

Response to Resistance Report

Key West Police Department

Case No: 18-6650

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: 11/26/18
	3. Time: 1630 Hrs
	4. Location: 1000 Atlantic Blvd.
	5. Incident type: Battery LEO
INCIDENT	6. Resistance Level
	☒ Passive: Would not comply
	☒ Active: Actively resisting
	☒ Aggressive: Kicked Officer
INCIDENT	8. Response Option
	☒ Physical Control
	☐ Non-lethal Weapon
	☐ Deadly Force
INCIDENT	9. Explanation
	Strike
SUBJECT	10. Last Name: Garcia-Perez
	11. First: Osmel
	12. Race: W
	13. Sex: M
	14. DOB: 12/26/74
	15. Height: 5'08"
	16. Weight: 130
	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	22. Anterior View
	Posterior View
OFFICER	23. Officer: Kristopher Bouvier
	24. Race: B
	25. Sex: M
	26. Age: 35
	27. Height: 5'10"
	28. Weight: 290
	29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes
	30. Yrs Exp: 6.5
	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)	
OFFICER	35. Anterior View
	Posterior View

Response to Resistance Report (continued)

Key West Police Department

Case No:

18-6650

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: 1		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:	
	Distance between probes: N/A		Distance between probes:	
	Probes removed by (name): N/A		Probes removed by (name):	
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: 11/26/2018		41. Time: 1640 hrs	
	42. Did you respond to the scene: ☐ No ☒ Yes (If "No", explain why)			
	Officers Anna Anglin and Edward Cuneo were on scene.			
	43. Did you meet with the Officer: ☐ No ☒ Yes (If "No", explain why)			
INT. AFF.	44. Were you able to locate any independent witnesses: ☒ No ☐ Yes (If "Yes," list below)			
	Name		Address	
45. Is further review recommended: ☒ No ☐ Yes				
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS				
		1850		
		11/26/2018		
		46. Preparing Supervisor's Signature / ID		
		47. Date		
		Sgt. Castillo		
		11/28/18		
		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						Case# 18-006650		
		Agency Name Key West Police Department		ORI FL0440100		Date / Time Reported 11/26/2018 16:26 Mon		Last Known Secure 11/26/2018 16:26 Mon		
INCIDENT DATA	Location of Incident 1000 Atlantic Blvd, Key West FL 33040-		Premise Type Parking Lot / Area Other		Beat/GP B4, GPB4		At Found 11/26/2018 16:26 Mon			
	#1	Crime Incident(s) Battery SCA	(Com)	Weapon / Tools HANDS, FIST, FEET				Activity		
				Entry		Exit		Security		
	#2	Crime Incident Disorderly Conduct DCA	(Com)	Weapon / Tools				Activity		
				Entry		Exit		Security		
	#3	Crime Incident	()	Weapon / Tools				Activity		
				Entry		Exit		Security		
MO										
VICTIM	# of Victims 2		Type: SOCIETY/PUBLIC/STATE		Injury:		Domestic: N			
	V1	Victim/Business Name (Last, First, Middle) Society		Victim of Crime # 2,	DOB Age	Race	Sex	Relationship To Offender	Resident Status N/A	
	Home Address				Home Phone					
	Employer Name/Address				Business Phone		Mobile Phone			
	VYR	Make	Model	Style	Color	Lic/Lis	VIN			
OTHERS INVOLVED	CODES: V- Victim (Denote V2, V3) O - Owner (if other than victim) R = Reporting Person (if other than victim)									
	Type: INDIVIDUAL Injury: Minor Injuries									
	Code V2	Name (Last, First, Middle) BOUVIER, KRISTOPHER		Victim of Crime # 1,	DOB Age 99	Race U	Sex M	Relationship To Offender ST	Resident Status	Military Branch/Status
	Home Address 1604 N Roosevelt Bv Key West, FL 33040				Home Phone 305-809-1111					
	Employer Name/Address				Business Phone		Mobile Phone			
	Type: INDIVIDUAL Injury:									
	Code RP	Name (Last, First, Middle) SPURLOCK, CASSIE SUE		Victim of Crime #	DOB Age 41	Race W	Sex F	Relationship To Offender	Resident Status Resident	
	Home Address 1 General Delivery Key West, FL 33040				Home Phone 317-384-2352					
	Employer Name/Address				Business Phone		Mobile Phone			
PROPERTY	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	AXON BODY CAM, 3356			
		35	EVID	\$0.00		1	IN CAR COBAN, 3356			
Officer/ID# BOUVIER, KRISTOPHER (3356)										
Invest ID# (0)					Supervisor (0)					
Status	Complainant Signature			Case Status Cleared By Arrest		11/26/2018		Case Disposition: Cleared By Arrest		11/26/2018
R_CS1IBR		Printed By: DBARRIOS, L17049 # dbarrios				Sys#: 1		11/27/2018 16:53		

