



KEY WEST POLICE DEPT.
 1604 N. ROOSEVELT BLVD.
 Key West, FL, 33040
 (305) 809-1000

Draft

Response to Resistance EVT-00000085-1

Response to Resistance EVT-00000085-1

Primary Officer: WILLIAMS, CYNTHIA (2703)

Overview

Event Information

Reporting

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"
- Discharge of firearm in the line of duty, off-duty or on-duty (other than for training, maintenance or ballistics testing)
- When any person complains of injury as a result of the application of force
- When any person sustains an apparent substantial or fatal injury as a result of the application of force

Event Details

INCIDENT ID 24002505	DATE 05/05/2024	TIME 17:57
LOCATION 607 Howard England Way, Key West FL 33040		
INCIDENT TYPE S36 - Battery		
OTHER AGENCIES INVOLVED?		

Persons

Aguilar Vasquez, Danny Gabriel

Person Role

ROLE Subject

Person Details

LAST NAME Aguilar Vasquez	FIRST NAME Danny	MIDDLE NAME Gabriel	SUFFIX
DOB 12/09/2002	AGE 21	SEX M	RACE W
ETHNICITY Hispanic or Latino	HEIGHT 5' 8"	WEIGHT 155	CLOTHING TYPE Loose / Hanging

Identifying Documents

Document

ID TYPE Driver's License

Persons (continued)

Aguilar Vasquez, Danny Gabriel (continued)

ISSUING STATE Florida	
ID NUMBER A246167024490	
EXPIRATION DATE	CLASS
RESTRICTIONS	

Contact

Address

ADDRESS TYPE H - Home
LOCATION 58 G Miriam St, Key West FL 33040

Phone Number

PHONE NUMBER TYPE Home	PHONE NUMBER (786) 419-3576
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E-Mail

Response to Resistance Circumstances

DID YOU OBSERVE THE SUBJECT? Yes
APPEARED TO BE <input type="checkbox"/> Emotionally/Mentally disturbed <input checked="" type="checkbox"/> Intoxicated <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/> Under the influence of controlled substance
SUBJECT ARRESTED Yes

Officers

BERNATOVA, ANDREA (4193)

Officer Details

ROLE Involved	OFFICER / EMPLOYEE BERNATOVA, ANDREA (4193)	POSITION Officer	DIVISION Night Patrol Division
PATROL SHIFT Alpha Night Shift	EMPLOYEE YEARS OF SERVICE 2.7		
UNIFORMED OR PLAIN CLOTHES Uniformed	EMPLOYEE WAS ON DUTY On Duty		

EMPLOYEE RACE White	EMPLOYEE ETHNICITY Not Hispanic or Latino	EMPLOYEE SEX Female
EMPLOYEE AGE 39	EMPLOYEE HEIGHT	EMPLOYEE WEIGHT 150
INJURIES Evident	TREATED No	PHOTOGRAPHS? Yes

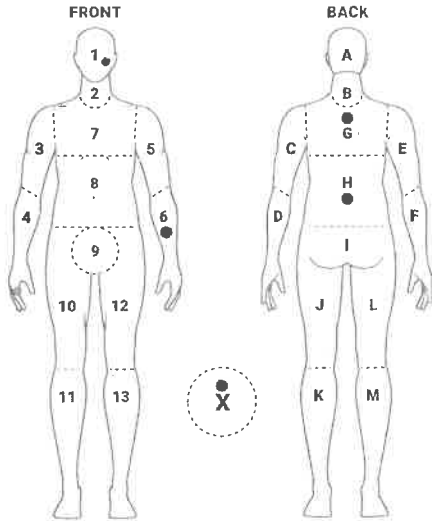
Officers (continued)

BERNATOVA, ANDREA (4193) (continued)

BODY WORN CAMERA (BWC) ACTIVATED DURING INCIDENT	
<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes

Officers (continued)

BERNATOVA, ANDREA (4193) (continued)



Injury Location

BODY REGION Face	DETAILED LOCATION Left Cheek
INJURY DETAILS Felt brief discomfort upon being struck	
BODY REGION Left Front Forearm	DETAILED LOCATION Left Front Forearm (Unspecified)
INJURY DETAILS abrasion	
BODY REGION Right Front Forearm	DETAILED LOCATION Right Hand Finger(s)
INJURY DETAILS minor abrasions to fingers	
BODY REGION Upper Back	DETAILED LOCATION Upper Back (Unspecified)
INJURY DETAILS pain to the back region	
BODY REGION Lower Back	DETAILED LOCATION Lower Back (Unspecified)
INJURY DETAILS pain to the back region	
BODY REGION Missed Body	DETAILED LOCATION Missed Body
INJURY DETAILS discomfort to the left shin area	

Officers (continued)

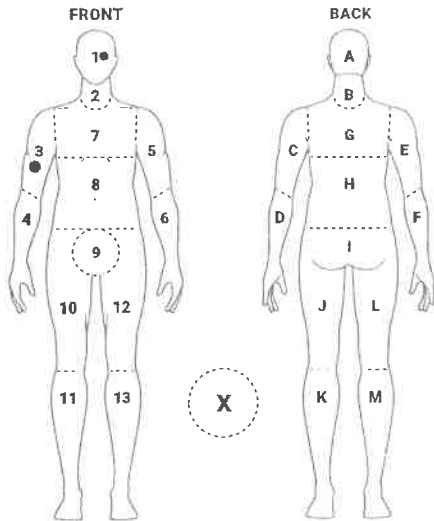
BERNATOVA, ANDREA (4193) (continued)

MARTINEZ, JOSUE (4263)

Officer Details

ROLE Involved	OFFICER / EMPLOYEE MARTINEZ, JOSUE (4263)	POSITION Officer	DIVISION Night Patrol Division
PATROL SHIFT Alpha Night Shift		EMPLOYEE YEARS OF SERVICE 1.5	
UNIFORMED OR PLAIN CLOTHES Uniformed		EMPLOYEE WAS ON DUTY On Duty	

