

# Response to Resistance Report

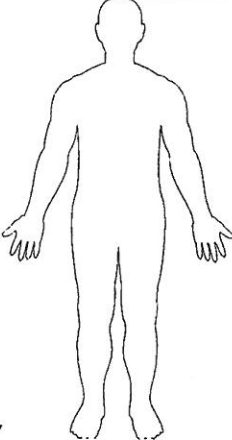
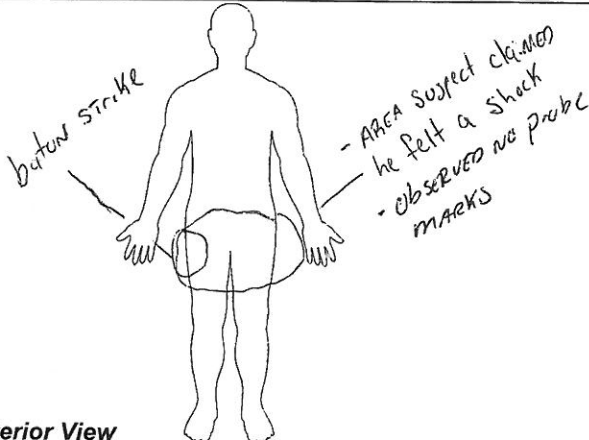
Key West Police Department

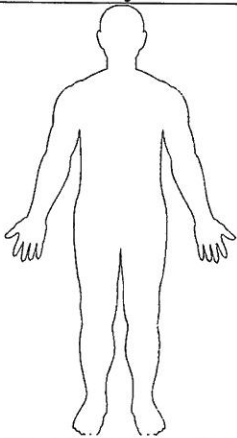
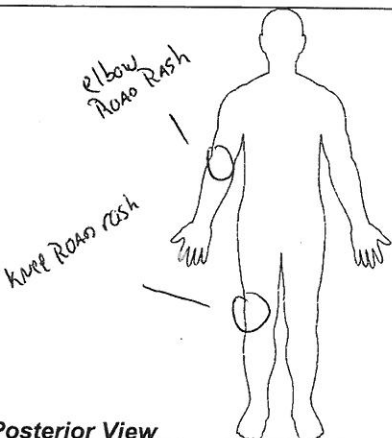
Case No: 15-004541

## 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: 10/09/2015	3. Time: 2004 hrs.	4. Location: 2778 N. Roosevelt Blvd	5. Incident type: Retail Theft
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input type="checkbox"/> Passive:		<input type="checkbox"/> Physical Control	
	<input checked="" type="checkbox"/> Active: Ran Away		<input checked="" type="checkbox"/> Non-lethal Weapon	Taser and Asp
	<input type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force	
	<input type="checkbox"/> Deadly Force:			

SUBJECT	10. Last Name: Martinez	11. First: Emilio	12. Race: H	13. Sex: M
	14. DOB: 08/25/1976	15. Height: 5'08"	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 type="checkbox"/> Intoxicated <input type="checkbox"/> Under the influence of controlled substance <input 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 type="checkbox"/> Detention			
				
	22. Anterior View		Posterior View	

OFFICER	23. Officer: K. Bouvier	24. Race: B	25. Sex: M	26. Age: 32	27. Height: 5'10"	28. Weight: 290lbs
	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: 4					
	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 type="checkbox"/> No <input checked="" 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 b/y this officer: TASER					
						
	35. Anterior View		Posterior View			

## Key West Police Department

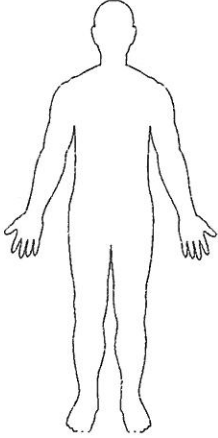
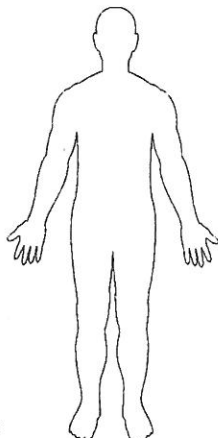
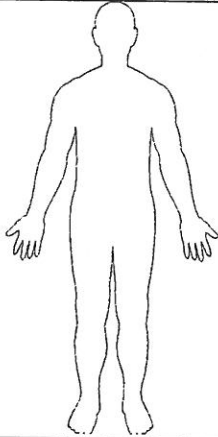
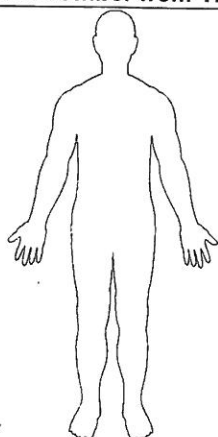
Case No: 15-004541

TASER USE ONLY	36. TASER® device serial # X12002KH2		37. TASER® device serial #	
	TASER®Cam serial # V21000VT3		TASER®Cam serial #	
	Cartridge 1 serial # C41032A56		Cartridge 1 serial #	
	Cartridge 2 serial # N/A		Cartridge 2 serial #	
	Number of cycles: 1		Number of cycles:	
	Type of contact: <input checked="" 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 checked="" type="checkbox"/> No		Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Target distance at probe launch: 6 Feet		Target distance at probe launch:	
	Distance between probes: unknown		Distance between probes:	
	Probes removed by (name): didn't penetrate		Probes removed by (name):	
Device downloaded by: N/A		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: 10/09/2015		41. Time: 2016 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	Phone Number	
INT. AFF.	45. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		46. Preparing Supervisor's Signature / ID	
	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)		47. 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: 15-004541

OFFICER	23. Officer: M. Andruzzi		24. Race: W	25. Sex: M	26. Age: 45	27. Height: 6'0	28. Weight: 235
	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: 24		
	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: Expandable Baton, 1 strike to right thigh/hip area						
							
