

Gainesville Police Department

Use Of Force Report

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Incident Details

Date Received	Date of Occurrence	Time of Occurrence
05/01/2020	04/28/2020	14:57
Record ID Number	Case #	IA Number
17490	0220005854	UOF 2020-010
Date/Time Entered	Entered By	Assigned Investigator
05/01/2020 13:59	SGT Charles Dale	[Incident pending assignment]

Incident Summary

Synopsis

On April 28th, 2020 Ofc. M. Rochelle ID 0486 responded to a physical altercation at the Kangaroo Station, 1255 W. University Ave. Per CAD, Ofc. Rochelle arrived at the location approximately 1452 hours and backup Ofc. D. McCarty ID 0959 arrived at approximately 1454 hours. Between this time and approximately 1459 hours Ofc. Rochelle attempted to take ██████ in to custody. ██████ resisted by pulling away and attempting to flee, then by throwing blows at Ofc. Rochelle. Ofc. McCarty assisted in trying to detain ██████, and all three ended up in the active north bound traffic lanes of SW 13th St. where ██████ was able to be subdued and taken in to custody. As a result, Ofc. Rochelle’s right hand/thumb was injured.

Involved Party

██████████ W/M 06/19/1998

I spoke with ██████ who was detained in handcuffs in the rear of Ofc. Rochelle’s vehicle, on scene. When asked, ██████ stated he was uninjured, then said he might have some scrapes. ██████ said he bumped his head on the concrete, but it was not injured. I did not initially see any visible injuries on ██████. We requested EMS evaluate ██████ for any injuries he might have, but he declined their services. Later, ██████ was transferred from one vehicle to another, at which point I photographed him. I asked ██████ again if he was aware of having any injuries and he said he was not aware of any. When he faced away from me I could see his shirt was torn and he had several red marks and very shallow scratches on the right side of his back, which appeared likely to be from fingers. I did not see any other injuries at that time.

Involved Employees

Ofc. M. Rochelle

I spoke to Ofc. Rochelle at the Shands U.F. emergency room, where he was being treated for an injury to his right hand which occurred during the altercation with ██████. Ofc. Rochelle said he made contact with ██████ on the premises of 1255 W. University Ave. Store management had previously expressed to Ofc. Rochelle that they did not want ██████ on the property, but ██████ had not yet been formally trespassed from the location. Ofc. Rochelle asked ██████ several times to leave the property before he complied. ██████ quickly came back on to the property and was asked again to leave. ██████ stepped off the property, but again walked back on. Ofc. Rochelle said he decided at this time to place ██████ under arrest for trespassing. As Ofc. Rochelle grabbed ██████’s arm to place him in handcuffs, he began resisting by trying to pull away. As Ofc. Rochelle attempted to gain control of ██████ by holding on to whatever part of his person he could grasp. The

struggle dragged them in to the traffic lanes of SW 13th St., where [REDACTED] pulled out of a shirt or sweater Ofc. Rochelle was holding on to. During the struggle [REDACTED] began throwing punches at Ofc. Rochelle, striking him several times in various places, including his right thumb, causing it to be injured. Ofc. Rochelle and Ofc. McCarty were eventually able to gain control of [REDACTED] and handcuff him. Ofc. Rochelle stated he did not strike [REDACTED] to his recollection and his physical contact was limited to trying to grab him and secure him for handcuffing. It was later determined Ofc. Rochelle had a dislocated thumb and small fracture, per Sgt. Walters. Sgt. M. Walters photographed Ofc. Rochelle. Ofc. Rochelle does not have an issued body camera.

Ofc. D. McCarty

I spoke to Ofc. McCarty prior to the end of shift. Ofc. McCarty told me as he arrived on scene, Ofc. Rochelle was contacting [REDACTED] and telling him he needed to leave the property. Ofc. Rochelle asked him several times to go, and they tried to leave several times, but [REDACTED] kept coming back on the property. The third time Ofc. Rochelle went to talk to [REDACTED], Ofc. McCarty said he stopped to talk to a citizen parked in a vehicle, who turned out to be witness [REDACTED]. Ofc. McCarty said he was distracted by his conversation when he heard Ofc. Rochelle ask [REDACTED] his name, then heard what sounded like a struggle. When he turned, McCarty saw Ofc. Rochelle trying to gain control of [REDACTED], so he went to help. Ofc McCarty said he was not able to get a good hold on [REDACTED] until they reached the median of SW 13th St., where he was able to grab him around the waist and get him to the ground, so he could be handcuffed. McCarty said to his recollection, his physical interaction with [REDACTED] was limited to grabbing him. Ofc. McCarty stated his right arm and knees felt scraped, but he did not have visible injuries. McCarty stated he did not believe he was struck during the altercation. McCarty arranged for Kangaroo store staff to burn a CD copy of the incident from store video, which was turned over to me on scene. Ofc. McCarty has an issued body camera which was recording at the time. As well, Ofc. McCarty took two photographs of Ofc. Rochelle's injured hand on scene, which were uploaded to Evidence.com.

