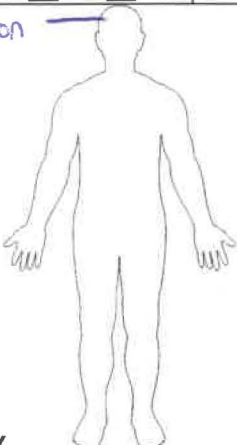
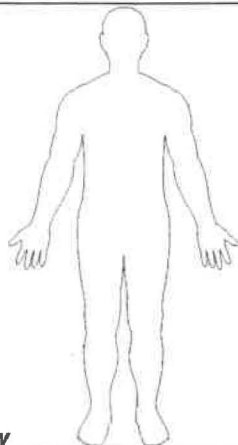
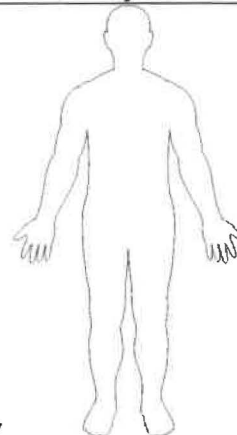
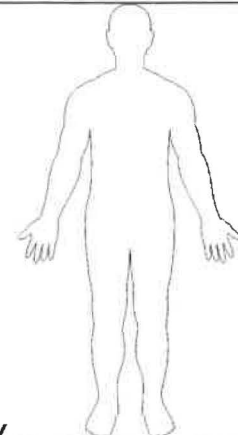


Response to Resistance Report

Key West Police Department

Case No:

19-5618

1. A Response to Resistance Report will be completed by the supervisor for: (Check all that apply)	
<input type="checkbox"/> A response through the use of non-lethal weapons,	
<input checked="" type="checkbox"/> Applies weaponless physical force of strikes, kicks, or "take-downs"	
<input type="checkbox"/> When any person sustains an apparent substantial or fatal injury as a result of the application of force	
<input checked="" type="checkbox"/> When any person complains of injury as a result of the application of force	
<input type="checkbox"/> Discharge of firearm in the line of duty off-duty or on-duty (other than for training, maintenance or ballistics testing)	
INCIDENT	2. Date: 9-23-2019 3. Time: 1123PM 4. Location: 400 Block Wall St 5. Incident type: Baker Act
	6. Resistance Level 7. Explanation 8. Response Option 9. Explanation
	<input type="checkbox"/> Passive: <input checked="" type="checkbox"/> Physical Control <u>Pain Compliance</u>
	<input checked="" type="checkbox"/> Active: <u>Tensing / Pulling Away</u> <input type="checkbox"/> Non-lethal Weapon
<input type="checkbox"/> Aggressive: <input type="checkbox"/> Deadly Force	
<input type="checkbox"/> Deadly Force:	
SUBJECT	10. Last Name: Biellier 11. First: Joseph 12. Race: W 13. Sex: M
	14. DOB: 05.24.75 15. Height: 5.07 16. Weight: 140
	17. Did you observe the subject: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If NO, explain why in Section 42. If "YES", complete sections 18-22
	18. Appeared to be: <input checked="" type="checkbox"/> Intoxicated <input checked="" type="checkbox"/> Under the influence of controlled substance <input checked="" type="checkbox"/> Emotionally / mentally disturbed
	19. Injuries: <input type="checkbox"/> No <input checked="" type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)
	20. Photographed: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes 21. Treated: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes By: <input checked="" type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input type="checkbox"/> Detention
	 22. Anterior View
	 Posterior View
	23. Officer: Kenneth Waite 24. Race: W 25. Sex: M 26. Age: 30 27. Height: 6'00 28. Weight: 205
	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: 9mo
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	

Key West Police Department

Case No:

19-5618

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: 6.6.2019		41. Time: 9:10PM	
	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		9.23.2019	
	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:	

