

Response to Resistance Report

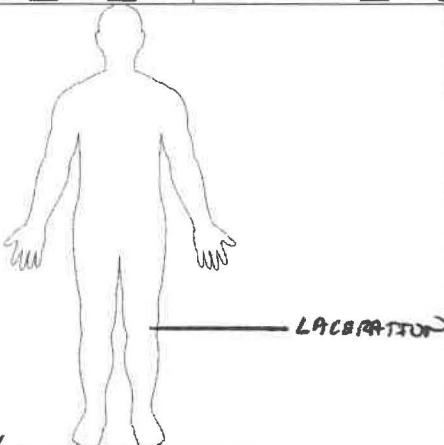
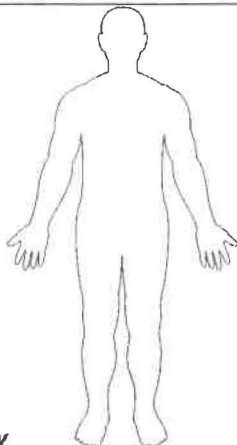
Key West Police Department

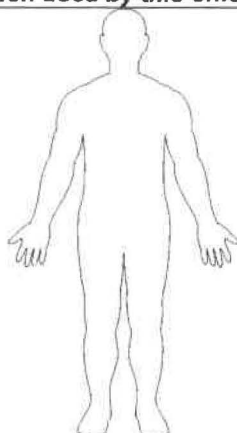
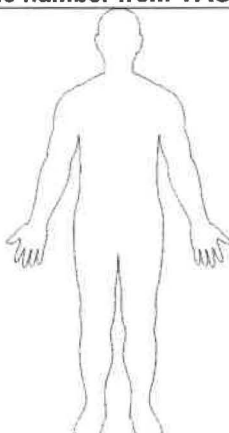
Case No: 19-2778

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: 4/29/19	3. Time: 2100 hrs	4. Location: 1600 N. Roosevelt	5. Incident type: Lewd/Lascivious
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	☒ Passive:	Would not comply	☒ Physical Control	Takedown
	☒ Active:	Tensed Up	☐ Non-lethal Weapon	
	☒ Aggressive:	Elbowed Officer	☐ Deadly Force	
☐ Deadly Force:				

SUBJECT	10. Last Name: Frances	11. First: Crystal	12. Race: W	13. Sex: F
	14. DOB: 5/25/83	15. Height: 5'07	16. Weight: 135	
	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			
				
22. Anterior View		Posterior View		

OFFICER	23. Officer: Mark Siracuse	24. Race: W	25. Sex: M	26. Age: 32	27. Height: 5' 08	28. Weight: 160
	29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes 30. Yrs Exp: 9					
	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) Takedown					
						
35. Anterior View		Posterior View				

Response to Resistance Report (continued)

Key West Police Department

Case No: 19-2778

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		Target distance at probe launch:	
	Distance between probes:		Distance between probes:	
	Probes removed by (name):		Probes removed by (name):	
Device downloaded by: Unable to download/ w/ training		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: 3/29/19		41. Time: 2100 hours	
	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)			
	N/A			
INT. AFF.	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		Sgt. M Siracuse 3366		
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		4/29/19		
		46. Preparing Supervisor's Signature / ID		
		47. Date		
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)		4/30/19		
		49. Signature of Internal Affairs Inspector		
		50. Date		
51. If section 48 is "No" record the Professional Standards Control Number:		52. Date Entered:		

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 19-002778

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

SIRACUSE, M.W. (3366), CUNEO, E.J. (3922)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

19-002778

Victim

Society

Offense

SEXUAL INDECENT EXPOSURE

Date / Time Reported

Mon 04/29/2019 20:57

On 04/29/2019, at approximately 2057 hours, I, Officer Leahy responded to the sidewalk in front of 1604 North Roosevelt Blvd. (Key West Police Station) in reference to two subjects who appeared as if they were going to have sex.

A female, only identified by name, as Ariana Sanchez, had walked up to the dispatch phone in the Key West Police Department lobby. Sanchez stated two people appeared as if they were going to have sex on the sidewalk located in front of the Key West Police Station. Sanchez said the male and female were located on the sidewalk by the pond.

I was unable to retrieve a statement from Sanchez as she had left the police station upon my arrival.

Upon arrival to the area, I observed a male and female lying on the sidewalk between the concrete barrier and the metal fence bordering the pond in front of the police station. I observed the male, later identified as Gary M. Hill (arrestee) to have his shorts down around his ankles. I observed the female, later identified as Crystal E Frances, to have no pants on or underwear. I observed both Frances and Hill actively engaging in sexual intercourse on the sidewalk in front of the police station. I asked both parties what they were doing. Hill said, "It was a Key West moment." I ordered both Frances and Hill to put their clothes back on. Hill immediately pulled his pants up. Frances gave indications she was not going to comply with lawful orders. I could not understand what Frances was saying due to her intoxication, but her facial expressions gave me the impression she was angry and wasn't going to go peacefully.