	35. Anterior View			Posterior View			
OFFICER	23. Officer: N/A		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			

KWPD

## Monroe County Adult Arrest Form

☒ ARREST  
☐ WARRANT  
☐ COMPLAINT AFFIDAVIT

ARREST #

OBTS #

Filing Agency KWPD		Case # 0115004541		Doc. Control #		State ID #		FBI #		Sec #		
Defendant's Last Name MARTINEZ		First EMILIO		Middle JOSE		Suf		Alias		Citizenship UNITED STATES		
Race W	Eth NH	Sex M	Hgt 5'08"	Eyes BROWN	Hair BROWN	Wgt 170	Comp LIGHT	Age 39	DOB 08/25/1976	Birthplace CA	Scars, Marks, TT	
Facial Hair BRD		Build MED	Marital St	Hand Use		Glasses	Speech OTHER		Parole/Probation NONE		Language Spoken ENGLISH	
Permanent Address 2601 S ROOSEVELT BV Apt# 310C KEY WEST, FL 33040-						Home Phone: (000) 000-0000		Local Address:				
Email Address						Cell Phone: (000) 000-0000		Place of Employment		Occupation		
Arrest Location 2334 N ROOSEVELT BV KEY WEST, FL 33040-						Area/Zone <input type="checkbox"/>		Work Phone: (000) 000-0000 x0000		Arresting Officer ALEXANDRE J GAUFILLET 3600		
Violation Location 2778 N ROOSEVELT BV KEYWEST, FL 33040-						Area/Zone <input type="checkbox"/>		Date/Time of Violation 10/09/2015 20:05		Date/Time Arrested 10/09/2015 20:22		
DL # M635-210-76-305-0		State FL	Breathalyzer By		Reading	Miranda Advisement Invoked 5th/6th		By Whom GAUFILLET, ALEXANDRE J.		Indication Of: Y N UK		
Domestic Violence Not Applicable		Weapon Seized		Officer Injured No		Caution		Alcohol Influence: <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		Drug Influence: <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		
Drug Type: N,N		Type:	B-Barbiturate N-N/A A-Amphetamine	H-Hallucinogen M-Marijuana O-Opium	P-Paraphernalia/ Equipment S-Synthetic	U-Unknown Z-Other	Activity: N,N		Activity:	B-Buy N-N/A P-Possess S-Sell	E-Use T-Traffic A-Smuggle D-Deliver	K-Dispense/ Distribute Z-Other Cultivate

Defendant Vehicle Make:	Type:	Year:	Color:	Vehicle Registration State:
VIN#:	Tag #:		Vehicle Tag Expiration:	
Vehicle Status:		Other Identifiers or Remarks:		

# CODEFENDANT

ADDRESS

PHONE #

RACE

SEX

DOB

Count	Offenses Charged	Statute	Warrant #	Court Date and Time	Citation #
1/M	THEFT PETIT THEFT 2ND DEGREE 1ST OFFENSE	812.014(3)(A)		10/29/2015 09:00	
1/M	RESIST OFFICER OBSTRUCT WO VIOLENCE	843.02		10/29/2015 09:00	

Before me this date personally appeared **ALEXANDRE J GAUFILLET 3600** who being first duly sworn deposes and says that on the **9th day of October, 2015** at **2778 N ROOSEVELT BV KEYWEST, FL 33040-** the above named defendant committed the above offenses charged and the facts showing probable cause to believe the same are as follows

[NARR]: On October 9, 2015 at approximately 2005 hours, I (Ofc. Gaufillet), responded to a 911 hang up, at the Winn Dixie.

As I was heading to the scene, dispatch stated that this was in fact going to be a physical disturbance between a white male and the store manager. Moments later dispatch stated that the suspect was now running inbound on North Roosevelt Blvd. He was reported to be a white male, 45 years of age, wearing a white shirt, no shoes and pink shorts. Dispatch then reported that the suspect was in the area of GFS. At about

I swear the above statement is correct and true to the best of my knowledge and belief.

ALEXANDRE J GAUFILLET 3600

KEY WEST POLICE DEPARTMENT

OFFICER/ELECTRONIC SIGNATURE

APPROVING SUPERVISOR

DIVISION / UNIT

STATE OF FLORIDACOUNTY OF MONROE

The foregoing instrument was acknowledged before me this 9th day of OCTOBER, (year) 2015, who is personally

known to me or who has produced (ID Type) Police as identification and who DID take an oath.

LAW ENFORCEMENT OFFICER / CORRECTIONS OFFICER PER STATE STATUTE #

SIXTEENTH JUDICIAL COURT

MONROE County

State of FLORIDA

Page 1 of 2

Form NS ARREST 3.0, REV: 04/18/2014

# Monroe County Adult Arrest Form Continuation

KWPD

OBTS # \_\_\_\_\_

## ARREST #

LAST NAME	FIRSTNAME	MIDDLE NAME	SUF.	HGT	WGT	RC	SEX	DOB	Case #	Arresting Officer
MARTINEZ	EMILIO	JOSE		5'08"	170	W	M	08/25/1976	0115004541	ALEXANDRE J GAUFILLET

this time Ofc. Bouvier and Ofc. Andruzzi arrived in the area of GFS. They were able to locate the suspect and attempted to gain custody of him. Ofc. Bouvier stated that the suspect had run into the pool area near the Fairfield Inn. There was then a foot chase involving Ofc. Bouvier and Ofc. Andruzzi. Ofc. Andruzzi then stated that the suspect who was later identified as, Emilio Jose Martinez, was in custody across from the NAPA.

