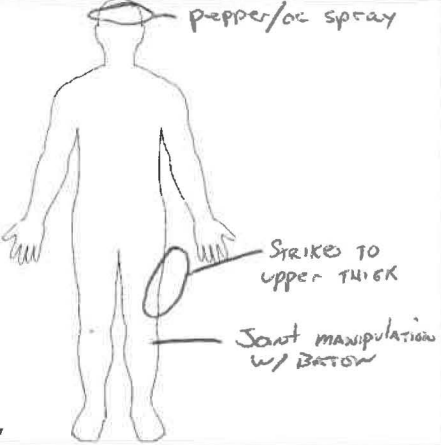
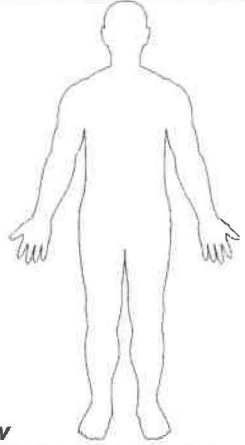
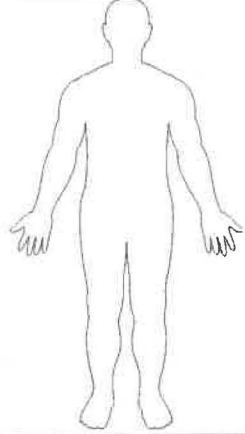
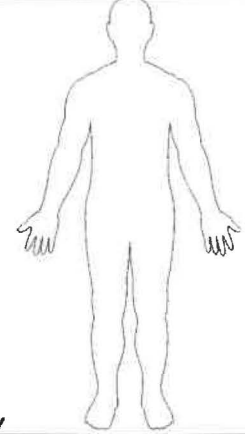


Response to Resistance Report

Key West Police Department

Case No: 19-4317

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: 07/16/2019	3. Time: 2220	4. Location: 202 William Street	5. Incident type: S2 / Battery LEO	
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation	
	☐ Passive:		☒ Physical Control	Joint Manipulation / Strike	
	☒ Active:	Subject pulled away from officers	☒ Non-lethal Weapon	OC Spray / Baton	
	☒ Aggressive:	Subject Kicked Officer	☐ Deadly Force		
☐ Deadly Force:					
SUBJECT	10. Last Name: Twist		11. First: Branden	12. Race: W 13. Sex: M	
	14. DOB: 08/14/1983		15. Height: 6'00	16. Weight: 180	
	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				
					
	22. Anterior View		Posterior View		
	OFFICER	23. Officer: Neil Mogerly		24. Race: W	25. Sex: M
		26. Age: 33		27. Height: 6'01	28. Weight: 250
29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes 30. Yrs Exp: 10					
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: (If TASER®, also reference line number from TASER® section)					
					
35. Anterior View		Posterior View			

Response to Resistance Report (continued)

Key West Police Department

Case No: 19-4317

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: ☐ Probe ☐ CODS ☐ Drive Stun		Type of contact: ☐ Probe ☐ CODS ☐ Drive Stun		
	Did probes penetrate skin: ☐ Yes ☐ No		Did probes penetrate skin: ☐ Yes ☐ 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:			
☐ 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: ☒ All necessary criminal elements. ☒ All details of the arrest ☒ Details articulating the subject's words, mannerisms and actions that justify the use of force. ☒ Details outlining the response to resistance utilized by each officer. ☒ Detailed description of injury complaints and/or observed injuries ☒ Details outlining the decontamination, first aid or medical treatment provided to the officer and/or subject.				
SUPERVISOR'S INQUIRY	40. Notified Date: 07/16/2019		41. Time: 2220		
	42. Did you respond to the scene: ☐ No ☒ Yes (If "No", explain why)				
	Section 20 unable to get good photographs due to subjects combative nature. Body Cam videos / In Car Videos only				
	43. Did you meet with the Officer: ☐ No ☒ Yes (If "No", explain why)				
	44. Were you able to locate any independent witnesses: ☐ No ☒ Yes (If "Yes," list below)				
Name		Address		Phone Number	
Tim Grandy		1505 George Street, Key West, FL		305-896-7284	
45. Is further review recommended: ☒ No ☐ Yes FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS					
INT. AFF.	48. Did the review of this incident conclude that use of force was in compliance with Departmental policy? ☐ No ☒ Yes (If "No", complete section 51)		46. Preparing Supervisor's Signature / ID 		47. Date 07/17/2019
			49. Signature of Internal Affairs Inspector 		50. Date 8/6/19
	51. If section 48 is "No" record the Professional Standards Control Number:		52. Date Entered:		

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 19-004317

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
SIMS, F.C. (2301), KOURI, D.G. (3022), TELLIER, J.J. (3544), KASYANENKO, I. (3599), MOGERLEY, N. (3819), CUNEO, E.J. (3922)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

19-004317

Victim

MOGERLEY, NEIL FREDERICK

Offense

BATTERY

Date / Time Reported

Tue 07/16/2019 22:24

On Tuesday, 7/16/2019, at approximately 22:20 hours, I (Ofc. M. Brable) was dispatched to area of Lazy Way Lane by the Schooner Wharf Bar and Grill for a subject sleeping on the street.

