Response to Resistance Report Key West Police Department

		•
1.	A Response to Resistance Report will be complete A response through the use of non-lethal weapons,	ed by the supervisor for: (Check all that apply)
	Applies weaponless physical force of strikes, kicks, or "tak	ke-downs"
	When any person sustains an apparent substantial or fata	
	When any person complains of injury as a result of the ap	plication 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: 10/15/19 3. Time: 232 hrs 4. Lo	cation: 1816 Flagler Ave. 5. Incident type: DUI
늘	6. Resistance Level 7. Explanation	8. Response Option 9. Explanation
INCIDENT	Passive:	Physical Control Take Down
ᅙ	Active: Subject pulled away, Kick	ing Non-lethal Weapon
=	Aggressive:	Deadly Force
	Deadly Force:	
	10. Last Name: Todaro 11. Fi	irst: Justin 12. Race: W 13. Sex: M
	14. DOB: 08/08/1980 15. H	leight: 601 16. Weight: 230
	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 influe	ence of controlled substance
		or Alleged, describe and indicate areas on charts in Section 22)
	LAUGRATION LAUGRATION	Yes By: EMT/Paramedic on scene Hospital Detention
-	(7)	
SUBJECT		
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_	22. Anterior View	Posterior View
+		Sex: M 26. Age: 24 27. Height: 6'00 28. Weight: 245
H		employment Uniformed Plain clothes 30. Yrs Exp: <1
-	31. Injuries: No Evident Alleged (If Evident of	or Alleged, describe and indicate areas on charts in Section 35)
-	32. Photographed: No Yes 33. Treated: No	o Yes By: EMT/Paramedic on scene Hospital
+	34. Response option used by this officer: (If TASER®, a	also reference line number from TASER® section)
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OFFICER	$\int A = A \setminus A$	/ / / /
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	35. Anterior View	Postorior View

Case No: 19-6023

Response to Resistance Report (continued) Key West Police Department

Case No: 19-60 23

	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 #											
ONLY	Number of cycles:	Number of cycles:	cycles:										
USE	Type of contact: ☐ Probe ☐ CODS ☐ Drive Stun	Type of contact: Probe CODS	Drive Stun										
N	Did probes penetrate skin: ☐ Yes ☐ No	Did probes penetrate skin: ☐ Yes ☐ I											
TASER	Target distance at probe launch:	Target distance at probe launch:											
12	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 TASER® devices, cartridges or details in the incident description section.												
REPORT	39. Offense/Incident Report and/or Warrant Affidavit m	d actions that justify the use of force. each officer. ed injuries	pject.										
	40 41 477 48 4 404545	41. Time: 0232											
		No", explain why)											
INQUIRY	43. Did you meet with the Officer: No X Yes (If "N	lo", explain why)											
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ERVISOR'S													
VIS													
ER	44. Were you able to locate any independent witnesses:	No Vos (If "Vos " list below											
SUF	Name	Address	Phone Number										
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+													
	45. Is further review recommended: ⊠ No ☐ Yes		10/15/2019										
		46. Preparing Supervisor's Signature / ID	47. Date										
ш	48. Did the review of this incident conclude that use	1 1	1 1										
INT. AFF	of force was in compliance with Departmental	mor	11/5/19										
N.	policy? No Yes (If "No", complete section 51)	. Signature of Internal Affairs Inspector	50. Date										
	51. If section 48 is "No" record the Professional Standar	ds Control Number: 52. Date	e Entered:										

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Incident Report Additional Offense List

Key West Police Department

OCA: 19-006023

Offense List (Continued)

Page 2

Counter	Offense Description	Fel/Misd	Statute	Completed/Attempted
# 4	TRAFFIC OFFENSE (NON-DUI)		VEC	Com

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 19-006023

Statu Code	L=	Lost	S = Stolen R = Re	ecovered D = Dan	naged Z = Seized B = Burned C = Counterfeit /	Forged F = Found
	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D						
R						
U G						
S						
	_					
		_				
1	_					
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		ing Off				
	PUI	RCEL	L, C. (3967), VA	IZQUEZ, B. (34	(67)	
	Suene	et Hate	/ Rias Motivated:			

NARRATIVE

_	
R_{\perp}	CS2IBR

REPORTING OFFICER NARRATIVE Key West Police Department 19-006023 Victim Offense Society BATTERY Date / Time Reported Tue 10/15/2019 02:32

On October 15, 2019 at 0232 hrs. I (Officer Tyler) was dispatched to Flagler and 1st Street in reference to a traffic stop Officer Purcell had initiated.