EMPLOYEE RACE White	EMPLOYEE ETHNICITY Hispanic or Latino	EMPLOYEE SEX Male	
EMPLOYEE AGE 33	EMPLOYEE HEIGHT	EMPLOYEE WEIGHT	
INJURIES Evident	TREATED Yes	TREATED BY Hospital	PHOTOGRAPHS? Yes
BODY WORN CAMERA (BWC) ACTIVATED DURING INCIDENT <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			



Injury Location

BODY REGION Face	DETAILED LOCATION Left Eye
INJURY DETAILS Contusion	
BODY REGION Right Front Upper Arm	DETAILED LOCATION Right Front Upper Arm (Unspecified)
INJURY DETAILS Inside arm/contusion	

Officers (continued)

MARTINEZ, JOSUE (4263) (continued)

Response Action

Response Action

FORCE USED AGAINST P - Person
PERSON FORCE USED AGAINST Aguilar Vasquez, Danny Gabriel
RESISTANCE LEVEL <input type="checkbox"/> Active <input checked="" type="checkbox"/> Aggressive <input type="checkbox"/> Deadly Force <input type="checkbox"/> Passive
EXPLANATION OF RESISTANCE LEVEL Subject was fighting, punching (closed-fist) and attempting to utilize wrestling/grappling techniques on both Officer Ramos-Martinez and Officer Bernatova.

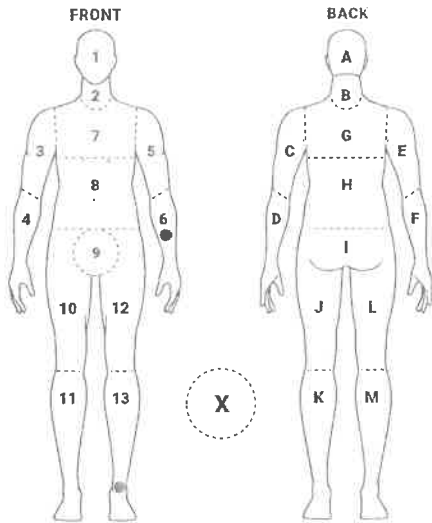
Force

Force

INVOLVED OFFICER MARTINEZ, JOSUE (4263)	FORCE TYPE Hands-On - Intentional Grounding
NUMBER OF APPLICATIONS 1	

Response Action (continued)

Response Action



Force Location

BODY REGION Left Front Forearm	DETAILED LOCATION Left Front Forearm (Unspecified)
NUMBER OF IMPACTS 1	INJURY SUSTAINED FROM DIRECT FORCE No injury
PHOTOGRAPHED Yes	

BODY REGION Left Front Lower Leg	DETAILED LOCATION Left Ankle
NUMBER OF IMPACTS 1	INJURY SUSTAINED FROM DIRECT FORCE No injury
PHOTOGRAPHED No	

Related Injuries

Response Action

FORCE USED AGAINST P - Person
PERSON FORCE USED AGAINST Aguilar Vasquez, Danny Gabriel
RESISTANCE LEVEL <input type="checkbox"/> Active <input checked="" type="checkbox"/> Aggressive <input type="checkbox"/> Deadly Force <input type="checkbox"/> Passive
EXPLANATION OF RESISTANCE LEVEL Subject was fighting, punching (closed-fist) and attempting to utilize wrestling/grappling techniques on both Officer Ramos-Martinez and Officer Bernatova.

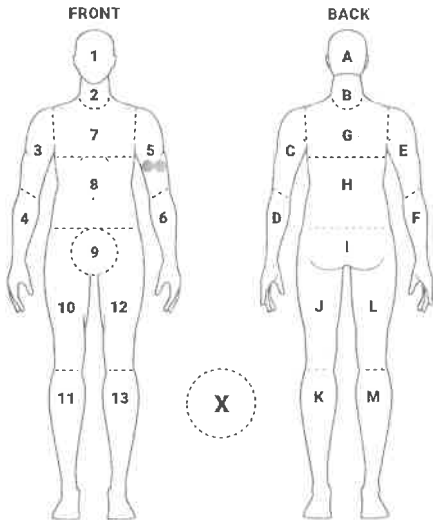
Response Action (continued)

Response Action

Force

Force

INVOLVED OFFICER BERNATOVA, ANDREA (4193)	FORCE TYPE TASER CEW
DISTANCE BETWEEN OFFICER AND SUBJECT (FT) 1	NUMBER OF APPLICATIONS 1
CEW MODEL TASER 7	CEW ACTION Drive Stun
SERIAL NUMBER x40018039	



Force Location

BODY REGION Left Front Upper Arm	DETAILED LOCATION Left Front Upper Arm (Unspecified)
NUMBER OF IMPACTS 1	INJURY SUSTAINED FROM DIRECT FORCE Evident
TREATED Yes	TREATED BY Hospital
INJURY DETAILS Possible Drive-stun marks; eval by both EMS & Hospital	PHOTOGRAPHED Yes

Related Injuries

Investigation

Investigation Details

Investigation Details

Report Information

OFFENSE/INCIDENT REPORT AND/OR WARRANT AFFIDAVIT MUST INCLUDE

- All details of the arrest
- All necessary criminal elements
- Detailed description of injury complaints and/or observed injuries
- Details articulating the subject's words, mannerisms and actions that justify the Response to Resistance
- Details outlining the Response to Resistance utilized by each officer
- Details outlining the decontamination, first aid or medical treatment provided to the officer and/or subject

Narrative

NARRATIVE OF INCIDENT
See officer's reports for 24-002505.

Supervisor's Inquiry

NOTIFIED DATE 05/05/2024	NOTIFIED TIME 18:40
DID SUPERVISOR RESPOND TO THE SCENE Yes	DID SUPERVISOR WATCH ALL RELEVANT VIDEOS ASSOCIATED WITH THE RESPONSE TO Yes
DID SUPERVISOR MEET WITH THE OFFICER(S)? Yes	
DURING SUPERVISOR'S REVIEW DID YOU FIND AN POTENTIAL POLICY VIOLATIONS OR TRAINING ISSUES ASSOCIATED WITH THE INCIDENT? No	
WAS SUPERVISOR ABLE TO LOCATE ANY INDEPENDENT WITNESSES? Yes	HAVE THEY BEEN ADDED TO THE PERSON(S) SECTION OF THIS REPORT? Yes

Supervisor Comments

SUPERVISOR WILLIAMS, CYNTHIA (2703)	RANK Sergeant	REVIEW DATE 05/05/2024
COMMENTS		

Professional Standards Division

Reviewer

REVIEWER DEAN, JEFFREY (3386)	RANK Lieutenant	REVIEW DATE 06/11/2024
COMMENTS		
DID THE REVIEW OF THIS INCIDENT CONCLUDE THAT THE RESPONSE TO RESISTANCE WAS IN COMPLIANCE WITH DEPARTMENTAL POLICY?		

