Response to Resistance Report Key West Police Department

1.	A Response to Resistance Report will be	completed by the s	unanticar for:	1				
\boxtimes	A response through the use of non-lethal wes	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,							
	When any person sustains an apparent subs	tantial or fatal injury as a	result of the application of	force				
\boxtimes	When any person complains of injury as a re-	sult of the application of t	force	Torce				
	Discharge of firearm in the line of duty off-dut	y or on-duty (other than	for training, maintenance o	or hallistics testing)				
}	2. Date: 11/28/2015 3. Time: 16:4	8 4. Location: 10		ncident type: Baker's Act				
<u>=</u>	6. Resistance Level 7. Explanation		Response Option	9. Explanation				
INCIDENT	Passive:	_	Physical Control					
등	Active: Tensing/pullin		7	Takedown				
Z	Aggressive: Kicking officer		=	Drive Stun				
	Deadly Force:	5	Deadly Force					
	10. Last Name: Suss	44 55-4 18:1-1		Water Control of the				
	14. DOB: 10/20/1959	11. First: Michel		ace: W 13. Sex: F				
		15. Height: 5'5" Yes If NO, exp		eight: 150				
			plain why in Section 42. If	"YES", complete sections 18-22				
		der the influence of conti	rolled substance 🔀 Emo	tionally / mentally disturbed				
	19. Injuries: No ⊠ Evident Alleged 20. Photographed: No ⊠ Yes 21. Trea	(If Evident or Alleged,	describe and indicate area	as on charts in Section 22)				
	20. Friolographea: No Yes 27. Trea	rted: No X Yes By	y: ⊠ EMT/Paramedic on :	scene 🔀 Hospital 🔝 Detention				
١.	Scripe		()					
SUBJECT								
3	\ \ \\							
SU	/		/ / / /					
			/ // \					
	/// //\][[]					
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	\ \ \ /							
	a a		1 /\ 1					
	- Serape	<i>*</i>	()()					
)()()()(
	22. Anterior View	Posterio	r View					
	23. Officer: Michael Malgrat 24. Ra	ce:W 25. Sex:M	26. Age:36 27. Height:	6'4" 28. Weight: 360				
	29. Duty Status: On-duty Off-duty	Extra duty employment		clothes 30. Yrs Exp: 11				
	31. Injuries: No Evident Alleged	(If Evident or Alleged, o	describe and indicate area					
	32. Photographed: No Yes 33. Tre	eated: No Yes						
]	34. Response option used by this officer: (I	TASER®, also refere	nce line number from TA	SER® section)				
~) () (
OFFICER								
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ō								
			/// \\\					
	rul lus		End I lis	i.				
	(4)		~ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	70				
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			()					

Case No: ______15-005319

Response to Resistance Report (continued) Key West Police Department

K	ey west Police Department		Case No:	15005319
Г	36. TASER® device serial	[‡] X12002KT4	37. TASER® device serial # N/A	
	TASER®Cam serial # V210		TASER®Cam serial #	
	Cartridge 1 serial # N/A		Cartridge 1 serial #	
≥	Cartridge 2 serial # N/A		Cartridge 2 serial #	
ONLY	Number of cycles: 2		Number of cycles:	
USE	Type of contact: Probe	CODS Drive Stun	Type of contact: Probe CODS	Drive Cture
R O	Did		Did probes penetrate skin: ☐ Yes ☐	
TASER	Target distance at probe laun		Target distance at probe launch:	NO
1	Distance between probes: N/A		Distance between probes:	
	Probes removed by (name): N	I/A	Probes removed by (name):	
	Device downloaded by: Sgt Je		Device downloaded by:	
			es, cartridges or details in the incide	nt description as attack
	39. Offense/Incident Report a	nd/or Marrant Affidavit me	et include	in description section.
	All necessary criminal elements	ents	ist include:	
7	All details of the arrest	into.		
REPORT	A STATE OF THE STA	ect's words, mannerisms and	actions that justify the use of force.	
RE	Details outlining the respons	se to resistance utilized by e	ach officer	
	Detailed description of injury	/ complaints and/or observe	diniuriae	
	Details outlining the deconta	mination, first aid or medica	I treatment provided to the officer and/or su	ubia at
	40. Notified Date: 11/28/2015		11. Time: 16:49	ibject.
SUPERVISOR'S INQUIRY	43. Did you meet with the Offic	cer: ☐ No ☑ Yes (If "No"	, explain why)	
ER	44. Were you able to locate an	v independent witnesses:	No Yes (If "Yes." list below)	
SUF	Name	, maspendent withesses.	No Yes (If "Yes," list below) Address	Dhone Niverb
			7 (44) (40)	Phone Number
ł				
-				
	45. Is further review recommendation forward completed original repo	nded: No Yes	Propering Supering Simula Simu	11/28/2015
	48. Did the review of this incid	ent conclude that use	6. Preparing Supervisor's Signature / ID	47. Date
H	of force was in compliance wit		ERS TO BELLIONE	.011
INT. AFF	— —	"	9. Signature of Internal Affairs Inspector	13/1/15 50. Date
	51. If section 48 is "No" record	the Professional Standard	ds Control Number: 52 Da	te Entered:

