

Response to Resistance Report

Key West Police Department

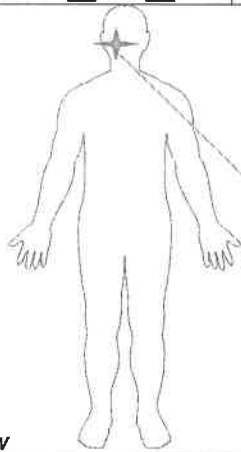
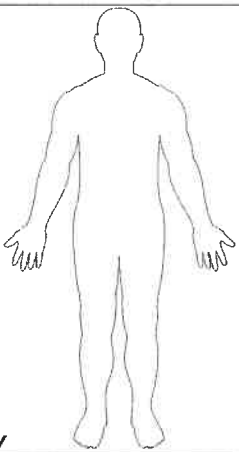
Case No: 22-7009

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

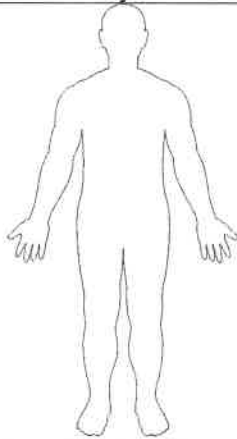
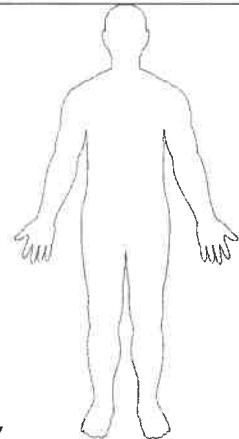
- ☐ A response through the use of non-lethal weapons,
☒ Applies weaponless physical force of strikes, kicks, or "take-downs"
☐ When any person sustains an apparent substantial or fatal injury as a result of the application of force
☐ When any person complains of injury as a result of the application 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: 12/10/2022	3. Time: 0005	4. Location: 501 Greene Steet	5. Incident type: S22P/Resisting
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	☒ Passive:	Ignored Verbal Commands	☒ Physical Control	Take Down
	☒ Active:	Pulling, Fighting, Tensing	☐ Non-lethal Weapon	
	☐ Aggressive:		☐ Deadly Force	
☐ Deadly Force:				

SUBJECT	10. Last Name: Blucher	11. First: Brian	12. Race: W	13. Sex: M
	14. DOB: 02/16/1978	15. Height: 6'04	16. Weight: 200	
	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	 Anterior View	 Posterior View
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OFFICER	23. Officer: Roy Owens	24. Race: W	25. Sex: M	26. Age: 44	27. Height: 5'11"	28. Weight: 230
	29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes 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: Takedown					

OFFICER	 35. Anterior View	 Posterior View
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Response to Resistance Report (continued)

Key West Police Department

Case No: 22-7009

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: 12/10/2022		41. Time: 0006	
	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	
	Bradley McBride		501 Greene Street, KW, FL 33040	
INT. AFF.	47. Is further review recommended: ☒ No ☐ Yes		FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS	
	48. Preparing Supervisor's Signature / ID		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:		

