

Response to Resistance Report

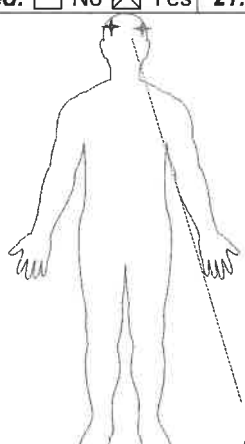
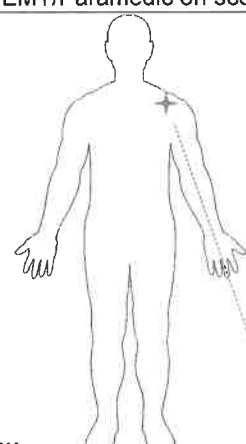
Key West Police Department

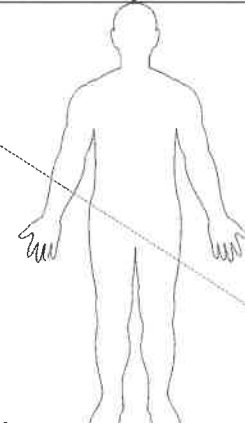
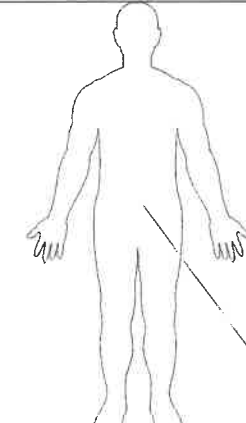
Case No: 21-2778

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: 05/27/21	3. Time: 0138	4. Location: 400 Blk Greene St.	5. Incident type: Resist w/ viol.
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input type="checkbox"/> Passive:		<input checked="" type="checkbox"/> Physical Control	Ground control
	<input checked="" type="checkbox"/> Active:	Pulling away, tensing, pushing	<input checked="" type="checkbox"/> Non-lethal Weapon	Pepper Spray
	<input checked="" type="checkbox"/> Aggressive:	Charging officer	<input type="checkbox"/> Deadly Force	
	<input type="checkbox"/> Deadly Force:			


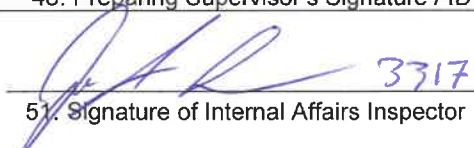
SUBJECT	10. Last Name: Kearney	11. First: Justice	12. Race: W	13. Sex: M
	14. DOB: 07/20/1996	15. Height: 6'00"	16. Weight: 170	
	17. Did you observe the subject: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If NO, explain why in Section 42. If "YES", complete sections 18-22			
	18. Appeared to be: <input checked="" type="checkbox"/> Intoxicated <input 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 type="checkbox"/> EMT/Paramedic on scene <input checked="" type="checkbox"/> Hospital <input type="checkbox"/> Detention			
				
	22. Anterior View	Lacerations	Posterior View	Scrapes

OFFICER	23. Officer: Raymond Roscoe	24. Race: W	25. Sex: M	26. Age: 43	27. Height: 5'07"	28. Weight: 165
	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 type="checkbox"/> No <input type="checkbox"/> Evident <input checked="" 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 type="checkbox"/> No <input checked="" type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input checked="" type="checkbox"/> Hospital					
	34. Response option used by this officer: (If TASER®, also reference line number from TASER® section) Ground control					
						
	35. Anterior View		Posterior View	Lower back		

Response to Resistance Report (continued)

