

Response to Resistance Report

Key West Police Department

Case No: 19-5951

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: 10-11-2019 3. Time: 0028 4. Location: Applerouth/Duval St 5. Incident type: Physical Fight

6. Resistance Level

- ☐ Passive:
☒ Active:
☐ Aggressive:
☐ Deadly Force:

7. Explanation

Pulling away

8. Response Option

- ☒ Physical Control
☐ Non-lethal Weapon
☐ Deadly Force

9. Explanation

Arm bar takedown

SUBJECT

10. Last Name: Barnes

11. First: Mark

12. Race: White 13. Sex: Male

14. DOB: 02-19-1961

15. Height: 509

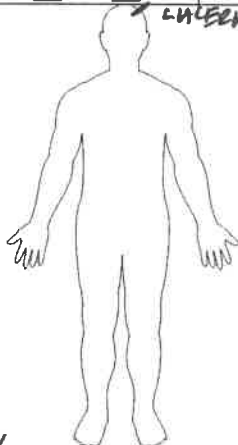
16. Weight: 185

17. Did you observe the subject: ☐ No ☒ Yes If NO, explain why in Section 42. If "YES", complete sections 18-22

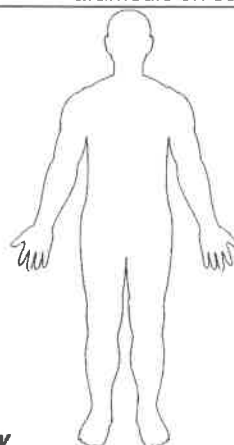
18. Appeared to be: ☒ Intoxicated ☒ Under the influence of controlled substance ☒ Emotionally / mentally disturbed

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



22. Anterior View



Posterior View

OFFICER

23. Officer: Ofc. Tim Malak

24. white

25. male

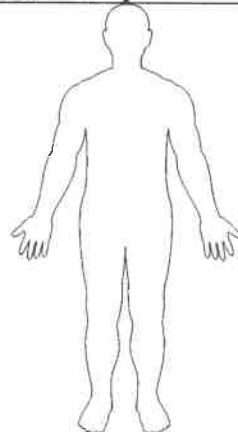
26. Age: 31 27. Height: 6'0 28. Weight: 235

29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes 30. Yrs Exp: <1

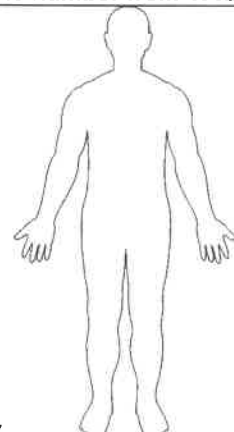
31. Injuries: ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

32. Photographed: ☒ No ☐ Yes 33. Treated: ☒ No ☐ Yes By: ☐ EMT/Paramedic on scene ☐ Hospital

34. Response option used by this officer: (If TASER®, also reference line number from TASER® section)



35. Anterior View



Posterior View

Response to Resistance Report (continued)

Key West Police Department

Case No: 19-5951

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: <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"/> 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: 10/11/2019													
	41. Time: 0028													
	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)														
<table border="1"><thead><tr><th>Name</th><th>Address</th><th>Phone Number</th></tr></thead><tbody><tr><td>Rob Vaughn</td><td>6 Lopez Lane</td><td>305 896 2558</td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></tbody></table>			Name	Address	Phone Number	Rob Vaughn	6 Lopez Lane	305 896 2558						
Name	Address	Phone Number												
Rob Vaughn	6 Lopez Lane	305 896 2558												
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)													
	49. Signature of Internal Affairs Inspector													
	50. Date													
51. If section 48 is "No" record the Professional Standards Control Number:														
52. Date Entered:														

