

Response to Resistance Report

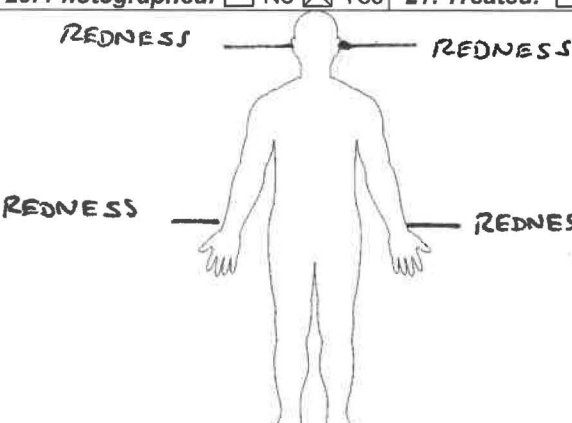
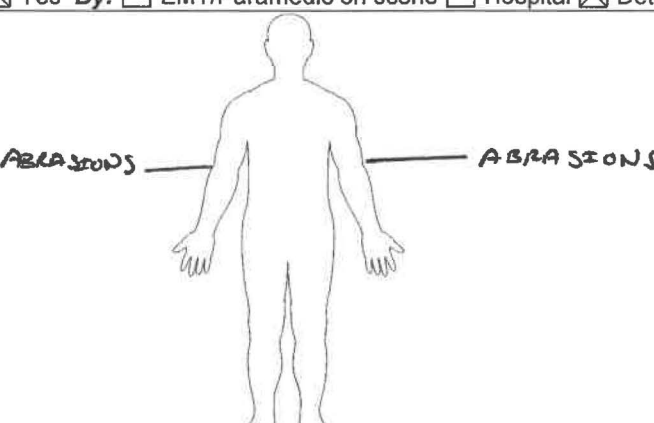
Key West Police Department

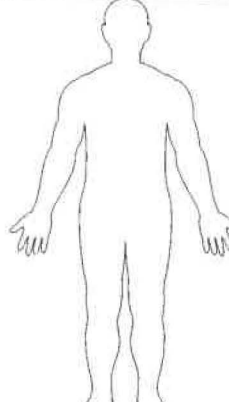
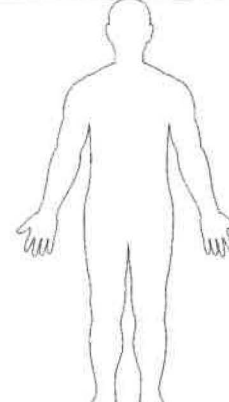
Case No: 19-1839

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: 3/19/19 | 3. Time: 2000 hrs | 4. Location: 623 Duval St. Up. | 5. Incident type: S34 |
| | 6. Resistance Level | 7. Explanation | 8. Response Option | 9. Explanation |
| | <input checked="" type="checkbox"/> Passive: | Would not comply | <input checked="" type="checkbox"/> Physical Control | Takedown |
| | <input checked="" type="checkbox"/> Active: | Pulled Away, Tensed Up | <input type="checkbox"/> Non-lethal Weapon | |
| | <input type="checkbox"/> Aggressive: | | <input type="checkbox"/> Deadly Force | |
| | <input type="checkbox"/> Deadly Force: | | | |

| | | | | |
|---------|--|------------------|---|------------|
| SUBJECT | 10. Last Name: Bennis | 11. First: Kyle | 12. Race: W | 13. Sex: M |
| | 14. DOB: 12/09/96 | 15. Height: 5'09 | 16. Weight: 160 | |
| | 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 checked="" type="checkbox"/> Intoxicated <input checked="" 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 type="checkbox"/> Hospital <input checked="" type="checkbox"/> Detention | | | |
| |  22. Anterior View | |  Posterior View | |

| | | | | | | |
|--|--|-------------|------------|--|------------------|-----------------|
| OFFICER | 23. Officer: Nicolas Dantu | 24. Race: W | 25. Sex: M | 26. Age: 44 | 27. Height: 5'11 | 28. Weight: 195 |
| | 29. Duty Status: <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input 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: (If TASER®, also reference line number from TASER® section) 36 | | | | | | |
| |  35. Anterior View | | |  Posterior View | | |

Response to Resistance Report (continued)