Key West Police Department

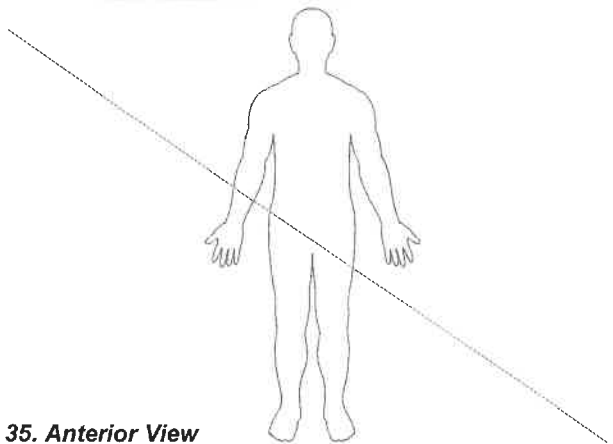
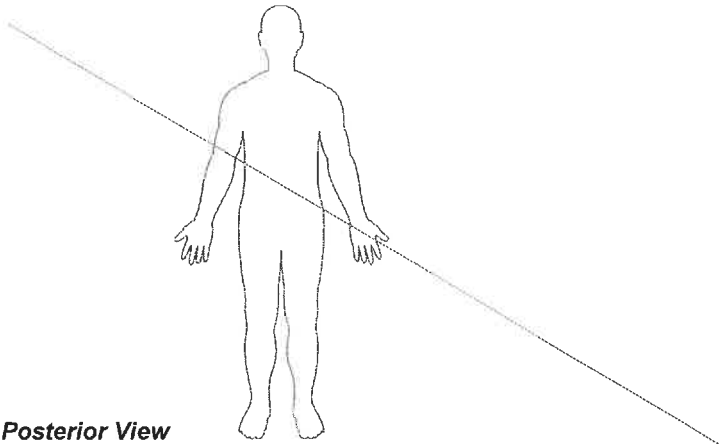
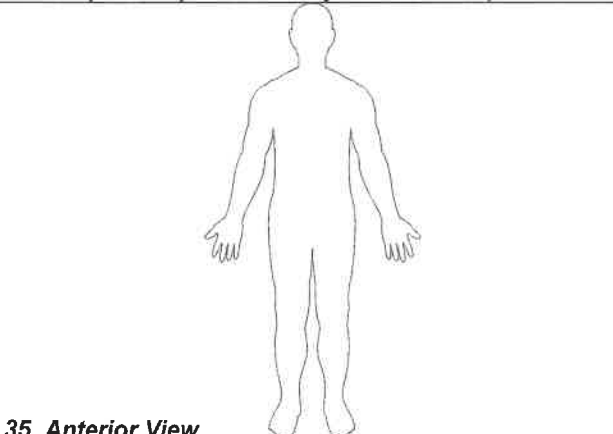
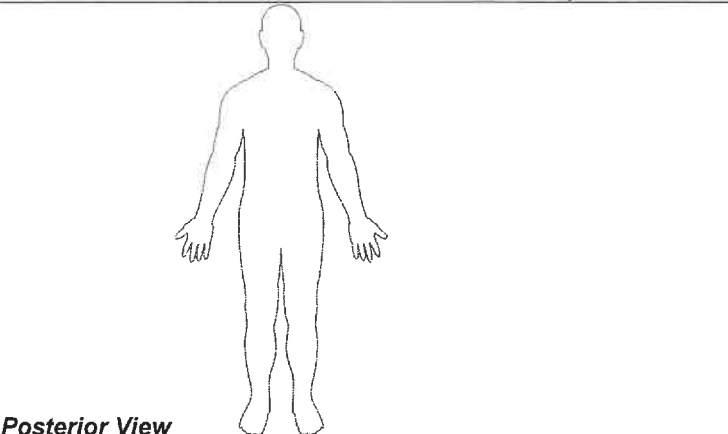
Case No: 21-2778

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 checked="" 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 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.			
	40. Notified Date: 05/27/21		41. Time: 0139	
	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)			
SUPERVISOR'S INQUIRY	46. 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	
	Peter NicholSEN	132 Peary Court C, Key West, FL 33040	904-415-3977	
	Randi Barcelli	833 Olivia Street Apt 1, Key West, FL 33040	219-465-8618	
	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		49. Date	
	 2301		05/27/21	
	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	
	53. If section 48 is "No" record the Professional Standards Control Number:		54. Date Entered:	
	 3317		6/30/2021	