		INCIDENT/INVESTIGATION REPORT										Case# 19-005951		
		Agency Name Key West Police Department		ORI FL0440100		Location of Incident 420 Applerouth Ln/duval St, Key West FL 33040-		Premise Type Highway / Street / Road/		Beat/GP B1, GPB1		Date / Time Reported 10/11/2019 00:28 Fri		
INCIDENT DATA	#1	Crime Incident(s) (Com) Disorderly Conduct DCA				Weapon / Tools NOT APPLICABLE/NONE				Activity				
						Entry		Exit		Security				
	#2	Crime Incident (Com) Resist Arrest / Escape XOM				Weapon / Tools				Activity				
						Entry		Exit		Security				
	#3	Crime Incident ()				Weapon / Tools				Activity				
						Entry		Exit		Security				
MO														
VICTIM	# of Victims 2		Type: INDIVIDUAL				Injury: None				Domestic: N			
	V1	Victim/Business Name (Last, First, Middle) VAUGHN, ROB				Victim of Crime # 1		DOB 06/28/1961 Age 58		Race W	Sex M	Relationship To Offender ST	Resident Status Resident	Military Branch/Status
	Home Address 6 LOPEZ LN, Key West, FL 33040-										Home Phone 305-305-8968			
	Employer Name/Address FIREFLY (SERVER)								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)													
OTHERS INVOLVED	Type: SOCIETY/PUBLIC/STATE Injury:													
	Code V2	Name (Last, First, Middle) SOCIETY				Victim of Crime # 2		DOB // Age		Race	Sex	Relationship To Offender	Resident Status N/A	Military Branch/Status
	Home Address										Home Phone			
	Employer Name/Address								Business Phone		Mobile Phone			
	Type: Injury:													
	Code	Name (Last, First, Middle)				Victim of Crime #		DOB Age		Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
Home Address										Home Phone				
Employer Name/Address								Business Phone		Mobile Phone				
PROPERTY	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)													
	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description			Make/Model		Serial Number		
	35	EVID		\$0.00		1	BWC 4045			AXON				
	35	EVID		\$0.00		1	IN CAR CAMERA			COBAN				
Officer/ID# MALAK, TIMOTHY J (4045)														
Invest ID# (0) Supervisor VAZQUEZ, BILLY (3467)														
Status	Complainant Signature				Case Status Cleared By Arrest 10/11/2019				Case Disposition: Cleared By Arrest 10/11/2019				Page 1	

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 19-005951

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

VAZQUEZ, B. (3467), HAYNIE, T.G. (3836), WAITE, K.J. (3646)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

19-005951

Victim

VAUGHN, ROB

Offense

DISORDERLY CONDUCT

Date / Time Reported

Fri 10/11/2019 00:28

On 10-11-19 at 0028, I, Officer Malak, responded to the area of Applerouth Ln and Duval St for a physical disturbance. The caller, Erik, did not wish to be seen or provide any more information, stated there was a fight between a male a female in the middle of the street.

Upon arrival, I met with a female party, who wished to remain anonymous, and she explained the following in summary;

She was sitting on the ground by 420 Applerouth Ln, when she was approached by a male subject, later identified as Mark J Barnes DOB 2-19-1961. Barnes appeared to be very drunk and began shouting racial slurs, to which the female told him was inappropriate. Barnes approached her and began to threaten her, swinging his arms around. The female pushed Barnes away and retreated to the side walk, Barnes followed her, but a bystander stepped in the way. The female stated Barnes had hit the wall with his fist and then walked down the road to sit on the other side of 420 Applerouth Ln. Barnes was described as an older male with a yellow t-shirt and missing teeth.

I located Barnes sitting on a chair outside 420 Applerouth Ln and asked him about the confrontation he was in a few minutes ago. Barnes became very defensive and declined any knowledge of the incident. I observed a small abrasion on the right knuckle of Barnes and when I asked him about it, Barnes said he hit it against the wall when parking his bike. I also observed another abrasion on his Left forearm, when I asked Barnes about that injury, Barnes became more irate with me and refused to cooperate any further.

It should be noted, Barnes had a strong smell of an alcoholic beverage emitting from his breath, Glassy bloodshot eyes, and slightly slurred speech. Due to Barnes irrational behavior, the decision was made to place Barnes into protective custody for a Marchman Act

I instructed Barnes to stand up, when he began shouting racial slurs and more argumentative. Barnes eventually stood up and was put into handcuffs (checking for proper fit and double locking). While I assisted Barnes to my patrol vehicle, he shouted, "Fuck You" and pulled his arms away from my hold. Barnes was taken to the ground using a single arm take down, where I regained control and continued to assist him to my patrol vehicle.