Civilian Witnesses

[REDACTED]

I contacted Mr. [REDACTED] by phone on May 1st, 2020 for his statement. [REDACTED] said he was sitting in the Kangaroo parking lot in his car eating when the incident occurred. [REDACTED] is familiar with the man police had the altercation with as he works for Collier Properties and has seen the man ([REDACTED]) trespassing on their properties several times. When contacted, he is usually unpleasant. [REDACTED] said [REDACTED] was sitting on the curb in the parking lot prior to police responding, when a store employee came out and told him he couldn't do whatever it was he was doing in the parking lot, and to leave. [REDACTED] cursed at her and she went back in to the store. The first officer (Rochelle) arrived on scene and asked [REDACTED] to leave then walked away. [REDACTED] didn't leave and the officer came back a second time and told him to leave. [REDACTED] was argumentative and unpleasant, stating he didn't have to leave, and the officer walked off a second time. The third time the officer came back and at some point tried to grab a hold of [REDACTED], then [REDACTED] began pulling away as if he was going to run. The second officer stepped in to help and they all ended up in the middle of the road. [REDACTED] said he saw [REDACTED]'s arms flailing as officers tried to grab him. [REDACTED] stated the officer (Rochelle) remained calm throughout in spite of the cursing and things [REDACTED] was saying.

[REDACTED]

[REDACTED] was on scene and provided a written statement to Ofc. R. Spencer. The statement will be attached to the report. [REDACTED] does not have a residence or phone by which he can be contacted, so below is the entirety of his written account:

"Saw a man tackled by police. Man resisted, violently: his arm and hands were in the officers' faces. Resistance took place in road & median (13th St., south)"

Law Enforcement Witness

Dep. [REDACTED] – Alachua County Sheriff's Office

Dep. [REDACTED] was present and said he had seen the struggle while driving by, and stopped to assist. He provided me with the

below written statement via email:

“On April 28, 2020 I was driving west, on █████ University Avenue in my marked ASO patrol vehicle. I approached NW 13th Street and observed two GPD officers, (Rochelle and McCarty) in the parking lot of, The Campus Store, speaking with a white male wearing tan pants and a white and tan jacket. They were located on the Southwest side of the property near an oak tree. I turned on my emergency lights and pulled into the Campus Store. I immediately observed the white male Suspect (█████) physically resist the GPD officers in an attempt to escape from them. Ofc. Rochelle and Ofc. McCarty attempted to take █████ into custody. █████, was able to pull out of his jacket and continued to resist the officers. █████, traveled across the north bound lanes of West 13th Street, the center concrete median, and into the south bound lanes of traffic. █████, resisted the verbal commands from both officers and continued to physically resist the officers attempts to apprehend him. Officers McCarty and Rochelle were able to finally gain physical control of █████, taking him to the ground, placing him on his stomach in the road way. █████ was secured in handcuffs. I notified ASO dispatch to have EMS in route reference Ofc. Rochelle advising that his wrist and arm area was hurting. I also requested that a GPD Supervisor be in route.”

Evidence

I viewed video from the Kangaroo station that shows two different angles of the incident. They consistently show Ofc. Rochelle approaching █████, speaking to him, and walking away. The third time Ofc Rochelle can eventually be seen reaching for █████’s arm and █████ can be seen pulling away, then Ofc. McCarty comes to assist and during an obvious struggle, they end up in the road. The view is from a distance, however it appears to also show █████ swinging his arm at least once.

