

Response to Resistance Report

Key West Police Department

Case No: 22-5097

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

- A response through the use of non-lethal weapons,
- Applies weaponless physical force of strikes, kicks, or "take-downs"
- When any person sustains an apparent substantial or fatal injury as a result of the application of force
- When any person complains of injury as a result of the application of force
- Discharge of firearm in the line of duty off-duty or on-duty (other than for training, maintenance or ballistics testing)

2. Date: 09/03/2022 **3. Time:** 2317 **4. Location:** 1300 White Street **5. Incident type:** S31/Resisting

INCIDENT	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input checked="" type="checkbox"/> Passive:	Ignored Verbal Commands	<input checked="" type="checkbox"/> Physical Control	Take Down
<input checked="" type="checkbox"/> Active:	Pulling, Bracing, Tensing	<input type="checkbox"/> Non-lethal Weapon		
<input type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force		
<input type="checkbox"/> Deadly Force:				

10. Last Name: Gabriel **11. First:** Daniel **12. Race:** B **13. Sex:** M

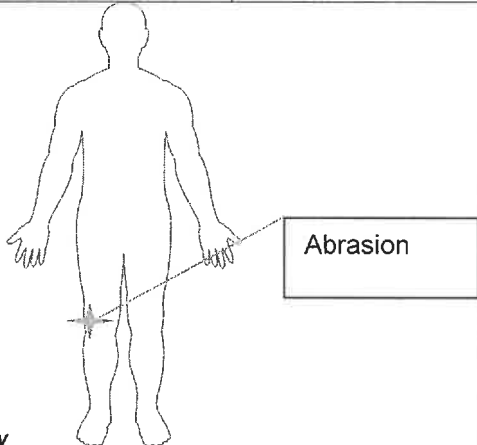
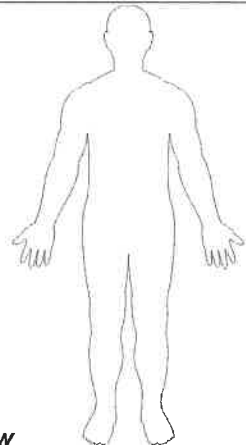
14. DOB: 07/22/1966 **15. Height:** 5'11" **16. Weight:** 175

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	Anterior View		Posterior View	
				

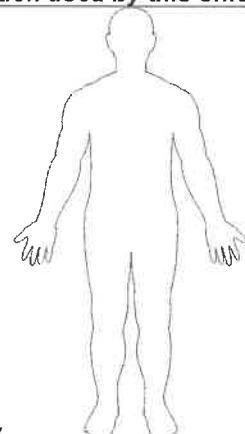
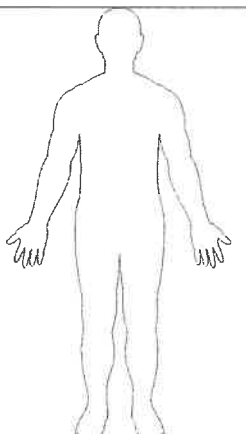
23. Officer: Sgt. A. Rodriguez **24. Race:** W **25. Sex:** M **26. Age:** 31 **27. Height:** 5'09" **28. Weight:** 165

29. Duty Status: On-duty Off-duty Extra duty employment Uniformed Plain clothes **30. Yrs Exp:** 10

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: Takedown

OFFICER	Anterior View		Posterior View	
				

Response to Resistance Report (continued)

Key West Police Department

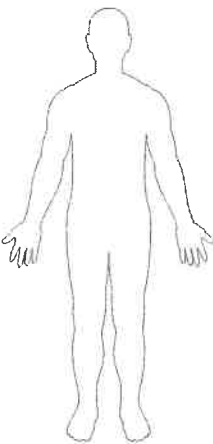
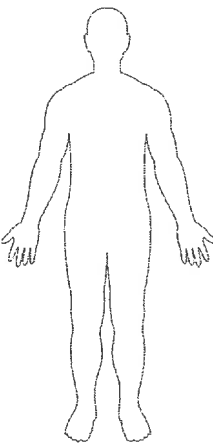
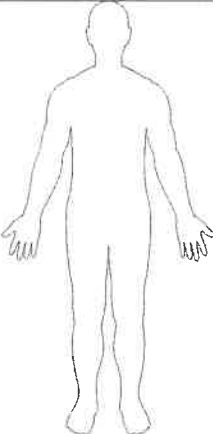
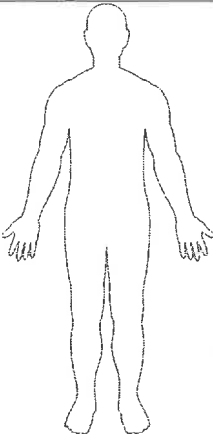
Case No: 22-5097

