

Response to Resistance Report

Key West Police Department

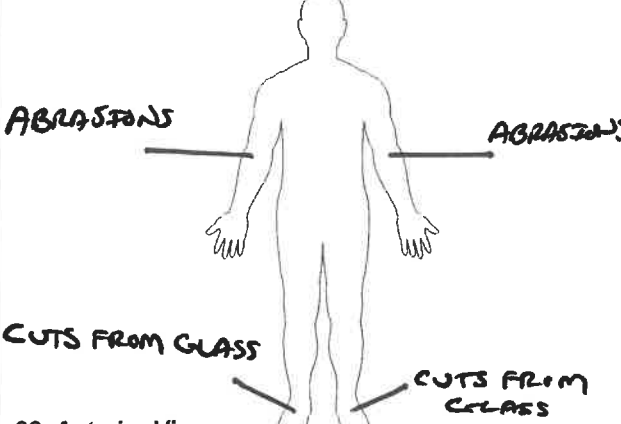
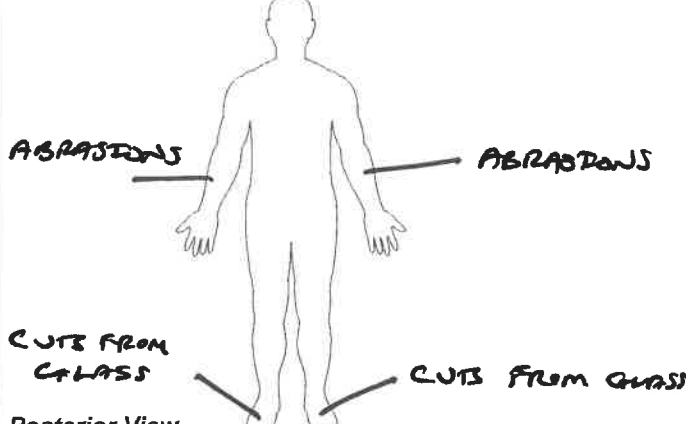
Case No: 23-1840

1. A Response to Resistance Report will be completed by the supervisor for: (Check all that apply)

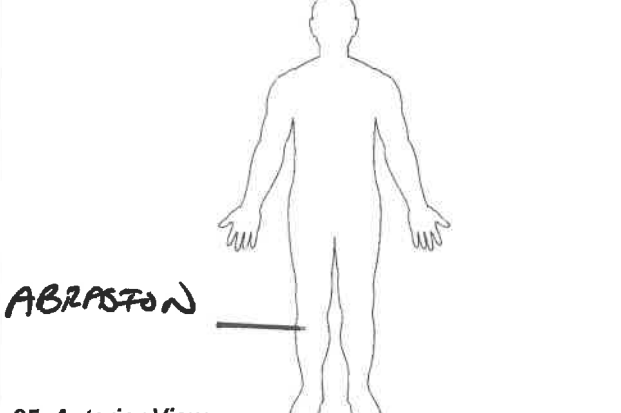
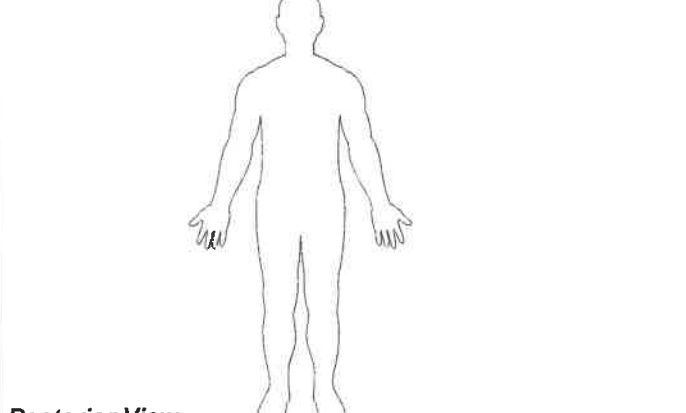
- ☐ A response through the use of non-lethal weapons,
☒ Applies weaponless physical force of strikes, kicks, or "take-downs"
☐ When any person sustains an apparent substantial or fatal injury as a result of the application of force
☐ When any person complains of injury as a result of the application 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: 3.27.2023	3. Time: 0800	4. Location: L.K.M.C.	5. Incident type: Criminal Traffic
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	☐ Passive:		☐ Physical Control	
	☒ Active:	Ran from Ofc. @ E.R.	☐ Non-lethal Weapon	
	☒ Aggressive:	Took fighting stance toward Ofc.	☐ Deadly Force	
	☐ Deadly Force:			

