

Response to Resistance Report

Key West Police Department

Case No: 22 6958

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: 12 08 2022 **3. Time:** 7: 50 am **4. Location:** 1816 Flagler Ave **5. Incident type:** S31/ Arrest

INCIDENT	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input checked="" type="checkbox"/> Passive: <input type="checkbox"/> Active: <input type="checkbox"/> Aggressive: <input type="checkbox"/> Deadly Force:	Refused to comply _____ _____	<input checked="" type="checkbox"/> Physical Control <input type="checkbox"/> Non-lethal Weapon <input type="checkbox"/> Deadly Force	Hand Cuffs _____ _____

10. Last Name: Perez **11. First:** Brayan **12. Race:** W **13. Sex:** M

14. DOB: 11/15/1997 **15. Height:** 5' 8" **16. Weight:** 160

17. Did you observe the subject: No Yes If NO, explain why in Section 42. If "YES", complete sections 18-22

18. Appeared to be: Intoxicated Under the influence of controlled substance Emotionally / mentally disturbed

19. Injuries: No Evident Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)

20. Photographed: No Yes **21. Treated:** No Yes **By:** EMT/Paramedic on scene Hospital Detention

SUBJECT	22. Anterior View	Posterior View

23. Officer: Alex Gauffillet **24. Race:** W **25. Sex:** M **26. Age:** 50 **27. Height:** 6' **28. Weight:** 220

29. Duty Status: On-duty Off-duty Extra duty employment Uniformed Plain clothes **30. Yrs Exp:** 18

31. Injuries: No Evident Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

32. Photographed: No Yes **33. Treated:** No Yes **By:** EMT/Paramedic on scene Hospital

34. Response option used by this officer: (If TASER®, also reference line number from TASER® section)

OFFICER	35. Anterior View	Posterior View

Response to Resistance Report (continued)

Key West Police Department

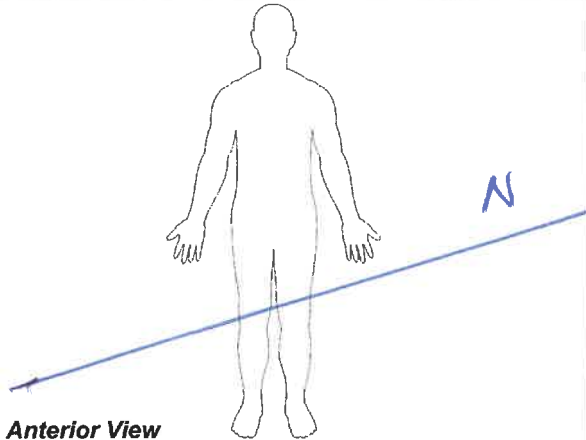
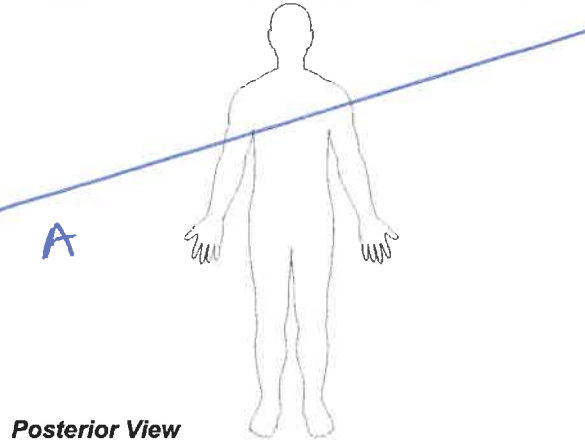
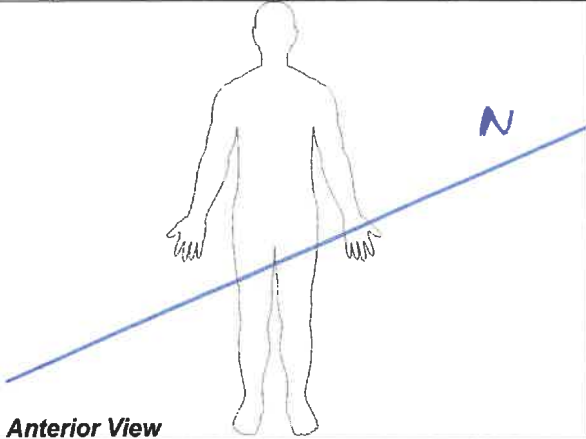
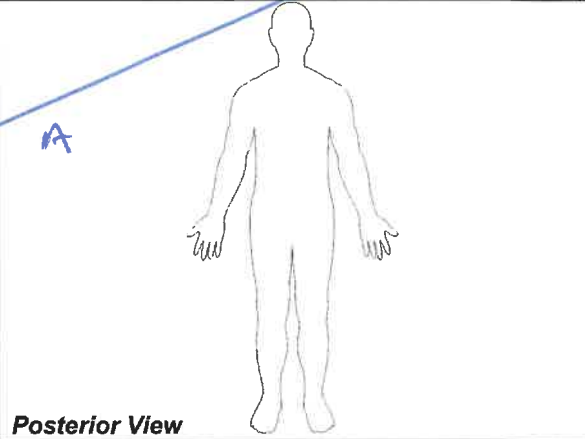
Case No: 22-6958