I spoke with Ofc. Andruzzi and Ofc. Bouvier. They both explained to me that Martinez would not stop for them as they chased them. Both of them were driving marked patrol cars when they arrived on scene and were wearing Key West Police Department issued uniforms. There was no doubt in their minds that Martinez was aware that he was being chased and ordered to stop by the police. Ofc. Bouvier deployed his Taser as Martinez ran from him. Ofc. Andruzzi used his expandable baton to try to affect an arrest on Martinez. Ofc. Andruzzi and Ofc. Bouvier have both written supplemental reports as to their interaction with Martinez. I was not on scene when Ofc. Bouvier and Ofc. Andruzzi interacted with Martinez.

When I arrived on scene Martinez was already in custody. I approached him and read him his Miranda Warnings. He stated to me that he understood and wished to speak to a lawyer.

After further investigation I was informed by Ofc. Blanco that no one at Winn Dixie had been punched. However, Martinez did attempt to steal three twelve packs of beer totaling \$55.97. Martinez walked past the last point of purchase with no attempt to pay for the beer. He was confronted by Winn Dixie management. A disturbance occurred and Martinez ran from the area. Winn Dixie stated they wanted to press charges for Retail Theft.

I obtained three written statements in reference to the Retail Theft which were placed into the Key West police Departments record section. Winn Dixie management (Emelina McLosham) stated that they would check for video surveillance tomorrow when an operator arrived to work.

Rescue was requested to the scene for Martinez. Martinez stated he had no injuries and refused treatment by rescue when they arrived.

Emilio Martinez was placed under arrest for Retail Theft FSS 812.014(3)(a). He was also charged for Resisting an Officer without Violence FSS 843.02. He was transported to the MDCDC without incident. My BWC was operational during this encounter. My in car COBAN was activated once Martinez was placed inside my patrol vehicle. No further information at this time.

I swear the above statement is correct and true to the best of my knowledge and belief.

ALEXANDRE J GAUFILLET 3600

KEY WEST POLICE DEPARTMENT

OFFICER/ELECTRONIC SIGNATURE

APPROVING SUPERVISOR

DIVISION/UNIT

STATE OF FLORIDA

COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 9<sup>TH</sup> day of October, (year) 2015, who is personally

known to me or who has produced (ID Type) Police as identification and who DID take an oath.

LAW ENFORCEMENT OFFICER / CORRECTIONS OFFICER PER STATE STATUTE # \_\_\_\_\_

SIXTEENTH JUDICIAL COURT

MONROE County

State of FLORIDA

Page 2 of 2

Form NS ARREST 3.0, REV: 04/18/2014



# Key West Police Department

Report 10/09/2015 23:56

## Incident Report

Case # 01-15-004541

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-15-004541	10/09/2015 23:56			Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	THEFT/LARCENY OFFENSE		CLEARED BY ARREST	10/10/2015	
	Common Name				
	WINN DIXIE - 2778 N ROOSEVELT BV KEYWEST, FL 33040 (MONROE County)				
	Map Reference : 3321XX2AN		Drug Related : No		
	Location Type : HIGHWAY/ROADWAY		Total Damaged Property Value : \$0.00		
	Beat Assignment : 5		Total Stolen Property Value : \$0.00		
	Alcohol Related : No		Total Recovered Property Value : \$0.00		

P R O P E R T Y  1	Category	Property Type	Make	Model
	EVIDENCE/SEIZED	MISCELLANEOUS	TASER	TASER
	Serial #	Color	Description	Condition
	UNKNOWN		TASER CARTRIDGE	USED
	UCR Type : MISCELLANEOUS		Value : \$1.00	
	Quantity/Weight : 1			
End of Property: 1				

N A R R A T I V E  1	Topic	SUPPLEMENTAL
	On Friday October 9, 2015 at approximately 8:00pm, I, Ofc. K. Bouvier responded to 2760 N. Roosevelt Blvd. (Win-Dixie Supermarket) in reference to a call of a battery.	
	While I was enroute I was informed by Key West Police Communications Channel One (Comm One) that the suspect was running a way from the area.	
	The suspect was later identified as Emilio Martinez.	
	Ofc. M. Andruzi spotted Mr. Martinez on 7th Street next to the Fair Field Inn. Mr. Martinez then ran onto the hotel property. Ofc. M. Andruzzi followed Mr. Martinez into the pool area of the hotel while I ran to the front of the property anticipating Martinez would exit onto N. Roosevelt Blvd. Mr. Martinez did exit the hotel property onto N. Roosevelt when I saw Mr. Martinez I ordered him to stop running. Mr. Martinez ignored my instructions and continued to run. I fire my Key West Police Department issued Taser at Mr. Martinez, only one probe from the Taser connected and as a result the Taser had no effect.	
	While I was attempting to holster the Taser and maintain pursuit of Mr. Martinez I lost my footing and fell into the roadway. As I recovered and continued the foot pursuit I was unaware that I had not secured the Taser.	
After a short time later Mr. Martinez was taken into custody.		
Once Mr. Martinez was secured, I did an equipment check of my person, ensuring I hadn't lost the body-cam, COBAN mic, my cellular phone or any other equipment as a result of my fall. It was at this moment I realized that I must have dropped the Taser during the fall.		