SUBJECT	10. Last Name: Richard	11. First: Bailey	12. Race: W	13. Sex: M
	14. DOB: 4/8/95	15. Height: 5'8	16. Weight: 170	
	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
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OFFICER	23. Officer: Michal Brabc	24. Race: W	25. Sex: M	26. Age: 35	27. Height: 6'7	28. Weight: 270
	29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes 30. Yrs Exp: 4					
	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						

OFFICER	 35. Anterior View	 Posterior View
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Response to Resistance Report (continued)

Key West Police Department

23-1840

Case No: _____

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:		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:		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:		
☐ 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: 3.27.2023		41. Time: 0800	
	42. Did you respond to the scene: ☐ No ☒ Yes (If "No", explain why)			
	43. Did you watch all relevant videos associated with the use of force? ☐ No ☒ Yes (If "No", explain why)			
	44. Did you meet with the Officer(s): ☐ No ☒ Yes (If "No", explain why)			
	45. During your review did you find any potential policy violations or training issues associated with the incident? ☒ No ☐ Yes (If "Yes," list below)			
	46. Were you able to locate any independent witnesses: ☐ No ☒ Yes (If "Yes," list below)			
	Name	Address	Phone Number	
	Dr. Guerdon	5900 College Rd.	305 294 5535	
INT. AFF.	Sgt. M. Siracuse		3.27.23	
	47. Preparing Supervisor / Printed Name		48. Preparing Supervisor / Signature / ID	
	50. Did the review of this incident conclude that use of force was in compliance with Departmental policy? ☐ No ☒ Yes		51. Signature of Internal Affairs Inspector 52. Date 4/26/2023	

INCIDENT/INVESTIGATION REPORT

I N C I D E N T D A T A	Agency Name Key West Police Department						Case# 23-001840					
	ORI FL0440100						Date / Time Reported 03/27/2023 05:05 Mon					
	Location of Incident 4100 OVERSEAS HWY, Key West FL 33040		Gang Relat NO	Premise Type Highway/road/alley/st		Beat/GP	Last Known Secure 03/27/2023 05:05 Mon					
							At Found 03/27/2023 05:05 Mon					
D E T A I L M O	#1 Crime Incident(s) (Com) Stolen Property Possession STA		Weapon / Tools				Activity P					
			Entry		Exit	Security						
	#2 Crime Incident (Com) Criminal Mischief / Vandalism VAC		Weapon / Tools				Activity					
			Entry		Exit	Security						
	#3 Crime Incident (Com) Drug Possession Controlled Substance DRA		Weapon / Tools				Activity P					
			Entry		Exit	Security						
V I C T I M	# of Victims 3		Type: SOCIETY/PUBLIC/STATE		Injury:		Domestic: N					
	V1 Victim/Business Name (Last, First, Middle) Society		Victim of Crime # 3,4,5		DOB Age	Race	Sex	Relationship To Offender	Resident Status N/A	Military Branch/Status		
	Home Address				Email			Home Phone				
	Employer Name/Address				Business Phone			Mobile Phone				
	VYR	Make	Model	Style	Color	Lic/Lis	VIN					
O T H E R I N V O L V E D	CODES: V- Victim (Denote V2, V3) WI = Witness IO = Involved Other RP = Reporting Person (if other than victim)											
	Type: BUSINESS		Injury: None									
	Code V2		Name (Last, First, Middle) LOWER KEYS MEDICAL		Victim of Crime # 2	DOB // : :	Race	Sex	Relationship To Offender 1ST	Resident Status N/A	Military Branch/Status	
	Home Address 5900 W JR COLLEGE RD KEYWEST, FL 33040				Email			Home Phone 305-294-5531				
	Employer Name/Address				Business Phone			Mobile Phone				
	Type: INDIVIDUAL		Injury: None									
	Code V3		Name (Last, First, Middle) YEARY, ROBERT		Victim of Crime # 1	DOB 08/24/1980	Race W	Sex M	Relationship To Offender 1RU	Resident Status Non-Resident	Military Branch/Status	
	Home Address 102 VITAL ST LAFAYETTE, LA 70506				Email			Home Phone				
	Employer Name/Address UNK (UNK)				Business Phone			Mobile Phone				
	P R O P E R T Y	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	
2		77	4	\$1,000.00		1	GLASS DOOR					
		27	EVID	\$0.00		4	AXON BWC 3925					
		11	6	\$2.00		1	RAZOR BLADES		UNK			
		11	EVID	\$1.00		1	ROLLED UP BUSINESS CARD					
		65	5	\$0.00		5	ID CARDS					
		11	6	\$1.00		1	ROLLED UP BUSINESS CARD					
		02	1	\$2,000.00		1	GRY, 461FVK LA		TOYT Corolla	INXBR32E37Z853404		
Officer/ID# BRABLC, MICHAL (3925)												
Invest ID# (0)						Supervisor SIRACUSE, MARK W (3366)						
Status Complainant Signature				Case Status Cleared By Arrest		03/27/2023		Case Disposition:			Page 1	