I viewed Ofc. McCarty’s body camera. It captures █████ attempting to walk around Ofc. Rochelle toward the store and Ofc. Rochelle saying “Listen, listen”. Ofc. Rochelle attempts to grab █████’s arm and he pulls away. As Ofc. Rochelle attempts to grab him again, the struggle begins. Ofc. McCarty runs to assist after which the majority of the video captures below █████’s chest. Initially it appears as they enter the roadway that █████’s left arm can be seen swinging toward the officers. The entirety of captured video related to the arrest is contained in approximately the first four minutes of the video.

Conclusion

- Ofc. Rochelle attempted to take █████ in to custody for the stated offense of trespassing.
- █████ resisted by trying to pull away and flee, and by striking Ofc. Rochelle.
- █████’s actions created a further hazard to all parties by pulling them in to the roadway.
- Ofc. Rochelle and Ofc. McCarty used physical control to counter █████’s active aggression.
- Witness statements, video and the reports (Ofc. Rochelle has not yet submitted his supplement) are consistent as to the events.
- The actions of the officers during this incident are consistent with the agency's use of force guidelines.

Incident Location

Addresses

1255 University W Avenue, Gainesville, FL, 32601

- Location of Occurrence: District 2

Use of Force Details

Reason For Using Force	Service Being Rendered	More Than 1 Citizen Involved
Combative	Trespassing	No
Weather Condition	Light Condition	Distance to Citizen
Sunny	Daylight	1 feet to 3 feet
Citizen Injured	Citizen Hospitalized	Citizen Arrested

Yes	No	Yes
Citizen Build	Citizen Height	Citizen Influence Assessment
Medium	5'10" to 6'0"	None detected
Employee(s) Injured	Employee(s) Taken to Hospital	
Yes	Yes	

Reporting/Involved Citizen



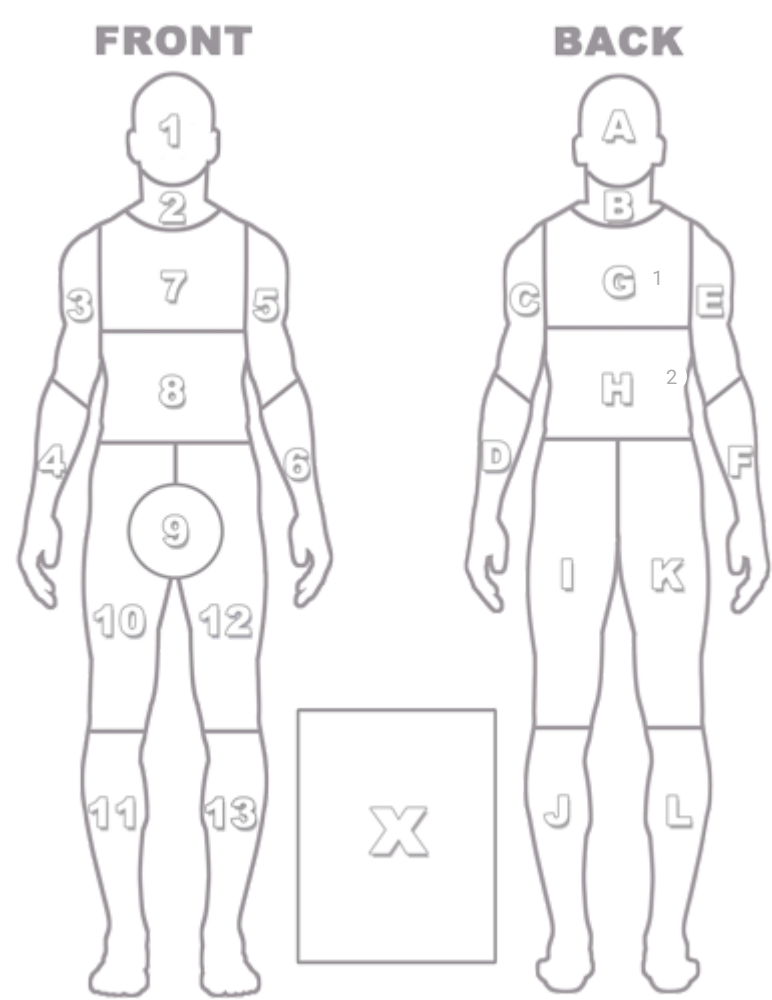
Date of Birth: 06/19/1998 Race: White Ethnicity: Unknown Gender: Male