Response to Resistance Report (continued) Key West Police Department

35. Anterior View

	y West Police Department	Case No:15-005319)
		25. Sex: F 26. Age: 3127. Height 5'2"28. Weight 135	
		employment Uniformed Plain 30. Yrs Exp: 5	
	31. Injuries: No Evident Alleged (If Evident	or Alleged, describe and indicate areas on charts in Section 35)	
	32. Photographed: No Yes 33. Treated: No	lo Yes By: EMT/Paramedic on scene Hospital	200
	34. Response option used by this officer: (If TASER®)	also reference line number from TASER® section)	
OFFICER	35. Anterior View	The state of the s	
		Posterior View ()	
	23. Officer: 24. Race:	25. Sex: 26. Age: 27. Height 28. Weight	
	23. Officer: 24. Race: 29. Duty Status: On-duty Off-duty Extra duty e	25. Sex: 26. Age: 27. Height 28. Weight employment Uniformed Plain 30. Yrs Exp:	
	23. Officer: 24. Race: 29. Duty Status: On-duty Off-duty Extra duty of 31. Injuries: No Evident Alleged (If Evident	25. Sex: 26. Age: 27. Height 28. Weight employment Uniformed Plain 30. Yrs Exp: or Alleged, describe and indicate areas on charts in Section 35)	
	23. Officer: 24. Race: 29. Duty Status: On-duty Off-duty Extra duty of a strain of the strain of th	25. Sex: 26. Age: 27. Height 28. Weight employment Uniformed Plain 30. Yrs Exp: or Alleged, describe and indicate areas on charts in Section 35) Yes By: EMT/Paramedic on scene Hospital	
	23. Officer: 24. Race: 29. Duty Status: On-duty Off-duty Extra duty of 31. Injuries: No Evident Alleged (If Evident	25. Sex: 26. Age: 27. Height 28. Weight employment Uniformed Plain 30. Yrs Exp: or Alleged, describe and indicate areas on charts in Section 35) Yes By: EMT/Paramedic on scene Hospital	

Posterior View

Key West Police Department

Incident Report

Report 11/28/2015 17:08

Case # 01-15-005319

Case # 01-15-005319	Report 11/28/2015 17:08	Occurred From 11/28/2015 16:00	Occurred To 11/28/2015 16:38	Report Type Original
C Dept. Classification CAD BAKER ACT		Case Status OTHER	Case Status Date 11/28/2015	Cleared 11/28/2015 16:35
Common Name 1013 WATSON ST	KEYWEST, FL 33040 (MON			
Day of Week: SATU Dispatched: 11/28/2 Responded: 11/28/2 Arrived: 11/28/2015 Map Reference: 119 Location Type: RESI	2015 16:35 2015 16:35 16:38	Alco Drug Tota Tota	t Assignment : 4 hol Related : Unknown J Related : Unknown I Damaged Property Value : \$0.00 I Stolen Property Value : \$0.00 I Recovered Property Value : \$0.	

