

Investigative Report

03/14/2016

Case #: 12-5-IA

Date/Time Reported: 10/02/2012 @ 1000  
Report Date/Time: 10/03/2012 @ 0900  
Occurred On: 10/02/2012 @ 1000

Complaint Type: INTERNAL  
Disposition: UNFOUNDED

Reporting Officer: Deputy Chief Daniel Parrillo

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

# OFFENSE(S) A/C TITLE/CHRG SECTION

LOCATION TYPE: Highway/Road/Alley/Street Zone: BEAT 21  
JOHNSTON RI 02919

1 RACIAL PROFILING COMPLAINT C  
OCCURRED: 10/02/2012 1000

# VICTIM(S) SEX RACE AGE SEX BIRTH

1 [REDACTED] M B 35 [REDACTED] [REDACTED]  
JOHNSTON RI 02919  
DOB: [REDACTED]  
CONTACT INFORMATION:  
Home Phone (Primary) [REDACTED]  
ETHNICITY: Not of Hispanic Origin  
RESIDENT STATUS: Resident  
VICTIM CONNECTED TO OFFENSE NUMBER(S): 1

# WITNESS(S) SEX RACE AGE SEX BIRTH

1 [REDACTED] M W 00 NOT AVAIL 401-231-4210  
1651 ATWOOD AVE  
JOHNSTON RI 02919  
CONTACT INFORMATION:  
Home Phone (Primary) 401-231-4210  
Work Phone (Primary) 401-231-4210

BODY: NOT AVAIL.  
DOB: NOT AVAIL.  
LICENSE NUMBER: [REDACTED]  
COMPLEXION: NOT AVAIL.  
PLACE OF BIRTH: NOT AVAIL.  
ETHNICITY: NOT HISPANIC

EMPLOYER/SCHOOL: JOHNSTON POLICE DEPT. 401-231-4210

Ref: 12-5-IA

Entered: 10/05/2012 @ 1549  
Modified: 10/05/2012 @ 2131Entry ID: 56DP  
Modified ID: 56DP

On October 2, 2012 at approximately 1000 hours I received a phone message from a resident, [REDACTED] wishing to file a racial profiling complaint against [REDACTED] for stopping him this morning in the area of 1396 Atwood Ave. I returned his phone call and received his complaint over the phone. He stated he was operating on Atwood Ave in the area of the Shell gas station when he stated he made eye contact with the officer through his driver's side window as he proceeded northbound. [REDACTED] stated he was then immediately pulled over by the officer for no reason and was issued a ticket for having tinted windows. He added that the tint was factory installed and was present when he purchased the vehicle. He stated that the whole stop just "did not feel right" and believes he may have been stopped primarily due to him being African- American. I asked him if there was any racial or derogatory comments made to him by the officer once contacted and he stated there were not. I advised him that I would identify the officer, review the reason for the stop, and the summons, and if he would like to meet me at HQ with his vehicle in the morning prior to going to work I would have the results of my investigation for him.

After receiving the complaint from [REDACTED] I went in to see Chief Tamburini and advise him of the incident. He ordered me to open an investigation immediately. I first identified the officer who made the stop as [REDACTED] [REDACTED] was on a J.A.R.E. assignment at the time of the summons and I contacted him regarding the motor vehicle stop and subsequent summons # [REDACTED] for 31-23.3-5 Owner Operating with Unlawful Sunscreen. [REDACTED] advised me that he was on J.A.R.E. this date from 0800-1200. He stated he was on a fixed post looking for tint violations when he observed a [REDACTED] traveling north on Atwood Ave with tinted driver's and passenger's side windows and tinted plate covers. He stated he then pulled the vehicle over, made contact with the operator, advised him of the violations, and issued him a summons for the Unlawful Sunscreen and gave him a verbal warning for the tinted plate covers. [REDACTED] explained that he used a calibrated tint meter to measure the tint of the driver's window and it measured 37% of light passing through which is below the 70% minimum. I asked him if the operator had broached the subject of being pulled over solely due to his race and [REDACTED] stated he did not.

On October 3, 2012 at 0730 hours I met with [REDACTED] and viewed his vehicle. It did have tinted covers affixed to the plates and tinted driver and passenger side windows. I explained the law to him relative to the tint and showed him how the tint meter operates. I placed the meter on his driver side window and it measured 40% of light passing through which is still considerably below the minimum. [REDACTED] understood the meter measurements and was given instruction on how to appeal the ticket if he wishes. Relative to the racial profiling complaint I advised him that [REDACTED] has no documented profiling complaints against him during his tenure as a Johnston Police officer and that during this traffic assignment there was a total of six stops besides his and there were five white operators and one hispanic operator cited. I advised him there is no evidence that [REDACTED] stopped him for anything more than the tint on his windows and plates. [REDACTED] was satisfied with the investigation and was advised it will be documented.

The complaint of racial profiling is unsubstantiated.

Case #: 13-3-IA

Date/Time Reported: 03/28/2013 @ 1100  
Report Date/Time: 03/28/2013 @ 1449  
Occurred Between: 03/25/2013 @ 2351  
And: 03/25/2013 @ 2356  
Complaint Type: INTERNAL  
Disposition: UNFOUNDED

Reporting Officer: Major Joseph Razza

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

# OFFENSE(S) A/C TITLE/CHAP SECTION

LOCATION TYPE: Highway/Road/Alley/Street Zone: BEAT 31

JOHNSTON RI 02919

- 1 CONDUCT UNBECOMING OCCURRED: 03/25/2013 2351 C  
SUSPECTED OF USING: Not Applicable  
BIAS AGAINST: No Bias
- 2 DISCOURTESY OCCURRED: 03/25/2013 2351 C  
SUSPECTED OF USING: Not Applicable  
BIAS AGAINST: No Bias

# PERSONS A/C RACE AGE SEX HT/WT

- 1 [REDACTED] COMPLAINT F B 28 NOT AVAIL [REDACTED]  
JOHNSTON RI 02919  
DOB: [REDACTED]  
EMPLOYER: N/A  
CONTACT INFORMATION:  
Home Phone (Primary) [REDACTED]  
Home Phone [REDACTED]
- 2 [REDACTED] COMPLAINT M B 39 [REDACTED] [REDACTED]  
JOHNSTON RI 02919  
DOB: [REDACTED]  
EMPLOYER: N/A  
CONTACT INFORMATION:  
Home Phone (Primary) [REDACTED]

# VEHICLE(S) STY MAKE ABE SSN PHONE

- 1 [REDACTED] M W 2530 NOT AVAIL 401-231-4210  
1651 ATWOOD AVE  
JOHNSTON RI 02919  
CONTACT INFORMATION:  
Home Phone (Primary) 401-231-4210  
Work Phone (Primary) 401-231-4210

BODY: NOT AVAIL. COMPLEXION: NOT AVAIL.  
DOB: NOT AVAIL. PLACE OF BIRTH: NOT AVAIL.  
LICENSE NUMBER: [REDACTED] ETHNICITY: NOT HISPANIC

Case #: 13-3-IA

# OFFICER(S)	STW	US/IN	AND	ISS	THRU
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EMPLOYER/SCHOOL: JOHNSTON POLICE DEPT. · 401-231-4210

Ref: 13-3-IA

Entered: 03/28/2013 @ 1500      Entry ID: 77JR  
 Modified: 04/25/2013 @ 1047      Modified ID: 77JR  
 Approved: 04/25/2013 @ 1047      Approval ID: 77JR

On the 28<sup>th</sup> of March 2013, I received a Citizens Complaint from [REDACTED] regarding a traffic stop she was involved in with her husband, subsequently identified as [REDACTED]. It should be noted that earlier in the day, I did speak with [REDACTED] who advised that his wife, [REDACTED] would be dropping off the completed complaint. [REDACTED] did convey during our brief conversation that he was driving home on the evening of 3/25/2013 at approximately 2350 hours when he was pulled over by a Johnston Police Officer, operating a marked police cruiser. [REDACTED] advised that as the officer approached, he rolled his window down and produced his license as his wife looked for the vehicle registration. [REDACTED] then asked the officer, what's up and what's the problem here buddy. This is when the officer grabbed the license from his hand, told him to shut up and stated "I'm not your fucking buddy." [REDACTED] did advise me that the officer was extremely rude and discourteous. At the onset of the verbal exchange between [REDACTED] and the officer, his wife produces the vehicle registration and gives it to [REDACTED]. [REDACTED] then says to the officer if you grab this from me again were going to have an issue. The officer then grabs the registration from his hands and he subsequently calls 911 for police assistance. This 911 call is confirmed (disk on file with this officer) and [REDACTED] can be heard asking for assistance because there is an officer being discourteous and rude to him. Through the course of this investigation, it was subsequently revealed that [REDACTED] was the initiating officer of the traffic stop. [REDACTED] also identifies the officer as [REDACTED] on her Citizens Complaint form. I did not speak with [REDACTED] regarding the events that happened on the evening in question due to her work commitments, but she did draft the Citizens Complaint form; the basis of this Internal Investigation. Upon reviewing this complaint, I found that her account of what happened did corroborate to a certain degree with [REDACTED] account of the incident (complaint on file with this officer), but there were several discrepancies and inconsistencies.

