

Response to Resistance Report

Key West Police Department

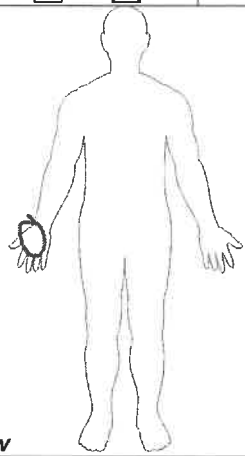
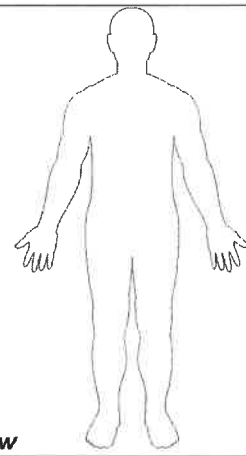
Case No: 21-3941

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

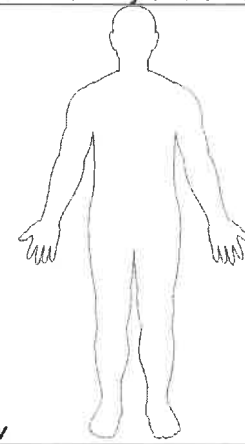
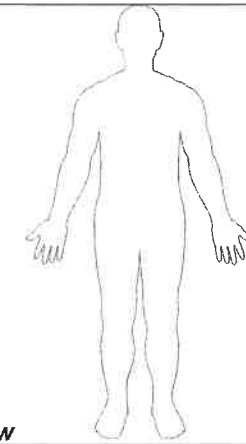
- ☐ A response through the use of non-lethal weapons,
☒ Applies weaponless physical force of strikes, kicks, or "take-downs"
☐ When any person sustains an apparent substantial or fatal injury as a result of the application of force
☐ When any person complains of injury as a result of the application 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: 07/24/2021		3. Time: 2220 hrs		4. Location: 3020 N. Roosevelt		5. Incident type: S34/Batt LEO		
	6. Resistance Level		7. Explanation		8. Response Option		9. Explanation		
	<input checked="" type="checkbox"/> Passive:		VERBALLY DEFIANT		<input checked="" type="checkbox"/> Physical Control		Knee Strikes		
	<input checked="" type="checkbox"/> Active:		PULLING AWAY		<input type="checkbox"/> Non-lethal Weapon				
	<input checked="" type="checkbox"/> Aggressive:		KICKED OFFICER		<input type="checkbox"/> Deadly Force				
<input type="checkbox"/> Deadly Force:									

SUBJECT	10. Last Name: Bernstein		11. First: Daniel		12. Race: W		13. Sex: M	
	14. DOB: 01/25/1980		15. Height: 5'09"		16. Weight: 175			
	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 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 type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input checked="" type="checkbox"/> Detention							

SUBJECT				
	22. Anterior View		Posterior View	

OFFICER	23. Officer: Christian Bozzetti		24. Race: W		25. Sex: M		26. Age: 28		27. Height: 6'02"		28. Weight: 185	
	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: 1.5					
	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: Knee Strike											

OFFICER				
	35. Anterior View		Posterior View	

Response to Resistance Report (continued)

Key West Police Department

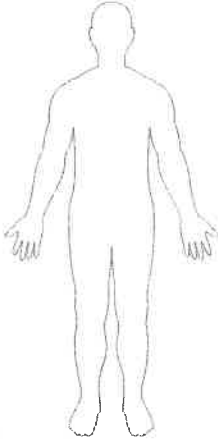
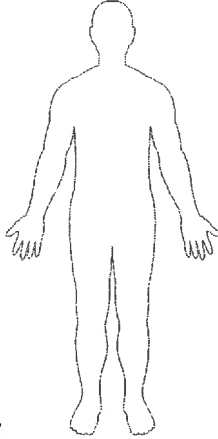
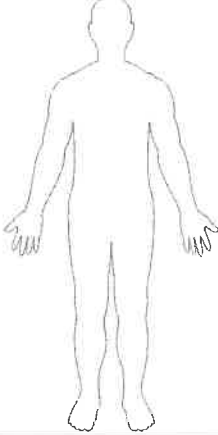
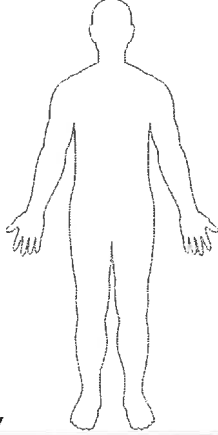
Case No: 21-3941

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: 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"/> 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: 07/24/2021		41. Time: 2220 hrs	
	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	
	Phone Number			
	47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		7022	
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		48. Preparing Supervisor's Signature / ID		
INT. AFF.	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: 21-3941

OFFICER	23. Officer: JW Waite		24. Race: W	25. Sex: M	26. Age: 33	27. Height: 6'00"	28. Weight: 177
	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: 2.5		
	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: Knee Strikes						
							
