

# Response to Resistance Report

Key West Police Department

Case No: 19-5869

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

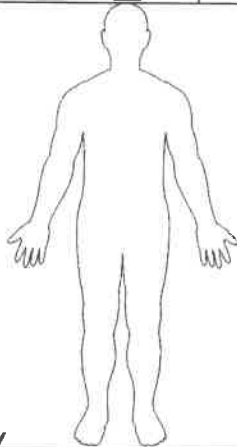
- ☒ A response through the use of non-lethal weapons,  
☒ Applies weaponless physical force of strikes, kicks, or "take-downs"  
☐ When any person sustains an apparent substantial or fatal injury as a result of the application of force  
☐ When any person complains of injury as a result of the application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

INCIDENT

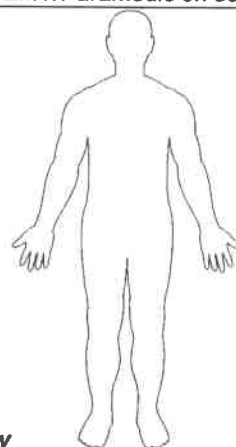
2. Date: 10-5-19 3. Time: 7:51 PM 4. Location: 917 Duval Street 5. Incident type: Disorderly Cond.  
6. Resistance Level 7. Explanation 8. Response Option 9. Explanation  
☐ Passive: ☒ Physical Control Take Down  
☒ Active: Tensing / Pulling Away ☒ Non-lethal Weapon Drive Stun / OC SPRAY  
☐ Aggressive: ☐ Deadly Force  
☐ Deadly Force:

SUBJECT

10. Last Name: Biellier 11. First: Joseph 12. Race: W 13. Sex: M  
14. DOB: 05.24.75 15. Height: 5.07 16. Weight: 140  
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



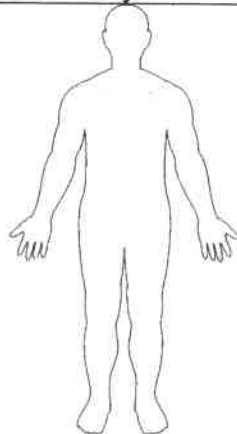
22. Anterior View



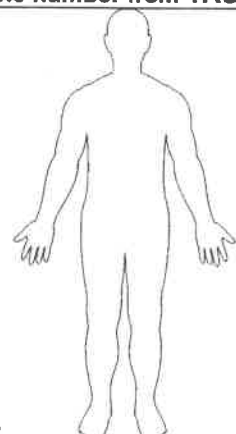
Posterior View

OFFICER

23. Officer: Mark Siracuse 24. Race: W 25. Sex: M 26. Age: 33 27. Height: 5'8 28. Weight: 160  
29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes 30. Yrs Exp: 9.5  
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) TD/SPRAY



35. Anterior View



Posterior View

# Response to Resistance Report (continued)

Key West Police Department

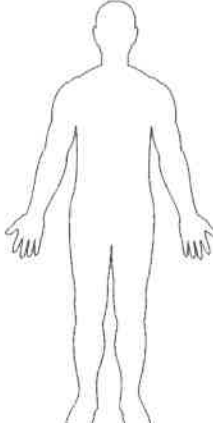
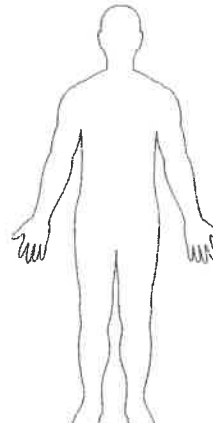
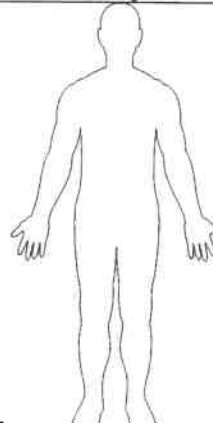
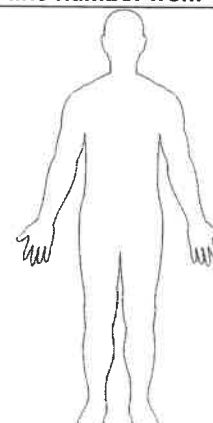
Case No: 19-5869

