

Response to Resistance Report

Key West Police Department

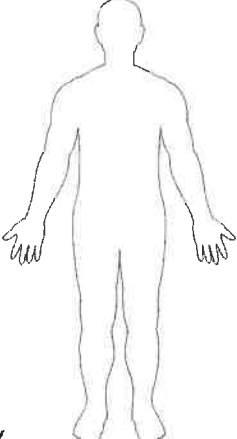
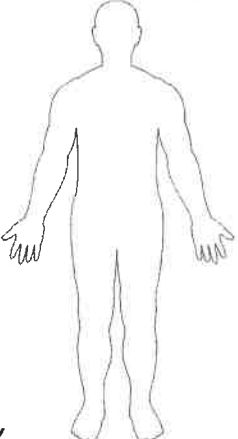
Case No: 21.6092

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

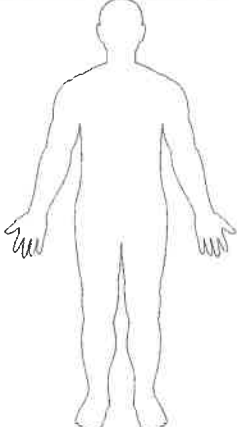
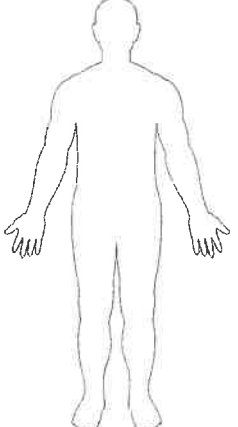
- A response through the use of non-lethal weapons,
- Applies weaponless physical force of strikes, kicks, or "take-downs"
- When any person sustains an apparent substantial or fatal injury as a result of the application of force
- When any person complains of injury as a result of the application of 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: 10.31.21		3. Time: 0035		4. Location: 500 Greene St		5. Incident type: S36B	
	6. Resistance Level		7. Explanation		8. Response Option		9. Explanation	
	<input type="checkbox"/> Passive:				<input checked="" type="checkbox"/> Physical Control		Arm drag takedown	
	<input checked="" type="checkbox"/> Active:		<u>Pushing/pulling away/hitting ofc</u>		<input type="checkbox"/> Non-lethal Weapon			
<input type="checkbox"/> Aggressive:				<input type="checkbox"/> Deadly Force				
<input type="checkbox"/> Deadly Force:								

10. Last Name: Mirabella		11. First: Joshua G.		12. Race: W		13. Sex: M	
14. DOB: 06.30.02		15. Height: 6.00		16. Weight: 165			
17. Did you observe the subject: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If NO, explain why in Section 42. If "YES", complete sections 18-22							
18. Appeared to be: <input checked="" type="checkbox"/> Intoxicated <input type="checkbox"/> Under the influence of controlled substance <input type="checkbox"/> Emotionally / mentally disturbed							
19. 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 22)							
20. Photographed: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes 21. Treated: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input type="checkbox"/> Detention							

SUBJECT	 <p>22. Anterior View</p>	 <p>Posterior View</p>
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23. Officer: Michael Chaustit		24. Race: W		25. Sex: M		26. Age: 43		27. Height: 6.00		28. Weight: 255	
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 clothes 30. Yrs Exp: 15											
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: (If TASER®, also reference line number from TASER® section)											

OFFICER	 <p>35. Anterior View</p>	 <p>Posterior View</p>
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Response to Resistance Report (continued)

Key West Police Department

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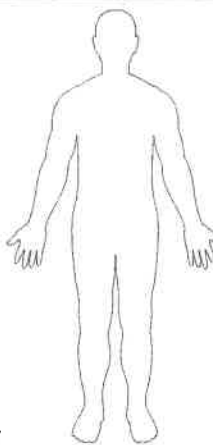
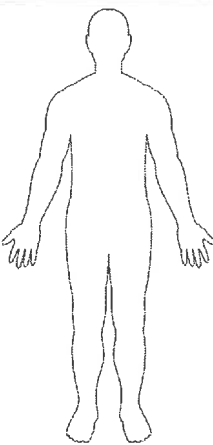
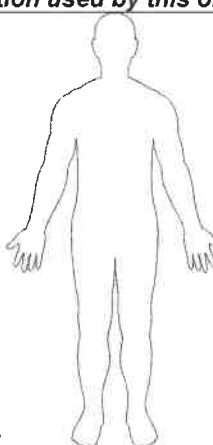
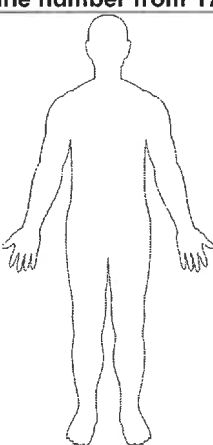
Case No: not found.21.6092