I asked for another unit to respond to the scene. Sgt. Siracuse arrived on scene. I had Sgt. Siracuse handcuff Frances, who had put her clothes on. I handcuffed Hill and placed him into custody. I asked Hill if he knew why he was in custody. Hill said, "For a sexual act." Hill made two spontaneous utterances about the incident. Hill said, "I'm horny" and "She was giving it up to me right then and there."

Hill said he and Frances had drank a pint of vodka. I observed a strong odor of an alcoholic beverage emanating from Hill's breath. I observed Hill to have glassy/bloodshot eyes. I observed Hill to have slurred speech and to be unsteady on his feet. I suspected Hill was under the influence of an alcoholic beverage and was intoxicated.

I observed a half empty pint of vodka on the ground where Frances and Hill were having sexual intercourse.

Based on the facts and evidence, I believe there is probable cause, that on 04/29/2019, Gary M. Hill did knowingly and intentionally engage in sexual intercourse while in public view violating FSS 800.03 lewd and lascivious - indecent exposure - sex in public.

I transported Hill to the Monroe County Detention Center.

Upon arrival at MCDC I advised Hill of his Miranda Rights. Hill invoked his rights and would not speak to me without a lawyer present.

The incident was captured on my AXON BWC.

Information: Frances was transported to the hospital in reference to her intoxication and possible ingestion of narcotics. If Frances is not released from the hospital I will follow -up with a warrant for her arrest.

Incident Report Suspect List

Key West Police Department

OCA: 19-002778

1	Name (Last, First, Middle) <i>HILL, GARY M</i>						Also Known As				Home Address <i>0 GENERAL DELIVERY KEY WEST, FL 33040</i>																																										
	Business Address																																																				
	DOB <i>04/20/1973</i>	Age <i>46</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>600</i>	Wgt <i>195</i>	Hair <i>BRO</i>	Eye <i>BRO</i>	Skin <i>LGT</i>	Driver's License / State. <i>H400293731400 IN</i>																																										
	Scars, Marks, Tattoos, or other distinguishing features																																																				
<table border="1"> <tr> <td colspan="2"><i>Reported Suspect Detail</i></td> <td colspan="2">Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td colspan="2">Height</td> <td colspan="2">Weight</td> <td colspan="2">SSN</td> </tr> <tr> <td colspan="2">Weapon, Type</td> <td colspan="2">Feature</td> <td colspan="2">Make</td> <td colspan="2">Model</td> <td colspan="2">Color</td> <td>Caliber</td> <td colspan="2">Dir of Travel</td> </tr> <tr> <td colspan="2">VehYr/Make/Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="2">Lic/St</td> <td colspan="2">VIN</td> <td colspan="2"></td> </tr> </table>															<i>Reported Suspect Detail</i>		Suspect Age		Race	Sex	Eth	Height		Weight		SSN		Weapon, Type		Feature		Make		Model		Color		Caliber	Dir of Travel		VehYr/Make/Model		Drs	Style		Color		Lic/St		VIN			
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VehYr/Make/Model		Drs	Style		Color		Lic/St		VIN																																												
Notes Physical Char																																																					

2	Name (Last, First, Middle) <i>FRANCES, CRYSTAL E</i>						Also Known As				Home Address <i>736 W MAIN ST LEXINGTON, KY 40508</i>																																										
	Business Address																																																				
	DOB <i>05/25/1983</i>	Age <i>35</i>	Race <i>W</i>	Sex <i>F</i>	Eth <i>H</i>	Hgt <i>507</i>	Wgt <i>135</i>	Hair <i>BRO</i>	Eye <i>BRO</i>	Skin <i>LGT</i>	Driver's License / State. <i>F99299234 KY</i>																																										
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Notes Physical Char																																																					

Incident Report Related Property List

Key West Police Department

OCA: 19-002778

1 Property Description AXON BWC 2965		Make		Model		Caliber	
Color	Serial No.	Value \$1.00	Qty 1.000	Unit	Jurisdiction Locally		
Status Evidence	Date 04/29/2019	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex	

Notes

2 Property Description AXON BWC/ 3922		Make		Model		Caliber	
Color	Serial No.	Value \$1.00	Qty 1.000	Unit	Jurisdiction Locally		
Status Evidence	Date 04/29/2019	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex	

Notes

CASE SUPPLEMENTAL REPORT

Printed: 05/07/2019 10:21

Key West Police Department

OCA: 19002778

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

Case Status: *CLEARED BY ARREST*Case Mng Status: *NA*Occurred: *04/29/2019*Offense: *SEXUAL INDECENT EXPOSURE*Investigator: *CUNEO, EDWARD J. (3922)*Date / Time: *04/29/2019 23:41:58, Monday*Supervisor: *SIRACUSE, MARK W (3366)*Supervisor Review Date / Time: *04/30/2019 00:13:08, Tuesday*

Contact:

Reference: *General Supplemental Report*

On 04/29/19 at 2057 hours I, Ofc. Cuneo was dispatched to 1604 N. Roosevelt Blvd. in reference to assist Sgt. Siracuse with a transport of a combative female to Lower Keys Medical Center (LKMC).