Once to my patrol vehicle, I observed a laceration to the forehead of Barnes. Officer Haynie requested KWFD to the scene to assess the medical needs of Barnes.

Due to taking Barnes to the ground, Sgt. Vazquez was contacted and requested to the scene for a Response to Resistance Report.

Once treated by KWFD, Barnes was seat belted into my patrol vehicle to await transport to Monroe County Jail.

While I was securing Barnes, Sgt. Vazquez was speaking to another male subject, Rob Vaughn. Vaughn stated the following in summary.

He observed the initial contact between myself and Barnes. Barnes was very irrational and did not want to cooperate from the very beginning. Vaughn was upset with the way Barnes was acting and felt as if Barnes breached his peace/corrupted his morals. Vaughn is willing to cooperate with the investigation if needed.

I spoke to the original female party again and she still did not wish to be identified. The female was content with

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

19-005951

Victim

VAUGHN, ROB

Offense

DISORDERLY CONDUCT

Date / Time Reported

Fri 10/11/2019 00:28

Barnes being taken off the streets form the evening and did not wish to pursue any charges against Barnes.

Barnes was transported to Monroe County Jail without further incident.

Barnes was charged with the following:

FSS 877.03 (Disorderly Conduct)

FSS 843.02 (Resisting an Officer W/O violence)

The above incident was captured on BWC and In Car Camera 4045.

Barnes Knowingly and willingly corrupted the public morals and breached the peace of Rob Vaughn. Barnes also willingly resisted arrest by physically pulling away during transport to a marked police vehicle. The above offenses took place in Key West Florida.

After completing my actions, I cleared with nothing further.

Incident Report Suspect List

Key West Police Department

OCA: 19-005951

1	Name (Last, First, Middle) BARNES, MARK JAMES					Also Known As					Home Address 1 GENERAL DELIVERY KEY WEST, FL 33040 305-304-3730																																													
	Business Address UNKNOWN, UNKNOWN																																																							
	DOB 02/19/1961	Age 58	Race W	Sex M	Eth N	Hgt 510	Wgt 180	Hair BLN	Eye BLU	Skin MED	Driver's License / State. B652550610590 FL																																													
	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 colspan="3">SSN</td> </tr> <tr> <td>Weapon, Type</td> <td>Feature</td> <td colspan="2">Make</td> <td colspan="3">Model</td> <td colspan="2">Color</td> <td>Caliber</td> <td colspan="4">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="5">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				
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VehYr/Make/Model		Drs	Style		Color		Lic/St		VIN																																															

Notes

Physical Char

BUILD, LIGHT
BUILD, MEDIUM/AVERAGE
BUILD, SLIM/THIN/SMALL
FACIAL HAIR, MUSTACHE ONLY
FACIAL HAIR, NO FACIAL HAIR
FACIAL HAIR, STUBBLE
HAIR TYPE, LONG
HAIR TYPE, MEDIUM
HAND USE, UNKNOWN
TEETH, MISSING
TEETH, OTHER

Incident Report Related Property List

Key West Police Department

OCA: 19-005951

1		Property Description BWC 4045			Make AXON		Model		Caliber		
Color		Serial No.		Value \$0.00		Qty 1.000		Unit EA		Jurisdiction Locally	
Status Evidence		Date 10/11/2019		NIC #		State #		Local #		OAN	
Name (Last, First, Middle) * No name *						DOB		Age		Race Sex	

Notes

2		Property Description IN CAR CAMERA			Make COBAN		Model		Caliber		
Color		Serial No.		Value \$0.00		Qty 1.000		Unit EA		Jurisdiction Locally	
Status Evidence		Date 10/11/2019		NIC #		State #		Local #		OAN	
Name (Last, First, Middle) * No name *						DOB		Age		Race Sex	

Notes