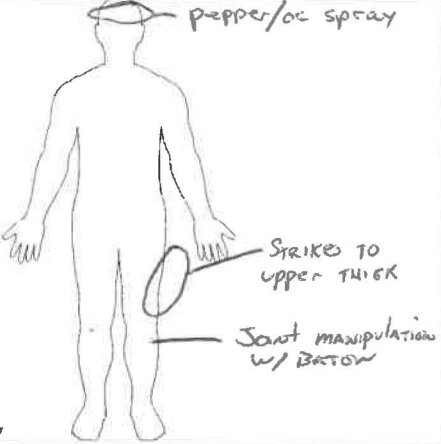
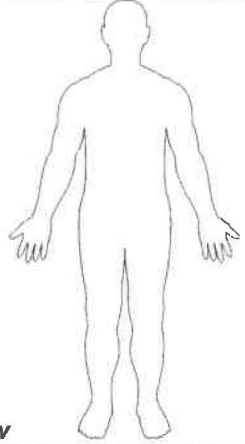
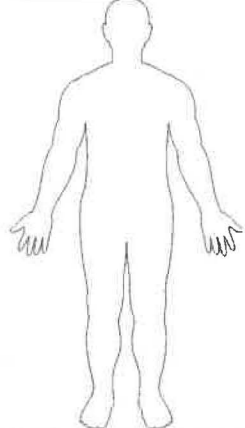
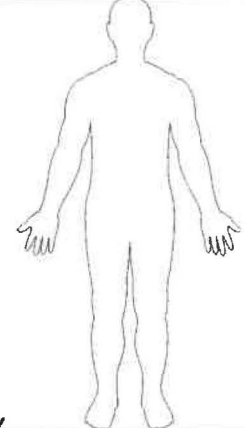


Response to Resistance Report

Key West Police Department



Case No: 19-4317

1. A Response to Resistance Report will be completed by the supervisor for: (Check all that apply)								
<input checked="" type="checkbox"/> A response through the use of non-lethal weapons,								
<input checked="" type="checkbox"/> Applies weaponless physical force of strikes, kicks, or "take-downs"								
<input type="checkbox"/> When any person sustains an apparent substantial or fatal injury as a result of the application of force								
<input type="checkbox"/> When any person complains of injury as a result of the application of force								
<input type="checkbox"/> Discharge of firearm in the line of duty off-duty or on-duty (other than for training, maintenance or ballistics testing)								
INCIDENT	2. Date: 07/16/2019	3. Time: 2220	4. Location: 202 William Street	5. Incident type: S2 / Battery LEO				
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation				
	<input type="checkbox"/> Passive:		<input checked="" type="checkbox"/> Physical Control	Joint Manipulation / Strike				
	<input checked="" type="checkbox"/> Active:	Subject pulled away from officers	<input checked="" type="checkbox"/> Non-lethal Weapon	OC Spray / Baton				
	<input checked="" type="checkbox"/> Aggressive:	Subject Kicked Officer	<input type="checkbox"/> Deadly Force					
<input type="checkbox"/> Deadly Force:								
SUBJECT	10. Last Name: Twist		11. First: Branden	12. Race: W 13. Sex: M				
	14. DOB: 08/14/1983		15. Height: 6'00	16. Weight: 180				
	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 checked="" type="checkbox"/> No <input 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 type="checkbox"/> Detention							
								
	22. Anterior View		Posterior View					
	OFFICER	23. Officer: Neil Mogerly		24. Race: W	25. Sex: M	26. Age: 33	27. Height: 6'01	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 clothes		30. Yrs Exp: 10		
31. Injuries: <input checked="" type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)								
32. Photographed: <input type="checkbox"/> No <input checked="" 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)								
								
35. Anterior View		Posterior View						

Response to Resistance Report (continued)