P	Person Type	Business/Person Name		Business Phone
E	OTHER PERSON	MICHELE J SUSS		
R	Home Phone	Person Address		
s 1		Use Address from Incident Location	Information	
O I	Other Phone	Employer Address		
	Race	Sex	DL Exp. Date	DL Number
	WHITE	Female	10/20/2019	S200-550-59-880-0
	Birth Date 10/20/1959	Birth Place MA, UNITED STATES		
	Age: 56 Occupation: UNKNOWN DL State: FL DL Country: UNITED STATES Ethnic Origin: NON-HISPANIC Min. Height: 5'05" Min. Weight: 150 lbs Adult/Juvenile: ADULT Relationship: BOYFRIEND/GIRLFRIEND OF ROBERT AXE, FRIEND OF PAMELA O'BRIEN, FRIEND OF KEVIN O'BRIEN Coat: NONE Hat: NONE Shirt: GRY SWEATER Pants: JEAN SHORTS		Shoes: SNEAKERS Hair Color: BLOND Hair Length: MEDIUM Hair Style: PONY TAIL Eye Color: BROWN Build: MEDIUM/AVERAGE Complexion: MEDIUM Speech: NORMAL Residency Type: CITY Residency Status: FULL YEAR Citizenship: UNITED STATES Body Marks:	
		End of Person		

P E R	Person Type OTHER PERSON Home Phone (305) 923-1381	ROBERT 1			Business Phone
2	Other Phone	Employer		T FL 33040 ,MONROE County	
	Race WHITE	Sex Male	SSN	DL Exp. Date 04/05/2020	DL Number A200-778-61-125-0
	Birth Date 04/05/1961 Age: 54 Occupation: UNKNOWN DL State: FL DL Country: UNITED STATES Ethnic Origin: NON-HISPANIC Min. Height: 5'10" Min. Weight: 170 lbs Adult/Juvenile: ADULT Relationship: BOYFRIEND/GIRLFRIEND OF MICHELE SUSS,				7200-770-01-123-0
			ID OF MICHELE SUSS,	Hair Length: BALD Eye Color: BLUE Build: MEDIUM/AVERAGE Complexion: MEDIUM Speech: NORMAL Residency Type: CITY Residency Status: FULL YEAR Citizenship: UNITED STATES Body Marks:	

Reporting Officer TIFFANY MITCHELL (3385)	Department KEY WEST POLICE DEPARTMENT	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer SGT JEFFERY SCOTT WILLIAMSON (1557)	Department KEY WEST POLICE DEPARTMENT	Date / Time 11/29/2015 10:02

Report 11/28/2015 17:08

Incident Report

Case # 01-15-005319

Hair Color: BALD								
				End of Pe	rson:	2		
P		Person Type	Business/Per	son Name				Business Bl
E		OTHER PERSON	PAMELA JEA	N O'BRIEN				Business Phone
R		Home Phone	Person Addre	ss				1
S	3		Use Address f	rom Incident Locatio	n Information	n		
ON	J	Other Phone	Employer Add	dress				
		Race WHITE	Sex Female	Sen		DL Exp. Date 09/26/2020	DL Nu	
		Birth Date	Birth Place			09/20/2020	0165-	670-52-846-0
		09/26/1952	NY, UNITED S	NY, UNITED STATES				
		Age: 63 Occupation: UNKNOWN DL State: FL DL Country: UNITED STA Ethnic Origin: NON-HISPA Min. Height: 5'05" Min. Weight: 140 lbs Adult/Juvenile: ADULT ROBERT AXE, SPOUSE (Hair Color: BLOND	ANIC MICHELE SUSS	, FRIEND OF EN	Hair Si Eye Co Build : Compl Speecl Reside Reside	ength: MEDIUM tyle: STYLED olor: BROWN MEDIUM/AVERAGE exion: MEDIUM h: NORMAL ency Type: CITY ency Status: FULL YEAR ship: UNITED STATES Marks:		,
		THAI COICH . BECKE		End of Pers	son: 3	· · · · · · · · · · · · · · · · · · ·		
Р		Person Type Rusiness/Person Name						
E	OTHER PERSON KEVIN J O'BRIEN							Business Phone
R		Home Phone	Person Addres					
S	A	(305) 851-1497	Use Address fro	Use Address from Incident Location Information				
O N	4	Other Phone	Employer Address					
		Race		SSN	Т	DL Exp. Date	DL Nur	nber
		WHITE Birth Date	Male			10/14/2019	O165-5	10-57-374-0
		10/14/1957	Birth Place NY, UNITED ST	ATES				
		Age: 58 Occupation: UNKNOWN DL State: FL DL Country: UNITED STAT Ethnic Origin: NON-HISPA Min. Height: 6'00" Min. Weight: 200 lbs Adult/Juvenile: ADULT Relationship: FRIEND OF N ROBERT AXE, SPOUSE OF Hair Color: BROWN	Hair Length: MEDIUM Hair Style: WAVEY/CURLY Eye Color: BROWN Build: MEDIUM/AVERAGE Complexion: MEDIUM Speech: NORMAL Residency Type: CITY Residency Status: FULL YEAR MICHELE SUSS, FRIEND OF				*	
				End of Perso	on: 4			
P		Category	Property Type	1	Make		Model	
R		EVIDENCE/SEIZED	PHOTOGRAP		Muke		Model	
O P E	1	Serial #		Color	Descripti PHOTOS	on UPLOADED TO COBAN		Condition
R T Y		UCR Type : MISCELLANEO Value : \$1.00 Recovery Location : Use Add Information		nt Location	Recover Recover	ed By : OFC. T. MITCHEL y Date and Time : 11/28/20 y Value : \$1.00	L 015 17:28	