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: 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"/> 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: 09/03/2022		41. Time: 2300		
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	43. Did you watch all relevant videos associated with the use of force? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	44. Did you meet with the Officer(s): <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	45. During your review did you find any potential policy violations or training issues associated with the incident? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)				
	46. Were you able to locate any independent witnesses: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "Yes," list below)				
	Name		Address		Phone Number
47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		D. Keuri 3022		09/04/2022	
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		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 checked="" type="checkbox"/> Yes (If "No", complete section 51)		3317		
			51. Signature of Internal Affairs Inspector		
				2/13/23	
				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: 22-5097

OFFICER	23. Officer: Tim Malak 24. Race: W 25. Sex: M 26. Age: 32 27. Height: 6'00" 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: 11	
	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: Takedown	
 <p>35. Anterior View</p>	 <p>Posterior View</p>	
OFFICER	23. Officer: 24. Race: 25. Sex: 26. Age: 27. Height: 28. Weight:	
	29. Duty Status: <input type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input type="checkbox"/> Uniformed <input type="checkbox"/> Plain 30. Yrs Exp:	
	31. Injuries: <input type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)	
	32. Photographed: <input type="checkbox"/> No <input type="checkbox"/> Yes 33. Treated: <input type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital	
	34. Response option used by this officer: Assist in takedown and handcuffing	
 <p>35. Anterior View</p>	 <p>Posterior View</p>	

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 22-005097

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	B	EVI	1.000	GM	COCAINE (OTHER THAN CRACK)	Poss

Assisting Officers
 ANGLIN, T.H. (2872), KOURI, D.G. (3022), RODRIGUEZ, A. (3465), HOWELL, W.N. (4059)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 22-005097
Date / Time Reported Sat 09/03/2022 22:15

Victim Society	Offense DRUG POSSESSION CONTROLLED
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-- Daniel Gabriel 3 Arrest Narrative:

On 9/3/22 at approximately 2215hrs, I responded to the 1300 block of United St., to assist with a traffic stop. Upon arrival, I observed Sgt Rodriguez standing at the driver's side of a black Chevy SUV with the door open. As I approached, I also observed Sgt Kouri with the passenger side open as well.

I could hear both Sergeants giving commands to their respected occupant to step out of the vehicle, with both refusing. Sgt Rodriguez grabbed on to the driver, identified as Daniel Gabriel, and attempted to extract him from the vehicle. I assisted Sgt Rodriguez with the extraction of Gabriel, and used an arm drag take down to gain complete control of Gabriel. Once on the ground, Sgt Rodriguez placed Gabriel in handcuffs and rolled him into the recovery position.

Gabriel complained of no injuries and did not want an ambulance for the incident. See Sgt Rodriguez' report for complete details on the initial stop of the vehicle and Sgt. Kouri's report for more detail into the RRI portion.

While completing the Gabriel incident, Sgt. Kouri was able to get the passenger, Lorraine Catena, out of the vehicle and secured.

K9 Officer Anglin arrived on the scene to complete a sniff of the exterior of the vehicle. K9 Officer Anglin advised us of a positive alert to the vehicle, see K9 Anglin's report for complete detail on the K9 usage.

K9 Officer Anglin, Sgt. Rodriguez, and Sgt Kouri conducted a search of the vehicle and found trace amounts of a substance FTP for Cocaine. There was a small plastic baggie with residue FTP for cocaine in the center council of the vehicle as well.

Once the vehicle search was completed, a custodial search of Gabriel was completed. During the search of Gabriel's person, a small clear plastic baggie was located in right front right pocket. The baggie had a white powdery substance inside that FTP cocaine. I made Gabriel aware of this finding, with him acting shocked about it.

Once the search was completed of Gabriel, I assisted him the rear of my patrol vehicle, where he was seat belted and later transported to Monroe County Detention center.

Catena was subsequently released from the scene and the vehicle was towed by Arnold's towing.

