

Response to Resistance Report

Key West Police Department

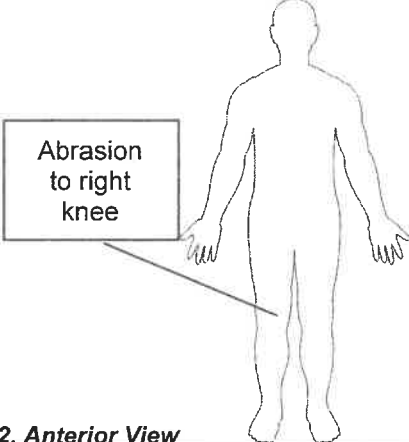
Case No: 21-6119

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

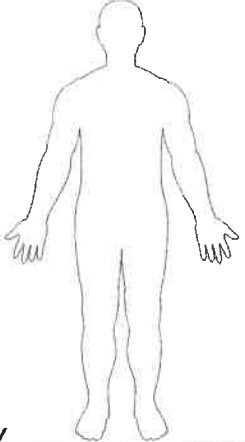
- ☐ A response through the use of non-lethal weapons,
☒ Applies weaponless physical force of strikes, kicks, or "take-downs"
☐ When any person sustains an apparent substantial or fatal injury as a result of the application of force
☐ When any person complains of injury as a result of the application 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: 10/31/2021	3. Time: 2027 hrs	4. Location: Olivia St & Duval St	5. Incident type: Domestic Battery
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input type="checkbox"/> Passive:		<input checked="" type="checkbox"/> Physical Control	Take Down
	<input type="checkbox"/> Active:		<input type="checkbox"/> Non-lethal Weapon	
	<input checked="" type="checkbox"/> Aggressive:	Attempted to strike an officer	<input type="checkbox"/> Deadly Force	
	<input type="checkbox"/> Deadly Force:			

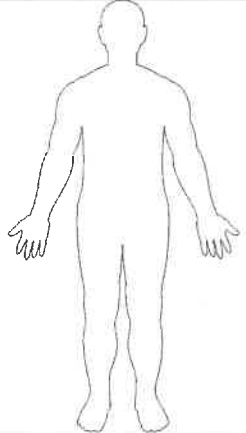
SUBJECT	10. Last Name: Evans	11. First: Craig	12. Race: W	13. Sex: M
	14. DOB: 07/05/1975	15. Height: 6'00"	16. Weight: 210	
	17. Did you observe the subject: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If NO, explain why in Section 42. If "YES", complete sections 18-22			
	18. 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 checked="" type="checkbox"/> Detention			
		22. Anterior View		Posterior View

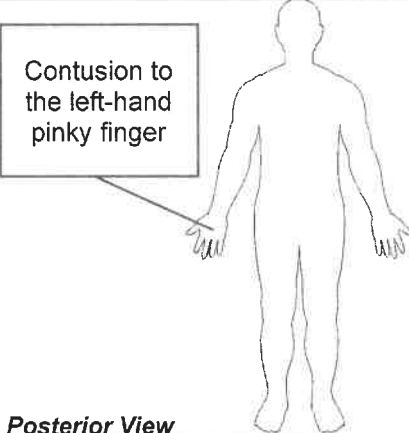


Abrasion to right knee



OFFICER	23. Officer: Tim Malak	24. Race: W	25. Sex: M	26. Age: 30	27. Height: 6'0	28. Weight: 240
	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: 6					
	31. Injuries: <input type="checkbox"/> No <input checked="" 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 checked="" type="checkbox"/> Yes 33. Treated: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input checked="" type="checkbox"/> Hospital					
	34. Response option used by this officer: Take Down					
	35. Anterior View		Posterior View			



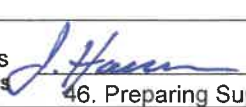


Contusion to the left-hand pinky finger

Response to Resistance Report (continued)

Key West Police Department

Case No: 21-6119

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: 5		Number of cycles: 1	
	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.			
	40. Notified Date: 10/31/2021		41. Time: 2130 hrs	
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
SUPERVISOR'S INQUIRY	43. Did you meet with the Officer: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	44. 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	
	James Gilleran	2900 Riviera Drive Key West, FL 33040	305-304-2400	
45. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		 3631 46. Preparing Supervisor's Signature / ID		
		11/05/2021 47. Date		
INT. AFF.	48. 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)			
	49. Signature of Internal Affairs Inspector		50. Date	
	51. If section 48 is "No" record the Professional Standards Control Number:		52. Date Entered:	