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 checked="" type="checkbox"/> No		Did probes penetrate skin: <input type="checkbox"/> Yes <input checked="" 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: 12/08/2022		41. Time: 8:05 AM		
	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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)				
	Name		Address		Phone Number
INT. AFF.	47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		48. Preparing Supervisor's Signature / ID <u>Sgt. Frank Murphy 1951</u>		
	FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		49. Date <u>12/8/22</u>		
	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)		51. Signature of Internal Affairs Inspector <u>[Signature]</u>		
53. If section 48 is "No" record the Professional Standards Control Number:		52. Date <u>4/17/2023</u>			
54. Date Entered:					

Response to Resistance Report (continued)

Key West Police Department

Case No: 22-6958

OFFICER	23. Officer: Mike Andruzzi 24. Race: W 25. Sex: M 26. Age: 52 27. Height : 5' 11" 28. Weight 250										
	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: 32					
	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	35. Anterior View			Posterior View							
											
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: (If TASER®, also reference line number from TASER® section)											
OFFICER	35. Anterior View			Posterior View							
											

INCIDENT/INVESTIGATION REPORT

INCIDENT DATA	Agency Name <i>Key West Police Department</i>				Case# <i>22-006958</i>				
	ORI <i>FL0440100</i>				Date / Time Reported <i>12/08/2022 16:10 Thu</i>				
	Location of Incident <i>1816 FLAGLER AVE, Key West FL 33040</i>				Gang Relat <i>NO</i>	Premise Type <i>Highway/road/alley/st</i>	Beat/GP		Last Known Secure <i>12/08/2022 16:10 Thu</i>
									At Found <i>12/08/2022 16:10 Thu</i>
MO	#1	Crime Incident(s) <i>Drug Possession Controlled Substance</i> <i>DRA</i>			(Com) Weapon / Tools			Activity <i>P</i>	
		Entry		Exit		Security			
	#2	Crime Incident <i>Drug Possession Of Paraphernalia / Equipment -</i> <i>DRF</i>			(Com) Weapon / Tools			Activity <i>P</i>	
		Entry		Exit		Security			
	#3	Crime Incident <i>Resist Arrest / Escape</i> <i>XOM</i>			(Com) Weapon / Tools			Activity	
		Entry		Exit		Security			

VICTIM	# of Victims <i>1</i>		Type: SOCIETY/PUBLIC/STATE				Injury:				Domestic: N			
	V1	Victim/Business Name (Last, First, Middle) <i>Society</i>					Victim of Crime # <i>1,2,3,</i>	DOB Age	Race	Sex	Relationship To Offender	Resident Status <i>N/A</i>	Military Branch/Status	
		Home Address						Email				Home Phone		
	Employer Name/Address						Business Phone				Mobile Phone			
	VYR	Make	Model	Style	Color	Lic/Lis	VIN							

OTHERS INVOLVED	CODES: V- Victim (Denote V2, V3) W1 = Witness IO = Involved Other RP = 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						Email				Home Phone		
	Employer Name/Address						Business Phone				Mobile Phone		
	Type:						Injury:						
Code	Name (Last, First, Middle)					Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
Home Address						Email				Home Phone			
Employer Name/Address						Business Phone				Mobile Phone			