I arrived on scene and assisted with getting a female from the ground to the stretcher. After we loaded the female in Rescue 1, I went inside and was present while they (Rescue 1) transported the female to LKMC.

The female had a spit hood on and was consistently screaming and yelling, making no sense with her words. She growled alot and every time the blood pressure cuff tightened, she would scream louder.

Upon our arrival at LKMC we transported the female into a secured room, where she was placed on a bed. I had to physically restrain the female multiple times as she attempted to get up from the bed, and would not follow my instructions to lay down.

Nurses eventually used medicine to sedate the female. The female informed me she had to pee and I informed the nursing staff. As the female was still showing aggressive tendencies, the nursing staff told me she could not come out of the handcuffs and she needed to hold her urine.

Eventually the female urinated on herself and fell asleep. The female was eventually placed into soft restraints and I cleared the scene.

My BWC was activated.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 05/07/2019 10:21

Key West Police Department

OCA: 19002778

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Case Status: *CLEARED BY ARREST*Case Mng Status: *NA*Occurred: *04/29/2019*Offense: *SEXUAL INDECENT EXPOSURE*Investigator: *SIRACUSE, MARK W (3366)*Date / Time: *04/29/2019 23:55:21, Monday*Supervisor: *SIMS, FRED CARTER (2301)*Supervisor Review Date / Time: *04/30/2019 15:59:58, Tuesday*

Contact:

Reference: *General Supplemental Report*

On 4/29/19, at approximately 2100 hours, I (Sgt. M. Siracuse) responded to the 1600 block of N. Roosevelt Blvd. to back up Officer B. Leahy.

Officer Leahy had been dispatched to a call of two subjects about to engage in sexual intercourse on the sidewalk in front of the Police Station.

I arrived and located Ofc. Leahy standing over both subjects lying on the sidewalk. Officer Leahy asked me to handcuff the female, later identified as Crystal Frances. Officer Leahy warned me she would likely fight. I was able to handcuff Frances without incident. Officer Leahy handcuffed the male subject and walked him to the station. I stood by with Frances and attempted to get her information. Frances refused to provide me her name or date of birth. Frances' mental state became increasingly more altered, to the point where she was no longer making sense with her words, speaking to people who were not present, and yelling things like, "Filth," over and over.

I asked Frances if she had too much to drink as I could smell the strong odor of an alcoholic beverage emanating from her person. Frances turned toward me and told me to take her BAC, then started yelling, "Please do, please do, please do, I'm CIA" over and over. Frances was spitting as she was yelling so I grabbed her chin and turned it away from my face. I told her not to spit on me and as I turned her she elbowed me in the chest, knocking my BWC off and sending it sliding approximately six feet from where we were. After being elbowed, I grabbed Frances by the hair and took her to the ground. I called for rescue to transport Frances to the ER due to my belief she was under the influence of drugs and alcohol. Ofc. Leahy placed a spit hood on Frances after she began spitting while on the ground.

Ofc. Cuneo arrived on scene and assisted by riding in the ambulance to the ER for medical clearance. I brought Ofc. Cuneo his patrol vehicle and was able to take a photograph of her left knee which appeared to have sustained a small laceration during the take down. Frances was restrained and heavily sedated at the ER and remained there for several hours.

Frances was left in the custody of ER staff and security once the sedative took affect. Officer Leahy will be following up with a warrant for Frances' arrest.

I completed a RRI for this incident.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 05/07/2019 10:21

Key West Police Department

OCA: 19002778

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Case Status: *CLEARED BY ARREST*Case Mng Status: *NA*Occurred: *04/29/2019*Offense: *SEXUAL INDECENT EXPOSURE*Investigator: *LEAHY, BRIAN P (2965)*Date / Time: *05/04/2019 19:18:17, Saturday*Supervisor: *SIRACUSE, MARK W (3366)*Supervisor Review Date / Time: *05/04/2019 23:27:59, Saturday*

Contact:

Reference: *General Supplemental Report*

On 04/29/2019, at approximately 2057 hours, I, Officer Leahy responded to the sidewalk in front of 1604 North Roosevelt Blvd. (Key West Police Station) in reference to two subjects who appeared as if they were going to have sex.