On the 29<sup>th</sup> of March 2013, I spoke with [REDACTED] regarding the motor vehicle stop in question. I did advise [REDACTED] of his Administrative Proceeding Rights and he requested a Union Representative. I informed him that he is only entitled to counsel (an attorney), but I would allow [REDACTED] to sit in on the interview; an executive board member. [REDACTED] was called into my office, advised that he was merely a spectator for the interview and that the interview was being audio recorded. I then advised [REDACTED] of the two (2) Department charges pending against him and requested he sign the applicable forms (Administrative Proceeding Rights). [REDACTED] signed both forms and the interview process commenced. Prior to the interview I advised [REDACTED] briefly the basis of the complaint by the [REDACTED]. The following is a synopsis as to what happened on the evening in question by [REDACTED]. [REDACTED] advised that he was working a Blue Riptide assignment on the evening of the complaint lodged against him. He states that he pulls over a mini-van for dark tinted windows and initiates a motor vehicle stop; subsequently revealed to be illegal tint as proven with a tint meter (14%). [REDACTED] advises that his suspicion is heightened due to the operator not pulling over immediately after he activated his emergency equipment. [REDACTED] conveys that his suspicion is further heightened because the operator puts his hand out the window. [REDACTED] approaches the vehicle and advises the operator why he is being pulled over; (he further advises that he does the same for every motor vehicle stop). The operator advises that he does not have tint on his windows; subsequently revealed to be in violation of RIGL. This is when the operator refers to him as "Buddy." [REDACTED] advises the operator that he is not his buddy and to show him the proper respect. [REDACTED] conveys that the operator had his license in his hand and his wife was looking for the registration. Note: When asked again, [REDACTED] advised he is not sure if he advised

Ref: 13-3-IA

Entered: 03/28/2013 @ 1500      Entry ID: 77JR  
 Modified: 04/25/2013 @ 1047      Modified ID: 77JR  
 Approved: 04/25/2013 @ 1047      Approval ID: 77JR

he operator to show him the proper respect. [REDACTED] states that the operator was being argumentative and holding his license away from the window, but he never grabbed or snatched it from his hand. He inquired if the operator still lived on [REDACTED] Avenue and he indicated that he "Absolutely" did and isn't obvious; [REDACTED] indicated that his remark was curt). [REDACTED] advises that when he takes the registration from the passenger, she takes out her cellular telephone and this is when the operator instructs the passenger to call 911. [REDACTED] advises the passenger not to call 911 because he is handling the current situation. [REDACTED] then instructs the operator to stay in his vehicle as he begins to walk back to his police cruiser. This is when the operator says "I'll get out of my car if I want" [REDACTED] begins to write (e-ticket) his summonses and [REDACTED] and [REDACTED] arrive on scene to assist. I inquired with [REDACTED] if he knew a complaint was going to be lodged against him. [REDACTED] indicated that he knew there was going to be a problem because the operator threw his hand out the window prior to the stop. I subsequently asked [REDACTED] if he intentionally issued more tickets than necessary. He advised that he chose to use as much discretion as possible due to the operator's poor demeanor. Note: During the past (1) one year and (3) three months this is the only time [REDACTED] has issued a dome light infraction; even though he works predominately in the evening hours. I then inquired if [REDACTED] would sit down with the complainant and attempt to resolve the matter. [REDACTED] indicated that he rather not, but would if needed. He further referenced that he would like to see the tickets adjudicated through the court process. I did give [REDACTED] copies of applicable Administrative Rights and dismissed him from my office.

I then spoke with [REDACTED] who went to the scene with [REDACTED] advised that he spoke with the passenger who was highly agitated. The passenger made numerous indications that the stop was taking too long and that she had to go because there was a baby sitter at her house. The passenger made further indication that she and the operator were being racially profiled and that they were going to make a complaint. [REDACTED] advised me that he attempted to diffuse the situation as best as possible but his attempts were unsuccessful.

I then spoke with [REDACTED] who indicated that he arrived on scene with [REDACTED] in (1) one marked police cruiser. [REDACTED] further advised that the passenger kept referencing the fact that the stop was taking too long and that they had to get home to relieve their babysitter. [REDACTED] advised the passenger and operator that the stop will not take much longer. I inquired with [REDACTED] if he knew a complaint was going to be made against [REDACTED] [REDACTED] figured they would because the operator said that this was not the last you'll be hearing from me "I'm making a complaint."

### Summary

A complaint is made against [REDACTED] pursuant to a motor vehicle stop. The complainant(s) advise that [REDACTED] is rude and swears at him (Not you fucking buddy). A 911 call is placed for police assistance and intervention because the officer is so discourteous. [REDACTED] and [REDACTED] arrive on scene and assist. They indicate that the passenger is highly irritated and believes that the stop is taking too long.

Ref: 13-3-IA

Entered: 03/28/2013 @ 1500      Entry ID: 77JR  
Modified: 04/25/2013 @ 1047      Modified ID: 77JR  
Approved: 04/25/2013 @ 1047      Approval ID: 77JR

### Conclusion

Probable cause existed for the stop to occur due to the tinted windows. The mere fact that the tint was so dark, at 14% would lead me to believe that the stop was not racially motivated because the officer could not see inside the motor vehicle. There is no doubt that the exchange between the officer and the complainant(s) is heated. I believe that the motive on the part of the complaints is one of time and the need to get home. [REDACTED] is more likely than not being talked down to and it is my opinion that his demeanor might not have been at its best. [REDACTED] indicates in her statement that her husband turns on the dome light in the vehicle, but [REDACTED] never makes that indication in his verbal statement. [REDACTED] indicates that the officer immediately demands the license from her husband as soon as the officer approaches the window. [REDACTED] never indicates that and there is no reason to believe that [REDACTED] would begin the stop in that way. The [REDACTED] never make any indication in their verbal or written statements that [REDACTED] advised [REDACTED] to stay in the vehicle as he walked away. This is when [REDACTED] said "I'll get out if I want." There is no doubt that [REDACTED] refers to [REDACTED] as "Buddy"; confirmed by all involved. But it can't be proven by an unbiased witness that [REDACTED] responded by saying "I'm not your fucking buddy." [REDACTED] *did appear taken back when I questioned him about this comment and in my opinion; I believe the remark was never made.* [REDACTED] indicates that [REDACTED] grabs the registration and license from her and tells her to shut-up and just sit in the car. [REDACTED] never indicates to me any such exchange between his wife and [REDACTED]. I did have an opportunity to listen to the 911 tapes in which [REDACTED] indicates that he needs another officer because [REDACTED] is being rude. During the course of 911 call that I listened to, no one can be heard in the background to confirm his incivility or the fact he may be yelling at the complainant(s). I did inquire with [REDACTED] and [REDACTED] if it was conversed between them and [REDACTED] that a complaint was going to be filed so the tickets being issued better be good. All (3) three officers advised that was never said. I did inquire with [REDACTED] why he issued all (3) three citations for the violations observed and his indications to me were that he was going to use as much discretion as possible given the demeanor of the operator.

Based on the aforementioned verbal and written statements, I find [REDACTED] not to be in violation of Departmental Rules and Regulations. However it is apparent that he went above and beyond in citing [REDACTED] for a violation (dome light) that he would not normally cite for. It is this action that shows poor judgment and lack of fundamental discretionary skills. The charges of Conduct Unbecoming and Discourtesy are therefore being documented in this Internal Affairs matter as not sustained (the investigation fails to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint).

These findings were presented to Chief of Police Richard S. Tamburini and his final decision was that the complaint lacked merit and therefore closed.

Investigative Report

03/14/2016

Case #: 13-5-IA

Date/Time Reported: 06/21/2013 @ 0958  
Report Date/Time: 06/26/2013 @ 1450  
Occurred Between: 06/21/2013 @ 1000  
And: 06/26/2013 @ 1451  
Complaint Type: INTERNAL  
Disposition: SUSTAINED

Reporting Officer: Major Joseph Razza

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

# OFFENSE(S) A/C TITLE/CHAP SECTION

LOCATION TYPE: Government/Public Building Zone: BEAT 31  
JOHNSTON RI 02919

1 DISCOURTESY OCCURRED: 06/21/2013 1000 C 21- 62  
SUSPECTED OF USING: Not Applicable  
BIAS AGAINST: No Bias

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED] JOHNSTON RI 02919 DOB: NOT AVAIL	COMPLAINANT	F	W	2530	NOT AVAIL	[REDACTED]

#	PERSON(S)	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED] 1551 ATWOOD AVE JOHNSTON RI 02919 CONTACT INFORMATION: Home Phone (Primary) 401-231-4210 Work Phone (Primary) 401-231-4210  BODY: NOT AVAIL. DOB: NOT AVAIL. LICENSE NUMBER: [REDACTED]  COMPLEXION: NOT AVAIL. PLACE OF BIRTH: NOT AVAIL. ETHNICITY: NOT HISPANIC  EMPLOYER/SCHOOL: JOHNSTON POLICE DEPT. 401-231-4210	M	W	2530	NOT AVAIL	401-231-4210



Ref: 13-5-IA

Entered: 06/26/2013 @ 1525  
Modified: 06/26/2013 @ 1528Entry ID: 77JR  
Modified ID: 77JR

## Formal Verbal Warning via the Chief

On 6/21/2013 I spoke with [REDACTED] in regards to a complaint she filed with Chief Tamburinin via his Departmental e-mail. The basis of the complaint was that she did not particularly care for the way [REDACTED] had spoken to her at the onset of a motor vehicle stop. She referred to [REDACTED] as a real jerk and that she was talked down to during the stop. I did speak with [REDACTED] while in front of the station and determine that she had illegal sunscreen material on her vehicle, the basis of the stop. She was also given a verbal warning for having tinted license plates covers on her vehicle, which I also determined to be illegal. It should be not that [REDACTED] advised that [REDACTED] stated to her "I better not be pulling you over next week with those plate covers." [REDACTED] referred to [REDACTED] as having no people skills and that he made her cry and the conclusion of the stop.

[REDACTED] confirmed that vulgarity was never used and his tone not in excess, but did convey that he [REDACTED] had a mean attitude and that he was rude.

Chief Tamburini did speak with [REDACTED] personally in regards to this complaint and he expressed remorse for coming across as brash. He advised the Chief that he did instruct the driver to stay in the vehicle, which he cited officer safety concerns. This instruction and possibly the way he said it may have precipitated a bad police encounter. The Chief instructed [REDACTED] that he did not want to see another complaint come across his desk regarding his attitude and this documentation is his formal verbal warning that further complaints will follow the protocol of progressive discipline.

This file will contain the e-mail sent to the chief and copies of the ticket and my informal notes.

