

Response to Resistance Report

Key West Police Department

Case No: 20-3308

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)

2. Date: 08/02/2020 3. Time: 2252hrs 4. Location: 400 Block of Fleming 5. Incident type: S24

6. Resistance Level 7. Explanation 8. Response Option 9. Explanation
☒ Passive: Would not comply ☒ Physical Control Take Down
☒ Active: Actively pulled away to evade ☐ Non-lethal Weapon
☐ Aggressive: arrest ☐ Deadly Force
☐ Deadly Force:

10. Last Name: Murphy 11. First: Kristoffer 12. Race: W 13. Sex: M

14. DOB: 08/04/1986 15. Height: 5-07 16. Weight: 170

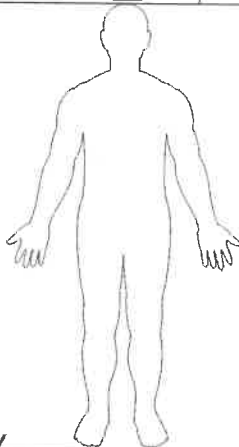
17. Did you observe the subject: ☐ No ☒ Yes If NO, explain why in Section 42. If "YES", complete sections 18-22

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

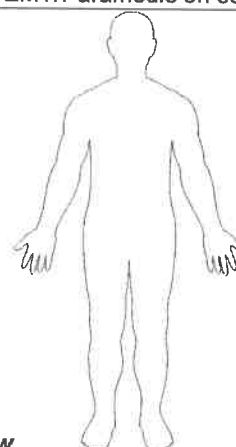
19. Injuries: ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)

20. Photographed: ☐ No ☒ Yes 21. Treated: ☒ No ☐ Yes By: ☐ EMT/Paramedic on scene ☐ Hospital ☒ Detention

SUBJECT



22. Anterior View



Posterior View

OFFICER

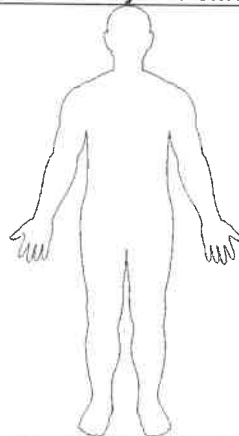
23. Officer: Anthony Gillespie 24. Race: W 25. Sex: M 26. Age: 50 27. Height: 5-11 28. Weight: 260

29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes 30. Yrs Exp: 3

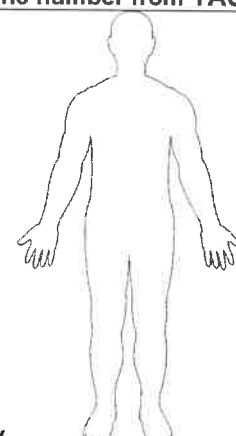
31. Injuries: ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

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) 36



35. Anterior View



Posterior View

Response to Resistance Report (continued)

Key West Police Department

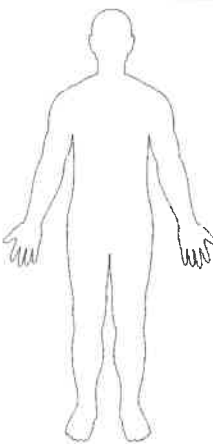
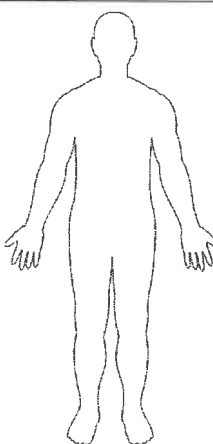
Case No: 20-3308

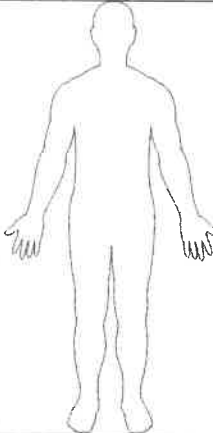
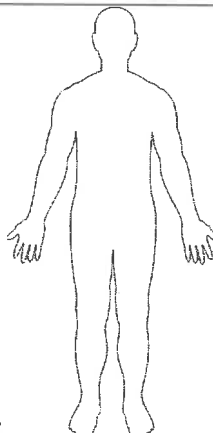
TASER USE ONLY	36. TASER® device serial #		37. TASER® device serial #	
	TASER®Cam serial #		TASER®Cam serial #	
	Cartridge 1 serial #		Cartridge 1 serial #	
	Cartridge 2 serial #		Cartridge 2 serial #	
	Number of cycles:		Number of cycles:	
	Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> 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): N/A		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: 08/02/2020		41. Time: 2252 hours	
	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
Christian Sebe		1102 Truman Ave, Key West, FL 33040		786-720-3527
Curtis Lee Constantine		704 N. 11th Street, Nederland Tx, 77627		352-304-7631
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		50. Date	
	51. If section 48 is "No" record the Professional Standards Control Number:		52. Date Entered:	