Reporting Officer TIFFANY MITCHELL (3385)	Department KEY WEST POLICE DEPARTMENT	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer SGT JEFFERY SCOTT WILLIAMSON (1557)	Department KEY WEST POLICE DEPARTMENT	Date / Time 11/29/2015 10:02

Incident Report

Report 11/28/2015 17:08

Case # 01-15-005319

NARRATIVE

End of Property:

Topic ORIGINAL

On 11/28/2015, at about 1638 hours, Rescue 1, Ofc. M. Malgrat and I (Ofc. T. Mitchell) responded to 1013 Watson Street in reference to a female who had possibly taken too much medication and was incoherent.

As I approached the residence, a white male (Robert Thomas Axe, DOB 04/05/1961) flagged me down. Axe advised that his girlfriend (Michele J. Suss, DOB 10/20/1959) was inside the residence and had possibly taken too much medication. Axe stated that Suss had not been acting right the last few days and that he was worried about her. Axe stated that he did not think that Suss intentionally took too much medication. Axe provided me with an open prescription bottle of Clonazepam with four round yellow tablets inside. The prescription was filled on 10/23/2015.

I went inside the residence and made contact with Suss, who was sitting in the living room. I asked Suss if she was okay, and she replied that she was fine. I asked Suss if she had taken any medications, and if so, what kind and how much. Suss stated that she had not taken any medications. Suss had slurred, slow speech, and heavy droopy eye lids. Axe stated that he had not actually observed Suss taking any medication, and stated that she did not drink alcohol.

Rescue 1 tended to Suss, while I attempted to locate her medications. Suss's roommate (Pamela J. O'Brien, 10/20/1959) provided me with a large clear plastic bag filled with prescription bottles belonging to Suss. Pamela stated that Suss has been staying with her temporarily because she has no where else to go. Pamela stated that Suss received several new medications from her doctor (Dr. Covington) on Thursday (11/26/2015) and has not been acting like herself since. Pamela stated that Suss had been sleeping excessively and urinating on herself. Suss stated that while getting dressed, Suss was attempting to put on plastic garbage bags as pants.

I went back to Suss, who was now holding an open plastic bottle of water. Suss sat down on the couch and attempted to screw her black plastic hair clip on the bottle as if it was the cap. When asked what she was doing, Suss replied that she was closing the water bottle. When asked if she knew where she was, Suss replied that she was in Massachusetts.

Due to Suss' erratic behavior, and inability to answer basic questions, Rescue 1 determined that she needed to be medically evaluated at the hospital. Ofc. M. Malgrat and I attempted to explain to Suss that she needed to go to the hospital, however, she refused.