INCIDENT/INVESTIGATION REPORT

Agency Name
Key West Police Department

ORI
FL0440100

Case#
24-002505

Date / Time Reported
05/05/2024 17:57 Sun

Last Known Secure
05/05/2024 17:57 Sun

At Found
05/05/2024 17:57 Sun

Location of Incident
601 HOWARD ENGLAND WAY, Key West FL

Gang Relat
NO

Premise Type
Park/playground

Beat/GP
B2, GPB2

#	Crime Incident(s)	(Com)	Weapon / Tools	Activity
#1	<i>Battery SCA</i>		<i>Personal Weapons</i>	<i>N</i>
#2	<i>Assault / Threats SCB</i>			<i>N</i>
#3	<i>Drug Possession Controlled Substance DRA</i>			<i>P</i>

MO

of Victims *5* Type: *SOCIETY/PUBLIC/STATE* Injury: Domestic: *N*

V1	Victim/Business Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
<i>V1</i>	<i>Society</i>	<i>3,4,5</i>	<i>Age</i>				<i>N/A</i>	

Home Address _____ Email _____ Home Phone _____

Employer Name/Address _____ Business Phone _____ Mobile Phone _____

VYR Make Model Style Color Lic/Lis VIN

VICTIM

CODES: V- Victim (Denote V2, V3) WI = Witness IO = Involved Other RP = Reporting Person (if other than victim)

Type: *LAW ENFORCEMENT (LEO)* Injury: *Apparent Minor Injury*

Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
<i>V2</i>	<i>RAMOS MARTINEZ, JOSUE A</i>	<i>1</i>	<i>01/13/1992</i> <i>Age 32</i>	<i>W</i>	<i>M</i>	<i>1ST</i>	<i>Resident</i>	

Home Address *1604 N ROOSEVELT BLVD KEY WEST, FL 33040* Email _____ Home Phone *305-809-1111*

Employer Name/Address *Key West Police Department* Business Phone _____ Mobile Phone _____

OTHERS

Type: *LAW ENFORCEMENT (LEO)* Injury: *Apparent Minor Injury*

Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
<i>V3</i>	<i>BERNATOVA, ANDREA</i>	<i>1</i>	<i>03/06/1985</i> <i>Age 39</i>	<i>W</i>	<i>F</i>	<i>1ST</i>	<i>Resident</i>	

Home Address *1604 N ROOSEVELT BLVD KEY WEST, FL 33040* Email _____ Home Phone *305-809-1000*

Employer Name/Address _____ Business Phone _____ Mobile Phone _____

INVOLVED

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown
("OJ" = Recovered for Other Jurisdiction)

VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
	<i>27</i>	<i>EVID</i>	<i>\$0.00</i>		<i>5</i>	<i>BWC 4193</i>		
	<i>27</i>	<i>EVID</i>	<i>\$0.00</i>		<i>1</i>	<i>AXON IN-CAR REAR 4193</i>		
	<i>77</i>	<i>EVID</i>	<i>\$0.00</i>		<i>19</i>	<i>PHOTOGRAPHS 4193</i>		
	<i>77</i>	<i>EVID</i>	<i>\$0.00</i>		<i>2</i>	<i>TASER CARTRIDGE</i>		<i>X4824V5RX</i>
	<i>27</i>	<i>EVID</i>	<i>\$0.00</i>		<i>1</i>	<i>CELLPHONE VIDEO</i>		
	<i>27</i>	<i>EVID</i>	<i>\$1.00</i>		<i>1</i>	<i>4263 AXON BWC</i>		
	<i>27</i>	<i>EVID</i>	<i>\$0.00</i>		<i>1</i>	<i>AXON BWC 4270</i>	<i>AXON/Bwc</i>	
	<i>27</i>	<i>1</i>	<i>\$2.00</i>		<i>1</i>	<i>AXON BODY CAMERA</i>		
	<i>03</i>	<i>8</i>	<i>\$10,000.00</i>		<i>1</i>	<i>2016 SIL, 86EDEN FL</i>	<i>NISS Pu</i>	<i>1N6BD0CTXGN730849</i>

PROPERTY

Officer/ID# *BERNATOVA, ANDREA (4193)*

Invest ID# *(0)* Supervisor *WILLIAMS, CYNTHIA VANESSA*

Status Complainant Signature _____ Case Status *Cleared By Arrest* *05/06/2024* Case Disposition: _____ Page 1

Incident Report Additional Offense List

Key West Police Department

OCA: 24-002505

Offense List (Continued)

Page 2

Counter	Offense Description	Fel/Misd	Statute	Completed/Attempted
# 4	DRIVING UNDER THE INFLUENCE		DUI	Com
# 5	OBSTRUCTION OF JUSTICE		XOX	Com