	35. Anterior View			Posterior View			
OFFICER	23. Officer:		24. Race:	25. Sex:	26. Age:	27. Height	28. Weight
	29. Duty Status: <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		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)						
							
	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# 21-003941						
	ORI FL0440100				Date / Time Reported 07/24/2021 22:37 Sat						
	Location of Incident 3020 N ROOSEVELT BLVD, Key West FL 33040-				Last Known Secure 07/24/2021 22:37 Sat						
	Premise Type Parking Lot / Area Other				Beat/GP B5, GPB5						
D E T A I L M O	#1 Crime Incident(s) (Com) Battery Felony BFE		Weapon / Tools HANDS, FIST, FEET		Activity						
			Entry	Exit	Security						
	#2 Crime Incident (Com) Resist Arrest / Escape XOM		Weapon / Tools		Activity						
			Entry	Exit	Security						
	#3 Crime Incident (Com) Trespassing XOT		Weapon / Tools		Activity						
			Entry	Exit	Security						
MO											
V I C T I M	# of Victims 3		Type: SOCIETY/PUBLIC/STATE		Injury: Domestic: N						
	Victim/Business Name (Last, First, Middle) V1 Society		Victim of Crime # 2	DOB Age	Race Sex Relationship To Offender Resident Status Military Branch/Status N/A						
	Home Address				Home Phone						
	Employer Name/Address				Business Phone Mobile Phone						
	VYR	Make	Model	Style	Color	Lic/Lis VIN					
	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)										
O T H E R I N V O L V E D	Type: BUSINESS		Injury:								
	Code V2	Name (Last, First, Middle) MATRESS FIRM	Victim of Crime # 3	DOB // : : Age	Race Sex Relationship To Offender Resident Status Military Branch/Status ST N/A						
	Home Address 3020 N ROOSEVELT BLVD KEY WEST, FL 33040				Home Phone						
	Employer Name/Address				Business Phone Mobile Phone 305-294-5387						
	Type: LAW ENFORCEMENT (LEO)		Injury: Other Major Injuries								
	Code V3	Name (Last, First, Middle) BOZZETTI, CHRISTIAN AVERY	Victim of Crime # 1	DOB 02/10/1993 Age 28	Race Sex Relationship To Offender Resident Status Military Branch/Status W M ST Resident						
Home Address 1604 N ROOSEVELT BLVD KEY WEST, FL 33040				Home Phone 904-305-0172							
Employer Name/Address KWPD				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 Frn/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number		
		35	EVID	\$0.00		1	BWC/4058				
		35	EVID	\$0.00		1	IN CAR COBAN/4058				
Officer/ID# BOZZETTI, CHRISTIAN A (4058)											
Invest ID# (0)					Supervisor (0)						
Status	Complainant Signature			Case Status <i>Cleared By Arrest</i>		07/25/2021		Case Disposition: <i>Cleared By Arrest</i>		07/25/2021	Page 1

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 21-003941

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

KOURI, D.G. (3022), WAITE, K.J. (3646)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

21-003941

Victim

Society

Offense

BATTERY FELONY

Date / Time Reported

Sat 07/24/2021 22:37

On 07/24/2021, around 22:39 hours, I (Ofc. Bozzetti) was dispatched to 3020 N Roosevelt Blvd, Mattress Firm in Key Plaza, reference a male passed out on the property.

On arrival I observed a male, later identified as Daniel Bernstein, sleeping in the parking lot on the southside of the building. Daniel had multiple items scattered around him, including an almost finished bottle of Skol vodka. I woke Bernstein up, identified myself as an Officer for the Key West Police Department, and asked him his name. Daniel began to smirk at me and would not provide me with his name. I advised him multiple times that I simply needed his name and for him to leave the property, however, Bernstein refused to comply. Eventually, Bernstein gave me his Driver License. After confirming Bernstein did not have any active warrants for his arrest, I advised him that he need to leave the property, or I would have to arrest him for trespassing. Bernstein stood up multiple times, acting like he was going to leave, and then sat back down, while laughing.

Due to Bernstein's confrontational attitude and refusal to comply with any command, I asked for another unit to respond as routine backup. Ofc. Waite arrived on scene shortly after. Ofc. Waite and I provided Bernstein with more chances to comply and leave the property, however, he continuously refused to. I took control of Bernstein's right arm and Ofc. Waite grabbed his left arm. Bernstein began to tense up, so we escorted him to the hood of Ofc. Waite's patrol car to gain more control over him. I placed him into handcuffs, however, he continued to resist. Bernstein pushed his weight against me, twisted, and attempted to break free of my grip. He was given a clear verbal command to stop resisting, however, he continued resisting. While attempting to control Bernstein he lifted it his left leg up and kicked backwards, hitting me in the lower part of my right leg. I delivered 1 controlled knee strike to the outside of his left thigh.

