

Response to Resistance Report

Key West Police Department

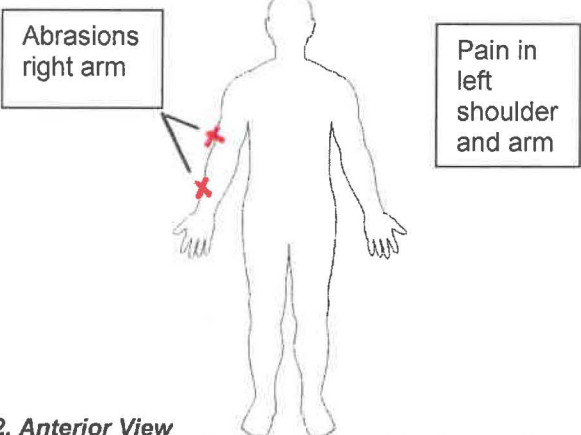
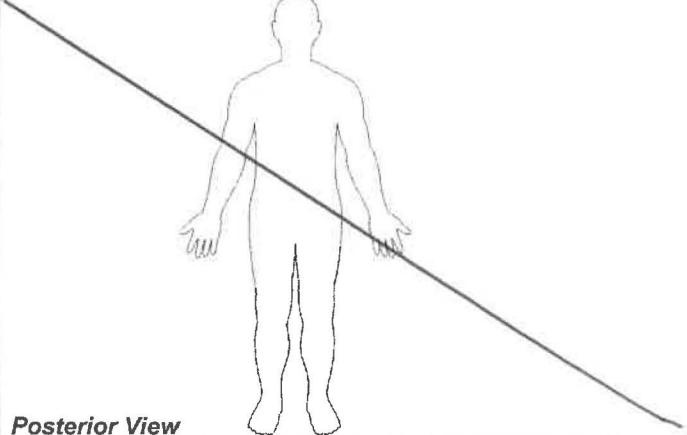
Case No: 19-77

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

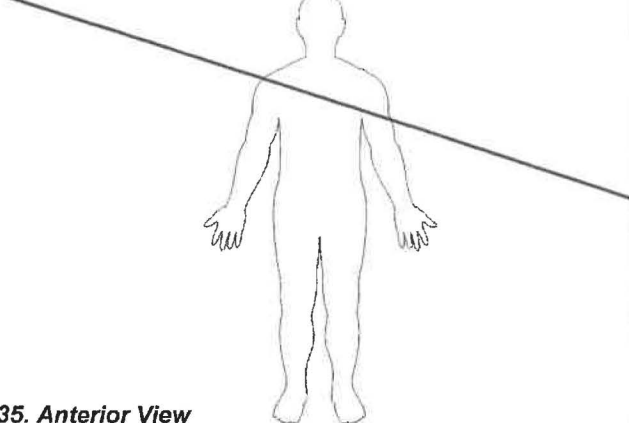
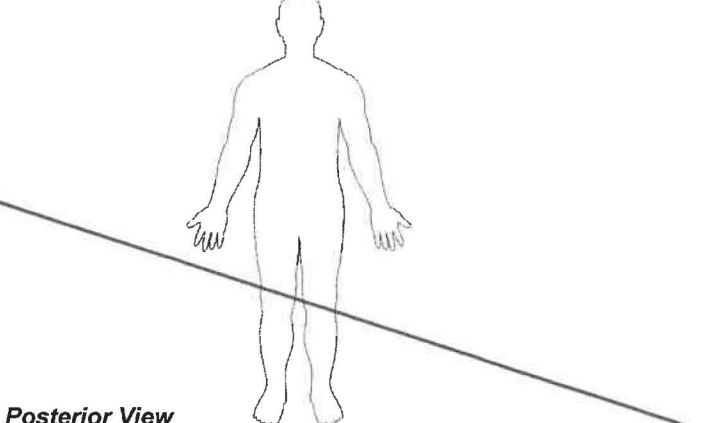
- ☐ A response through the use of non-lethal weapons,
☒ Applies weaponless physical force of strikes, kicks, or "take-downs"
☐ When any person sustains an apparent substantial or fatal injury as a result of the application of force
☒ When any person complains of injury as a result of the application 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: 1/3/19	3. Time: 1745 hrs 4. Location: 301 White St. 12-C 5. Incident type: Search Warrant
6. Resistance Level	7. Explanation 8. Response Option 9. Explanation
<input checked="" type="checkbox"/> Passive:	Ignore verbal command <input checked="" type="checkbox"/> Physical Control Take down
<input checked="" type="checkbox"/> Active:	Pulling away <input type="checkbox"/> Non-lethal Weapon
<input type="checkbox"/> Aggressive:	<input type="checkbox"/> Deadly Force
<input type="checkbox"/> Deadly Force:	