Investigative Report

Page: 1  
03/14/2016

Case #: 14-1-IA

Date/Time Reported: 01/31/2014 @ 1000  
Report Date/Time: 02/04/2014 @ 0900  
Occurred Between: 01/31/2014 @ 1005  
And: 03/19/2014 @ 1015  
Complaint Type: INTERNAL  
Disposition: SUSTAINED

Reporting Officer: Patrolman Adam Catamero

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

# OFFENSE(S) PAC. DIVISION SECTION

LOCATION TYPE: Highway/Road/Alley/Street Zone: BEAT 21  
JOHNSTON RI 02919

- 1 CIVILITY  
OCCURRED: 01/31/2014 1005 C 21- 56  
SUSPECTED OF USING: Not Applicable  
BIAS AGAINST: No Bias
- 2 CONDUCT UNBECOMING AN OFFICER  
OCCURRED: 01/31/2014 1005 C 21- 58  
SUSPECTED OF USING: Not Applicable  
BIAS AGAINST: No Bias
- 3 DISCOURTESY  
OCCURRED: 01/31/2014 1005 C 21- 62  
SUSPECTED OF USING: Not Applicable  
BIAS AGAINST: No Bias

# PERSON(S) PERSON TYPE SEX RACE AGE SSN PHONE

- 1 [REDACTED] COMPLAINANT M W 49 [REDACTED] [REDACTED]  
CUMBERLAND RI 02864  
CONTACT INFORMATION:  
Home Phone (Primary) [REDACTED]  
Home Phone [REDACTED]  
Work Phone (Primary) [REDACTED]
- 2 [REDACTED] WITNESS M W 45 [REDACTED] [REDACTED]  
JOHNSTON RI 02920  
CONTACT INFORMATION:  
Home Phone (Primary) [REDACTED]  
Home Phone [REDACTED]  
Home Phone [REDACTED]

# OFFICER(S) SEX RACE AGE SSN PHONE

- 1 [REDACTED] M W 2530 NOT AVAIL 401-231-4210  
1551 AYWOOD AVE  
JOHNSTON RI 02919

# OFFICER(S)

SSN RACE AGE SSN PHONE

CONTACT INFORMATION:

Home Phone (Primary) 401-231-4210  
Work Phone (Primary) 401-231-4210

HEIGHT: [REDACTED]  
BODY: [REDACTED]

WEIGHT: [REDACTED] HAIR: [REDACTED]

EYES: [REDACTED]

DOB: NOT AVAIL.  
LICENSE NUMBER: [REDACTED]

COMPLEXION: [REDACTED]  
PLACE OF BIRTH: NOT AVAIL.  
ETHNICITY: NOT HISPANIC

[APPEARANCE]

GENERAL APPEARANCE: [REDACTED]

GLASSES WORN: [REDACTED]

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: [REDACTED]

EMPLOYER/SCHOOL: JOHNSTON POLICE DEPT. · 401-231-4210

Ref: 14-1-IA

Entered: 03/19/2014 @ 1144

Entry ID: 77JR

Modified: 11/07/2014 @ 1019

Modified ID: 77JR

Approved: 03/24/2014 @ 1247

Approval ID: 77JR

## IA-1-2014

### Complaint Annotation

**2/3/2014**

On the above stated date I requested [REDACTED] draft official memorandum to me regarding a traffic stop in which he allegedly swore at a motorist. The inquisition is purely exploratory in nature being that the complainant had spoken to the Mayor regarding the incident; subsequently the Mayor informed the Chief to look into the allegation. The Chief at the onset did not have all the particulars, and felt this did not warrant an official IA investigation at this time.

**2/4/2014**

On the above stated date, I responded to [REDACTED] at the direction of the Chief in order to speak with [REDACTED] regarding an encounter that he had with a Johnston Police officer. [REDACTED] stated that he was stopped by a Johnston officer, subsequently identified as [REDACTED]. [REDACTED] then stated and gave his account as to what happened. He advised me that he was traveling west on Hartford Avenue test driving a customer's truck. He advised that he observed several officers off to the side of the road in the area of the Golden Triangle conducting radar. As he continued to travel west he subsequently pulled into the parking lot of [REDACTED]. He then began to exit the truck after he positioned it in the front of the business. This is when he heard [REDACTED] yell at him to "get back in the fucking truck." [REDACTED] conveyed that he never knew, or realized that he was being pulled over until the officer yelled and swore at him. [REDACTED] was subsequently given a \$95.00 pay by mail citation for speeding. I asked [REDACTED] if he was sure that the officer had used profanity. [REDACTED] was more than sure and adamant that the officer said "fuck." He was also sure that several customers in the front of the store heard the use of profanity. I will note at this time that while speaking with [REDACTED] he appeared to be mild mannered, reserved, and down to earth in his account as to what happened. He also advised that he was somewhat embarrassed by the encounter, but did not want to see the officer get into any trouble. I then asked who else might have witnessed the encounter, and if they heard the officer use profanity. [REDACTED] advised that several customers who were waiting for their cars heard the exchange, but he refused to give their names because he did not want to see them get involved. He did convey that [REDACTED] who frequents the business was at the lot conducting business, and attempted to intervene, and when he did the officer yelled to [REDACTED] "Get away from the cruiser, I'm in an investigation, or I'll have you arrested." I inquired if [REDACTED] heard [REDACTED] swear at [REDACTED] and he advised that he could not be sure. I subsequently contacted [REDACTED] and asked for his account of the incident. [REDACTED] stated that he heard the officer say to [REDACTED] "get back in the fucking truck" and this is when he attempted to defuse the situation. He then began to walk over, and requested that the officer give [REDACTED] "a break" because he is a personal friend of [REDACTED] (on this departments). This is when in a rude and abrupt tone the officer stated "I don't care who you know, get the fuck back, I'm in the middle of an investigation." I then asked [REDACTED] if he was sure the officer swore at him and [REDACTED]

Ref: 14-1-IA

Entered: 03/19/2014 @ 1144      Entry ID: 77JR  
 Modified: 11/07/2014 @ 1019      Modified ID: 77JR  
 Approved: 03/24/2014 @ 1247      Approval ID: 77JR

and this is when [redacted] said "I know that cop has a bad reputation" and "I don't want any trouble, or end up having a problem with that cop." [redacted] then advised that he was not sure if heard the officer swear, but advised that he was extremely rude to him, and disrespectful in his tone, and demeanor towards him, and referred to him as "a bad cop."

[redacted] and [redacted] refused to put anything officially on paper, and declined to make any type of formal complaint out of fear of retaliation and retribution; even though I assured them that would not happen. Both [redacted] and [redacted] felt that this needed to be brought to someone's attention because the encounter was embarrassing, and reflected poorly on the Department. Subsequently, I thanked both of them for their limited cooperation, and apologized on the behalf of the Chief, and the Department.

2/5/2014

I summoned [redacted] to my office and advised him of the pending internal affairs investigation. I subsequently gave him his Advisory Notice, Administrative Proceeding Rights and a letter from the Chief ordering him to appear in my office on 2/6/2014 at 0700 hours regarding the Administrative hearing and the pending Departmental charges against him; see copies of same attached to this IA report. It should be noted that this paper work will be reissued when the interview is conducted due to the improper date appearing on the documents. This was later conveyed to [redacted] by [redacted]

2/5/2014

On the above stated date at 1024 hours, [redacted] contacted me and informed that [redacted] had contacted him. [redacted] advised [redacted] that he has a doctor's note putting him out of work until 2/24/2014 due to job related stress. The doctor is his family physician; [redacted] also advised that [redacted] was seeking the assistance of EAP, and he would handle same being that he is the coordinator for the Department. I advised [redacted] that since [redacted] was alleging that he was out of work on job related stress it would be in his best interest that we seize his duty, and off duty weapons. I instructed [redacted] to advise him of the aforementioned, and subsequently instructed [redacted] to respond to [redacted] residence to seize all weapons. At 1230 hours [redacted] responded to my office with [redacted] duty weapon and an off duty weapon that was secured in a case. (These weapons were returned on 3/18/2014) For additional information regarding the IOD claim refer to [redacted]

Inception:

The Chief directed me to open an official internal investigation against [redacted] regarding allegations that he swore at a motorist pursuant to a motor vehicle stop. I spoke with the complainant, [redacted] an employee of [redacted] [redacted] account was extremely creditable, and he seemed genuine. It is clearly evident that he needed to bring the encounter to someone's attention, but did not want to

Ref: 14-1-IA

Entered: 03/19/2014 @ 1144      Entry ID: 77JR  
 Modified: 11/07/2014 @ 1019      Modified ID: 77JR  
 Approved: 03/24/2014 @ 1247      Approval ID: 77JR

make a formal complaint out of fear of retaliation by the involved officer or his colleagues. [REDACTED] account of the incident corroborates with [REDACTED] but he too does not want to get involved because he also fears retaliation. I did speak with [REDACTED] the owner of [REDACTED] and requested his intervention; he is the individual who informed the Mayor of the allegation. It was [REDACTED] contention that he and his employee needed to advise the Mayor of the officer's conduct, but would not get overly involved because [REDACTED] owns for the Town. At this juncture, I am inclined to believe [REDACTED] and [REDACTED] based on their corroborating accounts of the incident. It is also worthy to note that I do not believe that they would bring this to the attention of the Mayor without any basis for a complaint.

**Interview:**

3/19/2014

On the above mentioned date, [REDACTED] responded to my office with [REDACTED] his union representative in regards to this open internal affairs complaint. It should be noted that I wanted to begin the interview process at 0700 hours, but was unable to do so in order to accommodate his request for union representation. At this time [REDACTED] signed and took receipt of his Administrative, and Advisory rights, and was given a copy of same. This was subsequently witnessed and notarized by [REDACTED] who inadvertently forgot to date the Advisory document. I informed him of the allegations, and asked if he swore at [REDACTED]. He denied swearing at [REDACTED]. I then posed if it was possible that he said something that might have sounded like he sworn, in which he also denied same. He confirmed that he ordered [REDACTED] back into his vehicle, but when asked if he may have been rude, or curt he indicated that he was not. [REDACTED] was not forthcoming with information, and his answers very limited. I then asked if he recalled the person who intervened ([REDACTED]) and if he had said to him "I don't care who you know." [REDACTED] vaguely recalled this interaction, but did elaborate to say that he instructed this individual to step away from his cruiser, and that "he can call whoever he wants to." I asked if he may have been rude, or possibly disrespectful to this individual, which he denied. The interview was concluded and I asked if he had anything to add that may be helpful to my investigation, in which he advised he had nothing to add.