Incident Report Additional Name List

Key West Police Department

OCA: 24-002505

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	FOLEY, BROOKE VIRGILIOUS Address 348 NOANK LEDYARD RD , MYSTIC, CT 06355- Empl/Addr Fort Zachary		06/01/2001	22	W	F
			H: 860-857-0692			
			B: - -			
			Mobile #: - -			
2) WI 2	ADEM, TAS Address 3198 W 7TH ST Apt. 311, LOS ANGELES, CA 90005- Empl/Addr		07/14/1987	36	W	M
			H: 323-318-0232			
			B: - -			
			Mobile #: - -			
3) WI 3	SCHMIDT, CRAIG Address 310 LOOKOUT AVE Apt. 602, HACKENSACK, NJ 07601- Empl/Addr		09/29/1985	38	W	M
			H: 305-973-8007			
			B: - -			
			Mobile #: - -			
4) WI 4	VAN DYKE, LISA Address 340 WINIFRED DR , TOTOWA, NJ 07512- Empl/Addr		03/20/1990	34	W	F
			H: 973-800-2944			
			B: - -			
			Mobile #: - -			
5) WI 5	VANDYKE, DANIEL F Address 340 WINIFRED DR , TOTOWA, NJ 07512- Empl/Addr		12/18/1988	35	W	M
			H: 973-800-3962			
			B: - -			
			Mobile #: - -			
6) VI 4	DAVIS, SEAN ANTHONY Address 1604 N ROOSEVELT BLVD , KEY WEST, FL 33040- Empl/Addr City Of Key West, 1300 White St	1	06/07/1989	34	W	M
			H: 305-809-1111			
			B: - -			
			Mobile #: - -			
7) VI 5	WILLIAMS, CYNTHIA Address 1604 N. ROOSEVELT BLVD , KEY WEST, FL 33040- Empl/Addr Key West Police Department, 1604 N Roosevelt Blvd	2	01/09/1978	46	W	F
			H: 305-809-1111			
			B: 305-809-1000			
			Mobile #: - -			
8) WI 6	TAYLOR, WILLIAM FREDERICK Address 601 HOWARD ENGLAND WAY Apt. C, KEY WEST, FL 33040 Empl/Addr Florida State Parks, 601 Howard England Way		08/01/1973	50	W	M
			H: 480-886-8841			
			B: 305-292-6713			
			Mobile #: - -			
9) WI 7	TEESE, ANTHONY MICHAEL Address 601 HOWARD ENGLAND WAY , KEY WEST, FL 33040- Empl/Addr		05/29/2002	21	W	M
			H: 727-686-3304			
			B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 24-002505

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	<i>L</i>	<i>6</i>	<i>0.010</i>	<i>GM</i>	<i>MDMA</i>	<i>Poss</i>

Assisting Officers
WILLIAMS, C.V. (2703), HANSELL, M. (3648), ROMAN, V. (4284), RAMOS MARTINEZ, J. (4263), DAVIS, S. (4270), DAVIS, S. (4270)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
24-002505
Date / Time Reported
Sun 05/05/2024 17:57

Victim Society	Offense BATTERY
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-- Danny Gabriel Aguilar Vasquez Arrest Narrative:

On May 5, 2024, at approximately 1757 hours, I, Ofc. Bernatova, was dispatched to a traffic crash, that occurred on Howard England Way, short distance East of the entrance/exit gate to Fort Zachary State Park.

BWC activated

Upon arrival, I was flagged down by one of the park rangers, who pointed out a white male sitting on a curb and told me the male was the driver of the vehicle involved in the crash. I exited my marked patrol car, and initiated the contact with the driver, identified by his Learner's Florida driver's license as Danny Aguilar Vasquez, DOB 12/09/2002. I directed Ofc. Davis who arrived on scene right after me to go assess the crash scene and talk to the witnesses while I talked to Danny.

I asked Danny what happened, and he told me the left tire on his truck blew up and he drove off the road. There was a slight language barrier, so I requested Ofc. Ramos to respond for translation to Spanish Language. I asked Danny if he was in the truck by himself and he said his uncle was the passenger. Danny told me his uncle left the scene before the police arrived, because he was an illegal immigrant and was scared. I asked Danny for his uncle's name and he refused to give it to me. I explained to Danny I needed his uncle's information for the traffic crash report but he refused to give me any information about him. I explained to Danny that he only had a learner's permit that requires him to always have the licensed driver in the passenger seat, and Danny told me his uncle did not have the valid driver's license anyway.

While talking to Danny, I could smell the strong odor of alcoholic beverage coming from his breath, and his eyes were glassy watery and bloodshot.

Key West Rescue responded and confirmed with Danny he was not injured in any way.

Ofc. Ramos arrived at the scene, and I asked him to stand by Danny while I looked at the crash scene.

I walked over to where Danny's truck came to a final rest and photographed the damage. Danny's Nissan truck (bearing Florida license plate 86EDEN) was off the road, in the grass area, and there was a substantial damage to the front passenger side and front bumper. None of the tires were flat or damaged. Ofc. Davis and I walked approximately 500 feet East away from the front gate and found the area of initial impact. The truck hit and broke wooden fence separating the road from the grassy park area. The back portion of the passenger side mirror was found next to the broken fence.

Ofc. Davis relayed the information he gathered from the witnesses to me. From the witness statements and the damage, it was clear that the truck was traveling West on Howard England Way in a high rate of speed, hit the fence with its front passenger side, continued to negotiate a curve on the road and pass the golf cart and another vehicle in front of the golf cart on the right side, and ran off the road into the soft dirt/grass area next to the road. According to the witnesses, the truck tried to back out of the dirt, but the wheels were just digging deeper into the dirt. Danny then exited the driver's seat and got into an altercation with the passengers of the golf cart and the vehicle in front of the golf cart. An unidentified male exited the passenger seat and left the scene on foot. One of the rangers (Brooke Foley, DOB 06/01/2001) stepped in when Danny pushed one of the witnesses, and made Danny sit down on a curb, and stayed with him, until I arrived.

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 24-002505
Date / Time Reported Sun 05/05/2024 17:57

Victim Society	Offense BATTERY
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Ofc. Davis said the witness that was pushed (Tas Adem, DOB 07/14/1987) did not wish to press charges and just wanted to leave.

I was making my way back to Danny and Ofc. Ramos, when I stopped to talk to Tas, before he leaves. While talking to Tas, one of the rangers yelled at me and pointed at the area where Danny was sitting. All I could see was the bush shaking, so I ran over there, and saw Ofc. Ramos struggling with Danny under the bush. Ofc. Ramos had hold of Danny's lower body and asked me to take control of his upper body. I tried to grab Danny's wrists, but he was fighting and punching at Ofc. Ramos and me. I was not able to get ahold of Danny's arms right away, and he kept inching his way from under us to the road. While on his back, Danny was preventing us from securing his hands by swatting our hands away and actively punching at us. Danny managed to punch me with his closed fist to my left eye. I was able to place my left knee on Danny's chest and Ofc. Ramos took hold of his right arm - keeping it pressed under his neck, I took hold of Danny's left wrist but because he was still actively resisting and trying to get out from under us, I took out my department issued taser in attempt to drive stun Danny into compliance. Danny was not listening to our verbal commands to stop fighting and kept freeing his hands from our hold. I drive-stunned Danny to his left arm for approximately 5 seconds, but then he was able to get hold of my taser with his right hand pinned under his neck by Ofc. Ramos. Danny managed to turn my taser against my right leg I was using for support, and drive stun my left shin. At some point in this struggle, both taser cartridges were deployed and hit no person (one of them I later collected from the nearby tree branch). Ofc. Davis eventually joined our efforts to subdue Danny, and we were able to turn him into a prone position and place him in handcuffs behind his back. When Danny was being searched prior to being placed at the back of my patrol car, Danny was still actively resisting and trying to escape, while making the death threats to all of us in Spanish.

