

Response to Resistance Report

Key West Police Department

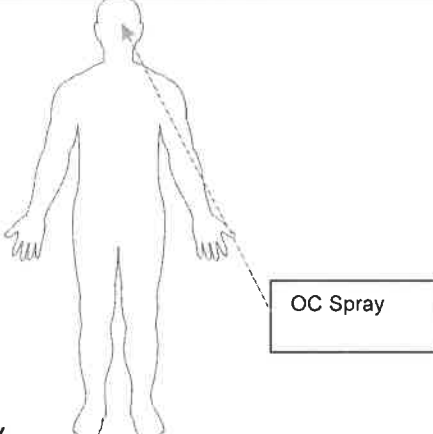
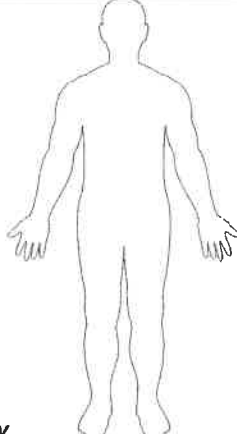
Case No: 23-3900

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

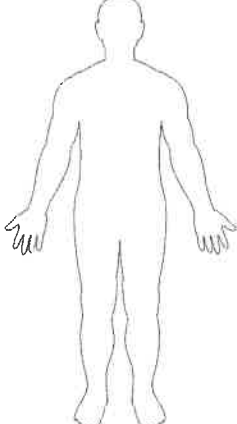
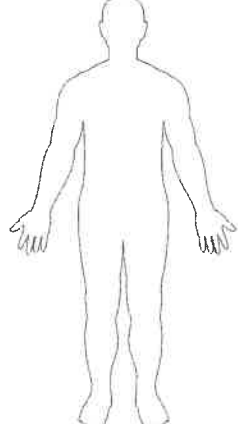
- A response through the use of non-lethal weapons,
- Applies weaponless physical force of strikes, kicks, or "take-downs"
- When any person sustains an apparent substantial or fatal injury as a result of the application of force
- When any person complains of injury as a result of the application of 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: 07/08/23		3. Time: 0233		4. Location: 1029 Truman Ave		5. Incident type: Resisting w/o	
	6. Resistance Level		7. Explanation		8. Response Option		9. Explanation	
	<input checked="" type="checkbox"/> Passive:		Failure to follow orders		<input type="checkbox"/> Physical Control			
	<input checked="" type="checkbox"/> Active:		Aggressive bracing and tensing		<input checked="" type="checkbox"/> Non-lethal Weapon		OC Deployment	
<input type="checkbox"/> Aggressive:				<input type="checkbox"/> Deadly Force				
<input type="checkbox"/> Deadly Force:								

10. Last Name: Abreu		11. First: Bryan		12. Race: W		13. Sex: M	
14. DOB: 07/15/1996		15. Height: 5'09		16. Weight: 190			
17. Did you observe the subject: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If NO, explain why in Section 42. If "YES", complete sections 18-22							
18. Appeared to be: <input checked="" type="checkbox"/> Intoxicated <input type="checkbox"/> Under the influence of controlled substance <input type="checkbox"/> Emotionally / mentally disturbed							
19. Injuries: <input checked="" type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)							
20. Photographed: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes 21. Treated: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes By: <input checked="" type="checkbox"/> EMT/Paramedic on scene <input checked="" type="checkbox"/> Hospital <input type="checkbox"/> Detention							

SUBJECT	 <p>22. Anterior View</p>	 <p>Posterior View</p>
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23. Officer: Sgt. A. Rodriguez		24. Race: W		25. Sex: M		26. Age: 31		27. Height: 5'09"		28. Weight: 165	
29. Duty Status: <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment		<input checked="" type="checkbox"/> Uniformed		<input type="checkbox"/> Plain clothes		30. Yrs Exp: 11					
31. Injuries: <input checked="" type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)											
32. Photographed: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes 33. Treated: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital											
34. Response option used by this officer: OC											

