

Response to Resistance Report

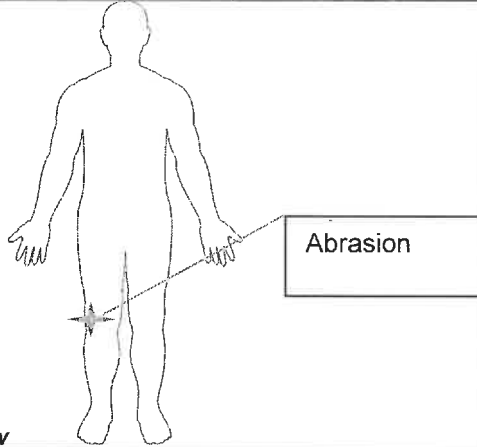
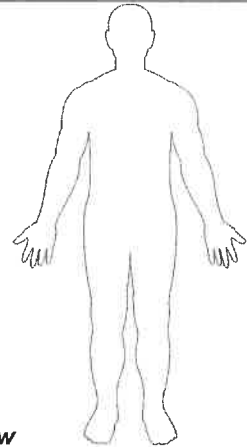
Key West Police Department

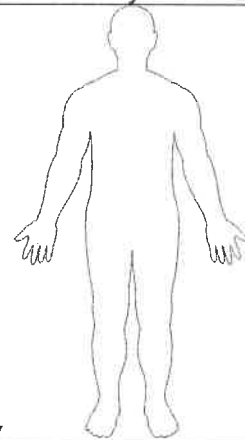
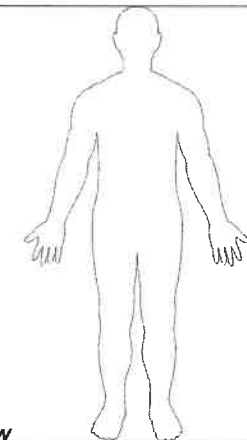
Case No: 22-5097

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: 09/03/2022	3. Time: 2317	4. Location: 1300 White Street	5. Incident type: S31/Resisting
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	☒ Passive:	Ignored Verbal Commands	☒ Physical Control	Take Down
	☒ Active:	Pulling, Bracing, Tensing	☐ Non-lethal Weapon	
	☐ Aggressive:		☐ Deadly Force	
	☐ Deadly Force:			

SUBJECT	10. Last Name: Gabriel	11. First: Daniel	12. Race: B	13. Sex: M
	14. DOB: 07/22/1966	15. Height: 5'11"	16. Weight: 175	
	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			
	 Abrasion Anterior View		 Posterior View	

OFFICER	23. Officer: Sgt. A. Rodriguez	24. Race: W	25. Sex: M	26. Age: 31	27. Height: 5'09"	28. Weight: 165
	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: Takedown					
	 35. Anterior View		 Posterior View			

Response to Resistance Report (continued)

Key West Police Department

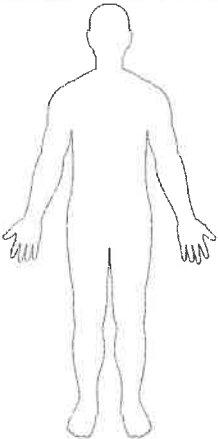
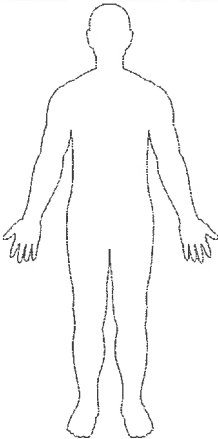
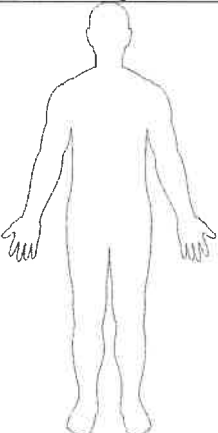
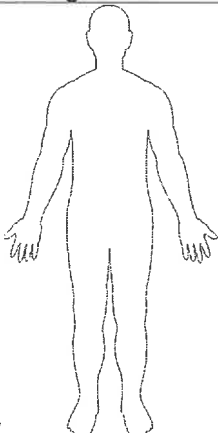
Case No: 22-5097