SUBJECT	
10. Last Name: Daub	11. First: Gary 12. Race: W 13. Sex: M
14. DOB: 6/7/54	15. Height: 5'09" 16. Weight: 145
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 checked="" 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 checked="" 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 checked="" type="checkbox"/> Hospital <input type="checkbox"/> Detention	

SUBJECT	
<div>Abrasions right arm</div>  <div>Pain in left shoulder and arm</div>	 <div>22. Anterior View</div> <div>Posterior View</div>

OFFICER	
23. Officer: Tiffany Mitchell	24. Race: W 25. Sex: F 26. Age: 34 27. Height: 5'02" 28. Weight: 130
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: 9
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)	

OFFICER	
 <div>35. Anterior View</div>	 <div>Posterior View</div>

Response to Resistance Report (continued)

Key West Police Department

Case No:

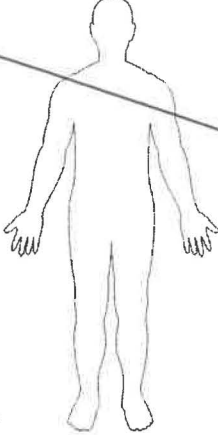
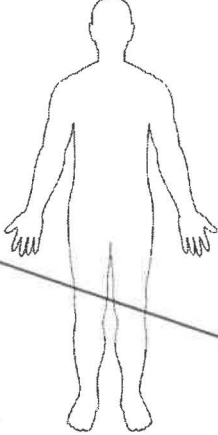
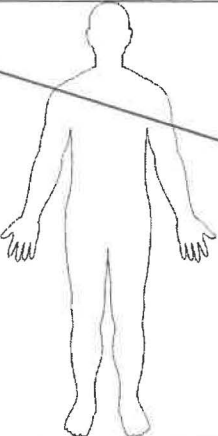
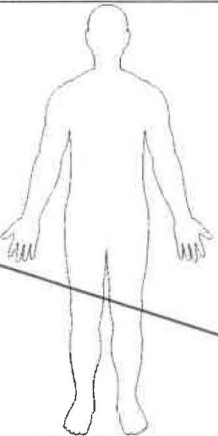
19-77

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 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.			
SUPERVISOR'S INQUIRY	40. Notified Date: 1/3/19		41. Time: 1830 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
45. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS				
INT. AFF.	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)		46. Preparing Supervisor's Signature / ID <u>SGT. B. LARIZ B. 2705</u>	
			47. Date <u>1/4/19</u>	
			49. Signature of Internal Affairs Inspector <u>[Signature]</u>	
		50. Date <u>1/22/19</u>		
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: 19-77
Error! Reference source not found.

OFFICER	23. Officer: Michael Chaustit		24. Race: W	25. Sex: M	26. Age: 40	27. Height: 6'00"	28. Weight: 265
	29. Duty Status: <input checked="" 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: 11.5				
	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: (If TASER®, also reference line number from TASER® section)						
							
	35. Anterior View		Posterior View				
OFFICER	23. Officer: Neil Mogerley		24. Race: W	25. Sex: M	26. Age: 33	27. Height: 6'01"	28. Weight: 250
	29. Duty Status: <input checked="" 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: 10				
	31. Injuries: <input checked="" type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)						
	32. Photographed: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		33. Treated: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital				
	34. Response option used by this officer: (If TASER®, also reference line number from TASER® section)						
							
	35. Anterior View		Posterior View				

INCIDENT/INVESTIGATION REPORT

I N C I D E N T D A T A	Agency Name Key West Police Department	INCIDENT/INVESTIGATION REPORT			Case# 19-000077					
	ORI FL0440100				Date / Time Reported 01/03/2019 17:41 Thu					
	Location of Incident 301 White St Apt. 12C, Key West FL 33040-			Premise Type Home Of Of- Other	Beat/GP B3, GPB3	Last Known Secure 01/03/2019 17:41 Thu				
							At Found 01/03/2019 17:41 Thu			

