

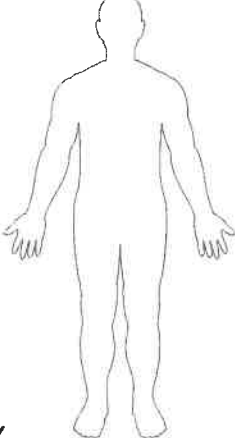
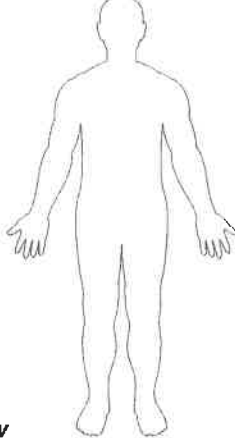
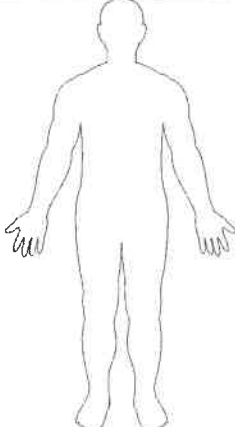
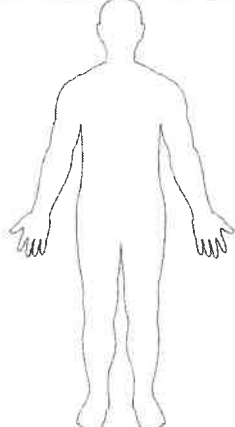
Response to Resistance Report

Key West Police Department

Case No: 21-2142

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: 4-23-21	3. Time: 507 HRS	4. Location: 714 DUVAL ST	5. Incident type: S36B	
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation	
	<input checked="" type="checkbox"/> Passive:	VERBALLY COMBATIVE	<input type="checkbox"/> Physical Control		
	<input checked="" type="checkbox"/> Active:	PULLING AWAY	<input checked="" type="checkbox"/> Non-lethal Weapon		
	<input type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force		
	<input type="checkbox"/> Deadly Force:				
SUBJECT	10. Last Name: MERRY	11. First: JOHN	12. Race: W	13. Sex: M	
	14. DOB: 7-17-1985	15. Height: 511	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 checked="" type="checkbox"/> No <input 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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input type="checkbox"/> Detention	
					
	22. Anterior View		Posterior View		
	OFFICER	23. Officer: LEO HERNANDEZ	24. W	25. Sex: M	26. Age: 46 27. Height 504 28. Weigh: 150
		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: 1.5
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: Taser (Drive stun)					
					
35. Anterior View		Posterior View			

Response to Resistance Report (continued)

Key West Police Department

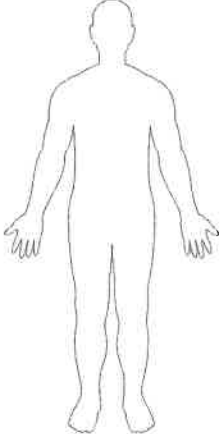
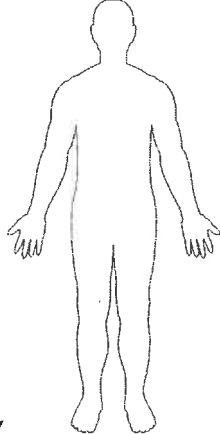
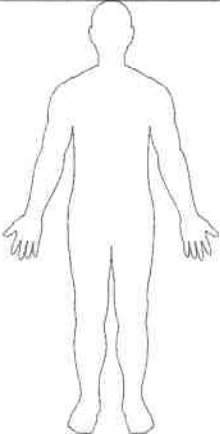
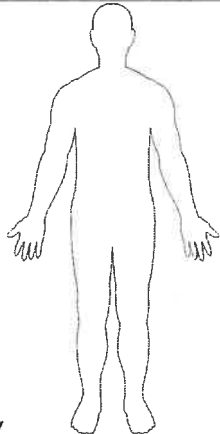
Case No: 21-2142

TASER USE ONLY	36. TASER® device serial # X1200CPK	37. TASER® device serial #												
	TASER®Cam serial # V2102AK9	TASER®Cam serial #												
	Cartridge 1 serial #	Cartridge 1 serial #												
	Cartridge 2 serial #	Cartridge 2 serial #												
	Number of cycles: 3	Number of cycles:												
	Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input checked="" 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: 4-23-21													
	41. Time: 507 hrs													
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)													
	43. Did you watch all relevant videos associated with the use of force? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)													
	44. Did you meet with the Officer(s): <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)													
	45. During your review did you find any potential policy violations or training issues associated with the incident? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)													
	46. 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											
47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS														
48. Preparing Supervisor's Signature / ID														
INT. AFF.	50. 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)													
	51. Signature of Internal Affairs Inspector													
	52. Date													
53. If section 48 is "No" record the Professional Standards Control Number:														
54. Date Entered:														

Response to Resistance Report (continued)

