

Response to Resistance Report

Key West Police Department

Case No: 19-4886

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: 08/13/2019 3. Time: 2350 4. Location: Eaton / Duval St 5. Incident type: S64 / Batt LEO

6. Resistance Level 7. Explanation 8. Response Option 9. Explanation

☐ Passive:

☒ Active:

☒ Aggressive:

☐ Deadly Force:

☐ Physical Control

☒ Non-lethal Weapon

☐ Deadly Force

TASER

10. Last Name: Gunnell

11. First: Stephen

12. Race: W

13. Sex: M

14. DOB: 04/14/1967

15. Height: 5'10

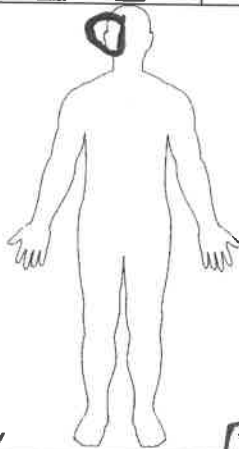
16. Weight: 250

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

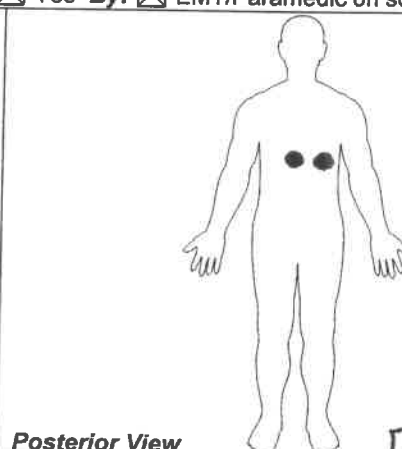
19. Injuries: ☒ No ☒ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)

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



22. Anterior View

Small Abrasion



Posterior View

Probe Marks

23. Officer: Neil Mogerly

24. Race: W

25. Sex: M

26. Age: 33 27. Height: 6'01

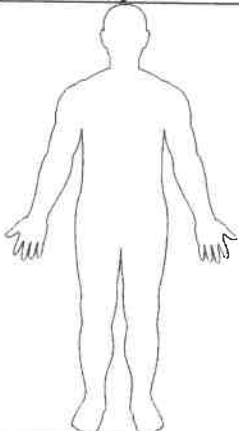
28. Weight: 250

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

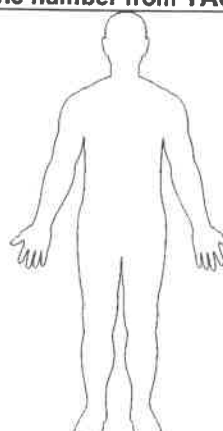
31. Injuries: ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

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

34. Response option used by this officer: (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: 19-4886

TASER USE ONLY	36. TASER® device serial # X12009V0E		37. TASER® device serial #		
	TASER®Cam serial # V21001XYD		TASER®Cam serial #		
	Cartridge 1 serial # C4106PFDR		Cartridge 1 serial #		
	Cartridge 2 serial # C41078PEA		Cartridge 2 serial #		
	Number of cycles: 1		Number of cycles:		
	Type of contact: <input checked="" type="checkbox"/> Probe <input type="checkbox"/> CODS <input checked="" 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: 4-5		Target distance at probe launch:		
	Distance between probes: 3-4 inches		Distance between probes:		
	Probes removed by (name): Ofc. M. Jackson		Probes removed by (name):		
Device downloaded by: Sgt. Kouri		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: 08/13/2019		41. Time: 2350		
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	Photographs, TASER Cam, BWCs downloaded into evidence.com				
	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	
Jennifer Sayko (Fiance')		2903 Moccasin Wallow Rd, Palmetto , FL		941-920-5366	
MCSO Sgt. D. Lariz		MCSO		MCSO	
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		47. Date
			49. Signature of Internal Affairs Inspector		50. Date
	51. If section 48 is "No" record the Professional Standards Control Number:		52. Date Entered:		

INCIDENT DATA

MC

V
I
C
T
I
M

OTHERS INVOLVED

2000

Status

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 19-004886

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

KOURI, D.G. (3022), KOURI, D.G. (3022), DEHANAS, B.T. (3756), DEHANAS, B.T. (3756), BRABLC, M. (3925), CUNEO, E.J. (3922), MOGERLEY, N. (3819)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

Victim <i>MOGERLEY, NEIL FREDERICK</i>	Offense <i>BATTERY</i>	OCA <i>19-004886</i>
		Date / Time Reported <i>Mon 08/12/2019 23:47</i>

On 08/12/19, around 2347 hours, I (Ofc. Jackson) and Ofc. Mogerley were dispatched to the corner of Eaton St. and Duval St. to assist MCSO Sgt. David Lariz with a verbal dispute.

