

# Response to Resistance Report

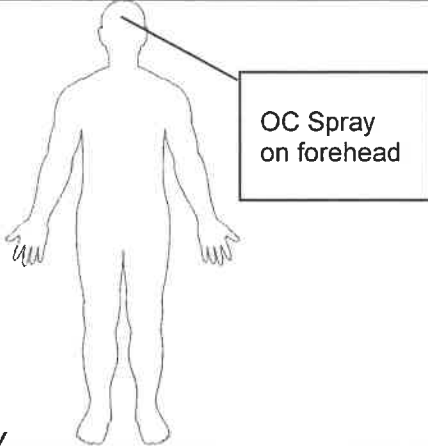
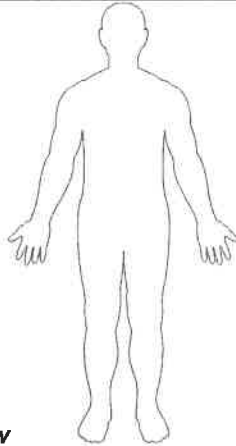
Key West Police Department

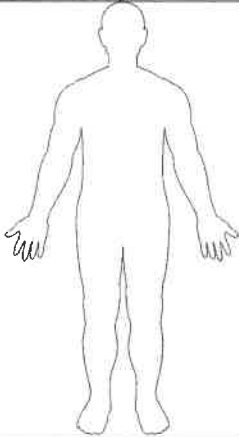
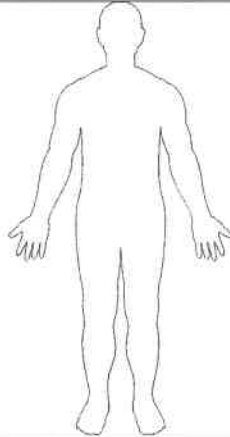
Case No: 22-0656

## 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: 02/02/2022	3. Time: 0100	4. Location: 3704 NRB McDonalds	5. Incident type: S1 & Resisting
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input checked="" type="checkbox"/> Passive:	Ignored Verbal Commands	<input checked="" type="checkbox"/> Physical Control	
	<input checked="" type="checkbox"/> Active:	On ground, tensing and bracing	<input checked="" type="checkbox"/> Non-lethal Weapon	OC Spray
	<input checked="" type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force	
	<input type="checkbox"/> Deadly Force:			

SUBJECT	10. Last Name: Washington	11. First: Zadian	12. Race: B	13. Sex: M
	14. DOB: 03/15/1980	15. Height: 6'02"	16. Weight: 220	
	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 checked="" 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 type="checkbox"/> No <input checked="" type="checkbox"/> Yes By: <input checked="" type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input checked="" type="checkbox"/> Detention			
				
	22. Anterior View		Posterior View	

OFFICER	23. Officer: Jorge Lopez	24. Race: W	25. Sex: M	26. Age: 28	27. Height: 5'05"	28. Weight: 160
	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: 2.5					
	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: OC Spray					
						
	35. Anterior View		Posterior View			

**Response to Resistance Report (continued)**

Key West Police Department

Case No: 22-0656

TASER USE ONLY	<b>36. TASER® device serial #</b>		<b>37. TASER® device serial #</b>	
	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: N/A		Target distance at probe launch: N/A	
	Distance between probes: N/A		Distance between probes: N/A	
	Probes removed by (name): N/A		Probes removed by (name): N/A	
Device downloaded by:		Device downloaded by:		
<input type="checkbox"/> <b>38. Check and list any additional TASER® devices, cartridges or details in the incident description section.</b>				
REPORT	<b>39. Offense/Incident Report and/or Warrant Affidavit must include:</b>			
	<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	<b>40. Notified Date:</b> 02/02/2022		<b>41. Time:</b> 0100	
	<b>42. Did you respond to the scene:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	<b>43. Did you watch all relevant videos associated with the use of force?</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	<b>44. Did you meet with the Officer(s):</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	<b>45. During your review did you find any potential policy violations or training issues associated with the incident?</b>			
	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)			
	<b>46. Were you able to locate any independent witnesses:</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)			
	Name	Address		Phone Number
	<b>47. Is further review recommended:</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		02/05/2022	
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		48. Preparing Supervisor's Signature / ID		
INT. AFF.	<b>50. Did the review of this incident conclude that use of force was in compliance with Departmental policy?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes If "No", complete section 51)		51. Signature of Internal Affairs Inspector	
			52. Date	
	<b>53. If section 48 is "No" record the Professional Standards Control Number:</b>		<b>54. Date Entered:</b>	