Key West Police Department

Case No: 21-2142

OFFICER	23. Officer: WILLIAM HOWELL		24. Race: W		25. Sex: M		26. Age: 35		27. Height: 6'128.		28. Weight: 220	
	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: 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: (If TASER®, also reference line number from TASER® section)											
												
	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 checked="" 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)											
												
	35. Anterior View						Posterior View					

		INCIDENT/INVESTIGATION REPORT											
		Agency Name <i>Key West Police Department</i>		ORI <i>FL0440100</i>		Case# <i>21-002142</i>		Date / Time Reported <i>04/23/2021 04:20 Fri</i>		Last Known Secure <i>04/23/2021 04:20 Fri</i>			
I N C I D E N T D A T A	Location of Incident <i>714 DUVAL ST, Key West FL 33040-</i>				Premise Type <i>Other Retail</i>		Beat/GP <i>B2, GPB2</i>		At Found <i>04/23/2021 04:20 Fri</i>				
	#1	Crime Incident(s) <i>Resist Arrest / Escape</i> <i>XOM</i>			(Com)		Weapon / Tools <i>NOT APPLICABLE/NONE</i>			Activity			
		Entry					Exit			Security			
	#2	Crime Incident			()		Weapon / Tools			Activity			
		Entry					Exit			Security			
	#3	Crime Incident			()		Weapon / Tools			Activity			
	Entry					Exit			Security				
MO													
V I C T I M	# of Victims		<i>1</i>		Type: SOCIETY/PUBLIC/STATE			Injury:			Domestic: N		
	V1	Victim/Business Name (Last, First, Middle) <i>Society</i>				Victim of Crime # <i>1</i>		DOB <i>Age</i>		Race <i></i>		Sex <i></i>	
	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: INDIVIDUAL Injury:												
O T H E R S	Code	Name (Last, First, Middle) <i>MORRIS, ISABELLE NICOLE</i>				Victim of Crime #		DOB <i>09/30/2000</i> <i>Age 20</i>		Race <i>W</i>		Sex <i>F</i>	
	Home Address <i>10864 N LAURENS SQ NE BOLIVAR, OH 44612</i>				Home Phone								
	Employer Name/Address <i>UNKNOWN (UNKNOWN)</i>						Business Phone			Mobile Phone			
	Type: Injury:												
	Code	Name (Last, First, Middle)				Victim of Crime #		DOB <i>Age</i>		Race <i></i>		Sex <i></i>	
	Home Address				Home Phone								
Employer Name/Address						Business Phone			Mobile Phone				
P R O P E R T Y	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	<i>BWC 3452</i>						
	99	EVID		\$0.00		7	<i>AXON PHOTOS</i>						
	35	EVID		\$0.00		4	<i>BWC 4059</i>						
	35	EVID		\$0.00		1	<i>IN-CAR COBAN 4059</i>						
Officer/ID# <i>HOWELL, WILLIAM N (4059)</i>													
Invest ID# <i>(0)</i>						Supervisor <i>KOURI, DAVID G (3022)</i>							
Status	Complainant Signature				Case Status <i>Cleared By Arrest</i> <i>04/23/2021</i>				Case Disposition: <i>Cleared By Arrest</i> <i>04/23/2021</i>				Page 1

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 21-002142

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), HERNANDEZ, L. (3452)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

21-002142

Victim

Society

Offense

RESIST ARREST / ESCAPE

Date / Time Reported

Fri 04/23/2021 04:20

On Friday, 04/23/2021 at approximately 0507 hours, Ofc. Hernandez and I (Ofc. Howell) were dispatched to 714 Duval Street regarding multiple unknown subjects possibly involved in a verbal disagreement.

I was first and scene and I encountered Isabelle N. Morris (DOB: 09/30/2000, Involved Other) who was sitting on the curb, crying, in front of 714 Duval Street. As I asked Morris questions and conducted an investigation, an unknown male subject approached us and began to interrupt me as well as continuously attempted to walk towards Morris and me. The unknown male subject attempted to step between Morris and I several times. At this point, Ofc. Hernandez arrived as my backup. I asked Morris if she knew the unknown male subject and she replied, "No." I asked unknown male subject to back up and walk away/move along several times. The unknown subject continued to walk towards Ofc. Hernandez and me. The unknown male subject pulled out his cellular phone and stated he was recording us. The unknown male subject continued to interrupt me while I was questioning Morris, stating it was his "Constitutional right to be there and he didn't have to leave." As I was pointed at Morris's phone, in an attempt to assist her, the unknown male subject attempted to step between Morris and me. At this point in the investigation, I was still attempting to ascertain the identity of the Morris's significant other, as he was the possible suspect of my investigation.