Key West Police Department

Case No: 19-1839

| | | | | |
|--|--|---|---|------------------|
| TASER USE ONLY | 36. TASER® device serial # | | 37. TASER® device serial # | |
| | 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: Yes <input type="checkbox"/> No | | Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | Target distance at probe | | Target distance at probe launch: | |
| | Distance between probes: | | Distance between probes: | |
| | Probes removed by (name): | | Probes removed by (name): | |
| Device downloaded by: Unable to download/ w/ training | | 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: 3/19/19 | | 41. Time: 2048 hrs | |
| | 42. Did you respond to the scene: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "No", explain why) | | | |
| | Officer transported subject to the KWPD. Spoke with witness telephonically. | | | |
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| | | | | |
| | 43. Did you meet with the Officer: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why) | | | |
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| | | | | |
| 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 |
| Sybille Hailffer | | 905 Truman Avenue – At Home In Key West | | (305) 797 - 0686 |
| Chad Shoupe | | 905 Truman Avenue – At Home In Key West | | (305) 296 - 2594 |
| | | | | |
| 45. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | | | | |
| FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS | | | | |
| 46. Preparing Supervisor's Signature / ID <u>3366</u> 47. Date <u>3/19/19</u> | | | | |
| 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) | | | |
| | 49. Signature of Internal Affairs Inspector <u>[Signature]</u> 50. Date <u>3/26/19</u> | | | |
| | 51. If section 48 is "No" record the Professional Standards Control Number: 52. Date Entered: | | | |

Incident Report Additional Name List

Key West Police Department

OCA: 19-001839

Additional Name List

| Name Code/# | Name (Last, First, Middle) | Victim of Crime # | DOB | Age | Race | Sex |
|-------------|-------------------------------------|----------------------|-----------------|-----|------|-----|
| 1) WI 1 | HALFORD, SYBILLE ZW | | 01/01/1960 | 59 | W | F |
| Address | 1507 18th Ter , Key West, FL 33040- | | H: 305-296-7975 | | | |
| Empl/Addr | Wyland | | B: 305-296-7975 | | | |
| | | | Mobile #: - - | | | |

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 19-001839

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 |
|-----------------------|-----|--------|----------|--------------|----------------|---------------------------|
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Assisting Officers

LITTON, A.J. (3958)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

| | | |
|--------------------------|--|---|
| Victim <i>Society</i> | Offense <i>RESIST ARREST / ESCAPE</i> | OCA <i>19-001839</i> |
| | | Date / Time Reported <i>Tue 03/19/2019 19:55</i> |

On 03/19/2019, at about 1955 hours, I (Ofc. Dantu) was dispatched to 623 Duval Street in reference to an eviction.

Upon arrival, I met with Sybille Halford, (the manager of the property) who informed me she wanted the occupants, (Spring Breakers) of the apartment evicted. The apartment / lodging is considered a licensed transient public lodging establishment, and law enforcement has the authority to evict.

At the time of the eviction there were about eight to twelve people in the apartment, mostly male. According to Halford the occupants were on Spring Break. Halford and her colleague told me the Spring Break occupants had been issued a warning the previous day for noise and overcrowding in the apartment. The Spring Breakers ignored the warning and Halford wanted the occupants evicted.

Halford and her colleague, (Chad Shoupe) repeatedly attempted to explain to the Spring Breakers why they were being evicted. Halford and Shoupe were constantly interrupted and cursed at. Some occupants refused to listen at all.

After about 10 minutes of Shoupe failing to get the Spring Breakers to comply, I told all of the Spring Breakers they had been evicted and asked them to vacate the property. Most of the Spring Breakers were compliant, especially the females.

Two of the male occupants, which included Kyle Bennis were refusing to leave. Kyle Bennis and one of his friends began to curse at me and Ofc. Litton who had arrived on scene. They also began cursing at Halford and Shoupe. In fact, while Ofc. Litton and I were in the rear of the apartment attempting once again to explain to Bennis that he was evicted, Shoupe came to get me because he felt physically threatened by Bennis's friend. (Bennis's friend was starting to get up close to his face and curse at him). I escorted Bennis's friend off the property.

Ofc. Litton and I tried to explain to Bennis that he was evicted and needed to leave the apartment. He repeatedly said he was not leaving and wanted to see eviction papers. I attempted to walk with Bennis to the exit of the apartment and explain to him that if he had any grievances he should make a formal complaint against management.

Bennis refused to adhere to my advice.