A female, only identified by name, as Ariana Sanchez, had walked up to the dispatch phone in the Key West Police Department lobby. Sanchez stated two people appeared as if they were going to have sex on the sidewalk located in front of the Key West Police Station. Sanchez said the male and female were located on the sidewalk by the pond.

I was unable to retrieve a statement from Sanchez as she had left the police station upon my arrival.

Upon arrival to the area, I observed a male and female lying on the sidewalk between the concrete barrier and the metal fence bordering the pond in front of the police station. I observed the male, later identified as Gary M. Hill (arrestee) to have his shorts down around his ankles. I observed the female, later identified as Crystal E Frances, to have no pants on or underwear. I observed both Frances and Hill actively engaging in sexual intercourse on the sidewalk in front of the police station. I asked both parties what they were doing. Hill said, "It was a Key West moment." I ordered both Frances and Hill to put their clothes back on. Hill immediately pulled his pants up. Frances gave indications she was not going to comply with lawful orders. I could not understand what Frances was saying due to her intoxication, but her facial expressions gave me the impression she was angry and wasn't going to go peacefully.

I asked for another unit to respond to the scene. Sgt. Siracuse arrived on scene. I had Sgt. Siracuse handcuff Frances, who had put her clothes on. I handcuffed Hill and placed him into custody. I asked Hill if he knew why he was in custody. Hill said, "For a sexual act." Hill made two spontaneous utterances about the incident. Hill said, "I'm horny" and "She was giving it up to me right then and there."

Hill said he and Frances had drank a pint of vodka. I observed a strong odor of an alcoholic beverage emanating from Hill's breath. I observed Hill to have glassy/bloodshot eyes. I observed Hill to have slurred speech and to be unsteady on his feet. I suspected Hill was under the influence of an alcoholic beverage and was intoxicated.

I observed a half empty pint of vodka on the ground where Frances and Hill were having sexual intercourse.

As I was placing Hill into my patrol vehicle, Sgt. Siracuse called for assistance and a spit mask.

Sgt. Siracuse provided me with the following statement of what had occurred with Frances:

I stood by with Frances and attempted to get her information. Frances refused to provide me her name or date of birth.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 05/07/2019 10:21

Key West Police Department

OCA: 19002778

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Case Status: *CLEARED BY ARREST*Case Mng Status: *NA*Occurred: *04/29/2019*Offense: *SEXUAL INDECENT EXPOSURE*Investigator: *LEAHY, BRIAN P (2965)*Date / Time: *05/04/2019 19:18:17, Saturday*Supervisor: *SIRACUSE, MARK W (3366)*Supervisor Review Date / Time: *05/04/2019 23:27:59, Saturday*

Contact:

Reference: *General Supplemental Report*

Frances' mental state became increasingly more altered, to the point where she was no longer making sense with her words, speaking to people who were not present, and yelling things like, "Filth," over and over.

I asked Frances if she had too much to drink as I could smell the strong odor of an alcoholic beverage emanating from her person. Frances turned toward me and told me to take her BAC, then started yelling, "Please do, please do, please do, I'm CIA" over and over. Frances was spitting as she was yelling so I grabbed her chin and turned it away from my face. I told her not to spit on me and as I turned her, she elbowed me in the chest, knocking my BWC off and sending it sliding approximately six feet from where we were. After being elbowed, I grabbed Frances by the hair and took her to the ground. I called for rescue to transport Frances to the ER due to my belief she was under the influence of drugs and alcohol. Ofc. Leahy placed a spit hood on Frances after she began spitting while on the ground.

Ofc. Cuneo arrived on scene and assisted by riding in the ambulance to the ER for medical clearance. I brought Ofc. Cuneo his patrol vehicle and was able to take a photograph of her left knee which appeared to have sustained a small laceration during the take down. Frances was restrained and heavily sedated at the ER and remained there for several hours.

Frances was left in the custody of ER staff and security once the sedative took effect. Officer Leahy will be following up with a warrant for Frances.

Based on the facts and evidence, I believe there is probable cause, that on 04/29/2019, Crystal E. Frances did knowingly and intentionally engage in sexual intercourse while being naked in public violating FSS 800.03 lewd and lascivious - indecent exposure - sex in public.

Based on the facts and evidence, I believe there is probable cause, that on 04/29/2019, Crystal E. Frances did knowingly and intentionally thwarted Sgt. Siracuse's efforts in taking her into custody violating FSS 843.02 resist officer without violence.

On 04/30/2019, at approximately 1230 hours, I, Officer Leahy responded to 302 Fleming Street to have an arrest warrant reviewed and signed. Upon arrival, I met with the Honorable Judge Wilson who reviewed and signed the arrest warrant for Frances.

Warrant information:

Warrant number: 19MM741AK

Investigator Signature

Supervisor Signature