

Response to Resistance Report

Key West Police Department

Case No: 24-1999

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)

2. Date: 04/07/2024 **3. Time:** 2318 **4. Location:** 224 Duval Street **5. Incident type:** Trespassing

INCIDENT	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input checked="" type="checkbox"/> Passive:	<u>Ignoring commands</u>	<input checked="" type="checkbox"/> Physical Control	<u>Arm bar takedown</u>
<input checked="" type="checkbox"/> Active:	<u>Pulling/pushing away</u>	<input checked="" type="checkbox"/> Non-lethal Weapon	<u>Pepper Spray</u>	
<input checked="" type="checkbox"/> Aggressive:	<u>Punching and kicking</u>	<input type="checkbox"/> Deadly Force		
<input type="checkbox"/> Deadly Force:				

10. Last Name: Cappetta **11. First:** Zachary **12. Race:** W **13. Sex:** M

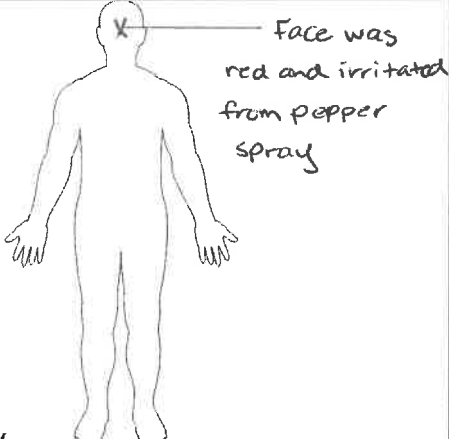
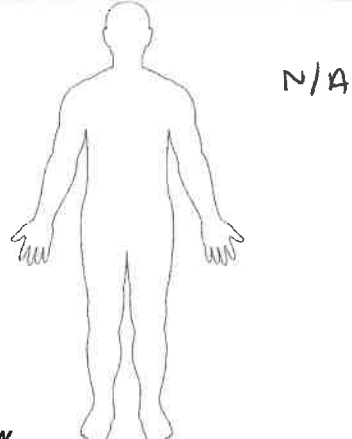
14. DOB: 11/16/1994 **15. Height:** 5'10" **16. Weight:** 155

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
		

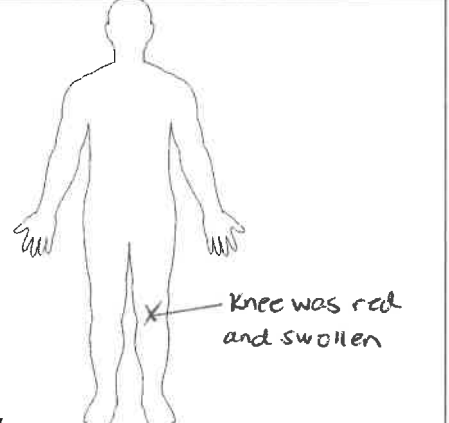
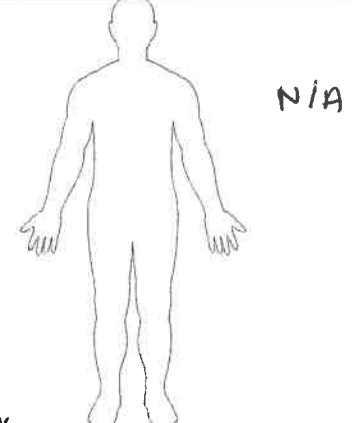
23. Officer: Randolph Scott Ham **24. Race:** W **25. Sex:** M **26. Age:** 32 **27. Height:** 6'00" **28. Weight:** 230

29. Duty Status: On-duty Off-duty Extra duty employment Uniformed Plain clothes **30. Yrs Exp:** 4.5

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: Arm bar takedown

OFFICER	35. Anterior View	Posterior View
		

Response to Resistance Report (continued)