TASER USE ONLY	36. TASER® device serial # X12002KXF		37. TASER® device serial #	
	TASER®Cam serial # No Cam		TASER®Cam serial #	
	Cartridge 1 serial #		Cartridge 1 serial #	
	Cartridge 2 serial #		Cartridge 2 serial #	
	Number of cycles: 1		Number of cycles:	
	Type of contact: <input 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:		Target distance at probe launch:	
	Distance between probes:		Distance between probes:	
	Probes removed by (name):		Probes removed by (name):	
Device downloaded by: N/A		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: 10-5-19		41. Time: 7:51 PM	
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	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
Nathan Neely		917 Duval Street, KW		305 - 901 - 9397
INT. AFF.	45. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		Sgt. M. Siracuse 3366	
	FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		10/5/19	
	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)		47. Date	
	49. Signature of Internal Affairs Inspector		10/10/19	
	51. If section 48 is "No" record the Professional Standards Control Number:		50. Date	
		52. Date Entered:		

# Response to Resistance Report (continued)

Key West Police Department

Case No: 19-5869

<b>OFFICER</b>	<b>23. Officer:</b> Billy Vazquez <b>24. Race:</b> W <b>25. Sex:</b> M <b>26. Age:</b> 30 <b>27. Height:</b> 5'8 <b>28. Weight:</b> 168					
	<b>29. Duty Status:</b> <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input type="checkbox"/> Uniformed <input type="checkbox"/> Plain					<b>30. Yrs Exp:</b> 7
	<b>31. Injuries:</b> <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)					
	<b>32. Photographed:</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <b>33. Treated:</b> <input type="checkbox"/> No <input type="checkbox"/> Yes <b>By:</b> <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital					
<b>34. Response option used by this officer: (If TASER®, also reference line number from TASER® section)</b>						
<b>OFFICER</b>						
	<b>35. Anterior View</b>			<b>Posterior View</b>		
	<b>23. Officer:</b> <b>24. Race:</b> <b>25. Sex:</b> <b>26. Age:</b> <b>27. Height:</b> <b>28. Weight:</b>					
	<b>29. Duty Status:</b> <input type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input type="checkbox"/> Uniformed <input type="checkbox"/> Plain					<b>30. Yrs Exp:</b>
<b>31. Injuries:</b> <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)						
<b>32. Photographed:</b> <input type="checkbox"/> No <input type="checkbox"/> Yes <b>33. Treated:</b> <input type="checkbox"/> No <input type="checkbox"/> Yes <b>By:</b> <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital						
<b>34. Response option used by this officer: (If TASER®, also reference line number from TASER® section)</b>						
<b>OFFICER</b>						
	<b>35. Anterior View</b>			<b>Posterior View</b>		

INCIDENT DATA		INCIDENT/INVESTIGATION REPORT										Case# 19-005869						
		Agency Name <i>Key West Police Department</i>		ORI <i>FL0440100</i>		Date / Time Reported <i>10/05/2019 21:32 Sat</i>		Last Known Secure <i>10/05/2019 21:32 Sat</i>		At Found <i>10/05/2019 21:32 Sat</i>								
		Location of Incident <i>498 Truman Ave/duval St, Key West FL 33040-</i>				Premise Type <i>Highway / Street / Road/</i>		Beat/GP <i>B2, GPB2</i>										
#1	Crime Incident(s) (Com) <i>Disorderly Conduct DCA</i>				Weapon / Tools <i>NOT APPLICABLE/NONE</i>						Activity							
	Entry		Exit		Security													
#2	Crime Incident (Com) <i>Resist Arrest / Escape XOM</i>				Weapon / Tools						Activity							
	Entry		Exit		Security													
#3	Crime Incident ( )				Weapon / Tools						Activity							
	Entry		Exit		Security													
MO																		
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</i>		DOB <i>Age</i>		Race Sex		Relationship To Offender		Resident Status <i>N/A</i>		Military Branch/Status	
	Home Address										Home Phone							
	Employer Name/Address										Business Phone		Mobile Phone					
	VYR		Make		Model		Style		Color		Lic/Lis		VIN					
	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim) Type: Injury:																	
OTHERS INVOLVED	Code		Name (Last, First, Middle)				Victim of Crime #		DOB <i>Age</i>		Race Sex		Relationship To Offender		Resident Status		Military Branch/Status	
	Home Address										Home Phone							
	Employer Name/Address										Business Phone		Mobile Phone					
	Type:						Injury:											
	Code		Name (Last, First, Middle)				Victim of Crime #		DOB <i>Age</i>		Race Sex		Relationship To Offender		Resident Status		Military Branch/Status	
	Home Address										Home Phone							
Employer Name/Address										Business Phone		Mobile Phone						
PROPERTY	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)																	
	VI #	Code	Status Fm/To	Value	OJ	QTY	Property Description				Make/Model		Serial Number					
		35	EVID	\$0.00		1	IN-CAR COBAN, 3836											
		35	EVID	\$0.00		1	AXON BWC, 3836											
Officer/ID# <i>HAYNIE, THOMAS G (3836)</i>																		
Invest ID# <i>(0)</i>																		
Supervisor <i>SIRACUSE, MARK W (3366)</i>																		
Status	Complainant Signature				Case Status <i>Cleared By Arrest</i>				Case Disposition: <i>Cleared By Arrest</i>				Page 1					
				<i>10/05/2019</i>				<i>10/05/2019</i>										

# INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 19-005869

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
	E	EVI	1.000	DU	BWC 3366	Operate

**Assisting Officers**

SIRACUSE, M.W. (3366), VAZQUEZ, B. (3467), TORRECILLAS, J. (3759), LITTON, A.J. (3958), MORRIS, C.B. (3926),  
WAITE, K.J. (3646), PURCELL, C. (3967), MALAK, T.J. (4045)

Suspect Hate / Bias Motivated:

NARRATIVE

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

OCA

19-005869

Victim

*Society*

Offense

*DISORDERLY CONDUCT*

Date / Time Reported

*Sat 10/05/2019 21:32*

On Saturday, October 5, 2019 around 8:00 PM, I assisted in an arrest of a disorderly subject. Sergeant Siracuse was originally on the call and witnessed the Florida Statutes violated. Sergeant Siracuse's narrative follows:

On 10/5/19, at approximately 1950 hours, I (Sgt. M. Siracuse) was walking southbound on Center Street approaching the intersection of Truman and Center looking for a theft suspect. I was in my class B uniform identifying myself as a Key West Police Officer.

As I approached the intersection of Truman Avenue and Center Street, I could hear two subjects arguing loudly. I later identified the one subject as Joseph Biellier. Biellier was shirtless and appeared to be under the influence of alcohol (stumbling with slurred speech). I watched as Biellier stumbled out into the roadway, stopping vehicular traffic. Biellier was arguing with a second white male, who began walking westbound on Truman Avenue on the south side of the sidewalk. As the two continued yelling, they began causing a scene and disrupting tourists walking by. As I followed the subjects one pedestrian stopped and said, "Thank you," to me.

Prior to making contact with Biellier I began to put on latex gloves. At this point Biellier and the second male subject were walking down opposite sides of the street yelling back and forth to each other. As they approached the intersection of Truman and Duval Street, Biellier again walked out into traffic and stopped the cars approaching Duval Street. Biellier was stumbling around yelling loudly in the middle of the roadway. Biellier had drawn the attention of numerous pedestrians and tourists in the area that were now watching. I placed my gloves on and attempted to detain Biellier for disorderly conduct in front of Martin's Restaurant (917 Duval Street). I walked up behind Biellier and identified myself as the Police. I grabbed Martin's left wrist and placed it in one handcuff. I told Biellier to place his other hand behind his back, but he immediately began resisting me by pulling away and trying to turn his body. I grabbed Biellier's head with my left hand and kept him in an arm bar while giving him several clear, loud, verbal commands to place his other hand behind his back. Biellier ignored my commands and continued yelling. I conducted an arm bar take-down and brought Biellier to the ground. Once on the ground I knelt on his back and continued commands for him to put his other hand behind his back. Biellier continued to ignore those commands and curled his right arm under his body to prevent me from handcuffing him.

I informed KWPD dispatch Biellier was resisting arrest. I tried several times to reach under Biellier and pull out his right arm. Each time, Biellier pulled his arm back under his body. I removed my OC spray from my belt and sprayed Biellier in the face. Biellier seemed unscathed by the spray and continued holding his arm under his body. I continued clear, loud verbal commands for Biellier to place his other hand behind his back, but he did not comply. I sprayed Biellier several more times. I was eventually able to pry Biellier's right wrist from under his body and place him in handcuffs.

Additional officers arrived on scene as backup. Throughout the remainder of the encounter, Biellier continued to resist arrest. While trying to place Biellier in the KWPD transport van, Sgt. Vazquez had to use his Taser to drive-stun Biellier in order to gain compliance (see supplemental report). Bieller was eventually hobbled and a spit mask was placed over his head. Biellier had a contusion above his right eye that had a scab on it and appeared to be an old injury. Neither Biellier nor I suffered any new injuries other than the discomfort from the OC spray.