**Prior Complaints:**

At this juncture it is prudent to call attention to previous internal affairs complaints made against [REDACTED] 13-3-IA, [REDACTED] make a complaint that [REDACTED] is rude to them pursuant to a motor vehicle stop. They also advised that profanity was directed to them when [REDACTED] stated "I'm not your fucking buddy." 13-5-IA, [REDACTED] complained that [REDACTED] was extremely rude to her after she was pulled over. She also advised that she was "talked down to" and advised that [REDACTED] was a "real jerk." It was also her contention that [REDACTED] sets a very poor example as a police officer. This was adjudicated by the Chief with a formal verbal warning after [REDACTED] expressed remorse for coming across as "brash." On April 3, 2013 [REDACTED] complained to the Chief that he was pulled over by [REDACTED] advised that [REDACTED] was extremely rude to him, and referred to him as a "bad cop." He also

Ref: 14-1-IA

Entered: 03/19/2014 @ 1144  
Modified: 11/07/2014 @ 1019  
Approved: 03/24/2014 @ 1247

Entry ID: 77JR  
Modified ID: 77JR  
Approval ID: 77JR

advised that when he attempted to utilize then [redacted] name as a friend of his [redacted] stated the following. "How the fuck do you know him." [redacted] also stated that [redacted] had talked down to him, and also stated that he was a "punk." This matter was personally disposed of by the Chief due to [redacted] not wanting to make a formal complaint.

**Conclusion:**

Based on the fact that the complainant responds to the Mayor's office to address his concerns leads me to believe there is validity to the allegation.

[redacted] as an individual seems honest and there is no reason for me not to believe his account of the interaction. He seems to be a concerned citizen who is respectful, and has no prior police contact, except for a DWI arrest in 1999.

While interviewing [redacted] he seems fearful of retaliation and does not want to be retaliated against by [redacted] or his fellow colleagues. This is further apparent by his posturing (withdrawn and somewhat introverted) and overall demeanor as I was interviewing him.

I somewhat believe [redacted] account of the incident because it corroborates with [redacted] account, but due his prior police contacts and BCI, I do not believe him to be highly credible, and acting in the best interest as a concerned citizen. I do think that the officer may have sworn at him, but he is reluctant to confirm this when asked to do so because he fears retaliation.

Given the fact that [redacted] did not originally stop when he was being summoned to pull over by [redacted] leads me to believe that [redacted] was already excited and possible "hopped up" at the onset of the stop. This would account for yelling at [redacted] to get back into his vehicle. The fact that [redacted] did not comply originally with verbal commands gives indication that expletives "get back in the fucking truck" may have been used by Catamero.

[redacted] demeanor, disposition and overall personality on car stops while he has been assigned to JARE has come into question numerous times, as documented above. These incidents coupled with this new complaint are very difficult to dismiss, and hold enough validity to call his actions into question regarding this particular traffic stop, and citizen encounter.

Due to having prior encounters, and social exchanges with [redacted] through my position within the department, I find that his personality may be construed by the average citizen as being somewhat standoffish.

Based on the aforementioned complaint, and coupled with facts and circumstance regarding all prior citizen complaints, I am inclined to believe the complainant in this matter. I subsequently have arrived at the following conclusion regarding the pending Departmental charges:

Ref: 14-1-IA

Entered: 03/19/2014 @ 1144  
Modified: 11/07/2014 @ 1019  
Approved: 03/24/2014 @ 1247

Entry ID: 77JR  
Modified ID: 77JR  
Approval ID: 77JR

**Sections:**

21-56 Civility: Guilty  
21-58 Conduct Unbecoming an Officer: Guilty  
21-62 Discourtesy: Guilty

These charges were subsequently sustained by the Chief, refer to summary punishment (written letter of reprimand) attached to file.

**3/20/2014**

On the above mentioned date [REDACTED] was called into the Chief's office where he was given his summary punishment; I was there along with [REDACTED]. The Chief explained to [REDACTED] why he was being disciplined in regards to this matter. He then explained that he would not be suspending him indefinitely from the JARE program, and he need to go out, and prove that he could conduct MVST without having citizen complaints made against him. [REDACTED] was not in agreement, but signed and took receipt of his Summary Punishment Memorandum.

**03/26/2014 @ 1500 hours**

On the above stated date and time I responded to the Chief's office regarding a pending grievance filed by [REDACTED] regarding his summary punishment that he was not in agreement with. Attached to this IA file is a copy of that grievance which is dated 3/26/2014 and it should be noted outside the 72 hour, and (5) five day window to file a grievance. Refer to IBPO agreement with the Town Article XII, Section (A) and (B).

**3/26/2014 @ 1530 hours**

On the above mentioned date and time [REDACTED] responded to police headquarters in regards to this investigation. At this time he spoke with the Chief regarding what occurred on the day in question (1/31/2104). [REDACTED] explained that he did not hear the officer swear at [REDACTED] but he did attempt to quell the situation. He stated that it was at this point the officer was "rude" to him and that "his choice of words was unacceptable." When asked if the officers choice of words were profane in nature he would not elaborate, and once again advised that he was fearful of some type of retaliation by the officer, or his colleagues. I did aid [REDACTED] in completing a formal typed statement which he signed, and was subsequently attached to this IA file.

**3/27/2014 @ 0900 hours**

On the above stated date and time, [REDACTED] responded to police headquarters to speak with the Chief regarding the encounter he had with [REDACTED]. At this time he reiterated the sequence of events as they had transpired. At this time he retold the same sequence of events that he original told me on 2/4/2014. I then requested that this statement and sequence of events be video and audio recorded, to which there was no objection. Once again [REDACTED] gave his account as to what happened without making any contradictions, or



Ref: 14-1-IA

Entered: 03/19/2014 @ 1144      Entry ID: 77JR  
Modified: 11/07/2014 @ 1019      Modified ID: 77JR  
Approved: 03/24/2014 @ 1247      Approval ID: 77JR

inconsistencies within his statement. *I will annotate at this time I find his testimony to be highly credible and sincere.* Also attached to this IA file is a handwritten statement that he filled out regarding the sequence of events that involved [REDACTED] and the use of profanity.

**5/16/2014 @ 1610 hours**

On the above mentioned date I made contact with [REDACTED] and informed him that the Chief was reinstating him to the JARE program. Fifty seven days (57) after he received his initial summary punishment. This equates to forty one (41) actual working days including overtime assignments. It should be noted that during that time (41 days) he self-initiated 18 traffic stops, issued 9 verbal warning and 9 citations.

**9/9/2014 @ 0930 hours**

[REDACTED] from [REDACTED] office contacted me and advised that that this matter was going to arbitration slated for some time in October of 2014. She further advised that when a specific date is known she will contact either the Chief, or me.

**9/11/2014 @ 1700 hours**

I received an e-mail from [REDACTED] of [REDACTED] advising that an arbitration is slated for October 9, 2014 and that I and Chief Tamburini will need to attend.

**9/29/2014 @ 0930 hours**

I received an e-mail from [REDACTED] advising that the arbitration has been rescheduled for November 10, 2014 and a meeting will be arraigned prior to meet on the issue. The meeting is scheduled for October 20, 2014 at 0900 hours at Town Hall.

**10/18/2014 @ 1000 hours**

On the above stated date I prepared this IA report, and made a copy of same in the event it is need by the solicitor.

**11/6/2014 @ 1614 hours**

[REDACTED] contacted me via my cellular telephone (text message) and requested the following: "The union lawyer need a copy of [REDACTED] interview on 3/20/2014 as well as statements of all witnesses that are going to testify on 11/10/14." In response I advised him to "Forward all requests to [REDACTED]"

Case #: 14-2-IA

Date/Time Reported: 02/03/2014 @ 1000  
Report Date/Time: 02/06/2014 @ 1000  
Occurred Between: 01/30/2014 @ 2130  
And: 03/18/2014 @ 1030  
Complaint Type: INTERNAL  
Disposition: EXONORATED  
Additional Cases: 14-68-AR

Reporting Officer: Major Joseph Razza

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

# OFFENSE(S) A/C SECTION

LOCATION TYPE: Highway/Road/Alley/Street  
[REDACTED] Zone: BEAT 11  
JOHNSTON RI 02919

#	OFFENSE(S)	A/C	SECTION
1	<b>CIVILITY</b> OCCURRED: 01/30/2014 2130 SUSPECTED OF USING: Not Applicable BIAS AGAINST: No Bias	C 21-	57
2	<b>CONDUCT UNBECOMING AN OFFICER</b> OCCURRED: 01/30/2014 2130 SUSPECTED OF USING: Not Applicable BIAS AGAINST: No Bias	C 21-	58
3	<b>DISCOURTESY</b> OCCURRED: 01/30/2014 2130 SUSPECTED OF USING: Not Applicable BIAS AGAINST: No Bias	C 21-	62
4	<b>UNNECESSARY FORCE</b> OCCURRED: 01/30/2014 2130 SUSPECTED OF USING: Not Applicable BIAS AGAINST: No Bias	C 21-	61

# VICTIM(S) A/C SECTION

1 [REDACTED] F B 26 [REDACTED]

CONTACT INFORMATION:  
Cell Phone (Primary) [REDACTED]  
INJURIES: None  
ETHNICITY: Not of Hispanic Origin  
RESIDENT STATUS: Non Resident  
TAKEN TO: [REDACTED]  
TAKEN BY: [REDACTED]  
TREATED BY: [REDACTED]  
TREATED DATE: 01/31/2014 @ 0900  
VICTIM CONNECTED TO OFFENSE NUMBER(S): 4

#	OFFICER(S)	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED] 1551 WOOD AVE. JOHNSTON RI 02915	M	W	2530	NOT AVAIL	401-231-4210

CONTACT INFORMATION:  
 Home Phone (Primary)  
 Work Phone (Primary)

[REDACTED]

BODY: NOT AVAIL.  
 DOB: NOT AVAIL.  
 LICENSE NUMBER [REDACTED]

COMPLEXION: NOT AVAIL.  
 PLACE OF BIRTH: NOT AVAIL.  
 ETHNICITY: NOT HISPANIC

EMPLOYER/SCHOOL: JOHNSTON POLICE DEPT. 401-231-4210

Case #: 14-2-IA

\*\*\*\*\*  
\*\*\*CONFIDENTIAL PERSON REPORT\*\*\*  
\*\*\*\*\*

7

[REDACTED]  
PROVIDENCE RI 02903

OTHER

M W

[REDACTED]