INCIDENT DATA		INCIDENT/INVESTIGATION REPORT										Case# 22-007009			
		Agency Name <i>Key West Police Department</i>										Date / Time Reported 12/10/2022 00:05 Sat			
		ORI <i>FL0440100</i>													
		Location of Incident <i>501 GREENE ST, Key West FL 33040</i>				Gang Relat NO		Premise Type <i>Bar / Nightclub /</i>		Beat/GP B1, GPB1		At Found 12/10/2022 00:05 Sat			
MO	VICTIM	#1		Crime Incident(s) (Com) <i>Battery SCA</i>				Weapon / Tools <i>HANDS, FIST, FEET</i>				Activity			
				Entry		Exit		Security							
		#2		Crime Incident (Com) <i>Disorderly Conduct DCA</i>				Weapon / Tools				Activity			
				Entry		Exit		Security							
		#3		Crime Incident ()				Weapon / Tools				Activity			
				Entry		Exit		Security							
OTHERS INVOLVED	# of Victims <i>2</i> Type: <i>INDIVIDUAL</i> Injury: <i>Lacerations</i> Domestic: <i>N</i>														
	V1		Victim/Business Name (Last, First, Middle) <i>HICKS-EBERSON, ALLEN RICHARD</i>				Victim of Crime # <i>1</i>		DOB <i>08/04/1981</i> Age <i>41</i>		Race <i>W</i>	Sex <i>M</i>	Relationship To Offender <i>ST</i>	Resident Status <i>Resident</i>	Military Branch/Status
	Home Address <i>1403 TRUMAN AV - APT 2, Key West, FL 33040-</i>						Email				Home Phone <i>248-925-9549</i>				
	Employer Name/Address <i>ROCK HOUSE LIVE 501 GREENE ST (MANAGER)</i>						Business Phone				Mobile Phone				
	VYR	Make	Model	Style	Color	Lic/Lis	VIN								
	CODES: V- Victim (Denote V2, V3) WI = Witness IO = Involved Other RP = Reporting Person (if other than victim)														
	Type: <i>SOCIETY/PUBLIC/STATE</i> Injury:														
	Code <i>V2</i>	Name (Last, First, Middle) <i>SOCIETY</i>				Victim of Crime # <i>2</i>		DOB <i>/ /</i> Age		Race	Sex	Relationship To Offender	Resident Status <i>N/A</i>	Military Branch/Status	
	Home Address						Email				Home Phone				
	Employer Name/Address						Business Phone				Mobile Phone				
PROPERTY	Type: Injury:														
	Code	Name (Last, First, Middle)				Victim of Crime #		DOB Age		Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
	Home Address						Email				Home Phone				
	Employer Name/Address						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)														
	VI #	Code	Status Frm/Tc	Value	OJ	QTY	Property Description			Make/Model			Serial Number		
	2	99	EVID	\$0.00		2	<i>AXON CAPTURE PHOTOGRAPH</i>								
	1	35	EVID	\$0.00		2	<i>BWC 4126</i>								
Officer/ID# <i>OWENS, ROYA (4126)</i>															
Invest ID# <i>(0)</i> Supervisor <i>(0)</i>															
Status	Complainant Signature				Case Status <i>Cleared By Arrest</i> 12/10/2022				Case Disposition: <i>Cleared By Arrest</i> 12/10/2022				Page 1		

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 22-007009

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								

Suspect Hate / Bias Motivated:

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 22-007009

Key West Police Department

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

22-007009

Victim

HICKS-EBERSOLE, ALLEN

Offense

BATTERY

Date / Time Reported

Sat 12/10/2022 00:05

-- Brian Prescott Blucher Arrest Narrative:

On 12/10/2022 at 0005 hours, I (Ofc. R. Owens) observed an altercation between an unidentified white male and a security personnel, identified as Bradley McBride and Allen Hicks, who were working at 501 Greene St., Rock House Live.

My vehicle was stopped at the red-light at Greene St. and Duval St. awaiting traffic, and I saw the male, later identified as Brian Blucher start throwing punches at two other white males. One of the males was wearing a yellow security shirt appearing to work at Rock House Live, later identified as Bradley McBride. I recognized the third male as Allan Hicks-Ebersole, Rock House Live night manager. Numerous other passerby and patrons of the bar attempted to intervein and separate the parties from the altercation.

I exited my vehicle and approached the altercation and tried to grab Blucher to pull him away to break up the altercation. Blucher continued to hold Hicks and push forward swinging his fist. In an attempt to control the suspect, I redirected him to the ground in a controlled manner, placed him in handcuffs, and detained him for my investigation. My body worn camera came off my vest during this time. My BWC was returned to me by a bar patron. I requested a supervisor on scene for a Response to Resistance Incident. I helped Blucher off the ground and asked if he had any other injuries and he said no. Blucher had a small amount of blood around his mouth, and I did not observe any other injuries.

I spoke with McBride, and he told me he was working the door security and saw Blucher smoking inside the bar. McBride told me the other door security person; Dirk Cancelosi, had removed Blucher from the bar area and told him to leave earlier in the night. McBride said he told Blucher to leave, and he would not. McBride said he started to physically remove Blucher and Blucher then swung his fist at him. McBride told me he did not get hit by Blucher. McBride said Hicks then stepped in to try to stop Blucher and he continued to swing his fists. McBride told me that's when he saw me approach. McBride said he did not want to press charges at this time.

I spoke with Hicks who told me he was working at the bar and getting ready to sing karaoke when he saw Blucher swing at McBride. Hicks said he stepped off the stage and went over to McBride and Blucher to separate them. Hicks said he was hit in the face and then fell into the door jam. Hicks had a small laceration on his top left side of his head from the door. Hicks said he swung at Blucher in self defense because Blucher could not be controlled and swung at him again. Hicks said he saw me attempt to control Blucher and he backed off. Hicks said his door security personnel, Brad already told Blucher to leave and not come back because he was talking to himself and smoking in the bar. Hicks told me he was not going to press charges but changed his mind and wished to pursue charges at this time. I took pictures of Hicks injury with AXON Capture and submitted them to evidence.com.

