

# Key West Police Department

Report 05/05/2015 21:48

## Incident Report

Case # 01-15-002105

<b>I N C I D E N T</b>	<b>Case #</b>	<b>Report</b>	<b>Occurred From</b>	<b>Occurred To</b>	<b>Report Type</b>
	01-15-002105	05/05/2015 21:48	05/05/2015 21:24	05/05/2015 21:41	Original
	<b>Dept. Classification</b>		<b>Case Status</b>	<b>Case Status Date</b>	<b>Cleared</b>
	OBSTRUCT/RESIST OFFENSE		CLEARED BY ARREST	05/05/2015	05/05/2015 21:25
	<b>Common Name</b>				
DOMINO S PIZZA - 2704 N ROOSEVELT BV KEYWEST, FL 33040 (MONROE County)					
Day of Week : TUESDAY					
Dispatched : 05/05/2015 21:25			Beat Assignment : 5		
Responded : 05/05/2015 21:25			Alcohol Related : Yes		
Arrived : 05/05/2015 22:08			Drug Related : Unknown		
Map Reference : 3321XX2AN			Total Damaged Property Value : \$0.00		
Beat Assignment : 5			Total Stolen Property Value : \$0.00		
			Total Recovered Property Value : \$0.00		

<b>O F F E N S E</b>	<b>State Classification</b>			<b>Attempted/Committed</b>
				COMMITTED
	<b>Statute/Ordinance</b>		<b>Location Type</b>	<b>Disposition Date</b>
	Federal Classification : RESIST OFFICER OBSTRUCT WO VIOLENCE-843.02		PARKING LOT/GARAGE	
MICHELLE SIMMONS (SUSP,Primary Role,User Defined);		Forced Entry : Not Applicable		
STATE OF FLORIDA (VICT,Primary Role,User Defined)		Evidence Collected : No		
Weapon 1 : HANDS/FISTS/FEET				
End of Offense: 1				

<b>P E R S O N</b>	<b>Person Type</b>		<b>Business/Person Name</b>		<b>Business Phone</b>
	SUSPECT/ARRESTEE		MICHELLE L SIMMONS		
	<b>Home Phone</b>		<b>Person Address</b>		
			1110 17TH TER KEY WEST FL 33040		
	<b>Other Phone</b>		<b>Employer Address</b>		
	<b>Race</b>		<b>Sex</b>	<b>SSN</b>	<b>DL Exp. Date</b>
WHITE		Female		08/31/2015	087853299
<b>Birth Date</b>		<b>Birth Place</b>			
08/31/1977		UNITED STATES			
Age : 37		Eye Color : BLUE			
Occupation : STUDENT		Build : MEDIUM/AVERAGE			
DL State : FL		Complexion : LIGHT			
DL Country : UNITED STATES		Glasses : Unknown			
Ethnic Origin : NON-HISPANIC		Hand Use : UNKNOWN			
Min. Height : 5'10"		Caution : VIOLENT			
Min. Weight : 165 lbs		Status : ARRESTEE			
Adult/Juvenile : ADULT		Religion : UNKNOWN			
Coat : NONE		Marital Status : UNKNOWN			
Hat : NONE		Speech : SLURRED			
Shirt : WHITE BLOUSE		Residency Type : CITY			
Pants : BLUEJEANS		Residency Status : FULL YEAR			
Shoes : WHITE SANDLES		Citizenship : UNITED STATES			
Hair Color : BLOND		Weapon Held : HANDS/FISTS/FEET			
Hair Length : LONG		Body Marks:			
Facial Hair : NONE					
End of Person: 1					

<b>Reporting Officer</b>	<b>Department</b>	<b>Report Status:</b>
KRISTOPHER BOUVIER (3356)	KEY WEST POLICE DEPARTMENT	Approved
<b>Supervising Officer</b>		<b>Date/Time</b>
<b>Verifying Officer</b>	<b>Department</b>	<b>Date / Time</b>
SGT JEFFERY SCOTT WILLIAMSON (1557)	KEY WEST POLICE DEPARTMENT	05/06/2015 10:30