I told Bennis to vacate the apartment or he would be arrested for trespassing. Bennis refused. Bennis once again insisted he wanted to see eviction papers.

I attempted to walk with Bennis to the exit of the apartment but he pushed into me and tensed up. I took hold of Bennis's arm and attempted to escort him off of the property. I told Bennis not to resist. Bennis tensed up, leaned/pushed back into me, refused to be escorted off of the property and continued to curse at me.

I decided to take Bennis to the ground and handcuff him to avoid any more physical interaction. (After bumping into me and tensing up I had reason to believe that Bennis might continue to become even more physical with me).

Once Bennis was on the ground he refused to be handcuffed. Bennis continued to resist and oppose me as I attempted to handcuff him. I told Bennis to stop resisting multiple times but he refused to adhere to my advice. Ofc. Litton had to assist me in handcuffing Bennis. Bennis continued to struggle and tense up while Ofc. Litton and I transported him to my vehicle.

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

19-001839

Victim

Society

Offense

RESIST ARREST / ESCAPE

Date / Time Reported

Tue 03/19/2019 19:55

Ofc. Litton and I responded to Bennis's resistance by attempting to gain control of Bennis's hands while he was face down on the ground. Bennis continued resisting. Ofc. Litton took control of Bennis's right hand while I took control of Bennis's left hand. Bennis tried to roll over onto his back. I placed my shin on the back of his shoulders to keep Bennis from rolling onto his back. Ofc. Litton and I continued to use our hands to handcuff Bennis.

Bennis did not seem to be injured and he did not ask for any medical assistance. When transporting Bennis to KWPD he mentioned his ear had blood on it. Bennis did not say anything more about his ear. The nurse at the jail cleared Bennis and there was no mention of blood on his ear. I did not observe any injuries. No medical aid was provided to myself, Ofc. Litton or Bennis. No medical aid was requested.

I contacted Sgt. Siracuse in reference to the take down and met with Sgt. Siracuse at KWPD.

Based on the facts and evidence in this case there is probable cause to believe on 03/19/2019, at about, 2100 hrs Kyle Bennis committed the act of resisting a Police Officer without violence and an act of trespassing.

Bennis resisted and opposed a law enforcement officer who was legally authorized to execute a process. At the time the Officer was engaged in the execution of legal process or the lawful execution of a legal duty. At the time Bennis knew that the person he obstructed, resisted and opposed was in fact an officer legally authorized to execute the process.

I arrested Bennis for Resisting an Officer Without Violence under Florida Statute: Section 843.02.

Bennis chose to remain in the structure / apartment and refused to depart after being warned to vacate the property by the agent in charge; the apartment was in the lawful possession of the person alleging the trespass; remaining in the structure / apartment by Bennis was without the permission of the person alleging the trespass.

I arrested Bennis for Trespassing under Florida Statute: Section 810.08(1).

I uploaded my BWC footage to evidence.com

Incident Report Suspect List

Key West Police Department

OCA: 19-001839

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|--|---|------------------|------------------|-----------------|-----------------|--------------------|-------------------|--------------------|---------------------------------|--|--|--------------------------------|--|-------------|--|------|-----|-----|--------|--|--------|--|-----|--------------|---------|------|--|-------|--|--|-------|---------|---------------------------------|--|--|------------------|--|-----|-------|--|-------|--|--------|--|-----|--|--|
| 1 | Name (Last, First, Middle) BENNIS, KYLE PATRICK | | | | | | Also Known As | | | Home Address 1507 SYCAMORE AVE WILLOW GROVE, PA 19090 215-290-5894 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Business Address UNKNOWN, UNKNOWN, UNKNOWN | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | DOB 12/09/1996 | Age 22 | Race W | Sex M | Eth U | Hgt 509n | Wgt 170 | Hair BRO | Eye GRE | Skin LGT | Driver's License / State. [REDACTED] | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Scars, Marks, Tattoos, or other distinguishing features | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <tr> <td colspan="2">Reported Suspect Detail</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>SSN</td> </tr> <tr> <td>Weapon, Type</td> <td>Feature</td> <td colspan="2">Make</td> <td colspan="3">Model</td> <td>Color</td> <td>Caliber</td> <td colspan="3">Dir of Travel Mode of Travel</td> </tr> <tr> <td colspan="2">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="3">VIN</td> </tr> </table> | | | | | | | | | | | | Reported Suspect Detail | | 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 | | |
| Reported Suspect Detail | | 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 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Notes | | | | | | Physical Char | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Incident Report Related Property List