Incident Report Additional Offense List

Key West Police Department

OCA: 23-001840

Offense List (Continued)

Page 2

Counter	Offense Description	Fel/Misd	Statute	Completed/Attempted
# 4	DRUG EQUIPMENT VIOLATIONS		DRUG EQUIPMENT	Com
# 5	TRAFFIC OFFENSE (NON-DUI)		VEC	Com

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 23-001840

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
	L	6	2.300	GM	AMPHETAMINES/METHAMPHETAMINES	Poss

Assisting Officers
 HAM, R. (4009), HERNANDEZ, L. (3452), ROSCOE, R. (4011), MALAK, T.J. (4045), UA, C. (4264)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

23-001840

Victim

Society

Offense

STOLEN PROPERTY POSSESSION

Date / Time Reported

Mon 03/27/2023 05:05

-- Bailey Richard Richard Arrest Narrative:

On Monday, March 27, 2023, at approximately 0530 hours, I (Officer Michal Brable) was dispatched to assist Officer Roscoe on a crash investigation at the "triangle", 4100 Overseas Highway, Key West, FL.

Officer Roscoe was the first unit to respond. Upon Officer Roscoe's arrival, the vehicle involved in the crash was unoccupied. Officer Roscoe located the driver of the vehicle walking inbound on N. Roosevelt Blvd. At the time, the driver (later identified as Bailey Richard) was approximately 100 feet away from his vehicle (Gray Toyota Corolla, Louisiana license plate 461FVK). Officer Roscoe approached Richard and asked him where he was going. According to Officer Roscoe, Richard said, "I'm going down there and pointed towards the Marriott Beachside hotel. Officer Roscoe asked Richard if he was just involved in the crash. Richard said yes. Richard admitted being the driver of the vehicle.

It appeared, Richard was traveling southbound on Overseas Hwy and approached the intersection at a high rate of speed. Richard's vehicle continued traveling straight instead of turning right or left. Richard's vehicle knocked down and destroyed several FDOT traffic lights and subsequently stopped on the sidewalk across the street. At the time of the report, I did not have a dollar amount for the damage caused to FDOT by crash.

Officer Roscoe requested KWFD Rescue to respond as Richard seemed to be disoriented and under the influence of alcohol and/or controlled substances. Richard was not cooperative with the responding Rescue personnel. The Rescue personnel requested Richard to be patted down for safety. MCSO Deputy Ketcham conducted the pat down and during she felt something in Richard's right short pocket. Based on her training and experience, Deputy Ketcham determined the unknown object to possibly be an unknown controlled substance, wrapped in a plastic bag. Deputy Ketcham pulled the object out of Richard's right short pocket. The object was a plastic bag with several white, octagonal pills with the letter "M" on one side and the number "30" imprinted on the other side. Some of the pills appeared to be crushed, which created a white, powdery substance. Deputy Ketcham conducted a field test of the substance. The test came back positive for Amphetamine. Amphetamine is a Schedule 2 controlled substance. Richard did not provide a physician issued prescription for the medication. There was a rolled-up business card along with a case of razor blades found in the center console cupholder. Both items field tested positive for Amphetamines.

Officer Ua later processed the controlled substance and submitted it to the evidence along with other items.