Response to Resistance Report (continued)

Key West Police Department

Case No: 21-2778

OFFICER	23. Officer: Matt Hansell 24. Race: W 25. Sex: M 26. Age: 48 27. Height: 5'07" 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: 17											
	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) OC Spray																	
																		
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)																	
																		
35. Anterior View					Posterior View													

		INCIDENT/INVESTIGATION REPORT						Case# 21-002778			
		Agency Name Key West Police Department		ORI FL0440100		Date / Time Reported 05/27/21 01:38 Thu		Last Known Secure 05/27/21 01:38 Thu			
INCIDENT DATA	Location of Incident 430 GREENE ST, Key West FL 33040		Gang Relat	Premise Type Highway / Street /		Beat/GP B1, GPB1		At Found 05/27/21 01:38 Thu			
	#1	Crime Incident(s) Battery Felony BFE	(Com)	Weapon / Tools HANDS, FIST, FEET				Activity			
				Entry		Exit		Security			
	#2	Crime Incident Resist Arrest / Escape XOM	(Com)	Weapon / Tools				Activity			
				Entry		Exit		Security			
	#3	Crime Incident	()	Weapon / Tools				Activity			
				Entry		Exit		Security			
MO											
VICTIM	# of Victims 2		Type: LAW ENFORCEMENT (LEO)			Injury:		Domestic: N			
	V1	Victim/Business Name (Last, First, Middle) ROSCOE, RAYMOND JONATHAN			Victim of Crime # 1	DOB 07/16/78 Age 42	Race W	Sex M	Relationship To Offender ST	Resident Status Resident	Military Branch/Status
	Home Address 1604 N ROOSEVELT BLVD, Key West, FL 33040-							Home Phone 305-809-1000			
	Employer Name/Address KYPD (OFFICER)						Business Phone		Mobile Phone		
	VYR	Make	Model	Style	Color	Lic/Lis	VIN				
OTHERS INVOLVED	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)										
	Type: INDIVIDUAL Injury:										
	V2	Name (Last, First, Middle) STATE OF FL, STATE OF FL			Victim of Crime # 2,	DOB Age 0	Race U	Sex U	Relationship To Offender ST	Resident Status	Military Branch/Status
	Home Address STATE OF FL KEY WEST, FL 33040							Home Phone			
	Employer Name/Address State Of Fl						Business Phone		Mobile Phone		
	Type: INDIVIDUAL Injury:										
IO	Name (Last, First, Middle) HALL, MICHAEL ANTHONY			Victim of Crime #	DOB 07/21/95 Age 25	Race B	Sex M	Relationship To Offender	Resident Status Resident	Military Branch/Status	
Home Address 720 WHITEHEAD ST - 6B KEY WEST, FL 33040							Home Phone				
Employer Name/Address RICKS (BOUNCER)						Business Phone		Mobile Phone			
PROPERTY	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	AXON 4011				
Officer/ID# ROSCOE, RAYMOND (4011)											
Invest ID# (0)					Supervisor SIMS, FRED CARTER (2301)						
Status	Complainant Signature			Case Status Cleared By Arrest		05/27/21		Case Disposition: Cleared By Arrest		05/28/21	Page 1

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 21-002778

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
HANSELL, M. (3648), PEREZ, R. (4010), ANE, A.A. (3418), RODRIGUEZ, A. (3465), HUDSON, A.J. (3940)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

21-002778

Victim

ROSCOE, RAYMOND JONATHAN

Offense

BATTERY FELONY

Date / Time Reported

Thu 05/27/21 01:38

On 05/26/2021 at approximately 0138 I was flagged down by the staff at Ricks for an unknown problem.

The bouncer Michalel Hall (later identified by a FL DL) told me that the suspect Justice Daniel Kearney (later identified by an OR DL) was attempting to fight several patrons at the bar and needed to be removed.

