

Response to Resistance Report

Key West Police Department

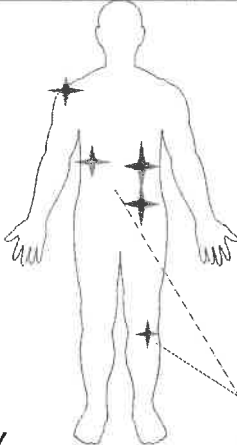
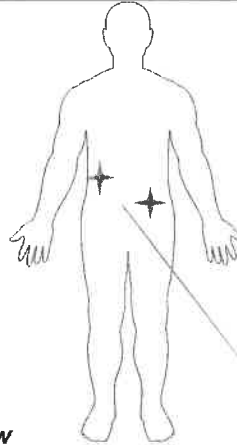
Case No: 21-3295

1. A Response to Resistance Report will be completed by the supervisor for: (Check all that apply)

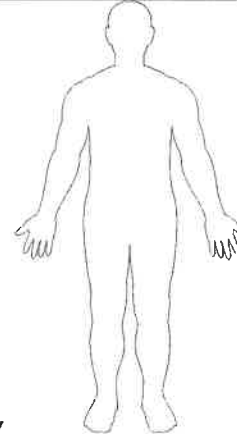
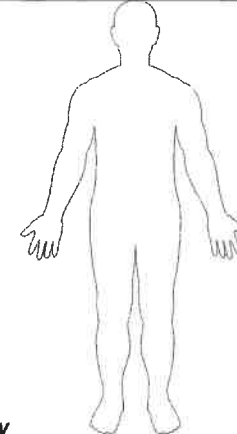
- ☒ A response through the use of non-lethal weapons,
☐ Applies weaponless physical force of strikes, kicks, or "take-downs"
☐ When any person sustains an apparent substantial or fatal injury as a result of the application of force
☐ When any person complains of injury as a result of the application 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: 06/23/2021		3. Time: 0114 hrs		4. Location: Greene/Duval St.		5. Incident type: Batt. LEO	
	6. Resistance Level		7. Explanation		8. Response Option		9. Explanation	
	<input type="checkbox"/> Passive:				<input type="checkbox"/> Physical Control			
	<input checked="" type="checkbox"/> Active:		Pulling away & Tensing		<input checked="" type="checkbox"/> Non-lethal Weapon		TASER	
	<input checked="" type="checkbox"/> Aggressive:		Kicking, punching, and spitting		<input type="checkbox"/> Deadly Force			
	<input type="checkbox"/> Deadly Force:							

SUBJECT	10. Last Name: Young		11. First: John		12. Race: w		13. Sex: M	
	14. DOB: 11/03/1986		15. Height: 6'02"		16. Weight: 180			
	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 type="checkbox"/> EMT/Paramedic on scene <input checked="" type="checkbox"/> Hospital <input type="checkbox"/> Detention							

SUBJECT				
	22. Anterior View Sig marks & scrapes		Posterior View Sig Marks/Scrapes	

OFFICER	23. Officer: Leo Hernandez		24. Race: W		25. Sex: M		26. Age: 46		27. Height: 5'04"		28. Weight: 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)												

OFFICER				
	35. Anterior View		Posterior View	

Response to Resistance Report (continued)

Key West Police Department

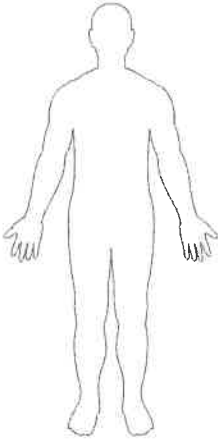
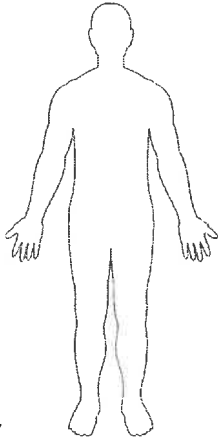
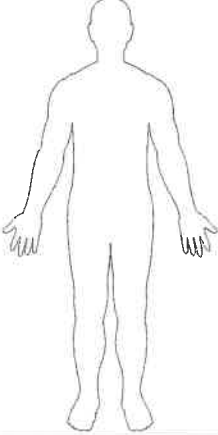
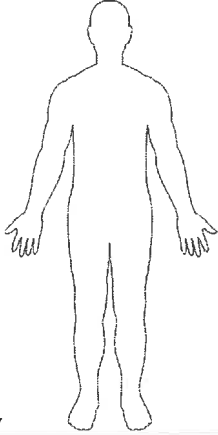
Case No: 21-3295

