

Response to Resistance Report

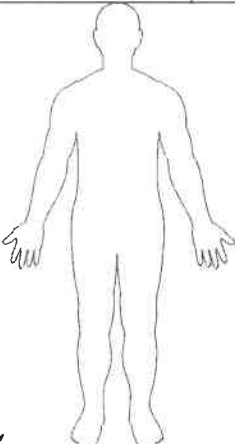
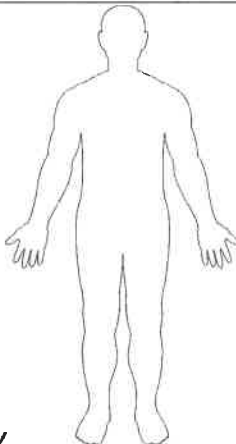
Key West Police Department

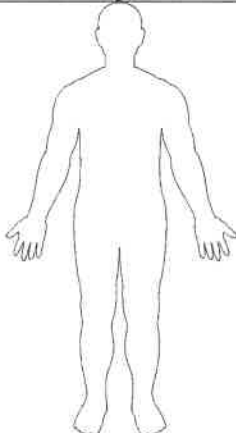
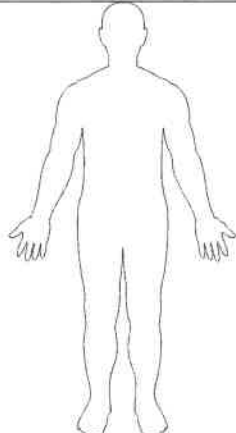
Case No: 21-0150

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: 01/08/2021	3. Time: 6:20PM	4. Location: Charles and Duval	5. Incident type: Resisting
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input type="checkbox"/> Passive:	Ignoring verbal commands	<input checked="" type="checkbox"/> Physical Control	Take Down
	<input checked="" type="checkbox"/> Active:	Pulling / Pushing / Bracing	<input type="checkbox"/> Non-lethal Weapon	
	<input type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force	
	<input type="checkbox"/> Deadly Force:			

SUBJECT	10. Last Name: Miller	11. First: Bricen	12. Race: White	13. Sex: Male
	14. DOB: 03/28/1981	15. Height: 5'09"	16. Weight: 190	
	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 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 checked="" type="checkbox"/> Detention			
				
	22. Anterior View		Posterior View	

OFFICER	23. Officer: Santiago Perez	24. Race: W	25. Sex: M	26. Age: 57	27. Height: 5'09"	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: 3					
	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: Take Down / Tackle					
						
	35. Anterior View		Posterior View			

Response to Resistance Report (continued)

Key West Police Department

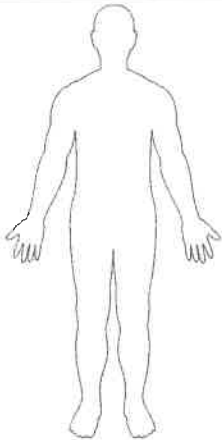
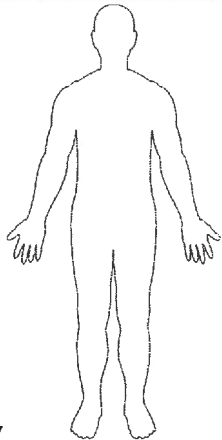
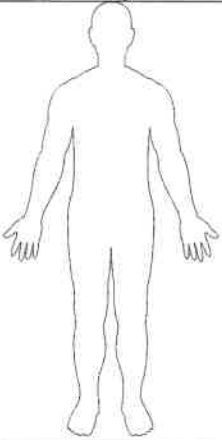
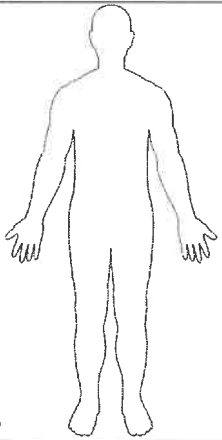
Case No: 21-0150

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: 1		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. N/A			
SUPERVISOR'S INQUIRY	40. Notified Date: 01/08/2021		41. Time: 6:30PM	
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	43. Did you watch all relevant videos associated with the use of force? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	44. Did you meet with the Officer(s): <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	45. During your review did you find any potential policy violations or training issues associated with the incident? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)			
	46. Were you able to locate any independent witnesses: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)			
	Name		Address	
INT. AFF.	47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		48. Preparing Supervisor's Signature / ID	
	FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		01/08/21	
	50. Did the review of this incident conclude that use of force was in compliance with Departmental policy? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If "No", complete section 51		49. Date	
	51. Signature of Internal Affairs Inspector		52. Date	
53. If section 48 is "No" record the Professional Standards Control Number:		54. Date Entered:		