Ofc. Haynie transported Biellier to the LKMC for ER clearance and brought him to the MCDC for processing. I located a witness who was a waiter of Martin's Restaurant and said he had seen the entire thing (Nathan Neely 305 - 901 - 9397). Neely thanked me and said he knew Biellier and Biellier was a constant problem in the neighborhood.

## REPORTING OFFICER NARRATIVE

Key West Police Department

Victim Society	Offense DISORDERLY CONDUCT	OCA 19-005869 Date / Time Reported Sat 10/05/2019 21:32
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### Biellier's Charges:

Biellier's belligerent behavior affected the peace and quiet of persons who witnessed him, in violation of F.S.S. 877.03 Disorderly Conduct.

Biellier obstructed the efforts of a sworn law enforcement officer during the execution of his legal duty (making an arrest for disorderly conduct), in violation of F.S.S. 843.02

///END OF SERGEANT SIRACUSE'S NARATIVE///

While on scene, I observed Joseph spitting onto the street while officers were escorting him to the police van. Joseph was thrashing about and hollering at the officers. I retrieved a spit mask from the van and placed it on him. I also assisted with menuvering Joseph into the van and securing him for transport.

While at LKMC, Officer Morris and Sergeant Vazquez assisted me in moving Joseph from the KWPD transport van into the emergency room. The emergency room doctor stated Joseph was fine and ordered his vitals checked. Once cleared, we transported Joseph to the Monroe County Detention Center and turned him over to the detention deputies without incident.

# Incident Report Suspect List

Key West Police Department

OCA: 19-005869

1	Name (Last, First, Middle) <b>BIELLIER, JOSEPH DEAN</b>					Also Known As					Home Address <b>STREETS OF KEY WEST KEY WEST, FL 33040</b>																																													
	Business Address <b>NONE, NONE</b>																																																							
	DOB <b>05/24/1975</b>	Age <b>44</b>	Race <b>W</b>	Sex <b>M</b>	Eth <b>N</b>	Hgt <b>505</b>	Wgt <b>140</b>	Hair <b>BLD</b>	Eye <b>GRN</b>	Skin <b>FAR</b>	Driver's License / State. <b>B460484751840 FL</b>																																													
	Scars, Marks, Tattoos, or other distinguishing features																																																							
<table border="1"> <tr> <td colspan="2"><b>Reported Suspect Detail</b></td> <td colspan="2"><b>Suspect Age</b></td> <td><b>Race</b></td> <td><b>Sex</b></td> <td><b>Eth</b></td> <td colspan="2"><b>Height</b></td> <td colspan="2"><b>Weight</b></td> <td colspan="3"><b>SSN</b></td> </tr> <tr> <td colspan="2"><b>Weapon, Type</b></td> <td colspan="2"><b>Feature</b></td> <td colspan="2"><b>Make</b></td> <td colspan="2"><b>Model</b></td> <td colspan="2"><b>Color</b></td> <td colspan="2"><b>Caliber</b></td> <td colspan="2"><b>Dir of Travel</b></td> </tr> <tr> <td colspan="2"><b>VehYr/Make/Model</b></td> <td><b>Drs</b></td> <td colspan="2"><b>Style</b></td> <td colspan="2"><b>Color</b></td> <td colspan="2"><b>Lic/St</b></td> <td colspan="5"><b>VIN</b></td> </tr> </table>															<b>Reported Suspect Detail</b>		<b>Suspect Age</b>		<b>Race</b>	<b>Sex</b>	<b>Eth</b>	<b>Height</b>		<b>Weight</b>		<b>SSN</b>			<b>Weapon, Type</b>		<b>Feature</b>		<b>Make</b>		<b>Model</b>		<b>Color</b>		<b>Caliber</b>		<b>Dir of Travel</b>		<b>VehYr/Make/Model</b>		<b>Drs</b>	<b>Style</b>		<b>Color</b>		<b>Lic/St</b>		<b>VIN</b>				
<b>Reported Suspect Detail</b>		<b>Suspect Age</b>		<b>Race</b>	<b>Sex</b>	<b>Eth</b>	<b>Height</b>		<b>Weight</b>		<b>SSN</b>																																													
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Notes