Ofc. Hernandez and I had given the unknown male subject at least ten clear and concise verbal warning to stop obstructing our investigation and move along. As I moved towards the unknown male subject to place him in handcuffs, he threw himself on the ground, face-down, and interlocked his fingers behind his head. The unknown male subject refused to place his hands behind his back as I repeatedly gave him loud and clear verbal commands to, "Stop resisting." I instructed the unknown male subject to "give me his hands" several times to allow me to place the handcuffs on him. The unknown male subject moved his hands to the front of his chest while lying face-down and continued to refuse to be handcuffed. Due to the unknown male subject pulling away from Ofc. Hernandez and I and his level of resistance rising, Ofc. Hernandez unholstered his taser, removed the cartridge and drive stunned the unknown male subject three times. Ofc. Hernandez and I handcuffed the unknown male subject and walked him to my patrol vehicle. Ofc. Hernandez searched the unknown male subject and found an Ohio driver's license. Ofc. Hernandez identified the unknown male subject as John E. Merry (DOB: 07/17/1985, Arrestee). Morris stated she did not require police involvement and was allowed to walk away.

Ofc. Hernandez researched Merry's information and added him to the call. I transported Merry to Monroe County Detention Center, without incident.

Based on the facts and evidence, I believe there is probable cause that on 04/23/2021, John E. Merry did knowingly and intentionally violate F.S.S. 843.02, by actually and intentionally attempting to obstruct my investigation by continuously interrupting me during questioning and attempting to step between me and Isabelle N. Morris, while I was engaged in my legal, lawful duties as uniformed law enforcement officer.

Based on the facts and evidence, I believe there is probable cause that on 04/23/2021, John E. Merry did knowingly and intentionally violate F.S.S. 843.02, by actually and intentionally attempting to pull his hands away from me and Ofc. Hernandez and refusing to be handcuffed, while we were engaged in our legal, lawful duties as uniformed law enforcement officers.

My BWC was activated for the encounter, arrest, and subsequent search of Merry. My In-Car COBAN was activated for the transport of Merry to Monroe County Detention Center. I uploaded the videos to Evidence.com.

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim <i>Society</i>	Offense <i>RESIST ARREST / ESCAPE</i>	OCA <i>21-002142</i>
		Date / Time Reported <i>Fri 04/23/2021 04:20</i>

At this time, no further information.

Incident Report Suspect List

Key West Police Department

OCA: 21-002142

1	Name (Last, First, Middle) <i>MERRY, JOHN ERIC</i>					Also Known As					Home Address <i>820 FEDERAL AVE NE MASSILLON, OH 44646</i>				
	Business Address														
	DOB <i>07/17/1985</i>	Age <i>35</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>511</i>	Wgt <i>185</i>	Hair <i>BLD</i>	Eye <i>BLU</i>	Skin <i>FAR</i>	Driver's License / State. <i>SH645627 OH</i>				
	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					

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 04/27/2021 00:08

OCA: **21002142**

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

Investigator: *HERNANDEZ, LEONARDO* (3452)

Date / Time: *04/23/2021 05:16:19, Friday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On Friday April 23, 2021, at about 0421 am, I, Ofc. L. Hernandez was dispatched to 714 Duval Street, in reference to an assault incident.

Upon arrival, Ofc. N. Howell, who was primary on this incident, was talking to the female named Isabelle Morris (DOB 09/30/2000), in reference to the alleged assault. A male later identified as John Eric Merry (DOB 07/17/1985), began to record us with his cellphone, our encounter and investigation. Merry was speaking incoherently. Merry asked for our badge numbers and names. I gave Merry our names and identification numbers as I was also telling him to step away from the road to get him away from vehicular traffic for his own safety.

Merry started to encroach into the area of our investigation, as close as within 5-10 feet of us approximately. I asked Merry multiple times to please back up and informed him that he was obstructing our investigation. Merry would move back only to come closer to us again.

As I was discussing the investigation with Ofc. Howell, Merry suddenly and swiftly got in between the female and us. Ofc. Howell proceeded to try to detain Merry by ordering him to turn around and put his hands behind his back, with Merry pulling away from his grasp. Ofc. Howell grabbed Merry and re directed him to the ground in a controlled manner with my assistance. Once on the ground we kept telling Merry to put his hands behind his back and he kept actively resisting by tensing up and placing his arms under him, preventing us from handcuffing him.

Ofc. Howell and I told Merry to stop resisting. I told Merry to give us his hands so we could place him in handcuffs, or he would be tased. Merry would not comply to our multiple loud and clear commands. I unholstered my taser, removed the taser cartridge and drive stunned Merry twice on his right side, he still did not comply. Given his level of resistance I drive stunned Merry again this time near the center of his back. Merry started to comply and we were able to place him in custody.

I conducted a search incident to arrest of Merry before placing him in Ofc. Howell's patrol vehicle. My BWC 3452 was activated during this incident.

I had no further involvement in this investigation.

This is a supplemental report.

Investigator Signature: _____

Incident Report Related Property List

Key West Police Department

OCA: 21-002142

1	Property Description BWC 3452				Make		Model		Caliber	
	Color		Serial No.		Value \$0.00		Qty 1.000		Unit EA	
	Status Evidence		Date 04/23/2021		NIC #		State #		Local #	
	Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	

Notes

2	Property Description AXON PHOTOS				Make		Model		Caliber	
	Color		Serial No.		Value \$0.00		Qty 7.000		Unit EA	
	Status Evidence		Date 04/23/2021		NIC #		State #		Local #	
	Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	

Notes