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: N/A		Target distance at probe launch: N/A	
	Distance between probes: N/A		Distance between probes: N/A	
	Probes removed by (name): N/A		Probes removed by (name): N/A	
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: 09/03/2022		41. Time: 2300	
	42. Did you respond to the scene: ☐ No ☒ Yes (If "No", explain why)			
	43. Did you watch all relevant videos associated with the use of force? ☐ No ☒ Yes (If "No", explain why)			
	44. Did you meet with the Officer(s): ☐ No ☒ Yes (If "No", explain why)			
	45. During your review did you find any potential policy violations or training issues associated with the incident?			
	☒ No ☐ Yes (If "Yes," list below)			
	46. Were you able to locate any independent witnesses: ☐ No ☒ Yes (If "Yes," list below)			
	Name		Address	
	Phone Number			
INT. AFF.	47. Is further review recommended: ☒ No ☐ Yes		48. Preparing Supervisor's Signature / ID	
	FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		D. Keun 3022	
			09/04/2022	
			49. Date	
50. Did the review of this incident conclude that use of force was in compliance with Departmental policy? ☐ No ☐ Yes (If "No", complete section 51)		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: 22-5097

OFFICER	23. Officer: Tim Malak				24. Race: W	25. Sex: M	26. Age: 32	27. Height: 6'00"	28. Weight: 220
	29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment				☒ Uniformed ☐ Plain		30. Yrs Exp: 11		
	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: Takedown								
									
	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: Assist in takedown and handcuffing								
									
	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# 22-005097							
	ORI FL0440100				Date / Time Reported 09/03/2022 22:15 Sat							
	Location of Incident 1300 WHITE ST, Key West FL 33040-				Premise Type Highway / Street / Road/		Beat/GP B4, GPB4					
					Last Known Secure 09/03/2022 22:15 Sat		At Found 09/03/2022 22:15 Sat					
#1	Crime Incident(s) (Com) Drug Possession Controlled Substance DRA		Weapon / Tools NOT APPLICABLE/NONE				Activity					
			Entry		Exit		Security					
	#2	Crime Incident (Com) Drug Possession Of Paraphernalia / Equipment - DRF		Weapon / Tools				Activity				
				Entry		Exit		Security				
	#3	Crime Incident (Com) Resist Arrest / Escape XOM		Weapon / Tools				Activity				
				Entry		Exit		Security				
MO												
V I C T I M	# of Victims 2		Type: SOCIETY/PUBLIC/STATE		Injury:		Domestic: N					
	V1 Victim/Business Name (Last, First, Middle) Society		Victim of Crime # 1,2		DOB Age		Relationship To Offender					
			Resident Status N/A		Military Branch/Status							
	Home Address						Home Phone					
	Employer Name/Address						Business Phone		Mobile Phone			
O T H E R S I N V O L V E D	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)											
	Type: INDIVIDUAL				Injury: None							
	Code V2	Name (Last, First, Middle) MALAK, TIMOTHY JAMES			Victim of Crime # 3	DOB 06/22/1990 Age 32	Race W	Sex M	Relationship To Offender ST	Resident Status Resident	Military Branch/Status	
	Home Address 1604 N ROOSEVELT BLVD KEY WEST, FL 33040								Home Phone 305-809-1000			
	Employer Name/Address KWPD (OFFICER)						Business Phone		Mobile Phone			
	Type: INDIVIDUAL				Injury:							
	Code IO	Name (Last, First, Middle) CATENA, LORRAINE TERESE			Victim of Crime #	DOB 08/02/1969 Age 53	Race W	Sex F	Relationship To Offender	Resident Status Resident	Military Branch/Status	
	Home Address 6631 MALONEY AVE SLIP 8 KEY WEST, FL 33040								Home Phone 305-680-8230			
	Employer Name/Address Turtle Krawl (SALES)						Business Phone		Mobile Phone 305-608-1302			
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 Frm/To	Value	OJ	QTY	Property Description		Make/Model		Serial Number	
	35	EVID		\$0.00		1	BWC 4045		AXON			
	35	EVID		\$0.00		1	IN CAR FLEET 4045		AXON			
	15	EVID		\$0.00		1	DRUG PARAPHERNALIA/EQUIPMENT					
	03	N		\$0.00		1	2020 BLU, GTHH21 FL		CHEV		3GNAXKEV7LS591724	
Officer/ID# MALAK, TIMOTHY J (4045)												
Invest ID# (0)						Supervisor (0)						
Status	Complainant Signature				Case Status Cleared By Arrest		09/05/2022		Case Disposition: Cleared By Arrest		09/05/2022	