Kearney saw my marked Key West Patrol car and began running down the street toward Greene St. I proceeded around the corner to talk to Kearney. When I turned the corner onto Greene St. I did not see Kearney.

I was then flagged down by a patron at the Tiki House who informed me that Kearney had just ran into the bar. I exited my patrol car and attempted to enter the bar to locate Kearney. I made it to the porch of the bar when Kearney came running out of the bar directly at me. Kearney then lost his footing and fell to the ground. I attempted to restrain Kearney when he began to attempt to get up and run again. I was able to gain control of Kearney's upper torso when he put his hands under his chest to prevent me from placing him into handcuffs. Kearney then began to kick his legs up in attempt to kick me in the back.

There was a good Samaritan that was able to assist in holding down Kearney's legs, so I was able place him into handcuffs. By this time other officers arrived. All officers at the scene were wearing their KWPD class Bravo uniform and driving marked patrol cars. Kearney continued to resisting even when all other officers were attempting to restrain him. Sgt. A Rodriguez made the decision to Hobble Kearney due to him still kicking his legs and not complying with lawful commands. KWFR was dispatched to check the medical condition of Kearney due to two small abrasion to his forehead.

Once Kearney was hobbled officers attempted to place him into the back of my patrol car, he refused by tensing his legs refusing to enter car. At this point Kearney was warned if he did not comply and enter the patrol car, he would be pepper sprayed. Kearney still refused to enter the patrol car so K-9 Ofc. Hansell pepper sprayed Kearney. Sgt Rodriguez then requested KWFR back to the scene to assess Kearney and transport him to Lower Keys Medical Center for treatment and clearance.

Kearney was transported to Lower Keys Medical Center with out incident.

Kearney was cleared by the medical staff at Lower Keys Medical Center. I then Transported him to the MCDC without further incident.

Justice Daniel Kearney did knowingly and willingly commit the offense of Battery on a Law Enforcement Officer F.S 784.07-(2)(b) by kicking me in the back while attempting to detain him while conducting my duties as a Law Enforcement officer, wearing my KWPD class Bravo uniform and driving my KWPD marked patrol car.

Justice Daniel Kearney did knowingly and willingly commit the offense of Resisting officer with violence F.S 843.01 by kicking me in the back while attempting to detain him while conducting my duties as a Law Enforcement officer, wearing my KWPD class Bravo uniform and driving my KWPD marked patrol car.

Justice Daniel Kearney did knowingly and willingly commit the offense of Resisting officer without violence to his or her person F.S 843.02 by refusing to comply with lawful orders by uniformed law enforcement personal when instructed to enter the back of my patrol car, resulting in him having to be hobbled and pepper sprayed.

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim <i>ROSCOE, RAYMOND JONATHAN</i>	Offense <i>BATTERY FELONY</i>	OCA <i>21-002778</i>
		Date / Time Reported <i>Thu 05/27/21 01:38</i>

My BWC did not activate during the initial altercation with Kearney.

Cleared by arrest.

Incident Report Suspect List

Key West Police Department

OCA: 21-002778

1	Name (Last, First, Middle) <i>KEARNEY, JUSTICE DANIEL</i>						Also Known As				Home Address <i>12905 SE FOSTER RD - APT604 F PORTLAND, OR 97236 503-754-7859</i>																																									
	Business Address <i>UNKNOWN, UNKNOWN</i>																																																			
	DOB <i>07/20/96</i>	Age <i>24</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>600</i>	Wgt <i>155</i>	Hair <i>BRO</i>	Eye <i>BRO</i>	Skin <i>FAR</i>	Driver's License / State. <i>B236567 OR</i>																																									
	Scars, Marks, Tattoos, or other distinguishing features																																																			
<table border="1"> <tr> <td colspan="2"><i>Reported Suspect Detail</i></td> <td colspan="2">Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td colspan="2">Height</td> <td colspan="2">Weight</td> <td colspan="2">SSN</td> </tr> <tr> <td>Weapon, Type</td> <td>Feature</td> <td colspan="2">Make</td> <td colspan="2">Model</td> <td colspan="2">Color</td> <td>Caliber</td> <td colspan="2">Dir of Travel</td> <td colspan="2">Mode of Travel</td> </tr> <tr> <td colspan="2">VehYr/Make/Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="2">Lic/St</td> <td colspan="2">VIN</td> <td colspan="2"></td> </tr> </table>														<i>Reported Suspect Detail</i>		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			
<i>Reported Suspect Detail</i>		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: 21-002778