Response to Resistance Report (continued)

Key West Police Department

Case No: 21-0150

OFFICER	23. Officer: Leo Hernandez		24. Race: W	25. Sex: M	26. Age: 45	27. Height: 5'04"	28. Weight: 147
	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: 2		
	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: Assisted in Takedown							
OFFICER							
	35. Anterior View		Posterior View				
	23. Officer:		24. Race:	25. Sex:	26. Age:	Height:	28. Weight:
	29. Duty Status: <input type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment		<input type="checkbox"/> Uniformed <input type="checkbox"/> Plain		30. Yrs Exp:		
31. Injuries: <input type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)							
32. Photographed: <input type="checkbox"/> No <input type="checkbox"/> Yes		33. Treated: <input type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital					
34. Response option used by this officer: (If TASER®, also reference line number from TASER® section)							
OFFICER							
	35. Anterior View		Posterior View				

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# 21-000150		
	ORI FL0440100				Date / Time Reported 01/08/2021 18:15 Fri		
	Location of Incident CHARLES & DUVAL, Key West FL 33040-				Last Known Secure 01/08/2021 18:15 Fri		
					At Found 01/08/2021 18:15 Fri		
M O	Premise Type Highway / Street / Road/		Beat/GP		Activity		
	Crime Incident(s) (Com) #1 Obstruction Of Justice XOX		Weapon / Tools NOT APPLICABLE/NONE		Activity		
	Entry		Exit		Security		
	Crime Incident (Com) #2 Ordinance Violation XOP		Weapon / Tools		Activity		
	Entry		Exit		Security		
	Crime Incident () #3		Weapon / Tools		Activity		
Entry		Exit		Security			
V I C T I M	# of Victims 1		Type: SOCIETY/PUBLIC/STATE		Injury: Domestic: N		
	Victim/Business Name (Last, First, Middle) V1 Society		Victim of Crime # 1,2		DOB Age		
	Home Address		Home Phone		Resident Status N/A		
	Employer Name/Address		Business Phone		Mobile Phone		
	VYR		Make		Model		
	Style		Color		Lic/Lis		
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 IO		Name (Last, First, Middle) HAMPTON, JENNIFER DANIELLE		Victim of Crime # 01/10/1975		
	Home Address 591 EVERNIA STREET UNIT 2209 WEST PALM BEACH, FL 33401		Home Phone 561-537-0738		Resident Status Non-Resident		
	Employer Name/Address Virtual Superior (BUSINESS OWNER)		Business Phone		Mobile Phone		
	Type:		Injury:		DOB Age		
	Code		Name (Last, First, Middle)		Victim of Crime #		
I N V O L V E D	Home Address		Home Phone		Resident Status		
	Employer Name/Address		Business Phone		Mobile Phone		
	Type:		Injury:		DOB Age		
	Code		Name (Last, First, Middle)		Victim of Crime #		
	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/Tc	Value	OJ	QTY	Property Description
		35	EVID	\$0.00		1	BWC 3452
		35	EVID	\$0.00		1	COBAN IN CAR
Officer/ID# HERNANDEZ, LEONARDO (3452)							
Invest ID# HERNANDEZ, LEONARDO (3452)							
Supervisor KOURI, DAVID G (3022)							
Status	Complainant Signature		Case Status Cleared By Arrest		Case Disposition: Cleared By Arrest		
			01/08/2021		01/08/2021		

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

21-000150

Victim

Society

Offense

OBSTRUCTION OF JUSTICE

Date / Time Reported

Fri 01/08/2021 18:15

On January 8th, 2021 at approximately 1947 hours I, Ofc. (L. Hernandez), was on foot patrol enforcing mask mandate ordinance on Duval Street, in front of 215 Duval Street. I saw Ofc. D. Agleev and Ofc. S. Perez interacting with a male not wearing his facial covering / mask.

The male was later identified, as Bricen L. Miller (DOB 03/28/1981) by his Illinois driver's license. I recognized the male having dealt with him approximately 30-40 minutes prior where he was not wearing a facial covering / mask and he was educated on our City Mask Ordinance 21-01 and given a complimentary mask.

I gave Bricen the complimentary mask and informed him he needed to keep it on. Ofc. S. Perez and I explained to Bricen again our City Mask Ordinance and informed him he had two options, wear the mask we gave him, or we would issue him a citation. Bricen replied, "issue me the citation". Ofc. Perez then asked a couple of times for Bricen's identification, I also asked Bricen at least twice to provide identification or give us his name to issue him the citation.