PROPERTY	1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)												
	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description			Make/Model		Serial Number	
		<i>11</i>	<i>EVID</i>	<i>\$1.00</i>		<i>1</i>	<i>JOINT WRAPPER</i>						
		<i>02</i>	<i>TOWE</i>	<i>\$20,000.00</i>		<i>1</i>	<i>2012 GRY, 12AMLN FL</i>			<i>BMW</i>		<i>WBAXG5C59CDX05226</i>	
Officer/ID# <i>HAMMERS, JESSE L (3631)</i>													
Invest ID# <i>(0)</i>						Supervisor <i>VAZQUEZ, BILLY (3467)</i>							
Status	Complainant Signature				Case Status <i>Cleared By Arrest</i>			Case Disposition: <i>12/08/2022</i>			Page 1		

Incident Report Additional Offense List

Key West Police Department

OCA: 22-006958

Offense List (Continued)

Page 2

Counter	Offense Description	Fel/Misd	Statute	Completed/Attempted
# 4	PUBLIC ORDER CRIME		XOY	Com

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 22-006958

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
		<i>B</i>	<i>EVI</i>	<i>0.010</i>	<i>GM</i>	<i>0.01 GM FTP COCAINE</i>
	<i>E</i>	<i>EVI</i>	<i>0.300</i>	<i>GM</i>	<i>0.3GM FTP MARIJUANA</i>	<i>Poss</i>

Assisting Officers
HARTLE, R.W. (2520), ANDRUZZI, M.D. (3579), GAUFILLET, A. (3600), DUPONTY, F.T. (1951), VAZQUEZ, B. (3467), HOWELL, W.N. (4059)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

		OCA 22-006958
Victim <i>Society</i>	Offense <i>DRUG POSSESSION CONTROLLED</i>	Date / Time Reported <i>Thu 12/08/2022 16:10</i>

On Thursday, December 8, 2022, at approximately 0748 hours, I (Detective Sergeant J. HAMMERS) was driving to the Key West Police Department when I heard Officer. R. HARTLE call out a traffic stop at 1816 Flagler Avenue. Officer R. HARTLE aired over Key West Communications Channel I that he was in need of assistance with an unruly driver. I responded to Officer R. HARTLE's location to assist.

Prior to my arrival, I overheard Officers note that the operator of the vehicle, later identified as BRAYAN CABRERA-PEREZ, was calling the 911 Emergency number while Officers were on scene. Key West Communications confirmed that CABRERA was calling 911 without a said emergency.

Upon my arrival, I observed CABRERA being verbally argumentative, threatening, and defiant towards Officers on scene. I retrieved K9 MANGO from my unmarked vehicle and affixed my six-foot nylon lead to the one and a half inch nylon collar K9 MANGO was wearing. I retrieved K9 MANGO from the rear of my patrol vehicle and approached the passenger's side front bumper of the stopped BMW. I gave K9 MANGO the command to sniff for narcotics and moved counter clockwise around the exterior of the stopped vehicle. I observed a noticeable change in K9 MANGO's normal behavior as we approached the driver's side door. K9 MANGO's body became rigid and his respiratory effort increased as he began scanning his nose along seam of the drivers side door. K9 MANGO took in several deep breaths and sat in front of the driver's side door. I secured K9 MANGO in the rear of my vehicle and I relayed the results of the K9 sniff to Officers on scene.

I began searching the interior of the vehicle while Officers continued to focus their attention on CABRERA's uncooperative behavior. I saw CABRERA repeatedly make evasive movements towards Officers M. ANDRUZZI and A. GAULFILLET. Officers M. ANDRUZZI and A. GAULFILLET attempted to place CABRERA into handcuffs due to his physical resistance to remain still while I conducted a search of his vehicle. Officers M. ANDRUZZI and A. GAULFILLET said CABRERA physically pulled away from their efforts to place him into handcuffs.

During my search of CABRERA's vehicle, I located a white round cigarette-like item in the center console (burnt). I recognized the item to be a "joint" commonly used to consume marijuana. I collected the item and field tested it. The contents of the "joint" field tested positive for marijuana (0.3 grams). I also located trace amounts of a white powdery substance on the passenger side seat. I field tested the substance which tested positive for cocaine. I continued my search and located several pieces of a dense white substance in the under sleeve of a compartment in the center console. I collected the substance and it field tested positive for cocaine. My body worn camera was not activated during this incident due to it charging at my office. All other Officers on scene were recording the interaction.