Incident Report Additional Name List

Key West Police Department

OCA: 18-006650

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	THOMPSON, LAWRENCE G		07/10/1954	64	W	M
	Address 1 General Delivery , Key West, FL 33040-		H: 302-419-5136			
	Empl/Addr		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 18-006650

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

CUNEO, E.J. (3922), BARRIOS, B. (1555), OCONNELL, K. (2015), ANGLIN, A.J. (2865), RODRIGUEZ, A. (3465), STOCKTON, J. (3317)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
18-006650
Date / Time Reported
Mon 11/26/2018 16:26

Victim Society	Offense BATTERY	
-------------------	--------------------	--

On Monday November 26, 2018, at approximately 4:26 PM, I, Ofc. K. Bouvier was dispatched to 1000 Atlantic Blvd. in reference to a call of a man banging on an occupied vehicle.

Upon arrival I met with the Reporting Person, Cassie Sue Spurlock, DOB 08/04/1977, who pointed out the person who was banging on her car. The person was identified as Osmel Garcia-Perez, DOB 12/26/1974. Mr. Garcia was highly intoxicated with the odor of an alcoholic beverage on his breath and person. Mr. Garcia had slurred and incoherent speech.

There was no damage to Ms. Spurlock's car as a result of Mr. Garcia banging on it. Ms. Spurlock did say while Mr. Garcia was banging on her vehicle he was yelling lewd statements and making sexual gestures to her. Ms. Spurlock said Mr. Garcia told her that he would "Buy her" multiple times as he circled her car. Ms. Spurlock went on to say that Mr. Garcia made "an obscene gesture, with his hand and his tongue to indicate oral sexual actions." Ms. Spurlock said she stop multiple times. Ms. Spurlock said Mr. Garcia walked over to her driver-side door and "Jerked it open". Ms. Spurlock said she then called 911.

Due to Mr. Garcia's level of intoxication I initially took him into protective custody. I had to repeat instructions for Mr. Garcia to enter the patrol car multiple times. Once Mr. Garcia was in the car, just prior to closing the door, Mr. Garcia intentionally raised his leg and kicked his foot out of the open car door and stomped on my right foot. As a result of Mr. Garcia's action I immediately delivered 1 closed fist strike to Mr. Garcia's right torso. Mr. Garcia recoiled into the patrol car and I closed the door.

I notified Sgt. D. Barrios and requested he respond to the scene. Sgt. D. Barrios interviewed Mr. Garcia and requested a rescue unit respond. Mr. Garcia was initially complaining of a headache as well as stomach pain. Key West Recue 3 responded and cleared Mr. Garcia for transport to the jail.

Mr. Garcia later told officers that he had drank 3 liters of vodka throughout the day.

Based on the witness interviews and the actions of Mr. Garcia during the course of this investigation, I believe probable cause exists that OSMEL GARCIA-PEREZ, DOB 12/26/1974 did violate the following Florida Statutes:

784.07-2B- Battery on Law Enforcement Officer and 877.03 Disorderly conduct.

I arrested Mr. Garcia and transported him to the Monroe County Detention Center. Mr. Garcia was turned over to detention staff without incident.

My KYPD issued Body Cam and In-Car COBAN System were activated during this call.

Case Status: Cleared By Arrest
///NOTHING FOLLOWS///

Incident Report Suspect List

Key West Police Department

OCA: 18-006650

1	Name (Last, First, Middle)						Also Known As				Home Address																																
	GARCIA, OSMEL										I GENERAL DELIVERY KEY WEST, FL 33040																																
	Business Address																																										
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.																																
	12/26/1974	43	W	M	H	508		BRO	BRO	MED	G620640744661 FL																																
Scars, Marks, Tattoos, or other distinguishing features																																											
<table border="1"> <tr> <td colspan="2">Reported Suspect Detail</td> <td colspan="2">Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td>Height</td> <td>Weight</td> <td>SSN</td> </tr> <tr> <td>Weapon, Type</td> <td>Feature</td> <td>Make</td> <td>Model</td> <td>Color</td> <td>Caliber</td> <td>Dir of Travel</td> <td>Mode of Travel</td> <td colspan="2"></td> </tr> <tr> <td>Veh Yr/Make/Model</td> <td>Drs</td> <td>Style</td> <td>Color</td> <td>Lic/St</td> <td>VIN</td> <td colspan="4"></td> </tr> </table>														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/St	VIN				
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/St	VIN																																						
Notes							Physical Char																																				

Incident Report Related Property List

Key West Police Department

OCA: 18-006650

1 Property Description AXON BODY CAM, 3356		Make		Model		Caliber	
Color	Serial No.	Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally		
Status Evidence	Date 11/26/2018	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) Thompson, Lawrence G			DOB 07/10/1954	Age 64	Race W	Sex M	

Notes

2 Property Description IN CAR COBAN, 3356		Make		Model		Caliber	
Color	Serial No.	Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally		
Status Evidence	Date 11/26/2018	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) Thompson, Lawrence G			DOB 07/10/1954	Age 64	Race W	Sex M	

Notes