Key West Police Department

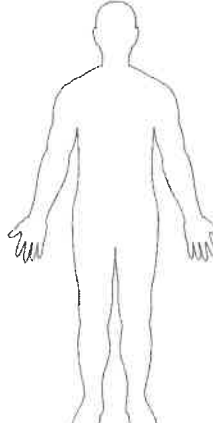
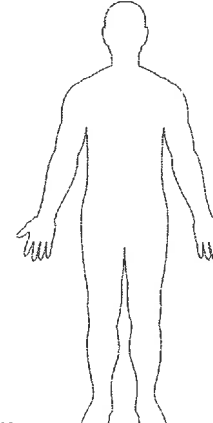
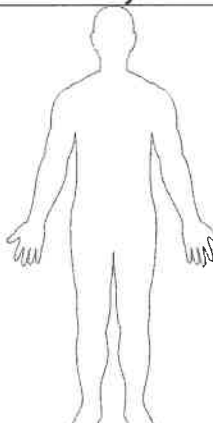
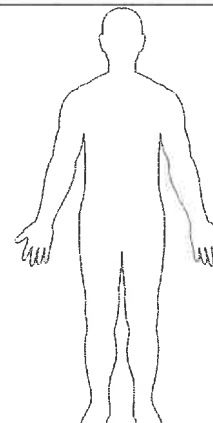
Case No: 24-1999

TASER USE ONLY	36. TASER® device serial #		37. TASER® device serial #		
	Battery serial #		Battery serial #		
	Cartridge 1 serial #1 serial #2		Cartridge 1 serial #1 serial #2		
	Cartridge 2 serial #3 serial #4		Cartridge 2 serial #3 serial #4		
	Number of cycles: 2		Number of cycles:		
	Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input type="checkbox"/> Drive Stun		Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input type="checkbox"/> Drive Stun		
	Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No		Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Target distance at probe launch:		Target distance at probe launch:		
	Distance between probes:		Distance between probes:		
	Probes removed by (name):		Probes removed by (name):		
Device downloaded by:		Device downloaded by:			
<input type="checkbox"/> 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:				
	<input checked="" type="checkbox"/> All necessary criminal elements.				
	<input checked="" type="checkbox"/> All details of the arrest				
	<input checked="" type="checkbox"/> Details articulating the subject's words, mannerisms and actions that justify the use of force.				
	<input checked="" type="checkbox"/> Details outlining the response to resistance utilized by each officer.				
<input checked="" type="checkbox"/> Detailed description of injury complaints and/or observed injuries					
<input checked="" type="checkbox"/> Details outlining the decontamination, first aid or medical treatment provided to the officer and/or subject.					
SUPERVISOR'S INQUIRY	40. Notified Date: 04/07/2024		41. Time: 2319		
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	43. Did you watch all relevant videos associated with the use of force? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	44. Did you meet with the Officer(s): <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	45. During your review did you find any potential policy violations or training issues associated with the incident?				
	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)				
	46. Were you able to locate any independent witnesses: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "Yes," list below)				
	Name		Address		Phone Number
	Nicholas Cieslak		50450 Kapalua Drive Macomb, MI 48042		586-428-9124
	Anthony Rainford		5555 College Road #10 Key West, FL 33040		386-675-8905
Clifford King		150 Broadway Street Wakefield, MA 01880		781-258-7931	
Tiffini Peters		<i>Tiffini L. Peters</i> 13269		04/07/2024	
47. Preparing Supervisor / Printed Name		48. Preparing Supervisor / Signature / ID		49. Date	
INT. AFF.	50. Did the review of this incident conclude that use of force was in compliance with Departmental policy? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes				
			<i>[Signature]</i> 3380		
		51. Signature of Internal Affairs Inspector		52. Date <i>4/8/24</i>	

Response to Resistance Report (continued)

Key West Police Department

Case No: 24-1999

OFFICER	23. Officer: Veronica Roman 24. Race: W 25. Sex: F 26. Age: 34 27. Height: 5'02" 28. Weight: 145	
	29. Duty Status: <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input checked="" type="checkbox"/> Uniformed <input type="checkbox"/> Plain 30. Yrs Exp: 7	
	31. Injuries: <input checked="" type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)	
	32. Photographed: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes 33. Treated: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital	
	34. Response option used by this officer: Pepper Spray	
 35. Anterior View	 Posterior View	
OFFICER	23. Officer: 24. Race: 25. Sex: 26. Age: 27. Height: 28. Weight:	
	29. Duty Status: <input type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input type="checkbox"/> Uniformed <input type="checkbox"/> Plain 30. Yrs Exp:	
	31. Injuries: <input type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)	
	32. Photographed: <input type="checkbox"/> No <input type="checkbox"/> Yes 33. Treated: <input type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital	
	34. Response option used by this officer: (If TASER®, also reference line number from TASER® section)	
 35. Anterior View	 Posterior View	

