

# Response to Resistance Report

Key West Police Department

Case No: 21-3573

**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)

**2. Date:** 07/07/2021      **3. Time:** 0125 hrs      **4. Location:** 3841 N. Roosevelt      **5. Incident type:** S36B

INCIDENT	<b>6. Resistance Level</b>	<b>7. Explanation</b>	<b>8. Response Option</b>	<b>9. Explanation</b>
	<input checked="" type="checkbox"/> Passive:	VERBALLY DEFIANT	<input checked="" type="checkbox"/> Physical Control	TAKE DWN
<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:				

**10. Last Name:** Marshall      **11. First:** Nicholas      **12. Race:** W      **13. Sex:** M

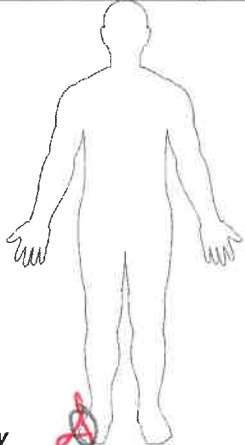
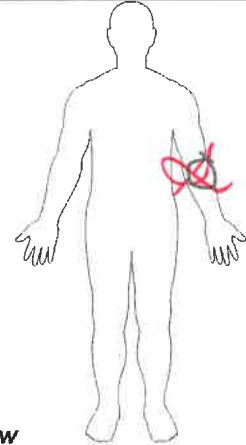
**14. DOB:** 03/06/1980      **15. Height:** 6'01"      **16. Weight:** 190

**17. Did you observe the subject:**  No  Yes      If NO, explain why in Section 42. If "YES", complete sections 18-22

**18. Appeared to be:**  Intoxicated     Under the influence of controlled substance     Emotionally / mentally disturbed

**19. Injuries:**  No  Evident     Alleged    (If Evident or Alleged, describe and indicate areas on charts in Section 22)

**20. Photographed:**  No  Yes    **21. Treated:**  No  Yes    **By:**  EMT/Paramedic on scene     Hospital  Detention

SUBJECT	<b>22. Anterior View</b>	<b>Posterior View</b>
		

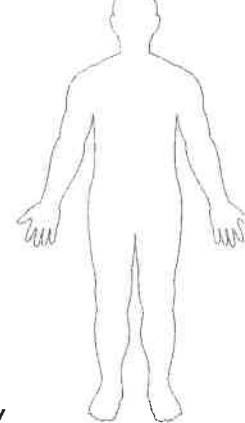
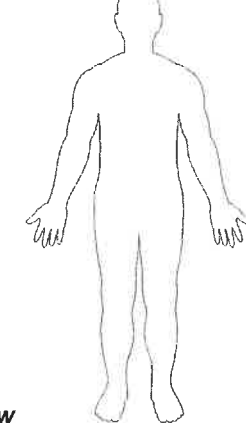
**23. Officer:** Christian Bozzetti      **24. Race:** W      **25. Sex:** M      **26. Age:** 28      **27. Height:** 6'02"      **28. Weight:** 185

**29. Duty Status:**  On-duty     Off-duty     Extra duty employment     Uniformed     Plain clothes      **30. Yrs Exp:** 1.5

**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     Yes    **By:**  EMT/Paramedic on scene     Hospital

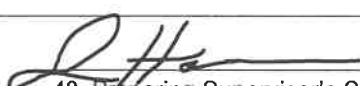

**34. Response option used by this officer:** Taser (Drive stun)

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

# Response to Resistance Report (continued)

Key West Police Department

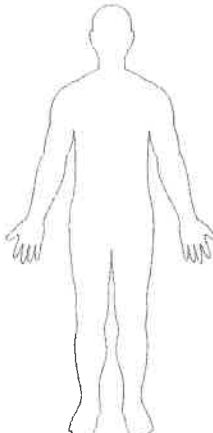
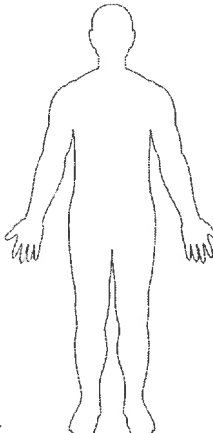
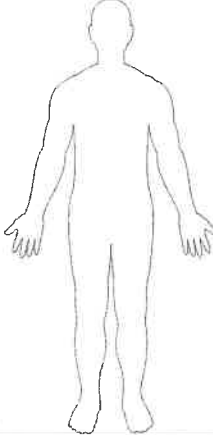
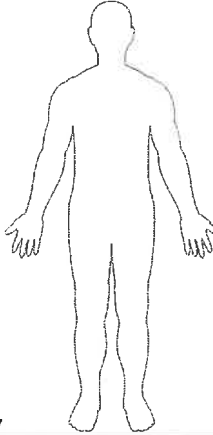
Case No: 21-3573