Addresses [None Entered]
Phone Numbers [None Entered]
Role: Suspect

Type of Resistance Citizen Used Against Employee
• Aggressive Resistance

Injuries Sustained By Citizen

Injury	Region	Injury Location
Abrasions	G, H	1, 2



Charges Against Citizen
• Misdemeanor
• Felony

Incident Employees
Police Officer Mose Rochelle - 11192

Assignment at time of incident: Police Officer YCSB/YCSD/SRO/S1

Not Applicable

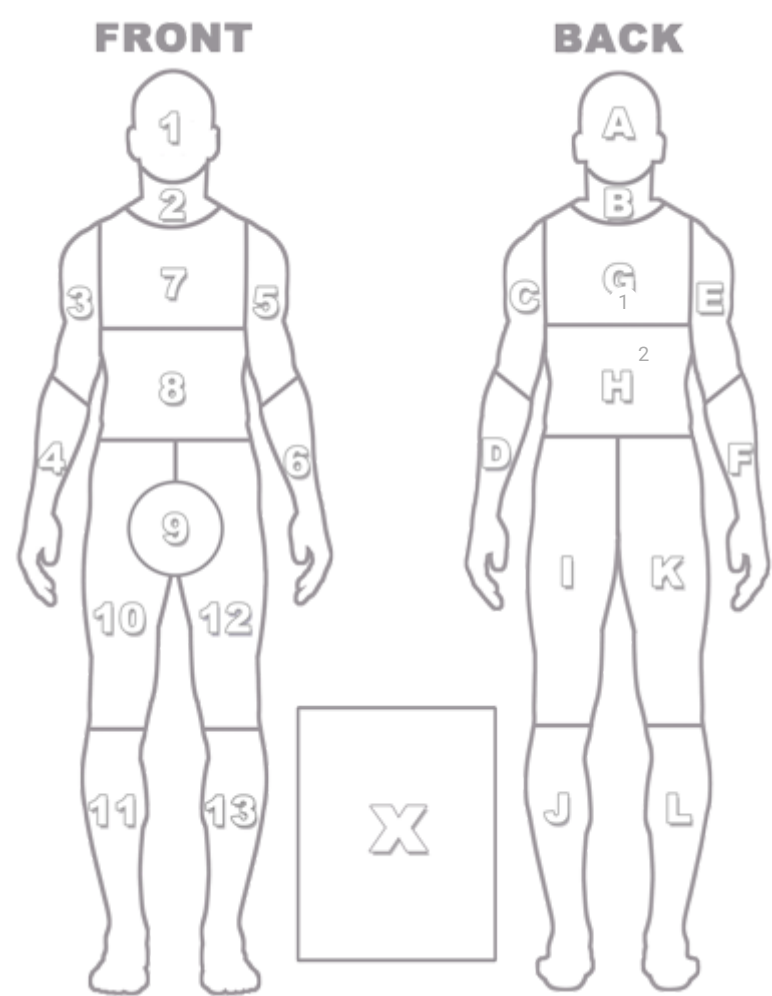
Role: Involved Employee

Force used by this Employee against Citizen