OFFICER	 <p>35. Anterior View</p>	 <p>Posterior View</p>
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Incident Report Additional Name List

Key West Police Department

OCA: 23-003900

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	HERNANDEZ, RAUL 3		02/28/1988	35	W	M
	Address 14 C 9TH AVE, KEY WEST, FL 33040-		H: 305-896-1459			
	Empl/Addr Bare Assets, 1029 Truman Ave		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 23-003900

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found

	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D R U G S						

Assisting Officers

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
23-003900
Date / Time Reported
Sat 07/08/2023 02:20

Victim	Offense	Date / Time Reported
	DISORDERLY CONDUCT	Sat 07/08/2023 02:20

-- Bryan Abreu Arrest Narrative:

On Saturday, July 8, 2023 at approximately 0220 hours I, Ofc. J. Hesse, responded to Bare Assets located at 1029 Truman Ave, for the report of a male subject refusing to leave the establishment. Per the R/P, a security guard at the business, the male subject later identified as Bryan Abreu, was at the location acting aggressive and trying to start fights with customers.

Upon my arrival, I activated my BWC and observed Ofc. Golovanov attempting to speak with Abreu in the parking lot with two employees present, one of whom was the manager, Raul Hernandez. As I exited my vehicle, I could hear Abreu screaming at Ofc. Golovanov stating he was not leaving the premises and to "take me to jail". After a brief conversation with Abreu attempting to explain he was being told to leave by the manager at the establishment, he refused to listen and stated he did not have to leave and would not be leaving.

During the interaction Abreu was yelling aggressively at officers, at times clenching his fist, and stating multiple times he would not leave the property. At one point, Abreu kneeled on the pavement, placed his hands on top of his head, and again told police to take him to jail.

During the event to that point, I observed multiple bystanders in the area stop due to the loud yelling and behavior being exhibited by Abreu, as well as persons relocating their position in the parking lot due to his behavior. See Ofc. Golovanov's supplemental report for greater details regarding Abreu's behavior inside the establishment. At that time, I had probable cause to arrest Abreu for disorderly conduct and trespassing. See also the written statement from Hernandez attached to this report.

I applied handcuffs to Abreu that were checked for proper fit and double locked. After the handcuffs were applied, he began to twist and pull away from officer while yelling he was being arrested for no reason. He was guided to the front of Ofc. Golovanov's patrol vehicle and his legs pinned against the vehicle to prevent him from further attempting to break officers grasp from his arms.

Sgt. A. Rodriguez arrived around that time as Abreu was being led to my patrol vehicle where a search of his person was completed incident to arrest, no items of interest were located. Abreu was then sat into the rear seat of my patrol vehicle and my vehicles' Axon fleet camera activated.

While attempting to secure Abreu in the vehicle, he refused to place his feet inside the vehicle. He was given multiple attempts to comply with commands but refused to do so. Officers then attempted to physically move his legs inside the vehicle to close the door and he began kicking at Sgt. Rodriguez to prevent being secured into the vehicle. After numerous attempts to secure Abreu and warnings that OC spray would be used if he continued to actively resist, he continued physically and actively resisting being secured in the vehicle.

At that time, Sgt. Rodriguez deployed his OC spray into the face of Abreu at a distance of approximately three feet, for a duration of approximately one second. Abreu's feet were secured with a hobble strap to prevent further kicking at officers, and a spit-mask was additionally applied after he verbally threatened to begin spitting at officers. See Sgt. Rodriguez's supplemental report for greater details.

Immediately following the OC exposure, rescue was contacted via dispatch to respond to the scene. Rescue responded a short time later and irrigated Abreu's face with water. He was then transported to LKMC and medically cleared.

Bryan Abreu was transported and lodged at the jail for the crimes of disorderly conduct outside the business,

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 23-003900
Date / Time Reported Sat 07/08/2023 02:20

Victim	Offense <i>DISORDERLY CONDUCT</i>	Date / Time Reported Sat 07/08/2023 02:20
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trespassing after warning by management and subsequent refusal to leave, and resisting an officer without violence.