TASER USE ONLY	36. TASER® device serial # X1200CRPK	37. TASER® device serial #	
	TASER®Cam serial # V21002AK9	TASER®Cam serial #	
	Cartridge 1 serial #	Cartridge 1 serial #	
	Cartridge 2 serial #	Cartridge 2 serial #	
	Number of cycles: 4	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 checked="" 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 checked="" 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: 06/23/2021		41. Time: 0114 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 type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "Yes," list below)		
	Name	Address	Phone Number
	Hadley Darby Wall	826 E Harvard Ave, Gilbert, AZ 85234	480-560-8714
	47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS			
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)		48. Preparing Supervisor's Signature / ID
	51. Signature of Internal Affairs Inspector		49. Date
	53. If section 48 is "No" record the Professional Standards Control Number:		52. Date
54. Date Entered:			

Response to Resistance Report (continued)

Key West Police Department

Case No: 21-3295

OFFICER	23. Officer: William Howell 24. Race: W 25. Sex: M 26. Age: 35 27. Height: 6'01" 28. Weight: 225					
	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: 1.5					
	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: Ground control					
OFFICER						
	35. Anterior View			Posterior View		
	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		

REPORTING OFFICER NARRATIVE*Key West Police Department*

Victim <i>HOWELL, NEIL</i>	Offense <i>BATTERY</i>	OCA <i>21-003295</i>
		Date / Time Reported <i>Wed 06/23/2021 01:11</i>

On Wednesday June 23, 2021, at about 0111 hours, Ofc. N. Howell and I, (Ofc. L. Hernandez), responded to a highly intoxicated and disorderly male while we were on foot patrol on the 200 block of Duval Street.

The male, later identified as John Michael Young (DOB 11/03/1986) (Arrestee), by his Nevada driver's license, was kicked out of Sloppy Joe's Bar (201 Duval Street), about 25-30 minutes prior to this incident. Young walked back North on Duval, from Caroline and Duval Street, towards Greene Street. As I was walking to my patrol vehicle, I saw Young punch an Uber vehicle that was traveling North on Duval Street, and then throw himself on the ground face up. It was later determined there was no damage to the vehicle. The 200 block of Duval Street was very crowded with people and vehicular traffic that witnessed Young conduct himself in disorderly and dangerous manner. No damage was caused to the Uber vehicle.

Ofc. Howell and I went up to Young, as he stayed laying on the middle of Duval Street, we tried helping him up, but he immediately became combative and belligerent, hitting Ofc. Howell's right leg with his right arm at least twice and spat on Ofc. Howell's Police uniform. I placed handcuffs on Young, double locked them and checked them for tightness. Young was getting more aggressive and started to curse at us "fuck you, fuck you man, I win, I win, I am going to kill you, I am stubborn bitch dude". Young was clearly under the influence of chemical intoxicants and or chemical substances. Young's pupils were dilated, his breath and body were emitting a strong odor of alcoholic intoxicants, his speech was slurred and incoherent, and his body was sweating excessively.

As Ofc. Howell and I were finally able to get Young on his feet, we were guiding him towards my patrol vehicle which was parked on Greene Street. Young began to tense up again. I gave multiple loud and clear commands Young asking him to stop resisting. Young did not comply and tried to kick Ofc. Howell and I. I told Young he was going to get tasered and he kept resisting by refusing to move, bumping into my chest and breaking my Key West Police name tag. I removed the TASER cartridge off my TASER and drive stunned Young three times as he kept resisting. All TASER drive stuns contacted Young's left side of his abdomen near his ribcage and waist. Young briefly calmed down and we brought him to the ground in a control manner to secured his legs with a hobble. I also placed a spit mask on Young to prevent him from getting his bodily fluids on us. I radioed Key West Dispatch Com.1 and requested a supervisor come to the scene.