INCIDENT DATA		INCIDENT/INVESTIGATION REPORT										
		Agency Name <i>Key West Police Department</i>					Case# <i>21-006119</i>					
		ORI <i>FL0440100</i>					Date / Time Reported <i>10/31/2021 20:27 Sun</i>					
		Location of Incident <i>423 OLIVIA ST/DUVAL ST, Key West FL 33040-</i>					Premise Type <i>Highway / Street / Road/</i>		Beat/GP		Last Known Secure <i>10/31/2021 20:27 Sun</i>	
	#1	Crime Incident(s) (Com) <i>Battery Felony BFE</i>				Weapon / Tools <i>HANDS, FIST, FEET</i>				Activity		
		Entry		Exit		Security						
	#2	Crime Incident (Com) <i>Battery SCA</i>				Weapon / Tools				Activity		
		Entry		Exit		Security						
	#3	Crime Incident ()				Weapon / Tools				Activity		
		Entry		Exit		Security						
MO												
VICTIM	# of Victims <i>3</i>		Type: <i>LAW ENFORCEMENT (LEO)</i>				Injury: <i>Internal Injuries Possible</i>				Domestic: <i>Y</i>	
	V1	Victim/Business Name (Last, First, Middle) <i>MALAK, TIMOTHY JAMES</i>				Victim of Crime # <i>1</i>	DOB <i>06/22/1990</i>	Race <i>W</i>	Sex <i>M</i>	Relationship To Offender <i>ST</i>	Resident Status <i>Resident</i>	Military Branch/Status
	Home Address <i>1604 N ROOSEVELT BLVD , Key West, FL 33040-</i>									Home Phone <i>305-809-1000</i>		
	Employer Name/Address <i>KWPD (OFFICER)</i>						Business Phone		Mobile Phone			
	VYR	Make	Model	Style	Color	Lic/Lis	VIN					
	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim) Type: <i>INDIVIDUAL</i> Injury: <i>Internal Injuries Possible</i>											
OTHERS	V2	Name (Last, First, Middle) <i>EVANS, DEBORAH C</i>				Victim of Crime # <i>2</i>	DOB <i>12/11/1980</i>	Race <i>W</i>	Sex <i>F</i>	Relationship To Offender <i>SE</i>	Resident Status <i>Non-Resident</i>	Military Branch/Status
	Home Address <i>30 MEADOW CT MANORVILLE, NY 11949</i>									Home Phone <i>631-304-3478</i>		
	Employer Name/Address						Business Phone		Mobile Phone			
	Type: <i>INDIVIDUAL</i> Injury: <i>Minor Injuries</i>											
	V3	Name (Last, First, Middle) <i>MARTIN, DANIELLE CHARISSE</i>				Victim of Crime # <i>2</i>	DOB <i>06/16/1970</i>	Race <i>B</i>	Sex <i>F</i>	Relationship To Offender <i>ST</i>	Resident Status	Military Branch/Status
	Home Address <i>313 CATHERINE ST. - 5 KEY WEST, FL 33040</i>									Home Phone <i>215-704-3601</i>		
PROPERTY	Employer Name/Address <i>(TRAINER)</i>						Business Phone		Mobile Phone <i>215-704-3601</i>			
	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)											
	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description		Make/Model		Serial Number	
		35	EVID	\$0.00		1	BWC 4045		AXON			
		35	EVID	\$0.00		1	FLEET 4045		AXON			
Officer/ID# <i>MALAK, TIMOTHY J (4045)</i>												
Invest ID# <i>(0)</i>						Supervisor <i>(0)</i>						
Status	Complainant Signature				Case Status <i>Cleared By Arrest</i>		<i>11/01/2021</i>		Case Disposition: <i>Cleared By Arrest</i>		<i>11/01/2021</i>	
<div style="display: flex; justify-content: space-between;"> R_CS1BR Printed By: JHAMMERS, L19110 # jhammers Sys#: 1 11/01/2021 04:45 </div>												

