

Response to Resistance Report

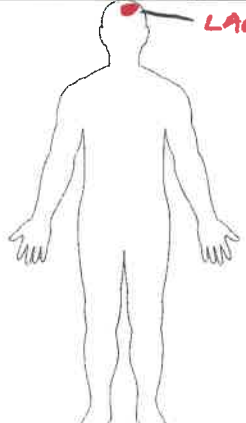
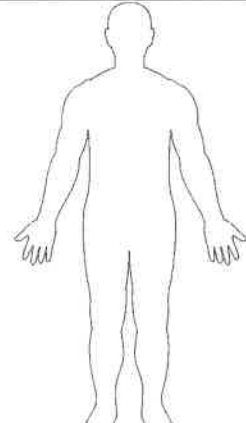
Key West Police Department

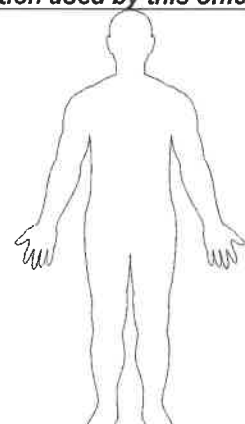
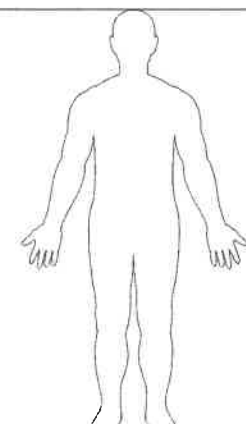
Case No: 21-0483

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: 01/28/2021	3. Time: 0304 hrs	4. Location: 1100 MARGARET ST	5. Incident type: BATTERY
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input type="checkbox"/> Passive:		<input checked="" type="checkbox"/> Physical Control	PUSHED / REDIRECTED
	<input checked="" type="checkbox"/> Active:	FLEEING ON FOOT	<input type="checkbox"/> Non-lethal Weapon	
	<input type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force	
	<input type="checkbox"/> Deadly Force:			

SUBJECT	10. Last Name: MONTES	11. First: BRANDON	12. Race: W	13. Sex: M
	14. DOB: 10/13/1985	15. Height: 5'11	16. Weight: 220	
	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 checked="" 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 checked="" type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input checked="" type="checkbox"/> Detention			
				
22. Anterior View		Posterior View		

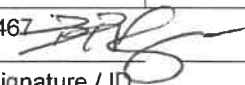
OFFICER	23. Officer: TIM MALAK	24. Race: W	25. Sex: M	26. Age: 30	27. Height: 6'0	28. Weight: 240
	29. Duty Status: <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input checked="" type="checkbox"/> Uniformed <input type="checkbox"/> Plain clothes 30. Yrs Exp: 2					
	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: Take Down					
						
35. Anterior View		Posterior View				

Response to Resistance Report (continued)

Key West Police Department

Case No:

21-0483

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: 5		Number of cycles: 1	
	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 type="checkbox"/> Detailed description of injury complaints and/or observed injuries <input type="checkbox"/> Details outlining the decontamination, first aid or medical treatment provided to the officer and/or subject.			
SUPERVISOR'S INQUIRY	40. Notified Date: 01/28/2021		41. Time: 0304 hrs	
	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)			
	Name		Address	
INT. AFF.	45. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		Sgt. Billy Vazquez 3467 	
	FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		01/28/2021	
			46. Preparing Supervisor's Signature / ID	
			47. Date	
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 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:

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 01/28/2021 19:13

OCA: **21000483**

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

Investigator: *MALAK, TIMOTHY J (4045)*

Date / Time: *01/28/2021 04:17:52, Thursday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On 1/28/21 at 0304hrs, I, Officer Malak, responded to the area of Margaret St and Virginia St as an assisting unit, for a battery. The caller stated the offender was running on Margaret St towards Virginia St and the caller was following him in a black truck. The caller also stated he observed the male punch a female in the face.

