

Response to Resistance Report

Key West Police Department

Case No: 20-3569

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: 3. Time: 4. Location: 5. Incident type:

6. Resistance Level

- ☐ Passive:
☒ Active:
☐ Aggressive:
☐ Deadly Force:

7. Explanation

RUNNING, EVASIVE MOVEMENT

8. Response Option

- ☒ Physical Control
☒ Non-lethal Weapon
☐ Deadly Force

9. Explanation

GROUND RESISTANT
TASER

10. Last Name: SANICKI

11. First: DARIN

12. Race: W 13. Sex: M

14. DOB: 1/9/92

15. Height: 6'2

16. Weight: 180 lbs.

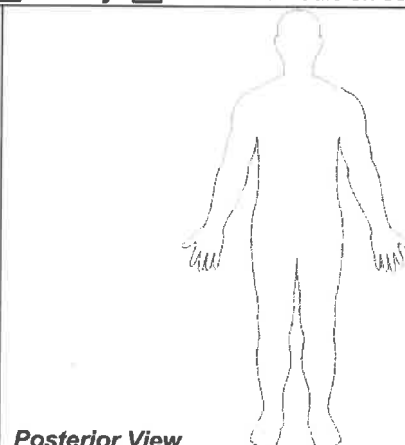
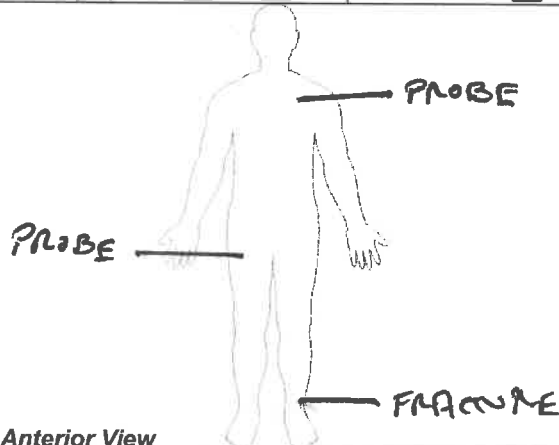
17. Did you observe the subject: ☐ No ☒ Yes If NO, explain why in Section 42. If "YES", complete sections 18-22

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



23. Officer: ALOINT V. HARRIS 24. Race: W 25. Sex: M 26. Age: 27 27. Height: 5'7" 28. Weight: 160

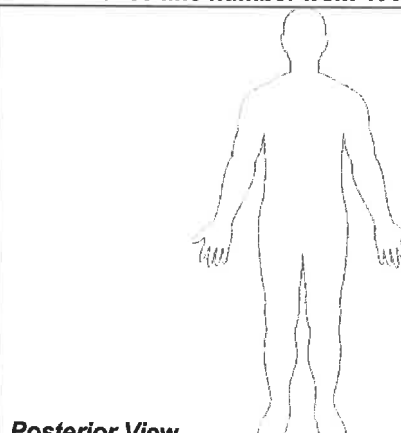
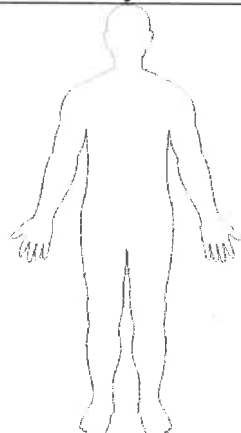
29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☐ Uniformed ☐ Plain clothes 30. Yrs Exp: 3.5

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) TASER

OFFICER



Response to Resistance Report (continued)