Response to Resistance Report (continued)

Key West Police Department

Case No: 20-3308

OFFICER	23. Officer: Jorge Lopez 24. Race: W 25. Sex: M 26. Age: 27 27. Height: 5-7 28. Weight: 175							
	29. Duty Status: <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							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)							
OFFICER								
	35. Anterior View				Posterior View			

OFFICER	23. Officer: 24. Race: 25. Sex: 26. Age: 27. Height: 28. Weight:							
	29. Duty Status: <input type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input type="checkbox"/> Uniformed <input type="checkbox"/> Plain							30. Yrs Exp:
	31. Injuries: <input 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 type="checkbox"/> No <input type="checkbox"/> Yes 33. Treated: <input 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)							
OFFICER								
	35. Anterior View				Posterior View			

INCIDENT DATA

PROPERTY

Incident Report Additional Offense List

Key West Police Department

OCA: 20-03308

Offense List (Continued)

Page 2

Counter	Offense Description	Fel/Misd	Statute	Completed/Attempted
# 4	RESIST ARREST / ESCAPE		XOM	Com

Incident Report Additional Name List

Key West Police Department

OCA: 20-03308

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	CHRISTIAN, SEBE ANDREW		04/25/1996	24	W	M
	Address 1102 TRUMAN AVE, KEY WEST, FL 33040-		H: 786-720-3527			
	Empl/Addr Dions (exxon), 3700 N Roosevelt		B: 786-720-3527			
			Mobile #: - -			
2) WI 2	CONSTANTINE, CURTIS LEE		01/04/1986	34	W	M
	Address 704 N 11TH ST, NEDERLAND, TX		H: 352-304-7631			
	Empl/Addr Unknown		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 20-03308

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

MOGERLEY, N. (3819), GILLESPIE, A.M. (3757), VAZQUEZ, B. (3467), DEESE, J. (3946), ROSCOE, R. (4011)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

20-03308

Victim

HARMON, KENNETH GEORGE

Offense

ROBBERY

Date / Time Reported

Mon 08/03/2020 03:38

On August 03, 2020 at approximately 2252, Ofc. Gillespie and I, Ofc. Lopez and were dispatched to 500 Duval Street. The caller reported two males were actively fighting in front of CVS.

Upon arrival, I observed two males standing outside of CVS. One male was yelling "Give me my phone". The male was identified as Kenneth Harmon, (dob: 01/04/1960). I heard Harmon telling the other male he did not have his cell phone. The other male was later identified as Kristoffer Murphy, (dob:08/04/1986). Harmon was standing by the window of CVS near the entrance. Murphy began walking towards Harmon. As I was approaching them, I observed Murphy attempting to kick Harmon. Harmon dodged the kick and I stepped in between Harmon and Murphy. I told Murphy to sit down, he refused. I told Murphy I was giving him a lawful command, to sit down and he still refused. Murphy attempted to walk around me to reengage Harmon. I grabbed Murphy's arm in an attempt to place handcuffs on him. Murphy suddenly stepped back towards the entrance of CVS. I grabbed Murphy's arm again and he continued pulling his arm away from me. An unknown male was standing behind Murphy. The male was later identified as Curtis Constantine, (dob:01/04/1986). Constantine grabbed Murphy from behind and I was able to gain control of Murphy's right arm. Murphy continued pulling his arm from me and dropped his weight to the ground. I placed one handcuff on Murphy's right arm, and I told Constantine I needed to turn Murphy around to gain control of his other hand. As I was attempting to gain control of Murphy, he began pulling his left arm again and I told him "Stop resisting". Murphy leaned his body to the left and I grabbed his right arm. I placed my hand on Murphy's upper back and escorted him to the ground. As I was escorting Murphy to the ground, he continued attempting to turn his body around by pulling his body away from me. Ofc. Gillespie arrived on scene and placed his hand on Murphy's right shoulder while I placed the handcuffs on Murphy's left arm. Ofc. Gillespie told Murphy to stop resisting and he continued pulling his body to his left side attempting to turn around. I double locked the handcuffs.