On arrival we met the Sgt. Lariz and Involved party Jennifer Sayko. Sgt. Lariz told us that Sayko and her boyfriend (Identified as Stephen Gunnell) were arguing. Sgt. Lariz handed me both their Florida Driver licenses.

Ofc. Mogerley went to talk to Gunnell. I ran a warrant check with Key West Police Dispatch on both subjects, and both came back cleared. Ofc. Mogerley and Ofc. Brabc went to talk to Sayko. Sayko was calling for an Uber when Gunnell got up and started to walk away. Gunnell was cussing very loud. Ofc. Mogerley walked up to him and asked him to sit down. Gunnell was cussing at Ofc. Mogerley and would not listen to Ofc. Mogerley. Gunnell walked up to Ofc. Mogerley. Ofc. Mogerley told Gunnell to sit down and Gunnell walked into Ofc. Mogerley, and Ofc. Mogerley had his hand up to prevent him from getting closer. Gunnell said "Fuck off", and did not listen to Ofc. Mogerley who told him to sit down several times. Gunnell said "You want to go" and pushed Ofc. Mogerley, and grabbed Ofc. Mogerley's arm and pushed/struck him in an attempt to get away. I tried to grab Gunnell's arm, but he pulled it away. Ofc. Mogerley pushed Gunnell away from him and he pulled his Taser and pointed it at Gunnell. Ofc. Mogerley told him to put his arms behind his back. Gunnell pushed Ofc. Mogerley's arm and Taser away. Ofc. Brabc grabbed Gunnell's left arm as he stood up and was pulling from him. Ofc. Mogerley tased Gunnell in the back and Gunnell fell to the ground and was still resisting. Ofc. Mogerley held the taser and gave him commands. Ofc. Brabc and I placed him into handcuffs. My BWC was knocked off during the incident.

I pulled out the taser prongs and placed them in the empty taser cartridge.

Gunnell tried to get up several times and was told to stay on the ground. Gunnell was evaluated by Key West Fire and Rescue. Rescue transported Gunnell to Lower Keys Hospital. After the Hospital released Gunnell, Ofc. Mogerley and I transported him to Monroe County Correctional Center.

On 8/12/2019 Stephen Gunnell committed the offense of Resisting Officer with Violence by pushing, striking, grabbing and pulling his arms away from Officers while trying to be handcuffed. This is a violation of Florida State Statute 843.01, Resisting Officer with Violence.

On 8/12/2018 Stephen Gunnell committed the offense of Battery on Law Enforcement Officer by pushing, striking, and grabbing Officers while being handcuffed. This is a violation of Florida State Statute, 784.07, Battery on a Law Enforcement Officer.

Incident recorded on my BWC.

Incident Report Suspect List

Key West Police Department

OCA: 19-004886

1	Name (Last, First, Middle) GUNNELL, STEPHEN HENRY JAMES						Also Known As				Home Address 2903 MOCCASIN WALLOW RD PALMETTO, FL 34221 941-920-9428																																										
	Business Address																																																				
	DOB 04/14/1967	Age 52	Race W	Sex M	Eth N	Hgt 510	Wgt	Hair GRY	Eye BLU	Skin LGT	Driver's License / State. G540788671340 FL																																										
	Scars, Marks, Tattoos, or other distinguishing features																																																				
<table border="1"> <tr> <td colspan="2">Reported Suspect Detail</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 colspan="2">Caliber</td> <td colspan="2">Dir of Travel</td> </tr> <tr> <td colspan="2">VehYr/Make/Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="2">Lic/St</td> <td colspan="2"></td> <td colspan="2">VIN</td> </tr> </table>														Reported Suspect Detail		Suspect Age		Race	Sex	Eth	Height		Weight		SSN		Weapon, Type		Feature		Make		Model		Color		Caliber		Dir of Travel		VehYr/Make/Model		Drs	Style		Color		Lic/St				VIN	
Reported Suspect Detail		Suspect Age		Race	Sex	Eth	Height		Weight		SSN																																										
Weapon, Type		Feature		Make		Model		Color		Caliber		Dir of Travel																																									
VehYr/Make/Model		Drs	Style		Color		Lic/St				VIN																																										
Notes							Physical Char																																														

Incident Report Related Property List

Key West Police Department

OCA: 19-004886

1 Property Description BWC-3819		Make		Model		Caliber	
Color	Serial No.	Value	Qty	Unit	Jurisdiction		
		\$2.00	1.000		Locally		
Status Evidence	Date 08/13/2019	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex	