I N C I D E N T D A T A	#1	Crime Incident(s) Drug Possession Of Paraphernalia / Equipment - DRF	(Com)	Weapon / Tools NOT APPLICABLE/NONE	Activity				
				Entry	Exit		Security		
	#2	Crime Incident	()	Weapon / Tools			Activity		
				Entry	Exit		Security		
#3	Crime Incident	()	Weapon / Tools			Activity			
			Entry	Exit		Security			

MO										
----	--	--	--	--	--	--	--	--	--	--

V I C T I M	# of Victims	/		Type: SOCIETY/PUBLIC/STATE				Injury:				Domestic: N			
	V1	Victim/Business Name (Last, First, Middle) Society				Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status			
						I,	Age					N/A			
	Home Address										Home Phone				
	Employer Name/Address								Business Phone				Mobile Phone		
	VYR	Make	Model	Style	Color	Lic/Lis	VIN								

O T H E R S	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)													
	Type: INDIVIDUAL Injury:													
	Code	Name (Last, First, Middle) MYATIYEVA, JEMAL				Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status		
	IO						04/17/1994	W	F					
	Home Address 3314 Northside Dr - 45 Key West, FL										Home Phone 305-393-9586			
	Employer Name/Address TEASERS, 218 Duval St (DANCER)								Business Phone				Mobile Phone 305-747-8179	

I N V O L V E D	Type: INDIVIDUAL Injury:													
	Code	Name (Last, First, Middle) HENNIGAN, MICHAEL B				Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status		
	IO						02/01/1986	W	M		Resident			
	Home Address 301 White St - 12b Key West, FL 33040										Home Phone 305-394-7592			
	Employer Name/Address NONE (NONE)								Business Phone				Mobile Phone	
	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)													

P R O P E R T Y	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number	
	15	EVID		\$0.00		1	BRILLO, ROD, PIPE, BAG FTP COCAINE			
	15	EVID		\$0.00		1	BRILLO PAD, FTP COCAINE BAGS			
	15	EVID		\$0.00		1	GLASS PIPE, SIX BAGGIES			
	15	EVID		\$0.00		1	SYRINGE			
	15	EVID		\$0.00		1	GLASS PIPE			
	15	EVID		\$0.00		1	PLASTIC BAG FTP COCAINE			
	15	EVID		\$0.00		1	4 PLAS BAGS IN SUEDE PCH FTP COCAINE			
	15	EVID		\$0.00		1	SMALL GLASS SMOKING PIPE			
	15	EVID		\$0.00		1	SILVER SCALE WITH FTP TRACE COCAINE			
	15	EVID		\$0.00		1	METAL SPOON WITH FTP TRACE MDMA			
	15	EVID		\$0.00		1	PLASTIC BAG W/FTP COCAINE			
	15	EVID		\$0.00		1	4 PLASTIC BAGS & 1 LARGER BAGS			

Officer/ID#	DEL VALLE, HENRY (1152)		
Invest ID#	DEL VALLE, HENRY (1152)		
Supervisor	LARIZ, JOSEPH BRADLEY (2705)		
Status	Complainant Signature	Case Status <i>Cleared By Arrest</i>	Case Disposition: <i>Cleared By Arrest</i>
		01/08/2019	01/08/2019

R_CS1IBR

, D15025 # blariz

Sys#: 1

01/09/2019 14:35

Incident Report Additional Property List

Key West Police Department

OCA: 19-000077

Property List (Continued)

Page 2

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found

VI #	Code	Status From/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
	35	EVID	\$0.00		1	BWC1152		

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 19-000077

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
	E	EVI	0.300	GM	0.3 GRAMS FTP MARIJUANA	Poss

Assisting Officers

LARIZ, J.B. (2705), MALSHEIMER, K.E. (3388), HAMMERS, J.L. (3631), CONATY, J.T. (3755), BEERBOWER, K.E. (2199)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

19-000077

Victim

Society

Offense

DRUG POSSESSION OF PARAPHERNALIA /

Date / Time Reported

Thu 01/03/2019 17:41

On January 3, 2019, at approximately 1800 hours, the Key West Police Department Special Investigations Unit executed a search warrant at 301 White Street, Apartment 12C, Key West, Florida. The Honorable Judge Mark Jones signed the warrant authorizing the search of 301 White Street, Apartment 12C. I (Detective Henry del Valle) served as the case agent.