I spoke with Blucher and told him I had to read his Miranda Warning because he was detained in handcuffs. I could smell a very strong scent of an alcoholic beverage coming from Blucher's breath and person. Blucher said he just got out of jail and didn't want to go back. I read Blucher his Miranda Warnings and asked if he would speak to me about the incident and he said yes. I asked Blucher what happened, and he said he was going outside to smoke, and the door security grabbed his arm and started to tell him to go out of the bar. I asked Blucher if he was already smoking, and he said no. Blucher said before he exited the thresh-hold of the door he swung at McBride because McBride grabbed him. I asked if any other person had told him to leave the bar and not comeback and he said no.

I spoke to Dirk Cancelosi, and he told me that Blucher was told earlier to leave the bar because he was acting weird. Cancelosi said Blucher was already intoxicated, talking to himself, and attempting to smoke inside the bar. Cancelosi told me he told Blucher to leave and saw him walk down the street. Cancelosi said he did not know he came back to the bar to the other door.

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

22-007009

Victim

HICKS-EBERSON, ALLEN

Offense

BATTERY

Date / Time Reported

Sat 12/10/2022 00:05

I transported Blucher to MCDC. Due to the in-car cameras being inoperative, I activated my BWC for transport and held it facing the rear seat.

My BWC was activated for this incident.

Since Brian Blucher actually and intentionally touched Allan Hicks-Ebersole by swinging his fist and striking Hicks in the face while he was attempting to remove Blucher from the bar and break up an altercation, which caused Hicks to hit his head, Brian Blucher is in violation of F.S.S. 784.03-1A1.

Since Brian Blucher was intoxicated in public and started an altercation causing a law enforcement officer to intervene and also cause an undue safety hazard for bar patrons and other passerby constituting a breach of peace in a public and a moral outrage in the sense of decency, Brian Blucher is in violation of F.S.S 877.03.

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I was informed by Allan Hicks, that the security camera facing the Green St. entrance door from inside the bar is inoperable. Hicks told me the owner of the building is the only person who has access to the two exterior surveillance cameras on the Greene St. side.

Incident Report Suspect List

Key West Police Department

OCA: 22-007009

1	Name (Last, First, Middle) BLUCHER, BRIAN PRESCOTT						Also Known As				Home Address 1 GENERAL DELIVERY KEY WEST, FL 33040			
	Business Address										Driver's License / State B426075780560 FL			
	DOB 02/16/1978	Age 44	Race W	Sex M	Eth N	Hgt 604	Wgt 200	Hair BLN	Eye BLU	Skin LGT				
	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		
Veh Yr / Make / Model		Drs	Style		Color		Lic Plate / State		VIN		

Notes	Physical Char
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Incident Report Related Property List

Key West Police Department

OCA: 22-007009

1	Property Description BWC 4126				Make		Model		Caliber	
	Color		Serial No.		Value \$0.00		Qty 2.000		Unit EA	
	Status Evidence		Date 12/10/2022		NIC #		State #		Local #	
	Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	
	Jurisdiction Locally		OAN							

Notes

2	Property Description AXON CAPTURE PHOTOGRAPH				Make		Model		Caliber	
	Color		Serial No.		Value \$0.00		Qty 2.000		Unit EA	
	Status Evidence		Date 12/10/2022		NIC #		State #		Local #	
	Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	
	Jurisdiction Locally		OAN							

Notes

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 12/11/2022 23:49

OCA: **22007009**

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

Investigator: *OWENS, ROY A (4126)*

Date / Time: *12/11/2022 22:21:22, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact: *Hicks-ebersole, Allen Richard*
1403-APT 2 Truman Av, Key West
248-925-9549

Reference: *General Supplemental Report*

On 12/10/2022 at 1918 hours, I (Ofc. Owens) met with Allen Hicks-Ebersole and Bradley McBride at Rock House Live.

I provided Hicks with a business card with case number for this case. Hicks notified my he may not continue with pursuing charges. I told him he would have to speak with the State Attorney's Office to drop the charges.

I spoke with McBride and provided a copy of KWPD Victim Refusal. McBride signed the refusal and returned it to me. I submitted the victim refusal to KWPD records division as evidence.

Investigator Signature: _____

Incident Report Related Property List

Key West Police Department

OCA: 22-007009

1	Property Description VICTIM REFUSAL				Make		Model		Caliber	
	Color		Serial No.		Value \$0.00		Qty 1.000		Unit EA	
									Jurisdiction Locally	
	Status Evidence		Date 12/10/2022		NIC #		State #		Local #	
									OAN	
Name (Last, First, Middle) * No name *					DOB		Age		Race	
									Sex	

Notes