Reporting Officer	Department	Report Status:
KRISTOPHER BOUVIER (3356)	KEY WEST POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
Verifying Officer	Department	Date / Time
SGT MATTHEW HALEY (2807)	KEY WEST POLICE DEPARTMENT	10/10/2015 02:53

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4  
1

# Key West Police Department

Report 10/09/2015 23:56

## Incident Report

Case # 01-15-004541

	<p>As Det. J. Dean and I were going toward the location of my fall, a bystander who observed the pursuit handed me the Taser that was dropped.</p> <p>I returned to the area where I fired the Taser and I was able to locate the Taser cartridge, however I was unable to locate any Anti-Felon Identification Disks (AFIDS).</p> <p>Ofc. D. Blanco and I met with the manager of Win-Dixie who said that Mr. Martinez did not strike her intentionally. The manager said she would provide a disk with security footage of Mr. Martinez stealing beer from the store.</p> <p>I placed the spent Taser cartridge into the Key West Police Property Division as evidence.</p> <p>My KWPD issued body-cam and my COBAN system were both activated during this call.</p> <p>Case Status:Cleared By Arrest          ///NOTHING FOLLOWS///</p>
	End of Narrative: 1

Reporting Officer KRISTOPHER BOUVIER (3356)	Department KEY WEST POLICE DEPARTMENT	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer SGT MATTHEW HALEY (2807)	Department KEY WEST POLICE DEPARTMENT	Date / Time 10/10/2015 02:53

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## Key West Police Department

Report 10/09/2015 20:36

## Incident Report

Case # 01-15-004541

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-15-004541	10/09/2015 20:36	10/09/2015 20:04	10/09/2015 20:12	Original
	Dept. Classification		Case Status	Case Status Date	Cleared
	THEFT/LARCENY OFFENSE		CLEARED BY ARREST	10/09/2015	10/09/2015 20:32
	Common Name				
WINN DIXIE - 2778 N ROOSEVELT BV KEYWEST, FL 33040 (MONROE County)					
Day of Week : FRIDAY					
Dispatched : 10/09/2015 20:05					
Responded : 10/09/2015 20:05					
Arrived : 10/09/2015 20:08					
Map Reference : 3321XX2AN					
Location Type : HIGHWAY/ROADWAY					
Beat Assignment : 5					
Alcohol Related : No					
Drug Related : No					
Total Damaged Property Value : \$0.00					
Total Stolen Property Value : \$33.28					
Total Recovered Property Value : \$0.00					

O F F E N S E  1	State Classification		Attempted/Committed
			COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
		DEPARTMENT/DISCOUNT STORE	10/09/2015
	Federal Classification : THEFT PETIT THEFT 2ND DEGREE		
1ST OFFENSE-812.014(3)(A)			
EMILIO MARTINEZ (SUSP,Primary Role);			
WINN DIXIE (VICT,Primary Role)			
Structure Occupancy : OCCUPIED			
State Disposition : ADULT/ADULT+JUVENILES			
Federal Disposition : CLEARED BY ARREST			
# of People Arrested : 1			
End of Offense: 1			

O F F E N S E  2	State Classification		Attempted/Committed
			COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
		HIGHWAY/ROADWAY	10/09/2015
	Federal Classification : RESIST OFFICER OBSTRUCT WO		
VIOLENCE-843.02			
K BOUVIER (OTHER PERSON,Primary Role);			
M ANDRUZZI (OTHER PERSON,Primary Role);			
EMILIO MARTINEZ (SUSP,Primary Role);			
WINN DIXIE (VICT,Primary Role)			
State Disposition : ADULT/ADULT+JUVENILES			
Federal Disposition : CLEARED BY ARREST			
# of People Arrested : 1			
End of Offense: 2			

P E R S O N  1	Person Type	Business/Person Name		Business Phone
	SUSPECT/ARRESTEE	EMILIO JOSE MARTINEZ		(000) 000-0000 - 0000
	Home Phone	Person Address		
	(000) 000-0000	2601 S ROOSEVELT BV Apt. 310C KEY WEST FL 33040 ,MONROE County		
	Other Phone	Employer Address		
	(000) 000-0000			
	Race	Sex	DL Exp. Date	DL Number
	WHITE	Male	08/25/2020	M635-210-76-305-0
	Birth Date	Birth Place		
	08/25/1976	CA, UNITED STATES		
Age : 39				
DL State : FL				
DL Country : UNITED STATES				
Ethnic Origin : NON-HISPANIC				
Min. Height : 5'08"				
Min. Weight : 170 lbs				
Max. Weight : 190 lbs				
Adult/Juvenile : ADULT				
Coat : NONE				
Hat : NONE				
Shirt : NONE				
Pants : RED SHORTS				
Hair Length : MEDIUM				
Hair Style : OTHER				
Facial Hair : BEARD ONLY				
Teeth : OTHER				
Eye Color : BROWN				
Build : MEDIUM/AVERAGE				
Complexion : LIGHT				
Marital Status : UNKNOWN				
Speech : OTHER				
Residency Type : CITY				
Residency Status : FULL YEAR				
Citizenship : UNITED STATES				

Reporting Officer	Department	Report Status:
ALEXANDRE J GAUFILLET (3600)	KEY WEST POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
Verifying Officer	Department	Date / Time
SGT MATTHEW HALEY (2807)	KEY WEST POLICE DEPARTMENT	10/09/2015 23:24



## Key West Police Department

Report 10/09/2015 20:36

## Incident Report

Case # 01-15-004541

Shoes : NONE		Body Marks:	
Hair Color : BROWN			
End of Person: 1			
PERSON 2	Person Type	Business/Person Name	
	VICTIM	WINN DIXIE	
	Home Phone	Business Phone	
		(305) 394-4726	
	Other Phone	Person Address	
		2778 N ROOSEVELT BV KEY WEST FL 33040 ,MONROE County	
		Employer Address	
Race	Sex	SSN	DL Exp. Date
DL Number			
Birth Date	Birth Place		
Relationship : UNDETERMINED OF EMILIO MARTINEZ			
Body Marks:			
End of Person: 2			