The Key West Police Department's Special Response Team entered the apartment. While in the apartment, SRT member detained Gary Daub, who is the registered occupant, and Michael Hennigan Jr. Hennigan was visiting Daub at the apartment.

Detective Jay Conaty video recorded me as I read the search warrant aloud in Daub and Hennigan's presence. Both acknowledged hearing me clearly. I then read both Daub and Hennigan their Constitutional rights (Miranda) individually and documented doing so on my body-worn camera (BWC). Both Daub and Hennigan acknowledged understanding their rights. Both Daub and Hennigan individually agreed to speak with me. I asked Daub if anyone else lived in his apartment. Daub told me that Jamie also lived in his apartment until she could get her own apartment; however, Daub didn't say she paid rent.

Detective Jay Conaty, Detective Karl Malsheimer, and Drug Enforcement Administration Special Agent (SA) David Parkhurst searched Daub's living room and kitchen. Detective Sergeant Bradley Lariz and I searched Daub's bedroom, bathroom, and bedroom closet. Detective Malsheimer photographed the recovered items and Detective Jesse Hammers served as the property custodian. Monroe County Special Operations Unit Detectives Tyler Blanton and Matthew Cory assisted with scene security.

While searching Daub's living room couch, Detective Conaty found several pair of shoes that contained assorted drug paraphernalia. Some of the paraphernalia field-tested positive (FTP) for cocaine. I asked Daub about the shoes and the paraphernalia. Daub told me the shoes and contents were his.

While speaking with Hennigan, I asked him about a syringe SRT members recovered from his pocket. During our conversation, Hennigan told me the syringe may contain Molly.

While searching Daub's bedroom, Detective Sergeant Lariz and I found personal items, clothing, and correspondence suggesting a female, who was not present, also occupied the dwelling. Based on the correspondence, we identified Jamie as Jemal "Jamie" Myatiyeva. Detective Sergeant Lariz found a digital scale in a bedroom night table. The scale contained FTP cocaine. While searching the bathroom trash receptacle, I found a small zipper-type plastic bag that contained a trace amount of FTP cocaine.

Detectives recovered the following items from Daub's apartment:

1. Brillo pad, push rod, metal pipe & plastic baggie, w/FTP cocaine residue, found inside Daub's right blue and orange Puma shoe (Detective Conaty)
2. Brillo pad & plastic baggies, w/FTP cocaine residue, found in Daub's left blue and orange Puma shoe (Detective Conaty)
3. Six plastic baggies, w/FTP cocaine residue, & one glass smoking pipe, found in Daub's black & white Puma shoes (Detective Conaty)
4. Syringe w/needle found in Hennigan's right shorts cargo pocket (SRT Officer T. Anglin)
5. Glass pipe found in Daub's blue Under Armor shoe (Detective Conaty)
6. Clear plastic baggie, w/FTP cocaine residue, found in the bathroom receptacle (Detective H. del Valle)

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim Society	Offense DRUG POSSESSION OF PARAPHERNALIA /	OCA 19-000077 Date / Time Reported Thu 01/03/2019 17:41
-------------------	---	--

7. .3 grams FTP marijuana found under Daub's couch (Detective Conaty)
8. Four plastic baggies, w/FTP cocaine residue, found under Daub's sofa (Detective Conaty)
9. Small glass smoking pipe found under Daub's sofa chair (Detective Conaty)
10. Silver digital scale, w/FTP cocaine residue, found in Jemal "Jamie" Myatiyeva's bed room (Sgt. Lariz)
11. Metal spoon, w/FTP MDMA, located in kitchen cabinet above sink (Detective Conaty)
12. Plastic baggie, FTP cocaine residue, found in living room on tray (Detective Conaty)
13. Four new plastic baggies & one new larger plastic baggie in kitchen cabinet (Detective Conaty)

Concluding the search, detectives digitally filmed Daub's apartment and secured his damaged front door.

Daub sustained several minor abrasions while being detained and later complained of pain to his left shoulder. Patrol Officer Kenneth Beirbower, who accompanied Daub to Lower Keys Medical Center, requested paramedics after Daub complained of pain. Key West Fire-Rescue medics transported Daub the hospital for physician assessment.