		INCIDENT/INVESTIGATION REPORT										Case# 22-000656		
I N C I D E N T  D A T A	Agency Name Key West Police Department		ORI FL0440100		Location of Incident 3704 N ROOSEVELT BLVD, Key West FL 33040		Gang Relat NO	Premise Type Highway / Street /	Beat/GP B5, GPB5		Date / Time Reported 02/02/2022 00:57 Wed			
											Last Known Secure 02/02/2022 00:57 Wed			
											At Found 02/02/2022 00:57 Wed			
	#1	Crime Incident(s) Driving Under The Influence DUI				(Com)	Weapon / Tools NOT APPLICABLE/NONE				Activity			
							Entry		Exit		Security			
	#2	Crime Incident Resist Arrest / Escape XOM				(Com)	Weapon / Tools				Activity			
							Entry		Exit		Security			
	#3	Crime Incident				( )	Weapon / Tools				Activity			
							Entry		Exit		Security			
MO														
V I C T I M	# of Victims 1		Type: SOCIETY/PUBLIC/STATE				Injury:				Domestic: N			
	V1	Victim/Business Name (Last, First, Middle) Society					Victim of Crime # 1,2	DOB Age	Race	Sex	Relationship To Offender	Resident Status N/A	Military Branch/Status	
	Home Address										Home Phone			
	Employer Name/Address								Business Phone		Mobile Phone			
	VYR	Make	Model	Style	Color	Lic/Lis	VIN							
O T H E R S	CODES: V - Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)													
	Type:				Injury:									
	Code	Name (Last, First, Middle)					Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
	Home Address										Home Phone			
	Employer Name/Address								Business Phone		Mobile Phone			
I N V O L V E D	Type:				Injury:									
	Code	Name (Last, First, Middle)					Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
	Home Address										Home Phone			
	Employer Name/Address								Business Phone		Mobile Phone			
	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)													
P R O P E R T Y	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description			Make/Model		Serial Number		
		35	EVID	\$0.00		1	BWC, 3722			AXON				
		03	N	\$0.00		1	2006 GRV, JFLD26 FL			FORD		1FTWW33PX6EC01113		
Officer/ID# MAYORGA LOPEZ, JORGE (3722)														
Invest ID# (0)														
Supervisor BLASBERG, FRANK (1598)														
Status	Complainant Signature				Case Status Cleared By Arrest			02/02/2022			Case Disposition: Cleared By Arrest		02/02/2022	
Page 1														

# Incident Report Additional Name List

Key West Police Department

OCA: 22-000656

## Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	DAVID, NICHOLAI RICHARD DANIEL		12/29/1993	28	B	M
	Address 3402 BENT OAK ST, VALRICO, FL 33596-		H: - -			
	Empl/Addr Nsa		B: - -			
			Mobile #: - -			

# INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 22-000656

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  
TORRECILLAS, J. (3759)

Suspect Hate / Bias Motivated:

NARRATIVE

**REPORTING OFFICER NARRATIVE**

Key West Police Department

OCA

22-000656

Victim

Offense

*DRIVING UNDER THE INFLUENCE*

Date / Time Reported

*Wed 02/02/2022 00:57*

On February 02, 2022, at approximately 0041 hours, Ofc. Malak and I, Ofc. Lopez were dispatched to The Sigsbee Navy Base main entrance. The caller told Key West Dispatch that a male driving in a pickup truck was located in the main entrance. The caller told Key West Dispatch that the male driving the pickup truck was highly intoxicated and they requested our assistance.