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# 19-005618			
	ORI FL0440100				Date / Time Reported 09/23/2019 01:57 Mon			
	Location of Incident 400 Wall St, Key West FL 33040-				Premise Type Highway / Street / Road/		Beat/GP	
					Last Known Secure 09/23/2019 01:57 Mon		At Found 09/23/2019 01:57 Mon	
V I C T I M	#1	Crime Incident(s) Baker / Marchman Act ZOJ	(Com)	Weapon / Tools NOT APPLICABLE/NONE		Activity		
	#2	Crime Incident	()	Weapon / Tools		Activity		
				Entry	Exit	Security		
	#3	Crime Incident	()	Weapon / Tools		Activity		
				Entry	Exit	Security		
	MO							
O T H E R I N V O L V E D	# of Victims 0		Type:		Injury:			
	Victim/Business Name (Last, First, Middle)		Victim of Crime #	DOB	Race	Sex		
	Home Address		Home Phone		Domestic: N			
	Employer Name/Address		Business Phone		Military Branch/Status			
	VYR		Make	Model	Style	Color	Lic/Lis	
	VIN							
P R O P E R T Y	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)	Victim of Crime #	DOB	Race	Sex		
	IO	BIELLIER, JOSEPH DEAN		05/24/1975	W	M		
	Home Address		Home Phone		Resident Status			
	Employer Name/Address		Business Phone		Mobile Phone			
P R O P E R T Y	Type:		Injury:					
	Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex		
	Home Address		Home Phone		Resident Status			
	Employer Name/Address		Business Phone		Mobile Phone			
P R O P E R T Y	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)							
	VI #	Code	Status Frm/To	Value	OJ	QTY		
Officer/ID# WAITE, KENNETH J (3646)								
Invest ID# (0)			Supervisor VAZQUEZ, BILLY (3467)					
Status	Complainant Signature		Case Status Information Only		Case Disposition:			
			09/23/2019		09/23/2019			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 19-005618

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

D R U G S	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity

Assisting Officers

VAZQUEZ, B. (3467), WAITE, K.J. (3646), LITTON, A.J. (3958), PURCELL, C. (3967)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

Victim	Offense <i>BAKER / MARCHMAN ACT</i>	OCA <i>19-005618</i>
		Date / Time Reported <i>Mon 09/23/2019 01:57</i>

On September 22, 2019 I, Ofc. Waite, was dispatched to the Smallest Bar located at 124 Duval Street in reference to a trespasser. Ofc. Litton, who was also dispatched to this call, advised me that he was familiar with the trespasser, identified later as Joseph Biellier, as he had dealt with him earlier at the same location. Ofc. Litton described Biellier to me and noted that he should have a dog with him. Ofc Litton advised that he spoke with the caller and was advised that Biellier had left the area.

Ofc. Litton located Biellier and his dog on Wall Street. I responded so Ofc. Litton could return to the Smallest Bar and find out more information from the caller. Biellier's body clothing were filthy and he was barefoot. Biellier's dog tremored in his presence. As I asked Biellier for his name and date of birth, I held my flashlight to my notepad. Biellier became extremely agitated and asked that I do not shine my flashlight in his face. During this call, any time Biellier was exposed to bright lights he would scream and turn his body completely away from the source. When Biellier would speak he would shout, and it did not appear as if he could complete a thought. I asked Biellier if he takes any medication and he told me he takes his dogs medication.

Ofc. Litton returned and advised that he did not believe Biellier could be charged with trespassing due to the information he received at the bar. I notified Ofc. Litton on my observations of Biellier and we agreed that he met the Baker Act criteria due to his apparent altered mental status.

Ofc. Litton and I approached Biellier, who was laying over the top of the dog and had his arms around the dog's neck. I notified Biellier that he was being placed into protective custody. Biellier grabbed onto his dog and began to shout. Ofc. Litton and I told Biellier to let go of the dog and he refused. I grabbed Biellier by his arm, bent his wrist inward, and rolled him on to his stomach and away from the dog. Ofc. Litton took the dog leash and walked the dog away from Biellier. I placed Biellier into a three-point pin and Ofc. Litton assisted me in handcuffing him behind the back. As I attempted to sit Biellier upright he attempted to get his hands to the front of his body. I ordered Biellier to place his hands behind his back as he continued to resist. I attempted to get Biellier's hands to the back of his body, but he went into the fetal position, trapping the chain of the handcuffs behind his knees. This was an attempt to prevent me from placing his arms behind his back. I conducted pain compliance by using the hollow behind the ear pressure point technique. Biellier showed extremely high pain tolerance before placing his hands behind his back.