Key West Police Department

Case No: 20-3569

TASER USE ONLY	36. TASER® device serial # <u>X1200CW37</u>	37. TASER® device serial #
	TASER®Cam serial # <u>V21001C74</u>	TASER®Cam serial #
	Cartridge 1 serial # <u>C41079HE3</u>	Cartridge 1 serial #
	Cartridge 2 serial # <u>N/A</u>	Cartridge 2 serial #
	Number of cycles: <u>1</u>	Number of cycles:
	Type of contact: <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No
	Target distance at probe launch: <u>6 FT.</u>	Target distance at probe launch:
	Distance between probes: <u>3 FT.</u>	Distance between probes:
	Probes removed by (name): <u>SIRAWSE (BEERMAN)</u>	Probes removed by (name):
Device downloaded by: <u>N/A</u>	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.	
SUPERVISOR'S INQUIRY	40. Notified Date: <u>8/25/2020</u>	
	41. Time: <u>1300 HRS</u>	
	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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "No", explain why)	
	<u>TASER CAM NOT CURRENTLY ACCESSIBLE</u>	
	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 type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "Yes," list below)	
	<u>03.29.02.03 PRE-DEPLOYMENT CONSIDERATIONS</u>	
	<u>B.5 (PERSONS IN DANGER OF CAUSING A LETHAL DISTANCE)</u>	
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
<u>GUNOZA GULYAMOVA</u>	<u>3333 DUCK AVE #200F</u>	<u>786-901-4972</u>
47. Is further review recommended: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		
48. Preparing Supervisor's Signature / ID		49. Date
<u>SGT. M. SIRAWSE 3386</u>		<u>9/11/2020</u>
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)	
	51. Signature of Internal Affairs Inspector	52. Date
<u>[Signature]</u>		<u>9/11/20</u>
53. If section 48 is "No" record the Professional Standards Control Number:		54. Date Entered:

INCIDENT/INVESTIGATION REPORT

I N C I D E N T D A T A	Agency Name Key West Police Department		INCIDENT/INVESTIGATION REPORT		Case# 20-003569					
	ORI FL0440100				Date / Time Reported 08/25/2020 12:39 Tue					
	Location of Incident 3333 DUCK AVE - F202, Key West FL 33040-				Last Known Secure 08/25/2020 12:39 Tue					
	Premise Type Other Residence - Single				Beat/GP B5, GPB5					
V I C T I M	At Found 08/25/2020 12:39 Tue									
	#1	Crime Incident(s) Criminal Mischief / Vandalism VAC	(Com)	Weapon / Tools NOT APPLICABLE/NONE		Activity				
				Entry	Exit	Security				
	#2	Crime Incident Resist Arrest / Escape XOM	(Com)	Weapon / Tools		Activity				
				Entry	Exit	Security				
	#3	Crime Incident Baker / Marchman Act ZOJ	(Com)	Weapon / Tools		Activity				
Entry				Exit	Security					
O T H E R I N V O L V E D	MO									
	# of Victims 2		Type: SOCIETY/PUBLIC/STATE		Injury: Domestic: N					
	V1	Victim/Business 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									
	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: BUSINESS Injury: Broken Bones										
Code V2	Name (Last, First, Middle) WEST ISLE CLUB APARTMENTS MRO			Victim of Crime # 1,	DOB // : : Age	Race	Sex	Relationship To Offender OK	Resident Status N/A	Military Branch/Status
Home Address 3333 DUCK AVE - A107 KEY WEST, FL 33040								Home Phone 305-294-3124		
Employer Name/Address								Business Phone		
Mobile Phone										
Type: INDIVIDUAL Injury:										
Code IO	Name (Last, First, Middle) JANICKI, DARIUSZ ARTUR			Victim of Crime #	DOB 01/09/1992 Age 28	Race W	Sex M	Relationship To Offender	Resident Status Resident	Military Branch/Status
Home Address 3333 DUCK AVE - 202F KEY WEST, FL 33040								Home Phone 305-731-0855		
Employer Name/Address UNEMPLOYED (COOK)								Business Phone		
Mobile Phone 305-780-2516										
L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)										
P R O P E R T Y	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number	
	35	EVID		\$1.00		1	AXON BWC 3820	AXON/Bwc		
	99	EVID		\$1.00		1	PHOTOGRAPHS			
	35	EVID		\$1.00		1	AXON TASER VIDEO 3820	AXON/Taser		
Officer/ID# VALDES-MARRERO, ALIOHT (3820)										
Invest ID# (0)										
Supervisor SIRACUSE, MARK W (3366)										
Status	Complainant Signature				Case Status Active		Case Disposition: 08/25/2020		Page 1	

Incident Report Additional Name List

Key West Police Department

OCA: 20-003569

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	GULYAMOVA, GULNOZA		04/19/1972	48	A	F
	Address 3333 DUCK AVE Apt. 202F, KEY WEST, FL 33040-		H: 786-901-4972			
	Empl/Addr Unk		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 20-003569