Richard was transported to the Lower Keys Medical Center for further evaluation. I remained on the scene to finish the traffic crash investigation. During the inventory search of the vehicle, MCSO Deputy Galbo, located several Louisiana Driver Licenses, ID cards and other forms of identification not belonging to Richard. There was a Louisiana ID card for Skylar Touchet DOB 07-21-1985. Along with an ID card, Mobility impaired card, and Department of Veteran Affairs card, all under the name of Robert Yearly DOB 08-24-1980. All of the cards were located inside of the glovebox. I later read Richard his Miranda Rights from a prepared card. Richard understood his rights and agreed to answer my questions. I asked Richard about all the ID cards and why did he have them. Richard's answer was "I'm trying to do business". I asked if he knew who Yearly was, Richard answered that it was possibly somebody he had once given a ride in his vehicle. I asked Richard who Touchet was, Richard said Touchet was his cousin. Once the investigation was complete, Arnold's Towing removed the vehicle and I responded to the hospital.

Upon my arrival at the hospital, Richard was released and in the custody of Officer Ua.

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
23-001840
Date / Time Reported
Mon 03/27/2023 05:05

Victim	Offense	
Society	STOLEN PROPERTY POSSESSION	

Based on his actions and evidence provided, I believe there was a probable cause for Richard's arrest for violation for the following:

§ 316.061(1), Fla. Stat. LEAVING THE SCENE OF A CRASH INVOLVING ONLY DAMAGE TO AN ATTENDED VEHICLE OR ATTENDED PROPERTY

1. Richard was the driver of a vehicle involved in a crash.
2. The crash resulted only in damage to a vehicle or other property (FDOT TRAFFIC CONTROL DEVICES).
3. The other property was att property of the Florida Department of Transportation.
4. Richard failed to stop at the scene of the crash or as close to the crash as possible and remain there until he had given identifying information to (name of person in element #3) and to any police officer at the scene of the crash or who is investigating the crash. Richard attempted to leave the scene of the crash of foot.

Richard was issued a Criminal Traffic Citation AGXJEEE. Richard's court date was set for 04/06/2023 at 0900 hours, in front of the Honorable Judge Kelly. Richard later signed the citation.

§ 893.13(6), FLA. STAT. 25.7 POSSESSION OF A CONTROLLED SUBSTANCE

1. Richard possessed a substance.
2. The substance was Amphetamine pills "M30"
3. The substance weighed 2.3 grams.

§ 893.147(1), FLA. STAT 25.14 USE OR POSSESSION WITH INTENT TO USE DRUG PARAPHERNALIA

1. Richard knew of the presence of drug paraphernalia.
2. Richard possessed the drug paraphernalia with intent to use it to:
Prepare a controlled substance. And introduce a controlled substance into the human body.

§ 817.5685, FLA. STAT UNLAWFUL POSSESSION OF THE PERSONAL IDENTIFICATION INFORMATION OF ANOTHER PERSON

1. Richard knowingly possessed the personal identification information of Touchet and Yearly.
2. Richard did not have authorization to do so.

I placed Richard under arrest and transported him to the Monroe County Detention Center without an incident.

MCDC intake nurse refused Richard due to an elevated blood pressure (160/100) as well as elevated heart rate (approx. 135)

I transported Richard back to LKMC without incident. While Richard was treated for his medical condition, the ER nurse asked if I could take Richard's handcuffs off so the staff could get better reading of Richard's vitals. Richard

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
23-001840
Date / Time Reported
Mon 03/27/2023 05:05

Victim	Offense	
Society	STOLEN PROPERTY POSSESSION	

was not combative so I agreed. A few minutes later Richard took off running towards the locked ER glass door. I was right there and chased after Richard. Richard broke the glass door and was able to make it out to the parking lot. I had my AXON Taser out, but Richard stopped, turned around and took an aggressive pose as he was going to fight me. I tackled Richard to the ground. Richard tensed up several times and resisted my lawful orders to prevent being placed in handcuffs. I was able to cuff Richard and walked him back to his hospital bed. My AXON body worn camera was activated. Richard suffered several lacerations as he ran through the broken glass. I suffered an abrasion to my right knee. A notice of injury was later completed by Sergeant M. Siracuse.

Richard was treated for his injuries by the medical staff and I was provided with a surgical sponge scrub to clean the suffered abrasion.

In addition to the previous charges, I believed there was a probable cause for the following charges:

§ 944.40, Fla. Stat. 27.1 [ATTEMPTED] ESCAPE.