Sgt. A. Rodriguez arrived on scene and tried talking to Young, introducing himself as the watch supervisor and asking him to identify himself and Young responded by saying "I am the supervisor". Young's behavior stayed belligerent and unpredictable. Sgt. A. Rodriguez, Ofc. Howell and I began to bring Young to the back of my patrol vehicle where he started to resist again by tensing up and not wanting to get into the vehicle. Sgt. A. Rodriguez and I warned Young that he needed to get in the vehicle, or he was going to be tasered again. Young refused to listen and did not comply, pushed himself towards me and hit my chest with his shoulder. I drive stunned Young making contact with his right upper ribcage. We were able to secure and buckle Young after that.

I transported Young to the Lower Keys Medical Center Emergency Room, where he was sedated by medical staff. Ofc. T. Malak assisted by staying in the Emergency Room while I was finishing my investigation. During transport Young kept screaming and cursing "fuck you man, fuck you man, my dick is bigger than yours".

Young's resistance was considered aggressive due to his attacking movements that could likely cause injury to us and others. Ofc. Howell and I were wearing our Key West Police Class B uniforms that clearly identified us as being Police Officers. The level of response to Young's resistance was determined by his actions, necessary to control a volatile situation and conducted in a manner to prevent injury to himself and others.

REPORTING OFFICER NARRATIVE*Key West Police Department*

Victim <i>HOWELL, NEIL</i>	Offense <i>BATTERY</i>	OCA <i>21-003295</i>
		Date / Time Reported <i>Wed 06/23/2021 01:11</i>

Based on all facts and evidence, I believe I have probable cause that Young on June 23, 2021 committed the misdemeanor criminal offense of disorderly conduct as described in F.S. 877.03. Young's actions disturbed the public moral, breached the peace, outraged the sense of public decency.

Based on all facts and evidence, I believe I have probable cause that Young on June 23, 2021 committed the felony criminal offense of assault or battery on law enforcement officer as described on F.S. 784.07 (2)(b). Young spat on Ofc. Howell's uniform hit Ofc. Howell's leg with his right arm, kicked Ofc. Howell and hit my chest with his right shoulder.

Based on all facts and evidence, I believe I have probable cause that Young on June 23, 2021 committed the felony criminal offense of resisting with violence as described on F.S. 843.01. Young knowingly and willfully resisted arrest by refusing to comply with officer's lawful orders and commands and make attacking movements to defeat getting arrested.

Based on all facts and evidence, I believe I have probable cause that Young on June 23, 2021 committed the misdemeanor criminal offense of resisting an officer without violence to his or her person as described in F.S. 843.02. Young refused to identify himself when lawfully asked by Sgt. A. Rodriguez and myself. Young was the subject of a lawful arrest.

Young was later transported to the Monroe County Detention Center where he was turned over to Detention Deputies without any further issues.

My BWC (3452) and Axon (3452) in car camera system were both activated during this incident.

Incident Report Suspect List

Key West Police Department

OCA: 21-003295

1	Name (Last, First, Middle) <i>YOUNG, JOHN MICHAEL</i>					Also Known As					Home Address <i>169 KAHLE DRIVE STATELINE, NV 89449</i>																																													
	Business Address <i>UNKNOWN, UNKNOWN</i>																																																							
	DOB <i>11/03/1986</i>	Age <i>34</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>602</i>	Wgt <i>180</i>	Hair <i>BRO</i>	Eye <i>HAZ</i>	Skin <i>LGT</i>	Driver's License / State. <i>0204956014 NV</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="3">SSN</td> </tr> <tr> <td colspan="2">Weapon, Type</td> <td colspan="2">Feature</td> <td colspan="2">Make</td> <td colspan="2">Model</td> <td colspan="2">Color</td> <td>Caliber</td> <td colspan="3">Dir of Travel Mode of Travel</td> </tr> <tr> <td colspan="4">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="3">VIN</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																																													
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VehYr/Make/Model				Drs	Style		Color		Lic/St		VIN																																													
Notes							Physical Char																																																	

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 06/23/2021 08:09

OCA: **21003295**

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

Investigator: *HOWELL, WILLIAM N (4059)*

Date / Time: *06/23/2021 04:22:50, Wednesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On Sunday, 06/23/2021 at approximately 0111 hours; Ofc. Hernandez and I (Ofc. Howell) were flagged down at 201 Duval Street (Sloppy Joe's Bar) by security staff, regarding an extremely intoxicated unknown white male subject refusing to leave the property.