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Incident Report Suspect List

Key West Police Department

OCA: 23-003900

1	Name (Last, First, Middle) <i>ABREU, BRYAN</i>					Also Known As					Home Address <i>8965 SW 172ND AVE - 1626 MIAMI, FL 33196</i>				
	Business Address														
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State					
<i>07/15/1996</i>	<i>26</i>	<i>W</i>	<i>M</i>	<i>H</i>	<i>509</i>					<i>A160060962550 FL</i>					
Scars, Marks, Tattoos, or other distinguishing features															

<i>Reported Suspect Detail</i>		Suspect Age	Race	Sex	Eth	Height	Weight	SSN
Weapon, Type	Feature	Make	Model		Color	Caliber	Dir of Travel	
Veh Yr / Make / Model		Drs	Style	Color	Lic Plate / State		VIN	
Mode of Travel								

Notes	Physical Char
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Incident Report Related Property List

Key West Police Department

OCA: 23-003900

1	Property Description AXON BWC 4305				Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit	Jurisdiction Locally	
Status Evidence		Date 07/08/2023	NIC #		State #		Local #		OAN	
Name (Last, First, Middle)					DOB		Age	Race	Sex	

Notes

2	Property Description AXON FLEET VIDEO 4305				Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit	Jurisdiction Locally	
Status Evidence		Date 07/08/2023	NIC #		State #		Local #		OAN	
Name (Last, First, Middle)					DOB		Age	Race	Sex	

Notes

3	Property Description BWC 4262				Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit EA	Jurisdiction Locally	
Status Evidence		Date 07/08/2023	NIC #		State #		Local #		OAN	
Name (Last, First, Middle)					DOB		Age	Race	Sex	

Notes

4	Property Description AXON BWC 3465				Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit	Jurisdiction Locally	
Status Evidence		Date 07/09/2023	NIC #		State #		Local #		OAN	
Name (Last, First, Middle)					DOB		Age	Race	Sex	

Notes

OCA: 23003900

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

Investigator: GOLOVANOV, IVAN (4262)

Date / Time: 07/08/2023 03:59:21, Saturday

Supervisor: RODRIGUEZ, ALEXANDER (3465) Supervisor Review Date / Time: 07/09/2023 00:39:29, Sunday

Contact:

Reference: General Supplemental Report

On 07/08/2023 at approximately 0220 hours, I, Officer Golovanov, was dispatched to 1029 Truman Avenue ("Bare Assets") in reference to a trespassing incident.

Upon arrival at "Bare Assets," I observed the subject, who was later identified as Bryan Abreu, and the manager of "Bare Assets," who was later identified as Raul Hernandez.

Abreu was intoxicated and yelling at Hernandez. When Abreu saw me, he raised his hands above his head. Abreu demanded a "real" manager and yelled that Hernandez was not a "real" manager.

Then Abreu started to curse the staff of "Bare Assets." I told Abreu to relax and come down, and Abreu said he would only come down if I arrested him. After that, Abreu started cursing at me. Then Abreu fell on his knees, interlocked his fingers behind his head, and continued cursing on the staff of "Bare Assets."

When Officer Hesse arrived, Abreu started cursing at him and yelled that he would not leave. Then he got up and started walking backward towards Ofc. Hesse, with interlocked fingers behind his head. Ofc. Hesse and I handcuffed Abreu.

Abreu kept yelling and tried to walk away from us after he was handcuffed. When Sergeant Rodriguez arrived, he and Ofc. Hesse tried to place Abreu in the rear seat of Ofc. Hesse patrol car, but he refused to put his feet inside the car and kept actively resisting. We gained control of Abreu's legs and placed a hobble device on his legs to limit his mobility and attempts to defeat our attempts at restraining him in the rear of the patrol car. Sgt. Rodriguez told Abreu that he would be sprayed if he would not stop resisting. Abreu kept yelling and refusing to put his feet inside the patrol car. Sgt. Rodriguez sprayed Abreu with pepper spray, and afterwards, compliance was achieved as Abreu placed his feet into the patrol vehicle.