INCIDENT/INVESTIGATION REPORT

I N C I D E N T D A T A	Agency Name <i>Key West Police Department</i>						Case# <i>24-001999</i>			
	ORI <i>FL0440100</i>						Date / Time Reported <i>04/07/2024 23:04 Sun</i>			
	Location of Incident <i>224 DUVAL ST, Key West FL 33040</i>				Gang Relat <i>NO</i>	Premise Type <i>Highway/road/alley/st</i>	Beat/GP <i>B1, GPB1</i>	Last Known Secure <i>04/07/2024 23:04 Sun</i>		
	At Found <i>04/07/2024 23:04 Sun</i>									
	#1 Crime Incident(s) <i>Battery SCA</i>		(Com)		Weapon / Tools <i>Personal Weapons</i>			Activity <i>N</i>		
Entry		Exit		Security						
#2 Crime Incident <i>Trespassing XOT</i>		(Com)		Weapon / Tools			Activity			
Entry		Exit		Security						
#3 Crime Incident <i>Resist Arrest / Escape XOM</i>		(Com)		Weapon / Tools <i>Personal Weapons</i>			Activity <i>N</i>			
Entry		Exit		Security						
MO										
V I C T I M	# of Victims <i>4</i>		Type: INDIVIDUAL		Injury: Apparent Minor Injury			Domestic: N		
	Victim/Business Name (Last, First, Middle) <i>ROMAN, VERONICA</i>		Victim of Crime # <i>3</i>	DOB <i>08/07/1989</i>	Race <i>W</i>	Sex <i>F</i>	Relationship To Offender <i>IST</i>	Resident Status <i>Resident</i>	Military Branch/Status	
	Home Address <i>1604 N ROOSEVELT BLVD, Key West, FL 33040-</i>				Email		Home Phone <i>305-809-1000</i>			
	Employer Name/Address <i>KEY WEST POLICE DEPARTMENT 1604 N ROOSEVELT BLVD (POLICE</i>				Business Phone		Mobile Phone			
	VYR	Make	Model	Style	Color	Lic/Lis	VIN			
CODES: V- Victim (Denote V2, V3) W1 = Witness IO = Involved Other RP = Reporting Person (if other than victim)										
O T H E R S	Type: INDIVIDUAL		Injury: Apparent Minor Injury							
	Code <i>V2</i>	Name (Last, First, Middle) <i>HAM, RANDOLPH SCOTT J</i>		Victim of Crime # <i>4</i>	DOB <i>07/26/1991</i>	Race <i>W</i>	Sex <i>M</i>	Relationship To Offender <i>IST</i>	Resident Status <i>Resident</i>	Military Branch/Status
	Home Address <i>1604 N ROOSEVELT BLVD KEY WEST, FL 33040</i>				Email		Home Phone <i>305-809-1111</i>			
	Employer Name/Address <i>Key West Police Department (OFFICER)</i>				Business Phone		Mobile Phone			
	Type: INDIVIDUAL		Injury: Apparent Minor Injury							
Code <i>V3</i>	Name (Last, First, Middle) <i>RAINFORD, ANTHONY FRANK</i>		Victim of Crime # <i>1</i>	DOB <i>04/13/1966</i>	Race <i>W</i>	Sex <i>M</i>	Relationship To Offender <i>IST</i>	Resident Status <i>Resident</i>	Military Branch/Status	
Home Address <i>5555 COLLEGE RD - 10 KEY WEST, FL 33040</i>				Email		Home Phone <i>386-675-8905</i>				
Employer Name/Address <i>THE BULL, 224 DUVAL ST (BOUNCER)</i>				Business Phone <i>305-296-4565</i>		Mobile Phone				
1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)										
P R O P E R T Y	V1 #	Code	Status Fm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number	
		<i>27</i>	<i>EVID</i>	<i>\$0.00</i>		<i>1</i>	<i>BWC 4284</i>			
		<i>27</i>	<i>EVID</i>	<i>\$0.00</i>		<i>1</i>	<i>FLEET AXON 4284</i>			
Officer/ID# <i>ROMAN, VERONICA (4284)</i>										
Invest ID# <i>(0)</i>				Supervisor <i>(0)</i>						
Status	Complainant Signature			Case Status <i>Cleared By Arrest</i>		<i>04/08/2024</i>		Case Disposition:	Page 1	