PERSON 3	Person Type	Business/Person Name	
	OTHER PERSON	K BOUVIER	
	Home Phone	Business Phone	
	(305) 809-1000	(000) 000-0000 - 0000	
	Other Phone	Person Address	
	(000) 000-0000	1604 N ROOSEVELT BV KEY WEST FL 33040 ,MONROE County	
		Employer Address	
	1604 N ROOSEVELT BV KEY WEST FL 33040 ,MONROE County		
Race	Sex	SSN	DL Exp. Date
DL Number			
Birth Date	Birth Place		
Min. Age : 21			
Max. Age : 50			
Adult/Juvenile : ADULT			
Employer : KEY WEST POLICE DEPARTMENT			
Relationship : OTHER OF EMILIO MARTINEZ, OTHER OF WINN DIXIE			
Body Marks:			
End of Person: 3			

PERSON 4	Person Type	Business/Person Name	
	OTHER PERSON	M ANDRUZZI	
	Home Phone	Business Phone	
	(305) 809-1000	(000) 000-0000 - 0000	
	Other Phone	Person Address	
	(000) 000-0000	1604 N ROOSEVELT BV KEY WEST FL 33040 ,MONROE County	
		Employer Address	
	1604 N ROOSEVELT BV KEY WEST FL 33040 ,MONROE County		
Race	Sex	SSN	DL Exp. Date
DL Number			
Birth Date	Birth Place		
Min. Age : 21			
Max. Age : 50			
Adult/Juvenile : ADULT			
Employer : KEY WEST POLICE DEPARTMENT			
Relationship : OTHER OF EMILIO MARTINEZ, OTHER OF WINN DIXIE, OTHER OF K BOUVIER			
Body Marks:			
End of Person: 4			

PERSON 5	Person Type	Business/Person Name	
	WITNESS	CONVADO LEYUA MEAS	
	Home Phone	Business Phone	
	(000) 000-0000	(000) 000-0000 - 0000	
	Other Phone	Person Address	
	(786) 314-0779	9TH AV Apt. C3 KEY WEST FL 33040 ,MONROE County	
		Employer Address	
	Use Address from Incident Location Information		
Race	Sex	SSN	DL Exp. Date
DL Number			
Birth Date	Birth Place		

Reporting Officer	Department	Report Status:
ALEXANDRE J GAUFILLET (3600)	KEY WEST POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
Verifying Officer	Department	Date / Time
SGT MATTHEW HALEY (2807)	KEY WEST POLICE DEPARTMENT	10/09/2015 23:24

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# Key West Police Department

Report 10/09/2015 20:36

## Incident Report

Case # 01-15-004541

08/23/1988		
Age : 27 Ethnic Origin : HISPANIC Adult/Juvenile : ADULT Employer : WINN DIXIE	Relationship : OTHER OF EMILIO MARTINEZ, EMPLOYEE OF WINN DIXIE, OTHER OF K BOUVIER, OTHER OF M ANDRUZZI Residency Type : CITY Residency Status : FULL YEAR Body Marks:	
End of Person: 5		

P E R S O N  6	Person Type	Business/Person Name			Business Phone
	WITNESS	YURISAN CARIDAD			(000) 000-0000 - 0000
	Home Phone	Person Address			
	(000) 000-0000	2778 N ROOSEVELT BV KEY WEST FL 33040 ,MONROE County			
	Other Phone	Employer Address			
	(305) 894-0491	Use Address from Incident Location Information			
	Race	Sex	SSN	DL Exp. Date	DL Number
WHITE	Male				
Birth Date	Birth Place				
04/02/1990					
Age : 25 Adult/Juvenile : ADULT Employer : WINN DIXIE Relationship : OTHER OF EMILIO MARTINEZ, EMPLOYEE OF WINN DIXIE, OTHER OF K BOUVIER, OTHER OF M ANDRUZZI, ACQUAINTANCE OF CONVADO LEYUA MEAS		Residency Type : CITY Residency Status : FULL YEAR Body Marks:			
End of Person: 6					

P R O P E R T Y  1	Category	Property Type	Make	Model
	STOLEN AND RECOVERED	BEER BOTTLE	FOUNDERS	
	Serial #	Color	Description	Condition
			12 PACK OF BEER	NEW
	Associations : OWNER IS WINN DIXIE Relationship to Offense(s) : YES IS Offense 1 Quantity/Weight : 2 Value : \$18.79 Stolen Location : Use Address from Incident Location Information		Recovery Location : Use Address from Incident Location Information Recovered By : E. MCLOSHAM/MANAGER Recovery Date and Time : 10/09/2015 20:05 Recovery Value : \$37.58	
End of Property: 1				

P R O P E R T Y  2	Category	Property Type	Make	Model
	STOLEN AND RECOVERED	BEER BOTTLE	MAGIC HAT	
	Serial #	Color	Description	Condition
			12 PACK	NEW / COOKED
	Associations : OWNER IS WINN DIXIE Relationship to Offense(s) : YES IS Offense 1 Quantity/Weight : 1 Value : \$14.49 Stolen Location : Use Address from Incident Location Information		Recovery Location : Use Address from Incident Location Information Recovered By : E. MCLOSHAM/MANAGER Recovery Date and Time : 10/09/2015 20:05 Recovery Value : \$14.49	
End of Property: 2				

Reporting Officer ALEXANDRE J GAUFILLET (3600)	Department KEY WEST POLICE DEPARTMENT	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer SGT MATTHEW HALEY (2807)	Department KEY WEST POLICE DEPARTMENT	Date / Time 10/09/2015 23:24

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# Key West Police Department

Report 10/09/2015 20:36

## Incident Report

Case # 01-15-004541

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Topic ORIGINAL

On October 9, 2015 at approximately 2005 hours, I (Ofc. Gaufillet), responded to a 911 hang up, at the Winn Dixie.

