## Response to Resistance Report Key West Police Department

Case No:	23-3900

	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												
	When any person sustains an apparent substantial or fatal in												
	When any person complains of injury as a result of the appli Discharge of firearm in the line of duty off-duty or on-duty (o												
		ation: 1029 Truman Ave 5. Incident type: Resisting w/o											
	6. Resistance Level 7. Explanation	8. Response Option 9. Explanation											
INCIDENT	Passive: Failure to follow orders	Physical Control											
9	Active: Aggressive bracing and tensing	Non-lethal Weapon OC Deployment											
ž	Aggressive:	Deadly Force											
	Deadly Force:												
		st: Bryan 12. Race: W 13. Sex: M											
		st:         Bryan         12. Race:         W         13. Sex:         M           ight:         5'09         16. Weight:         190         190         100											
	17. Dob. of 13.1990	If NO, explain why in Section 42. If "YES", complete sections 18-22											
		ce of controlled substance Emotionally / mentally disturbed											
		or Alleged, describe and indicate areas on charts in Section 22 )											
		Yes $B_{y}$ : $\boxtimes$ EMT/Paramedic on scene $\boxtimes$ Hospital $\square$ Detention											
E	2 * 2	56											
SUBJECT	$\langle \nabla \rangle$												
UB.		$\langle \lambda \rangle$											
S													
	Teur 1 June	Ful 1 lus											
	OC Spray												
		$\langle \rangle \rangle \rangle$											
	22 Antorior View	Posterior View											
	22. Anterior View         Image: Comparison of the sector of the sec	Sex: M 26. Age: 31 27. Height: 5'09" 28. Weight: 165											
-		mployment I Uniformed Plain clothes 30. Yrs Exp: 11											
Ì		r Alleged, describe and indicate areas on charts in Section 35)											
		Yes By: EMT/Paramedic on scene Hospital											
	34. Response option used by this officer: OC												
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~	$\mathcal{A}$	24											
E E	( )												
OFFICER		$f \lambda = k \lambda$											
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	35. Anterior View	Posterior View											

# Response to Resistance Report (continued) Key West Police Department

23-3900

	36. TASER® device serial #	37. TASER® device serial #										
	Battery serial #	Battery serial #										
	Cartridge 1 serial #1: serial #2	Cartridge 1 serial #1 serial #2										
ONLY	Cartridge 2 serial #3 serial # 4	Cartridge 2 serial # 3 serial #4										
ð	Number of cycles: 1	Number of cycles:										
USE	Type of contact: Probe CODS Drive Stun	Type of contact: Probe CODS Drive Stun										
R	Did probes penetrate skin: 🗌 Yes 🔲 No	Did probes penetrate skin: 🗌 Yes 📋 No										
TASER	Target distance at probe launch:	Target distance at probe launch:										
TA	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® d	evices, cartridges or details in the incident description s	section.									
REPORT	<ul> <li>39. Offense/Incident Report and/or Warrant Affidavit must include:</li> <li>All necessary criminal elements.</li> <li>All details of the arrest</li> <li>Details articulating the subject's words, mannerisms and actions that justify the use of force.</li> <li>Details outlining the response to resistance utilized by each officer.</li> <li>Details outlining the decontamination, first aid or medical treatment provided to the officer and/or subject.</li> </ul>											
	40. Notified Date: 07/08/2023	41. Time: 0300										
1	42. Did you respond to the scene: 🛛 No	Yes (If "No", explain why)										
1	I was off duty on leave											
	43. Did you watch all relevant videos associated with the use of force? No X Yes (If "No", explain why)											
	43. Did you watch all relevant videos associated with the use of force? I No N Yes (If No , explain Why)											
RY	44. Did you meet with the Officer(s): 🗌 No 🔀 Yes (If "No", explain why)											
INQUIRY												
		policy violations or training issues associated with the incider	nt?									
S	No Yes (If "Yes," list below)											
VISOR'												
<u>S</u>												
Щ.	46. Were you able to locate any independent witne	sses: 🛛 No 🗌 Yes (If "Yes," list below)										
SUPER	Name	Address Phone Nun	nber									
		/										
		A										
	DICENT	8:9-2	3									
	47. Preparing Supervisor / Printed Name	48. Preparing Supervisor / Signature / ID 49. Da	ate									
ц.	50. Did the review of this incident conclude that us	e 12 8/21/2	673									
NT. AFF.	of force was in compliance with Departmental	51 Signature of Internal Affairs Inspector 52. Da	ate									
INT	policy? 🗌 No 🗹 Yes											