Upon arrival I located the male subject (later identified as Branden Twist, DOB:08/14/1983). I recognized Twist from a previous encounter with him. I went to wake Twist up. I identified myself as a KWPD Officer and was readily recognized as a KWPD Officer as I was wearing KWPD Class B uniform. Twist started screaming "who?". Twist sat up and started charging at me. I pushed his body down to keep him from coming at me.

Twist kept trying to get up. I decided to detain him, but Twist started resisting and would not let me put handcuffs on him. I requested another unit via KWPD dispatch. Twist kept resisting and screaming, "Do you think you're more powerful than me?". As I was not able to gain compliance from Twist, I displayed my Axon Taser and told Twist to stop resisting or I was going to Taser him.

Officer N. Mogerley arrived on the scene and attempted to help me detain Twist. Twist would not stop resisting, therefore after several lawful commands, Officer N. Mogerley proceeded to deploy his OC spray. After Twist got sprayed, Officer N. Mogerley and myself were finally able to detain him. In the process of detaining Twist, Twist kicked Officer N. Mogerley in his left lower leg.

Twist was medically cleared by EMS on scene.

Officer J. Tellier arrived on the scene and helped Officer N. Mogerley and myself put Twist in the patrol vehicle for transport. Twist would not get into the vehicle and almost managed to kick Officer N. Mogerley again. Due to Twist's resistance I decided to use a restraint device (Hobble). Even after his legs were secure using the hobble Twist would not put his feet into the vehicle. Officer N. Mogerley used his extendable baton to gain leverage on Twist's legs, to be able to place his feet in the patrol vehicle.

Sgt. D. Kouri and Sgt. C. Sims responded to the scene.

By his actions Twist violated the following:

F.S. 784.07 - Assault or battery of law enforcement officers - by resisting and striking Officer N. Mogerley with his foot.

F.S. 843.01 - Resisting officer with violence to his or her person - by knowingly, willfully, and violently resisting lawful commands

Twist was transported to MCDC and turned over to the MCSO Detention Deputies. MCSO Detention Deputies placed Twist in a restraining chair and put on a spit mask as Twist spat multiple times while being transported.

My Axon BWC was activated.

Status: Cleared by arrest.

Incident Report Suspect List

Key West Police Department

OCA: 19-004317

1	Name (Last, First, Middle)					Also Known As					Home Address				
	TWIST, BRANDEN OLIVER										729 ARBOR DOWNS DR PLANO, TX 75023				
	Business Address														
	NONE, NONE														
DOB		Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.				
08/14/1983		35	W	M	N	600	180	BLN	HAZ	LGT	20411243 TX				
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								

FACIAL HAIR, MUSTACHE AND BEARD
HAIR TYPE, LONG
HAIRSTYLE, OTHER

Incident Report Related Property List

Key West Police Department

OCA: 19-004317

1	Property Description BWC-3925			Make		Model		Caliber	
	Color	Serial No.		Value \$1.00	Qty 1.000	Unit	Jurisdiction Locally		
	Status Evidence	Date 07/16/2019	NIC #		State #		Local #		OAN
	Name (Last, First, Middle) * No name *				DOB		Age	Race	Sex

Notes

CASE SUPPLEMENTAL REPORT

Printed: 08/12/2019 10:33

Key West Police Department

OCA: 19004317

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

Case Status: *CLEARED BY ARREST*Case Mng Status: *NA*Occurred: *07/16/2019*Offense: *BATTERY*Investigator: *MOGERLEY, NEIL (3819)*Date / Time: *07/16/2019 23:49:33, Tuesday*Supervisor: *SIMS, FRED CARTER (2301)*Supervisor Review Date / Time: *07/17/2019 01:43:26, Wednesday*

Contact:

Reference: *General Supplemental Report*

On 7/16/2019, I responded to 202 William Street in the area of Schooner War Bar to assist Ofc. Brabc who had called out on the radio that he had a male resisting him.

Upon arrival Officer Brabc had a male later identified as Branden Twist on the ground by the bike rack on Lazy Way Lane. Twist was on his back and Ofc. Brabc was trying to handcuff the male. Twist was pulling his arms away and kicking his legs. I went to grab Twist's left arm and assist in handcuffing. I felt Twist kick my left lower leg with his leg, and looked down and saw it was him that kicked me. There was slight pain in the area he kicked but I was not injured. I pulled out my pepper spray and told him to stop resisting or he would get sprayed. Twist was still pulling his body around and kicking his legs. I sprayed Twist with pepper spray in the face. I grabbed his legs and pulled him away from the bike rack. Twist was rolling his body around and pulling his limbs away. Ofc. Brabc and I had to forcefully pull his arms behind his back and placed him into handcuffs.

We placed Twist in to the back of Ofc. Brabc's Police car and Twist was refusing to get into the car. Twist was keeping his legs locked and kicking them around. His left leg came close to kicking me and I delivered one punch to his lower left thigh area redirecting his leg from making contact with me. We paced a hobble strap around his ankles keeping his legs together. Twist was keeping his legs locked out against to door preventing us from closing the door. Ofc. Tellier pulled the hobble strap from the other side of the car, and I used the expanded baton as leverage to push his legs in. The baton was paced between the car floor and under his left leg. I pulled the baton up and his legs became unlocked and I placed them into the car.

Ofc. Brabc transported Twist to the Monroe County Correctional Center and I followed him out there and assisted in getting him into the processing room.

The incident was recorded on my BWC.

Investigator Signature

Supervisor Signature