Suss left the living room and proceeded to go out to the front porch where Axe, Pamela, and Pamela's husband (Kevin J. O'Brien, DOB 10/14/1957) were sitting. Suss sat down in a chair, with her cigarette lighter in one hand and a cigarette in the other. Ofc. M. Malgrat and I again tried to explain to Suss that she needed to go to the hospital. Suss again refused and became agitated. Suss began yelling at us that she was not going anywhere. I told Suss that if she would not go to the hospital voluntarily, that we would have to force her to go.

Act. Guess committee to yell and curse at us, and refused to be transported to the hospital.

Reporting Officer TIFFANY MITCHELL (3385)	Department KEY WEST POLICE DEPARTMENT	Report Status:
Supervising Officer		Date/Time
Verifying Officer SGT JEFFERY SCOTT WILLIAMSON (1557)	Department KEY WEST POLICE DEPARTMENT	Date / Time 11/29/2015 10:02

Key West Police Department

Incident Report

Report 11/28/2015 17:08

Case # 01-15-005319

Ofc. M. Malgrat and I were left no other choice than to take Suss into protective custody. Ofc. M. Malgrat took hold of Suss' right arm and stood her up out of her chair. I took hold of her left arm and we escorted Suss off the front porch and towards the ambulance. Once Suss was off the front porch, she began to pull away from us. We instructed Suss to stop pulling away, however, she did not comply. Suss continued to pull away from us in an attempt to break our grasp. Ofc. M. Malgrat and I decided to take Suss to the ground in order to gain physical control over her. Ofc. M. Malgrat and I redirected Suss to the ground in a controlled manner. Once on the ground, Suss continued to twist and turn in an attempt to break our grasp. Suss kicked Ofc. M. Malgrat in the upper left thigh in an attempt to get away. Ofc. M. Malgrat and I continued to give Suss verbal commands to place her hands behind her back. Suss failed to comply with our commands. Ofc. M. Malgrat unholstered his Taser and delivered a drive stun to the small of Suss' back. I was able to secure Suss' left arm in handcuffs, however, she refused to remove her right arm from underneath her body. Ofc. M. Malgrat and I gave Suss several more verbal command to place her hand behind her back. Suss again failed to comply. Ofc. M. Malgrat delivered a second drive stun to the small of Suss' back. Suss complied at this time, and I was able to secure her right arm in handcuffs.

While on the ground, Suss continued to kick at Ofc. M. Malgrat and I. I rolled Suss onto her side and Ofc. M. Malgrat placed her feet in a hobble device to prevent her from further kicking us. Ofc. M. Malgrat and I assisted Suss to her feet and placed her on the stretcher. Once Suss was secured to the stretcher, the hobble device was removed.

Rescue 1 transported Suss to Lower Keys Medical Center (I rode with Suss in the ambulance).

Upon arrival at the hospital, I photographed Suss' injuries. Suss had an abrasion to the center and right side of her forehead and both knees. There were several red marks on the lower portion of Suss' back from the drive stun.

I photographed Ofc. M. Malgrat's left leg, where there was a shoe print from Suss kicking him.

I uploaded all photographs to Coban.

There is nothing further at this time.

End of Narrative:

Reporting Officer TIFFANY MITCHELL (3385)	Department KEY WEST POLICE DEPARTMENT	Report Status: Approved	
Supervising Officer		Date/Time	
Verifying Officer SGT JEFFERY SCOTT WILLIAMSON (1557)	Department KEY WEST POLICE DEPARTMENT	Date / Time 11/29/2015 10:02	

Report 11/28/2015 18:27

Incident Report

Case # 01-15-005319

	Case # 01-15-005319	Report 11/28/2015 18:27	Occurred From	Occurred To	Report Type Supplemental	
C	Dept. Classification CAD MENTALLY DIST	URBED PERSON	Case Status OTHER	Case Status Date 11/28/2015	Cleared	
D	Common Name 1013 WATSON ST KEYWEST, FL 33040					
N	Map Reference : 1193X Location Type : RESIDI Beat Assignment : 4 Alcohol Related : Unkno	ENCE-SINGLE FAMILY	Tota Tota	g Related : Unknown al Damaged Property Value : \$0.0 al Stolen Property Value : \$0.00 al Recovered Property Value : \$0.		

