

# Response to Resistance Report

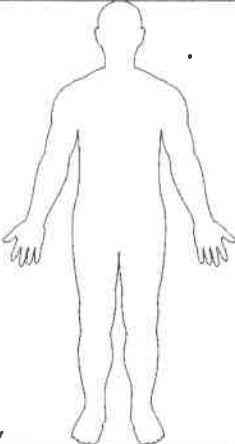
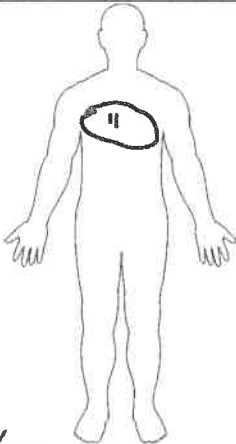
Key West Police Department

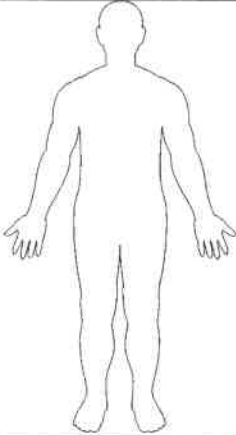
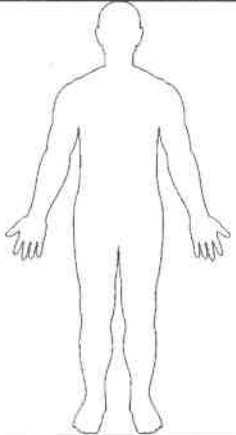
Case No: 19-0445

## 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)

<b>INCIDENT</b>	<b>2. Date:</b> 1/20/2019	<b>3. Time:</b> 2310	<b>4. Location:</b> 801 Duval St	<b>5. Incident type:</b> S36b
	<b>6. Resistance Level</b>	<b>7. Explanation</b>	<b>8. Response Option</b>	<b>9. Explanation</b>
	<input checked="" type="checkbox"/> Passive:	Non-Compliant	<input checked="" type="checkbox"/> Physical Control	Joint Manipulation
	<input checked="" type="checkbox"/> Active:	Pulling Away	<input checked="" type="checkbox"/> Non-lethal Weapon	Drive Stun
	<input type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force	
	<input type="checkbox"/> Deadly Force:			

<b>SUBJECT</b>	<b>10. Last Name:</b> Reagan	<b>11. First:</b> Benjamin	<b>12. Race:</b> White	<b>13. Sex:</b> M
	<b>14. DOB:</b> 05/27/1997	<b>15. Height:</b> 5'07"	<b>16. Weight:</b> 210	
	<b>17. Did you observe the subject:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If NO, explain why in Section 42. If "YES", complete sections 18-22			
	<b>18. Appeared to be:</b> <input checked="" type="checkbox"/> Intoxicated <input type="checkbox"/> Under the influence of controlled substance <input type="checkbox"/> Emotionally / mentally disturbed			
	<b>19. Injuries:</b> <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)			
	<b>20. Photographed:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <b>21. Treated:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <b>By:</b> <input type="checkbox"/> EMT/Paramedic on scene <input checked="" type="checkbox"/> Hospital <input type="checkbox"/> Detention			
				
<b>22. Anterior View</b>		<b>Posterior View</b>		

<b>OFFICER</b>	<b>23. Officer:</b> Santiago Perez	<b>24. Race:</b> H	<b>25. Sex:</b> M	<b>26. Age:</b> 54	<b>27. Height:</b> 5'-9"	<b>28. Weight:</b> 215	
	<b>29. Duty Status:</b> <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						<b>30. Yrs Exp:</b> 1.2
	<b>31. Injuries:</b> <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)						
	<b>32. Photographed:</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <b>33. Treated:</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <b>By:</b> <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital						
	<b>34. Response option used by this officer:</b> (If TASER®, also reference line number from TASER® section) 37						
							
<b>35. Anterior View</b>		<b>Posterior View</b>					

# Response to Resistance Report (continued)

Key West Police Department

Case No: 19-0445

TASER USE ONLY	36. TASER® device serial # X120056T7		37. TASER® device serial #	
	TASER®Cam serial # V21001KP7		TASER®Cam serial #	
	Cartridge 1 serial #		Cartridge 1 serial #	
	Cartridge 2 serial #		Cartridge 2 serial #	
	Number of cycles: 2		Number of cycles:	
	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: Sgt. J. Dean		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: 1/20/2019		41. Time: 2311	
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	43. Did you meet with the Officer: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
44. 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
Kalen Fortuna		31612 Ave D, Big Pine Key , FL, 33043		(305) 587-4641
Lauren Maguire		261 Miami Ave, Indialantic, FL, 32903		(321) 537-0348
Joshua Eldredge		2500 Patterson Ave, Key West, FL, 33040		(305) 676-2786
45. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS				
INT. AFF.	48. 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 (If "No", complete section 51)		46. Preparing Supervisor's Signature / ID	
			47. Date	
			49. Signature of Internal Affairs Inspector	
51. If section 48 is "No" record the Professional Standards Control Number:		52. Date Entered:		