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 22-005097

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
	B	EVI	1.000	GM	COCAINE (OTHER THAN CRACK)	Poss

Assisting Officers

ANGLIN, T.H. (2872), KOURI, D.G. (3022), RODRIGUEZ, A. (3465), HOWELL, W.N. (4059)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim Society	Offense DRUG POSSESSION CONTROLLED	OCA 22-005097 Date / Time Reported Sat 09/03/2022 22:15
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-- Daniel Gabriel 3 Arrest Narrative:

On 9/3/22 at approximately 2215hrs, I responded to the 1300 block of United St., to assist with a traffic stop. Upon arrival, I observed Sgt Rodriguez standing at the driver's side of a black Chevy SUV with the door open. As I approached, I also observed Sgt Kouri with the passenger side open as well.

I could hear both Sergeants giving commands to their respected occupant to step out of the vehicle, with both refusing. Sgt Rodriguez grabbed on to the driver, identified as Daniel Gabriel, and attempted to extract him from the vehicle. I assisted Sgt Rodriguez with the extraction of Gabriel, and used an arm drag take down to gain complete control of Gabriel. Once on the ground, Sgt Rodriguez placed Gabriel in handcuffs and rolled him into the recovery position.

Gabriel complained of no injuries and did not want an ambulance for the incident. See Sgt Rodriguez' report for complete details on the initial stop of the vehicle and Sgt. Kouri's report for more detail into the RRI portion.

While completing the Gabriel incident, Sgt. Kouri was able to get the passenger, Lorraine Catena, out of the vehicle and secured.

K9 Officer Anglin arrived on the scene to complete a sniff of the exterior of the vehicle. K9 Officer Anglin advised us of a positive alert to the vehicle, see K9 Anglin's report for complete detail on the K9 usage.

K9 Officer Anglin, Sgt. Rodriguez, and Sgt Kouri conducted a search of the vehicle and found trace amounts of a substance FTP for Cocaine. There was a small plastic baggie with residue FTP for cocaine in the center council of the vehicle as well.

Once the vehicle search was completed, a custodial search of Gabriel was completed. During the search of Gabriel's person, a small clear plastic baggie was located in right front right pocket. The baggie had a white powdery substance inside that FTP cocaine. I made Gabriel aware of this finding, with him acting shocked about it.

Once the search was completed of Gabriel, I assisted him the rear of my patrol vehicle, where he was seat belted and later transported to Monroe County Detention center.

Catena was subsequently released from the scene and the vehicle was towed by Arnold's towing.

Gabriel was transported to the Monroe County Detention center without incident.

K9 Officer Anglin processed the evidence for this case and advised me the FTP cocaine substance weighed out at .1g. For complete detail on the evidence portion, see K9 Anglin's evidence submission report.

My BWC and in car Fleet system were active for this incident, nothing further.

Daniel Gabriel knowingly and intentionally possessed a substance on his person that Field Tested Positive for Cocaine. Therefore, Gabriel is being charged with FSS 893.13(6)(a), possession of Cocaine.