Gabriel was transported to the Monroe County Detention center without incident.

K9 Officer Anglin processed the evidence for this case and advised me the FTP cocaine substance weighed out at .1g. For complete detail on the evidence portion, see K9 Anglin's evidence submission report.

My BWC and in car Fleet system were active for this incident, nothing further.

Daniel Gabriel knowingly and intentionally possessed a substance on his person that Field Tested Positive for Cocaine. Therefore, Gabriel is being charged with FSS 893.13(6)(a), possession of Cocaine.

Daniel Gabriel Knowing and intentionally possessed a clear plastic baggie, used in the transportation or holding of a substance FTP for Cocaine. Therefore, Gabriel is being charged with FSS 893-147.1, possession of drug

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA <i>22-005097</i>
Date / Time Reported <i>Sat 09/03/2022 22:15</i>

Victim <i>Society</i>

Offense <i>DRUG POSSESSION CONTROLLED</i>
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paraphernalia.

Daniel Gabriel willfully and with intent, acted in a way that obstructed the duties of a uniformed police officer. Therefore, Gabriel is being charged with FSS 843.02, Resisting arrest W/O violence.

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Incident Report Suspect List

Key West Police Department

OCA: 22-005097

1	Name (Last, First, Middle) <i>GABRIEL, DANIEL 3</i>					Also Known As					Home Address <i>3330 NORTHSIDE DR - 325 KEY WEST, FL 33040</i>				
	Business Address														
DOB <i>07/21/1966</i>		Age <i>56</i>	Race <i>B</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>511</i>	Wgt	Hair	Eye	Skin	Driver's License / State. <i>G164160662610 FL</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		Mode of Travel		
VehYr/Make/Model			Drs	Style		Color		Lic/St			VIN				

Notes _____ Physical Char _____

Incident Report Related Vehicle List

Key West Police Department

OCA: 22-005097

1	VehYr/Make/Model <i>2020 CHEV</i>		Style <i>UT</i>		Color <i>BLU</i>		Lic/Lis /Decal <i>GTHH21 FL 2023, 00543781</i>		VIN <i>3GNAXKEV7LS591724</i>			
	IBR Status <i>N</i>		Date <i>09/03/2022</i>		Location							
	Condition		Value <i>\$0.00</i>		Offense Code <i>1810</i>		Jurisdiction <i>Locally</i>		State #		NIC #	
	Name (Last, First, Middle) <i>Billups, Horace J</i>				Also Known As			Home Address <i>3330 NORTHSIDE DR - 325 KEY WEST, FL 33040 305-294-2375</i>				
	Business Address											
	DOB <i>01/15/1967</i>	Age <i>55</i>	Race <i>B</i>	Sex <i>M</i>	Hgt <i>600</i>	Wgt <i>265</i>	Scars, Marks, Tattoos, or other distinguishing features					

Notes

CASE SUPPLEMENTAL REPORT

Printed: 09/03/2022 23:40

*NOT SUPERVISOR APPROVED*OCA: **22005097**

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

Investigator: *RODRIGUEZ, ALEXANDER (3465)*Date / Time: *09/03/2022 23:17:52, Saturday*Supervisor: *(0)*Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On Saturday, September 3, 2022 at approximately 2215 hours, I (Sgt. A. Rodriguez) conducted a traffic stop on a black Chevrolet SUV bearing Florida license plate GTHH21 at the intersection of United Street and White Street. The traffic stop was for an obscured license plate- the license plate frame blocked the writing at the top and bottom of the license plate, violating FSS 320.061.

I made contact with the driver, identified by his Florida driver's license as Daniel Gabriel, and noticed a small, clear plastic bag with a white powdery residue within the center console pocket.

I requested K9 Ofc. T. Anglin and an additional officer respond to my location. Sgt. D. Kouri responded and arrived shortly after. I returned to my patrol vehicle and began to run Gabriel through F/NCIC on my in car computer. Gabriel then held a piece of paper outside of the driver's window.

I returned to Gabriel and retrieved the insurance card he produced.

A few moments later, Sgt. D. Kouri asked me to return to the vehicle on our police radio. Upon walking up to Gabriel, I could see he was reaching for the center console, where the aforementioned baggie was located. Sgt. D. Kouri instructed Gabriel to stop his actions and to exit the vehicle.