Physical Char

**HAIR TYPE, BALD**  
**BUILD / SLIM/THIN, MALL**  
**FACIAL HAIR, STUBBLE**



# Incident Report Related Property List

Key West Police Department

OCA: 19-005869

1 Property Description <b>IN-CAR COBAN, 3836</b>		Make		Model		Caliber	
Color	Serial No.	Value <b>\$0.00</b>	Qty <b>1.000</b>	Unit <b>EA</b>	Jurisdiction <b>Locally</b>		
Status <b>Evidence</b>	Date <b>10/05/2019</b>	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) <b>* No name *</b>			DOB	Age	Race	Sex	

Notes

2 Property Description <b>AXON BWC, 3836</b>		Make		Model		Caliber	
Color	Serial No.	Value <b>\$0.00</b>	Qty <b>1.000</b>	Unit <b>EA</b>	Jurisdiction <b>Locally</b>		
Status <b>Evidence</b>	Date <b>10/05/2019</b>	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) <b>* No name *</b>			DOB	Age	Race	Sex	

Notes

3 Property Description <b>BWC 3366</b>		Make		Model		Caliber	
Color	Serial No.	Value <b>\$0.00</b>	Qty <b>1.000</b>	Unit <b>DU</b>	Jurisdiction <b>Locally</b>		
Status <b>Evidence</b>	Date <b>10/05/2019</b>	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) <b>* No name *</b>			DOB	Age	Race	Sex	

Notes

**CASE SUPPLEMENTAL REPORT**

Printed: 11/06/2019 11:13

Key West Police Department

OCA: 19005869

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

Case Status: *CLEARED BY ARREST*Case Mng Status: *NA*Occurred: *10/05/2019*Offense: *DISORDERLY CONDUCT*Investigator: *SIRACUSE, MARK W (3366)*Date / Time: *10/05/2019 21:20:18, Saturday*Supervisor: *VAZQUEZ, BILLY (3467)*Supervisor Review Date / Time: *10/05/2019 21:47:02, Saturday*

Contact:

Reference: *General Supplemental Report*

I, Sgt. M. Siracuse, forwarded the following narrative to Ofc. Haynie for processing:

On 10/5/19, at approximately 1950 hours, I (Sgt. M. Siracuse) was walking southbound on Center Street approaching the intersection of Truman and Center looking for a theft suspect. I was in my class B uniform identifying myself as a Key West Police Officer.

As I approached the intersection of Truman Avenue and Center Street, I could hear two subjects arguing loudly. I later identified the one subject as Joseph Biellier. Biellier was shirtless and appeared to be under the influence of alcohol (stumbling with slurred speech). I watched as Biellier stumbled out into the roadway, stopping vehicular traffic. Biellier was arguing with a second white male, who began walking westbound on Truman Avenue on the south side of the sidewalk. As the two continued yelling, they began causing a scene and disrupting tourists walking by. As I followed the subjects one pedestrian stopped and said, "Thank you," to me.

Prior to making contact with Biellier I began to put on latex gloves. At this point Biellier and the second male subject were walking down opposite sides of the street yelling back and forth to each other. As they approached the intersection of Truman and Duval Street, Biellier again walked out into traffic and stopped the cars approaching Duval Street. Biellier was stumbling around yelling loudly in the middle of the roadway. Biellier had drawn the attention of numerous pedestrians and tourists in the area that were now watching. I placed my gloves on and attempted to detain Biellier for disorderly conduct in front of Martin's Restaurant (917 Duval Street). I walked up behind Biellier and identified myself as the Police. I grabbed Martin's left wrist and placed it in one handcuff. I told Biellier to place his other hand behind his back, but he immediately began resisting me by pulling away and trying to turn his body. I grabbed Biellier's head with my left hand and kept him in an arm bar while giving him several clear, loud, verbal commands to place his other hand behind his back. Biellier ignored my commands and continued yelling. I conducted an arm bar take-down and brought Biellier to the ground. Once on the ground I knelt on his back and continued commands for him to put his other hand behind his back. Biellier continued to ignore those commands and curled his right arm under his body to prevent me from handcuffing him.

I informed KYPD dispatch Biellier was resisting arrest. I tried several times to reach under Biellier and pull out his right arm. Each time, Biellier pulled his arm back under his body. I removed my OC spray from my belt and sprayed Biellier in the face. Biellier seemed unscathed by the spray and continued holding his arm under his body. I continued clear, loud verbal commands for Biellier to place his other hand behind his back, but he did not comply. I sprayed Biellier several more times. I was eventually able to pry Biellier's right wrist from under his body and place him in handcuffs.