TASER USE ONLY	36. TASER® device serial #		37. TASER® device serial #		
	TASER®Cam serial #		TASER®Cam serial #		
	Cartridge 1 serial #		Cartridge 1 serial #		
	Cartridge 2 serial #		Cartridge 2 serial #		
	Number of cycles:		Number of cycles:		
	Type of contact: <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: 10.31.21		41. Time: 0040		
	42. Did you respond to the scene: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "No", explain why)				
	I was working as the Sector 1 Commander for FF. I met with the officers at Old City Hall.				
	43. Did you watch all relevant videos associated with the use of force? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "No", explain why)				
	I am unable to view the videos in AXON.				
	44. Did you meet with the Officer(s): <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	Reports were reviewed and submitted before the RRI was completed.				
	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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)				
	Name		Address		Phone Number
47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS			<u>2301</u>	11.01.21	
			48. Preparing Supervisor's 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 type="checkbox"/> Yes (If "No", complete section 51)				
	51. Signature of Internal Affairs Inspector			52. Date	
	53. If section 48 is "No" record the Professional Standards Control Number:		54. Date Entered:		

Response to Resistance Report (continued)

Key West Police Department

Case No: 21.6092 **Error! Reference source not found.**

OFFICER	23. Officer: Thomas Clark 24. Race: W 25. Sex: M 26. Age: 33 27. Height: 5.11 28. Weight: 220	
	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: 10	
	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: (If TASER®, also reference line number from TASER® section)	
 <p>35. Anterior View</p>	 <p>Posterior View</p>	
OFFICER	23. Officer: Raymond Roscoe 24. Race: W 25. Sex: M 26. Age: 43 27. Height: 5.07 28. Weight: 165	
	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: 2	
	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: (If TASER®, also reference line number from TASER® section)	
 <p>35. Anterior View</p>	 <p>Posterior View</p>	

INCIDENT/INVESTIGATION REPORT

INCIDENT DATA	Agency Name Key West Police Department			Case# 21-006092		
	ORI FL0440100			Date / Time Reported 10/31/21 00:34 Sun		
	Location of Incident 210 DUVAL ST, Key West 33040			Gang Relat NO	Premise Type Highway / Street /	Beat/GP B1, GPB1
				Last Known Secure 10/31/21 00:34 Sun		
#1	Crime Incident(s) Battery Felony			Weapon / Tools HANDS, FIST, FEET		Activity
	(Com)			Entry	Exit	Security
	BFE					
#2	Crime Incident Fraud Possession Of Counterfeit			Weapon / Tools		Activity
	(Com)			Entry	Exit	Security
	FRG					
#3	Crime Incident Resist Arrest / Escape			Weapon / Tools		Activity
	(Com)			Entry	Exit	Security
	XOM					

MO	# of Victims 2		Type: LAW ENFORCEMENT (LEO)		Injury: Other Major Injuries		Domestic: N		
	V1	Victim/Business Name (Last, First, Middle) CHAUSTIT, MICHAEL			Victim of Crime # 1	DOB 03/30/78	Race W	Sex M	Relationship To Offender ST
		Home Address 1604 N ROOSEVELT BLVD, Key West, FL 33040-			Email			Home Phone 305-809-1000	
	Employer Name/Address KWPD 1604 N ROOSEVELT BLVD (OFFICER)						Business Phone		Mobile Phone
	VYR	Make	Model	Style	Color	Lic/Lis	VIN		