Upon arrival, I observed a Silver in color Nissan car bearing Florida license plate # DV413614. Sitting on the curb behind the Nissan was the driver Justin Glenn Todaro, identified by his Florida Identification Card Number T360-427-80-288-0.

I spoke with Officer Purcell who stated the following.

Officer Purcell, observed a Silver Nissan driving outbound on Flagler Ave. The Nissan was swerving but staying in its lane. He pulled closer to the Nissan in order to read the Florida license plate (DV4136H). The Nissan pulled off on the right side of the road and the driver stuck his arm out of the window gesturing for Officer Purcell to pass him. Officer Purcell stopped his patrol vehicle behind the Nissan. The Nissan pulled back onto the road aggressively. The Nissan then veered off the right-hand side of the road striking the curb. Officer Purcell activated his emergency lights and sirens, initiating a traffic stop. The Nissan promptly stopped on the west side of the intersection of Flagler Ave and 1st St. Officer Purcell exited his patrol vehicle and began to approach the driver side of the vehicle. The Nissan began to pull forward as he reached the rear bumper. Officer Purcell ran forward slapping the side of the Nissan giving loud verbal commands to stop the vehicle. The Nissan stopped, and he instructed the driver to put the car in park and exit the vehicle. Officer Purcell opened the driver side door of the Nissan and escorted the driver (later identified as Justin Todaro) to the curb where he instructed him to sit down. Officer Purcell asked Todaro for his driver's license. Todaro stated he did not have a driver's license due to it being suspended from a DUI.

While Speaking with Todaro he informed me he was slightly intoxicated, and his license was suspended for DUI. I could smell a strong odor of an alcoholic beverage emitting from his breath, he had red glassy eyes, very slurred speech and he could not maintain balance.

Todaro said he drank a couple beers a little bit ago. I then asked Todaro if he would submit to field sobriety exercises to dispel my belief that his mental and physical faculties were impaired to the point, he should not have been operating a motor vehicle. Todaro said he would do the exercises.

Before conducting any exercises, I asked Todaro if he had any injuries to his feet, legs, arms and body Todaro said no. I asked Todaro if he had anything wrong with his eyes such as false eyes or glaucoma. Todaro again said no. I finally asked Todaro if he had diabetes and he responded no.

The first field sobriety exercise I started with was Horizontal Gaze and Nystagmus. Todaro had equal tracking, I observed six clues from the HGN exercise. There was lack of smooth pursuit in the left and right eye, distinct and sustained Nystagmus at maximum deviation in the left and right eye. I observed the onset of Nystagmus prior to a 45-degree angle in the left and right eye. I used my pen tip as the stimulus. During HGN Todaro continually fell into me and could not keep his balance.

The second exercise I conducted was the walk and turn. I removed my instruction card from my pocket for this exercise. I had Todaro stand in the proper starting position and explained the exercise to him from the card. I demonstrated every step of the exercise and verified Todaro understood how to complete the exercise. Todaro could not maintain his balance during the instruction phase and started to soon. The area I performed my walk and turn demonstration and exercise was checked for debris and that the road was level and smooth. I verified Todaro

Reporting Officer: TYLER, BRYAN R_CS3NC

REPORTING OFFICER NARRATIVE

	REI ORTHO OFFICER NARRATIVE	OCA
Key West Police Department		19-006023
Victim	Offense	Date / Time Reported
Society	BATTERY	Tue 10/15/2019 02:32

understood the instructions again and he stated yes, he understood. I had Todaro begin the exercise. Todaro was wearing tennis shoes. On the first nine steps, Todaro missed heal to toe on all steps. Todaro walked 6 steps on the first nine steps. Todaro could not complete the exercise. Todaro missed heal to toe on every step, stepped off the line, did not count, could not maintain balance and did not look at his feet.

The third exercise I conducted was the one leg stand. Again, I explained the directions reading from my card I had in my hand, and I demonstrated the exercise. Todaro said he understood the instructions verbally. I had Todaro begin the exercise and timed I it. I timed the one leg stand for 30 seconds using my wristwatch, Todaro used his left leg for the exercise. Todaro swayed while balancing and used his arms for balance. Todaro lost balance numerous times. Todaro did not look at his foot and fell over. Todaro did not count and fell over. He used his arms for balance and could not complete the exercise.

Based on Todaro's performance on his field sobriety exercises it was my opinion that his mental and physical faculties were impaired. I placed Todaro under arrest for driving while impaired at 0252 hours.

