

Response to Resistance Report

Key West Police Department

Case No: 18-6827

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: 12/03/2018 3. Time: 0405 4. Location: 310 Duval St 5. Incident type: S36 A

6. Resistance Level 7. Explanation 8. Response Option 9. Explanation

- ☒ Passive: Non-Compliant ☐ Physical Control
☒ Active: Running Away ☐ Non-lethal Weapon
☐ Aggressive: ☐ Deadly Force
☐ Deadly Force:

Taser

10. Last Name: Bethel 11. First: Tony 12. Race: White 13. Sex: M

14. DOB: 02/07/1992 15. Height: 5'-11" 16. Weight: 190

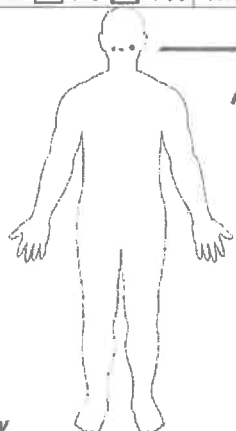
17. Did you observe the subject: ☐ No ☒ Yes If NO, explain why in Section 42. If "YES", complete sections 18-22

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

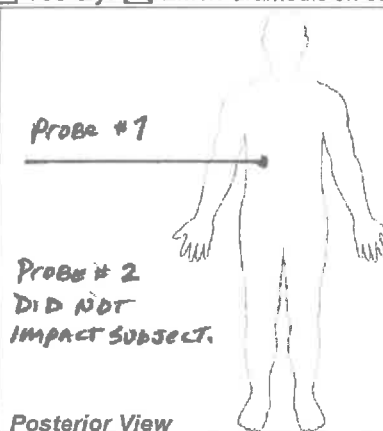
19. Injuries: ☐ No ☒ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)

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

SUBJECT



22. Anterior View



Posterior View

23. Officer: Neil Mogerley 24. Race: W 25. Sex: M 26. Age: 32 27. Height: 6'1 28. Weight: 250

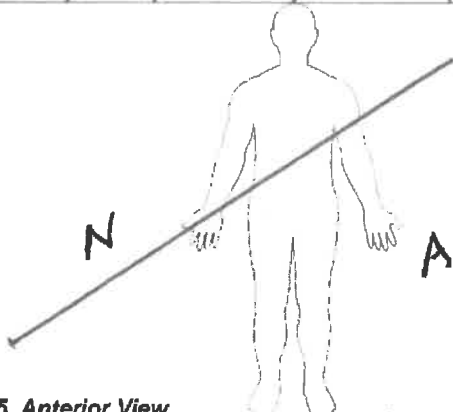
29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☐ Uniformed ☐ Plain clothes 30. Yrs Exp: 9.5

31. Injuries: ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

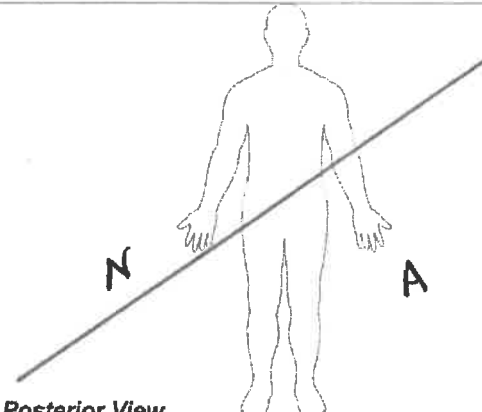
32. Photographed: ☒ No ☐ Yes 33. Treated: ☒ No ☐ Yes By: ☐ EMT/Paramedic on scene ☐ Hospital

34. Response option used by this officer: (If TASER®, also reference line number from TASER® section) 36

OFFICER



35. Anterior View



Posterior View

Response to Resistance Report (continued)

