

Response to Resistance Report

Key West Police Department

Case No: 19-6234

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: 10/24/19 3. Time: 0040 4. Location: Caroline/Simonton St. 5. Incident type: Resisting

6. Resistance Level

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

7. Explanation

Tensing / Pulling Away

8. Response Option

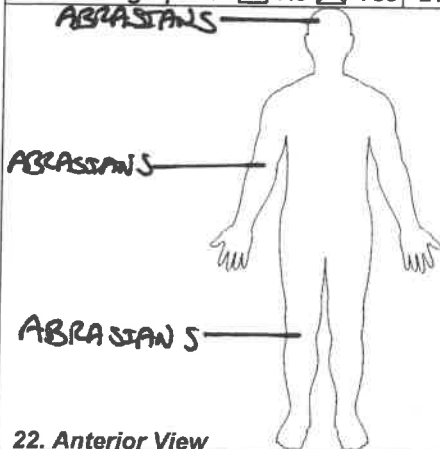
- ☒ Physical Control
☐ Non-lethal Weapon
☐ Deadly Force

9. Explanation

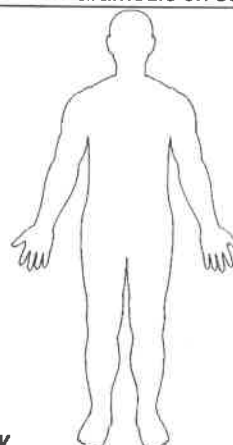
Take Down

SUBJECT

10. Last Name: Martin 11. First: Nehemiah 12. Race: W 13. Sex: M
14. DOB: 02/17/84 15. Height: 505 16. Weight: 140
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



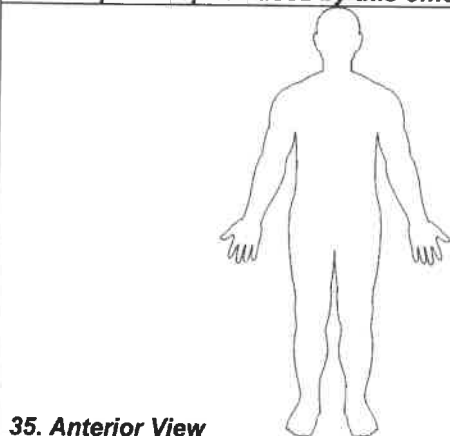
22. Anterior View



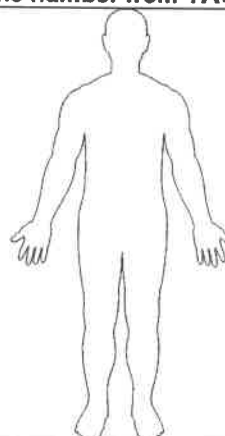
Posterior View

OFFICER

23. Officer: Billy Vazquez 24. Race: W 25. Sex: M 26. Age: 30 27. Height: 5'8 28. Weight: 160
29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes 30. Yrs Exp: 7
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) Takedown



35. Anterior View

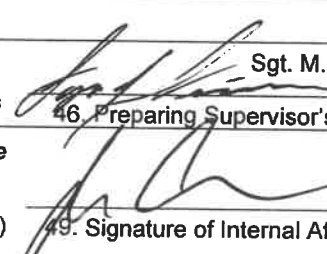
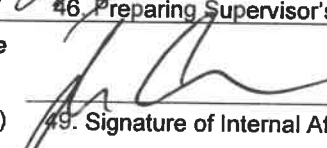


Posterior View

Response to Resistance Report (continued)

Key West Police Department

Case No: 19-6234

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: 1	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: N/A	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: 10/24/19													
	41. Time: 0045													
	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 checked="" type="checkbox"/> No <input 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></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></tbody></table>			Name	Address	Phone Number									
Name	Address	Phone Number												
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 10/24/19													
	49. Signature of Internal Affairs Inspector  50. Date 11/5/19													
51. If section 48 is "No" record the Professional Standards Control Number:														
52. Date Entered:														

INCIDENT/INVESTIGATION REPORT

I N C I D E N T D A T A	Agency Name Key West Police Department		INCIDENT/INVESTIGATION REPORT										Case# 19-006234							
	ORI FL0440100												Date / Time Reported 10/24/2019 00:41 Thu							
	Location of Incident 221 Simonton St/caroline St, Key West FL 33040-					Premise Type Highway / Street / Road/			Beat/GP B3, GPB3		Last Known Secure 10/24/2019 00:41 Thu									
											At Found 10/24/2019 00:41 Thu									
V I C T I M	#1	Crime Incident(s) Resist Arrest / Escape XOM					(Com)		Weapon / Tools NOT APPLICABLE/NONE					Activity						
		Entry			Exit			Security												
	#2	Crime Incident					()		Weapon / Tools					Activity						
		Entry			Exit			Security												
	#3	Crime Incident					()		Weapon / Tools					Activity						
		Entry			Exit			Security												
MO																				
O T H E R I N V O L V E D	# of Victims 1		Type: SOCIETY/PUBLIC/STATE					Injury:					Domestic: N							
	V1	Victim/Business Name (Last, First, Middle) Society					Victim of Crime # 1		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						
	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) Type: Injury:																			
P R O P E R T Y	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						
	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							
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		\$0.00		1	AXON BWC 3926													
	35	EVID		\$0.00		1	COBAN 3926													
Officer/ID# MORRIS, CLEYTON B (3926)																				
Invest ID# (0)										Supervisor SIRACUSE, MARK W (3366)										
Status	Complainant Signature					Case Status <i>Cleared By Arrest</i> 10/24/2019					Case Disposition: <i>Cleared By Arrest</i> 10/24/2019					Page 1				