Upon arrival, I met with the Navy Officer near the main entrance. The Navy Officer told me that he was at the main entrance of the gate, and he made contact with a driver trying to get inside the Navy Base. The Navy Officer told me that during this encounter he was able to see the driver was highly intoxicated. The Navy Officer told me that he instructed the driver to pull over to the side of the road. The Navy Officer said the driver provided him with his Florida driver's license. The driver was identified as Zadian Washington, (dob:03/15/1980). The Navy Officer said the male drove off in his truck before The Police Officers arrived on scene. The Navy Officer kept the driver's license and a Military identification.

The Navy Officer provided with me Zadian driver's license. The Navy Officer told me Zadian was driving a dark gray Ford F350. I instructed the Navy Officer to call back in the event Zadian returns to The Navy Base. As I was leaving the Navy Base, I was dispatched to MacDonald's located at 3704 N. Roosevelt Boulevard. The caller told Key West Dispatch that a male was highly intoxicated causing issues in the parking lot. The caller told Key West Dispatch the male was in a dark gray pickup truck.

I responded to MacDonald's parking lot. I saw a dark gray Ford F350 bearing Florida registration JFLD26. I saw a male seated in the driver seat of the vehicle and the driver side door was wide opened. I was able to see through the windshield that the driver of the dark gray pickup truck was Zadian. (It should be noted that I was in possession of Zadian driver's license, and I was able to recognize him immediately). I saw the vehicle was parked in the middle of two parking spaces.

I walked up to the driver side door, and I introduced myself. I instructed Zadian to step out of the vehicle for Officer Safety. Zadian was given instructions by The Navy Officer on base to pull over to the side of the road and Zadian fled the scene before The Police arrived.

As Zadian was stepping out of the vehicle I noticed he had glassy eyes, watery eyes, and bloodshot eyes. I was standing approximately 3-5 feet away from Zadian and I was able to smell a strong odor of an alcoholic beverage emanating from his body. I told Zadian the reason I was making contact with him. I asked Zadian where does he live and he mumbled his words. Zadian had a strong slurred speech. I asked Zadian what time it is without looking at his watch and he lifted his left wrist to look at his watch. I touched Zadian's hand to stop him from looking at his watch and I reminded Zadian not to look at his watch. I told Zadian to tell me what time it is, and he lifted his left wrist to look at his watch again. I asked Zadian what time is it again, and he said, "Eight O'clock". (It should be noted this occurred at approximately 0100 hours). I asked Zadian if he had his driver's license and he said, "Yes". Zadian reached to his right-side front pocket and he pulled a cigarette pack and he said, "Cigarettes" as he was handing them to me. While I was standing in the parking lot with Zadian, he was swaying his body side to side. Zadian told Ofc. Malak his wallet is in the vehicle. Zadian was having a difficult time keeping his balance while he was standing near his vehicle and then he walked up to the rear side of the vehicle to lean against it. I asked Zadian where was the key of the vehicle and he said, "In my truck" and then Zadian said, "In the ignition before I drove here".

I went inside Zadian's vehicle, and I located Zadian's keys on the front dashboard of the vehicle. I placed Zadian's key in the ignition and I turned on the vehicle. I was able to confirm the key I located on the front dashboard was in

# REPORTING OFFICER NARRATIVE

Key West Police Department

Victim	Offense <i>DRIVING UNDER THE INFLUENCE</i>	OCA 22-000656 Date / Time Reported Wed 02/02/2022 00:57

fact the vehicle's truck. I told Zadian to walk with me away from the vehicle and as he was walking away from the vehicle, he raised his hands up. I told Zadian to keep his hands down and he told me the Officer told him to keep his hands up. However, no one instructed Zadian to keep his hands up. I reminded Zadian again the reason of this interaction and he interrupted me by saying, "I came here to get some fries".

I told Zadian to stop interrupting me and to listen to my instructions. I told Zadian I have reasons to believe he is operating this motor vehicle while under the influence of an alcoholic beverage or narcotic to the point his normal faculties were impaired. I asked Zadian if he would participate in Standardized Field Sobriety Exercises to dispel my suspicion and he said, "I got out of my vehicle". I reminded Zadian when I responded to this property, I found him in the driver seat of the vehicle. Zadian became argumentative stating he was not inside the vehicle. As I was going to inform Zadian about the call we received from The Navy Base he proceeded to lay down on the ground with his arms out, (Facing up). Zadian closed his eyes and he continued laying down on the ground. I asked Zadian one more time if he would participate in Standardized Field Sobriety Exercises and he ignored me. I instructed Zadian to stand up several times and he refused to stand up. Zadian was laying down on the ground for approximately 30-40 seconds.