Key West Police Department

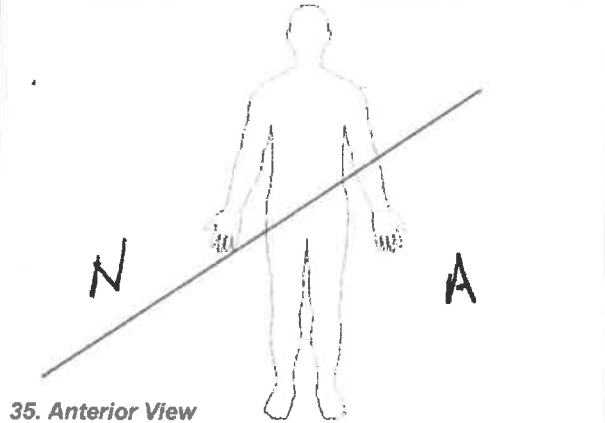
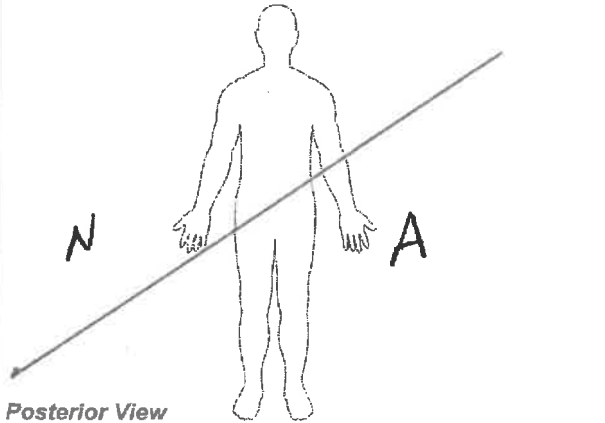
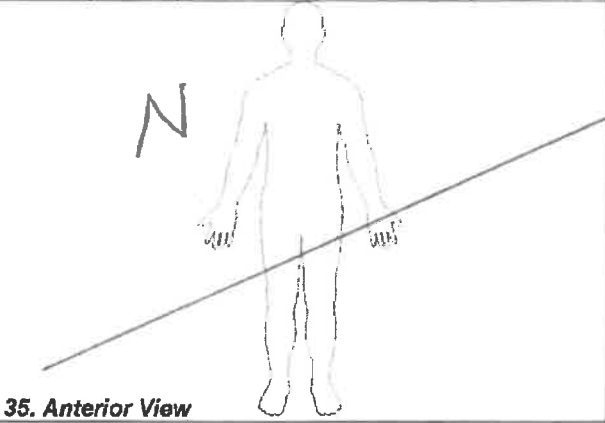
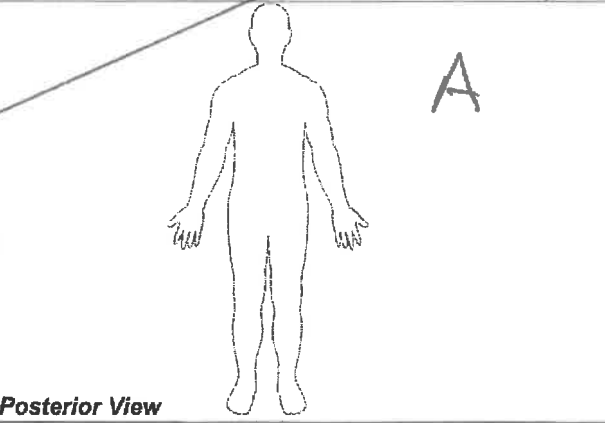
Case No: 18-6827

TASER USE ONLY	36. TASER® device serial # X12009V0E		37. TASER® device serial # X120056T7		
	TASER®Cam serial # V21001XYD		TASER®Cam serial # V21001KP7		
	Cartridge 1 serial # C4106T7D7		Cartridge 1 serial # C4103A05		
	Cartridge 2 serial # N/A		Cartridge 2 serial # N/A		
	Number of cycles: 1		Number of cycles: 1		
	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: 10'		Target distance at probe launch: 15		
	Distance between probes: 1 probe only		Distance between probes: No Probes Hit		
	Probes removed by (name): Rescue		Probes removed by (name): N/A		
Device downloaded by: Sgt. Duponty		Device downloaded by: Sgt Duponty			
☐ 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: 12/03/2018		41. Time: 0405		
	42. Did you respond to the scene: ☐ No ☒ Yes (If "No", explain why)				
	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	
45. Is further review recommended: ☒ No ☐ Yes		46. Preparing Supervisor's Signature / ID		47. Date	
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		Sgt. Frank Duponty 1951		12/03/2018	
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)		49. Signature of Internal Affairs Inspector		50. Date
			Sgt. Castillo		12/11/18
	51. If section 48 is "No" record the Professional Standards Control Number:		52. Date Entered:		