I asked Todaro if he would submit to a breath test at the detention center. Todaro said he would take the breath test.

Officer Purcell took Todaro to the rear of my patrol car to attempt to search him incident to arrest. When Officer Purcell tried to lean Todaro on the back of my car he became violent and started fighting Officer Purcell. Officer Purcell stated the following. He escorted Todaro to my patrol car and instructed him to turn and lean against the vehicle. Todaro began to tense his body to keep from leaning on the vehicle. Officer Purcell instructed Todaro not to resist and to lean against the vehicle. Todaro began to pull away from him. Todaro then kicked Officer Purcell's leg. Officer Purcell then pulled him to the ground. Todaro's face struck the ground and he appeared to lose consciousness. Sgt Vazquez and Officer Purcell turned Todaro on to his side and called for KWFD Rescue. KWFD Rescue arrived on scene and Todaro began to regain consciousness.

When EMS was attending to Todaro he became violent again kicking his feet and fighting. Sgt. Vazquez grabbed a hobble out of his car and while attempting to hobble him Todaro moved his right leg back and kicked me in my arm. Sgt. Vazquez and I finally got Todaro hobbled but he continually fought and even tried to spit blood on Sgt. Vazquez.

Inside the ambulance Todaro continued to be violent up to the point EMS injected him with drugs to put him asleep. Once Todaro arrived at the Emergency Room and was treated he woke up and started yelling, cussing and screaming. I explained to Todaro his charges numerous times, but he continually asked why he was under arrest and cuffed to the bed.

After we arrived at the Monroe County Detention Center and were walking Todaro inside he stopped at the door leading to the elevator and would not go inside the building and pushed against Officer Purcell. Officer Purcell finally got him into the door but Todaro would not go into the elevator and we had to force him into the elevator. Inside the Elevator Todaro continually resisted and pushed back into us. Officer Purcell and I were forced to push him into the corner of the elevator to keep him from fighting us. Todaro continually pushed and pulled even while being restrained against the side of the elevator. Inside the intake room Todaro continued resisting us and we had to force him down onto the bench in the intake room.

Based on the fact Todaro was unconscious at the Hospital and I could not get a breath sample from him, I charged

REPORTING OFFICER NARRATIVE OCA Key West Police Department 19-006023 Offense Date / Time Reported BATTERY Tue 10/15/2019 02:32

Todaro with F.S. 316.193 DUI ALCOHOL OR DRUGS based on his driving pattern and the Field Sobriety Exercises. I also charged Todaro with F.S. 322.34-2C DRIVE WHILE LICENSE SUSPENDED 3RD OR SUBSEQUENT OFFENSE based on the fact his driver's license was suspended for prior DUI's. Todaro was issued his copies of his citations but was incapable of signing them due to his violent nature and could not be uncuffed.

I also charged Todaro with two counts of F.S. 784.07-2B BATTERY ON LEO for kicking me and striking Officer Purcell. Todaro was also charged with two counts of F.S. 843.01 RESIST OFFICER WITH VIOLENCE for fighting and not getting into the police vehicle and for refusing to go into the elevator, pulling away and pushing against Officer Purcell and myself.

While the Detention Deputies were processing Todaro he became violent with them and they had to restrain him and place him into the restraint chair.

The investigation was recorded on BWC.

Victim

Society

Incident Report Suspect List

Key West Police Department

OCA: 19-006023

	Name (Last, First	Middle					Alan	V		_			77		
1		•					Aiso	Know	n As					Address	TO DAY TO A CO.
•	TODARO, J	USTIN (<i>GLEN</i>	V			1					1			LT BLVD - 403 W
	Business Address													WEST, FL 33	8040
	Dusiness Address												906-	<i>370-0157</i>	
- 1															
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	H	lair	Eye	Skin		Driver's	License / State.	
	08/08/1980	39	W	M	N	601	25	0	BLK	BRO	LGI	$r \mid$	T360)427802880 F	FL
	Scars, Marks, Ta	ttoos, or o	ther dist	inguishi	ng feat	ures						_			
	Reported Susp	ect Deta	<i>til</i> Su	spect A	ge	Ra	ace	Sex	Eth	Heigh	t		Weight		SSN
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	Notes									DI	i1 C				
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Incident Report Related Vehicle List