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 19-006234

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

SIRACUSE, M.W. (3366), SIMS, F.C. (2301), VAZQUEZ, B. (3467), HANSELL, M. (3648), WAITE, K.J. (3646), PURCELL, C. (3967), MALAK, T.J. (4045)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

19-006234

Victim

Society

Offense

RESIST ARREST / ESCAPE

Date / Time Reported

Thu 10/24/2019 00:41

On Thursday, October 24, 2019, at 0041 hours, I (Officer Morris) observed a white male sleeping on a half wall at the corner of Caroline Street and Simonton Street.

I approached the white male and asked him to sit up. Sgt. Vazquez arrived on scene. The white male, identified as Nehemiah Martin (DOB 2/17/1984), said he was waiting for a friend that was coming to pick him up. Nehemiah had slurred speech and was unsteady, swaying back and forth, while sitting on the half wall. Nehemiah could not provide me with his friend's name, and he said he didn't have a cell phone to contact his friend to see how long until his friend would take to arrive. Nehemiah said he didn't have a phone on him because he didn't want to smash it. I told Nehemiah to stand up and face Sgt. Vazquez. I asked Nehemiah to place his hands behind his back and explained he was not in any trouble. I placed Nehemiah's into handcuffs. I asked Nehemiah to sit still as I was double locking his cuffs. Nehemiah asked Sgt. Vazquez why he was being detained and Sgt. Vazquez told him he was under protective custody reference the Marchman Act. Nehemiah asked why and Sgt. Vazquez explained to Nehemiah, he is highly intoxicated, he has lost all self-control, and he is by himself. I explained to Nehemiah multiple times he didn't have any charges and that he wasn't under arrest. I placed Nehemiah into a transport position and told him he was going to walk to the transport van. Nehemiah started tensing his arms and tensing his legs, pushing his heels into the ground refusing to walk forward. Nehemiah started screaming he didn't have any charges and continued to drive his heels into the ground refusing to walk. Sgt. Vazquez and I tried to escort Nehemiah to the ground and Nehemiah rotated his body to his left. Sgt. Vazquez and I again tried to escort Nehemiah to the ground, and he went to the ground on the sidewalk. Nehemiah continued to scream he didn't have any charges. While laying on the ground, Nehemiah raised his body off the ground and tried to raise his legs off the sidewalk multiple times while we had him detained on the sidewalk. Sgt. Vazquez requested for other officers to respond to the scene. Sgt. Sims arrived on scene and we placed Nehemiah in a hobble to restrain his legs as he was continuing to kick around. Nehemiah was also placed in a spit mask to prevent him from spitting on any officers on scene. We picked Nehemiah up and transported him to the Transport Van.

I transported Nehemiah to the Lower Keys Medical Center for medical clearance. Lower Keys staff cleared Nehemiah and I transported him to the Monroe County Detention Center without further incident.

Arrest information:

Based on the facts and evidence, there is probable cause that on Thursday, October 24, 2019, at 0041 hours, Nehemiah Martin (DOB 2/17/1984) did resist an officer without violence, in violation of F.S.S. 843.02 RESIST / OBSTRUCT OFFICER W/O VIOLENCE by tensing his arm and legs as he was knowingly being detained.

The incident was captured on my AXON BWC and in car COBAN.

I placed Nehemiah's skateboard into Key West Property and Evidence for safe keeping.

Incident Report Suspect List

Key West Police Department

OCA: 19-006234

1	Name (Last, First, Middle)					Also Known As					Home Address				
	MARTIN, NEHEMLAH MILES										704 DUVAL ST KEY WEST, FL 33040				
	Business Address														
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.				
	02/17/1984	35	W	M	N	505	140	BLN	BLU	LGT	M635633840570 FL				
Scars, Marks, Tattoos, or other distinguishing features															
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: 19-006234

1	Property Description AXON BWC 3926			Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit	
Status Evidence		Date 10/24/2019		NIC #		State #		Local #	
Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	

Notes

2	Property Description COBAN 3926			Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit	
Status Evidence		Date 10/24/2019		NIC #		State #		Local #	
Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	

Notes