Detective Malsheimer met with Daub at the hospital and issued him a mandatory Notice-to-Appear [in court] for possessing drug paraphernalia (FSS 893.147.1). Daub is to appear in front of the Honorable Judge Mark Wilson on January 22, 2019 at 9:00AM. Daub signed the NTA; Detective Malsheimer left him a copy.

Hennigan's syringe's residue did not test positive for narcotics. Consequently, I released Hennigan.

I left a copy of the search warrant on Daub's living room coffee table.

I left the original warrant and the Inventory and Returns forms with Deputy Clerk Janell Shirk on January 4, 2019.

///END OF REPORT///CLEARED BY NTA ARREST///

Incident Report Suspect List

Key West Police Department

OCA: 19-000077

1	Name (Last, First, Middle) <i>DAUB, GARY ALLEN</i>					Also Known As					Home Address <i>301 WHITE ST - 12C KEY WEST, FL 33040 305-292-1898</i>																																											
	Business Address <i>UNKNOWN, NONE</i>																																																					
	DOB <i>06/07/1954</i>	Age <i>64</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>509</i>	Wgt <i>155</i>	Hair <i>GRY</i>	Eye <i>BLU</i>	Skin <i>MED</i>	Driver's License / State. <i>D100281542070 FL</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 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="2">Dir of Travel Mode of Travel</td> </tr> <tr> <td colspan="4">Veh Yr/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> </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		Veh Yr/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																																											
Veh Yr/Make/Model				Drs	Style		Color		Lic/St		VIN																																											
Notes								Physical Char																																														

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 01/09/19 15:27

OCA: **19000077**

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

Investigator: *MOGERLEY, N.*

Date / Time: *01/07/19 02:55:57, Monday*

Supervisor: *STOCKTON, J.*

Supervisor Review Date / Time: *01/07/19 04:52:39, Monday*

Contact:

Reference: *General Supplemental Report*

On 01/03/2019, at about 17:30 hours, The Key West Police Special Response Team and the Special Investigations Unit served a narcotics search warrant at 301 White Street, Apt 12C.

Upon entering the residence, I made contact with a male who was later identified as Gary Daub (dob:06/07/1954). Daub was sitting on a couch that against on the East wall. I grabbed Daub's left arm and put it into a handcuff. I gave him several loud verbal commands to put his hands behind his back. Daub would not put his right arm behind his back, and Ofc. T. Mitchell grabbed his right arm. As we attempted to handcuff Daub, he started pulling his arms back and forth and pulling his body away. Ofc. T. Mitchell and I redirected Daub to the ground. Daub landed on his right side and curled up into a ball. Ofc. Chaustit assisted with placing Daub on the ground and I placed his other hand into the handcuffs.

This ends my involvement with this incident.

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 01/09/19 15:28

OCA: **19000077**

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

Investigator: *MITCHELL, T. J.*

Date / Time: *01/06/19 09:35:44, Sunday*

Supervisor: *WILLIAMSON, J.*

Supervisor Review Date / Time: *01/06/19 18:06:59, Sunday*

Contact:

Reference: *General Supplemental Report*

On 01/03/2019, at about 1730 hours, The Key West Police Department Special Response Team (SRT/SWAT) and the Special Investigations Unit (SIU) served a narcotics search warrant at 301 White Street, Apt. 12C (Porter Place).

Upon entering the residence, I (Ofc. T. Mitchell, SRT) saw that Ofc. N. Mogerly had made contact with a white male (Gary Allen Daub, DOB 06/07/1954). Daub was sitting on a couch along the East wall. Ofc. N. Mogerley had a hold of Daub's left arm and was giving him loud verbal commands place his hands behind his back. Daub did not comply and continued to remain seated on the couch with his free hand by his side. I grabbed a hold of Daub's right arm, and together Ofc. N. Mogerley and I attempted to stand Daub up to handcuff him. As we attempted to stand Daub up, he tensed his entire body and began to pull back and forth away from us. Ofc. N. Mogerley and I then redirected Daub to the ground. Once on the ground, Daub landed on his right side and curled into the fetal position. We continued to give Daub loud verbal commands to stop resisting and place his hands behind his back, however he did not comply, and continued to stiffen/tense his body and pull his arms/hands away.