<b>TASER USE ONLY</b>	<b>36. TASER® device serial #</b>		<b>37. TASER® device serial #</b>		
	TASER®Cam serial #		TASER®Cam serial #		
	Cartridge 1 serial #		Cartridge 1 serial #		
	Cartridge 2 serial #		Cartridge 2 serial #		
	Number of cycles: 4		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"/> <b>38. Check and list any additional TASER® devices, cartridges or details in the incident description section.</b>					
<b>REPORT</b>	<b>39. Offense/Incident Report and/or Warrant Affidavit must include:</b> <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.				
<b>SUPERVISOR'S INQUIRY</b>	<b>40. Notified Date:</b> 07/07/2021		<b>41. Time:</b> 0315 hrs		
	<b>42. Did you respond to the scene:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	<b>43. Did you watch all relevant videos associated with the use of force?</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	<b>44. Did you meet with the Officer(s):</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	<b>45. During your review did you find any potential policy violations or training issues associated with the incident?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)				
	<b>46. Were you able to locate any independent witnesses:</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)				
	Name		Address		Phone Number
<b>47. Is further review recommended:</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		3631		July 7, 2021	
<b>FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS</b>		 48. Preparing Supervisor's Signature / ID		49. Date	
<b>50. Did the review of this incident conclude that use of force was in compliance with Departmental policy?</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", complete section 51)		 51. Signature of Internal Affairs Inspector		52. Date 8/11/2021	
<b>53. If section 48 is "No" record the Professional Standards Control Number:</b>		<b>54. Date Entered:</b>			

# Response to Resistance Report (continued)

Key West Police Department

Case No: 21-3573

<b>OFFICER</b>	<b>23. Officer:</b> Randolph Ham <b>24. Race:</b> W <b>25. Sex:</b> M <b>26. Age:</b> 29 <b>27. Height:</b> 6'00" <b>28. Weight:</b> 205	
	<b>29. Duty Status:</b> <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 <b>30. Yrs Exp:</b> 1.5	
	<b>31. Injuries:</b> <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)	
	<b>32. Photographed:</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <b>33. Treated:</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <b>By:</b> <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital	
	<b>34. Response option used by this officer:</b>	
	 <p><b>35. Anterior View</b></p>	 <p><b>Posterior View</b></p>
<b>OFFICER</b>	<b>23. Officer:</b> <b>24. Race:</b> <b>25. Sex:</b> <b>26. Age:</b> <b>27. Height</b> <b>28. Weight</b>	
	<b>29. Duty Status:</b> <input type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input checked="" type="checkbox"/> Uniformed <input type="checkbox"/> Plain <b>30. Yrs Exp:</b>	
	<b>31. Injuries:</b> <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)	
	<b>32. Photographed:</b> <input type="checkbox"/> No <input type="checkbox"/> Yes <b>33. Treated:</b> <input type="checkbox"/> No <input type="checkbox"/> Yes <b>By:</b> <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital	
	<b>34. Response option used by this officer: (If TASER®, also reference line number from TASER® section)</b>	
	 <p><b>35. Anterior View</b></p>	 <p><b>Posterior View</b></p>

# INCIDENT/INVESTIGATION REPORT

Agency Name  
*Key West Police Department*

ORI  
*FL0440100*

Location of Incident  
*3841 N ROOSEVELT BLVD, Key West FL 33040-*

#1 Crime Incident(s) (Com)  
*Battery SCA*

#2 Crime Incident (Com)  
*Resist Arrest / Escape XOM*

#3 Crime Incident ( )