- Physical Control - Force Effective: Yes

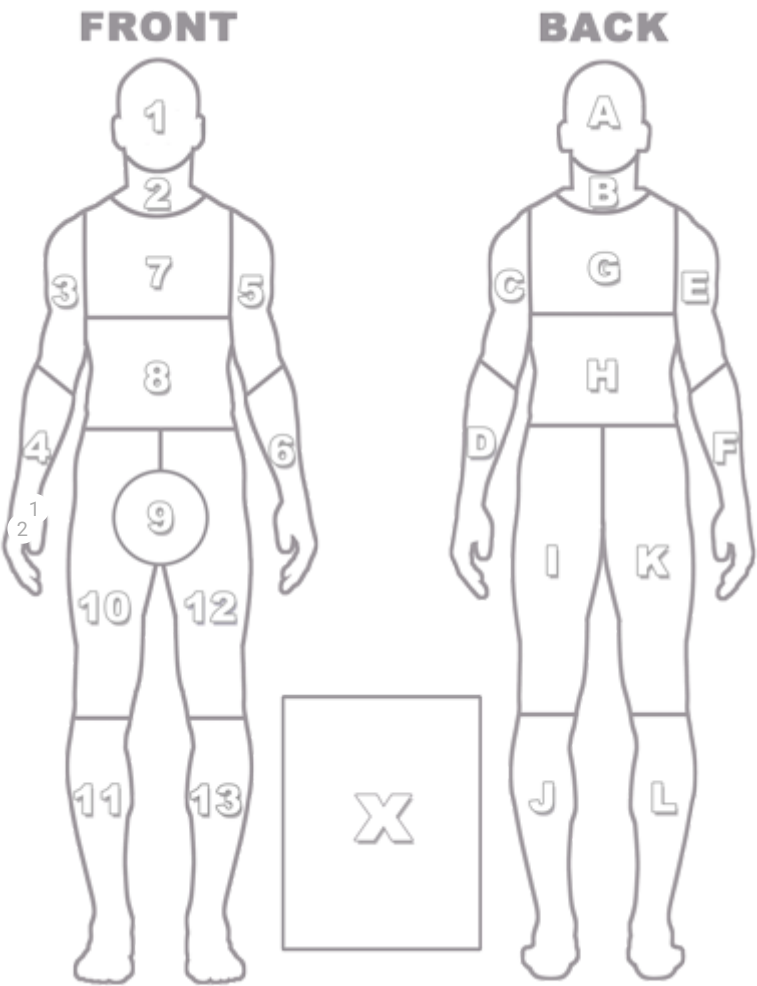
Less lethal force used by this Employee against Citizen

Force Used	Force Effective	Region	Point of Contact
Physical Control	Yes	G, H	1, 2



Injuries Sustained By Employee

Injury	Region	Injury Location
Dislocation	4	1
Fracture	4	2

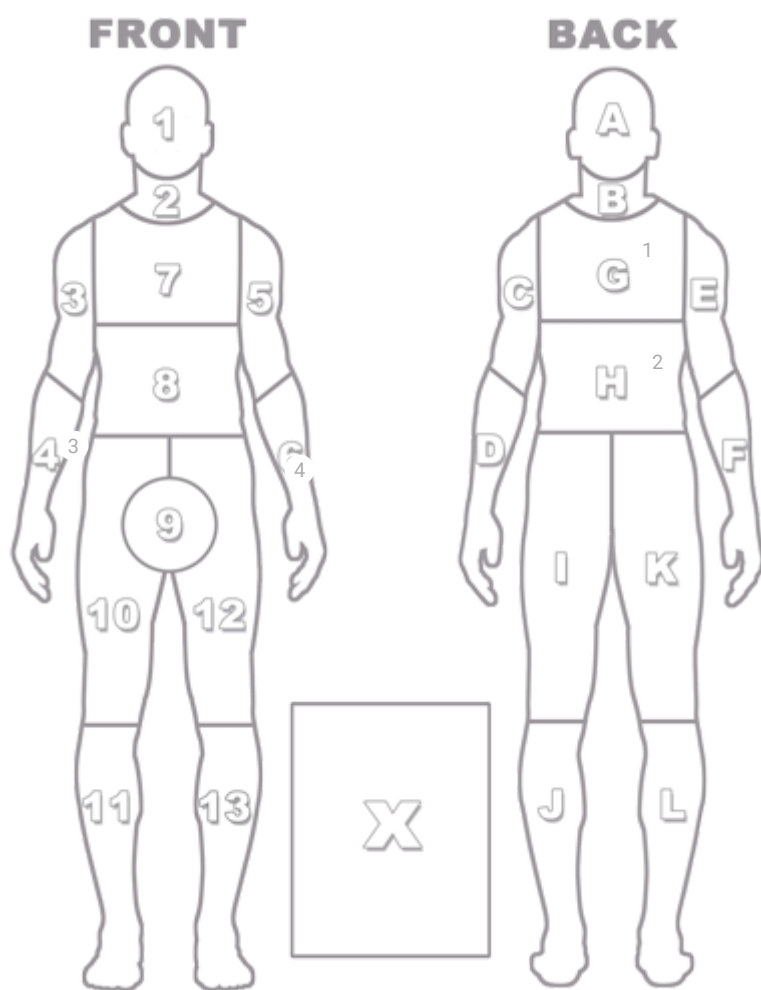


Police Officer Daniel McCarty - 17879
Assignment at time of incident: Police Officer OPS/DIS2/SEC4/D2A
Activated
Role: Involved Employee