0  
1-  
1  
5-  
0  
0  
2  
1  
0  
5



# Key West Police Department

Report 05/05/2015 21:48

## Incident Report

Case # 01-15-002105

Simmons no less than three more times that she was not being arrested and that she was being taken into protective custody, Ms. Simmons still refused to comply. After asking Ms. Simmons refusing at least another eight requests to sit in the car I removed my Taser from its holster and turned it on. I told Ms. Simmons if she did not sit in the car she would be tased. Ms. Simmons responded by saying "you're not going to tase me". I told Ms. Simmons approximately six times that if she did not sit in the car she would be tased. Ms. Simmons continued to refuse to sit in the car. I removed the cartridge carrying the prongs and placed the Taser flush against Ms. Simmons's upper right arm. With the Taser on Ms. Simmons's arm I told her if she did not sit in the car she would be tased. Ms. Simmons refused and I engaged the Taser delivering a five second drive stun to Ms. Simmons's arm. While it was clear that the Taser performed successfully Ms. Simmons still refused to get into the car. I placed the Taser on Ms. Simmons's abdomen and asked her to please get in the car and she refused. I delivered another five second drive stun, this time Ms. Simmons got into the patrol car. While attempting to sit Ms. Simmons up so that she can be seat belted in to the car, as per policy, she began to kick me on my legs and stomach.

I am arresting Michelle L. Simmons (DOB 08/31/1977) for violation of Florida Statute 843.02-RESISTING OFFICER WITHOUT VIOLENCE.

To Wit:

Whoever (MICHELLE L. SIMMONS) shall resist, obstruct, or oppose (REFUSED TO COMPLY WITH LAWFUL EFFORTS TO BE TAKEN INTO CUSTODY) any officer (I, OFFICER BOUVIER WAS ON DUTY AS A POLICE OFFICER FOR THE CITY OF KEY WEST IN MY CLASS B UNIFORM CARRYING OUT MY LAWFUL DUTY) as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); member of the Parole Commission or any administrative aide or supervisor employed by the commission; county probation officer; parole and probation supervisor; personnel or representative of the Department of Law Enforcement; or other person legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty, without offering or doing violence to the person of the officer, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Once Ms. Simmons was secured in the patrol car I requested a supervisor respond to my location.

Sgt. F. Blasberg arrived on scene and spoke with Ms. Simmons. Ofc. A. Gaufilllet took photos of Ms. Simmons.

Ms. Simmons requested medical attention reference being stunned by the Taser. Key West Rescue 3 responded and transported Ms. Simmons to Lower Keys Medical Center, I arrived at the hospital a short time later.

After Ms. Simmons was cleared by medical staff I transported her to the Monroe County Detention Center where she was turned over to detention staff without further incident.

Case Status: Cleared By Arrest  
 ///NOTHING FOLLOWS///

End of Narrative: 1

<b>Reporting Officer</b> KRISTOPHER BOUVIER (3356)	<b>Department</b> KEY WEST POLICE DEPARTMENT	<b>Report Status:</b> Approved
<b>Supervising Officer</b>		<b>Date/Time</b>
<b>Verifying Officer</b> SGT JEFFERY SCOTT WILLIAMSON (1557)	<b>Department</b> KEY WEST POLICE DEPARTMENT	<b>Date / Time</b> 05/06/2015 10:30

0  
1-  
1  
5-  
0  
0  
2  
1  
0  
5

# Key West Police Department

Report 05/06/2015 00:33

## Incident Report

Case # 01-15-002105

<b>I N C I D E N T</b>	<b>Case #</b> 01-15-002105	<b>Report</b> 05/06/2015 00:33	<b>Occurred From</b> 05/05/2015 21:29	<b>Occurred To</b> 05/05/2015 22:08	<b>Report Type</b> Supplemental
	<b>Dept. Classification</b> OBSTRUCT/RESIST OFFENSE		<b>Case Status</b> CLEARED BY ARREST	<b>Case Status Date</b> 05/06/2015	<b>Cleared</b> 05/05/2015 22:34
	<b>Common Name</b> DOMINO'S PIZZA - 2704 N ROOSEVELT BV KEYWEST, FL 33040 (MONROE County)				
	Day of Week : TUESDAY		Location Type : HIGHWAY/ROADWAY		
	Dispatched : 05/05/2015 21:24		Alcohol Related : Yes		
Responded : 05/05/2015 21:29		Drug Related : Unknown			
Arrived : 05/05/2015 21:29		Total Damaged Property Value : \$0.00			
Map Reference : 3321XX2AN		Total Stolen Property Value : \$0.00			
Location Type : HIGHWAY/ROADWAY		Total Recovered Property Value : \$0.00			