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

ARGUELLO, V.S. (3917), SIRACUSE, M.W. (3366), PETTEE, M. (3434), BEEMAN, T.J. (3385)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

20-003569

Victim

Society

Offense

CRIMINAL MISCHIEF / VANDALISM

Date / Time Reported

Tue 08/25/2020 12:39

On August 25, 2020, at approximately 1259 hours, I (Ofc Valdes Marrero) responded to 3333-F202 Duck Avenue, in reference to a mental health issue. Dispatch advised that the caller (later identified as Dariusz Janicki from prior law enforcement encounters) needed police officers to respond to his house because cartel members were trying to kill him. Janicki told dispatch that cartel members were also taking KWPD officers and that officers were threatening to kill him. Dispatch also said Janicki had called the FBI after he had called KWPD.

Upon arrival, Sgt. M. Siracuse and I walked up to building F, apartment 202. Janicki and a female answered the door. Janicki was asked to step away from the door and to walk down to the first floor with us, as a safety precaution due to the height of the second floor. Janicki refused to comply with our request and continued to act in a paranoid manner. Janicki said he was concerned that KWPD officers were trying to kill him and that he could identify such officers.

Janicki asked several times if our body worn cameras were activated and if our radios were on. Janicki also kept saying, "what do you want me to do", and asked for more officers to be present. Janicki said, "If I go back to Depoo hospital I'm going to commit suicide", but as he made the statement, he gestured quotations in the air. Janicki continued to be paranoid as we spoke and appeared in a heightened state of mind. Janicki statements were incoherent and wasn't making much sense. Janicki denied drinking or taking any drugs, besides what he has been prescribed.

I asked Janicki if he had any suicidal thoughts, but he denied. Janicki had several bruises, scrapes, and a splint on his left forearm/hand. Janicki said those injuries were old and were sustained from a fall from his second story balcony about a week prior. Even though Janicki did not express he wanted to hurt himself or others, based on my training and experience and due to Janicki's altered state of mind, I determined Janicki wasn't able to understand that he needed to be taken into protective custody.

Janicki finally agreed to walk down to the first floor of the apartment unit so we could speak. As we walked downstairs, Janicki started walking away from us. Janicki was walking away very fast, almost jogging. Janicki went to building G, which is located next to building F where he lives. Janicki went up the stairs started banging on several windows of the apartments. Janicki was banging the windows in an aggressive manner, and I was afraid he could break them. Janicki's intentions were unknown, and I feared for the safety of other residents in the apartments and Janicki himself. Janicki then ran up to the second floor of building G. It was clear that Janicki state of mind was altered and he needed to be taken into protective custody

I tried negotiating with Janicki for some time so he could come down to the first floor, but it was to no avail. Janicki then broke the fire extinguisher case on the second floor and grabbed it. I unholstered my agency issued AXON Taser and pointed it at Janicki. I gave Janicki loud and repetitive commands to drop the fire extinguisher and he eventually complied. I asked Janicki to walk towards me and he briefly complied but then stopped. Sgt. Siracuse reached to grab Janicki, but Janicki went towards the railing as if he were about to jump off the second story balcony. I deployed my agency issued AXON Taser in an attempt to stop Janicki from jumping over the railing. Sgt. Siracuse tried grabbing Janicki prior to him jumping but wasn't able to hold him back. Janicki went over the railing of the second story balcony and landed on top of several bicycles that were parked downstairs. I rushed down the stairs to make sure Janicki was okay and to attempt to take him into custody. Janicki tensed up, and forcibly resisted and refused to put his hands behind his back. Sgt. Siracuse and I called for back-up units to respond to help taking Janicki into custody. Janicki kept refusing to place his hands behind his back and he was pinned on the ground until other units arrived and helped to get him into custody.