Zadian eventually stood up and I asked him one more time if he would participate in Standardized Field Sobriety Exercises and he said, "No". I told Zadian if he fails to participate in Standardized Field Sobriety Exercises, I will have to make an arrest decision based on what I have seen of him so far, and his refusal to participate can be used against him in Court. I asked Zadian if he understood, and he became argumentative and he said he did not understand. I instructed Zadian to place his hands behind his back and I placed handcuffs on him.

Based on my training and experience and the totality of circumstances, his physical appearance, and odor of an alcoholic beverage. I believe Zadian was impaired by either an alcoholic beverage and/or chemical substance which impaired his normal faculties to safely operate a motor vehicle. (It should be noted that I saw Zadian seated in the driver seat of the vehicle and the key to the vehicle was on the front dashboard).

As I was walking Zadian to my patrol vehicle and he dropped his weight to the ground. Zadian began screaming, "They're hurting me". (This was captured with my BWC, 3722). It should be noted no one was hurting Zadian. Zadian continued screaming and threw himself to the ground again. I told Zadian if he does not stand up, I will use my Pepper Spray, (OC Spray) to make him comply. Zadian refused to follow my verbal commands several times. I used my Pepper Spray on his eyes. Zadian continued screaming and he stopped screaming a couple times to say, "Fuck you" to Ofc. Malak. Key West Fire Rescue arrived on scene shortly after to clean and treat Zadian.

Sgt. D. Kouri arrived on scene, and he spoke with Zadian.

I placed Zadian in the rear passenger side of my patrol vehicle and I transported him to the Monroe County Detention Center.

Ofc. Malak had the vehicle towed by Arnold's Towing shortly after.

Ofc. Malak later went to The Navy Base to get a witness statement form filled out by the Navy Officer. Ofc. Malak later placed the witness statement into the Key West Record Division.

This was captured with my body worn camera, 3722.

**REPORTING OFFICER NARRATIVE***Key West Police Department*

Victim	Offense <i>DRIVING UNDER THE INFLUENCE</i>	OCA <i>22-000656</i>
		Date / Time Reported <i>Wed 02/02/2022 00:57</i>

I walked Zadian to the report writing room in the Jail and he told The Correction Deputies that he wanted to use the bathroom. I removed the handcuffs from Zadian for him to use the sink and clean up his face. Zadian refused to use the bathroom and then he dropped his weight to the ground inside the bathroom. Zadian was uncooperative and he refused to follow my verbal commands. Ofc. Torrecillas was in the bathroom, and he had to assist me with Zadian due to antagonistic behavior.

I told The Correction Deputies to process Zadian. It was obvious Zadian was not following my verbal commands and he continued throwing himself to the ground. I was unable to conduct the Breath Test for Zadian due to the fact he kept throwing himself to the ground, being extremely uncooperative and his belligerent behavior. I could not allow Zadian to disturb or damage the Intoxilyzer at the Monroe County Detention Center.

Zadian was issued the following UNIFORM DUI CITATION: AEU5HGE.

Zadian was assigned a Court date on February 10, 2022, with Judge Fowler, 9:00 am, at the Key West Courthouse. Zadian signed his citation and I provided him with a copy. The Correction Deputy placed Zadian's citation inside his property bag. The Correction Deputy had to go inside the unit where Zadian was placed due to his belligerent behavior to get a signature from him.

Based on the facts and evidence, Zadian Washington willfully and willingly did resist and oppose to follow my verbal commands. Zadian dropped his weight to the ground, and I instructed Zadian several times to get up. However, Zadian continued screaming and he did not attempt to get up. I told Zadian to stand up or I will have to use my Pepper Spray, (OC) to make him comply. Zadian refused to stand up and I had to use my Pepper Spray, (OC) on his eyes in an attempt to make him comply. I was wearing my Class B uniform with the Key West Police insignia on my sleeves. I was recognizable as a Police Officer and Zadian disregarding my verbal commands several times. Contrary to F.S.S. 843.02

I used the Driver and Vehicle Information Database to conduct a license check on Zadian. I discovered Zadian had a guilty deposition on November 18, 2002, for driving under the influence on September 22, 2002. Citation number:547584X in Duval County.