Upon my arrival to the area, I was flagged down by the driver of the black truck. He pointed to a white male running North on Margaret St towards Virginia St (later identified as Brandon Montes DOB 10/13/85). I drove my marked patrol car towards Virginia St and parked in front of the running Montes. I exited my vehicle and instructed Montes to stop running. Montes continued to run away so I pursued him to the front of 1106 Margaret St. Once at 1106 Margaret St, Montes stopped running and turned to face me. Not knowing the threat level of Montes, I knocked him off balance and he hit the small retaining wall in front of 1106 Margaret St. Once I did not observe and safety concerns with Montes, I assisted him off the property of 1106 Margaret St.

I contacted Sgt Vazquez and informed him of the incident.

KWFD arrived on location and medically evaluated Montes.

My BWC was active for this event in its entirety, nothing further.

Investigator Signature: _____

INCIDENT DATA

PROPERTY

Incident Report Additional Name List

Key West Police Department

OCA: 21-000483

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	BIWEL, OLIVIA		04/06/1988	32	W	F
	Address 1225 DUVAL ST, KEY WEST, FL 33040-		H: 305-587-0231			
	Empl/Addr		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 21-000483

Status Codes L = Lost S = Stolen R = Recovered D = Damaged 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						

Assisting Officers
LITTON, A.J. (3958), WAITE, K.J. (3646), HAM, R. (4009), MALAK, T.J. (4045)

Suspect Hate / Bias Motivated:

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 21-000483

Key West Police Department

NARRATIVE

REPORTING OFFICER NARRATIVE

OCA

21-000483

Key West Police Department

Victim

LUMPKIN, MAUREESHIA

Offense

BATTERY

Date / Time Reported

Thu 01/28/2021 03:04

On 01/28/2021, I (Ofc. Bozzetti) was dispatched to 1106 Packer St, in reference to a male that just struck a female and began walking away.

The R/P, who asked to remain anonymous followed the alleged suspect, later identified as Brandon Montes. Ofc. Malak attempted to make contact with Montes, However, Montes began to run away from Ofc. Malak. Ofc. Malak told Montes to stop running, however, he did not comply. After a short and unsuccessful attempt to flee, Ofc. Malak was able to detain Montes. Ofc. Malak advised me that Montes was too intoxicated to explain what happened or why he was running.

I made contact with the victim, Maureeshia Lumpkin. Lumpkin was with an independent witness, Olivia Biwel. Lumpkin was crying and had a visible contusion above her left eye and a bloody nose. Lumpkin stated her vision in her left eye was blurry. Rescue arrived on scene to assess Lumpkin, however, she refused medical treatment. Lumpkin denied being hit by Montes. She stated that it was her fault and that she tripped.

Biwel provided Ofc. Ham with an official written statement, which stated the following. "Walking out of the house screaming and arguing. Guy punches girl in the face. Knocks her to the ground. We ran to stop him. He ran from us and [we]follow him".

Ofc. Malak placed Montes under arrest without incident. I transported Montes to the MCDC.

At the MCDC I read Montes his Miranda Right and asked if he was willing to answer some questions. He stated he would answer some questions. I asked what happened. He stated they got into an argument and that he was too drunk. He said he did not remember hitting her. I asked if he saw her trip and fall. He said he did not see her fall. I asked why he ran from Ofc. Malak, and he said he did not remember running from any officers.

Montes and Lumpkin have been together for 3 years and live together in Michigan, making this a domestic issue.

Since Montes actually and intentionally struck Lumpkin against her will he was in violation of F.S.S. 784.03-1A1.

Since Montes resisted obstructed or opposed any officer, he was in violation of F.S.S. 843.02.

My BWC was activated during this incident.

Incident Report Suspect List

Key West Police Department

OCA: 21-000483

1	Name (Last, First, Middle) MONTES, BRANDON						Also Known As				Home Address 1801 SHANKIN DR WOLVERINE LAKE, MI 48390			
	Business Address													
	DOB 10/13/1985	Age 35	Race W	Sex M	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.			
	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		
VehYr/Make/Model			Drs	Style		Color		Lic/St		VIN		
Notes								Physical Char				

Incident Report Related Property List

Key West Police Department

OCA: 21-000483

1	Property Description BWC/4058			Make		Model		Caliber	
	Color	Serial No.	Value \$0.00		Qty 1.000	Unit EA	Jurisdiction Locally		
	Status Evidence	Date 01/28/2021	NIC #		State #		Local #		OAN
	Name (Last, First, Middle)				DOB		Age	Race	Sex

Notes