Key West Police Department

Case No: 19-4317

TASER USE ONLY	36. TASER® device serial #		37. TASER® device serial #	
	TASER®Cam serial #		TASER®Cam serial #	
	Cartridge 1 serial #		Cartridge 1 serial #	
	Cartridge 2 serial #		Cartridge 2 serial #	
	Number of cycles:		Number of cycles:	
	Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input type="checkbox"/> Drive Stun		Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input type="checkbox"/> Drive Stun	
	Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No		Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Target distance at probe launch:		Target distance at probe launch:	
	Distance between probes:		Distance between probes:	
	Probes removed by (name):		Probes removed by (name):	
Device downloaded by:		Device downloaded by:		
<input type="checkbox"/> 38. Check and list any additional TASER® devices, cartridges or details in the incident description section.				
REPORT	39. Offense/Incident Report and/or Warrant Affidavit must include: <input checked="" type="checkbox"/> All necessary criminal elements. <input checked="" type="checkbox"/> All details of the arrest <input checked="" type="checkbox"/> Details articulating the subject's words, mannerisms and actions that justify the use of force. <input checked="" type="checkbox"/> Details outlining the response to resistance utilized by each officer. <input checked="" type="checkbox"/> Detailed description of injury complaints and/or observed injuries <input checked="" type="checkbox"/> Details outlining the decontamination, first aid or medical treatment provided to the officer and/or subject.			
SUPERVISOR'S INQUIRY	40. Notified Date: 07/16/2019		41. Time: 2220	
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	Section 20 unable to get good photographs due to subjects combative nature. Body Cam videos / In Car Videos only			
	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
Tim Grandy		1505 George Street, Key West, FL		305-896-7284
45. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS				
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 checked="" type="checkbox"/> Yes (If "No", complete section 51)		 46. Preparing Supervisor's Signature / ID	
			07/17/2019 47. Date	
			 49. Signature of Internal Affairs Inspector	
		08/06/19 50. Date		
51. If section 48 is "No" record the Professional Standards Control Number:			52. Date Entered:	

PUBLIC COPY

At Found	07/16/2019 22:24 Tue
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Location of Incident	202 William St, Key West FL 33040-
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#3	Crime Incident
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Premise Type
<i>Bar / Nightclub / Lounge</i>

Weapon / Tools <i>HANDS, FIST,</i>	
Entry	Exit

Weapon / Tools	
Entry	Exit

Weapon / Tools	
Entry	Exit

Beat/GP
B3, GPB3

EET

Activity	
----------	--

Security	
----------	--

	Activity
--	----------

	Security
--	----------

	Activity

	Security
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PROPERTY

# of Victims	2	Type: LAW ENFORCEMENT (LEO)	Injury: Minor Injuries	Domestic: N
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V1	Victim/Business Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
	MOGERLEY, NEIL FREDERICK	1,	Age 33	W	M	ST	Resident	

Home Address	Home Phone
1604 N ROOSEVELT BLVD , Key West, FL 33040-	

Employer Name/Address <i>KEY WEST POLICE</i>	Business Phone	Mobile Phone
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VYR	Make	Model	Style	Color	Lic/Lis	VIN
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CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

Type: SOCIETY/PUBLIC/STATE	Injury:
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Code V2	Name (Last, First, Middle) SOCIETY	Victim of Crime # 2	DOB // Age	Race	Sex	Relationship To Offender	Resident Status N/A	Military Branch/Status
------------	---------------------------------------	---------------------------	------------------	------	-----	-----------------------------	------------------------	---------------------------

Home Address	Home Phone
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Employer Name/Address	Business Phone	Mobile Phone
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Type:	Injury:
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Code	Name (Last, First, Middle)	Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
------	----------------------------	-------------------	------------	------	-----	--------------------------	-----------------	------------------------

Home Address	Home Phone
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Employer Name/Address	Business Phone	Mobile Phone
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L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found
("OJ" = Recovered for Other Jurisdiction)

[illegible]

Officer/ID#	BRABLC, MICHAL (3925)
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Invest ID#	(0)	Supervisor	VAZQUEZ, BILLY (3467)
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Status	Complainant Signature	Case Status <i>Cleared By Arrest</i> 07/16/2019	Case Disposition: <i>Cleared By Arrest</i> 07/16/2019	Page 1
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INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 19-004317

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
SIMS, F.C. (2301), KOURI, D.G. (3022), TELLIER, J.J. (3544), KASYANENKO, I. (3599), MOGERLEY, N. (3819), CUNEO, E.J. (3922)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

19-004317

Victim

MOGERLEY, NEIL FREDERICK

Offense

BATTERY

Date / Time Reported

Tue 07/16/2019 22:24

On Tuesday, 7/16/2019, at approximately 22:20 hours, I (Ofc. M. Brable) was dispatched to area of Lazy Way Lane by the Schooner Wharf Bar and Grill for a subject sleeping on the street.

Upon arrival I located the male subject (later identified as Branden Twist, DOB:08/14/1983). I recognized Twist from a previous encounter with him. I went to wake Twist up. I identified myself as a KWPD Officer and was readily recognized as a KWPD Officer as I was wearing KWPD Class B uniform. Twist started screaming "who?". Twist sat up and started charging at me. I pushed his body down to keep him from coming at me.

Twist kept trying to get up. I decided to detain him, but Twist started resisting and would not let me put handcuffs on him. I requested another unit via KWPD dispatch. Twist kept resisting and screaming, "Do you think you're more powerful than me?". As I was not able to gain compliance from Twist, I displayed my Axon Taser and told Twist to stop resisting or I was going to Taser him.