Ofc. Ramos received a punch to his left eye orbital from Danny that immediately swelled to the size of a tennis ball. Ofc. Ramos later told me that while he was talking to Danny who was seated on a curb, Danny started to act fidgety, stood up, and refused to obey verbal commands from Ofc. Ramos to sit back down. Ofc. Ramos swiped Danny's feet and assisted him down on the ground in a controlled manner. Danny started immediately fighting and punching at Ofc. Ramos and managed to hit him with his right closed fist, causing a serious swelling in the area of Ofc. Ramos's left eyebrow and temple.

Key West Rescue responded back to the scene and transported Ofc. Ramos to Lower Keys Medical Center for further evaluation and treatment.

I later asked Ofc. Davis if he was injured by Danny, and he said he was not but Danny spit in his direction while he was holding him down in a prone position. I witnessed this as well.

I placed a spit mask on Danny, and we placed him at the back of my patrol vehicle (Axon rear camera activated). While at the back of my patrol car, Danny continued with death threats towards me and Sgt. Williams who arrived at the scene to talk to Danny. Danny managed to slide his lower body through the arms handcuffed behind his back and rip off the spit mask. K9 Ofc. M. Hansell arrived at the scene and helped to re-handcuff Danny behind his back, apply an additional set of handcuffs and a hobble device.

Danny's truck was towed from the scene by Arnold's Towing Company.

I transported Danny to Lower Keys Medical Center for medical clearance. Danny fell asleep during transport and vomited at the back of my car. After Danny was medically cleared, I transported him to Monroe County Detention

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
24-002505
Date / Time Reported
Sun 05/05/2024 17:57

Victim
Society

Offense
BATTERY

Date / Time Reported
Sun 05/05/2024 17:57

Center DUI Room. Ofc. Davis assisted me in case Danny wanted to fight again. Ofc. Davis called MCSO Deputy Reyes to help us translate the rest of the contact with Danny over the phone.

I advised Danny that the traffic crash investigation was completed, and I was now starting a criminal investigation for DUI. Deputy Reyes recited Danny Miranda Warnings and Danny said he did not wish to speak to us without a lawyer.

I asked Danny if he would submit to the voluntary field sobriety exercises to dispel my belief he was driving under the influence, and he said he would.

Horizontal Gaze Nystagmus (HGN)

Danny had equal pupil size, no resting nystagmus, and was able to track the stimulus equally with both eyes.

Danny had a lack of smooth pursuit in both eyes.

Danny exhibited distinct and sustained nystagmus at maximum deviation and onset of nystagmus prior to 45-degree angle in both eyes (at approximately 30-degree angle).

Danny was swaying during this exercise.

Walk and Turn (WAT)

I explained the exercise to Danny and provided an example/demonstration on the fixed line.

During the instruction phase, Danny was not able to stay in the position.

Danny said she understood the instructions.

Danny did not touch heel to toe on most steps, stepped off the line - virtually walking next to the line for part of the exercise, stopped walking to steady himself, took wrong number of steps, and performed an improper turn. Danny did not count his steps out loud.

One Leg Stand (OLS)

I explained the exercise to Danny and provided a demonstration. Danny said he understood the instructions. Danny was swaying while balancing, used his arms for balance, put his foot down twice, did not keep his legs straight and did not count out loud. I stopped the exercise a few seconds early because Danny was at risk of falling.

This exercise was timed using my stopwatch.

I informed Danny I will be charging him with DUI as well and asked him if he will provide the breath sample.

Danny said he would.

I initiated a twenty-minute observation period on Danny at 2040 hours.

When the observation period was over, I entered the BTO room at MCDC with Danny and entered all the necessary information into Intoxilyzer 8000.

My Breath Test Operator license number is 386437.

Danny provided two (2) valid breath samples: 0.178 g/210L at 2104 hours and 0.170 g/210L at 2107 hours.

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 24-002505
Date / Time Reported Sun 05/05/2024 17:57

Victim Society

Offense BATTERY

Intoxilyzer 8000 printed Breath Alcohol Test Affidavit with results and I signed it, had it notarized and provided Danny with the copy. I explained the results to Danny at 2110 hours.

It should be noted that the samples of Danny`s breath were collected more than 3 hours after the crash. The average breath/blood alcohol level concentration drops approximately 0.015 every hour.

I issued Danny following citations:

AJSUEE for DUI and damage property

AJSUFE for Violation of learner`s permit restrictions.

I explained both citations to Danny, he signed the criminal citation, and I provided him with the copies.

Danny is to appear in front of the Honorable Judge Wilson on 05/17/2024 at 0900 at 500 Whitehead Street.

After I passed Danny to correction deputies and handed over the bag with his belongings, I was notified by MCSO Sgt. C. Rodriguez that there was a baggie hidden under Danny`s smartphone cover. I photographed the baggie and took it down to Sally Port to my patrol vehicle. K9 Ofc. Hansell responded to Sally Port and field tested the small amount of white and pink crystal-like substance (positive for MDMA). K9 Ofc. Hansell transported the baggie and submitted it to KWPD Property/Evidence Section to be send to FLDE Lab for analysis.

Based on all the facts and circumstances I found probable cause Danny was operating a vehicle under influence, with unlawful breath alcohol level over 0.15 g/210 L, when he caused a crash with property damage, violating FSS 316.193(3)(c)(1).