Response to Resistance Report (continued)

Key West Police Department

Case No: 18-6827

OFFICER	23. Officer: Santiago Perez 24. Race: H 25. Sex: M 26. Age: 54 27. Height: 5'-9" 28. Weight: 215			
	29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain			30. Yrs Exp: 1
	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) 37			
	 35. Anterior View		 Posterior View	
OFFICER	23. Officer: 24. Race: 25. Sex: 26. Age: 27. Height: 28. Weight:			
	29. Duty Status: ☐ On-duty ☐ Off-duty ☐ Extra duty employment ☐ Uniformed ☐ Plain			30. Yrs Exp:
	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	

INCIDENT DATA		INCIDENT/INVESTIGATION REPORT											
		Agency Name <i>Key West Police Department</i>					Case# <i>18-006827</i>						
		ORI <i>FL0440100</i>					Date / Time Reported <i>12/04/2018 04:03 Tue</i>						
		Location of Incident <i>310 Duval St, Key West FL 33040-</i>					Premise Type <i>Highway / Street / Road/</i>		Zone/Tract <i>B1, GPB1</i>		Last Known Secure <i>12/04/2018 04:03 Tue</i>		
MO	#1	Crime Incident(s) <i>Assault Aggravated</i> <i>AGA</i>			(Com)	Weapon / Tools <i>KNIFE</i>			Entry		Exit	Security	Activity
	#2	Crime Incident <i>Court Violation</i> <i>XOQ</i>			(Com)	Weapon / Tools			Entry		Exit	Security	Activity
	#3	Crime Incident <i>Resist Arrest / Escape</i> <i>XOM</i>			(Com)	Weapon / Tools			Entry		Exit	Security	Activity
VICTIM	# of Victims		<i>3</i>		Type: <i>INDIVIDUAL</i>		Injury: <i>None</i>			Domestic: <i>N</i>			
	V1	Victim/Business Name (Last, First, Middle) <i>AMADO TORRES, JESUS EMILIO</i>				Victim of Crime # <i>1,</i>	DOB <i>05/26/1989</i>	Race <i>W</i>	Sex <i>M</i>	Relationship To Offender <i>ST</i>	Resident Status <i>Non-Resident</i>	Military Branch/Status	
	Home Address <i>1213 14TH ST - 60, Key West, FL 33040-</i>										Home Phone <i>305-434-6035</i>		
	Employer Name/Address								Business Phone		Mobile Phone		
	VYR	Make	Model	Style	Color	Lic/Lis	VIN						
OTHERS	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)												
	Type: <i>BUSINESS</i> Injury:												
	Code <i>V2</i>	Name (Last, First, Middle) <i>STATE OF FLORIDA</i>				Victim of Crime # <i>2,</i>	DOB <i>//</i>	Race	Sex	Relationship To Offender <i>ST</i>	Resident Status <i>N/A</i>	Military Branch/Status	
	Home Address										Home Phone		
	Employer Name/Address								Business Phone		Mobile Phone		
INVOLVED	Type: <i>INDIVIDUAL</i> Injury: <i>None</i>												
	Code <i>V3</i>	Name (Last, First, Middle) <i>PEREZ, SANTIAGO</i>				Victim of Crime # <i>3</i>	DOB <i>12/10/1963</i>	Race <i>W</i>	Sex <i>M</i>	Relationship To Offender <i>ST</i>	Resident Status	Military Branch/Status	
	Home Address <i>1604 N Roosevelt Blvd Key West, FL 33040</i>										Home Phone <i>305-801-1000</i>		
	Employer Name/Address <i>KWPD</i>								Business Phone		Mobile Phone		
	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)												
PROPERTY	V1 #	Code	Status From/To	Value	OJ	QTY	Property Description			Make/Model		Serial Number	
Officer/ID#		<i>PEREZ, SANTIAGO (3834)</i>											
Invest ID#		<i>(0)</i>											
Supervisor		<i>DUPONTY, FRANK T (1951)</i>											
Status	Complainant Signature				Case Status <i>Cleared By Arrest</i>			Case Disposition: <i>Cleared By Arrest</i>			Page 1		

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 18-006827

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
 MOGERLEY, N. (3819), DANTU, N. (3835), DUPONTY, F.T. (1951)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA 18-006827
Date / Time Reported Tue 12/04/2018 04:03

Victim

AMADO TORRES, JESUS EMILIO

Offense

ASSAULT AGGRAVATED

On Tuesday, December 04, 2018, approximately 0404 Hours, Officer Dantu, Officer Mogerley and I, Officer Perez, responded to 310 Duval Street (Caroline's), in reference to an aggravated assault involving male with a weapon (Knife). The caller was frantic and told dispatch they need to get the cops down here.