Bricen refused to give us his name or identification, and I told him we can not issue him the citation unless he provides his identification. Bricen continued to refuse and then Ofc. S. Perez and I asked Brice to put his hands behind his back and informed him he was being placed under arrest. Bricen tensed up his arms and moved backwards towards the building at 212 Duval Street to prevent us from gaining control of his arms, trying to defeat our attempts of taking him into custody.

Ofc. S. Perez managed to grab his left arm and I grabbed his right arm, Bricen kept resisting by pulling away, I then grabbed Bricen's right leg and brought him down to the ground in a controlled manner. Bricen was on the ground still resisting by trying to keep his arms under him and pulling them away from our attempts to place him in handcuffs. With the help of Ofc. S. Perez and Ofc. Agleev I was able to place Bricen in handcuffs.

Bricen requested a supervisor come to the scene. Sgt. D. Kouri responded to the scene and spoke with Bricen. Bricen apologized to Sgt. Kouri and us for his actions and asked if he may be let go with a citation. Sgt. Kouri informed Bricen he was headed to jail to face the crimes committed.

Based on the facts and evidence I believe there is probable cause that Bricen did violate City of Key West Ordinance 21-01 (MOV 20-08 Covid Mask Violation), when he repeatedly refused to wear his facial covering / mask on January 8th, 2021.

Based on the facts and evidence I believe there is probable cause that Bricen did resist Ofc. S. Perez, Ofc. Agleev and me while we were in the lawful execution of our legal duties without offering or doing violence to us. Bricen violated F.S.S. 843.02, Resisting an Officer Without Violence on January 8th, 2021.

I transported Bricen to the Monroe County Detention Center and turned him over to Detention Deputies without any further incidents.

My BWC was activated during this incident and uploaded to Axon Evidence. My Coban In-Car was also activated during transport and uploaded to the Coban Server.

Nothing further on this incident at this time.

OCA: 21000150

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

Investigator: PEREZ, SANTIAGO (3834)

Date / Time: 01/08/2021 20:05:43, Friday

Supervisor: VAZQUEZ, BILLY (3467)

Supervisor Review Date / Time: 01/09/2021 00:42:59, Saturday

Contact:

Reference: General Supplemental Report

On Friday, January 8, 2021, I, Officer S. Perez was working a mask enforcement detail on the 200 Block of Duval St. I was wearing my class B Key Police Uniform.

At approximately 1743 hours, I noticed a white male not wearing a face mask. The white male had a full beard and was wearing a red jacket and tan shorts. I approached the white male and asked him to please wear a face mask. The white male asked me why, I explained it was a city ordinance and everyone was to wear mask while walking on Duval St. At the beginning of our encounter he was arguing with me regarding the reason why he had to wear a mask, he asked me if I believed on wearing mask. I said I do not believe, but the city has an ordinance and for that matter we all must wear it. Officer Agleev and Officer Hernandez were also on the scene. We provided the male a mask to wear and advised him it was his last and only warning. The white male put the face mask on and walked away.

Approximately 45 minutes to a hour later, Officer Agleev had a second encounter with the same male and he was not wearing a mask. I walked over to Officer Agleev and explained to the white male he had two options. I explained he would either wear a face mask or he would be issued a citation. The white male said, "go ahead and give me a citation". I asked for his identification and he refused. I asked the white male to put his hand behind his back as he was been arrested for refusing to identify himself. I grabbed his left wrist and he began to tense up and pull away, refusing to allow me to place him in custody. Officer Hernandez grabbed his right hand and he continue to tense and pull away, refusing to comply with our lawful commands. I told him several times to stop resisting but he continued to resist our commands.

Officer Hernandez and I took the white male to the ground, he continued to resist by tensing his arms and trying to defeat our attempt to place him in handcuffs. The white male was later identified as Brice L. Miller (DOB 03/28/1981).

I had no further involvement in this case.

My BWC was activated during my encounters with Miller and the videos were later downloaded in to evidence.com as evidence

Investigator Signature: _____

Incident Report Related Property List

Key West Police Department

OCA: 21-000150

1	Property Description BWC 3834				Make AXON		Model		Caliber	
	Color	Serial No.		Value \$0.00		Qty 3.000	Unit	Jurisdiction Locally		
	Status Evidence	Date 01/08/2021	NIC #		State #		Local #		OAN	
	Name (Last, First, Middle) * No name *				DOB		Age	Race	Sex	

Notes