Incident Report Additional Offense List

Key West Police Department

OCA: 24-001999

Offense List (Continued)

Page 2

Counter	Offense Description	Fel/Misd	Statute	Completed/Attempted
# 4	RESIST ARREST / ESCAPE		XOM	Com

Incident Report Additional Name List

Key West Police Department

OCA: 24-001999

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) VI 4	BULL & WHISTLE	2				
	Address 224 DUVAL ST, KEY WEST, FL 33040-		H: 305-296-4545			
	Empl/Addr		B: - -			
			Mobile #: - -			
2) WI 1	BROCKMAN, KATRINA JADE		06/27/1992	31	W	F
	Address 828 WINDSOR LN, KEY WEST, FL 33040-		H: 609-675-4251			
	Empl/Addr		B: - -			
			Mobile #: - -			
3) WI 2	LORUSSO, MICHAEL ALLAN		10/24/1966	57	W	M
	Address 5537 COLLEGE RD, KEY WEST, FL 33040-		H: 305-850-8417			
	Empl/Addr None		B: - -			
			Mobile #: - -			
4) WI 3	ONEILL, KRISTINE M		12/25/1984	39	W	F
	Address 375 SHORTRIDGE AV, ROCHESTER HILLS, MI 48307-		H: 248-431-4052			
	Empl/Addr		B: - -			
			Mobile #: - -			
5) WI 4	CIESLAK, NICHOLAS JOHN		12/01/1981	42	W	M
	Address 43565 ELIZABETH, MT CLEMENS, MI 48043-		H: 586-469-5151			
	Empl/Addr		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 24-001999

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

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

Assisting Officers
HAM, R. (4009)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
24-001999
Date / Time Reported
Sun 04/07/2024 23:04

Victim	Offense	Date / Time Reported
ROMAN, VERONICA	BATTERY	Sun 04/07/2024 23:04

On 04/07/2024, at approximately 2304 hours, I (Ofc. V. Roman #4284) responded to the Bull and Whistle located at 224 Duval Street, Key West, FL in reference to a suspicious person.

On arrival, I observed a large group beginning to gather on the sidewalk in front of the establishment. As I made my way through the crowd, I observed a black male "Tarel" who was wearing a black shirt that was clearly marked "Security" on the back in white lettering holding down a white male on the sidewalk in front of the establishment. As I approached the subjects, I asked the unidentified security guard if he was okay, as I proceed to get control of the white male, later identified as Zachary Thomas McDaniel Cappetta (DOB: 11/16/1994, Arrestee). As I was placing gloves on prior to making contact with Zachary who was laying on his back and facing upwards, Zachary reached his left arm out, grabbing onto my wrist. I attempted to gain control of Zachary, grabbing onto his left arm and left leg while giving Zachary a lawful order to get onto his stomach. Zachary began to stand up and pull his arms and body away as I was attempting to gain control, knocking my AXON BWC onto the ground. As Officer R. Ham arrived on scene Zachary was actively pulling away from my control. Officer Ham and I redirected Zachary to the ground, attempting to gain compliance (See Ofc. Ham`s supplemental) while yelling Key West Police.