At approximately 0050 hours, Ofc. Hernandez and I encountered an unknown male subject who was extremely intoxicated, laying near the steps to Sloppy Joe's Bar. The unknown male subject refused to identify himself several times. Ofc. Hernandez later identified him as John M. Young (DOB: 11/03/1986, Arrestee). Young initially refused to stand up and leave the premises until I explained that I would place him in handcuffs. Young stood up and slowly walked south on Duval Street, towards Caroline Street. Young continued to yell at passersby as they walked near him. I instructed Young to return to his hotel room. Ofc. Hernandez and I lost sight of Young as he crossed Caroline Street.

Approximately twenty minutes later, as Ofc. Hernandez and I were standing in front of Sloppy Joe's Bar and witnessed Young running in the middle of Duval Street, heading north towards Greene Street. Ofc. Hernandez and I heard a loud noise and witnessed Young strike a random vehicle's driver's side mirror, knocking off the mirror cover. Young then laid on his back, on Duval Street, into oncoming traffic.

As Ofc. Hernandez and I approached, giving Young loud verbal commands to return to the sidewalk and remove himself from the street, Young refused. Young began arguing with Ofc. Hernandez and me. Ofc. Hernandez and I attempted to help Young to his feet, however he refused and struggled to pull away from us. Ofc. Hernandez explained to Young that he would be placed in protective custody if he continued to resist. As Ofc. Hernandez placed Young's left hand in a handcuff, Young struck me in the right ankle/lower leg at least twice with a closed fist. I grabbed Young's right wrist and assisted Ofc. Hernandez place Young's right wrist in the other handcuff. Young refused to stand. Ofc. Hernandez and I picked up Young and began to escort him to Ofc. Hernandez's patrol vehicle. As Ofc. Hernandez and I attempted to search the unknown male subsequent to arrest he suddenly and swiftly attempted to pull away from Ofc. Hernandez and me, tripped and fell to the ground. As Young fell to the ground and landed on his back, he kicked towards my groin at least twice, striking my lower ballistic vest and my legs. Due to Young's level of resistance rising, Ofc. Hernandez removed the cartridge from his taser, and drive stunned Young approximately twice in the upper torso to gain compliance. Young continued to attempt to kick me. I grabbed Young's legs to prevent him from kicking me further, as Ofc. Hernandez retrieved the hobble. Given these circumstances and Young's level of resistance rising, Ofc. Hernandez and I placed Young's legs in the hobble. While waiting for Ofc. Hernandez to retrieve the hobble, Young attempted to spit in my face several times however the spit missed and fell on my pant legs. Due to Young's actions, Ofc. Hernandez placed Young in a spit hood as well. Young continued to struggle and attempt to be combative. Ofc. Hernandez and I placed Young in the recovery position, on his right side and I controlled his movements until Sgt. A. Rodriguez arrived as our backup.

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 06/23/2021 08:09

OCA: **21003295**

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Investigator: *HOWELL, WILLIAM N (4059)*

Date / Time: *06/23/2021 04:22:50, Wednesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

Sgt. A. Rodriguez, Ofc. Hernandez and I pick up Young and carried him to Ofc. Hernandez's patrol vehicle. Ofc. Hernandez was able to place Young's feet inside the patrol vehicle however, Young attempted to stand up and jump out of the vehicle. Due to these actions and the level of resistance rising, Ofc. Hernandez removed the cartridge from his taser, and drive stunned Young approximately one time in the upper torso to gain compliance. At this point, Sgt. Rodriguez and I were able to place Young in the seat and close the door.

I did not have lasting marks and/or injuries from Young's strikes and kicks. I did not take photographs and refused medical attention on scene.

My BWC was activated for the encounter, altercation, arrest, and subsequent search of Young. I uploaded the videos to Evidence.com.

At this time, no further information.

Investigator Signature: _____