Investigator Signature

Supervisor Signature

**CASE SUPPLEMENTAL REPORT**

Printed: 11/06/2019 11:13

Key West Police Department

OCA: **19005869****THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY**Case Status: *CLEARED BY ARREST*Case Mng Status: *NA*Occurred: *10/05/2019*Offense: *DISORDERLY CONDUCT*Investigator: *SIRACUSE, MARK W (3366)*Date / Time: *10/05/2019 21:20:18, Saturday*Supervisor: *VAZQUEZ, BILLY (3467)*Supervisor Review Date / Time: *10/05/2019 21:47:02, Saturday*

Contact:

Reference: *General Supplemental Report*

Additional officers arrived on scene as backup. Throughout the remainder of the encounter, Biellier continued to resist arrest. While trying to place Biellier in the KYPD transport van, Sgt. Vazquez had to use his Taser to drive-stun Biellier in order to gain compliance (see supplemental report). Bieller was eventually hobbled and a spit mask was placed over his head. Biellier had a contusion above his right eye that had a scab on it and appeared to be an old injury. Neither Biellier nor I suffered any new injuries other than the discomfort from the OC spray.

Ofc. Haynie transported Biellier to the LKMC for ER clearance and brought him to the MCDC for processing. I located a witness who was a waiter of Martin's Restaurant and said he had seen the entire thing (Nathan Neely 305 - 901 - 9397). Neely thanked me and said he knew Biellier and Biellier was a constant problem in the neighborhood.

**Biellier's Charges:**

Biellier's belligerent behavior affected the peace and quiet of persons who witnessed him, in violation of F.S.S. 877.03 Disorderly Conduct.

Biellier obstructed the efforts of a sworn law enforcement officer during the execution of his legal duty (making an arrest for disorderly conduct), in violation of F.S.S. 843.02

This incident was captured in its entirety on my BWC camera.

Investigator Signature

Supervisor Signature

**CASE SUPPLEMENTAL REPORT**

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**Investigator:** *VAZQUEZ, BILLY (3467)***Date / Time:** *10/05/2019 21:47:54, Saturday***Supervisor:** *SIRACUSE, MARK W (3366)***Supervisor Review Date / Time:** *10/05/2019 23:33:09, Saturday***Contact:****Reference:** *General Supplemental Report*

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On October 5th, 2019 at about, 1951 hours, I responded to the 900 block of Duval Street to backup Sgt. Siracuse. While enroute to the aforementioned location, Sgt. Siracuse advised over our police radio he had a subject resisting arrest.

I arrived a few moments later and observed a subject known to me as Joseph Biellier, sitting on the sidewalk screaming at officers on scene. I spoke to Sgt. Siracuse who briefed me on the incident. Sgt. Siracuse stated he observed Biellier acting disorderly in the area of Truman and Duval St. Sgt. Siracuse stated he made contact with Biellier and attempted to place him in handcuffs. Biellier began to physically resist Sgt. Siracuse. Sgt. Siracuse used a arm bar takedown. Biellier was also subsequently peppered spray. See Sgt. Siracuse's supplemental report.

NOTE: I asked Biellier if he was injured and he stated " I was sucker punched two days ago", referring to his swollen eye.

I called for Ofc. Haynie to be enroute with the transport van. Ofc. Haynie arrived a few minutes later. Ofc. Purcell, Ofc. Malak, Ofc. Haynie and I escorted Biellier to the rear of the transport van. Once at the rear of the van, Biellier began to spit. We placed a spit mask on Biellier. I escorted Biellier inside the van. Once inside, Biellier began to violently head butt the roof of the van. I gave Biellier loud verbal commands to have a seat. Biellier refused and began to stiffen his body. I removed my cartridge from my department issued Taser and delivered one drive stun to Biellier's lower abdomen area. Biellier immediately had a seat. Biellier then tried to move his handcuffs to the front of his body. I called for a hobble restraint. Moments later we removed Biellier from the van. A Hobble restraint was placed on Biellier. Biellier was placed in the rear of the van again and transported to LKMC without further incident.

Once Biellier was medically cleared Ofc. Haynie transported him to MCDC without incident.

BWC was activated.

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Investigator Signature

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Supervisor Signature