Key West Police Department

OCA: 19-001839

| | | | | | | | | | | |
|--|---|--|---------------------------|--|------------------------|--|---------------------|--|--------------------------------|--|
| 1 | Property Description BWC 3835 | | | | Make | | Model | | Caliber | |
| | Color | | Serial No. | | Value \$0.00 | | Qty 1.000 | | Unit | |
| | | | | | | | | | Jurisdiction Locally | |
| | Status Evidence | | Date 03/19/2019 | | NIC # | | State # | | Local # | |
| | | | | | | | | | OAN | |
| Name (Last, First, Middle) * No name * | | | | | DOB | | Age | | Race | |
| | | | | | | | | | Sex | |

Notes

| | | | | | | | | | | |
|--|---|--|---------------------------|--|------------------------|--|---------------------|--|--------------------------------|--|
| 2 | Property Description BWC 3835 | | | | Make | | Model | | Caliber | |
| | Color | | Serial No. | | Value \$0.00 | | Qty 1.000 | | Unit | |
| | | | | | | | | | Jurisdiction Locally | |
| | Status Evidence | | Date 03/19/2019 | | NIC # | | State # | | Local # | |
| | | | | | | | | | OAN | |
| Name (Last, First, Middle) * No name * | | | | | DOB | | Age | | Race | |
| | | | | | | | | | Sex | |

Notes

CASE SUPPLEMENTAL REPORT

Printed: 04/09/2019 09:14

Key West Police Department

OCA: **19001839**

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

Case Status: *CLEARED BY ARREST*Case Mng Status: *NA*Occurred: *03/19/2019*Offense: *RESIST ARREST / ESCAPE*Investigator: *LITTON, ANDREW J. (3958)*Date / Time: *03/20/2019 00:37:53, Wednesday*Supervisor: *SIRACUSE, MARK W (3366)*Supervisor Review Date / Time: *03/20/2019 05:35:38, Wednesday*

Contact:

Reference: *General Supplemental Report*

On 03/19/2019, I (Ofc. A. Litton) was dispatched to 623 Duval Street in reference to a civil stand-by of multiple spring breakers being evicted from the premise for violating their rental agreement.

I arrived to a hostile environment with property managers, Chad Shoupe and Sybille Halford, instructing approximately 12 people they needed to vacate the premise. Shoupe advised me the unit was rented to 6 people, the oldest being 25 years of age. Through their agreement, anyone under the age of 25 was to be accompanied by a parent or guardian for the care of the rental unit. Shoupe also told me they had another incident the night before of a loud party above the Wyand Art Gallery when they could hear loud music and footsteps above from this same group.

From instruction by Officer N. Dantu and myself, we were able to convince majority of the party to pack their belongs and vacate the premise. Some wanted to argue and shout at Shoupe, to where I had to stand between so they did not get physical with him. The main instigator, Kyle Bennis, did not want to pack his belongings and felt he was being wronged by the property managers. Bennis felt he should be given an eviction notice, in writing, as to why they were being evicted. Shoupe already explained his reasoning for the eviction but Bennis seemed too intoxicated to grasp the concept that they violated the rental agreement. While the rest of the group gathered their belongings to leave, Bennis wanted more to argue than gather his belongings. Bennis also spent most of the time on the phone with his mother while telling Shoupe he was going to sue the property.

When the rest of the group vacated, including Bennis' belongings which were removed by another member, Bennis remained in the structure to argue with Shoupe and Halford. Bennis was blocking the only exit from one of the bedrooms and would not leave the premise or allow us through the hallway. Officer N. Dantu had to use force to exit the hallway when Bennis resisted the command to leave since he was now trespassing. Bennis postured toward Officer N. Dantu, forcing Officer N. Dantu to push Bennis out of the hallway and attempt to detain him. Bennis was taken to the ground, by Officer N. Dantu, where Bennis resisted being handcuffed. I rolled Bennis onto his back by his legs and proceeded to place handcuffs on him while Officer N. Dantu restrained his arms. Bennis was transported and placed in the patrol vehicle, across the street, by Officer N. Dantu and I. I then returned to the apartment to assure the rest of the party left and did not cause harm to the renters or the property. The rest vacated without incident.

Axon BWC was activated during this incident.

Investigator Signature

Supervisor Signature