Daniel Gabriel Knowing and intentionally possessed a clear plastic baggie, used in the transportation or holding of a substance FTP for Cocaine. Therefore, Gabriel is being charged with FSS 893-147.1, possession of drug

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim Society	Offense DRUG POSSESSION CONTROLLED	OCA 22-005097 Date / Time Reported Sat 09/03/2022 22:15
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paraphernalia.

Daniel Gabriel willfully and with intent, acted in a way that obstructed the duties of a uniformed police officer. Therefore, Gabriel is being charged with FSS 843.02, Resisting arrest W/O violence.

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Incident Report Suspect List

Key West Police Department

OCA: 22-005097

1	Name (Last, First, Middle) <i>GABRIEL, DANIEL 3</i>					Also Known As					Home Address <i>3330 NORTHSIDE DR - 325 KEY WEST, FL 33040</i>				
	Business Address														
	DOB <i>07/21/1966</i>	Age <i>56</i>	Race <i>B</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>511</i>	Wgt	Hair	Eye	Skin	Driver's License / State. <i>G164160662610 FL</i>				
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 Vehicle List

Key West Police Department

OCA: 22-005097

1	VehYr/Make/Model 2020 CHEV		Style UT		Color BLU		Lic/Lis /Decal GTHH21 FL 2023, 00543781		VIN 3GNAXKEV7LS591724	
	IBR Status N		Date 09/03/2022		Location					
	Condition		Value \$0.00		Offense Code 1810		Jurisdiction Locally		State # NIC #	
	Name (Last, First, Middle) Billups, Horace J				Also Known As			Home Address 3330 NORTHSIDE DR - 325 KEY WEST, FL 33040 305-294-2375		
	Business Address									
	DOB 01/15/1967	Age 55	Race B	Sex M	Hgt 600	Wgt 265	Scars, Marks, Tattoos, or other distinguishing features			

Notes

CASE SUPPLEMENTAL REPORT

Printed: 09/03/2022 23:40

*NOT SUPERVISOR APPROVED*OCA: **22005097**

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

Investigator: *RODRIGUEZ, ALEXANDER (3465)*Date / Time: *09/03/2022 23:17:52, Saturday*Supervisor: *(0)*Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On Saturday, September 3, 2022 at approximately 2215 hours, I (Sgt. A. Rodriguez) conducted a traffic stop on a black Chevrolet SUV bearing Florida license plate GTHH21 at the intersection of United Street and White Street. The traffic stop was for an obscured license plate- the license plate frame blocked the writing at the top and bottom of the license plate, violating FSS 320.061.

I made contact with the driver, identified by his Florida driver's license as Daniel Gabriel, and noticed a small, clear plastic bag with a white powdery residue within the center console pocket.

I requested K9 Ofc. T. Anglin and an additional officer respond to my location. Sgt. D. Kouri responded and arrived shortly after. I returned to my patrol vehicle and began to run Gabriel through F/NCIC on my in car computer. Gabriel then held a piece of paper outside of the driver's window.

I returned to Gabriel and retrieved the insurance card he produced.

A few moments later, Sgt. D. Kouri asked me to return to the vehicle on our police radio. Upon walking up to Gabriel, I could see he was reaching for the center console, where the aforementioned baggie was located. Sgt. D. Kouri instructed Gabriel to stop his actions and to exit the vehicle.

Gabriel refused, I opened the door and gained control of Gabriel's left wrist/arm. I gave Gabriel loud verbal commands to stop resisting and to get out of the car. Gabriel was tensing his arms, as well as using the gear selector and steering wheel to brace himself.

Ofc. T. Malak arrived and also began giving Gabriel orders to exit the car. I placed one handcuff on Gabriel's left wrist and began utilizing the B pillar of the vehicle to perform a vehicle extraction technique. Gabriel exited the vehicle against his will and continued his resistance at which point Ofc. T. Malak and I transferred control of Gabriel's left wrist/arm. I gained control of Gabriel's right arm as he was rotated out of the vehicle, still offering resistance by tensing.

