

# Response to Resistance Report

Key West Police Department

Case No:

20-4787

## 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: 11/22/20

3. Time: 2245

4. Location: Shots and Giggles Bar

5. Incident type: S0/S33

6. Resistance Level

7. Explanation

8. Response Option

9. Explanation

☐ Passive:

☒ Active:

☐ Aggressive:

☐ Deadly Force:

Bracing and tensing

☒ Physical Control

☐ Non-lethal Weapon

☐ Deadly Force

Take Down/Arm Bar

SUBJECT

10. Last Name: Sielski

11. First: Marius Hubert

12. Race: White

13. Sex: Male

14. DOB: 10.29.69

15. Height: 6'00

16. Weight: 195

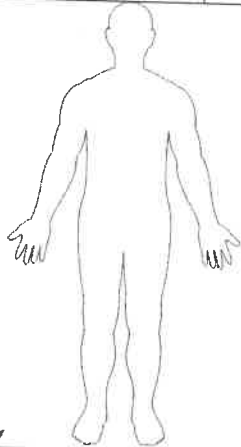
17. Did you observe the subject: ☐ No ☒ Yes

If NO, explain why in Section 42. If "YES", complete sections 18-22

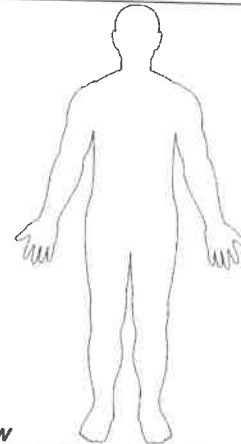
18. Appeared to be: ☒ Intoxicated ☐ Under the influence of controlled substance ☐ Emotionally / mentally disturbed

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: Tim Malak

24. Race: W

25. Sex: M

26. Age: 30

27. Height: 6'00

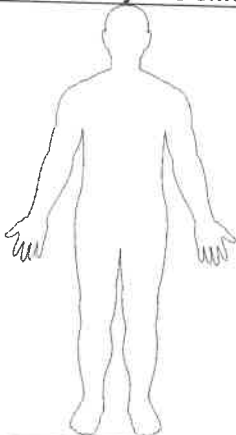
28. Weight: 240

29. Duty Status: ☐ On-duty ☐ Off-duty ☒ Extra duty employment ☒ Uniformed ☐ Plain clothes 30. Yrs Exp: 6.5

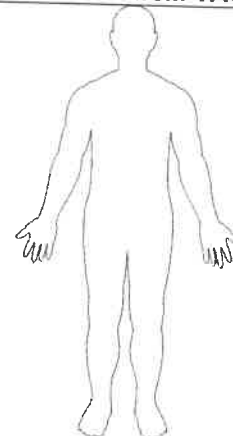
31. Injuries: ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

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)



35. Anterior View



Posterior View

# Response to Resistance Report (continued)

Key West Police Department

Case No: 20-4787

<b>TASER USE ONLY</b>	<b>36. TASER® device serial #</b>		<b>37. TASER® device serial #</b>	
	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.				
<b>REPORT</b>	<b>39. Offense/Incident Report and/or Warrant Affidavit must include:</b>			
	<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.			
<b>SUPERVISOR'S INQUIRY</b>	<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.			
	<b>40. Notified Date: 11.22.20</b>		<b>41. Time: 2245</b>	
	<b>42. Did you respond to the scene:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	I responded after the incident occurred. I spoke to one witness on scene.			
	<b>43. Did you meet with the Officer:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	I responded after the incident occurred.			
	<b>44. Were you able to locate any independent witnesses:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "Yes," list below)			
	Name		Address	
Madison Delph		2101 Harris Ave KW, FL 33040		
		Phone Number		
		305.587.3678		
<b>INT. AFF.</b>	<b>45. Is further review recommended:</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
	FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS			
	<b>48. Did the review of this incident conclude that use of force was in compliance with Departmental policy?</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", complete section 51)		<b>46. Preparing Supervisor's Signature / ID</b>	
			11.23.20	
			47. Date	
		<b>49. Signature of Internal Affairs Inspector</b>		
		3586		
		11/23/20		
		50. Date		
<b>51. If section 48 is "No" record the Professional Standards Control Number:</b>				
<b>52. Date Entered:</b>				

# INCIDENT/INVESTIGATION REPORT

Agency Name  
**Key West Police Department**

ORI  
**FL0440100**

Case#  
**20-004787**

Date / Time Reported  
**11/22/2020 22:42 Sur**

Last Known Secure  
**11/22/2020 22:42 Sur**

At Found  
**11/22/2020 22:42 Sur**

Location of Incident  
**201 ANN ST, Key West FL 33040-**

Premise Type  
**Bar / Nightclub / Lounge**

Beat/GP  
**B1, GPB1**

#1 Crime Incident(s) (Com)  
**Weapons Carry A Concealed Firearm / Weapon - WEC**