After regaining control of Bernstein, I began gathering his belongings, while Ofc. Waite stood by with him. While throwing away Bernstein's trash, Bernstein began to pull away from Ofc. Waite. Ofc. Waite delivered one controlled knee strike to the outside of Bernstein's right thigh. I returned to Bernstein, took control of his left arm, and escorted him to my patrol vehicle with Ofc. Waite's assistance. After searching Bernstein's person, Ofc. Waite instructed him 4 times to get in the backseat of my patrol vehicle. Bernstein refused to comply with all 4 of Ofc. Waite's clear verbal commands, therefore, I escorted him into the backseat of my patrol car. Ofc. Waite instructed Bernstein to look away from him multiple times, however, he continued to be uncooperative. In a controlled manner, Ofc. Waite guided Bernstein's head into a position where Bernstein would be unable to spit on or headbutt him. I removed the cartridge from my TASER and placed the TASER against Bernstein's right ribcage. I advised him not to move or he would be tased. After Ofc. Waite buckled his seatbelt I removed my TASER from his ribs.

Sgt Kouri responded to our location to document a response to resistance incident. Bernstein had a very small abrasion on top of his left hand. The abrasion appeared to be an old, reopened cut.

I gathered the rest of Bernstein's belongings and placed them inside my patrol vehicle. I transported Bernstein to the MCDC without further incident.

Since Bernstein willfully remained on a property other than a structure or conveyance, and refused to leave after being instructed to, he was in violation of F.S.S. 810.09-1A1.

Since Bernstein intentionally struck a law enforcement officer against their will, he was in violation of F.S.S. 784.07.

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

21-003941

Victim

Society

Offense

BATTERY FELONY

Date / Time Reported

Sat 07/24/2021 22:37

Since Bernstein refused to comply with multiple lawful orders while detained, 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: 21-003941

1	Name (Last, First, Middle)					Also Known As					Home Address				
	BERNSTEIN, DANIEL JOSEPH										5031 5TH AVE. LOT 75 KEY WEST, FL 33040				
	Business Address														
	NONE, NONE														
DOB		Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.				
01/25/1980		41	W	M	N	508	150	BRO	BRO	FAR	B652170800250 FL				
Scars, Marks, Tattoos, or other distinguishing features															
Reported Suspect Detail		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					

Incident Report Related Property List

Key West Police Department

OCA: 21-003941

1	Property Description BWC/4058			Make		Model		Caliber	
	Color	Serial No.	Value \$0.00	Qty 1.000	Unit EA	Jurisdiction Locally			
	Status Evidence	Date 07/24/2021	NIC #	State #	Local #	OAN			
	Name (Last, First, Middle) Bozzetti, Christian Avery			DOB 02/10/1993		Age 28	Race W	Sex M	

Notes

2	Property Description IN CAR COBAN/4058			Make		Model		Caliber	
	Color	Serial No.	Value \$0.00	Qty 1.000	Unit EA	Jurisdiction Locally			
	Status Evidence	Date 07/24/2021	NIC #	State #	Local #	OAN			
	Name (Last, First, Middle) Bozzetti, Christian Avery			DOB 02/10/1993		Age 28	Race W	Sex M	

Notes

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 07/25/2021 05:31

OCA: **21003941**

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

Investigator: *WAITE, KENNETH J (3646)*

Date / Time: *07/25/2021 02:47:00, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On July 24, 2021, at approximately 2237 hours the Key West Police Department received a call in reference to male subject "passed out" near Mattress Firm. Ofc. Bozzetti responded to Mattress Firm and requested routine backup shortly after arriving. I was dispatched to his location at 2249 hours.

On arrival, I observed Ofc. Bozzetti speaking to the male, identified later as Daniel Bernstein, on the south side of the building. Ofc. Bozzetti instructed Bernstein to walk off the premises. Bernstein remained seated. I instructed Bernstein to vacate the area. Bernstein stood up, as if he was going leave, and then sat back down. Ofc. Bozzetti approached Bernstein, grabbed him by the right arm, and stood him up. I grabbed Bernstein by his left arm. Bernstein began tensing his arms in an attempt to defeat our efforts of control. Ofc. Bozzetti and I walked Bernstein to the front of my patrol vehicle where Ofc. Bozzetti placed him into handcuffs. Once in handcuffs, Bernstein continued resisting by pushing and pulling away from Ofc. Bozzetti and I. I issued Bernstein several clear verbal commands instructing him to stop resisting. While facing away from Ofc. Bozzetti, Bernstein thrust his leg backwards kicking Ofc. Bozzetti in the leg. I delivered a knee strike into Bernstein's right thigh as a distraction technique to gain more control over him. As Officer Bozzetti gathered Bernstein's belongings, I remained with Bernstein at the front of my patrol vehicle. While maintaining control of Bernstein's left arm, he continued to tense his arms and pull away from me. I delivered a second knee strike into Bernstein's right thigh to regain control of him.

Bernstein was secured in the rear of Ofc. Bozzetti's patrol vehicle and transported to the Monroe County Detention Center.

My BWC was activated during this event.

This was the extent of my involvement in this case.

Investigator Signature: _____