		INCIDENT/INVESTIGATION REPORT										Case# <b>19-000445</b>		
												Date / Time Reported <b>01/20/2019 23:06 Sun</b>		
I N C I D E N T D A T A	Agency Name <b>Key West Police Department</b>		ORI <b>FL0440100</b>		Location of Incident <b>801 Duval St, Key West FL 33040-</b>				Premise Type <b>Bar / Nightclub / Lounge</b>		Beat/GP <b>B2, GPB2</b>		Last Known Secure <b>01/20/2019 23:06 Sun</b>	
											At Found <b>01/20/2019 23:06 Sun</b>			
	#1	Crime Incident(s) <b>Battery SCA</b>				(Com)		Weapon / Tools <b>HANDS, FIST, FEET</b>				Activity		
			Entry		Exit		Security							
V I C T I M	#2	Crime Incident				( )		Weapon / Tools				Activity		
			Entry		Exit		Security							
	#3	Crime Incident				( )		Weapon / Tools				Activity		
			Entry		Exit		Security							
MO														
O T H E R S  I N V O L V E D	# of Victims <b>2</b>		Type: <b>INDIVIDUAL</b>				Injury: <b>Minor Injuries</b>				Domestic: <b>N</b>			
	V1	Victim/Business Name (Last, First, Middle) <b>FORTUNA, KALEN EDWARD</b>				Victim of Crime # <b>1,</b>		DOB <b>07/07/1988</b>		Race <b>W</b>	Sex <b>M</b>	Relationship To Offender <b>ST</b>	Resident Status <b>Resident</b>	Military Branch/Status
	Home Address <b>7001 SHRIMP RD , Key West, FL 33040-</b>										Home Phone <b>305-587-4641</b>			
	Employer Name/Address								Business Phone		Mobile Phone			
	VYR	Make	Model	Style	Color	Lic/Lis	VIN							
	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)													
P R O P E R T Y	Type: <b>INDIVIDUAL</b>		Injury: <b>Minor Injuries</b>											
	V2	Name (Last, First, Middle) <b>MAGUIRE, LAUREN ELIZABETH</b>				Victim of Crime # <b>1,</b>		DOB <b>09/27/1993</b>		Race <b>W</b>	Sex <b>F</b>	Relationship To Offender <b>ST</b>	Resident Status <b>Resident</b>	Military Branch/Status
	Home Address <b>261 Miami Ave Indialantic, FL 32903</b>										Home Phone <b>321-537-0348</b>			
	Employer Name/Address								Business Phone		Mobile Phone			
	Type: <b>INDIVIDUAL</b>		Injury:											
	IO	Name (Last, First, Middle) <b>ELDREDGE, JOSHUA LEAMING</b>				Victim of Crime #		DOB <b>01/19/1989</b>		Race <b>W</b>	Sex <b>M</b>	Relationship To Offender	Resident Status <b>Resident</b>	Military Branch/Status
Home Address <b>2500 Patterson Ave Key West, FL 33040</b>										Home Phone <b>305-676-2786</b>				
Employer Name/Address <b>Eight O One, 801 Duval St (BOUNCER)</b>								Business Phone		Mobile Phone <b>213-215-3385</b>				
L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)														
P R O P E R T Y	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description			Make/Model			Serial Number	
		35	EVID	\$1.00		1	BWC 3834			AXON				
Officer/ID# <b>PEREZ, SANTIAGO (3834)</b>														
Invest ID# <b>(0)</b>										Supervisor <b>(0)</b>				
Status	Complainant Signature				Case Status <i>Cleared By Arrest</i>				Case Disposition: <i>Cleared By Arrest</i>				Page 1	
				<b>01/21/2019</b>				<b>01/21/2019</b>						

# INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 19-000445

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  
ARGUELLO, V.S. (3917)

Suspect Hate / Bias Motivated:

NARRATIVE

**REPORTING OFFICER NARRATIVE***Key West Police Department*

Victim <i>FORTUNA, KALEN EDWARD</i>		OCA <i>19-000445</i>
Offense <i>BATTERY</i>		Date / Time Reported <i>Sun 01/20/2019 23:06</i>

On Sunday, January 21, 2019, approximately 2307 Hours, I, Officer Perez was dispatched to 801 Duval Street (Eight O One Pub), reference a male fighting with staff. Officer Arguello was also dispatched to the scene.

Upon arrival, Officer Arguello and I, were directed to the north east side of the bar, where bar security officer Joshua Eldredge (DOB 01/19/1989), had a white male held down on the ground. Officer Arguello and I, immediately tried to take the white male in to custody, and the white male was uncooperative by tensing his arms to prevent from being handcuff. Officer Arguello and I, gave the white male several verbal commands to stop resisting and the white male continue tensing and pulling away his arms. At that point I pulled out my Tazer, removed the Tazer cartridge and drive stunned, the white male to gain compliance.

The white male was later identified as Benjamin Christopher Reagan (DOB 05/27/1997). Officer Arguello and I, removed Reagan from the club and placed him handcuffed in the rear seat of my patrol vehicle.