Force used by this Employee against Citizen
• Physical Control - Force Effective: Yes

Less lethal force used by this Employee against Citizen

Force Used	Force Effective	Region	Point of Contact
Physical Control	Yes	G, 6, H, 4	1, 2, 3, 4



Injuries Sustained By Employee

Injury	Region	Injury Location
No injuries noted or visible		

Citizen Witnesses

██████████

Date of Birth: Unknown **Race:** White **Ethnicity:** Unknown **Gender:** Male

Addresses

Phone Numbers

████████████████████

Date of Birth: 01/12/1971 **Race:** White **Ethnicity:** Unknown **Gender:** Male

Addresses [None Entered]

Phone Numbers [None Entered]

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Date of Birth: Unknown **Race:** White **Ethnicity:** Unknown **Gender:** Male

Addresses

Phone Numbers [None Entered]

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

Date Attached	Attachment Description	Attachment Types
05/01/2020	<div></div> Picture 2	jpg
05/01/2020	<div></div> Picture 5	jpg
05/01/2020	<div></div> Picture 3	jpg
05/01/2020	<div></div> Picture 4	jpg
05/01/2020	<div></div> Picture 7	jpg
05/01/2020	Ofc. Rochelle Injured Hand	jpg
05/01/2020	Ofc. Rochelle Injured Hand	jpg
05/01/2020	<div></div> Picture 1	jpg
05/01/2020	<div></div> Picture 6	jpg

Assignment History

Date/Time Sent	From	To	Activity
05/08/2020 14:53	CWA C Strivers		Field status changed in IAPro from To IA to Released
05/08/2020 14:53	CWA C Strivers		Released back to IAPro

Chain of Command History

Routing Number: 1	
From	SGT Charles Dale
To	LT Audrey Mazzuca
Cc:	
Date/Time Sent	05/01/2020 15:32
Instructions From [SGT Charles Dale] To [LT Audrey Mazzuca]	
20-5854 Use of force for review	
Comments/Response From [LT Audrey Mazzuca]	

This Use of Force was completed by Sergeant Charles Dale (see original Use of Force report). I have reviewed Sgt. Dale’s assessment, all supporting reports and documents, BWC footage from Officer McCarty, and store surveillance footage. Based on this review, I am in agreement that the use of force used by Officers Rochelle and McCarty was reasonable for the amount of resistance given by the suspect and within the guidelines of the Gainesville Police Department’s policies and procedures. The store surveillance video was unable to be uploaded into Blue Team. It can be viewed on Sgt. Dale’s laptop. The BWC footage shows much more of the incident than the store surveillance video. I feel no further action is required.

Routing Number: 2

From	LT Audrey Mazzuca
To	CAPT Jaime Kurnick
Cc:	
Date/Time Sent	05/03/2020 11:00

Instructions From [LT Audrey Mazzuca] To [CAPT Jaime Kurnick]

This Use of Force was completed by Sergeant Charles Dale (see original Use of Force report). I have reviewed Sgt. Dale’s assessment, all supporting reports and documents, BWC footage from Officer McCarty, and store surveillance footage. Based on this review, I am in agreement that the use of force used by Officers Rochelle and McCarty was reasonable for the amount of resistance given by the suspect and within the guidelines of the Gainesville Police Department’s policies and procedures. The store surveillance video was unable to be uploaded into Blue Team. It can be viewed on Sgt. Dale’s laptop. The BWC footage shows much more of the incident than the store surveillance video. I feel no further action is required.

Comments/Response From [CAPT Jaime Kurnick]

[Forwarded by CAPT Jaime Kurnick]

Routing Number: 3

From	CAPT Jaime Kurnick
To	APC Lonnie Scott
Cc:	
Date/Time Sent	05/06/2020 10:08

Instructions From [CAPT Jaime Kurnick] To [APC Lonnie Scott]

For your review, this is an appropriate use of force with an Officer being injured as a result. I concur with Lt. Mazzuca's and Sgt. C. Dale's assessment. A very thorough investigation and report.

Comments/Response From [APC Lonnie Scott]

I concur with Capt. Owens findings.

Assigned Investigator Signature Line

[Incident pending assignment]

Chain of Command Signature Lines

APC Lonnie Scott

Chain of Command Signature Lines

LT Audrey Mazzuca

Chain of Command Signature Lines

CAPT Jaime Kurnick