Ofc. M. Chaustit attempted to assist by grabbing a hold of Daub's belt, lifting him up off the ground, and placing him onto his stomach. Once on his stomach, Daub tucked his right arm underneath him, rolled back onto his right side, and again failed to comply with our orders to place his hands behind his back. Ofc. M. Chaustit lifted Daub up a second time, placed him on his stomach, and delivered a closed fist strike to his buttocks. Daub then complied and placed his hands behind his back so that he could be handcuffed.

I then stood Daub up and escorted him outside where he remained with KWPD SIU Detectives.

Det. Sgt. B. Lariz completed the Response to Resistance Report.

OCA: 19000077

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

Investigator: CHAUSTIT, MICHAEL (3141)

Date / Time: 01/08/2019 12:08:02, Tuesday

Supervisor: LARIZ, JOSEPH BRADLEY (2705)

Supervisor Review Date / Time: 01/08/2019 12:24:27, Tuesday

Contact: Daub, Gary Allen
301-12C White St, Key West
305-292-1898

Reference: General Supplemental Report

On January 3, 2019, I was working as a member of the Key West Police Department Special Response Team. We were requested to serve a search warrant on a residence located at 301 White Street unit number 12C.

The Special Response Team arrived and made entry into the residence to execute the search warrant. I entered the residence and saw Ofc. T. Mitchell and Ofc. N. Mogerley attempting to take a white male later identified as Gary Daub into custody. Ofc. Mitchell and Ofc. Mogerley gave Daub loud verbal repetitive commands to put his hands behind his back. Daub refused to comply with their lawful commands and was pulling away from them and twisting his body from side to side. Daub rolled his body from side to side in an apparent effort to prevent Ofc. Mitchell and Ofc. Mogerley from handcuffing him.

I grabbed onto Daub's ankles and twisted his legs to force his body into the prone position and to prevent him from using his feet and legs to resist Ofc. Mitchell and Ofc. Mogerley. Daub continued to twist his upper body from side to side. I grabbed onto Daub's belt and lifted him about 12 to 18 inches off of the floor so he no longer had any leverage to resist Ofc. Mitchell and Ofc. Mogerley. Once Ofc. Mitchell and Ofc. Mogerley had control of Daub I lowered him back to the floor. Once Daub was on the ground, he rolled to his right side again. I delivered a closed hand strike to Daub's buttocks to gain compliance. Daub finally complied, Ofc. Mogerley and Ofc. Mitchell handcuffed him.

I conducted a quick visual check of the residence and saw the other occupant had been detained and residence was secure. I left the residence and left the scene after the scene was turned over to the special investigations unit.

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT

Printed: 01/15/2019 13:52

*Key West Police Department*OCA: **19000077**

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

Case Status: *CLEARED BY ARREST***Case Mng Status:** *NA***Occurred:** *01/03/2019***Offense:** *DRUG POSSESSION OF PARAPHERNALIA / EQUIPMENT***Investigator:** *BEERBOWER, KENNETH EUGENE***Date / Time:** *01/14/2019 04:27:48, Monday***Supervisor:** *LARIZ, JOSEPH BRADLEY (2705)***Supervisor Review Date / Time:** *01/14/2019 13:29:42, Monday***Contact:****Reference:** *Transport Of Suspect*

On 1/3/19 at approximately 1907 hours, I was dispatched to 301-12C White street (Porter Place) in reference to a prisoner transport.

Upon arrival, I met with Sergeant B. Lariz, Detective H. Del Valle and other members of the KWPD Special Investigations Unit. Detective Del Valle was escorting Gary Daub out of the residence, after taking him into custody during the execution of a search warrant. Daub was complaining of an arm injury that he sustained during the arrest. Sergeant Lariz made the decision to have KWFR respond to the scene and evaluate Daub for his injury. While waiting for KWFR to respond, Daub informed me that he previously had surgery on his left shoulder and he felt like his shoulder and elbow were both injured. At approximately 1930 hours, KWFR arrived on scene and transported Daub to Lower Keys Medical Center for further evaluation. While at the hospital, it was determined that Daub's shoulder did not sustain any additional damage, but he did have a small break in his left elbow. It is unclear at this time if Daub sustained this injury during the arrest, or if the injury was from a previous event. While at the hospital, I took photos of Daub's injured elbow. Those photos have been uploaded to AXON.

After Daub was cleared from the hospital, He was issued an NTA and released.

Investigator Signature

Supervisor Signature