Case #: 14-2-IA

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	DOB	PHONE
1	[REDACTED] PROVIDENCE RI 02903 DOB: [REDACTED] CONTACT INFORMATION: Home Phone (Primary) Work Phone (Primary)	WITNESS	F	W	19	NOT AVAIL	[REDACTED]
2	[REDACTED] 1651 ATWOOD AVE JOHNSTON RI 02919 DOB: NOT AVAIL EMPLOYER: JOHNSTON POLICE DEPT. CONTACT INFORMATION: Home Phone (Primary)	WITNESS	M	W	2530	NOT AVAIL	[REDACTED]
3	[REDACTED] 1651 ATWOOD AVE JOHNSTON RI 02919 DOB: NOT AVAIL EMPLOYER: JOHNSTON POLICE DEPT. CONTACT INFORMATION: Home Phone (Primary)	WITNESS	M	W	2530	NOT AVAIL	[REDACTED]
4	[REDACTED] 1651 ATWOOD AVE JOHNSTON RI 02919 DOB: NOT AVAIL EMPLOYER: JOHNSTON POLICE DEPT. CONTACT INFORMATION: Home Phone (Primary)	WITNESS	M	B	3035	NOT AVAIL	401-231-4210
5	PALAZZO, DERRICK 1651 ATWOOD AVE JOHNSTON RI 02919 DOB: NOT AVAIL EMPLOYER: JOHNSTON POLICE DEPT. CONTACT INFORMATION: Home Phone (Primary) Work Phone (Primary)	WITNESS	M	W	2530	NOT AVAIL	401-231-4210
6	[REDACTED] 1651 ATWOOD AVE JOHNSTON RI 02919 DOB: NOT AVAIL EMPLOYER: JOHNSTON POLICE DEPT. CONTACT INFORMATION: Home Phone (Primary) Home Phone Home Phone Home Phone Work Phone (Primary)	WITNESS	M	W	2530	NOT AVAIL	000-000-0000
7	[REDACTED] JOHNSTON RI 02919 DOB: [REDACTED] EMPLOYER: N/A CONTACT INFORMATION: Home Phone (Primary)	WITNESS	M	W	33	[REDACTED]	[REDACTED]

Ref: 14-2-1A

Entered: 03/18/2014 @ 1251  
Modified: 03/18/2014 @ 1257

Entry ID: 77JR  
Modified ID: 77JR

IA-2-2014

Complaint annotation

3/3/2014

On February 3, 2014, [redacted] and her sister [redacted] responded to police headquarters and requested to speak with Chief Tamburini in reference to her complaint regarding a Johnston Police officer. The Chief requested my presence at this time and an informal exploratory conversation was initiated. [redacted] advised that she was stopped on the evening of January 30, 2014 by badge [redacted] for not having her headlights activated. She explained to the officer that they were on and even manipulated the switch to show him that they were activated. [redacted] advised that the officer did not want to listen to her and seemed irritated. The officer then took all her information (license, registration and insurance) and responded back to his police car. Subsequently the officer returned with a ticket and threw it on her dashboard, along with all her information. [redacted] then drove off and observed another police officer in a parking lot. This is when she stopped and inquired with this officer if her lights were on or off. Moments later badge [redacted] pulled in behind her and yelled "what the fuck" "what the fuck"; [redacted] assumed that he said this was because she was questioning his "badge [redacted] authority by asking another officer his opinion. [redacted] conveyed that badge [redacted] appeared agitated and kept grabbing on his "mic" and threatened to throw her in jail and tow her car. [redacted] told badge [redacted] that he was being ridiculous and was only asking the other officer if he saw anything defective with her lights. This is when badge [redacted] went to grab at her and she pulled back and began to walk to her car. Subsequently she attempted to enter her vehicle and this is when both officers pulled her from her vehicle. She advised that badge [redacted] then yelled at her saying "that's it you're going to jail and I'm towing your car." [redacted] advised that she remembered being shoved up against her car and then thrown to the ground as both officers used their body weight to subdue her. As they were doing this badge [redacted] yelled out "stop resisting" even though she was not. [redacted] continued to scream that she was not resisting and this is when badge [redacted] placed his boot on her head. As badge [redacted] was pressing her head into the ground she kept yelling that she was not resisting, as handcuffs were being placed on her. She was then placed in the rear of a police car and the door shut. [redacted] advised that she began to stomp her feet and screamed to get their attention and this is when the officer with the "light eyes" said to her "do you want to get pepper sprayed or tasered, the taser would be preferable because it hurts less." [redacted] sister who was a passenger in her vehicle also gave the same account as to what happened. She also assured that her sister's lights were activated and confirmed that it was badge [redacted] who put his boot on her sister's head. [redacted] added that one of the officers who arrived later said to her "shut the fuck up or I'm going to arrest you too." [redacted] added that it was this officer who told her nephew, who was also in the vehicle to "stay in school" and "be good so you won't end up like mommy." Subsequently both were escorted to my office and statements taken. [redacted] utilized my computer and elected to type her own statement, while her sister [redacted] handwrote her statement. Both statements were relatively lengthy in nature. [redacted] also provided me with several photos that depicted injuries she sustained as a result of being arrested. The statements and photos were attached as part of this investigation and report. I then had the two review administrative photos of the officers who were working on the evening in question. At this time they both indicated that [redacted] were on scene, in

Ref: 14-2-IA

Entered: 03/18/2014 @ 1251  
Modified: 03/18/2014 @ 1257

Entry ID: 77JR  
Modified ID: 77JR

addition to [REDACTED] They also confirmed that [REDACTED] was on scene, but they make speculations that [REDACTED] also arrived on scene.

2/7/2014

[REDACTED] is requested to respond to headquarters and review administrative photos of employees to confirm who was at the scene on the evening in question; [REDACTED] is unavailable due to work. She confirms and is sure that [REDACTED] are there and also confirms that [REDACTED] is also there, but again upon reviewing the administrative photos she indicates that she "believes" that [REDACTED] and [REDACTED] were on scene at some point. She also advised that in addition to these two officers she "believes" that [REDACTED] might have also been on scene at some point. Again I asked her to be sure and she said she was definitely sure of [REDACTED]. She reiterated that she "thinks" [REDACTED] might have been there. The day sheet confirms that all were working with the exception of [REDACTED]. At this time it should be noted that I did show her [REDACTED] administrative picture, "twice" and she did not indicate that he was there on this occasion.

3/8/2014

I did speak with [REDACTED] who had received a ticket moments before [REDACTED] had stopped [REDACTED]. My call was to inquire if the officer may have been rude, curt or impolite. [REDACTED] who had received a citation for tinted windows indicated that nothing was out of the ordinary and advised that the officer was professional. [REDACTED]

### Audio Tapes

I did listen to the audio tapes from the evening in question and a female voice can be heard yelling in the background as [REDACTED] is transmitting his messages to communications. [REDACTED] voice and tone see "a little off" and it is apparent that he may be stressed by the evolving situation. As to exactly what the female is saying or what she is yelling about is inconclusive, but a conclusion can be drawn that she is being somewhat belligerent and borderline disorderly in nature as evidenced by the tape.

### Involved Officers

On 1/30/2014 [REDACTED] and [REDACTED] were working and both were involved in the arrest of [REDACTED] refer to [REDACTED]. I did have [REDACTED] review administrative photos of department employees and she confirmed that the officer with the "light eyes" was [REDACTED] and the other officer was [REDACTED]. They also indicated on several other employees to include [REDACTED]

2/6/2014

I then requested a memorandum from [REDACTED] (the responding supervisor) to indicate who else was on scene on the evening in question. [REDACTED] indicated in his memorandum that [REDACTED] [REDACTED] were also on scene and no one else. He also indicated that [REDACTED] was highly

Ref: 14-2-IA

Entered: 03/18/2014 @ 1251  
Modified: 03/18/2014 @ 1257

Entry ID: 77JR  
Modified ID: 77JR

combative and that no officers used profanity or acted outside the scope of their duties and responsibilities while he was on scene. He also advised that he checked the surrounding area for video surveillance and indicated that he could not find any in the immediate area of the arrest. There will be no further reason to interview him at this time. (Closed)

2/7/2014

drafts memorandum to me indicating that he was not on duty and he accounts for the modifying of CFS due to a typographical error within the CFS. There will be no further reason to interview him at this time. (Closed)

2/10/2014

I spoke with regarding the incident and inquired if he was on scene on the evening in question. advised that he was there momentarily but left due to enough officers being on scene. He further advised that he did not speak with anyone, but did observe in the rear of the police car. advised that he saw being highly combative kicking at the windows in the police cruiser and screaming. I then requested a memorandum from him; see same attached. There will be no further reason to interview him at this time. (Closed)

I spoke with who was on scene at the time of the arrest. He advised that a minimum amount of force was used to affect the arrest. He also advised at no time did he observe use his "boot" to subdue did confirm that he advised that she might get pepper sprayed or tasered if she kept on being combative and destructive while in the rear of the police car. also advised that he never stated to that "being tasered hurt less than being pepper sprayed." He also stated that he nor did any other officers use profanity, but he did hear swear several times. I then requested a memorandum from him; see same attached. There will be no further reason to interview him at this time. (Closed)

I spoke with and advised him that there may be some question if he arrived on scene on the evening in question. advised that he never went to the call and subsequently drafted me a memorandum advising of same. There will be no further reasons to interview him at this time. It should also be noted that both indicated that he was not there. (Closed)

I spoke with who indicated that he did arrive to the scene just after the arrest was affected. He also advised that he observed to be standing very close to where the arrest was being affected and as a precaution gave verbal commands to have her disperse from the immediate area. also indicated he did observe in the rear of the police car and she was being highly combative. He also observed her kicking at the glass partition and rear windows of the police cruiser. I asked if



Ref: 14-21-A

Entered: 03/18/2014 @ 1251  
 Modified: 03/18/2014 @ 1257

Entry ID: 77JR  
 Modified ID: 77JR

ever arrived on scene and he indicated no. I then requested a memorandum from him; see same attached. There will be no further reason to interview him at this time. (Closed)

2/11/2014

I spoke with [REDACTED] who advised that he was on scene towards the end of the arrest and only observed [REDACTED] in the rear of the police cruiser. He also advised that he observed her to be combative in nature and striking the doors and window divider with her feet. [REDACTED] further advised that he was questioned by [REDACTED] as to why her sister was being arrested. [REDACTED] did advise [REDACTED] at her sister [REDACTED] suffers from Bi-Polar Disorder and "this should not be happening to her." I then requested a memorandum from him; see same attached to this report. There will be no further reason to interview him at this time. (Closed)