<b>N A R R A T I V E</b>	<b>Topic</b> SUPPLEMENTAL
	<p>On May 5, 2015 at approximately 2129 hours, I (Ofc. Gaufillet), responded to Dominoes located at 2704 N. Roosevelt Blvd. to assist Ofc. Bouvier. The call had come out that a female was unwilling to pay her cab fee.</p>
	<p>When I arrived on scene Ofc. Bouvier was already speaking with the female who was later identified as Michelle Simmons. I approached the taxi driver and asked him how much she owed him. He stated eight dollars. I then walked over towards Ofc. Bouvier and Simmons. Simmons stated that she did not like how the taxi driver was treating her and said he was "rude". Ofc. Bouvier explained to her that there are ways to handle that through his employer. Ofc. Bouvier then told her that the reason we are here is because she has not paid her cab fare of eight dollars. After some back and forth she stated that she did not have any cash on her. She then produced a debit card and said that he could use that. The taxi driver said that he did not have a working credit card machine.</p>
	<p>Simmons began to argue with Ofc. Bouvier and the taxi driver. Her speech was slurred; she was screaming and crying in the middle of the Overseas Market parking lot. Based on my training and experience it was clear to me that Simmons was very intoxicated. Ofc. Bouvier asked the taxi driver if he wanted her arrested for failure to pay her fee. The taxi driver stated that he did not want her to go to jail over eight dollars. Simmons then yelled at the taxi driver some more and walked away. Ofc. Bouvier and I instructed Simmons to come back to us as we were not done with our investigation. She told us that she would not and to arrest her if we wanted to. We then approached Simmons and placed her in handcuffs. As we went to put the cuffs on Simmons she began to pull away from me. I had already had her arm and wrist controlled and used a wrist lock to gain compliance. Once cuffed Simmons was walked towards Ofc. Bouviers patrol vehicle.</p>
<p>Simmons continued to tell us that she did nothing wrong. We explained to her at this time she was being detained because of her intoxication and would be going to jail for a Marchman Act. Simmons continued to scream at us that she did nothing wrong as we walked her around to the rear passenger side door of Ofc. Bouviers car. The door was opened and we instructed Simmons to get inside of the patrol vehicle. Simmons continued to refuse to get into the patrol car. She braced herself on the side of the car and would not slide into the back seat. At this point I turned on my Coban. It was again explained to Simmons that she was being detained for a Marchman Act and if she failed to listen to our lawful request to get inside of the car she would be charged with resisting without violence. Simmons</p>	

<b>Reporting Officer</b> ALEXANDRE J GAUFILLET (3600)	<b>Department</b> KEY WEST POLICE DEPARTMENT	<b>Report Status:</b> Approved
<b>Supervising Officer</b>		<b>Date/Time</b>
<b>Verifying Officer</b> SGT FRANK BLASBERG (1598)	<b>Department</b> KEY WEST POLICE DEPARTMENT	<b>Date / Time</b> 05/06/2015 04:17

0  
1-  
1  
5-  
0  
0  
2  
1  
0  
5

# Key West Police Department

Report 05/06/2015 00:33

## Incident Report

Case # 01-15-002105

	<p>was instructed eighteen to twenty times to please get inside the patrol vehicle. It was again explained to her that currently she going to jail for a Marchman Act and if she does not comply and get in the car she will be charged for resisting. Simmons told us that "she is not going in there" and continued to resist our commands and attempts to sit her inside the patrol car. Ofc. Bouvier had pulled out his Taser at this point and removed the cartridge. He explained to her that she would be Tased if she did not sit in the car. Ofc. Bouvier repeated to Simmons six to seven times that she would be Tased if she did not sit in the car. Ofc. Bouvier then drive stunned Simmons to compel compliance as she was actively resisting our efforts to sit her down in Ofc. Bouviers patrol car. She was drive stunned twice. Once in the upper right arm and once in the stomach. While being drive stunned Simmons was able to be placed inside the patrol car.</p> <p>Ofc. Bouvier called Sgt. Blasberg to the scene. Rescue was also contacted because Simmons said she was injured after being Tased. She stated that her wrist was hurting her. Simmons was transported to the Lower Keys Medical Center via Rescue 3. I downloaded my Coban which captured the incident on audio. My car was parked at an angle and did not capture the video. No further information at this time.</p>
	End of Narrative: 1

<b>Reporting Officer</b> ALEXANDRE J GAUFILLET (3600)	<b>Department</b> KEY WEST POLICE DEPARTMENT	<b>Report Status:</b> Approved
<b>Supervising Officer</b>		<b>Date/Time</b>
<b>Verifying Officer</b> SGT FRANK BLASBERG (1598)	<b>Department</b> KEY WEST POLICE DEPARTMENT	<b>Date / Time</b> 05/06/2015 04:17

0  
1-  
1  
5-  
0  
0  
2  
1  
0  
5