Detective Sergeant B. VAZQUEZ arrived on scene and conducted a check on CABRERA's medical marijuana status. Sergeant B. VAZQUEZ said CABRERA's Medical status was expired and had not been active since March of 2022.

I notified Officer R. HARTLE of our findings and left the scene. Officer R. HARTLE issued CABRERA a traffic citation for an equipment violation. After leaving the scene, CABRERA reportedly continued to demean Officers and complain about the stop.

I returned to the scene and noticed the collectable amounts of cocaine were still inside of the vehicle. Officer N. HOWELL and I placed CABRERA into handcuffs. I collected the FTP cocaine (0.01 grams), FTP marijuana (0.3

REPORTING OFFICER NARRATIVE

Key West Police Department

		OCA 22-006958
Victim Society	Offense DRUG POSSESSION CONTROLLED	Date / Time Reported Thu 12/08/2022 16:10

grams), and the drug paraphernalia (joint paper containing the marijuana. Officer N. HOWELL transported CABRERA to MCDC and Officer A. GAUFILLET towed the vehicle due to its use during the commission of a felony (possession of cocaine).

I processed, packaged and submitted all the evidence from this case into the Key West Police Department Property and evidence section. I completed an FDLE lab request form for the FTP cocaine to be analyzed.

Based on the fact that BRAYAN CABRERA-PEREZ did knowingly and intentionally physically resist Officers while performing their duties, probable cause exists he was in violation of Florida State Statue 843.02 - Resisting an Officer without violence.

Based on the fact that BRAYAN CABRERA-PEREZ was in sole possession of his own vehicle, he did knowingly and intentionally possess marijuana therein and without having a valid medical marijuana license, probable cause exists he was in violation of Florida State Statue 893.13(6)(b) - Possession of under 20 grams of marijuana.

Based on the fact that BRAYAN CABRERA-PEREZ did knowingly and intentionally possess a marijuana delivery device (drug paraphernalia), probable cause exists he was in violation of Florida State Statue 893.147(1)

Based on the fact that BRAYAN CABRERA-PEREZ was in sole possession of his own vehicle, he did knowingly and intentionally possess cocaine therein, probable cause exists he was in violation of Florida State Statue 893.13(6)(a).

Based on the fact that BRAYAN CABRERA-PEREZ did knowingly and intentionally call an emergency only communications number "911" while multiple Officers were on scene, probable cause exists he was in violation of Florida State Statue 365.172-14 - misuse of emergency communication services.

Incident Report Suspect List

Key West Police Department

OCA: 22-006958

1	Name (Last, First, Middle) <i>CABRERA-PEREZ, BRAYAN RAUL</i>					Also Known As <i>CABRERA, BRAYAN; PEREZ, BRAYAN C; CABRERA,</i>					Home Address <i>1713 JAMAICA DRIVE KEY WEST, FL 33040 305-394-1171</i>				
	Business Address <i>FISHBUSTERZ 305-390-6270, NONE</i>														
	DOB <i>11/15/1997</i>	Age <i>25</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>H</i>	Hgt <i>510</i>	Wgt <i>140</i>	Hair <i>BLK</i>	Eye <i>BRO</i>	Skin <i>OTH</i>	Driver's License / State <i>C166076974150 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
Veh Yr / Make / Model		Drs	Style		Color	Lic Plate / State		VIN

Notes

Physical Char

*BUILD, MEDIUM/AVERAGE
BUILD, LIGHT
FACIAL HAIR, STUBBLE
HAIR TYPE, SHORT
TEETH, OTHER
TEETH, WHITE*

Incident Report Related Vehicle List

Key West Police Department

OCA: 22-006958

1	VehYr/Make/Model <i>2012 BMW</i>	Style <i>4D</i>	Color <i>GRY</i>	Lic/Lis /Decal <i>12AMLN FL 2023</i>	VIN <i>WBAXG5C59CDX05226</i>
IBR Status <i>Towe</i>		Date <i>12/08/2022</i>	Location <i>1816 FLAGLER AVE, KEY WEST FL</i>		
Condition	Value <i>\$20,000.00</i>	Offense Code	Jurisdiction <i>Locally</i>	State #	NIC #
Name (Last, First, Middle) <i>Cabrera-perez, Brayan Raul</i>			Also Known As <i>CABRERA, BRAYAN; PEREZ, BRAYAN C; CABRERA,</i>		Home Address <i>1713 JAMAICA DRIVE KEY WEST, FL 33040 305-394-1171</i>
Business Address <i>FISHBUSTERZ 305-390-6270, NONE</i>					
DOB <i>11/15/1997</i>	Age <i>25</i>	Race <i>W</i>	Sex <i>M</i>	Hgt <i>510</i>	Wgt <i>140</i>
Scars, Marks, Tattoos, or other distinguishing features					