As I was heading to the scene, dispatch stated that this was in fact going to be a physical disturbance between a white male and the store manager. Moments later dispatch stated that the suspect was now running inbound on North Roosevelt Blvd. He was reported to be a white male, 45 years of age, wearing a white shirt, no shoes and pink shorts. Dispatch then reported that the suspect was in the area of GFS. At about this time Ofc. Bouvier and Ofc. Andruzzi arrived in the area of GFS. They were able to locate the suspect and attempted to gain custody of him. Ofc. Bouvier stated that the suspect had run into the pool area near the Fairfield Inn. There was then a foot chase involving Ofc. Bouvier and Ofc. Andruzzi. Ofc. Andruzzi then stated that the suspect who was later identified as, Emilio Jose Martinez, was in custody across from the NAPA.

I spoke with Ofc. Andruzzi and Ofc. Bouvier. They both explained to me that Martinez would not stop for them as they chased them. Both of them were driving marked patrol cars when they arrived on scene and were wearing Key West Police Department issued uniforms. There was no doubt in their minds that Martinez was aware that he was being chased and ordered to stop by the police. Ofc. Bouvier deployed his Taser as Martinez ran from him. Ofc. Andruzzi used his expandable baton to try to affect an arrest on Martinez. Ofc. Andruzzi and Ofc. Bouvier have both written supplemental reports as to their interaction with Martinez. I was not on scene when Ofc. Bouvier and Ofc. Andruzzi interacted with Martinez.

When I arrived on scene Martinez was already in custody. I approached him and read him his Miranda Warnings. He stated to me that he understood and wished to speak to a lawyer.

After further investigation I was informed by Ofc. Blanco that no one at Winn Dixie had been punched. However, Martinez did attempt to steal three twelve packs of beer totaling \$55.97. Martinez walked past the last point of purchase with no attempt to pay for the beer. He was confronted by Winn Dixie management. A disturbance occurred and Martinez ran from the area. Winn Dixie stated they wanted to press charges for Retail Theft.

I obtained three written statements in reference to the Retail Theft which were placed into the Key West police Departments record section. Winn Dixie management (Emelina McLosham) stated that they would check for video surveillance tomorrow when an operator arrived to work.

Rescue was requested to the scene to check on Martinez. He stated he had no injuries and refused treatment.

Emilio Martinez was placed under arrest for Retail Theft FSS 812.014(3)(a). He was also charged for Resisting an Officer without Violence FSS 843.02. He was transported to the MCDC without incident. My BWC was operational during this encounter. My in car COBAN was activated once Martinez was placed inside my patrol vehicle. No further information at this time.

End of Narrative: 1

Reporting Officer ALEXANDRE J GAUFILLET (3600)	Department KEY WEST POLICE DEPARTMENT	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer SGT MATTHEW HALEY (2807)	Department KEY WEST POLICE DEPARTMENT	Date / Time 10/09/2015 23:24

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# Key West Police Department

Report 10/10/2015 01:37

## Incident Report

Case # 01-15-004541

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-15-004541	10/10/2015 01:37	10/09/2015 20:04	10/09/2015 20:12	Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	THEFT/LARCENY OFFENSE		CLEARED BY ARREST	10/09/2015	10/09/2015 20:32
	Common Name				
WINN DIXIE - 2778 N ROOSEVELT BV KEYWEST, FL 33040 (MONROE County)					
Day of Week : FRIDAY					
Dispatched : 10/09/2015 20:05			Beat Assignment : 5		
Responded : 10/09/2015 20:05			Alcohol Related : No		
Arrived : 10/09/2015 20:08			Drug Related : No		
Map Reference : 3321XX2AN			Total Damaged Property Value : \$0.00		
Location Type : HIGHWAY/ROADWAY			Total Stolen Property Value : \$0.00		
			Total Recovered Property Value : \$0.00		

N A R R A T I V E	Topic	SUPPLEMENTAL
	This report should be read in conjunction with all other reports under this case number.	
	1	On 10/09/2015 at approx. 2005 hours I (Officer Andruzzi) responded to a call at the Winn Dixie Store located at 2778 N. Roosevelt. Dispatch stated a white male with pink shorts and a white shirt punched the Winn Dixie Store Manager. As I was responding Key West Dispatch related the suspect was now running inbound on Roosevelt Blvd. and was approaching the GFS Store located on Roosevelt Blvd.
	As I approached the corner of Seventh Street and Roosevelt I observed an individual matching the description of the suspect from the Winn Dixie Store. I was driving in a Key West marked police vehicle and wearing a Key West Police Department uniform. The subject, now known as Emilio Martinez, was running towards my police vehicle. As I stopped my vehicle Martinez ran around the back of it and continued running into the Fairfield Inn pool area. I exited my vehicle and gave chase on foot. Martinez exited the pool area and into the hotel parking lot. Martinez was confronted by Officer Bouvier who yelled Key West Police and told Martinez to stop. I observed Martinez run around Officer Bouvier. I observed Officer Bouvier deploy his taser at Martinez with negative results. Martinez continued to run out of the parking lot and across Roosevelt Blvd. I continued to chase Martinez on foot and told him several times to stop. Martinez refused to stop fleeing. As I ran behind Martinez I struck Martinez on the right hip with my expandable baton in an attempt to stop him from running. Martinez continued to run inbound Roosevelt Blvd. Martinez crossed Roosevelt Blvd. and came to a stop. As I approached Martinez I ordered him to the ground. Martinez got on the ground on his hands and knees. I ordered Martinez to the ground verbally and assisted him by pushing down on his back. Martinez was handcuffed and placed under arrest.	
	Martinez was transported to the Monroe County Jail by Officer Gaufillet for processing.	
During the beginning of the foot pursuit I activated my BWC. After Martinez was secured I discovered my BWC was not flashing but the lens camera was in fact open. I attempted to download my BWC video to the Coban System and discovered no video recorded due to a malfunction.		
End of Narrative: 1		