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
20-003569
Date / Time Reported
Tue 08/25/2020 12:39

Victim	Offense	
Society	CRIMINAL MISCHIEF / VANDALISM	

Janicki was placed in handcuffs and a hobble restraint. EMS personal responded to the scene and provided Janicki with some sedatives to help him calm down. EMS personal transported Janicki to LKMC and I rode in the ambulance to assert the safety of Janicki and EMS personal. Once at LKMC, Janicki was given other sedatives, x-rays and CT scan. Janicki only suffered a broken left ankle/foot from the fall along with other scrapes and bruises. Janicki also had two small perforation wounds (one of the top left pectoral and one on the side of his right thigh), which were caused from the Taser darts from when I deployed it.

Due to the threat Janicki posed to himself and others and due to his altered state of mind, I decided it was best for Janicki to be evaluated further. I completed an involuntary baker act form and gave it to the hospital staff. Janicki remained at LKMC for further evaluation due to his injuries. It was later brought to my attention by the hospital doctor that Janicki toxicology blood work was normal. The doctor said Janicki only had traces of Hydrocodone, which were prescribed to him earlier on the day on a different ER visit.

My agency issued AXON BWC and AXON Taser were activated during this incident. The video recordings were uploaded to the server as evidence. I also photographed Janicki injuries and the photographs were uploaded to the server as evidence. Ofc. Arguello submitted the Taser cartridge and prongs into evidence.

I will be seeking a warrant for Janicki's arrest on my next duty day. Janicki will face charges of criminal mischief and resisiting arrest.

Incident Report Related Property List

Key West Police Department

OCA: 20-003569

1		Property Description AXON BWC 3820			Make AXON		Model BWC		Caliber		
Color Black/Black		Serial No.		Value \$1.00		Qty 1.000		Unit EA		Jurisdiction Locally	
Status Evidence		Date 08/25/2020		NIC #		State #		Local #		OAN	
Name (Last, First, Middle) West Isle Club Apartments Mro,						DOB / /		Age		Race Sex	

Notes

2		Property Description PHOTOGRAPHS			Make		Model		Caliber		
Color		Serial No.		Value \$1.00		Qty 1.000		Unit EA		Jurisdiction Locally	
Status Evidence		Date 08/25/2020		NIC #		State #		Local #		OAN	
Name (Last, First, Middle) West Isle Club Apartments Mro,						DOB / /		Age		Race Sex	

Notes

3		Property Description AXON TASER VIDEO 3820			Make AXON		Model TASER		Caliber		
Color Black/Black		Serial No.		Value \$1.00		Qty 1.000		Unit EA		Jurisdiction Locally	
Status Evidence		Date 08/25/2020		NIC #		State #		Local #		OAN	
Name (Last, First, Middle) West Isle Club Apartments Mro,						DOB / /		Age		Race Sex	

Notes

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 08/25/2020 19:48

OCA: **20003569**

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

Investigator: *ARGUELLO, VICTOR S (3917)*

Date / Time: *08/25/2020 17:18:26, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On Tuesday, August 25, 2020 at approximately 1239 hours, I responded to assist Ofc. Valdes Marrero and Sgt. Siracuse, they had requested back up.

Upon arrival, I noticed that Ofc. Valdes Marrero and Sgt. Siracuse had a White male (later identified as Dariusz Janicki) pinned down to the ground. Janicki was sweating profusely and yelling that we were trying to kill him. Janicki was actively pulling away from Ofc. Valdes Marrero and trying to kick Sgt. Siracuse. Ofc. Valdes Marrero informed me that his handcuffs were on the ground, I grabbed the handcuffs and secured Janicki. I assisted in holding Janicki's legs while Key West Rescue arrived. I assisted in placing Janicki on the stretcher, once Key West Rescue arrived.

I placed Ofc. Valdes Marrero's deployed cartridge in Key West Property as evidence. I don't have further involvement in this case.

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 08/25/2020 19:49

OCA: **20003569**

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

Investigator: *BLASBERG, FRANK (1598)*

Date / Time: *08/25/2020 14:05:08, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On today's date, approximately 1:20pm, Sgt. Siracuse (already at the call) requested additional officer(s) to the scene and to expedite. Ofc. Beeman responded and I also did priority 1. While in route, I advised COMM 1 to have KWFR "stage" nearby since I believed they were going to be needed. Upon arrival the following was observed and heard:

The scene was at West Isle Apartments, in and around the "F" and "G" buildings. Officers Arguello, Beeman and Morrero, along with Sgt. Siracuse had already arrived on scene and a W/M (shirtless, tan shorts with numerous tattoos) was prone on the ground in between a bicycle rack. The W/M, from my training and experience, was experiencing some sort of psychotic and /or mind altering substance episode screaming, "They're going to kill me," and other unintelligible words and phrases. He also was struggling in a most aggressive manner with the officers restraining him on the ground.