1. Richard was a prisoner
 - a. under arrest.
 - b. being transported to or from a place of confinement (Medical facility to address his medical issues).
2. Richard
 - a. attempted to escape by running away from the hospital.
 - b. willfully failed to remain within the extended limits of his confinement.

§ 806.13(1)-(2), FLA. STAT 12.4 CRIMINAL MISCHIEF

1. Richard injured or damaged property (Emergency room glass door.
2. The property injured or damaged belonged to Lower Keys Medical Center.
3. The injury or damage was done willfully and maliciously.
4. The damage was estimated to be upwards of \$1000.00

Richard was later discharged from the LKMC and I transported him back to the MCDC without an incident. My AXON body worn camera was activated.

Status: Cleared by arrest.

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Incident Report Suspect List

Key West Police Department

OCA: 23-001840

1	Name (Last, First, Middle) <i>RICHARD, BAILEY RICHARD</i>						Also Known As				Home Address <i>228 VATICAN RD CARENCRO, LA 70520</i>																																									
	Business Address <i>UNK, UNK</i>																																																			
	DOB <i>04/08/1995</i>	Age <i>27</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>U</i>	Hgt <i>508</i>	Wgt <i>180</i>	Hair <i>BLK</i>	Eye <i>BRO</i>	Skin <i>LGT</i>	Driver's License / State <i>010430921 LA</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 Mode of Travel</td> </tr> <tr> <td colspan="3">Veh Yr / Make / Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="3">Lic Plate / State</td> <td colspan="2">VIN</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 Mode of Travel		Veh Yr / Make / Model			Drs	Style		Color		Lic Plate / State			VIN	
<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: 23-001840

1	VehYr/Make/Model <i>TOYT, Corolla</i>			Style <i>4D</i>		Color <i>GRY</i>		Lic/Lis /Decal <i>461FVK LA</i>			VIN <i>1NXBR32E37Z853404</i>	
	IBR Status <i>None</i>			Date <i>03/27/2023</i>		Location <i>4100 OVERSEAS HWY, KEY WEST FL</i>						
	Condition		Value <i>\$2, 000.00</i>			Offense Code <i>35A</i>		Jurisdiction <i>Locally</i>		State #		NIC #
	Name (Last, First, Middle) <i>Richard, Bailey Richard</i>					Also Known As			Home Address <i>228 VATICAN RD CARENCRO, LA 70520</i>			
	Business Address <i>UNK, UNK</i>											
	DOB <i>04/08/1995</i>	Age <i>27</i>	Race <i>W</i>	Sex <i>M</i>	Hgt <i>508</i>	Wgt <i>180</i>	Scars, Marks, Tattoos, or other distinguishing features					

Notes

towed by Arnolds Towing

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 03/27/2023 12:43

OCA: **23001840**

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

Investigator: *UA, CAMERON (4264)*

Date / Time: *03/27/2023 09:57:12, Monday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact: *Richard, Bailey Patrick 305- -*

Reference: *General Supplemental Report*

On March 27, 2023, I, (Officer Ua) assisted Officer Brable at LKMC concerning a subject who was involved in a hit and run vehicle accident.

On arrival at LKMC Emergency Room, I met with Officer Ham and Officer Roscoe who had Bailey Richard, the suspect, in custody. Bailey was just medically cleared by the ER doctor and I took control of Bailey. I escorted Bailey to my patrol car and searched him for weapons and contraband with negative results. I sat Bailey in the back of my vehicle and waited for Officer Brable to arrive.

Officer Brable arrived and he gave me a bag of evidence to process while he take Bailey in custody and to escort Bailey to MCDC.

I took the evidence and processed it at KWPd. While in the evidence room. I found the pills to be off white in color, octagon in shape, with the letter M imprinted on one side, and the number 30 on the other side. I field tested the pills and it came back positive for amphetamine. I also used Pill Identifier for another means of identification and it came back with Dextroamphetamine. I called poison control and spoke with an agent, the agent confirmed my findings. It is amphetamine and used like adderall which she said it is a schedule 2 narcotic.

I packaged the pills for evidence and sent them to FDLE through the KWPd evidence division. first weight of the pills were 2.6 grams, and second weight was 11.5 grams. Evidence was submitted to KWPd evidence division.

Nothing further at this time.

Investigator Signature: _____