Premise Type  
*Hotel / Motel Other*

Beat/GP  
*B5, GPB5*

Weapon / Tools  
*HANDS, FIST, FEET*

Entry

Exit

Security

Case#  
*21-003573*

Date / Time Reported  
*07/06/2021 23:19 Tue*

Last Known Secure  
*07/06/2021 23:19 Tue*

At Found  
*07/06/2021 23:19 Tue*

Activity

INCIDENT DATE

MO

# of Victims *2* Type: *INDIVIDUAL* Injury: *None* Domestic: *Y*

V1 Victim/Business Name (Last, First, Middle)  
*MARSHALL, ISABELLE MARIE*

Victim of Crime # *1* DOB *04/25/2006* Race *W* Sex *F* Relationship To Offender *CH* Resident Status *Non-Resident* Military Branch/Status

Home Address  
*11389 VIEW VALLEY RD, Rockwood, IL 62280-*

Home Phone  
*618-615-2622*

Employer Name/Address Business Phone Mobile Phone

VYR Make Model Style Color Lic/Lis VIN

VICTIM

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

Type: *SOCIETY/PUBLIC/STATE* Injury:

V2 Code Name (Last, First, Middle)  
*SOCIETY*

Victim of Crime # *2* DOB *//* Age *//* Race *//* Sex *//* Relationship To Offender *//* Resident Status *N/A* Military Branch/Status

Home Address Home Phone

Employer Name/Address Business Phone Mobile Phone

Type: Injury:

Code Name (Last, First, Middle) Victim of Crime # DOB Age Race Sex Relationship To Offender Resident Status Military Branch/Status

Home Address Home Phone

Employer Name/Address Business Phone Mobile Phone

OTHERS INVOLVED

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 Frn/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
	<i>35</i>	<i>EVID</i>	<i>\$0.00</i>		<i>1</i>	<i>BWC/4058</i>		
	<i>35</i>	<i>EVID</i>	<i>\$0.00</i>		<i>1</i>	<i>IN-CAR COBAN/4058</i>		
	<i>99</i>	<i>EVID</i>	<i>\$0.00</i>		<i>11</i>	<i>PHOTOS</i>		

PROPERTY

Officer/ID# *BOZZETTI, CHRISTIAN A (4058)*

Invest ID# *(0)* Supervisor *(0)*

Status Complainant Signature Case Status *Cleared By Arrest 07/07/2021* Case Disposition: *Cleared By Arrest 07/07/2021* Page 1

# INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 21-003573

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

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

Assisting Officers  
*HAMMERS, J.L. (3631), HAM, R. (4009)*

Suspect Hate / Bias Motivated:

NARRATIVE

**REPORTING OFFICER NARRATIVE**

Key West Police Department

OCA 21-003573
Date / Time Reported Tue 07/06/2021 23:19

Victim  
MARSHALL, ISABELLE MARIE

Offense  
BATTERY

On 07/06/2021, around 23:24 hours, I (Ofc. Bozzetti) was dispatched to 3841 N Roosevelt Blvd, in reference to a suspicious incident involving a father and his 15-year-old daughter.

On arrival, the father, later identified as Nicholas Marshall, was standing outside of the front lobby speaking with hotel staff. I asked Nicholas to sit down on a nearby bench and explain what the issue was. Nicholas appeared extremely intoxicated, he was slurring his speech and had a strong odor of an alcoholic beverage emanating from his breath. Nicholas stated that his daughter, later identified as Isabelle Marshall, has been in town for the past 5 days staying with him because she had some issues with her mother up in Illinois. Nicholas stated that he provided Isabelle with a phone so she could speak with her mother through apps that use Wi-Fi such as "snapchat". Nicholas said Isabelle has a boyfriend in Illinois that he and her mother do not approve of. He said that whenever she tries to talk to him, he takes the phone away from her.

Nicholas stated that today after he got off work at 4pm, he took Isabelle to lunch at Jack Flats. After lunch he stated they began arguing and he put her in a cab by herself so she could go back to the hotel room. After putting Isabelle in the cab, Nicholas went to the Waterfront Brewery to continue drinking. After he was done drinking, he returned to the hotel room. Once he got to his room, he turned on the shower and went inside the bathroom. While in the bathroom he said he heard Isabelle on the phone with her boyfriend. He put a towel on and instructed his daughter to give him the phone. He said she wouldn't, so he physically took it out of her hands and then smashed the phone on the ground. Nicholas stated he never physically harmed his daughter.