Upon arrival, there was about 5 people there. It was reported that the suspect was swinging a knife around endangering people. Officer Dantu and I identified the suspect. I ordered the suspect to stop several times. the suspect took off running away from the officers east bound on Rose Lane, in order to prevent being detained. Officer Mogerley and I ran after the suspect, we ordered him several times to stop running, suspect ignored our lawful command. Officer Mogerley pulled out his taser and fired at him, suspect continued running. I then pulled out my taser and fired at the suspect, suspect continued running towards Simonton Street. Officer Mogerley advised Comm 1 over the radio the suspect direction of travel. Mean time Officer Dantu, drove on his patrol unit towards the suspect direction of travel and was able to make contact, and took him into custody. The suspect was later identified as Tony Austin Bethel (DOB 07/02/1992).

Mean time I met a witness, later identified as Robert Thomas Arundel (DOB 02/15/1977). Arundel told me he witnessed a disturbance, among Bethel and another Hispanic male, later identified as Jesus Emilio Amaro Torres (DOB 05/26/1989). Arundel said that he was trying to defuse the situation, and Bethel pulled out a knife, Arundel said he then walked across the street to get away from the knife and one of his friends, call the police. I asked Arundel to write a witness statement and was entered into the Key West Police Records Department as evidence.

I then interview the Amaro Torres and he told me he was working at Carolines, when Bethel walked into the property, Amaro Torres asked Bethel to leave the property as they were closed, and Bethel grabbed a beer from a table and threw it on the ground. As Amaro Torres said "I walked after Bethel running him out of the property, Bethel pulled out a knife and almost cut him in the belly area". Amaro Torres said he then threw a couple of punches at Bethel and hit him on the face. He was afraid he was going to be cut with the knife. I asked Amaro Torres to write a statement and the statement was summited into the Key West Police Records Department as evidence.

Bethel then said he was hit with a beer bottle, Bethel was clearly bleeding from the mouth. I found a broken beer bottle on the ground, near the area were the incident happened. Officer Dantu transported Bethel to The Lower Keys Medical Center for medical clearance and then to The Monroe County Detention Center, without incident

Officer Mogerley, Sergeant Duponty and I, canvas the area for several minutes, trying to locate a knife unsuccessfully. My BWC was activated during the event.

Based on the facts, evidence and My investigations, in this case, there is probable cause to believe that on 12/04/2018, at about 0404 Hours, Bethel, did actually and intentionally committed Aggravated Assault with a deadly weapon. By doing so Bethel was in violation of F.S.S 784.021-1A, furthermore Bethel, did knowingly and intentionally disobey Officer Mogerley's and my self's lawful commands violating FSS 843.02 resisting without violence. During my investigation I was informed by Comm 1 of Bethel's probation on previous case. Based on that information Bethel did actually and intentionally violated the

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim <i>AMADO TORRES, JESUS EMILIO</i>	Offense <i>ASSAULT AGGRAVATED</i>	OCA <i>18-006827</i>
		Date / Time Reported <i>Tue 12/04/2018 04:03</i>

statute of his probation. Special conditions-60 to remain confined to approved. Res, 26: No alcohol/illegal drugs, violation of F.S.S. 948.06 (3848)

Incident Report Suspect List

Key West Police Department

OCA: 18-006827

1	Name (Last, First, Middle)					Also Known As					Home Address				
	BETHEL, TONY AUSTIN										1314 FLAGLER AVE KEY WEST, FL 33040 305-304-1973				
	Business Address														
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.				
	07/02/1992	26	W	M	N	510	165	BRO	BLU	LGT	B340801922420 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					

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 12/04/2018 07:15

OCA: **18006827**

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

Investigator: *MOGERLEY, NEIL* (3819)

Date / Time: *12/04/2018 06:03:07, Tuesday*

Supervisor: (0)

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On December 4, 2018 at about 4:03 a.m., Officer Dantu, Perez, and I (Mogerley), were dispatched to an assault that was involving a white male with a knife.