	Age	ncy N	ame					- I	NCIDE	NT/INV	EST	IGAT	ION	1	Case#			
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D			ne Incid	lent				(Com)	Weapon /	' Tools							1	Activity
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I M	Em	ploye	Name/	Address									Busin	ess Pho	one		Mobi	le Phone
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	CO	DES:	V- Vic	tim (Denote V	2, V3)	WI	= Witness	s IO = Inv	olved Other	RP = I	Reporti	ng Person	(if othe	r than v	ictim)			
0	Type: BUSINESS Injury:																	
T	Code Name (Last, First, Middle)								Victim of Crime #	D	OB	Race S		ationship Offender	Resident	Status	Military Branch/Status	
H E	V2 BARE ASSETS								2	Age			IR		N/2	4	Dianois Status	
R S		me Ad		NAVE KEY		CT EI	22010				Emai	1						Phone 95-296-3979
5			Name/		YY La	51, FL	, 55040		Business Pho					one			13-290-3979 le Phone	
I N																		
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	R_0	CS1IE	R	Print	ea By	: AROD	RIGUEZ	, L19119 # a	arodriguez			Sys#:	1				08/	/10/2023 00:10

## 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	Ag	e Race	e Sex
1)	WI I	HERNANDEZ, RAUL 3	02/28/198	8 35	; W	M
	Addres	14 C 9TH AVE , KEY WEST, FL 33040-	н:305-	896-14	59	
	Empl/Add	r Bare Assets, 1029 Truman Ave	В: -	-		
			Mobile #: -	-		

## INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 23-003900

Status Codes	5 L=	Lost	S = Stolen  R = Re	covered D = Dan	naged $Z = Seized B = Burned C = Counterfeit / I$	Forged F = Found
	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D R						
U G						
S						
3						
ģ		-				
	Assis	ting Of	ficers			
	Susp	ect Hat	e / Bias Motivated:			

NARRATIVE

Key West Police Department

Victim

Offense DISORDERLY CONDUCT

-- 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,

<b>REPORTING OFFICER NARRAT</b>	IVE
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Key West Police Department

Victim

trespassing after warning by management and subsequent refusal to leave, and resisting an officer without violence.

\_\_\_\_\_

## **Incident Report Suspect List**

### Key West Police Department

OCA: 23-003900

Name (Last, First, Middle)						Also Known As						Home Address			
ABREU, BR	YAN										1	8965 SW 172ND AVE - 1626 MIAMI, FL 33196			
Business Address								11011, 1 12 55170							
DOB	Hgt	Wgt	Ha	ir	Eye	Skin	Drive	Driver's License / State							
07/15/1996	26	W	M	H	509						AI	60060962550	FL		
				ing fea											
Reported Susp			ispect A	-		ace	Sex	Eth	Heigh	nt	Weig	ht	SSN		
Reported Susp Weapon, Type		<i>til</i> Su		ge	R	ace	Sex	Eth	Heigh		Weig Caliber	ht Dir of Travel Mode of Trave			
	Feature	<i>til</i> Su	ispect A	e	R	odel	Sex	Eth	Colo			Dir of Travel			

OCA: 23-003900

1	Property Description			1	Make			Model			Caliber		
	AXON BWC 4305												
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							\$0.00		1.000	)	Locally		
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Status		Date	NIC #		State #			Local #		OAN	
Evidence		07/09/2023									
Name (Last, First, Middle)	Name (Last, First, Middle)							1	Age F	lace	Sex

<u>Notes</u>

#### CASE SUPPLEMENTAL REPORT

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.

### CASE SUPPLEMENTAL REPORT

OCA: 23003900

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY			
Investigator: RODRIGUEZ, ALEXAN	DER (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.

### CASE SUPPLEMENTAL REPORT

OCA: 23003900

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