# Incident Report Suspect List

Key West Police Department

OCA: 22-000656

1	Name (Last, First, Middle) <i>WASHINGTON, ZADIAN DEVAUGHN</i>						Also Known As				Home Address <i>1585 PANDOREA LN BIG PINE KEY, FL 33043 904-386-8564</i>																																									
	Business Address																																																			
	DOB <i>03/15/1980</i>	Age <i>41</i>	Race <i>B</i>	Sex <i>M</i>	Eth	Hgt <i>602</i>	Wgt	Hair	Eye	Skin	Driver's License / State. <i>W252984800950 FL</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="2">Lic/St</td> <td colspan="3">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/St		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/St		VIN																																										
Notes							Physical Char																																													

## Incident Report Related Vehicle List

Key West Police Department

OCA: 22-000656

<b>1</b>	VehYr/Make/Model <i>2006 FORD</i>				Style <i>TK</i>		Color <i>GRY</i>		Lic/Lis /Decal <i>JFLD26 FL 2022, 14622664</i>				VIN <i>1FTWW33PX6EC01113</i>	
	IBR Status <i>N</i>				Date <i>02/02/2022</i>		Location							
	Condition		Value <i>\$0.00</i>			Offense Code <i>2100</i>		Jurisdiction <i>Locally</i>			State #		NIC #	
	Name (Last, First, Middle) <i>* No name *</i>						Also Known As				Home Address			
	Business Address													
	DOB		Age	Race	Sex	Hgt	Wgt	Scars, Marks, Tattoos, or other distinguishing features						

Notes

**CASE SUPPLEMENTAL REPORT**  
**NOT SUPERVISOR APPROVED**

Printed: 02/05/2022 22:28

OCA: **22000656**

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

Investigator: *ANGLIN, THOMAS H IV. (2872)*

Date / Time: *02/05/2022 22:19:05, Saturday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On 02FEB22 at 0100, I (Ofc. T. ANGLIN) arrived at McDonalds Hamburgers, located at 3704 N. Roosevelt Blvd, to assist Officers on scene for a suspected intoxicated male driver of a pickup truck, which was reported as a wreckless driver minutes earlier by NAS Base Security at Sigsbee Park Annex.

I approached Ofc. T. MALAK and Ofc. J. LOPEZ, who was speaking with a black male, later identified as ZADIAN WASHINGTON, who was standing outside of a parked grey Ford F350. As Ofc. J. LOPEZ spoke with WASHINGTON, I could see his movements and stance were unsteady and uncoordinated. I observed Ofc. J. LOPEZ ask WASHINGTON for his driver's license and WASHINGTON attempt to hand Ofc. J. LOPEZ a pack of cigarettes as identification, (See body camera footage and Ofc. J. LOPEZ' report).

During the course of the encounter, WASHINGTON suddenly sat down and then layed flat on his back with his arms extended. Ofc. J. LOPEZ requested that WASHINGTON stand up and after a long pause, WASHINGTON eventually stood back up. Ofc. J. LOPEZ requested that WASHINGTON participate in road side exercises several times. WASHINGTON refused and was handcuffed by Ofc. J. LOPEZ.

As Ofc. J. LOPEZ began to escort WASHINGTON to his patrol vehicle, WASHINGTON purposely dropped himself to the ground and began screaming. WASHINGTON began rocking back and forth on the ground, yelling out, "They are hurting me!" and screaming. Ofc. J. LOPEZ instructed WASHINGTON to stand up or he would be OC sprayed. Ofc. J. LOPEZ gave a similar warning several times as both Ofc. T. MALAK and I stood near WASHINGTON and reassured him that no Officer was hurting him. After several moments and several commands, Ofc. J. LOPEZ delivered a 1-2 second spray from his department issued OC spray canister to WASHINGTON'S forehead and brow.