1	Property Description AXON 4011			Make		Model		Caliber	
	Color	Serial No.		Value		Qty		Unit	Jurisdiction
				\$0.00		1.000		EA	Locally
	Status Evidence	Date 05/27/21 00:00:00	NIC #	State #		Local #		OAN	
	Name (Last, First, Middle) * No name *				DOB		Age	Race	Sex

Notes

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 05/31/21 08:56

OCA: **21002778**

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

Investigator: *HANSELL, M.*

Date / Time: *05/27/21 03:09:00, Thursday*

Supervisor: *SIMS, F. C.*

Supervisor Review Date / Time: *05/27/21 05:22:00, Thursday*

Contact:

Reference: *General Supplemental Report*

On 05-27-2021, I, K-9 Ofc. Matthew Hansell of the Key West police Department, responded to 430 Green St. in reference to an officer needing assistance.

Officer Roscoe advised over radio that he was out with a subject and requested additional units. I then heard several radio key ups that sounded as if Ofc. Roscoe was in a struggle. Key West Channel One Dispatch advised it was from his radio and asked for officers to expedite.

I activated my emergency lights and siren and proceeded to 430 Green St. from Lime Tree Grocery. As I arrived on scene, I saw Ofc. Roscoe and Ofc. Hudson holding a white male on the ground. I ran over to Ofc. Hudson who was controlling the shoulder area of the male and he handed me an Oregon drivers license belonging to the male.

I had Key West Dispatch Channel 2 enter the license in NCIC/FCIC and he was identified as Justice Kearney. I took Hudson's spot holding Kearney down by the shoulders and making sure he was in a recovery position on his left side while on the ground.

During this time, Kearney screamed and yelled at officers about his treatment and why he was not allowed to be drunk in Key West. Kearney smelled of vomit and the strong odor of an alcoholic beverage emanating from his person.

I told Kearney several times to relax and tried to calm him down, however he refused and kept tensing his body and trying to get up off the ground and away from officers. At one point a hobble restraint device was used to try and keep Kearney immobile for his and officers protection.

Key West Fire Rescue arrived the first time and assist Kearney, who had minor scrapes on him from flailing on the ground.

After Key West Fire Rescue left the scene myself and Ofc. Ane attempted to put Kearney into Ofc. Roscoe's patrol car.

Kearney, who was still yelling and refusing to cooperate, went limp making himself heavy and refused to stand on his own feet. Kearney was placed back on the ground, where he tensed his body up like a surf board so that we could not get him onto the patrol vehicle.

After numerous attempts, Kearney was placed back on the side walk still handcuffed and hobbled. Kearney began yelling and screaming again and forcefully trying to kick at officers. At one point Sgt. Rodriguez asked if anyone had OC spray and of course I did.

I gave Kearney several warnings to stop or he would be sprayed with OC. Kearney refused to listen to me. I sprayed a

CASE SUPPLEMENTAL REPORT

Printed: 05/31/21 08:56

NOT SUPERVISOR APPROVED

OCA: **21002778**

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one second burst onto the forehead of Kearney and watched as the OC rolled down into his eyes.

The OC had an initial effect as Kearney stopped yelling and struggling with officers to complaining about the OC.

Key West Fire Rescue was called back to our location as it was determined Kearney needed to go to the hospital via ambulance.

Kearney was eventually placed on a stretcher and I put a spit hood on him as he spit at officers. Once in the ambulance, I followed Key West Fire Rescue with Officer Perez on board to the ER.

I had no further contact with Kearney.

My Axon Body Camera was used during this incident.