#2 Crime Incident (Com)  
**Resist Arrest / Escape XOM**

#3 Crime Incident ( )

Weapon / Tools  
**HANDGUN**

Entry Exit Security Activity

Weapon / Tools

Entry Exit Security Activity

Weapon / Tools

Entry Exit Security Activity

MO

V  
I  
C  
T  
I  
M

# of Victims **1** Type: **SOCIETY/PUBLIC/STATE** Injury: Domestic: **N**

V1 Victim/Business Name (Last, First, Middle)  
**Society** Victim of Crime # **1,2** DOB Age Race Sex Relationship To Offender Resident Status **N/A** Military Branch/Status

Home Address

Employer Name/Address Home Phone

Business Phone Mobile Phone

VYR Make Model Style Color Lic/Lis VIN

O  
T  
H  
E  
R  
S  
  
I  
N  
V  
O  
L  
V  
E  
D

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = 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

Employer Name/Address Home Phone

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

Employer Name/Address Home Phone

Business Phone Mobile Phone

P  
R  
O  
P  
E  
R  
T  
Y

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 From/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
35	EVID		\$0.00		1	AXON 4011		
35	EVID		\$0.00		1	COBAN IN CAR		
19	EVID		\$200.00		1	BERETTA	380/BERETTA/Pico	PC002673
35	EVID		\$0.00		1	AXON 4011		
35	EVID		\$0.00		1	COBAN IN CAR		

Officer/ID# **ROSCOE, RAYMOND (4011)**

Invest ID# **(0)**

Supervisor **SIMS, FRED CARTER (2301)**

Status Complainant Signature

Case Status  
**Cleared By Arrest**

Case Disposition:  
**Cleared By Arrest**

**11/23/2020**

Page 1

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Printed By: CSIMS, L20156 # csims

**11/23/2020**

Sys#: 1

11/23/2020 04:06

# Incident Report Additional Name List

Key West Police Department

OCA: 20-004787

## Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	FOURNIER, JEROME RONALD		01/23/1964	56	W	M
Address 13909 WALNUT CANYON CT, ROANOKE, TX 76262-			H: 248-229-1497			
Empl/Addr Ford Motor Company			B: - -			
			Mobile #: - -			

# INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 20-004787

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), MALAK, T.J. (4045)

Suspect Hate / Bias Motivated:

NARRATIVE

## REPORTING OFFICER NARRATIVE

Key West Police Department

Victim Society	Offense WEAPONS CARRY A CONCEALED FIREARM /	OCA 20-004787 Date / Time Reported Sun 11/22/2020 22:42
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On 11/22/2020 at 2242 hours, I was dispatched 501 Ann St. (Shots and Giggles) for a possible criminal mischief call.

While en-route to the the call dispatch aired that the suspect had been in possession of a firearm and it been removed.

When I arrived, Ofc. Malak was on scene and talking to Mariusz Hubert Sielski. Ofc. Malak was in the process of trying to identify Sielski who had no form of identification on his person.

Ofc. Malak then went inside the bar to retrieve the firearm while I stayed with Sielski attempting to identify him. In talking to Sielski he was unable to maintain his balance; his speech was slurred and there was an odor of alcohol coming from his breath. I asked him for his name and date of birth to which he misspelled his name.

Ofc. Malak retrieved the firearm from the bartender, made it safe and placed into the back of my patrol car.

At this point I searched Sielski where I found an additional magazine with six rounds in his bottom left shorts pocket. I also found an approximately 6inch black folding knife in his top right short pocket.

I returned to my car to run Sielski's information in attempt to identify him as Ofc. Malak stayed with him. I then heard Ofc. Malak telling Sielski not to walk toward him. I looked up to see Ofc. Malak pushing Sielski away to regain his reactionary gap. I got out of my car and went to assist Ofc. Malak when Sielski approached him again. At this point Ofc. Malak attempted to put Sielski in handcuffs when he resisted. Ofc. Malak re-directed Sielski to the ground in a controlled manner using an armbar takedown. Once Sielski was on th ground Ofc. Malak and placed him in handcuffs.

I then went inside the bar to interview the witness Jerome Founder (identified by a TX DL). According to Founder, Sielski and he were on the patio at the bar when Sielski proceeded to pull a Beretta 9mm Pico (SN PC002673) handgun from his pocket and began to show it to him. At this point Founder asked Sielski if he could see the weapon to which Sielski agreed and handed it to Founder. Founder took the handgun from Sielski went inside the bar and turned the firearm over to the bartender who then called the police.

I placed Sielski under arrest for possessing a firearm in an establishment licensed to dispense alcoholic beverages for consumption on the premises. I placed Sielski into the back of my patrol car and transported Sielski to the MCDC without incident.

Mariusz Hubert Sielski did knowingly and willingly commit the offense carry conceal weapon firearm spec locations F.S. 790.06(12) by being in possession of firearm on a portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose.

