 serial #
	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"/> <b>38. Check and list any additional TASER® devices, cartridges or details in the incident description section.</b>		
<b>REPORT</b>	<b>39. Offense/Incident Report and/or Warrant Affidavit must include:</b>	
	<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.	
<b>SUPERVISOR'S INQUIRY</b>	<b>40. Notified Date:</b> 4/25/18	
	<b>41. Time:</b> 1900 Hrs	
	<b>42. Did you respond to the scene:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)	
	<b>43. Did you meet with the Officer:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)	
<b>INT. AFF.</b>	<b>44. Were you able to locate any independent witnesses:</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)	
	Name	Address
<b>45. Is further review recommended:</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
<b>FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS</b>		
<b>46. Preparing Supervisor's Signature / ID</b>  <b>Sgt J. Castillo 2653</b>		
<b>47. Date</b> 4/25/18		
<b>48. Did the review of this incident conclude that use of force was in compliance with Departmental policy?</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", complete section 51)		
<b>49. Signature of Internal Affairs Inspector</b>  <b>50. Date</b> 5/1/18		
<b>51. If section 48 is "No" record the Professional Standards Control Number:</b>		
<b>52. Date Entered:</b>		

## REPORT

Page 1

# Incident Report Additional Name List

Key West Police Department

OCA: 18-002345

## Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1 ) IO 3	WALDNER, DAMIAN A		06/16/1974	43	W	M
	Address 360 Ave C , Key West, FL 33040-		H: 305-923-4460			
	Empl/Addr		B: - -			
			Mobile #: - -			

# INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 18-002345

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

Narr. (cont.) OCA: 18-002345

Key West Police Department

NARRATIVE

# REPORTING OFFICER NARRATIVE

Key West Police Department

Victim	Offense	OCA 18-002345
	BAKER / MARCHMAN ACT	Date / Time Reported Wed 04/25/2018 19:00

On Wednesday, April 25, 2018, at approximately 1900 hours, I, Officer J. Young, responded to 3111 Northside Dr. (Clayton Sterling Baseball Complex) to assist Officer T. Clark and Officer M. Pettie who discovered a white male attempting to burglarize a parked truck and currently had the male detained.

I arrived on scene and saw a white male, later identified as [redacted] through F/NCIC, sitting at a picnic table handcuffed. [redacted] had traces of grass and dirt on his face and body. [redacted] was covered in dirt and had a foul odor, indicating he had not showered in quite some time.

I spoke with Officer Clark and Officer Pettie who told me they were off duty, at the park when they observed [redacted] grasping the tailgate release of a black, 2016, Ford F-150 pickup truck bearing Florida tag #JDJV98. After [redacted] was unable to open the tailgate, [redacted] attempted to open the toneau cover. Again, [redacted] was unable to gain access to the truck bed due to them being locked. [redacted] grasped the rear, right door and was in the process of opening it. Officer Pettie, in plain clothes identified himself as a Key West Police Officer and engaged [redacted] to detain him for the attempted burglary.

[redacted] did not comply with Officer Pettie and Officer Pettie had to use force to detain [redacted] and place him into handcuffs.

I spoke with [redacted] who was having some type of mental episode was visibly and uncontrollably shaking. [redacted] told me he was opening the truck because his boss was inside the truck, being held captive and yelling for help. [redacted] claimed his boss was giving him instructions to open the truck and allow him to escape his captors.

No one was inside the truck being held captive and all the events described to me were a figment of [redacted]'s imagination.

[redacted] was not aware of his surroundings, unaware of the current date and believed he was in South Dakota. [redacted] stated he had seen a mental health professional in the past and has not received treatment on over a month, nor has he been taking his medication.

Damian Waldner, the owner of the Ford truck did not wish to pursue charges for the burglary.

I took [redacted] into custody as a Baker Act and transported him to DePoo Mental Health Hospital for treatment / evaluation.

[redacted] was accepted into the facility and I returned to service with no further action needed.

# Incident Report Related Vehicle List

Key West Police Department

OCA: 18-002345

1	VehYr/Make/Model 2016 FORD, F150		Style PK		Color BLK		Lic/Lis /Decal JDJV98 FL 2018, 19078918		VIN 1FTEW1EG8GFA51270		
IBR Status None			Date 04/25/2018		Location 3111 NORTHSIDE DR, KEY WEST FL						
Condition		Value \$0.00		Offense Code 9937		Jurisdiction Locally		State #		NIC #	
Name (Last, First, Middle) Waldner, Damian A					Also Known As			Home Address 360 AVE C KEY WEST, FL 33040 305-923-4460			
Business Address											
DOB 06/16/1974		Age 43	Race W	Sex M	Hgt 510	Wgt 200	Scars, Marks, Tattoos, or other distinguishing features				

Notes

**CASE SUPPLEMENTAL REPORT**

Printed: 04/26/2018 18:32

OCA: 18002345

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

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Investigator: *PETTEE, MICHAEL (3434)*Date / Time: *04/26/2018 08:39:34, Thursday*Supervisor: *BARRIOS, DONALD J (1850)*Supervisor Review Date / Time: *04/26/2018 09:40:17, Thursday*

Contact:

Reference: *General Supplemental Report*

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On Wednesday 25 April 2016 at around 725 hours, I (Officer M. Pettee) was off duty, in plain clothes at the Clayton Sterling Baseball Complex.

I noted a white male who I had contact with prior in the day while on duty, wandering around the baseball field, acting in a strange manor approaching people. Due to my previous encounter, I watched closely, as in our earlier encounter he had made threats towards individuals and also displayed signs of being mentally distressed, hearing voices and talking to people whom did not exist and were not there.

As I watched he approached the rear of a Blue Ford F150 pickup truck. placed his cup on the bumper, and began to pull the tailgate in an attempt to open it. than began to attempt to pry the soft bed cover off of the truck. When he was unable to open the soft cover, he went back to attempting to open the tail gate.

Being as I was in plain clothes, off duty and with my personal vehicle and with my children, I reluctantly took action, as I believed was in the process of committing a felony( Burglary of a conveyance).

I had my duty belt with me, and retrieved my handcuffs. As I was grabbing my handcuffs, the owner of the vehicle arrived and began to question . I announced myself and told to place his hands behind his back. resisted, however being in plain clothes, and after having futher converstion with . I do no feel, even though it was announced, knew I was attempting to detain him as an Officer. I had to bring to the ground with a straght arm bar take down, and forcefully place his left hand behind his back. did, after apparently recognizing me from the encounter earlier in the day, provide me with his right hand. ater stated that he heard my annoucement of being an Officer.

After placing in handcuffs, I contacted KYPD channel one and informed them I had one in custody reference attempted burglary. I asked why he was trying to break into the truck. stated his boss Peter was in the bed of the truck, yelling for help. further stated Peter was directing him how to open the tailgate in order to free him from the truck.

After provided me that information, I informed KYPD Channel 1 that the attempted burglary may be realted to a mental health issue.

On duty officers arrived, and pending further conversations with was taken into protective custody, and brought to a mental health receiving facility.

The owner of the truck wished no charges on the attempted burglary, only asking tha received the help he

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**Investigator Signature:** \_\_\_\_\_



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Investigator: *PETTEE, MICHAEL* (3434)

Date / Time: *04/26/2018 08:39:34, Thursday*

Supervisor: *BARRIOS, DONALD J* (1850)

Supervisor Review Date / Time: *04/26/2018 09:40:17, Thursday*

Contact:

Reference: *General Supplemental Report*

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needed based on his comments.

No BWC footage is available due to being in plain clothes.

Investigator Signature: \_\_\_\_\_