After speaking with Nicholas, I went inside the hotel and spoke to Isabelle. Isabelle stated that she has not seen her father in two years and that her mother has full legal custody. Isabelle said she has been down here roughly a week. I asked Isabelle what happened today. She stated once her father got off work, they went to Jack Flats to eat lunch. She said he began drinking heavily there. After lunch he wanted to continue drinking so he put Isabelle in a cab by herself and set her back to the hotel room. He then went to the Waterfront Brewery to continue drinking. Isabelle said when he returned home, he appeared extremely intoxicated. She said he took his clothes off in front of her and went to take a shower. Before getting in the shower he came back out with a towel wrapped around his waist, pinned her on her back by laying on top of her and pressing both of her shoulders down, then ripped the phone from her hands. She said once he had the phone, he began slamming it on the ground until it appeared broken. Isabelle said after breaking the phone he walked back towards the bathroom. Isabelle said she was terrified, so she sprinted to the front door of the hotel room and ran downstairs to the lobby. Once she reached the lobby, she had a front desk employee call 911 for her. I did not see any visible marks

Isabelle's mother, later identified as Rebecca Hanna, lives in Rockwood Illinois, and has full legal custody of Isabelle. I contacted her via telephone and informed her of the incident. She stated she would begin working on arrangements to retrieve her daughter.

I contacted DCF and informed them of the incident. I spoke with Samantha, ID#: 158, and she advised me that she was passing the information on to a case worker and that a DCF employee would be on the way to take custody of Isabelle.

I advised Nicholas to turn around and place his hands behind his back. He put his hands behind his back and began to flex his arms and tense up. I told him to relax his arms and he complied. After Nicholas was in handcuffs, Ofc. Ham took control of him while I went to my patrol vehicle to unlock and open the back door. While doing this I saw Nicholas attempting to get away from Ofc. Ham in my peripheral's. Ofc. Ham still had a grip on Nicholas's left

# REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
21-003573
Date / Time Reported
Tue 07/06/2021 23:19

Victim	Offense	Date / Time Reported
MARSHALL, ISABELLE MARIE	BATTERY	Tue 07/06/2021 23:19

arm. I approached Nicholas while he was still resisting Ofc. Ham and attempting to break free from Ofc. Ham's grip. Ofc. Ham gave a clear, loud, verbal command to stop resisting, however, Nicholas continued to struggle and not comply. I grabbed Nicholas's right arm and performed a modified leg sweep to take Nicholas to the ground in a controlled manner. I turned Nicholas on to his stomach and placed my knee across his back until he stopped resisting. Once Nicholas calmed down, I removed my knee from his back. Ofc. Ham and I placed him in the back seat of my patrol car without further incident. Nicholas sustained to very minor abrasions on his right elbow.

Sgt, Hammers arrived on scene to document an RRI incident.

I transported Nicholas to the MDCDC without incident. Ofc. Ham transported Isabelle back to the Key West Police Department Station to wait for DCF to arrive. Ofc. Ham took photographs of the areas Isabelle stated her father used force to pin her down and uploaded the photographs to evidence.com.

Since Nicholas actually and intentionally touched or struck Isabelle against her will, and is her biological father, he was in violation of F.S.S. 784.03-1A1. (Domestic)

Since Nicholas resisted, obstructed, or opposed an officer in the lawful execution of any legal duty, he was in violation of F.S.S. 843.02

My BWC and In-Car COBAN were activated during this incident.

# Incident Report Suspect List

Key West Police Department

OCA: 21-003573

<b>1</b>	Name (Last, First, Middle) <i>MARSHALL, NICHOLAS RYAN</i>					Also Known As					Home Address <i>419 SOUTHARD ST KEY WEST, FL 727-295-5396</i>				
	Business Address														
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.					
<i>03/06/1980</i>	<i>41</i>	<i>W</i>	<i>M</i>	<i>N</i>	<i>601</i>		<i>BLD</i>	<i>BLU</i>	<i>LGT</i>	<i>M624636800860 FL</i>					
Scars, Marks, Tattoos, or other distinguishing features															
<hr/>															
<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			
VehYr/Make/Model			Drs	Style		Color		Lic/St		VIN					
Notes										Physical Char					



**CASE SUPPLEMENTAL REPORT**  
*NOT SUPERVISOR APPROVED*

Printed: 07/07/2021 04:46

OCA: **21003573**

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

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Investigator: *HAM, RANDOLPH (4009)*

Date / Time: *07/07/2021 03:00:25, Wednesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

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On July 6, 2021 at approximately 2324 hours, Ofc. C. Bozzetti and I (Ofc. S. Ham) were dispatched to 3841 N Roosevelt Blvd (Marriott Beachside), reference a suspicious incident.