Based on all the facts and circumstances I found probable cause Danny was obstructing the crash investigation by refusing to provide the passenger`s information, violating 843.02 Resisting officer without violence.

Based on all the facts and circumstances I found probable cause Danny was resisting the officers with violence by knowingly and intentionally punching at Ofc. Ramos and I, violating FSS 843.01 Resisting officer with violence.

Based on all the facts and circumstances I found probable cause Danny knowingly and intentionally struck Ofc. Ramos and I, turned my activated taser against my leg, and attempted to spit on Ofc. Davis, violating FSS 784.07(2)(b) Battery on LEO (3 counts).

Based on all the facts and circumstances I found probable cause Danny made verbal threats towards Ofc. Ramos, Ofc. Davis, Sgt. Williams and - I to find us after the incident and kill us, violating FSS 838.021(3)(b) Corruption by threats against public (4 counts).

At the time of this incident, Ofc. Ramos, Ofc. Davis, Sgt. Williams and I were on duty, executing our legal duties in full Key West Police Department uniform, clearly identifiable as a Police Officer; based on a badge emblem that reads "Officer Key West Police FLA", above our left breasts, and "Key West Police" patches on each shoulder. There were also several marked patrol police vehicles at the scene, and I personally introduced myself to Danny as a police officer at the beginning of our interaction.

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA <i>24-002505</i>
Date / Time Reported <i>Sun 05/05/2024 17:57</i>

Victim <i>Society</i>	Offense <i>BATTERY</i>	Date / Time Reported <i>Sun 05/05/2024 17:57</i>
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Based on all the facts and circumstances I found probable cause Danny was in possession of controlled substance (FTP MDMA) concealed in the phone case found in the right pocket of his shorts, violating FSS 893.13(6)(a) Possession of controlled substance without prescription.

This case is cleared by arrest.

=====

Incident Report Suspect List

Key West Police Department

OCA: 24-002505

1	Name (Last, First, Middle) <i>AGUILAR VASQUEZ, DANNY GABRIEL</i>					Also Known As					Home Address <i>58G MIRIAM ST KEY WEST, FL 33040 786-419-3576</i>				
	Business Address <i>NONE, NONE</i>														
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State					
<i>12/09/2002</i>	<i>21</i>	<i>W</i>	<i>M</i>	<i>H</i>	<i>508</i>					<i>A246167024490 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				
											Mode of Travel				
Veh Yr / Make / Model			Drs	Style		Color		Lic Plate / State			VIN				
Notes								Physical Char							

Incident Report Related Vehicle List

Key West Police Department

OCA: 24-002505

1	VehYr/Make/Model <i>2016 NISS, Pu</i>	Style <i>PK</i>	Color <i>SIL</i>	Lic/Lis /Decal <i>86EDEN FL 2024, 19492407</i>	VIN <i>1N6BD0CTXGN730849</i>				
IBR Status <i>Safekeeping</i>		Date <i>05/05/2024</i>		Location					
Condition		Value <i>\$10,000.00</i>		Offense Code <i>90D</i>	Jurisdiction <i>Locally</i>		State #	NIC #	
Name (Last, First, Middle) <i>Aguilar Vasquez, Danny Gabriel</i>				Also Known As		Home Address <i>58G MIRIAM ST KEY WEST, FL 33040 786-419-3576</i>			
Business Address <i>NONE, NONE</i>									
DOB <i>12/09/2002</i>	Age <i>21</i>	Race <i>W</i>	Sex <i>M</i>	Hgt <i>508</i>	Wgt	Scars, Marks, Tattoos, or other distinguishing features			

Notes

Incident Report Related Property List

Key West Police Department

OCA: 24-002505

1	Property Description BWC 4193				Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 5.000		Unit		Jurisdiction Locally
Status Evidence		Date 05/05/2024	NIC #		State #		Local #		OAN	
Name (Last, First, Middle) * No name *					DOB		Age	Race	Sex	

Notes

2	Property Description AXON IN-CAR REAR 4193				Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit		Jurisdiction Locally
Status Evidence		Date 05/05/2024	NIC #		State #		Local #		OAN	
Name (Last, First, Middle) * No name *					DOB		Age	Race	Sex	

Notes

3	Property Description PHOTOGRAPHS 4193				Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 19.000		Unit		Jurisdiction Locally
Status Evidence		Date 05/05/2024	NIC #		State #		Local #		OAN	
Name (Last, First, Middle) * No name *					DOB		Age	Race	Sex	

Notes

4	Property Description TASER CARTRIDGE				Make		Model		Caliber	
Color		Serial No. X4824V5RX		Value \$0.00		Qty 2.000		Unit		Jurisdiction Locally
Status Evidence		Date 05/08/2024	NIC #		State #		Local #		OAN	
Name (Last, First, Middle) Kwpd,					DOB		Age	Race	Sex	

Notes

Incident Report Related Property List

Key West Police Department

OCA: 24-002505

5	Property Description MDMA				Make		Model		Caliber		
	Color White/Pink		Serial No.		Value \$10.00		Qty 0.010		Unit GM	Jurisdiction Locally	
	Status Seized		Date 05/05/2024	NIC #		State #		Local #		OAN	
	Name (Last, First, Middle) Aguilar Vasquez, Danny Gabriel					DOB 12/09/2002		Age 21	Race W	Sex M	

Notes

6	Property Description CELLPHONE VIDEO				Make		Model		Caliber		
	Color		Serial No.		Value \$0.00		Qty 1.000		Unit E	Jurisdiction Locally	
	Status Evidence		Date 05/05/2024	NIC #		State #		Local #		OAN	
	Name (Last, First, Middle) * No name *					DOB		Age	Race	Sex	

Notes

7	Property Description 4263 AXON BWC				Make		Model		Caliber		
	Color		Serial No.		Value \$1.00		Qty 1.000		Unit	Jurisdiction Locally	
	Status Evidence		Date 05/06/2024	NIC #		State #		Local #		OAN	
	Name (Last, First, Middle) * No name *					DOB		Age	Race	Sex	

Notes

8	Property Description AXON BWC 4270				Make AXON		Model BWC		Caliber		
	Color		Serial No.		Value \$0.00		Qty 1.000		Unit EA	Jurisdiction Locally	
	Status Evidence		Date 05/06/2024	NIC #		State #		Local #		OAN	
	Name (Last, First, Middle) * No name *					DOB		Age	Race	Sex	