Reporting Officer	Department	Report Status:
MICHAEL ANDRUZZI (3579)	KEY WEST POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
Verifying Officer	Department	Date / Time
SGT MATTHEW HALEY (2807)	KEY WEST POLICE DEPARTMENT	10/10/2015 02:52

# Key West Police Department

Report 10/10/2015 19:13

## Incident Report

Case # 01-15-004541

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-15-004541	10/10/2015 19:13			Supplemental
	Dept. Classification		Case Status	Case Status Date	Cleared
	THEFT/LARCENY OFFENSE		CLEARED BY ARREST	10/09/2015	
	Common Name				
	WINN DIXIE - 2778 N ROOSEVELT BV KEYWEST, FL 33040 (MONROE County)				
	Map Reference : 3321XX2AN		Drug Related : No		
	Location Type : HIGHWAY/ROADWAY		Total Damaged Property Value : \$0.00		
	Beat Assignment : 5		Total Stolen Property Value : \$0.00		
	Alcohol Related : No		Total Recovered Property Value : \$0.00		

P R O P E R T Y  1	Category	Property Type	Make	Model
	EVIDENCE/SEIZED	PHOTOGRAPHS	DIGITAL PHOTOS	
	Serial #	Color	Description	Condition
			PHOTOS OF SUSP AND OFC INJURY	N/A
	UCR Type : MISCELLANEOUS		Value : \$1.00	
	Quantity/Weight : 9		Rec. Officer : HALEY, MATTHEW	
End of Property: 1				

N A R R A T I V E  1	Topic	SUPPLEMENTAL
	While Mr. Martinez was in custody he told Sgt. M. Haley that he felt the shock from the Taser. However, three separate visual inspections of Mr. Martinez were conducted by myself, Ofc. A. Gaulfillet and Sgt. M. Haley, none of us were able to locate any marks or bruising that would indicate the probes from the Taser penetrated Mr. Martinez's skin.	
	Photos of Mr. Martinez and I were placed onto the COBAN Digital Property Manager by Sgt. M. Haley.	
	///NOTHING FOLLOWS///	
End of Narrative: 1		

Reporting Officer	Department	Report Status:
KRISTOPHER BOUVIER (3356)	KEY WEST POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
Verifying Officer	Department	Date / Time
SGT MATTHEW HALEY (2807)	KEY WEST POLICE DEPARTMENT	10/10/2015 23:38



## Additional Call Information

Call #	152820327
Additional Information	DETAILS
Message:	

Call Number: 152820327      Call Type.: 032 S32 THEFT      Police  
 Entry Day/Tm: 10/09/15 20:04:55      021 S22V DISTURBANCE-VERBAL      Police  
 CmnN: WINN DIXIE      Agency.....: 001 KEY WEST  
 Location...: 2778 N ROOSEVELT      BV      Apt:  
 City.....: KEYWEST      Block#: 2700      Loc ID: C Mapr: 3321XX2AN  
 Intersectn.: GULFVIEW      KENNEDY  
 Caller Name:      F: YURISAN      M:  
 Address...:      Apt:  
 City/State:      Phone#:      CELL      Source: 911  
 Call Taker.: 3507 CORN      SHANNON      QPADEV000H  
 Dispatcher.: 2836 BEATTIE      MICHAEL      QPADEV0002

## N A R R A T I V E

MALE 911 CALLER - REQ OFC THEN DROPPED PHONE SOUNDS 20:05:09  
 Call change from S22V to S52 BY QPADEV000H P 01 0000003507 20:05:02  
 LIKE PHYSICAL IN BACKGROUND 20:05:15  
 LOTS OF VOICES YELLING 20:05:26  
 SECOND CALLER - MALE FIGHTING MANAGER IN THE STORE 20:06:14  
 OUTSIDE IN FRONT - NO WEAPONS 20:06:29  
 Call change from S52 to S22P BY QPADEV000H P 01 0000003507 20:06:22  
 Call change from S22P to S22P BY QPADEV0002 P 01 0000002836 20:06:28  
 SUSP RUNNING TO CHOICE 20:06:41  
 W/M LATE 30 YOA - WHI SHIRT AND SHORTS 20:06:43  
 SUBJ LEFT HAT AND FLIP FLOPS INSIDE STORE 20:07:11  
 H/M CROSSING NORTH ROOSEVELT 20:07:16  
 PNK SHORTS BAREFOOT 45 YOA 20:07:16  
 (EMPL SECOND CALLER 757 502 5914) 20:07:48  
 RUNNING ACROSS FROM GFS 20:08:01  
 NEAR GFS 20:08:01  
 THIRD CALLER 786 314 0779 - NO FURTHER INFORMATION 20:08:22  
 ON SEVENTH 20:08:37  
 RUNNING NEAR FAIRFIELD 20:09:06  
 P85 RAN INTO HOTEL 20:09:31  
 IN POOL AREA 20:09:31  
 Call change from S22P to T31 BY QPADEV0002 P 01 0000002836 20:09:47  
 P85 ACROSS THE STREET 20:09:55  
 SOUTH ON THE BOULEVARD 20:10:31  
 P90 HEADING TO WINN DIXIE 20:10:49  
 IC M88 ACROSS FROM NAPA 20:11:52

10/09/15  
 22:31:18

SunGard CAD  
 CAD CALL INFORMATION

PAGE 2  
 152820327

TWO UNSECURED CARS ON SEVENTH BY FAIRFIELD 20:12:16  
 TD P85 AT FAIRFIELD 20:12:43  
 CARTRIDGE POPPED OFF THE TASER 20:12:43  
 P90 SECURING VEHICLES 20:13:05  
 P96 TO WINNDIXIE TO TALK TO VICTIM 20:26:08  
 Call change from T31 to S32 BY QPADEV0002 P 01 0000002836 21:06:43  
 retail theft 21:06:54