I then met with Eldredge who told me Reagan punched a couple, later identified as Kalen Edward Fortuna (DOB 07/07/1988) and Lauren Elizabeth Maguire (DOB 09/27/1993). Fortuna told me that Regan had walked up to him and invited them to drink a shot. Fortuna said after they drank the shot, Regan told him "I'm going to put you to sleep", Fortuna asked Regan "did you put any drugs on my drink". Fortuna said that's when Regan grabbed him by the throat and tried to take him down. Fortuna said he was not able to breathe for ten to fifteen seconds. Fortuna said then Regan punched him in the right side of his face, turn and punched Maguire also on the right side of her face.

I took photos of Fortuna and Maguire faces. I also took a photo of Fortuna hands. I summited the pictures to The Key West Police Property/Evidence Department for evidence. My BWC was activated through the incident. I transported Reagan to the ER at Lower Keys Medical Center for clearance, and then to the Monroe County Detention Center with out incident.

Based on the facts and evidence of my investigation in this case, there is probable cause to believe that on 01/20/2019, at about 2307 hours, Regan, did commit two counts of battery intentionally striking Fortuna and Maguire in the face as well as choking Fortuna in violation of F.S.S. 784.03

# Incident Report Suspect List

Key West Police Department

OCA: 19-000445

1	Name (Last, First, Middle) <b>REAGAN, BENJAMIN CHRISTOPHER</b>					Also Known As					Home Address <b>30861 MALAGA LN BIG PINE KEY, FL 33043 414-801-8074</b>																																														
	Business Address <b>DOLPHIN BAY WATER SPORT, WAVERUNNER RENL, BIG PINE KEY</b>																																																								
	DOB <b>05/27/1997</b>	Age <b>21</b>	Race <b>W</b>	Sex <b>M</b>	Eth <b>N</b>	Hgt <b>507</b>	Wgt <b>155</b>	Hair <b>BRO</b>	Eye <b>BLU</b>	Skin <b>LGT</b>	Driver's License / State. <b>R250063971870 FL</b>																																														
	Scars, Marks, Tattoos, or other distinguishing features																																																								
<table border="1"> <tr> <td colspan="2"><b>Reported Suspect Detail</b></td> <td colspan="2">Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td colspan="2">Height</td> <td colspan="2">Weight</td> <td colspan="2">SSN</td> </tr> <tr> <td colspan="2">Weapon, Type</td> <td colspan="2">Feature</td> <td colspan="2">Make</td> <td colspan="2">Model</td> <td colspan="2">Color</td> <td colspan="2">Caliber</td> <td colspan="2">Dir of Travel Mode of Travel</td> </tr> <tr> <td colspan="4">VehYr/Make/Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="2">Lic/St</td> <td colspan="4">VIN</td> </tr> </table>																<b>Reported Suspect Detail</b>		Suspect Age		Race	Sex	Eth	Height		Weight		SSN		Weapon, Type		Feature		Make		Model		Color		Caliber		Dir of Travel Mode of Travel		VehYr/Make/Model				Drs	Style		Color		Lic/St		VIN			
<b>Reported Suspect Detail</b>		Suspect Age		Race	Sex	Eth	Height		Weight		SSN																																														
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VehYr/Make/Model				Drs	Style		Color		Lic/St		VIN																																														
Notes								Physical Char																																																	

# Incident Report Related Property List

Key West Police Department

OCA: 19-000445

1	Property Description <b>BWC 3834</b>				Make <b>AXON</b>		Model		Caliber	
	Color	Serial No.		Value <b>\$1.00</b>		Qty <b>1.000</b>		Unit	Jurisdiction <b>Locally</b>	
	Status <b>Evidence</b>	Date <b>01/20/2019</b>	NIC #		State #		Local #		OAN	
	Name (Last, First, Middle) <b>Eldredge, Joshua Leaming</b>					DOB <b>01/19/1989</b>		Age <b>30</b>	Race <b>W</b>	Sex <b>M</b>

Notes

**CASE SUPPLEMENTAL REPORT**  
*NOT SUPERVISOR APPROVED*

Printed: 01/21/2019 04:40

OCA: **19000445**

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

Investigator: *ARGUELLO, VICTOR S (3917)*

Date / Time: *01/21/2019 04:03:13, Monday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

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On Sunday, January 20, 2019 at approximately 2306 hours, I (Ofc. Arguello) responded to 801 Duval Street, reference an unruly male (later identified as Benjamin Reagan).

Upon arrival, I noticed that the bar security guard had Reagan on the ground. Ofc. Perez and I ordered Reagan to place his hands behind his back and he refused. Reagan was pulling his arms away and attempting to get up. I was able to handcuff his left wrist, but Reagan pulled away his right arm. Ofc. Perez told Reagan that if he did not comply with his orders, he would be tased, he continued to resist. Ofc. Perez drive stunned Reagan on his back. Reagan stopped resisting, I was able to handcuff Reagan`s right wrist. I don`t have further involvement in this case.

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