While on the ground in front of the establishment, Zachary rolled side to side to prevent being handcuffed and refused our lawful commands to get onto his stomach while he continuously pulled away, kicked and swung his closed fist towards Ofc. Ham and I. As Zachary attempted to sit up and push past Ofc. Ham and I while he was on the ground, facing upwards, I removed my agency issued Oleoresin Capsicum Spray (O.C. Spray) from my duty belt, deploying it at Zachary to gain compliance. Zachary continued to be combative briefly before being turned onto his stomach by Ofc. Ham and I.

Zachary`s arms were repositioned to his back, where he was placed into handcuffs, checking for proper fit and double locking them.

Ofc. Ham and I escorted Zachary to my marked patrol vehicle, placing him in the rear passenger seat. Zachary was medically cleared on scene by Key West Fire Department and was medically cleared by the on duty doctor at Lower Keys Medical Center.

It should be noted that as Ofc. Ham and I were attempting to gain compliance from Zachary, he was yelling you guys are not going to get me this time.

During my investigation, Ofc. Ham gathered the following witness statements:

Clifford King (DOB: 06/28/1972, Witness) stated the following on a sworn written statement: "Homeless man came in to the Bull bar several time. Security was very patient. On the 12th time the homeless man tried to kiss a strang woman. That when security grab him. He started throwing punches. They never hit back just take him out of the bar. Police showed up. He fight them just tried to apprehend him. Female on he`s legs male on he`s chest."

Anthony Frank Rainford (DOB: 04/13/1966, Victim) stated the following on a sworn written statement:

"A man swung on the bartender and door security so I grabbed him by the neck and took him to the door. Let him go and told him to leave. He grabed me and we fell down the steps to the sidewalk. He grabed me by the neck Tarel grabed him and pined him. The officer showed up we let him go and he started fighting the officers. The incident

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
24-001999
Date / Time Reported
Sun 04/07/2024 23:04

Victim
ROMAN, VERONICA

Offense
BATTERY

started about 11:10 PM."

Nicholas John Cieslak (DOB: 12/01/1981, Witness) stated the following on a sworn written statement:

"/while on vacation in Key West at the BullBar, I observed two Key West police officers trying to detain a subject outside in front of the bar. The subject was taken to the ground by the two officers. The subject continued to resist officers that were trying to secure him. I approached and informed the officers that I was an off duty Sheriff's Deputy and asked if they wanted assistance. The officers stated yes and I assisted with securing the subjects legs while they were attempting to handcuff. The subject continued to resist the officers by trying to get off the ground and rolling side to side to prevent being handcuffed. The subject refused to comply w/ verbal commands and pepper spray was deployed to get him under control. The officers were able to place handcuffs on the subject (spaced/dbl). I assisted w/ placing the subject in a wrist lock to achieve the handcuffing process. I had no injuries resulting from the incident."

Kristine Michelle Oneill (DOB: 12/25/1984, Witness) stated verbally that she was kissed by Zachary without her consent, however, she refused to prosecute.

After getting Zachary medically cleared from LKMC, I transported Zachary to the Monroe County Detention Center. Prior to the transport, Zachary hit his head multiple times against the partition while yelling in my patrol vehicle multiple times.

Based on the facts and evidence of my investigation and actions of Zachary during my lawful duty, I believe there is probable cause that on 04/08/2024 Zachary Cappetta violated F.S.S. 843.01 - Resisting Officer with Violence. Zachary knowingly and willfully resisted and obstructed Officer Roman by doing violence to her. At the time, Officer Roman was engaged in the lawful execution of a legal duty. At the time, Officer Roman was a Law Enforcement Officer. At the time, Zachary knew Officer Roman was an officer.

Zachary Cappetta violated F.S.S. 843.01 - Resisting Officer with Violence. Zachary knowingly and willfully resisted and obstructed Officer Ham by doing violence to him. At the time, Officer Ham was engaged in the lawful execution of a legal duty. At the time, Officer Ham was a Law Enforcement Officer. At the time, Zachary knew Officer Ham was an officer.

At the time of this incident, Officer Ham and I were on duty and in full Key West Police Department uniform, clearly identifiable as a Police Officer; based on the silver badge emblem that reads "Officer Key West Police FLA." above our left breast, "Key West Police" patches on each shoulder, and a silver pin on the right and left side of our collared shirt, that read "KWPD." All of this took place in Key West, Florida.