WASHINGTON paused his screaming and both Ofc. T. MALAK and I stood him up and began escorting him to towards Ofc. J. LOPEZ' patrol vehicle. While walking towards the vehicle, WASHINGTON began screaming and yelling once more and attempted to drop his weight several times. We leaned WASHINGTON against Ofc. J. LOPEZ' patrol vehicle, (Next to rear door) and Ofc. J. LOPEZ searched his pockets. I requested KW Fire Department personnel respond to the scene to rinse WASHINGTON'S face., via two-way radio. WASHINGTON continued yelling, screaming and false accusations of violence from Officers as we stood and attempted to drop his weight several more times. During our wait, WASHINGTON also claimed he was going to purposely urinate on himself several times, (See body camera footage for details).

KW Fire Department personnel arrived on scene, conducted a clean up and WASHINGTON was secured in the rear of Ofc. J. LOPEZ' patrol vehicle. Ofc. J. LOPEZ transported WASHINGTON to MCDC for processing and Ofc. T. MALAK remained on scene for Arnold's Towing Service. I gathered information for my report and departed the scene.

Investigator Signature: \_\_\_\_\_

**CASE SUPPLEMENTAL REPORT**  
*NOT SUPERVISOR APPROVED*

Printed: 02/05/2022 22:28

OCA: **22000656**

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Investigator: *ANGLIN, THOMAS H IV (2872)*

Date / Time: *02/05/2022 22:19:05, Saturday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

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At no time did I use force on, or interview WASHINGTON.

My Axon BWC was active during the incident and uploaded into the server.

Investigator Signature: \_\_\_\_\_

**CASE SUPPLEMENTAL REPORT**  
*NOT SUPERVISOR APPROVED*

Printed: 02/06/2022 17:37

OCA: **22000656**

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

Investigator: *MALAK, TIMOTHY J (4045)*

Date / Time: *02/06/2022 09:52:25, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On 2/2/2022, at approximately 0057hrs, I, Officer Malak, responded to 3704 N Roosevelt Blvd to assist Officer Lopez with a possible DUI investigation.

Upon my arrival, Officer Lopez was speaking to a male subject, later identified as Zadian Washington, outside Washington's vehicle. Officer Lopez was explaining the reasoning for the encounter with Washington, with Washington continuing to interrupt and moving away from Officer Lopez. Officer Lopez explained he was conducting a DUI investigation with Washington and Washington became more uncooperative. Officer Lopez asked Washington to participate in FSE's, with Washington throwing himself on the ground, pretending to be asleep. After approximately 45 seconds, Washington decided to stand up and engage in conversation with Officer Lopez once more. Officer Lopez again explained the reasoning for the encounter and asked Washington to participate in FSE's. Washington refused, with Officer Lopez explaining if Washington refuses, it could be used against him in future court proceedings. Washington still refused Officer Lopez' request, subsequently Officer Lopez informed Washington he was under arrest for DUI.

It should be noted, during Officer Lopez' conversation with Washington, Washington had poor balance and was swaying back and forth. Washington also had heavily slurred speech and was having difficulty pronouncing words in complete sentences. Washington also had bloodshot glassy eyes and a smell of an alcoholic beverage emitting from his breath as he spoke.

Upon Officer Lopez placing Washington in hand cuffs, he walked Washington to the rear of his patrol vehicle. While walking to the vehicle, Washington again threw himself to the ground, shouting "they're hurting me" and just yelling uncontrollably. Officer Lopez instructed Washington to stand up multiple times with Washington refusing to comply. Officer Lopez stated to Washington that if he continues to resist, Officer Lopez would use his department issued OC spray to gain compliance. Washington continued to resist and after one final warning, Officer Lopez deployed his OC spray to the eyes of Washington. Compliance was quickly gained on Washington and he was assisted to the rear of Officer Lopez' Patrol vehicle. Washington was not placed into the vehicle until KWFD arrived on location to clear him medically.

Once cleared by KWFD, Washington was transported to Monroe County Detention Center by Officer Lopez. I completed the tow paperwork for Washington's vehicle and turned it over to Arnold's Towing service.

I cleared with nothing further.

Investigator Signature: \_\_\_\_\_