Mariusz Hubert Sielski did knowingly and willingly commit the offense resisting/ obstruct an officer w/o violence F.S. 843.02 by pulling away from Ofc Malak when he attempted to place him in handcuffs, causing Ofc. Malak to have to re-directed Sielski to the ground in a controlled manner using an armbar takedown.

## REPORTING OFFICER NARRATIVE

*Key West Police Department*

Victim <i>Society</i>	Offense <i>WEAPONS CARRY A CONCEALED FIREARM /</i>	OCA <i>20-004787</i>
		Date / Time Reported <i>Sun 11/22/2020 22:42</i>

My BWC recorded the above interaction.

Nothing further at this time.

# Incident Report Suspect List

Key West Police Department

OCA: 20-004787

1

Name (Last, First, Middle) <i>SIELSKI, MARIUSZ HUBERT</i>						Also Known As				Home Address <i>10955 BRISTOL BAY DR - 108 BRADENTON, FL 34209</i>			
Business Address <i>UNKNOWN, UNKNOWN</i>													
DOB <i>10/29/1969</i>	Age <i>51</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>600</i>	Wgt <i>200</i>	Hair <i>BLD</i>	Eye <i>BLU</i>	Skin <i>FAR</i>	Driver's License / State. <i>S420548693890 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
VehYr/Make/Model	Drs	Style	Color	Lic/St	VIN				

Notes

Physical Char



**CASE SUPPLEMENTAL REPORT**  
**NOT SUPERVISOR APPROVED**

Printed: 11/23/2020 01:59

OCA: 20004787

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

Investigator: *MALAK, TIMOTHY J (4045)*

Date / Time: *11/23/2020 00:26:28, Monday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On 11/22/20 at 2242hrs, I, Officer Malak, responded to 201 Ann St (Shots and Giggles Bar), in reference to an intoxicated male wearing a black shirt and a black cowboy hat, attempting to break down a fence. Also, the caller, the bartender Kaylee (who does not wish to be identified further), stated the described male had a gun on him, but she had possession of it behind the bar.

Upon arrival, I observed the described male, later identified as Mariusz Sielski DOB 10/29/69, standing on the porch of 201 Ann St.

I approached Sielski and asked him to step down from the porch and speak with me, he complied. As Sielski walked towards me, his balance was poor, and he was emitting the smell of an alcoholic beverage from his breath. I asked Sielski if he was attempting to break down the fence, with Sielski stating he did not do anything. I explained the complaint to Sielski and asked him about his firearm. Sielski stated he did not have the firearm, but the bartender had it. I explained to Sielski he could not carry a firearm while consuming alcoholic beverages, with Sielski stating he was not drinking alcoholic beverages.

Officer Roscoe arrived on scene and continued to ask Sielski questions (see Officer Roscoe's primary report for further). I went inside 201 Ann St to speak to Kaylee and retrieve the firearm. Kaylee explained she served Sielski one Tito's and Cranberry because he seemed to be of a sound mind. Once Sielski attempted to walk away, Kaylee observed his level of intoxication, so she took the drink away and replaced it with water. Sielski returned to the bar and was falling over, while falling over, another patron observed the firearm inside Sielski's waistband and secured it for safety. The patron handed the firearm to Kaylee, who put it behind the bar. Sielski was asked to leave the bar due to his intoxicated state.

I retrieved the Firearm from Kaylee and observed a round in the chamber. I took the firearm to the rear of Officer Roscoe's patrol vehicle, made the weapon safe, and secured it.

I reapproached Sielski while Officer Roscoe attempted to run him in F/NCIC, and explained the incident to him. Sielski became more irate and stepped towards me. I lightly pushed Sielski back and explained not to walk towards me again. Sielski again took steps towards me, so I pushed him back a bit harder, again explaining the error of his ways. Once Officer Roscoe returned to my location, I grabbed Sielski in efforts to secure him into handcuffs. Sielski began to tense up and resist, so I re-directed him to the ground in a controlled manner using an arm bar take down (Sielski received a minor abrasion to his upper lip area). Sgt Sims was called to our location due to the incident, along with KWFD for a medical evaluation.

KWFD arrived and cleared Sielski medically.

Investigator Signature: \_\_\_\_\_

**CASE SUPPLEMENTAL REPORT**  
*NOT SUPERVISOR APPROVED*

Printed: 11/23/2020 01:59

OCA: **20004787**

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Investigator: *MALAK, TIMOTHY J (4045)*

Date / Time: *11/23/2020 00:26:28, Monday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

Once medically cleared, Sielski was assisted to the rear passenger side of Officer Roscoe's patrol vehicle. Sielski resisted being placed in the patrol vehicle, so I helped him by placing him in a seated position and sliding him into the vehicle.

Once secured in the vehicle, Officer Roscoe transported him to the Monroe County Jail (see Officer Roscoe's Report for further).

My BWC was active for this incident.

I cleared with nothing further.

Investigator Signature: \_\_\_\_\_

Case Supplements [Edit]