Zachary violated F.S.S. 784.03-(1A-1)- Battery. Zachary actually and intentionally touched or struck Anthony Rainford against his will.

Zachary violated F.S.S. 810.08 - Trespass in Structure. Zachary had been invited to enter in structure. A person authorized by the owner or lessee of the premises warned Zachary to depart. Zachary refused to depart.

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 24-001999
Date / Time Reported Sun 04/07/2024 23:04

Victim <i>ROMAN, VERONICA</i>	Offense <i>BATTERY</i>
----------------------------------	---------------------------

My BWC and FLEET AXON were activated during this investigation. Nothing further to report

Incident Report Suspect List

Key West Police Department

OCA: 24-001999

1	Name (Last, First, Middle) <i>CAPPETTA, ZACHARY THOMAS MCDANIEL</i>					Also Known As					Home Address <i>5537 COLLEGE RD KEY WEST, FL 33040</i>				
	Business Address <i>NONE, NONE</i>														
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State				
<i>11/16/1994</i>	<i>29</i>	<i>W</i>	<i>M</i>	<i>N</i>	<i>510</i>	<i>170</i>	<i>BRO</i>	<i>BRO</i>	<i>LGT</i>	<i>C130998944160 FL</i>					
Scars, Marks, Tattoos, or other distinguishing features															
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 Plate / State			VIN				
Notes							Physical Char								

Incident Report Related Property List

Key West Police Department

OCA: 24-001999

1	Property Description BWC 4284			Make		Model		Caliber	
	Color	Serial No.	Value	Qty	Unit	Jurisdiction			
			\$0.00	1.000	E	Locally			
	Status Evidence	Date 04/07/2024	NIC #	State #	Local #	OAN			
	Name (Last, First, Middle) * No name *			DOB		Age	Race	Sex	

Notes

2	Property Description FLEET AXON 4284			Make		Model		Caliber	
	Color	Serial No.	Value	Qty	Unit	Jurisdiction			
			\$0.00	1.000	E	Locally			
	Status Evidence	Date 04/07/2024	NIC #	State #	Local #	OAN			
	Name (Last, First, Middle) * No name *			DOB		Age	Race	Sex	

Notes

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 04/08/2024 03:48

OCA: **24001999**

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

Investigator: *HAM, RANDOLPH (4009)*

Date / Time: *04/08/2024 03:02:01, Monday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On April 7, 2024, at approximately 2308 hours, I, was dispatched to 224 Duval St (Bull and Whistle), reference a suspicious person.

I was stopped behind a vehicle at the intersection of Caroline St and Duval St. when I saw Ofc. V. Roman begin to run towards the entrance of the Bull and Whistle. I activated my overhead lights and drove around the vehicle. I stopped my patrol vehicle on Duval St., in front of the entrance of the Bull and Whistle. There was a Taxi blocking my view to the entrance. As I went around the Taxi, I saw what appeared to be a struggle near the front entrance and did not see Ofc. Roman immediately. I then saw Ofc. Roman attempting to restrain a male, later identified as Zachary Cappetta. Zachary was pulling away from Ofc. Roman. I went around the garbage cans and grabbed Zachary's left arm. Zachary attempted to pull away from me. I gave Zachary a verbal command to go to the ground and he continued to pull away. With a straight arm takedown, I guided Zachary to the sidewalk. Zachary landed on his right side and immediately rolled to his back. Zachary began flailing his arms trying to strike Ofc. Roman and I. Zachary hit my Axon BWC off my chest, ripped out my mic from my vest and knocked out my earpiece. Grabbed ahold of both Zachary's hands to try and prevent him from further striking Ofc. Roman and I. I gave Zachary numerous commands to roll on to his stomach. I attempted to maintain control of Zachary's arms and roll him onto his stomach. Zachary pulled his arms out from my grasp and continued trying to strike Ofc. Roman and I.

A bystander later identified as Nicholas Cieslak approached while we were trying to gain control of Zachary and asked if we could use his help. I asked Nicholas to try and control Zachary's legs. Nicholas secured Zachary's legs.