Officer N. Mogerley arrived on the scene and attempted to help me detain Twist. Twist would not stop resisting, therefore after several lawful commands, Officer N. Mogerley proceeded to deploy his OC spray. After Twist got sprayed, Officer N. Mogerley and myself were finally able to detain him. In the process of detaining Twist, Twist kicked Officer N. Mogerley in his left lower leg.

Twist was medically cleared by EMS on scene.

Officer J. Tellier arrived on the scene and helped Officer N. Mogerley and myself put Twist in the patrol vehicle for transport. Twist would not get into the vehicle and almost managed to kick Officer N. Mogerley again. Due to Twist's resistance I decided to use a restraint device (Hobble). Even after his legs were secure using the hobble Twist would not put his feet into the vehicle. Officer N. Mogerley used his extendable baton to gain leverage on Twist's legs, to be able to place his feet in the patrol vehicle.

Sgt. D. Kouri and Sgt. C. Sims responded to the scene.

By his actions Twist violated the following:

F.S. 784.07 - Assault or battery of law enforcement officers - by resisting and striking Officer N. Mogerley with his foot.

F.S. 843.01 - Resisting officer with violence to his or her person - by knowingly, willfully, and violently resisting lawful commands

Twist was transported to MCDC and turned over to the MCSO Detention Deputies. MCSO Detention Deputies placed Twist in a restraining chair and put on a spit mask as Twist spat multiple times while being transported.

My Axon BWC was activated.

Status: Cleared by arrest.

Incident Report Suspect List

Key West Police Department

OCA: 19-004317

1	Name (Last, First, Middle)					Also Known As					Home Address				
	TWIST, BRANDEN OLIVER										729 ARBOR DOWNS DR PLANO, TX 75023				
	Business Address														
	NONE, NONE														
DOB		Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.				
08/14/1983		35	W	M	N	600	180	BLN	HAZ	LGT	20411243 TX				
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			
VehYr/Make/Model				Drs	Style		Color		Lic/St			VIN			
Notes							Physical Char								

FACIAL HAIR, MUSTACHE AND BEARD
HAIR TYPE, LONG
HAIRSTYLE, OTHER

Incident Report Related Property List

Key West Police Department

OCA: 19-004317

1	Property Description BWC-3925			Make		Model		Caliber	
	Color	Serial No.		Value \$1.00	Qty 1.000	Unit	Jurisdiction Locally		
	Status Evidence	Date 07/16/2019	NIC #	State #		Local #		OAN	
	Name (Last, First, Middle) * No name *				DOB		Age	Race	Sex

Notes

CASE SUPPLEMENTAL REPORT

Printed: 08/12/2019 10:33

Key West Police Department

OCA: **19004317**

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

Case Status: *CLEARED BY ARREST***Case Mng Status:** *NA***Occurred:** *07/16/2019***Offense:** *BATTERY***Investigator:** *MOGERLEY, NEIL (3819)***Date / Time:** *07/16/2019 23:49:33, Tuesday***Supervisor:** *SIMS, FRED CARTER (2301)***Supervisor Review Date / Time:** *07/17/2019 01:43:26, Wednesday***Contact:****Reference:** *General Supplemental Report*

On 7/16/2019, I responded to 202 William Street in the area of Schooner War Bar to assist Ofc. Brabc who had called out on the radio that he had a male resisting him.

Upon arrival Officer Brabc had a male later identified as Branden Twist on the ground by the bike rack on Lazy Way Lane. Twist was on his back and Ofc. Brabc was trying to handcuff the male. Twist was pulling his arms away and kicking his legs. I went to grab Twist's left arm and assist in handcuffing. I felt Twist kick my left lower leg with his leg, and looked down and saw it was him that kicked me. There was slight pain in the area he kicked but I was not injured. I pulled out my pepper spray and told him to stop resisting or he would get sprayed. Twist was still pulling his body around and kicking his legs. I sprayed Twist with pepper spray in the face. I grabbed his legs and pulled him away from the bike rack. Twist was rolling his body around and pulling his limbs away. Ofc. Brabc and I had to forcefully pull his arms behind his back and placed him into handcuffs.

We placed Twist in to the back of Ofc. Brabc's Police car and Twist was refusing to get into the car. Twist was keeping his legs locked and kicking them around. His left leg came close to kicking me and I delivered one punch to his lower left thigh area redirecting his leg from making contact with me. We paced a hobble strap around his ankles keeping his legs together. Twist was keeping his legs locked out against to door preventing us from closing the door. Ofc. Tellier pulled the hobble strap from the other side of the car, and I used the expanded baton as leverage to push his legs in. The baton was paced between the car floor and under his left leg. I pulled the baton up and his legs became unlocked and I placed them into the car.

Ofc. Brabc transported Twist to the Monroe County Correctional Center and I followed him out there and assisted in getting him into the processing room.

The incident was recorded on my BWC.

Investigator Signature

Supervisor Signature