EOR

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 06/01/21 09:53

OCA: **21002778**

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

Investigator: *ANE, A. A.*

Date / Time: *05/31/21 18:38:31, Monday*

Supervisor: *RODRIGUEZ, A.*

Supervisor Review Date / Time: *05/31/21 19:45:05, Monday*

Contact:

Reference: *General Supplemental Report*

On Thursday, May 27, 2021, at approximately 0138 hours, I, Ofc. Ane, responded to the Tiki House, 430 Greene Street, to assist Ofc. R. Roscoe with an arrestee who became combative.

Upon arrival, I saw Ofc. R. Roscoe had one person, later identified as Justice Kearney, in handcuffs. Kearney was lying on the ground, with small abrasions to his face and forehead. Kearney was still thrashing his body back and forth as officers were trying to keep him on his side to avoid any risk of positional asphyxiation. Officers attempted to calm Kearney down and reason with him, however, he continued to curse and scream at officers, while attempting to defeat our efforts to control him. Kearney began to kick his legs at officers, so I placed a hobble/restraint device over both of his feet.

KWFD Rescue 2 was called to the scene to assess and treat Kearney's injuries. KWFD Rescue 2 arrived on scene and looked at Kearney's injuries then left the scene.

Several other officers were on scene and we attempted several times to pick Kearney up and place him in the rear seat of Ofc. R. Roscoe's patrol vehicle. Each time we attempted to place Kearney in Ofc. R. Roscoe's vehicle he would make his body limp to make moving him more difficult. The few times we were able to get his feet into the vehicle, he would extend and stiffen his legs, then push his feet off of the vehicle's partition to make putting him into the seat impossible. Each time we had to place Kearney on the ground after he refused to be put into Ofc. R. Roscoe's vehicle, he would again escalate and thrash his body around to make gaining control of him more difficult.

Ofc. M. Hansell gave Kearney numerous warnings to stop resisting or he would be pepper sprayed. Kearney ignored all of Ofc. M. Hansell's warnings and he was subsequently pepper sprayed.

KWFD Rescue 2 was called back to the scene to treat Kearney. Officers struggled to put Kearney onto Rescue's stretcher. Kearney began to spit, so Ofc. M. Hansell and I placed a department issued "Spit hood" on him. KWFD Rescue 2 then transported Kearney to LKMC.

I had no further involvement with this investigation.

This investigation was recorded via my department issued body worn camera, which I later uploaded to evidence.com.

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 06/01/21 09:53

OCA: **21002778**

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

Investigator: *HUDSON, A. J.*

Date / Time: *05/31/21 19:37:35, Monday*

Supervisor: *RODRIGUEZ, A.*

Supervisor Review Date / Time: *05/31/21 19:53:17, Monday*

Contact:

Reference: *General Supplemental Report*

On 05/27/2021 at approximately 0138, while on routine patrol in the City of Key West, I responded to the area of 430 Green Street in reference to a male subject engaging in a physical fight with Officer Roscoe.

On arrival I saw the male subject, who was later identified as Justice D. Kearney DOB 07/20/1996, was on the ground with Officers Roscoe and Ham. Kearney, at this time, was in handcuffs but was attempting to stand and was yelling profanities loudly. I relieved Officer Roscoe, and took over physical control of Kearney.

Key West Rescue responded at which time I was relieved by Officer Hansell and began to inventory Kearney's backpack. Among the contents of the backpack, I located over \$3,500.00 in cash. This was placed into Kearney's property at the Monroe County Detention Center.

After securing Kearney's property, I assisted Officer R. Perez and Key West Rescue in putting Kearney into the ambulance.

All of the above was captured on my bodyworn and in-car video, 3940.

Nothing further at this time.

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 06/01/21 09:53

OCA: **21002778**

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

Investigator: *HAM, R.*

Date / Time: *05/31/21 23:26:00, Monday*

Supervisor: *RODRIGUEZ, A.*

Supervisor Review Date / Time: *05/31/21 23:59:39, Monday*

Contact:

Reference: *General Supplemental Report*

On May 27, 2021 at approximately 0139 hours, I, Ofc. S. Ham responded to 430 Greene St. as a back up unit.