I asked Murphy to get up. Ofc. Gillespie and I walked Murphy to my patrol vehicle, parked nearby. Ofc. Gillespie stood on the right side of my patrol vehicle with Murphy, while I activated my in-car coban. Murphy suddenly became combative again. Murphy pulled his right arm to his right side as if he wanted to bring both arms to the front of his body. Ofc. Gillespie told Murphy to stop resisting. Ofc. Gillespie escorted murphy to the ground in a controlled manner, in an attempt to gain better physical control of Murphy. Murphy raised his right leg up and kicked Ofc. Gillespie on his left thigh. Ofc. Gillespie told Murphy to stop kicking him and he said, "Fuck you!". Murphy told Ofc. Gillespie "When I get out, you're going to fucking die bro!". I went back to my patrol vehicle to get a hobble restraint. I searched him before placing the hobble on his legs. Ofc. Gillespie and I grabbed him by his arms, and we picked him up off the ground. We were able to place the Hobble restraint on Murphy. Ofc. Gillespie and I placed him in the back seat of my patrol vehicle.

I spoke with a witness identified as Christian Sebe, (dob:04/25/1996). Sebe stated he was riding his bike on Duval Street when he saw Murphy striking an older man (Harmon). Sebe stated Murphy said, "You stole my phone" and Harmon said, "No I didn't". Sebe stated Harmon was walking away and he heard Harmon telling Murphy "I don't want to fight you". Sebe completed a witness statement form and I later placed it into the Key West Records Division.

I spoke with Harmon and he stated Murphy punched him in the face. I asked Harmon why Murphy attacked him, and he said, "Because of the cigarettes". Harmon stated Murphy wanted a cigarette and Harmon told him "I'm not giving them out anymore" and Murphy said, "I am taking these motherfuckers cigarettes". Harmon stated Murphy tried to take the cigarettes from him. Harmon stated Murphy attacked him after that. I asked Harmon if he wish to pursue charges against Murphy and he told me "Yes". I photographed Harmon's forehead and I uploaded the photograph into Evidence.com. Harmon sustained a laceration approximately two inches long just above his right eyebrow.

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

20-03308

Victim

HARMON, KENNETH GEORGE

Offense

ROBBERY

Date / Time Reported

Mon 08/03/2020 03:38

Sgt. Vazquez responded to the scene and Sgt. Vazquez placed a spit mask on Murphy.

I smelled a strong odor of alcoholic beverage on Murphy's breath. Murphy also appeared to be under the influence of narcotics.

I transported Murphy to the Monroe County Detention Center. Murphy began hitting his head against the window of my patrol vehicle multiple times. I asked Murphy to stop and he continued hitting his head against the window. The in-car coban was activated when I transported Murphy.

This incident was recorded with my body worn camera, 3722.

Based on the facts and evidence, Kristoffer Murphy did intentionally attempt to commit a robbery. Murphy use violence by striking Harmon in the face in an attempt to forcefully take the cigarettes out of Harmon's possession, thus contrary to F. S. S. 812.13.

Based on the facts and evidence, Kristoffer Murphy did actually and intentionally strike Harmon against his will, thus Contrary to F. S. S. 784.03.

Based on the facts and evidence, Kristoffer Murphy did knowingly and willingly affect the sense of public decency by striking Harmon in the face. Murphy affected the peace and quiet of multiple passersby in the area. F. S. S. 877.03.

Based on the facts and evidence, Kristoffer Murphy did knowingly and willfully resist arrest, while offering and later kicking Officer Gillespie while we were attempting to place Murphy in custody. Murphy was violent and combative, throughout the course of the encounter thus contrary to F. S. S. 843.01.

Incident Report Suspect List

Key West Police Department

OCA: 20-03308

1	Name (Last, First, Middle)					Also Known As					Home Address				
	MURPHY, KRISTOFFER E										760 MEMORIAL DR CHICOPEE, MA 01020				
	Business Address UNKNOWN, UNKNOWN														
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.				
	08/04/1986	33	W	M	U	506	170	BLK	BRO	FAR	S92847701 MA				
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: 20-03308

1		Property Description BODY WORN CAMERA, 3722.			Make AXON		Model		Caliber		
Color		Serial No.		Value \$0.00		Qty 1.000		Unit EA		Jurisdiction Locally	
Status Evidence		Date 08/03/2020		NIC #		State #		Local #		OAN	
Name (Last, First, Middle)						DOB		Age		Race	
										Sex	

Notes

2		Property Description IN-CAR COBAN, 3722.			Make COBAN		Model		Caliber		
Color		Serial No.		Value \$0.00		Qty 1.000		Unit EA		Jurisdiction Locally	
Status Evidence		Date 08/03/2020		NIC #		State #		Local #		OAN	
Name (Last, First, Middle)						DOB		Age		Race	
										Sex	

Notes

OCA: 20003308

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

Investigator: GILLESPIE, ANTHONY M (3757)

Date / Time: 08/03/2020 00:22:48, Monday

Supervisor: VAZQUEZ, BILLY (3467)

Supervisor Review Date / Time: 08/03/2020 20:52:18, Monday

Contact:

Reference: General Supplemental Report

On 08/02/2020 at approximately 2252 hours, I (Officer Gillespie) responded to 500 Duval St. (CVS) in reference to two men fighting out in front of the store.