2/12/2014

I spoke with [REDACTED] who resides at [REDACTED]. This was done in an attempt to look for an unbiased witness to the event. It should be noted that [REDACTED] is adjacent to and in the same vicinity as to the incident in question. [REDACTED] advised that he was a witness to the entire incident because he was on his back deck cooking steaks. He advised that the "women" [REDACTED] was giving the officers "a bunch of shit" and that the officers did nothing wrong. He further advised that the officers were professional and did not hear them use profanity or witness any conduct unbecoming. [REDACTED] also advised from his vantage point, [REDACTED] was screaming so loud that he could hear her in the police car with the doors shut. These facts as given to me from [REDACTED] were recorded as a phone conversation. This audio tape will remain part of this IA complaint. At this time there is no further reason to interview him and he will serve as an unbiased and independent witness. (Closed)

2/12/2014

I spoke with [REDACTED] who confirmed that he was on scene, but only after the arrest was made. [REDACTED] also confirmed that [REDACTED] was combative and screaming while she was in the rear of the patrol cruiser. [REDACTED] conveyed that he remained on scene and waited for the tow to arrive and was in the company of [REDACTED] and [REDACTED] son [REDACTED]. [REDACTED] also advised that he heard no officers use profanity while he was on scene. I then requested a memorandum from him; see same attached to this report. There will be no further reason to interview him at this time. (Closed)

Particulars

[REDACTED] was arrested on 1/30/2014 refer to 14-68-AR for the particulars regarding her arrest. The nature of her

Ref: 14-21-A

Entered: 03/18/2014 @ 1251  
Modified: 03/18/2014 @ 1257

Entry ID: 77JR  
Modified ID: 77JR

arrest revolves around the initial stop and the fact that her headlights were either activated or not. [REDACTED] both indicate that her headlights were not activated the probable cause for the stop. [REDACTED] further indicates that only her "parking lights" were activated at the time of the stop, confirmed by [REDACTED]. While interviewing [REDACTED] she did elude to the fact that her headlights may have been "dingy." I inquired what she meant by her headlights being "dingy." [REDACTED] advised that they may have been dirty due to the salt and sand on the roadway; which would have limited their brightness, but she assured me that they were activated. She further advised that she "manipulated" the switch when [REDACTED] advised her that they were off. A conclusion can be made at this point that she actually turned her headlights to the on position activating them at this point. [REDACTED] annotates in his report that [REDACTED] was argumentative and insistent that her head lights were on, this continued until the summons was given and explained to [REDACTED]. [REDACTED] further annotates in his report that after [REDACTED] received the ticket and the stop is cleared she speeds off down Killingly Street (north). [REDACTED] then pulls into the parking lot of [REDACTED] Killingly Street and encounters [REDACTED] who is on a fixed/ over watch post backing up [REDACTED]. This is when she inquires with him if he see's anything defective with her head lights, which he previously states in his narrative that he does. At this point it should be noted that if [REDACTED] "manipulated" her headlights previously, she would have had them activated at this time. [REDACTED] then reengages [REDACTED] in the parking lot of [REDACTED] Killingly Street citing that he did so out of officer safety concerns for [REDACTED]. As mentioned in his narrative, [REDACTED] is argumentative and speeds off; therefore officer safety concerns are warranted. When [REDACTED] pulls up this is when the encounter starts and [REDACTED] subsequently arrest [REDACTED] for disorderly conduct and resisting arrest due to her highly confrontational and combative nature. As indicated in [REDACTED] report, [REDACTED] is already out of her vehicle yelling at [REDACTED] "what's wrong with my headlights ?, what's wrong with my headlights?" As I annotated previously you can hear on the audio tapes a female yelling in the background when [REDACTED] indicates that he arrives on scene at [REDACTED] Killingly to backup [REDACTED]. At this point it can be argued that the female "yelling" is [REDACTED] alluding to the fact that she is being belligerent and disorderly in nature. This is subsequently confirmed by [REDACTED] an independent witness. [REDACTED] indicate that they made several attempts to defuse the situation and requested that [REDACTED] disperse, but these attempts were met with negative results. [REDACTED] is ultimately arrested for disorderly conduct and resisting arrest. [REDACTED] indicates in her report that she is shoved up against her car and thrown to the ground. As indicated in the arrest reports, [REDACTED] is given verbal commands to put her hands behind her back, but refuses. When [REDACTED] attempts to affect the arrest, [REDACTED] pulls away and begins to twist her body in order to evade the arrest. [REDACTED] subsequently taken to the ground while actively resisting the arrest of both patrolmen, even though numerous verbal commands are issued to her to stop resisting the arrest.

Entered: 03/18/2014 @ 1251  
Modified: 03/18/2014 @ 1257

Entry ID: 77JR  
Modified ID: 77JR

3/18/2014

On the above stated date, [REDACTED] returned to work, full duty with no restriction. I summoned him into my office and inquired if he would like to cooperate with this IA investigation at this time. [REDACTED] was in agreement, and signed his Administrative Rights accordingly. [REDACTED] was adamant that [REDACTED] head lights were off, confirming the probable cause for the stop. He further advised that he backed [REDACTED] up because he was concerned for his safety. I inquired if in his opinion he used too much force to affect the arrest, in which he advised the force applied was applicable and he never used his boot to subdue the suspect. He further indicated that he never used vulgarity, but was not sure if anyone else did while he was on scene.

### Conclusion

- The probable cause for the stop is whether [REDACTED] had her headlights activated or not. [REDACTED] contention is that she had them on; even though she admits that they may have been "dingy." I believe that she may not be sure as to whether they were on because she questions their "brightness." At this point and inference can be made that they were off due to the fact that she "manipulated" the switch. In order to manipulate the switch she would have had to move it from one position to another (off to on). At this point I believe she moved the switch from the parking light position to the head lights on position. This is when she approached [REDACTED] her headlights were activated.
- The accusation that [REDACTED] "threw" the ticket on her dashboard cannot be confirmed or denied and there are no unbiased witnesses to back the claim. He was professional on the previous stop as indicated by [REDACTED] and there is no reason to believe that he was less than professional with [REDACTED].
- I do conclude that [REDACTED] is justified in backing [REDACTED] up. There are officer safety concerns and this is customary for officers to back one another up, especially given the fact that she sped off from the original stop.
- [REDACTED] states that [REDACTED] swears at her when he arrives on scene while she is speaking with [REDACTED]. However, she leaves out the fact that she yelled at [REDACTED] inquiring what's wrong with her lights; which were probably activated at this point. This is further confirmed by the audio tapes in which you can hear [REDACTED] yelling and a stressed tone in [REDACTED] voice. The independent witness, [REDACTED] is able to confirm that [REDACTED] is very loud and he confirms that he hears her yell and swear at the officers. [REDACTED] assessments to the accounts are questionable and at this point determined to be biased.
- [REDACTED] indicate that when she is arrested [REDACTED] he puts his "boot" on her head while making the arrest. This is not indicated in any reports and when questioned about this application of force used it is denied by both patrolmen. Both officers indicate in their memorandums that a

Ref: 14-21A

REPORT FOR MAJOR JOSEPH P RAZZ

Entered: 03/18/2014 @ 1251  
Modified: 03/18/2014 @ 1257Entry ID: 77JR  
Modified ID: 77JR

reasonable amount of force was applied in order to affect the arrest, given the combativeness of [REDACTED]. There is no reason to think the force used to be excessive. Furthermore [REDACTED] injuries and photos that she supplied depicting her injuries are all consistent with her actively resisting the arrest (see pictures and medical release attached to this report). The injuries that she claimed to receive as a result of the arrest appear minimal and applicable for the circumstances that involved the arrest.

- [REDACTED] advised that [REDACTED] stated to her "do you want to get pepper sprayed or tasered." [REDACTED] confirmed that he said this in order to calm her down while in the back of the police cruiser. He further advised that she was kicking at the window and being highly combative. [REDACTED] advised that he never said that being tasered would hurt less.
- [REDACTED] indicated in her complaint that one of the patrolman on scene said to her "shut the fuck up or I'm going to arrest you." No officers during this investigation indicated that profanity was used by them; they did indicate that [REDACTED] called everyone "a bunch of asshole cops." [REDACTED] an independent witness to the event advised that he did not hear the officers use profanity, but conveyed that he heard [REDACTED] swearing at the officers from his location.

### Assessment

While the arrest of Ms. Santana unfortunate, it could had been averted if she took the ticket and had it adjudicated

Ref: 14-2-1A

Entered: 03/18/2014 @ 1251  
Modified: 03/18/2014 @ 1257Entry ID: 77JR  
Modified ID: 77JR

properly. The fact that she reengages another police officer after the original stop leads me to believe that she was already upset with the original outcome and took her frustration and aggression out on [REDACTED] evidenced by [REDACTED] and brief audio tapes. When [REDACTED] arrives on scene to assist [REDACTED] it only infuriates [REDACTED] more and their attempts [REDACTED] to defuse and disperse her futile.

*As the documenter and investigator into this Internal Affairs matter, I recommend this matter be adjudicated in the following manner:*

- *Count 1 Civility: Not Sustained*
- *Count 2 Conduct Unbecoming an Officer: Not Sustained*
- *Count 3 Discourtesy: Not Sustained*
- *Count 4 Unnecessary Force: Exonerated*

*My contention is that he acted within the scope of his official duties and within the policies and procedures of the Johnston Police. This is only a recommendation to the Chief of Police who has final approval to render a decision and summary punishment.*

Ref: 14-5-A

Entered: 08/28/2014 @ 0939

Entry ID: 81AC

Modified: 08/28/2014 @ 1006

Modified ID: 81AC

Approved: 08/28/2014 @ 1521

Approval ID: 65TD

NARRATIVE

On 08/28/2014, at about 0820 hrs., I was patrolling the area of Borden Ave. at Isabella Ave. when I observed a white Chevy bearing R.I. reg. [REDACTED] stopped on Isabella Ave. with dark tinted windows. As I turned my cruiser around to conduct a motor vehicle stop, the vehicle took a sudden left hand turn onto Borden Ave. and then another sudden left hand turn onto Meadow Ave.