Zachary continued to pull away, slip our grasp and try to strike both Ofc. Roman and I. Ofc. Roman advised me she was going to pepper spray Zachary. Ofc. Roman deployed her pepper spray, striking Zachary in the face. Zachary pulled his hands close to his face to try and wipe off the spray. Zachary eventually stopped pulling and Ofc. Roman, Nicholas and I were able to roll Zachary onto his stomach. I maneuvered to the other side of Zachary's back and applied my knee beneath his right shoulder blade. I assisted with retrieving Zachary's right arm which was underneath his body and helped Ofc. Roman handcuff Zachary. Ofc. Roman and I sat Zachary up and began to escort him to the backseat of Ofc. Roman's patrol vehicle.

I requested Sgt. T. Peters to respond for an RRI and Key West Rescue for any possible injuries sustained.

I walked back to the Bull and Whistle to speak with numerous witnesses and victims.

The first witness was identified as Clifford King. Clifford stated that security had removed Zachary from the bar several times. Clifford stated Zachary walked up behind a woman, (later identified as Kristine Oneill) who he did not know, grab her, and try to kiss her. Clifford stated Kristine shoved Zachary away and that's when the security came to

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 04/08/2024 03:48

OCA: **24001999**

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Investigator: *HAM, RANDOLPH (4009)*

Date / Time: *04/08/2024 03:02:01, Monday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

remove him again. Clifford stated when security grabbed Zachary, he began throwing punches and security just escorted him outside without striking him. Clifford stated we arrived shortly after and that's when Zachary began to fight with us.

I then spoke with Kristine. Kristine stated she was at the Bull and Whistle with friends and thought it was one of her friends that came up behind her. Kristine stated Zachary pulled her from behind and tried to kiss her. Kristine stated she shoved Zachary off and that's when security showed up to remove him from the premises. Kristine stated to me two times that she did not wish to pursue charges against Zachary for battery.

I provided Nicholas and Clifford with a KWPD sworn statement to fill out.

I spoke with the bar back (Anthony Rainford), who was the male perceived to be one of the securities from the bar. Anthony stated he saw Zachary swing at the bartender (Katrina Brockman) and door security (Michael Lorusso). Anthony stated he intervened and escorted Zachary out of the bar with a headlock. Anthony stated he got Zachary out of the bar. Anthony stated he did not exit the bar and stood at the top step while Zachary was standing in front of the entrance. Anthony stated that Zachary grabbed ahold of him and pulled him outside the bar. Anthony stated they began to roll on the ground and he tried to maintain control of Zachary's head. Anthony stated Michael and another security from upstairs came out to help restrain Zachary until we arrived on scene. Anthony stated they released Zachary and that's when he began to fight Ofc. Roman and I. I provided Anthony with a KWPD written statement.

I collected the sworn written statements from Nicholas, Clifford and Anthony.

I spoke with Michael and asked him if he had seen Zachary. Michael stated he had told Zachary to leave and not come back inside. Michael stated after telling Zachary he wasn't allowed back on the property, Zachary hopped over the side rail in front of the bar and entered that way. Michael stated that's when Zachary approached Kristine and tried kissing her. Michael stated he tried getting Zachary out and Zachary began to swing at him. Michael stated Anthony grabbed Zachary and brought him outside. I asked Michael if the establishment wished to pursue charges for trespassing and he was unsure.

I spoke with Anthony inside the bar and asked him if the establishment wished to pursue charges for trespassing and he stated yes.

I spoke with Katrina and asked what happened. Katrina's statement was consistent with everyone else's.

I collected all KWPD sworn statements and submitted them into KWPD records.

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My Axon BWC was activated during the encounter.

Investigator Signature: _____

Incident Report Related Property List

Key West Police Department

OCA: 24-001999

1	Property Description AXON BWC 4009	Make AXON	Model BWC	Caliber
	Color	Serial No.	Value \$0.00	Qty 1.000
	Status Evidence	Date 04/08/2024	NIC #	State #
			Local #	Jurisdiction Locally
	Name (Last, First, Middle) * No name *		DOB	Age
			Race	Sex

Notes

Draft Only