Notes

Incident Report Related Property List

Key West Police Department

OCA: 22-006958

1	Property Description 0.01 GM FTP COCAINE				Make POWDER		Model		Caliber		
	Color White		Serial No.		Value \$5.00		Qty 0.010		Unit GM	Jurisdiction Locally	
	Status Evidence		Date 12/08/2022	NIC #		State #		Local #		OAN	
	Name (Last, First, Middle) Cabrera-perez, Brayan Raul					DOB 11/15/1997		Age 25	Race W	Sex M	

Notes

2	Property Description 0.3GM FTP MARIJUANA				Make LEAFY		Model		Caliber		
	Color		Serial No.		Value \$5.00		Qty 0.300		Unit GM	Jurisdiction Locally	
	Status Evidence		Date 12/08/2022	NIC #		State #		Local #		OAN	
	Name (Last, First, Middle) Cabrera-perez, Brayan Raul					DOB 11/15/1997		Age 25	Race W	Sex M	

Notes

3	Property Description JOINT WRAPPER				Make		Model		Caliber		
	Color White		Serial No.		Value \$1.00		Qty 1.000		Unit EA	Jurisdiction Locally	
	Status Evidence		Date 12/08/2022	NIC #		State #		Local #		OAN	
	Name (Last, First, Middle) * No name *					DOB		Age	Race	Sex	

Notes

CASE SUPPLEMENTAL REPORT

Printed: 04/20/2023 08:55

Key West Police Department

OCA: 22006958

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

Case Status: CLEARED BY ARREST

Case Mng Status: NA

Occurred: 12/08/2022

Offense: DRUG POSSESSION CONTROLLED SUBSTANCE

Investigator: ANDRUZZI, MICHAEL D (3579)

Date / Time: 12/08/2022 11:20:24, Thursday

Supervisor: GAUFILLET, ALEXANDRE (3600)

Supervisor Review Date / Time: 12/13/2022 07:32:07, Tuesday

Contact:

Reference: General Supplemental Report

This report should be read in conjunction with all reports under case number 22-006958.

I, Officer Andruzzi, assisted Officer Gaufillet with handcuffing of the suspect Brayan Cabrera-Perez. Cabrera-Perez resisted his left hand in the process of being handcuffed. During the incident the Cabrera-Perez voluntarily went down to the kneeling position and was successfully handcuffed.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 04/20/2023 08:55

Key West Police Department

OCA: **22006958**

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

Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *12/08/2022*

Offense: *DRUG POSSESSION CONTROLLED SUBSTANCE*

Investigator: *GAUFILLET, ALEXANDRE (3600)*

Date / Time: *12/08/2022 13:02:48, Thursday*

Supervisor: *ANDRUZZI, MICHAEL D (3579)*

Supervisor Review Date / Time: *12/08/2022 13:55:32, Thursday*

Contact: *Cabrera-perez, Brayan Raul
1713 Jamaica Drive, Key West
305-394-1171*

Reference: *General Supplemental Report*

On 12/8/2022, I (Officer Gauffillet), responded to 1816 Flagler Ave. as a backup Officer for Ofc. Hartle. When I arrived I saw th suspect Cabrere-Perez walking around his vehicle yelling at the Officers on scene. I approached him and told him to place his hands behind his back. Ofc. Andruzzi assisted me with the handcuffing. I placed a cuff on his right hand and Cabera-Perez would not let go of the items in both of his hands (cell phone & drink). Both items had to be pulled from his hands. Once the items were removed he began to resist being cuffed with his left hand. As we were handcuffing him he dropped to his knees and was handcuffed.

My AXON body cam as activated during the encounter and has been downloaded to the server.

No further information at this time.

Investigator Signature

Supervisor Signature