I initiated a motor vehicle stop on Meadow Ave. where I spoke with the operator identified as [REDACTED]. It should be noted as I approached her vehicle, a red commercial vehicle was parked ahead of me in the middle of the road with several males standing around it. At that time, two of the males (one believed to be [REDACTED] and the other unidentified) began to approach me suddenly with their chests elevated and their arms swinging suddenly. Concerned for my safety, I advised the two parties that I was conducting an investigation and they needed to remain away from my immediate area until I was done. They did not comply to my first request and had to be told multiple times to remain away.

[REDACTED] then yelled at me saying "I've already gone through this, this is fucking harrassment, Im calling the Chief right now". I advised [REDACTED] he can call whoever he liked as long as it was away from where I was conducting my motor vehicle stop. At that time the unidentified male stated, "we already got this taken care of, you didn't get in trouble the last time?".

I then returned to my vehicle and issued [REDACTED] a summons for Operating with Unlawful Sunscreen Material [REDACTED]. Prior to clearing [REDACTED] yelled profanities at me again stating "I pay your fucking salary, [REDACTED] on his way down right now to take care of this ticket and I'm filing a complaint".

It should be noted on 07/21/2014 [REDACTED] was stopped in the area of [REDACTED] Killingly St. for the same violation (tinted windows) and cited for Operation of Unlawful Sunscreen Material (# [REDACTED]). Today, I did ask [REDACTED] why she did not correct the violation since her last summons, and she stated "I went to the Police Station and they took care of the ticket". Checks of IMC files revealed the disposition of summons # [REDACTED] to be Dismissed by Police. At no time was I Subpoenaed to appear at RITT for this violation nor did I dismiss said summons.

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REPORTING OFFICER'S SIGNATURE

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APPROVING OFFICER'S SIGNATURE

Ref: 14-5-1A

Entered: 08/28/2014 @ 1220

Entry ID: 77JR

Modified: 08/28/2014 @ 1224

Modified ID: 77JR

Approved: 08/28/2014 @ 1523

Approval ID: 65TD

In reference to summons # [REDACTED] and CFS [REDACTED] responded to police headquarters and advised that he was remiss as to the proper application of sunscreen material that was applied to his wife's vehicle. At this time I apprised the Chief who subsequently spoke with [REDACTED] regarding the infraction. Directed by the Chief based on his authority and discretion summons # [REDACTED] was voided. Subsequently the Chief advised [REDACTED] to remove the sunscreen material, and further infractions would not be adjudicated through his office.

Major Joseph P. Razza Uniformed Patrol Commander

Entered: 09/23/2014 @ 0822  
Modified: 09/23/2014 @ 0823

Entry ID: 77JR  
Modified ID: 77JR

## 14-5-1A

### Inception of Complaint

[REDACTED] called the station, and advised that he is having an issue with [REDACTED]. He further informs that his wife is being detained on their street, and [REDACTED] was swearing at him and his son. I subsequently responded to the scene, and had [REDACTED] meet me there. [REDACTED] began to tell me what had transpired, and this is when I excluded myself from the conversation. [REDACTED] took a civilian complaint from [REDACTED] and subsequently drafted a memorandum to the Chief advising him of a potential civilian complaint. A copy of that memorandum was later forwarded to me by the Chief. The memorandum alleges that [REDACTED] used vulgarity during the motor vehicle stop, but no official civilian complaint is received by the end of the day on August 28, 2014.

### Thursday August 28, 2014

At approximately between the hours of 0815 and 0830 hours, I received a phone call on my direct line (757-3130) from [REDACTED] a resident of Johnston who resides on Meadow Avenue. [REDACTED] seemed excited, and advised that an officer which he subsequently identified as [REDACTED] had just stopped his wife [REDACTED]. He further advised that [REDACTED] was swearing at him, and his son, and used the word "Fuck" numerous times. I then responded to Meadow Avenue to meet with [REDACTED]. I also instructed [REDACTED] the day supervisor to meet me there. On scene [REDACTED] advised me that his wife was stopped by [REDACTED] for having sunscreen material on her vehicle. [REDACTED] further went on to say that he attempted to explain to the officer why the material was on the vehicle, and this is when the officer said "Stay the fuck back, I'm conducting an investigation." At this point [REDACTED] arrived on scene and I departed. Subsequently, [REDACTED] drafted a memorandum to the Chief, and advised [REDACTED] that if he was so inclined he could fill out a civilian complaint form against the officer. Later that morning the Chief gave me a copy of the memorandum that [REDACTED] had drafted regarding what had transpired between [REDACTED]. The memorandum indicates that [REDACTED] allegedly used vulgarity, specifically the word "Fuck" towards [REDACTED] and more specifically said to him "You don't know me, get the fuck away from me, I'm conducting an investigation." This memorandum was subsequently attached to this report. Also attached to this report is a copy of the offense report [REDACTED] that [REDACTED] drafted regarding the incident, and a copy of the memorandum that [REDACTED] submitted to [REDACTED].

### Interview [REDACTED]

### Friday August 29, 2014

At approximately 1000 hours [REDACTED] responded to police headquarters with a completed and signed civilian complaint form. I read the complaint, and then forwarded it to the Chief for his review and intervention. At this time the Chief instructed me to open up an internal investigation. I then escorted [REDACTED] into the interview room in order to conduct a video and audio taped interview. I read the complaint out loud to [REDACTED] and asked if the events were as he annotated them. [REDACTED] advised that they were, and I requested that he give



me his personal account of the incident. [REDACTED] stated that his wife left their residence at approximately 8:00 am (8/28/2014) and suddenly returned home 2 minutes later, followed by a speeding Johnston Police cruiser. When the officer stepped out of the police car [REDACTED] noticed that it was [REDACTED] and said "[REDACTED] can I explain." This is when [REDACTED] said loudly "Stay the fuck back, I am conducting an investigation." At this juncture I inquired how he knew [REDACTED]. [REDACTED] advised that weeks prior he was formally introduced to [REDACTED] by [REDACTED] at a wake. I further inquired what he wanted to "Explain" to [REDACTED]. [REDACTED] stated that several weeks prior his wife was issued a summons by [REDACTED] for having sunscreen material on her vehicle. [REDACTED] not knowing that it was against the law responded to police headquarters, and requested that the summons be voided. At this time he also conveyed that the officer was rude to his wife, but did not want to see the officer get into trouble, and did not want to file a civilian complaint. [REDACTED] explained to the Chief that he was remiss as to the RIGL regarding window tint, and advised that he would remove it. The Chief subsequently voided the ticket, and advised [REDACTED] that further infractions would not be adjudicated through his office; [REDACTED] acknowledged same. [REDACTED] further explained that he wanted to tell [REDACTED] that he had an appointment at Sunset Tint (Cranston) to have the sunscreen material professionally removed, but the appointment was not for several more weeks. [REDACTED] further advised that when his son, [REDACTED] attempted to intervene [REDACTED] said to him "Shut up, and get the fuck back." I inquired who else might have heard the officer use vulgarity. [REDACTED] advised besides himself, his wife, and son, his work partner [REDACTED]. I then advised that sometime next week I will need to interview all the previously mentioned parties that were present during the incident. At this time I will note that [REDACTED] is a heavy set individual who recalled the events of the incident with ease. His account of what happened seemed true and sincere.

Subsequently based on the written and oral statements that were provided by [REDACTED] I will be investigating the following violations of Johnston Police Department Rules and Regulation: (1) 21-56 Civility, (2) 21-58 Conduct Unbecoming an Officer, and (3) 21-62 Discourtesy.

### Friday September 5, 2014

After interviewing [REDACTED] I had a few follow-up questions for [REDACTED] regarding his meeting [REDACTED] at a funeral, or wake. [REDACTED] advised that he was in mixed company with another couple when [REDACTED] was introduced to all four people by [REDACTED] as her boyfriend. [REDACTED] recalls [REDACTED] having on a beige shirt, and boat shoes. During the introduction [REDACTED] said to all present "This is my boyfriend, [REDACTED] went on to say that he [REDACTED] 'Is known for stopping people" and "Pulling cars over." At this juncture [REDACTED] said to her "No I only like to pull you over." It was in [REDACTED] opinion that this comment was directed to [REDACTED] and not he, or his wife.

### Documentation of Advisory Notice and pending IA

#### Friday August 29, 2014

At approximately 1130 hours I requested that [REDACTED] who was already assigned to JARE respond to my office. I advised [REDACTED] that there was a civilian complaint filed against him regarding his

Ref: 14-5-IA

Entered: 09/23/2014 @ 0822  
Modified: 09/23/2014 @ 0823

Entry ID: 77JR  
Modified ID: 77JR

actions on August 28, 2014, and the Chief has instructed me to investigate the matter as the internal affairs officer. I then advised him of the open and pending investigation, applicable departmental charges, and potential witnesses. He was subsequently given his Advisory Notice form which was notarized by [redacted] and signed received by [redacted]. I further asked if he had any questions, and he didn't.