Incident Report Additional Name List

Key West Police Department

OCA: 21-006119

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	GILLERAN, JAMES RICHARD SR		03/05/1962	59	W	M
	Address 2900 RIVERIA DRIVE , KEY WEST, FL 33040-		H: 305-304-2400			
	Empl/Addr 801 Bar		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 21-006119

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

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

Assisting Officers

HAMMERS, J.L. (3631), LITTON, A.J. (3958), HAM, R. (4009), HOWELL, W.N. (4059)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE*Key West Police Department*

OCA

21-006119

Victim

MALAK, TIMOTHY JAMES

Offense

BATTERY FELONY

Date / Time Reported

Sun 10/31/2021 20:27

On 10/31/2021 at 2027hrs, I, Officer Malak, responded to the area of Olivia St and Duval St, in reference to a physical disturbance. The caller, James Gilleran, stated he was a witness to a male subject hitting and dragging a female on Duval St. Gilleran followed the couple and pointed them out to me.

Upon my arrival, I met with the male and female, identified as Craig Evans and Deborah Evans. I separated the two, and instructed Craig to stay away while I speak to Deborah, who appeared to be injured.

While attempting to speak with Deborah, Craig walked up and attempted to grab her again, so I pushed his arm away and told him to back up. Deborah took a step away from Craig and tripped over the curb. Craig again went to Deborah, so I stepped between, with Craig striking me in the arm with a closed fist. To ensure the safety of all involved, I took Craig to the ground with an arm drag takedown. I told Craig to stop resisting with him still fighting and attempting to flee.

I called for an additional unit and a supervisor due to the incident that took place. I also Called for KWFD to respond due to the potential injuries to both Craig and Deborah.

Once Officer Ham arrived on scene, we were able to gain control of Craig and place him into handcuffs.

Sgt Hammers arrived on scene and spoke to Craig about what took place (See completed RRI paperwork for further). It should be noted, during the takedown of Craig, he fell onto my hand, causing pain and swelling. I was evaluated by the Emergency Room (LKMC) and diagnosed with a contusion.

Officer Litton arrived on scene and assisted Officer Ham in placing Craig in the back of my patrol vehicle. KWFD arrived on scene and brought Deborah to LKMC for further evaluation.

Once Craig was secured in my patrol vehicle, I spoke to Gilleran and he explained the following in summary;

He was inside his business and heard a woman shouting "Stop" from outside. Gilleran walked outside and observed a male (Craig) dragging a female (Deborah), with Deborah yelling for him to stop. Another female, Dannielle Martin, was attempting to help Deborah as well, with Craig screaming at her as well. Gilleran ran up to the scene and told Craig to let Deborah go. Craig began threatening Gilleran, then dragged Deborah down Duval St. Gilleran called 911 and followed the couple until PD arrived. Gilleran completed a Written statement in regards to his observation.

Once completing my field interview with Gilleran, I located Martin. I asked Martin to explain what her involvement was with this incident, with her explaining the following in summary;

Martin was walking on Duval St and observed a female (Deborah) crying and trying to walk away from a male (Craig). Martin asked Deborah if she was ok, with Deborah stating "No". Craig pushed Martin, snatched her purse off her shoulder, and knocked her hat off her head. Craig pushed past Martin, pushing Deborah along the way. Martin observed Gilleran attempt to intervein, with Craig screaming at him and pushing past. Gilleran called 911, with Gilleran and Martin following Craig and Deborah to ensure safety. Martin completed a written statement in regards to her involvement.

Once all my field interviews were completed, I transported Craig to Monroe County Jail for processing.

REPORTING OFFICER NARRATIVE*Key West Police Department*

		OCA 21-006119
Victim MALAK, TIMOTHY JAMES	Offense BATTERY FELONY	Date / Time Reported Sun 10/31/2021 20:27

Officer Ham went to LKMC and spoke to Deborah about the incident, with Deborah stating she did not remember the incident, but also did not know where her multiple injuries came from. Deborah had multiple contusions to her legs and arms, along with swelling to the left side of her face. Deborah was informed of the incident and provided with a victim's rights brochure. Photos of Deborah's injuries were photographed and uploaded to KWPD Evidence.com.