Notes

2 Property Description AXON BWC 3925		Make		Model		Caliber	
Color	Serial No.	Value	Qty	Unit	Jurisdiction		
		\$1.00	1.000		Locally		
Status Evidence	Date 08/13/2019	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex	

Notes

3 Property Description BWC 3920		Make		Model		Caliber	
Color	Serial No.	Value	Qty	Unit	Jurisdiction		
		\$2.00	1.000		Locally		
Status Evidence	Date 08/12/2019	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex	

Notes

4 Property Description TASER PROBE		Make TASER		Model		Caliber	
Color	Serial No. C4106PFDR	Value	Qty	Unit	Jurisdiction		
		\$2.00	1.000		Locally		
Status Evidence	Date 08/12/2019	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex	

Notes

CASE SUPPLEMENTAL REPORT

Printed: 09/04/2019 11:00

Key West Police Department

OCA: **19004886****THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY**Case Status: **CLEARED BY ARREST**Case Mng Status: **NA**Occurred: **08/12/2019**Offense: **BATTERY**Investigator: **MOGERLEY, NEIL (3819)**Date / Time: **08/13/2019 01:19:13, Tuesday**Supervisor: **KOURI, DAVID G (3022)**Supervisor Review Date / Time: **08/13/2019 03:21:46, Tuesday**

Contact:

Reference: **General Supplemental Report**

On 8/12/2019, at about 23:47 hours, Ofc. Jackson and I (Ofc. Mogerley), responded to the area of Eaton Street and Duval Street in the City of Key West to assist Monroe County Sheriff Deputy Sgt. D. Lariz who was out with a verbal dispute. Ofc. Jackson was on Field Training with me and I was his Field Training Officer.

Upon arrival we met with Sgt. D. Lariz who had the two identified as Jennifer Sayko (dob:12/28/1983), and Stephen Gunnell (dob:04/14/1967). Ofc. Jackson ran the driver's licenses with Key West Police Dispatch. Sgt. D. Lariz said that Gunnell was very intoxicated and the two were getting into verbal arguments. Gunnell was sitting against the concrete wall on Eaton Street across from Subway. Sayko said that they have had prior arguments and he pushed her once a long time ago.

I walked up to Gunnell, and he had started a verbal argument with a male and female on a scooter. The Scooter drove away as I walked up. I spoke with Gunnell and he seemed very intoxicated. He was repeating himself and swaying while seated. Gunnell had a strong odor of intoxicants (alcoholic beverage), along with bloodshot watery eyes. Gunnell had mood changes from being angry to being calm. He kept repeating something about driving.

I went to talk with Sayko to see if she felt safe with and could safely take Gunnell back to the hotel room. While speaking with Sayko, Gunnell started yelling and was screaming obscenities. Gunnell had stood up and started walking away. I told Gunnell to sit down back down and he said no. I went over to Gunnell told him to sit down and pointed at the concrete wall he was sitting on prior. Gunnell had his arm up and was walking right at me. I put my right hand up with an open palm, and Gunnell kept walking into me and did not stop. I gently pushed him back away from me and gave him another loud verbal command to sit down. Gunnell told me to "fuck off". Gunnell grabbed my right wrist and arm and started pushing me and said "you wanna go with me" and pushed me. When he grabbed my arm he struck it with his hand at the same time. I felt the strike hit my arm. I Pushed him back and created distance and pulled my Taser. Ofc. Jackson grabbed his left side to sit him down. I told Gunnell to put his arms behind his back and he pushed my hand and Taser away. Gunnell said "get the fuck off of me". Ofc. Brable grabbed his left arm as Gunnell got up, and Gunnell was pulling away from Ofc. Brable and resisting him. Gunnell was resisting all Officers by pulling his arms away and pushing us. Gunnell ignored all verbal commands. I aimed my Taser at Gunnell's back and fired it. The probes hit his upper middle back area. The Taser did not effect Gunnell and did not cause neuro muscular incapacitation (NMI). I put the Taser to his lower leg and it created NMI, as the probes were still in his back. Gunnell fell to his side, and was still resisting Officers. I gave Verbal commands to Gunnell to put his arms behind his back. I held the Taser against his leg to gain control of Gunnell. Gunnell now complied, and Ofc. Brable and Ofc. Jackson put Gunnell into handcuffs.