Upon arrival, I observed Officer Lopez on the ground wrestling with a white male (later identified as Kristoffer Elliott Murphy). Officer Lopez was attempting to place Murphy into hand cuffs while on the ground. I observed second white male (later identified as Curtis Lee Constantine) who assisting Officer Lopez on the ground while he was trying to place Murphy into hand cuffs.

I exited my patrol car and ran to Officer Lopez to assist. I took control of Murphy's left arm. Murphy would not comply with loud verbal commands to give me his arm, he continued to pull his left arm away from me. Officer Lopez and I were able to gain control of Murphy's arms and placed him in hand cuffs. While on the ground, Murphy yelled and cursed the entire time. I observed Murphy to have blood and spit coming out of his mouth while he was yelling.

Officer Lopez and I escorted Murphy to Officer Lopez's patrol car. Murphy continued to scream. Once at the patrol car, I held Murphy against the vehicle. Murphy turned his head and screamed at me in my face. While screaming at me I could feel droplets of spit and blood landing on my face. I used loud verbal commands for Murphy to "Face the car" which I said twice, I also told Murphy "Don't back up". Murphy continued trying to turn around. I pushed Murphy against the car attempting to regain control of him. Then Murphy turned to the right (away from me) trying to get away. I grabbed Murphy as he turned away from me and we both fell to the ground.

While on the ground, I used loud verbal commands for Murphy to "Stop" which I said a minimum of 5 times. I also instructed Murphy to "stop resisting". While laying face down on the ground, I held Murphy down by both of his shoulder blades. Murphy tried to turn and roll away from me. I placed my left hand on Murphy's left shoulder and my right knee on his right arm, pinning it to the ground. After several seconds Murphy complained of pain in his arm and asked me to get off of his arm. I immediately complied and took my knee off of his arm and replaced it with my hand to alleviate most of my weight off of Murphy's arm. While partially on top of Murphy, I felt my left side and hip being kicked by him. The strikes I received were not painful but it was clear Murphy was knowingly and intentionally kicking me. I used loud verbal commands for Murphy to "stop kicking me". Officer Lopez retrieved a hobble.

After the Hobble was applied, I stood Murphy up and instructed him to get into the patrol car. Murphy would not comply and get into the vehicle on his own. I had to pick Murphy up and put him into the car. Once inside the car, Murphy turned and yelled at me "what is your name?", as he yelled, I felt more spit and blood droplets land on my face. I put my left hand on Murphy's upper chest to hold him against the seat as I leaned across him to put his seat belt on. As I leaned across Murphy to buckle his seat belt, he thrust his body upward to stop me from putting the seat belt on him. I passed the seat belt to officer Mogerley and he was able to buckle Murphy in.

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT

Printed: 08/03/2020 23:33

OCA: **20003308**

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

Investigator: *GILLESPIE, ANTHONY M (3757)*

Date / Time: *08/03/2020 00:22:48, Monday*

Supervisor: *VAZQUEZ, BILLY (3467)*

Supervisor Review Date / Time: *08/03/2020 20:52:18, Monday*

Contact:

Reference: *General Supplemental Report*

While on scene, Murphy somehow removed his seat belt and hobble while inside the patrol car. Once the hobble was off, Murphy began to kick the windows from inside of the patrol car. Murphy had to be taken out of the car and placed back into a hobble. While outside of the vehicle a spit hood was placed on Murphy's head.

I followed Officer Lopez to MCDC as back up.

After arriving at MCDC, it was discovered Murphy had again removed his seat belt and the spit hood. Murphy continued to resist Deputies and had to be placed into the restraint chair.

I activated my BWC during this incident.

I have no further information at the time of this report. END OF REPORT.

Investigator Signature: _____

Incident Report Related Property List

Key West Police Department

OCA: 20-003308

1	Property Description BWC3757				Make		Model		Caliber		
Color		Serial No.		Value \$0.00		Qty 1.000		Unit		Jurisdiction Locally	
Status Evidence		Date 08/02/2020		NIC #		State #		Local #		OAN	
Name (Last, First, Middle) * No name *						DOB		Age		Race	
										Sex	

Notes