Where the W/M was in the bicycle rack, two bicycles had to be cut and removed as to not injure the W/M further and to remove him so KWFR and provide medical treatment to his injuries. KWFR R. Monahan provide care and administered a sedative to calm the W/M which seemed to have some effect. The W/M was then put on a stretcher, wheeled to the ambulance and then transported to the ER for further evaluation.

I went back to the initial scene making sure all officers were not injured and completed this supplemental report. BWC was downloaded at the end of shift

Since I was priority 1, my Coban was activated but has not evidentiary value regarding this case

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 08/25/2020 19:50

OCA: **20003569**

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

Investigator: *SIRACUSE, MARK W (3366)*

Date / Time: *08/25/2020 17:43:50, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On 8/25/2020, at approximately 1239 hours, I (Sgt. M. Siracuse) was dispatched to 3333 Duck Avenue (West Isle Apartments), reference a mentally ill subject.

Upon arrival, Ofc. A. Valdes-Marrero and I knocked on the door of apartment 202F. After some time, Dariusz Janicki answered the door and met with us. I am familiar with Janicki from numerous prior law enforcement interactions.

Janicki appeared to be under the influence of narcotics and extremely paranoid. Throughout our encounter, Janicki said crazy things like "Turn on your radios, let me talk on them, you have snipers waiting for me, you're going to kill me, im going to commit suicide at depoo, etc." It was clear to us Janicki was suffering from some sort of mental illness and/or drug enduced delirium. After some time, we were able to talk Janicki into coming down the stairs to the ground level (his apartment was on the second floor."

Once ground level, Janicki quickly walked across the grass and ran up the first flight of steps at the G building. Janicki banged on the large windows of the apartments on the first floor, then proceeded to the second floor. Once on the second floor. Janicki smashed the plexiglass covering of a fire extinguisher holder and took the extinguisher out. Ofc. A. Valdes was in front of me and had drawn his taser and was giving Janicki clear loud verbal commands to put the extinguisher down and face him. Janicki did place the extinguisher down, and we began to talk him into coming back down the stairs.

Just before actually taking his first step down, Janicki suddenly decided to jump off the stairwell (an approximate 20 + ft fall). I attempted to grab Janicki as he fell but was unsuccessful, and he plummeted down into a bicycle rack full of bicycles. Just as he leaped over the railing, Ofc. Valdes deployed his taser and tased him in the air. The taser made connection and one prong hit Janicki in the right side of his upper abdomen, and the second in the front of his left thigh.

Once on the ground, Janicki began yelling. Ofc. Valdes and I wrestled with Janicki as he ignored multiple clear loud verbal commands to stop resisting us. I pinned Janicki's legs down so he couldn't move and Ofc. Valdes was able to place him in handcuffs. Additional officers arrived on scene and assisted in detaining Janicki using a hobble. Janicki was sedated on scene by rescue and transported to the ER.

During our encounter, I noticed Janicki had other injuries (broken wrist, bruised side, scuffed leg, etc). When I asked him about those injured he said he had sustained them from recently jumping off a balcony. KWPD Communications confirmed Ofc. Leahy had recently responded to the same location after Janicki fell from his apartment's balcony.

Ofc. Valdes informed me Janicki was treated at the ER and Baker Acted. Janicki also suffered a broken ankle, which

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 08/25/2020 19:50

OCA: **20003569**

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

Investigator: *SIRACUSE, MARK W (3366)*

Date / Time: *08/25/2020 17:43:50, Tuesday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

was believed to be the only new injury.

My BWC was activated during this incident and has been uploaded. I also collected the taser cartridge, prongs, and wires on scene and gave them to Ofc. Valdes to place into property.

I photographed the scene using Axon capture and asked Ofc. Valdes to photograph Janicki's person at the hospital.

Investigator Signature: _____