OTHERS INVOLVED	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)								
	Type: SOCIETY/PUBLIC/STATE				Injury:				
	V2	Name (Last, First, Middle) SOCIETY			Victim of Crime # 2,3	DOB / /	Race	Sex	Relationship To Offender
		Home Address			Email			Home Phone	
	Employer Name/Address						Business Phone		Mobile Phone
	Type: Injury:								
V2	Name (Last, First, Middle)			Victim of Crime #	DOB	Race	Sex	Relationship To Offender	
	Home Address			Email			Home Phone		
Employer Name/Address						Business Phone		Mobile Phone	

PROPERTY	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)									
	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number	
	99	COUN		\$1.00		2	GA DL			
	35	EVID		\$0.00		1	BWC TO AXON - 3141			
	99	EVID		\$10.00		1	TOY GUN			

Officer/ID#	CHAUSTIT, MICHAEL (3141)		Supervisor	BLASBERG, FRANK (1598)	
Invest ID#	(0)		Case Status <i>Cleared By Arrest</i>		
Status	Complainant Signature	Case Status <i>Cleared By Arrest</i>	10/31/21	Case Disposition: <i>Cleared By Arrest</i>	10/31/21

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 21-006092

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

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
21-006092
Date / Time Reported
Sun 10/31/21 00:34

Victim	Offense
CHAUSTIT, MICHAEL	BATTERY FELONY

On October 31, 2021, At about 0035 hours, I was working at the intersection of Charles and Duval Street. I was approached by a white male later identified as Joshua Mirabella. Mirabella had a gold and silver colored toy handgun in his waist band. I told Mirabella that toy and simulated weapons were prohibited and I removed it from his waist band. I informed Mirabella he would be able to pick it up at "old city hall" at the end of the night. Mirabella told me the toy gun was his personal property and I was not allowed to take it from him. I explained to him several additional times that simulated weapons including toy guns were prohibited and it would be returned to him. Mirabella began to argue that the toy gun was his personal property. I once again informed him that it would be returned to him and asked him for his identification to ensure the toy gun was returned to him. Mirabella refused and said he did not have to give me his identification. Mirabella did appear to be under the influence of an intoxicant and did not seem to understand anything I told him.

Next I told Mirabella that I was going to drop of his toy gun at old city hall. Mirabella walked with me from the intersection of Duval Street and Charles Street. As we began walking north on Duval Street towards Greene Street Mirabella kept bumping and pushing into me. The first time Mirabella pushed into me I told him to stop running into me. Mirabella pushed into me two additional times as we walked North on Duval Street. Each time I looked to see if Mirabella was pushing into me because of the crowd and it was not.

Next we turned onto Greene Street and were heading towards Old City Hall (510 Greene Street) and Mirabella once again pushed himself into me. The sidewalk was clear and we were not in a crowd. I had told Mirabella to stop pushing into me and the fifth time it was obvious that his actions were intentional. I grabbed onto Mirabella's shirt and pushed him backwards off of me. I grabbed onto Mirabella's left wrist and arm to take him into custody. Mirabella began yelling, pulling, and twisting to free himself from my grip. I adjusted my grip and utilized a modified arm bar to take Mirabella to the ground. Ofc. Clark assisted me with Mirabella on the ground and he was handcuffed. Once in custody Mirabella continued to twist and pull away from Ofc. Clark and I. We were able to keep control of Mirabella and escorted him the Old City Hall for processing.

We arrived at Old City Hall for processing. Mirabella continued to pull away and twist his body. I searched Mirabella incident to arrest and he was in possession of two identical Georgia Driver's license. I ran the driver's license number through F/NCIC to confirm Mirabella's identity. The return from the number on the license came back to Porfino Garcia DOB 3/21/1970. I ran the license number again to confirm and the return was the same. Mirabella was also in possession of a NJ police association card. Through investigative means I was able to locate Mirabella's actual New Jersey identification. (NJ ID # M45884116706022) and his actual date of birth of June 30, 2002.

I ran Mirabella's NJ ID number through F/NCIC and was able to confirm his identity with the photograph provided by the New Jersey return.

Mirabella did knowingly and intentionally push into me after several warnings. I was in my full class B uniform easily identifiable as a Key West Police Officer. Mirabella's actions were in violation of Florida Statute 784.07(2B).