Craig Evans knowingly and intentionally struck Deborah Evans. Deborah and Craig are married and have kids in common. Therefore, Craig is being charged with Domestic Battery FSS 784.03, Battery (Domestic).

Craig Evans Knowingly and intentionally struck Dannielle Martin about the person against her will. Therefore, Craig is being charged with FSS 784.03, Battery.

Craig Evans knowingly and intentionally stuck a uniformed police officer about the person, while the Police officer was conducting an investigation. Therefore, Craig is being charged with FSS 784.07-2B, Battery to LEO.

My BWC and Fleet system were active for this incident. I cleared with an arrest and nothing further.

Incident Report Suspect List

Key West Police Department

OCA: 21-006119

1	Name (Last, First, Middle) <i>EVANS, CRAIG M</i>					Also Known As					Home Address <i>30 MEADOW CT MANORVILLE, NY 11949</i>				
	Business Address														
	DOB <i>07/05/1975</i>	Age <i>46</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>510</i>	Wgt <i>250</i>	Hair <i>BRO</i>	Eye <i>GRE</i>	Skin <i>FAR</i>	Driver's License / State. <i>121936457 NY</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/St	VIN						
Notes										Physical Char					

CASE SUPPLEMENTAL REPORT

Printed: 11/05/2021 05:36

*NOT SUPERVISOR APPROVED*OCA: **21006119**

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

Investigator: *HAM, RANDOLPH (4009)*Date / Time: *11/05/2021 04:50:00, Friday*Supervisor: *(0)*Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On October 31, 2021 at approximately 2029 hours, Ofc. T. Malak and I, Ofc. S. Ham were dispatched to the corner of Olivia St/Duval St., reference a battery.

Upon arrival, Ofc. Malak was on top of the suspect later identified as Craig Evans. A bystander was assisting Ofc. Malak with holding Craig down on the ground. Ofc. Malak advised me he was ok handling Craig and asked me to check on the female (Deborah Evans) that was lying on the ground near the rear of Ofc. Malak's patrol vehicle.

I attempted to speak with Deborah who was crying on the ground. A witness (Danielle Martin) was kneeling beside Deborah, stated Deborah fell over and hit her head on the ground. I attempted to speak with Deborah again and a bystander approached stating she was an ER doctor and asked if she could help.

I heard Ofc. Malak telling Craig to comply. I looked up and saw Ofc. Malak attempting to handcuff Craig. I made my way back to Ofc. Malak and grabbed ahold of Craigs left arm. Craig was attempting to tuck his left arm underneath his body to prevent Ofc. Malak and I from handcuffing him. Craig asked what is going on and stated that he is not resisting while he continued to tense up his arm. I pulled Craigs arm out from underneath his body. I placed my left knee in between Craigs shoulder blades to keep him from standing and brought Craigs left arm around his back for Ofc. Malak to handcuff him.

I went back to Deborah to check on her status. Deborah was crying uncontrollably and was not answering any questions.

I spoke to Danielle, who stated she witnessed the altercation that began in front of 801 Duval St. I asked Danielle for her identification and she stated it might be in her bag but was unsure because Craig threw her bag. Danielle stated she was trying to get in between Craig and Deborah to check on her. Danielle stated Deborah was crying and she wanted to check on her. Danielle stated Craig grabbed her bag and threw it. Danielle stated she yelled for someone to "please call 911 and nobody did until that guy" and pointed at James Gilleran. I asked Danielle if she saw Craig put hands on Deborah. Danielle stated yes, Craig grabbed her and was dragging her down the street.

I attempted to speak to Deborah again and ask her what happened, and she was too incoherent to respond.

Key West Rescue personnel arrived on scene and began evaluating Deborah.

I collected two KWPD sworn witness statements forms and provided them to James and Danielle to fill out.

I went to Lower Keys Emergency Room to get a more information from Deborah. I spoke to Deborah and she was

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 11/05/2021 05:36

OCA: **21006119**

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Investigator: *HAM, RANDOLPH (4009)*

Date / Time: *11/05/2021 04:50:00, Friday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

unable to provide me any information of what occurred during their altercation.

This concludes my role in this investigation.

My Axon BWC was activated.

Investigator Signature: _____