Upon arrival, Ofc. R. Roscoe had the suspect detained and laying down on the ground. There were two bystanders assisting Ofc. Roscoe with maintaining control. I asked the bystander holding the suspects feet to let go and I went to grab his legs. The suspect attempted to kick his legs upwards. I grabbed both the suspects legs and used my bodyweight to hold them down. Ofc. Roscoe and I maintained control of the suspect until the remaining back up arrived on scene.

I assisted Ofc. A. Ane with securing the suspects legs with a hobble. The suspect was able to get one of his legs out of the hobble before it was tightened. Ofc. Ane and I were able to regain control of the suspects legs and get the hobble secured.

I stepped away from the suspect to meet with the witness (Michael Hall), who was located in front of 202 Duval St. Michael filled out a Key West Police Department sworn written statement. I turned the written statement over to Ofc. Roscoe to be submitted to the KYPD records division.

My Axon BWC was activated and uploaded.

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 06/01/21 09:53

OCA: **21002778**

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

Investigator: *PEREZ, R.*

Date / Time: *05/31/21 23:28:35, Monday*

Supervisor: *RODRIGUEZ, A.*

Supervisor Review Date / Time: *06/01/21 03:39:15, Tuesday*

Contact:

Reference: *General Supplemental Report*

On 05/27/2021, at 0138 hours, Ofc. Roscoe called for assistance with a suspect he was having issues detaining. I (Ofc. R. Perez) responded Ofc. Roscoe's location to assist in detaining the suspect.

Upon arrival, Ofc. Ham and Ofc. Ane had a male later identified by his Oregon DL as Justice Kearney on the ground handcuffed. I began to gather information from witnesses. I spoke to a male later identified by his Florida DL as Peter NicholSEN. NicholSEN stated he was sitting in the Tiki House bar when he saw Kearney come running in, stumble over some stools and run into the women's restroom. Kearney then ran out and attempted to shoulder charge Ofc. Roscoe. Ofc. Roscoe stopped Kearney and took Kearney to the ground in a controlled manner. Ofc. Roscoe was giving Kearney loud verbal commands to place his hands behind his back, but Kearney refused. NicholSEN stated he assisted Ofc. Roscoe placing Kearney in handcuffs.

I then spoke to a female later identified by her Florida DL as Randi Barcelli. Barcelli stated she was working behind the bar at Tiki House when she noticed Kearney run into the bar knock over stools and a table and run into the women's restroom. Kearney then ran out knocked over more stools and tables and fell on the ground. He then stood up and tried to run into Ofc. Roscoe. Ofc. Roscoe grabbed Kearney and took him to the ground slowly and easily.

I gathered Barcelli's and NicholSEN's information and passed the information to Ofc. Roscoe and Sgt. A. Rodriguez.

Sgt. A. Rodriguez, Ofc. Ham and Ofc. Hudson were on the ground attempting to gain control of Kearney. I replaced Sgt. A. Rodriguez and attempted to gain control of Kearney's legs. We attempted to place Kearney in the back seat of Ofc. Roscoe's patrol vehicle but Kearney was kicking and not allowing us to place him in the vehicle. Kearney was then placed on the ground and warned that he will be OC sprayed if he did not comply with our orders. Kearney continued to resist and was OC sprayed by Ofc. M. Hansel. Rescue 2 arrived on scene and they put Kearney on their stretcher. Ofc. Ham applied a spit mask on Kearney to stop him from spitting on us or the paramedics.

Kearney was taken to Lower Keys Medical Center by Rescue 2. I rode in the ambulance with the paramedics. We arrived at Lower Keys Medical Center, Kearney was medically evaluated and medically cleared. Ofc. Roscoe arrived and we placed Kearney in the back seats of Ofc. Roscoe's vehicle without incident.

My AXON BWC was activated during this incident.