Key West Police Department

OCA: 19-006023

VehYr/Make/Mo	del		Style			Color	Lic/Lis /Decal		VIN					
2008	NISS			4D		SIL	DV4136H FL 2	019	019 1N4AL21E7					
IBR Status			Date		I	ocation								
A	rre			10/15/2	019									
Condition		Vah	ie	\$0	0.00	Offense Code 2100	Jurisdiction Locally	State #		NIC#				
Name (Last, First	, Middle) Dowd-ali	ush, De	ebra L	ee		1	As DEBRA LEE; ALUSH, DERRA LEE	Home Add	80 S ROOSI	EVELT BLVD - 412W				
Business Addres	s						HALLE			EST, FL 33040 5-370-0176				
DOB 12/24/1981	Age 37	Race W	Sex F	Hgt 506	Wgt 14		s, Tattoos, or other distinguish	ing features						

Notes

Incident Report Related Property List

Key West Police Department

OCA: 19-006023

Property Descripti	On			Make			Model	_		_	0 111
AXON BWC				IVIAKE			Model				Caliber
Color	Serial No.		Value	<u> </u>	\$0.00	Qty	1.000	Unit	J	urisdi	ction Locally
Status <i>Evidence</i>	Date 10/15/2019	NIC#		State #	<i>p</i> =		Local#	<u> </u>	OA		Locuty
Name (Last, First,	Middle)				DOB		1	Age	Race	;	Sex
* No name *											
Notes											
Property Description				Make			Model			T	Caliber
AXON CAR C											
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Property Descriptio			Value		\$0.00	Qty	Model 1.000	Unit	Ju	risdict	tion
Property Descriptio AXON BWC 3 Color Status	967	NIC#				Qty		Unit	Ju	risdict	
Property Descriptio AXON BWC 3 Color Status Evidence	967 Serial No. Date 10/15/2019					Qty	1.000	Unit		risdict	tion
Property Descriptio AXON BWC 3 Color Status	967 Serial No. Date 10/15/2019					Qty	1.000 Local #	Unit		risdict	tion

R_CS0IBR

CASE SUPPLEMENTAL REPORT

Printed: 10/22/2019 10:28

Key West Police Department

OCA: 19006023

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

Case Status: CLEARED BY ARREST

Case Mng Status: NA

Occurred: 10/15/2019

Offense: BATTERY

Investigator: PURCELL, CHASE (3967)

(3467)

Date / Time: 10/15/2019 07:00:19, Tuesday

Supervisor: VAZQUEZ, BILLY

Supervisor Review Date / Time: 10/15/2019 21:13:30, Tuesday

Contact:

Reference: General Supplemental Report

On 10/15/2019 at approximately 0232 hours, I, Officer Purcell, observed a silver Nissan driving outbound on Flagler Ave.

The Nissan was swerving but staying in its lane. I pulled closer to the Nissan in order to read the Florida license plate (DV4136H). The Nissan pulled off on the right side of the road and stuck his arm out of the window gesturing for me to pass him. I stopped my patrol vehicle behind the Nissan. The Nissan pulled back onto the road aggressively. The Nissan then veered off the right-hand side of the road striking the curb. I activated my emergency lights and sirens, initiating a traffic stop, for failure to maintain lane. The Nissan promptly stopped on the west side of the intersection of Flagler Ave. and 1st St. I exited my patrol vehicle and began to approach the driver side of the vehicle. The Nissan began to pull forward as I reached the rear bumper. I ran forward slapping the side of the Nissan giving loud verbal commands to stop the vehicle. The Nissan stopped, and I instructed the driver to put the car in park and exit the vehicle. I opened the driver side door of the Nissan and escorted the driver (later identified as Justin Todaro) to the curb where I instructed him to sit down. I asked Todaro for his driver's license. Todaro stated he did not have a driver's license due to it being suspended from a DUI. Officer Tyler and Sgt Vazquez arrived on scene.

Officer Tyler conducted a DUI investigation. Officer Tyler placed Todaro in handcuffs and asked me to put Todaro in the back of his patrol vehicle. I escorted Todaro to Officer Tyler's patrol car and instructed him to turn and lean against the vehicle. Todaro was becoming agitated stating he did not want to go to jail and just wanted to go home. I started to search Todaro's pockets when he began to tense his body and push away from the vehicle. I gave Todaro loud verbal commands not to resist and to lean against the vehicle. Todaro began to pull away from me struggling to get free. Todaro then kicked my leg, in an apparent attempt to flee. I placed my leg in front of his body and pulled him across my body to the ground, using a hip toss technique. Todaro's face struck the ground and he appeared to lose consciousness. Sgt Vazquez and I turned Todaro on his right side and called for KWFD Rescue. KWFD Rescue arrived on scene and Todaro began to regain consciousness. Todaro was fully alert and aware of surroundings. Todaro became agitated and Sgt. Vazquez got a hobble out of his patrol vehicle. Todaro started to kick at Officer Tyler and Sgt Vazquez as they attempted to place the hobble on his legs. One of Todaro's kicks connected with Officer Tyler. I restrained Todaro's legs while Sgt Vazquez and Officer Tyler placed the hobble on him.