Mirabella was in possession of two simulated Georgia Driver's license which is in violation of Florida Statute 322.212(1B).

Mirabella did knowingly and intentionally resist my efforts to execute my lawful duty without violence which is in

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA <i>21-006092</i>
Date / Time Reported <i>Sun 10/31/21 00:34</i>

Victim <i>CHAUSTIT, MICHAEL</i>	Offense <i>BATTERY FELONY</i>
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violation of Florida Statute 843.02.

Mirabella was subsequently transported to MCDC for processing.

NOTE UCR injury override. Requires "Major injuries" to be added for felony battery. Officer reported no injuries.

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Incident Report Suspect List

Key West Police Department

OCA: 21-006092

1	Name (Last, First, Middle) <i>MIRABELLA, JOSHUA G</i>					Also Known As					Home Address <i>23 WOOTTON RD ESSEX FELLS, NJ 07021</i>				
	Business Address <i>STUDENT, STUDENT</i>														
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.					
<i>06/30/02</i>	<i>19</i>	<i>W</i>	<i>M</i>	<i>N</i>	<i>601</i>	<i>165</i>	<i>BRO</i>	<i>BRO</i>	<i>FAR</i>	<i>M45884116706022 NJ</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		
VehYr/Make/Model		Drs	Style		Color		Lic/St		VIN		
Mode of Travel											

Notes Physical Char

Incident Report Related Property List

Key West Police Department

OCA: 21-006092

1	Property Description GA DL			Make		Model		Caliber		
Color		Serial No.		Value \$1.00		Qty 2.000		Unit		Jurisdiction Locally
Status Counterfeited/forg		Date 10/31/21 00:00:00		NIC #		State #		Local #		OAN
Name (Last, First, Middle)					DOB		Age 19		Race	Sex

Notes

DL #057645146

2	Property Description BWC TO AXON - 3141			Make		Model		Caliber		
Color		Serial No.		Value \$0.00		Qty 1.000		Unit		Jurisdiction Locally
Status Evidence		Date 10/31/21 00:00:00		NIC #		State #		Local #		OAN
Name (Last, First, Middle) * No name *					DOB		Age		Race	Sex

Notes

3	Property Description TOY GUN			Make		Model		Caliber		
Color Orange/Silver		Serial No.		Value \$10.00		Qty 1.000		Unit		Jurisdiction Locally
Status Evidence		Date 10/31/21 00:00:00		NIC #		State #		Local #		OAN
Name (Last, First, Middle)					DOB		Age 19		Race	Sex

Notes

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 11/10/21 10:56

OCA: **21006092**

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

Investigator: *CLARK, T. E.*

Date / Time: *10/31/21 00:43:50, Sunday*

Supervisor: *KOURI, D. G.*

Supervisor Review Date / Time: *10/31/21 03:45:51, Sunday*

Contact:

Reference: *General Supplemental Report*

On Sunday, 10/31/21, at approximately 0034hrs, I (Ofc. T. Clark), while on foot patrol of the intersection of Greene St and Duval St, observed a subject actively resisting arrest.

BWC activated

From where I was standing, I saw a white male subject, later identified as, Joshua Mirabella, resisting arrest.

The subject was actively, physically resisting arrest from Officer M. Chaustit on the 500 block of Greene St. I saw Ofc. Chaustit attempting to gain physical control of the subject. The subject pulled wildly away from Ofc. Chaustit's grasp, as if to escape arrest. I saw the subjects body twist away rapidly from Ofc. Chaustit.

I quickly ran to aide Ofc Chaustit, as I feared for his safety. The subject actively pulled away from my grasp, pulling and twisting away.

Lawful commands were given as he continued to pull and twist away attempting to argue. We attempted to redirect the subject to a nearby wall to gain physical control.

The subject continued pulling away in clear defiance. I could smell the overwhelming odor of an alcoholic beverage on his breath.

We redirected the subject to the ground and placed him under arrest. I did not observe any physical injury. Sgt. F. Sims responded to the scene to complete a Response to Resistance Incident report.

We walked the subject to 510 Greene St for booking.

Nothing further.///