Ofc. T. Malak utilized a straight arm takedown on Gabriel and took him down to the ground in a controlled manner. I placed the second handcuff onto Gabriel's right wrist and evaluated him for any injuries (none present).

K9 Ofc. T. Anglin utilized K9 Jigsaw for a sniff of the exterior of the vehicle in which he positively alerted to the odor of narcotics from within the vehicle.

A manual search of the vehicle revealed trace amounts of cocaine throughout the vehicle. The residue within the

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 09/03/2022 23:40

OCA: **22005097**

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Investigator: *RODRIGUEZ, ALEXANDER (3465)*

Date / Time: *09/03/2022 23:17:52, Saturday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

baggie mentioned earlier field tested positive for cocaine.

A search incident to arrest of Gabriel for resisting without violence revealed a bag of cocaine from his right front pocket.

All items located were turned over to K9 Ofc. T. Anglin for processing.

Ofc. T. Malak took custody of Gabriel and transported him to jail.

Arnold's Towing removed the vehicle from the scene.

My vehicle's AXON and BWC were activated for this incident.

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 09/04/2022 23:47

OCA: **22005097**

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

Investigator: *ANGLIN, THOMAS H IV (2872)*

Date / Time: *09/04/2022 22:42:50, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On 03SEP22 at 2216, I (Ofc. T. ANGLIN) responded to the intersection of United Street and White Street, at the request of Sgt. D. KOURI, who was on a traffic stop with Sgt. A. RODRIGUEZ, who had conducted a traffic stop on a blue 2020 Chevrolet SUV, (FL Tag# GTHH21). Upon my arrival to the traffic stop, Sgt. A. RODRIGUEZ informed me that both occupants were detained prior to my arrival and he and Sgt. D. KOURI observed what appeared to be small bag of Cocaine inside the stopped Chevrolet, (See supplemental reports for details). Sgt. A. RODRIGUEZ requested that K-9 JIGSAW conduct a sniff of the exterior of the stopped Chevrolet.

I affixed my six-foot nylon lead to the one-inch nylon collar K-9 JIGSAW was wearing. I retrieved K-9 JIGSAW from the rear of my patrol vehicle and approached the passenger's side front bumper on the stopped Chevrolet. I gave K-9 JIGSAW the command to sniff for narcotics and moved counter-clockwise around the exterior of the stopped Chevrolet. I observed a noticeable change in K-9 JIGSAW'S normal behavior as he approached the driver's door. K-9 JIGSAW'S respiratory effort increased and his body became rigid as he scanned his nose up the face of the driver's door. K-9 JIGSAW took in several deep breaths at the window and sat. I gave K-9 JIGSAW his reward and secured him in the rear of my patrol vehicle.

Sgt. D. KOURI, Sgt. A. RODRIGUEZ and I manually searched the interior of the stopped Chevrolet. I observed trace amounts of a white powdery substance on the driver's seat and floorboard. I conducted a field test on the white powdery residue and the results were F.T.P. Cocaine.

Sgt. D. KOURI located a small clear Zip loc type baggy containing a white powdery residue inside the center console area, (See report for details). I conducted field test on the white powdery residue and the result was F.T.P. Cocaine.

Officers searched the driver, DANIEL GABRIEL and located a small Zip Loc type baggy containing a white powdery substance in GABRIEL'S pocket, (See reports for details). I conducted a field test on the white powdery substance and the result was F.T.P. Cocaine.

I took possession of the Cocaine and drug paraphernalia as Ofc. T. MALAK transported GABRIEL to the Monroe County Detention Center for processing. I later packaged and submitted the items recovered into the KWPD Property and Evidence Section.

Both my Axon fleet and BWC were active during the traffic sto and uploaded into the server.

Investigator Signature: _____