Upon arrival, Ofc. Bozzetti was speaking to the father (Nicholas Marshall) and stated his daughter (Isabelle Marshall) was inside.

I spoke to Isabelle inside the lobby at Marriott Beachside. Isabelle stated she came to Key West to stay with Nicholas. Isabelle stated Nicholas took her out to dinner on Duval St. and Nicholas was taking shots of liquor at dinner. Isabelle stated Nicholas became intoxicated and she was ready to go back to their hotel. Isabelle stated she and Nicholas got inside of an Uber and were heading to the hotel when Nicholas decided he wanted to go to the Waterfront Brewery to drink some more. Isabelle stated Nicholas put her in another Uber and sent her back to their hotel room. Isabelle stated she spoke to her mom Rebecca on the phone before going back to the room and told Rebecca that Nicholas was drunk. Isabelle stated she had to use Nicholas' phone to call because he had disconnected her phone service. Isabelle stated when she arrived back at the hotel room, she began speaking to her cousin on snapchat. Isabelle stated Nicholas arrived shortly after and came in angry that she was using her phone. Isabelle stated Nicholas got naked in the bedroom and went inside the bathroom to shower. Isabelle stated while Nicholas was inside the shower, he began talking to himself. Isabelle stated when Nicholas got out of the shower he was upset because she was still on her phone. Isabelle stated she was laying on her back on the bed and Nicholas pressed her shoulders down on the bed to hold her down so he could take the phone. Isabelle stated Nicholas then grabbed ahold of her arms and then hands to snatch the phone away from her. Isabelle stated Nicholas took the phone and threw it against the ground to break it. Isabelle stated she waited for Nicholas to go back into the bathroom and then she ran out of the room to the lobby.

I asked Isabelle if she had any visible markings from the altercation and she checked inside of the women's restroom. Isabelle came back outside the restroom and pointed to her right collarbone stating it had some redness. I could see minor redness to the area at that time and asked if she could lift her sleeves so I could inspect any other possible marks on her arms or hands. I was unable to locate any other visible injuries on Isabelle's person.

Ofc. Bozzetti stated to me to monitor Nicholas as he went inside to speak with Isabelle.

Ofc. Bozzetti advised me that we were going to be taking Nicholas into custody. Nicholas placed both hands out in front of his body and said to arrest him. Ofc. Bozzetti told Nicholas to place his hands behind his back. Nicholas brought his hands around to his backside and began tensing up both arms. Ofc. Bozzetti told Nicholas to relax his arms and stop tensing. Nicholas complied and released his tension. Ofc. Bozzetti handcuffed Nicholas and turned away to open the backseat of his patrol vehicle. I had Nicholas by his right arm, and he tried to pull away from my grip. Nicholas raised both arms behind his body and positioned his feet as he was about to run. I told Nicholas to stop

Investigator Signature: \_\_\_\_\_

**CASE SUPPLEMENTAL REPORT**  
*NOT SUPERVISOR APPROVED*

Printed: 07/07/2021 04:46

OCA: **21003573**

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

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Investigator: *HAM, RANDOLPH (4009)*

Date / Time: *07/07/2021 03:00:25, Wednesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

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resisting and I grabbed ahold of both of Nicholas' arms. Ofc. Bozzetti came around my left side and we escorted Nicholas to the ground in a controlled manner. Nicholas tried flailing his legs around once he was on the ground, so I maintained control of his legs while Ofc. Bozzetti controlled his upper body. Ofc. Bozzetti and I sat Nicholas up and escorted him to the backseat of his patrol car.

I escorted Isabelle to their room to retrieve her belongings. I transported Isabelle to the Key West Police Department to wait for a DCF personnel to respond. Upon arrival to the station, I photographed Isabelle's hands, arms, and collarbone area where she stated she was grabbed by Nicholas.

DCF agent arrived at the station and took custody over Isabelle. I went back to the Marriott Beachside with the DCF agent and Isabelle to retrieve Isabelle's ID card from the room. Isabelle entered the room and collected her ID card.

This concludes my part of the investigation.

My Axon BWC and Axon Fleet in-car were activated. All photos taken have been uploaded to evidence.com.

**Investigator Signature:** \_\_\_\_\_