N A R R A T I V

E

Topic

SUPPLEMENTAL

On 11/28/2015 at approximately 1635 hours, I (Ofc M Malgrat) responded to 1013 Watson Street to assist Ofc T Mitchell in reference to a possible overdose. Upon arrival, Ofc Mitchell and I made contact with Michele Suss. Suss was alert, but not oriented. Suss believed she was currently in Massachusetts and appeared to be under the influence of some type of medication/drug. Suss was drinking from a bottle of water and attempted to "screw" a hair clip onto the water bottle. KWPD Rescue 1 was on scene and advised Suss needed to go to the hospital.

Suss stated she was not going to the hospital. Ofc Mitchell told Suss that if she wasn't going to go to the hospital voluntarily that we would be forced to make her go

hospital. Suss continued to refuse to go to the hospital forcing Ofc Mitchell and I to take action.

I took ahold of Suss's right arm and removed her from the seat that she was in. Ofc Mitchell took ahold of Suss's left arm and we escorted her off of the porch we were on. Suss began to pull away and flail about once we were off of the porch. Ofc Mitchell and I decided to take Suss to the ground in an attempt to gain control of her. Once on the ground, Suss continued to flail about and kicked me in the inner thigh. Suss kicked at Ofc Mitchell and I several more times (unclear if she made contact with us). Suss refused to put her hands behind her back and comply with our orders. I un holstered by Taser device and delivered a drive stun to the small of Suss's back. Ofc Mitchell was able to secure Suss in one handcuff, but Suss refused to remove her other hand from under her body. I delivered another drive stun cycle to the small of Suss's back. Suss then complied with our directions and Ofc Mitchell was able to secure Suss in handcuffs. I then placed a hobble device on Suss's legs so she would not be able to kick any further. Ofc Mitchell and I assisted Suss up and placed her on the stretcher. Suss was secured to the stretcher and I removed the hobble device.

Suss

was then turned over to the hospital staff for treatment.

I uploaded my BWC into COBAN under this case number.

End of Narrative:

Reporting Officer OFC MICHAEL MALGRAT (2809)	Department KEY WEST POLICE DEPARTMENT	Report Status: Signed
Supervising Officer		Date/Time
Verifying Officer	Department	Date / Time

Key West Police Department

Report 11/29/2015 14:21

Incident Report

Case # 01-15-005319

NC	Case # 01-15-005319	Report 11/29/2015 14:21	Occurred From	Occurred To	Report Type Supplemental	
	Dept. Classification CAD MENTALLY DISTURBED PERSON		Case Status OTHER	Case Status Date 11/29/2015	Cleared	
	Common Name 1013 WATSON ST KEYWEST, FL 33040					
N	Map Reference : 1193XX5XO Location Type : RESIDENCE-SINGLE FAMILY Beat Assignment : 4 Alcohol Related : Unknown		Tota Tota	g Related : Unknown I Damaged Property Value : \$0.0 I Stolen Property Value : \$0.00 I Recovered Property Value : \$0.		

P R O P	1	Category EVIDENCE/SEIZED	Property Type DIGITAL DISK		Make	Model	
		Serial #		Color	Description Taser Video on CD		Condition
E R T Y		UCR Type : MISCELLANEOUS Quantity/Weight : 1 Value : \$0,000,001.00 Recovery Location : 1604 N Roosevelt BV KEY WEST FL 33040 Recovery M. Malgrat Recovery Date and Time : 11/29/2015 14:15 Recovery Value : \$0,000,001.00					
				End of Prope	erty: 1		-
N A R R R	1	On 11/29/2015 Sgt J Williamson download my Taser device for the video in this case. The video was transferred to a CD and placed into KWPD evidence.					
′ :							•

Reporting Officer OFC MICHAEL MALGRAT (2809)	Department KEY WEST POLICE DEPARTMENT	Report Status: Approved Date/Time	
Supervising Officer			
Verifying Officer SGT JEFFERY SCOTT WILLIAMSON (1557)	Department KEY WEST POLICE DEPARTMENT	Date / Time 11/29/2015 15:12	