Key West Fire Rescue arrived to check Abreu. The Key West Fire Rescue personnel rinsed Abreu's eyes. Ofc. Hesse transported Abreu to Lower Keys Medical Center for clearance.

Hernandez showed me video footage of the incident inside the establishment.

In the video footage, I observed Abreu acting aggressively toward Hernandez. Abreu yelled at Hernandez, pushed him several times, and refused to leave the establishment. Hernandez told me that during the incident, all customers got up from their seats, looked at Abreu's behavior, and could not enjoy their time in the establishment. I observed on the video that Abreu's behavior affected the peace and quiet of customers.

My Axon BWC was activated during this incident and will later be uploaded to Evidence.com.

Investigator Signature: _____

OCA: 23003900

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

Investigator: *RODRIGUEZ, ALEXANDER (3465)*Date / Time: *07/09/2023 23:42:25, Sunday*Supervisor: *SIMS, FRED CARTER (2301)*Supervisor Review Date / Time: *07/10/2023 16:04:48, Monday*

Contact:

Reference: *General Supplemental Report*

On Saturday, July 8, 2023 at approximately 0226 hours, I (Sgt. A. Rodriguez) responded to Bare Assets, 1029 Truman Avenue, at the request of Ofc. J. Hesse. I was already aware that he and Ofc. I. Golovanov were dispatched there in reference to a belligerent trespasser.

Upon arrival, I saw the above two officers searching a male, later identified as Bryan Abreu, who was secured in handcuffs. Abreu was yelling profanities at the officers and asking if I was the supervisor. I answered affirmatively and that I would speak to him after he took a seat in the rear of Ofc. J. Hesse's patrol vehicle. Abreu sat down but did not put his feet inside the car as instructed.

I told Abreu I would speak to him as soon as he fully entered the car as instructed, to which he continued to refuse and resist. Abreu tensed his legs and would brace his feet against the door/support pillar of the vehicle. Ofc. J. Hesse and I had to physically control Abreu and push his legs into the vehicle, however, he continued to keep his feet braced and we were unable to fully close the door. I asked Ofc. J. Hesse for a Hobble restraint device and held Abreu's legs as the restraint was applied. Abreu then locked his knees and kept his feet braced against the doorway.

I told Abreu to place his feet into the vehicle or he would be sprayed with pepper spray as I retrieved it from its pouch on my duty vest. I gave Abreu numerous warnings and opportunities to place himself into the patrol vehicle under his own free will to which he continuously refused. After numerous warnings and attempts to gain voluntary compliance, I released a burst of OC spray of about one second to Abreu's brow line from a distance of approximately two feet.

I monitored the response and the desired effect was achieved as Abreu immediately began to cough, close his eyes, and verbally express his reactions. Abreu also complied by placing his feet into the patrol vehicle. Abreu continued his verbal tirade, yelling at officers using profanity and spitting within Ofc. J. Hesse's patrol vehicle. Abreu would also bang his head and body against the door and partition.

KWFD Rescue was called where they rinsed his face with saline.

Once KWFD was done with the rinse, I applied a spit hood to Abreu's face.

During the time, there was a couple who was standing outside of the establishment waiting for a taxi. The couple appeared shocked at the actions of Abreu and were so distracted by it, that they almost missed their taxi arriving.

I followed Ofc. J. Hesse to LKMC where a medical clearance was obtained. I followed Ofc. J. Hesse to MCDC to assist in taking Abreu upstairs to the Intake area of the jail. MCSO Detention Deputies removed the handcuffs for a brief period of time prior to placing Abreu back into handcuffs and into a restraint chair with a fresh spit hood.

Investigator Signature: _____

OCA: **23003900**

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Investigator: *RODRIGUEZ, ALEXANDER (3465)*

Date / Time: *07/09/2023 23:42:25, Sunday*

Supervisor: *SIMS, FRED CARTER (2301)*

Supervisor Review Date / Time: *07/10/2023 16:04:48, Monday*

Contact:

Reference: *General Supplemental Report*

I had no further involvement in this incident.

My AXON BWC was activated for this incident.

Investigator Signature: _____