I requested Key West Rescue and Sgt. D. Kouri to respond. Ofc. Jackson pulled the Taser probes out of Gunnell's

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 09/04/2019 11:00

Key West Police Department

OCA: **19004886**

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

Case Status: *CLEARED BY ARREST***Case Mng Status:** *NA***Occurred:** *08/12/2019***Offense:** *BATTERY*

Investigator: *MOGERLEY, NEIL (3819)***Date / Time:** *08/13/2019 01:19:13, Tuesday***Supervisor:** *KOURI, DAVID G (3022)***Supervisor Review Date / Time:** *08/13/2019 03:21:46, Tuesday***Contact:****Reference:** *General Supplemental Report*

back, and they were later placed into evidence at the Key West Police Dept. The probes were in Gunnell's upper middle back and had about a three inch spread. Ofc. Dehanas took photos of where he was tased.

Key West Rescue transported Gunnell to the Lower Keys Medical Center. Ofc. Brable rode with Rescue in the back of the ambulance. Ofc. Jackson and I followed them to the Lower Keys Medical Center. Gunnell told ER staff that he has a prior history for high blood pressure. Gunnell was released from Lower Keys Medical Center and Ofc. Jackson and I transported Gunnell to the Monroe County Correctional Center where he was processed on charges of battery on a law enforcement officer and resisting with violence.

Ofc. Jackson completed the case and arrest form.

The incident was recorded on my BWC and downloaded.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 09/04/2019 11:00

*Key West Police Department*OCA: **19004886**

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

Case Status: *CLEARED BY ARREST***Case Mng Status:** *NA***Occurred:** *08/12/2019***Offense:** *BATTERY*

Investigator: *DEHANAS, BRETT T (3756)***Date / Time:** *08/13/2019 02:01:30, Tuesday***Supervisor:** *KOURI, DAVID G (3022)***Supervisor Review Date / Time:** *08/13/2019 03:19:19, Tuesday***Contact:****Reference:** *General Supplemental Report*

On 08/12/19, at approximately 2349hrs, I (Ofc. B. DeHanas) responded as backup to a verbal disturbance near the intersection of Duval Street and Eaton Street.

When I arrived on scene, the suspect in this incident was handcuffed behind his back and on the ground in the 400 block of Eaton Street. I took several photographs of the suspect and later uploaded them onto the Key West Police Department AXON Server.

My AXON BWC was activated during this incident. I later uploaded my BWC footage onto the Key West Police Department AXON Server.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 09/04/2019 11:00

Key West Police Department

OCA: **19004886****THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY**Case Status: **CLEARED BY ARREST**Case Mng Status: **NA**Occurred: **08/12/2019**Offense: **BATTERY**Investigator: **BRABLC, MICHAL (3925)**Date / Time: **08/13/2019 02:05:38, Tuesday**Supervisor: **KOURI, DAVID G (3022)**Supervisor Review Date / Time: **08/13/2019 04:16:52, Tuesday**Contact: **Gunnell, Stephen Henry James
2903 Moccasin Wallow Rd, Palmetto
941-920-9428**Reference: **General Supplemental Report**

On Monday 08/12/2019, at approximetaly 2300 hours, I (Officer M. Brablc) responded to a verbal disturbace call at 425 Eaton St., Key West, FL.

KWPD dispatch advised, MCSO Sgt. David Lariz, was out with a couple arguing at that location.

Upon arrival the parties were separated and no longer arguing. Officer N. Mogerley was talking to the male subject (later identified as Stephen Gunnell) and Officer M. Jackson was with the female subject (later identified as Jennifer Sayko).

Gunnell was highly intoxicated and kept yelling at Sayko not to drive. Sayko told us they did not drive, and their vehicle is at the Hyatt Centric Hotel where the two were staying. Sayko said she will call an Uber for her and Gunnell to get back to the hotel.

Gunnell became upset and got up and started yelling at Sayko again. Officer N. Mogerley told Gunnell to stay quiet and to sit down. Gunnell made couple of steps towards Officer N. Mogerley. Officer Mogerley put his hand on Gunnell's left shoulder and told him to sit back down. Gunnell pushed Officer N. Mogerley away. At that time, I was about 30 feet away from Gunnell and Officer N. Mogerley. I ran over to assist Officer N. Mogerley and grabbed Gunnell's left arm. Gunnell attempted to pull away from us and Officer N. Mogerley utilized his Axon Taser to prevent Gunnell from pulling away from us. Gunnell went down to the ground and Officer M. Jackson and myself placed Gunnell in handcuffs. Gunnell continued to resist and I had to hold him down until EMS arrived.

Gunnell was transported to the Lower Keys Medical Center. I rode in the ambulance with Gunnell and Officer N. Mogerley and Officer M. Jackson followed in their patrol vehicle.

Gunnell was medically cleared and transported to MCDC.

My Axon BWC was activated.

Investigator Signature

Supervisor Signature