Notes

Incident Report Related Property List

Key West Police Department

OCA: 24-002505

9	Property Description AXON BODY CAMERA	Make	Model	Caliber			
	Color	Serial No.	Value \$2.00	Qty 1.000	Unit DU	Jurisdiction Locally	
	Status Evidence	Date 05/09/2024	NIC #	State #	Local #	OAN	
	Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex

Notes

CASE SUPPLEMENTAL REPORT

Printed: 06/13/2024 08:08

Key West Police Department

OCA: **24002505**

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

Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *05/05/2024*

Offense: *BATTERY*

Investigator: *RAMOS MARTINEZ, JOSUE (4263)*

Date / Time: *05/06/2024 04:41:55, Monday*

Supervisor: *WILLIAMS, CYNTHIA VANESSA*

Supervisor Review Date / Time: *05/09/2024 03:48:54, Thursday*

Contact:

Reference: *General Supplemental Report*

On 05/05/2024, at approximately 18:06 hours, I (Officer Josue Ramos) was dispatched to assist Officer Andrea Bernatova for Spanish translation as she conducted a traffic crash investigation at 601 Howard England Way (Fort Zachary Taylor).

I arrived and met with Officer Sean Davis and Officer Andrea Bernatova who was speaking to Hispanic male, who was believed to be the driver of the vehicle involved in the traffic crash. The male was identified as Danny Gabriel Aguilar Vasquez (D.O.B-12/09/2002).

I spoke to Vasquez, and he appeared to be in an upset mood. I asked Vasquez what had occurred, and he stated that he had blown a tire, and lost control of his vehicle. Vasquez stated he then got stuck in the wooded area the vehicle was located at. I asked Vasquez if he had another passenger in the vehicle and he stated he did have another passenger. Vasquez stated the passenger left because of his immigration status. I asked Vasquez if he could identify the man. Vasquez stated he knew the man but would not identify him.

As I spoke to Vasquez, I observed him become fidgety. Vasquez began asked me what we were waiting for. I advised Vasquez that Officer A. Bernatova and Officer S. Davis were conducting an investigation and once they were done, they would advise him of the next steps in the process. Vasquez stated he understood.

While I stood with Vasquez he abruptly stood up, placing his cell phone and hands in his pocket. I asked Vasquez to remove his hands from his pockets, and to sit back down on the curb. Vasquez removed his hands from his pocket but ignored my request to sit back down on the curb. I then ordered Vasquez to sit back down. Vasquez crossed his arms and laughed at my request. I advised Vasquez that if he did not comply, I would sit him on the ground. Vasquez laughed again and turned away from me. I then initiated a successful leg sweep on Vasquez. Vasquez was redirected to the ground. In my attempts to gain compliance of Vasquez I tripped over the curb he was seated at and began to stumble to the ground as well. I momentarily lost control of Vasquez when I impacted the ground. In that moment Vasquez became combative. I attempted multiple compliance techniques on Vasquez, but he continued to be combative. Vasquez kicked and punched at me. Officer A. Bernatova came over to assist. Vasquez began to deliver closed fist punches to Officer A. Bernatova and I. Vasquez struck Officer A. Bernatova in the left side of her face. Vasquez punched me multiple times to the left side of my face above my left eye, causing it to swell.

Officer A. Bernatova and I continued to try and gain compliance from Vasquez. Officer A. Bernatova drive stunned Vasquez to gain compliance and it had no effect.

While I gained control of Vasquez's upper body using pain compliance techniques, I heard two discharges from Officer

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/13/2024 08:08

Key West Police Department

OCA: **24002505**

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Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *05/05/2024*

Offense: *BATTERY*

Investigator: *RAMOS MARTINEZ, JOSUE (4263)*

Date / Time: *05/06/2024 04:41:55, Monday*

Supervisor: *WILLIAMS, CYNTHIA VANESSA*

Supervisor Review Date / Time: *05/09/2024 03:48:54, Thursday*

Contact:

Reference: *General Supplemental Report*

A. Bernatova`s Axon 7 Taser.

Officer S. Davis arrived to assist and we were then able to gain compliance of Vasquez and place him in hand restraints.

Officer A. Bernatova, Officer S. Davis and I escorted Vasquez to the rear of Officer A. Bernatova`s marked Key West Patrol Vehicle.

Vasquez continued to be combative, and attempted to spit, kick, and hit us with his head. Officer A. Bernatova placed a spit shield over Vasquez. Officer A. Bernatova, Officer S. Davis and I searched Vasquez for Officer Safety.

Officer S. Davis and I placed Vasquez in the rear of Officer A. Bernatova`s vehicle.

I was advised by Officer A. Bernatova and Officer S. Davis that my left eye was starting to swell.

Key West Fire Rescue was called to further evaluate my injuries.

Due to the swelling of my eye, I was transported to Lower Keys Medical Center for further evaluation by Key West Fire Rescue.

I was evaluated and cleared from Lower Keys Medical Center.

I had no further involvement with this incident.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/13/2024 08:08

Key West Police Department

OCA: 24002505

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Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *05/05/2024*

Offense: *BATTERY*

Investigator: *ROMAN, VERONICA (4284)*

Date / Time: *05/06/2024 05:05:38, Monday*

Supervisor: *WILLIAMS, CYNTHIA VANESSA*

Supervisor Review Date / Time: *05/09/2024 03:53:18, Thursday*

Contact:

Reference: *General Supplemental Report*

On May 5, 2024, at approximately 1839 hours, I (Ofc. V. Roman #4284) responded to 601 Howard England Way, Key West, Florida (Fort Zachary Taylor) for an officer needing assistance with a subject.

On arrival, I gathered witness statements from two Florida park rangers who were identified by a Florida Driver License as William F. Taylor (DOB: 08/01/1973, Witness 1) and Anthony M. Teese (DOB: 05/29/2002, Witness 2). William and Anthony completed written statements separately.

During my involvement with this investigation, William sent a copy of a video to my city email address which captured the initial incident prior to law enforcement arrival, that was captured using his mobile phone. The video will be uploaded onto Evidence.com.