## P E R S O N   I N F O

Person Type: ARRS      ARREST (PERSON)      User ID: SCORN  
Race.: W Sex: M Age: -      Hgt: 508 -      Wgt: -      Person #: 1  
Weapon:      Build.:      Hair...:      Eyes:  
Hat...:      Jacket:      Shirt...:      Pants:  
Shoes:      Facial:      Glasses:      S:  
Flight Dir:      Mode:      OL#: M635210763050 DL      /FL  
Last: MARTINEZ      F: EMILIO      M: JOSE  
DOB: 8251976  
Addr: 176      SPANISH MAIN      DR      Apt:  
City: CUDJOE KEY      FL      Phone#: -      (      )  
-      (      )

Last Changed: 10/09/15 21:31:31

## Additional:

## \*NONE      Unit Status History Information

10/09/15 20:05:03 18 ROUTE CALL TIME      RT      !  
10/09/15 20:05:15 18 ROUTE CALL TIME      RT      !  
10/09/15 20:05:27 18 ROUTE CALL TIME      RT      !

## D65      Unit Status History Information

10/09/15 20:11:00 4 DISPATCHED      D      !      3386 DEAN, JEF  
10/09/15 20:11:00 6 AT SCENE      97      !  
10/09/15 20:32:01 20 AVAILABLE      AV      !

## U N I T   L O C A T I O N S

1      2334 N ROOSEVELT      BV      Apt:      10/09/15  
City: KEYWEST      ST:      ZIP:      Block#:      2300 20:14:10  
Common Name: NAPA AUTO PARTS

## M88      Unit Status History Information

10/09/15 20:06:08 4 DISPATCHED      D      !      3579 ANDRUZZI, MIC  
10/09/15 20:06:10 32 ENROUTE      51      !

10/09/15      SunGard CAD      PAGE      3  
22:31:18      CAD CALL INFORMATION      152820327

10/09/15 20:08:05 6 AT SCENE      97      !  
10/09/15 20:41:10 47 ENROUTE TO STATION      ES      !  
10/09/15 20:44:24 40 IN STATION / OFFICE      IS      !  
10/09/15 21:28:57 20 AVAILABLE      AV      !

## U N I T   L O C A T I O N S

1      2334 N ROOSEVELT      BV      Apt:      10/09/15  
City: KEYWEST      ST:      ZIP:      Block#:      2300 20:11:57  
Common Name: NAPA AUTO PARTS

## P85      Unit Status History Information

10/09/15 20:06:17 4 DISPATCHED      D      !      3356 BOUVIER, KRI  
10/09/15 20:06:19 32 ENROUTE      51      !  
10/09/15 20:08:45 6 AT SCENE      97      !  
10/09/15 20:40:18 47 ENROUTE TO STATION      ES      !  
10/09/15 20:44:19 40 IN STATION / OFFICE      IS      !

## U N I T   L O C A T I O N S

1      2334 N ROOSEVELT      BV      Apt:      10/09/15  
City: KEYWEST      ST:      ZIP:      Block#:      2300 20:13:50  
Common Name: NAPA AUTO PARTS  
2      2778 N ROOSEVELT      BV      Apt:      10/09/15  
City: KEYWEST      ST:      ZIP:      Block#:      2700 20:35:11  
Common Name: WINN DIXIE

## P90      Unit Status History Information

10/09/15 20:05:42 4 DISPATCHED      D      !      3600 GAUFILLET, ALE  
10/09/15 20:05:42 11 DESIGNATED PRIMARY U P      !

10/09/15 20:06:00 32 ENROUTE 51 !  
10/09/15 20:13:16 6 AT SCENE 97 !  
10/09/15 20:22:00 43 IN CUSTODY/ARRESTED IC !  
10/09/15 20:36:09 44 ENROUTE TO JAIL EJ !  
10/09/15 20:39:27 6 AT SCENE 97 !  
10/09/15 20:56:44 45 AT JAIL AJ !  
10/09/15 20:56:53 15 STOP UNIT TIME CHECK SP !  
10/09/15 21:05:36 9 STARTED SELF-INITIAT SI !  
10/09/15 21:05:47 10 ENDED SELF-INITIATED AV !  
10/09/15 21:57:03 16 RESET UNIT TIME CHEC OK !  
P96 Unit Status History Information  
10/09/15 20:10:36 4 DISPATCHED D ! 3673 BLANCO,DAN  
10/09/15 20:10:36 6 AT SCENE 97 !  
10/09/15 20:52:01 47 ENROUTE TO STATION ES !  
10/09/15 21:50:41 20 AVAILABLE AV !

## U N I T L O C A T I O N S

10/09/15 SunGard CAD PAGE 4  
22:31:18 CAD CALL INFORMATION 152820327

1 2778 N ROOSEVELT BV Apt: 10/09/15  
City: KEYWEST ST: ZIP: Block#: 2700 20:25:54  
Common Name: WINN DIXIE

## S34 Unit Status History Information

10/09/15 20:13:32 4 DISPATCHED D ! 2807 HALEY,MAT  
10/09/15 20:13:32 6 AT SCENE 97 !  
10/09/15 20:13:38 32 ENROUTE 51 !  
10/09/15 20:16:07 6 AT SCENE 97 !  
10/09/15 21:01:46 20 AVAILABLE AV !  
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## U N I T L O C A T I O N S

1 2334 N ROOSEVELT BV Apt: 10/09/15  
City: KEYWEST ST: ZIP: Block#: 2300 20:13:56  
Common Name: NAPA AUTO PARTS

## D I S P O S I T I O N S

1 136 TASER DISPLAY Case# 1 - 00-000000 Unit: P85  
2 055 INC REPORT NUMBER Case# 1 - 15-004541 Unit: P90