Upon arrival Officer Perez was in foot pursuit with the suspect who was a white male. They were on Duval Street, and running toward Rose Lane. I exited my car and engaged in the foot pursuit. The suspect was ordered to stop several times, but kept running. I could see a metal object in the suspects hand. The suspect was seen swinging a knife around in the street prior to our arrival. I pulled my taser, pointed it at his back, and deployed it. One probe hit his back and the other missed. This was at the intersection of Rose Lane and Duval Street. The suspect did not stop, and he kept running. Officer Perez deployed his taser, but missed the subject. We kept running after the subject down Rose Lane. The subject turned onto Simonton Street. Officer Dantu blocked off the suspect at Eaton Street and Simonton Street. The suspect complied and got onto the ground. Officer Dantu Handcuffed the suspect. Key West Fire and Rescue responded.

I went back to the area and located the victims. They spoke spanish and Officer Perez interviewed them and got statements. Officer Hudson, Sgt. Duponty, and I (Ofc. Mogerley) searched the area on Rose Lane and Duval Street to try to locate the knife. We were unable to locate the knife. It was reported that the suspect had two unidentified friends in the area that may have taken the knife.

Officer Perez found a small bag of a white powder substance next to the suspects bag that he dropped when he took off running. I later weighed and tested the substance at the Key West Police Department. The substance tested positive for cocaine, and weighed 0.5 grams. It was packaged and placed into evidence at the Key West Police Dept.

I placed the used taser cartridges into evidence at the Key West Police Department.

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 12/04/2018 07:16

OCA: **18006827**

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

Investigator: *DANTU, NICHOLAS* (3835)

Date / Time: *12/04/2018 06:13:29, Tuesday*

Supervisor: (0)

Supervisor Review Date / Time: *NOT REVIEWED*

Contact: *Bethel, Tony Austin*
1314 Flagler Ave, Key West
305-304-1973

Reference: *General Supplemental Report*

On 12/04/2018, about 0415 hrs, I (Ofc. Dantu) was dispatched to 310 Caroline Street, (Caroline's Restaurant) in reference to a man threatening people with a knife.

Upon arrival, I saw 3 men fighting on the side walk. Ofc. Perez and Ofc. Mogerley arrived on scene. I exited my vehicle. One of the men, (Tony Bethal) fled the scene and ran up Rose Lane towards Simonton Street.

Ofc. Perez and Ofc. Mogerley ran after Bethal. I got back into my police vehicle and drove to the corner of Eaton and Simonton Street in an attempt to intercept Bethal.

When I arrived at the intersection at Simonton St. and Eaton Street I saw Bethal approaching the intersection. I drove my vehicle towards him, stopped my vehicle, got out of my vehicle and walked towards Bethal. I told Bethal to stop and to get down on the ground. He continued to walk towards me. I pulled out my Handgun and pointed at Bethal. I told Bethal to get on the ground face down. Bethal complied. I handcuffed Bethal. Bethal did not resist. I detained Bethal.

Bethal was bleeding from the left corner of his mouth. Sgt. Duponty arrived on scene. Ofc. Mogerley was on scene. Ofc. Gillespie was on scene. Ofc. Hudson was on scene.

Rescue arrived on scene and attended to Bethal. Bethal was not transported to Lower Keys Medical Center. Bethal had a taser prong sticking out of his upper back.

Ofc. Gillespie and I transported Bethal to the Lower Keys Medical Center before I transported him to Monroe County Detention Center. Bethal started to bang his head on the back window when placed into my vehicle. Bethal was hobble tied to prevent himself from causing injury.

Bethal was examined at Lower Keys Medical Center and released. I transported Bethal to Monroe County Detention Center. Ofc. Perez was the primary Ofc. on the case. Ofc. Perez was at the Monroe County Detention Center. Ofc. Perez arrested Bethal for:

Aggravated Assault,
Probation Violation,
Resisting an Officer without Violence

I uploaded my BWC footage to evidence.com.

Investigator Signature: _____