My BWC was activated.

This concludes my involvement, nothing further to report.

Investigator Signature

Supervisor Signature

Key West Police Department

OCA: 24002505

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Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *05/05/2024*

Offense: *BATTERY*

Investigator: *DAVIS, SEAN (4270)*

Date / Time: *05/06/2024 05:37:53, Monday*

Supervisor: *WILLIAMS, CYNTHIA VANESSA*

Supervisor Review Date / Time: *05/09/2024 21:55:19, Thursday*

Contact:

Reference: *General Supplemental Report*

On May 05, 2024, at approximately 1757hrs, I (Ofc. Davis) and Ofc. Bernatova responded to 601 Howard England Way (Fort Zachary) regarding a crash with unknown injuries.

Upon arrival, I observed a Hispanic male, later identified as Danny Vasquez, sitting on the ground with a Park Ranger. While Ofc. Bernatova went to speak with Vasquez, I was escorted to Vasquez's truck, which was offroad in a ditch.

Ofc. Ramos arrived shortly after to translate because Vasquez only speaks Spanish.

Ofc. Bernatova and I were informed by park rangers that the property had damage, which was also the first point of impact. We walked to the damaged property to collect evidence and take photos while Ofc. Ramos stayed with Vasquez.

Upon my return to the scene, I interviewed several witnesses, including Adem Tas, who I later discovered was a victim.

According to the main witness, Greg Schmidt, the following events occurred. Schmidt stated that while exiting the park, he was driving behind Tas. Vasquez was driving behind him but then sped up and overtook them on the right-hand side. Once Vasquez overtook them, he lost control of the vehicle and ended up in a ditch. Immediately, an unidentified male sitting in the passenger seat exited the car and ran away. Vasquez then went over to Tas, started yelling at him, and pushed him. At this point, the Park Rangers intervened and called 911.

After talking to Schmidt, I spoke with Tas. Tas' account was consistent with Schmidt's except for his belief that his vehicle was hit by Vasquez's car.

I didn't notice any damage to Tas' vehicle.

After gathering information from witnesses and victims, I returned to Vasquez's vehicle to initiate the towing process. Suddenly, I heard Officer Ramos shouting for assistance. I immediately ran towards the commotion and witnessed Vasquez violently resisting Officer Ramos and Bernatova. After a brief struggle, Vasquez was eventually subdued. While Vasquez was taken into custody, he continuously made threats, which included killing Ofc. Bernatova, Ramos, and I. Vasquez also attempted to spit in my face but missed it. During the search of Vasquez's person, he continued to threaten us and bang his head on the patrol vehicle.

Vasquez was transported by Ofc. Bernatova to Lower Keys Medical Center, followed by the Monroe County Detention Center, where I met her to assist with Vasquez.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

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Key West Police Department

OCA: **24002505**

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Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *05/05/2024*

Offense: *BATTERY*

Investigator: *DAVIS, SEAN (4270)*

Date / Time: *05/06/2024 05:37:53, Monday*

Supervisor: *WILLIAMS, CYNTHIA VANESSA*

Supervisor Review Date / Time: *05/09/2024 21:55:19, Thursday*

Contact:

Reference: *General Supplemental Report*

End of report.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/13/2024 08:08

Key West Police Department

OCA: **24002505**

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Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *05/05/2024*

Offense: *BATTERY*

Investigator: *HANSELL, MATTHEW (3648)*

Date / Time: *05/09/2024 04:28:01, Thursday*

Supervisor: *WILLIAMS, CYNTHIA VANESSA*

Supervisor Review Date / Time: *05/09/2024 23:13:24, Thursday*

Contact:

Reference: *General Supplemental Report*

On May 5th 2024, I K-9 Ofc. Matthew Hansell of the Key West Police Department responded to Fort Zachary Taylor State Park, after hearing officers struggling with a subject during a DUI investigation.

Upon arrival, I met with Ofc. Bernatova and Ofc. Ramos, who had been in what they described as a fight with the suspect Danny Aguilar-Vasquez. Aguilar-Vasquez was being investigated for possible DUI when he began fighting with officers.

I noticed swelling above the left eye of Ofc. Martinez, who told me he was punched in the face by Aguilar-Vasquez. Ofc. Bernatova had several scrape marks on her left hand and a bruise on the inside of her upper forearm. Both Officers looked as if they had been in a fight.

I assisted with a tow slip of the Aguilar-Vasquez vehicle and collecting taser probes and wires. During the course of the investigation Ofc. Bernatova informed us that Aguilar-Vasquez had moved his handcuffed hands from behind him to in front of him as he sat in the back seat of her patrol vehicle.

This created a safety concern as Aguilar-Vasquez could use the hand cuffs as a weapon against officers or attempt to destroy the inside of the police vehicle in an attempt to escape.

Ofc. Smith and Ofc. Martinez took Aquilar-Vasquez out of Ofc. Bernatova's patrol vehicle and I applied a hobble device to Aguilar-Vasquez legs. This device is used to restrain an uncooperative subject from further inflicting harm to officers as well as themselves.

I took the remaining length of the hobble and attached the clip to my set of handcuffs I applied along with the original handcuffs applied by officers prior to my arrival. This was done so that Aguilar-Vasquez could sit in the police vehicle in a normal restrained position but would not be able to move his hands underneath him again. I double locked my handcuffs and checked the first set of handcuffs to make sure they were locked as well.

After assisting with re-securing Aquilar-Vasquez, I moved Ofc. Martinez vehicle to the KWPD horse barn as he was transported by Key West Fire Rescue to Lowe Keys Medical Center to have his injury looked at.

I took no further action.

My Axon Body Camera was used for this case.

EOR

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/13/2024 08:08

Key West Police Department

OCA: **24002505**

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Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *05/05/2024*

Offense: *BATTERY*

Investigator: *HANSELL, MATTHEW (3648)*

Date / Time: *05/09/2024 04:28:01, Thursday*

Supervisor: *WILLIAMS, CYNTHIA VANESSA*

Supervisor Review Date / Time: *05/09/2024 23:13:24, Thursday*

Contact:

Reference: *General Supplemental Report*

Investigator Signature

Supervisor Signature