Gabriel refused, I opened the door and gained control of Gabriel's left wrist/arm. I gave Gabriel loud verbal commands to stop resisting and to get out of the car. Gabriel was tensing his arms, as well as using the gear selector and steering wheel to brace himself.

Ofc. T. Malak arrived and also began giving Gabriel orders to exit the car. I placed one handcuff on Gabriel's left wrist and began utilizing the B pillar of the vehicle to perform a vehicle extraction technique. Gabriel exited the vehicle against his will and continued his resistance at which point Ofc. T. Malak and I transferred control of Gabriel's left wrist/arm. I gained control of Gabriel's right arm as he was rotated out of the vehicle, still offering resistance by tensing.

Ofc. T. Malak utilized a straight arm takedown on Gabriel and took him down to the ground in a controlled manner. I placed the second handcuff onto Gabriel's right wrist and evaluated him for any injuries (none present).

K9 Ofc. T. Anglin utilized K9 Jigsaw for a sniff of the exterior of the vehicle in which he positively alerted to the odor of narcotics from within the vehicle.

A manual search of the vehicle revealed trace amounts of cocaine throughout the vehicle. The residue within the

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 09/03/2022 23:40

OCA: **22005097**

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Investigator: *RODRIGUEZ, ALEXANDER (3465)*

Date / Time: *09/03/2022 23:17:52, Saturday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

baggie mentioned earlier field tested positive for cocaine.

A search incident to arrest of Gabriel for resisting without violence revealed a bag of cocaine from his right front pocket.

All items located were turned over to K9 Ofc. T. Anglin for processing.

Ofc. T. Malak took custody of Gabriel and transported him to jail.

Arnold's Towing removed the vehicle from the scene.

My vehicle's AXON and BWC were activated for this incident.

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 09/04/2022 23:47

OCA: **22005097**

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

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

Date / Time: *09/04/2022 22:42:50, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On 03SEP22 at 2216, I (Ofc. T. ANGLIN) responded to the intersection of United Street and White Street, at the request of Sgt. D. KOURI, who was on a traffic stop with Sgt. .A. RODRIGUEZ, who had conducted a traffic stop on a blue 2020 Chevrolet SUV, (FL Tag# GTHH21). Upon my arrival to the traffic stop, Sgt. A. RODRIGUEZ informed me that both occupants were detained prior to my arrival and he and Sgt. D. KOURI observed what appeared to be small bag of Cocaine inside the stopped Chevrolet, (See supplemental reports for details). Sgt. A. RODRIGUEZ requested that K-9 JIGSAW conduct a sniff of the exterior of the stopped Chevrolet.

I affixed my six-foot nylon lead to the one-inch nylon collar K-9 JIGSAW was wearing. I retrieved K-9 JIGSAW from the rear of my patrol vehicle and approached the passenger's side front bumper on the stopped Chevrolet. I gave K-9 JIGSAW the command to sniff for narcotics and moved counter-clockwise around the exterior of the stopped Chevrolet. I observed a noticeable change in K-9 JIGSAW'S normal behavior as he approached the driver's door. K-9 JIGSAW'S respiratory effort increased and his body became rigid as he scanned his nose up the face of the driver's door. K-9 JIGSAW took in several deep breaths at the window and sat. I gave K-9 JIGSAW his reward and secured him in the rear of my patrol vehicle.

Sgt. D. KOURI, Sgt. A. RODRIGUEZ and I manually searched the interior of the stopped Chevrolet. I observed trace amounts of a white powdery substance on the driver's seat and floorboard. I conducted a field test on the white powdery residue and the results were F.T.P. Cocaine.

Sgt. D. KOURI located a small clear Zip loc type baggy containing a white powdery residue inside the center console area, (See report for details). I conducted field test on the white powdery residue and the result was F.T.P. Cocaine.

Officers searched the driver, DANIEL GABRIEL and located a small Zip Loc type baggy containing a white powdery substance in GABRIEL'S pocket, (See reports for details). I conducted a field test on the white powdery substance and the result was F.T.P. Cocaine.

I took possession of the Cocaine and drug paraphernalia as Ofc. T. MALAK transported GABRIEL to the Monroe County Detention Center for processing. I later packaged and submitted the items recovered into the KWPD Property and Evidence Section.

Both my Axon fleet and BWC were active during the traffic sto and uploaded into the server.

Investigator Signature: _____