Ofc. Litton requested rescue and notified Sgt. Vazquez of the use of force.

Key West Rescue 2 responded to evaluate Biellier. Rescue advised Biellier was exhibiting behavior consistent with excited delirium and issued him a shot of Ketamine to sedate him. I rode with Rescue as they transported Biellier to Lower Keys Medical Center (LKMC).

It is my opinion that without care or treatment Biellier would be likely to suffer from self-neglect and refuse to care for himself, and such neglect or refusal poses a real and present threat of substantial harm to his wellbeing and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services. It is also my opinion there is a substantial likelihood that without care or treatment Biellier could cause serious bodily harm to himself and others.

My BWC was activated during this call and will be uploaded into evidence.

Nothing further at this time.

Incident Report Related Property List

Key West Police Department

OCA: 19-005618

1	Property Description AXON BWC/3646			Make		Model		Caliber	
	Color	Serial No.		Value \$0.00	Qty 1.000	Unit EA	Jurisdiction Locally		
	Status Evidence	Date 09/23/2019	NIC #	State #	Local #	OAN			
	Name (Last, First, Middle) * No name *				DOB	Age	Race	Sex	

Notes

CASE SUPPLEMENTAL REPORT

Printed: 10/01/2019 11:01

Key West Police Department

OCA: **19005618**

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

Case Status: *INFORMATION ONLY*Case Mng Status: *NA*Occurred: *09/23/2019*Offense: *BAKER / MARCHMAN ACT*Investigator: *LITTON, ANDREW J. (3958)*Date / Time: *09/23/2019 03:12:19, Monday*Supervisor: *VAZQUEZ, BILLY (3467)*Supervisor Review Date / Time: *09/23/2019 04:04:05, Monday*

Contact:

Reference: *General Supplemental Report*

On 09/22/2019 at approximately 2345 hours, Officer K. Waite and I (Ofc. A. Litton) was dispatched to 124 Duval Street, the Smallest Bar, in reference to a subject that was trespassed earlier that night.

When I arrived at the Smallest Bar, the bartender said the subject left North on Duval Street. The subject, Joseph Biellier, was located on Wall Street, behind the Ocean Key Resort. Biellier was walking from the parking lot under Ocean Key with his dog. We have a recent history of calls with Biellier due to the public's concern with his dog's well-being, which is why we had contact with him earlier at the Smallest Bar. We received a call from 202 Duval, Rick's Bar, where employees stated they saw Biellier "kick his dog and throw hot pizza at him."

I sat Biellier on the curb until Officer Waite arrived, so I could talk to the bartender at the Smallest Bar. The bartender stated Biellier and the dog stepped into the bar and left after he was told to leave. I did not see Biellier in the bar.

When I went back to Wall Street and met with Officer Waite, concerned for his mental status, we asked Biellier if he has any psychiatric history or was supposed to take any medications. Biellier stated he was taking his dog's medication. Biellier now was holding his dog with two arms around his neck. The dog was shaking uncontrollably. When we told Biellier that we were going to get him help, he tightened his grip around the dog's neck. Biellier went into a high emotional, excited delirium, state. We were worried the dog would be harmed by Biellier, so we removed his arms from the dog, placed them behind his back and handcuffed him. I took control of the dog, so it would not run out into the street, and Officer Waite asked Biellier to sit up. Biellier agreed to sit up but proceeded to try and slide his hands under his legs to put them in front of him. Officer Waite and I stopped Biellier from placing his hands to his front, but he locked them behind his knees. Biellier would not follow simple directions and was acting very irrational, screaming and making nonsense comments.

Biellier would not return his hands behind his back and Officer Waite had to physically move Biellier's hands back behind him. Biellier suffered a slight abrasion to the right side of his forehead in this process. Key West Rescue 2 responded to the scene to treat the abrasions. Biellier was in too much of an excited state to be transported to De Poo. Biellier was sedated by Key West Rescue 2 and transported to Lower Keys Medical Center for a Baker Act (See Officer Waite's initial report).

Axon BWC was activated during this incident.

Investigator Signature

Supervisor Signature