KWFD Rescue transported Todaro to the Lower Keys Medical Center for further evaluation. Officer Tyler and I accompanied Todaro to the hospital in the ambulance.

Todaro was cleared from the Lower Keys Medical Center and I began to escort him to my patrol vehicle. After exiting the hospital Todaro complained one of the cuffs was hurting his wrist. I turned Todaro to face the wall and began to

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 10/22/2019 10:28

Key West Police Department

OCA: 19006023

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

Case Status: CLEARED BY ARREST Case Mng Status: NA Occurred: 10/15/2019

Offense: BATTERY

Investigator: PURCELL, CHASE (3967) Date / Time: 10/15/2019 07:00:19, Tuesday

Supervisor: VAZQUEZ, BILLY (3467) Supervisor Review Date / Time: 10/15/2019 21:13:30, Tuesday

Contact: Reference: General Supplemental Report

remove the cuff he was complaining about to adjust it. Todaro began to tense his body and yell loudly. I re-secured the cuff until Todaro was calm enough for me to adjust it. Todaro continued to stop and act reluctant to walk to my patrol vehicle. Officer Tyler pulled my patrol car to the front of the hospital in order to shorten the distance I needed to escort Todaro to my vehicle. I placed Todaro in the back of the patrol vehicle and attempted to put his seatbelt on. Todaro slid his body away on the seat and pushed his hips out to stop me from securing his seat belt. I pushed Todaro down onto the seat and was able to get his seat belt on. I transported Todaro to the Monroe County Detention Center.

After arriving at the detention center Officer Tyler and I removed Todaro from the patrol vehicle and began to escort him towards the elevator to intake. Todaro became agitated and refused to enter the elevator. Officer Tyler and I forced Todaro into the elevator. Todaro continued to yell and push back into us. Officer Tyler and I held Todaro in the corner of the elevator to stop him from potentially causing injury to one of us. Once in intake correction officers assisted Officer Tyler and myself in moving Todaro to the bench.

Corrections officers removed Todaro's handcuffs. Shortly after removing the handcuffs Todaro became aggressive and corrections officers took him to the ground. I assisted the corrections officers in placing handcuffs back on Todaro. Todaro was then placed in a restraint chair.

This investigation was recorded with my Axon BWC.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 10/22/2019 10:28

Key West Police Department

OCA: 19006023

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Case Status: CLEARED BY ARREST Case Mng Status: NA Occurred: 10/15/2019

Offense: BATTERY

Investigator: VAZQUEZ, BILLY (3467) Date / Time: 10/15/2019 20:48:37, Tuesday

Supervisor: SIRACUSE, MARK W (3366) Supervisor Review Date / Time: 10/15/2019 22:19:31, Tuesday

Contact: Reference: General Supplemental Report

On 10/15/2019 at about 0232 hours, Ofc. Purcell conducted a traffic stop at 1812 Flagler Ave, for failure to maintain. I responded as back up.

The stop subsequently turned into a DUI investigation. The arrestee: Justin Todaro DOB 08/08/1980, was placed in handcuffs by DUI Ofc. Tyler. Ofc. Purcell walked Todaro to the rear of Ofc. Tyler's patrol car. Once at the rear of the patrol car, Todaro began to tense his body and became agitated that he was going to jail. Ofc. Purcell gave loud verbal commands for Todaro to stop and stay against the car while he conducted a search of his person. Todaro suddenly and swiftly, kicked Ofc. Purcell's leg in an apparent attempt to flee. Ofc. Purcell placed his leg in front of Todaro, and pulled him across his body to the ground, using a hip toss technique. Todaro's face struck the ground and he appeared to lose consciousness.

I immediately called for rescue. Todaro was also bleeding from the face, and nose area. Todaro gain consciousness a few minutes later. Once rescue responded, Todaro became belligerent again and had to be physically restrained using a Hobble restraint. Once in the ambulance, Todaro was sedated and transported to the hospital.

I completed a RRI report.

I had no further involvemet in this case.

Investigator Signature

Supervisor Signature