**Interview** [redacted]

**Tuesday September 2, 2014**

At approximately 1516 hours, [redacted] responded to police headquarters with a completed and signed civilian complaint form. Subsequently, I escorted her into detectives and conducted a taped and audio interview with her. First, I read to [redacted] her complaint out loud, and confirmed that the complaint was drafted by her. [redacted] stated that on 8/28/2014 she was pulled over by [redacted] as she entered Borden Avenue from Isabela Street. [redacted] immediately recognized the officer as [redacted] due to a previous encounter (MVST), and being introduced to same [redacted]. She conveyed that [redacted] introduced [redacted] to her and her husband at a funeral several weeks ago. [redacted] actually introduced [redacted] and stated "That he loves to pull cars over" and "He's known for pulling cars over" and made a joke of it. [redacted] further confirmed that the encounter was acknowledged by [redacted] and salutations exchanged. [redacted] actually said to [redacted] "No I only pull you over" trying to downplay, or terminate the encounter being very "Straight faced" while [redacted] laughed. [redacted] conveyed that as [redacted] passed her on the day in question he "Whipped" his car around and chased her. [redacted] immediately returned to her residence at [redacted] Meadow Avenue because she did not want to be left alone with him. At this juncture I asked for her to elaborate. [redacted] then referenced a motor vehicle stop roughly 3 weeks prior when she was detained by [redacted] for driving with sunscreen material on her vehicle. During the stop [redacted] was extremely "Rude" to her and also "Screamed" and "Yelled" at her to "Get out of her" at the conclusion of the stop. She further elaborated that "He has a bad attitude" and "He scares me" referring to his demeanor on the car stop. There is some speculation by her that she may have been targeted by [redacted] because two days after she was pulled over, she passed [redacted] on Hartford Avenue and she "Swears" that she was going to be pulled over again, but there was just too much traffic. At this time I will note that [redacted] declined not to file a complaint against [redacted] for the original incident regarding his civility because she is "Afraid" and was fearful of retaliation, and that she feels that he is "Harassing" her. [redacted] advised that on this particular occasion (8/28/2014) she was pulled over again; surmised because the sunscreen material is still on her vehicle. She returned to her residence because she knew that her husband was still outside, and did not want to be left alone with [redacted]. [redacted] pulled over for [redacted] when she was in front of her residence, and her husband was off to the side, roughly a car length away. [redacted] then attempted to intervene, and wanted to explain that the sunscreen material was going to be removed in a couple of weeks, due to a preexisting appointment at Sunset Tint in Cranston, Rhode Island. [redacted] called [redacted] and this is when [redacted] yelled at [redacted] "You don't know me." This is when [redacted] said to [redacted] you do know me, we just met at the funeral. [redacted] then yelled at [redacted] and said "Shut the fuck up, stand back, shut the fuck, I'm conducting an investigation." At this point her son attempted to intervene, and [redacted] told her son [redacted] to "Shut the fuck up, and stand back." [redacted] advised that her son merely wanted to let [redacted] know that he was friendly with [redacted] because they attended JHS together. At the conclusion of the interview [redacted] added that she "Fears" [redacted] and she is afraid of

Ref: 14-5-1A

Entered: 09/23/2014 @ 0822  
 Modified: 09/23/2014 @ 0823

Entry ID: 77JR  
 Modified ID: 77JR

being pulled over by him again.

**Interview**

**Friday September 5, 2014**

At approximately 0820 hours [redacted] responded to police headquarters in reference to this investigation. Subsequently, [redacted] was escorted into the detective division so a taped video and audio interview could be conducted. I inquired if he was present on the date of the incident that is being investigated, and he replied yes. I further inquired what had happened on the day in question in his own words. [redacted] then stated the following: [redacted] called his mother "Flying" back down their road and a Johnston cop was following her very fast. The officer then jumped out of his car, and ran over to his mother's car. This is when [redacted] who was standing in close proximity to the stop said "You just pulled my mother over for this." This statement was in reference to the previous stop 3 weeks prior. This is when [redacted] said to him "Back the fuck up, I'm conducting an investigation." [redacted] advised that when his father, who was also present during the incident heard this he called to the officer by name [redacted]. This is when [redacted] told his father to "Back the fuck up, I'm conducting an investigation." [redacted] advised that he talked with his mother after the incident, and she confided in [redacted] that she is "Afraid" of [redacted] and scared to be left alone with him. [redacted] also conveyed that it was in his opinion that the officer had "Flipped his lid" at the time of the car stop. [redacted] also advised that when his father advised [redacted] that he was calling the police he jumped in his car, and "Flew out of the street." I inquired if [redacted] swore at his father, and [redacted] stated yes. [redacted] advised that the officer told his father to "Back the fuck up" "He told us both back the fuck up." [redacted] went on to elaborate that his mother and father had met [redacted] at a funeral, and on the day of the incident his father attempted to approach the officer. This is when [redacted] said to [redacted] "don't you remember me, and [redacted] said "You don't know me, back the fuck up, I'm conducting an investigation." [redacted] then yelled to [redacted] "Back the fuck up, I'm conducting an investigation." [redacted] did confirm that his father had known the officer by name because they met at a funeral, and were introduced to one another by [redacted]. It should be noted that [redacted] is friends with [redacted] because they attended JHS together. I did inquire with [redacted] if he thought that when he attempted to approach the officer it was in an aggressive manner. [redacted] advised "Not at all" he wasn't even walking towards the stop, he was roughly 15 feet away when he called out [redacted] wanting to explain that he just pulled his mother over recently. This is when [redacted] turned around and positioned himself "In a stance" and "He flipped out" and "He lost his mind." [redacted] further advised that all his neighbors heard the incident, and his mother is "Pettrified" of [redacted]. I did inquire if [redacted] or his father yelled, or swore at [redacted] and he advised "No." [redacted] further afforded the following: When [redacted] yelled and swore at his father, his father said to [redacted] that this wasn't right "I'm a tax payer" and "This is harassment." His father subsequently backed up and called the police for intervention. At this time I will note that [redacted] seemed to recall the events fairly easily, and his account as to what happened honest. He is fairly tall, and his built thin.

**Documentation of Notice of Internal Affairs Interview**

Ref: 14-5-IA

Entered: 09/23/2014 @ 0822  
Modified: 09/23/2014 @ 0823Entry ID: 77JR  
Modified ID: 77JR**Wednesday September 3, 2014**

At approximately 0730 hours an official memorandum was drafted and signed by the Chief ordering [REDACTED] to respond to my office for an interview regarding this pending internal affairs investigation, and the allegations made against him. [REDACTED] acknowledged same by initialing the memorandum. He then inquired what he was being accused of, to which I replied swearing, vulgarity on a motor vehicle stop. At this time it should be noted that on 8/29/2014 I informed [REDACTED] that his actions pertaining to a car stop were called into question.

At approximately 0900 hours I was advised through [REDACTED] that a Union lawyer would not be able to attend the interview on the scheduled date and time. Subsequently, a consideration was made, and the date and time of [REDACTED] interview will be slated for September 5, 2014 at 0930 hours.

**Thursday September 4, 2014**

At 0730 hours I summoned [REDACTED] into my office and gave him a memorandum from the Chief advising him of the name of the complaints, and the nature of the allegations. I also requested that he draft a memorandum to the Chief requesting a continuance for his interview. See these documents attached to the Internal Affairs investigation.

**Interview ( [REDACTED] )****Friday September 4, 2014**

On the above mentioned date at 1400 hours I conducted a tapped audio and video interview with [REDACTED] a witness to the incident. [REDACTED] advised that he was outside with [REDACTED] when [REDACTED] wife returned home, and noticed a Johnston Police officer behind her. [REDACTED] and [REDACTED] began to approach the officer, and this is when [REDACTED] asked the officer "What his problem was." This is when the officer said to [REDACTED] "You don't know me." Then [REDACTED] asked didn't we just go over this last week, and didn't you get into trouble. This is when [REDACTED] said "Haven't you ever heard of obstruction of an officer, why don't you shut the fuck up and go sit down." [REDACTED] advised that [REDACTED] then called me, and that is when the officer "Got wind" of the phone call, and he left the area. [REDACTED] advised that after he thought of it when [REDACTED] walked over to the officer, the officer said "I'm conducting an investigation." [REDACTED] then replied you're conducting an investigation for what? I then asked if he recalled if the officer swore. [REDACTED] advised yes he did, he recalled the officer telling [REDACTED] to "Shut the fuck up" and "Go sit down" and "Mind your business." I then asked if he, or any of the [REDACTED] swore at the officer. [REDACTED] advised that no they did not. I further inquired if he felt they were being disorderly, or the officer may have had some safety concerns during the car stop. [REDACTED] said not at all they merely walked away, and [REDACTED] called the police. At this time I will note that [REDACTED] is a very well built individual, and muscular in stature. He seemed sincere, mild mannered, and recalled the events as to what happened fairly easy.

Ref: 14-5-IA

Entered: 09/23/2014 @ 0822  
Modified: 09/23/2014 @ 0823Entry ID: 77JR  
Modified ID: 77JR**Interview****Friday September 5, 2014**

On the above mentioned date, and at approximately 1500 hours I conducted an interview with [REDACTED]. At the interview [REDACTED] requested his [REDACTED] and IBPO [REDACTED] to sit in on the interview, this request was granted. I began the interview by giving [REDACTED] his Administrative Rights which he subsequently read and acknowledged by signing, see same attached to this report. I then re-advised [REDACTED] of the allegations, and who the complainants were. I further advised him that I was affording him the opportunity to tell me his side of the story, and what happened on 8/28/2014 during the stop with [REDACTED]. It should be noted that [REDACTED] did have in his possession what appeared to be a police report which I presumed was [REDACTED] OF, his documentation of the stop with [REDACTED] stated that prior to the stop he was patrolling Borden Avenue when he saw "Her vehicle" a white Chevy on Isabella Avenue. He subsequently turned his cruiser around and followed the vehicle to her residence at [REDACTED] Meadow Avenue. As he pulled up he noticed two males, and identified one as [REDACTED] and the other as a thinner male. [REDACTED] advised that when he exited his cruiser two of the males began to approach him suddenly with their chests "Puffed out" while swinging their arms. Taking this as a threat he advised them to "Stay back, I was conducting a motor vehicle stop." He further advised that he had to tell them multiple times to stay back. [REDACTED] subsequently ordered them to stay back, and this is when [REDACTED] said "This is fucking harassment." [REDACTED] then looked down at his police narrative, and then began to read his account as to what happened from his police report. [REDACTED] then stated that he went to his car, and wrote a summons to [REDACTED] for sunscreen material. While returning to [REDACTED] vehicle he advised that he heard [REDACTED] yelling, and swearing at him. He could not elaborate as to what [REDACTED] was yelling, or swearing. Again he looked down at his police narrative, and then began to read his account as to what happened from his police report. I then asked when [REDACTED] swore at you did you say "Step back, or step the fuck back, I'm conducting an investigation." [REDACTED] advised that he told him to "Stay back, I'm conducting an investigation" and advised that he never said fuck. I then asked why he did not call for back-up if he felt threatened, or as he annotated in his police narrative "Concerned for my safety." [REDACTED] advised that after telling the subjects multiple times they eventually obeyed his commands. I inquired why he did not call for a supervisor. [REDACTED] advised that he felt he had the situation under control. I inquired if the subjects were disorderly in nature, and [REDACTED] advised that [REDACTED] was borderline disorderly in nature by shouting profanities in the public view. I then asked when [REDACTED] said that he was going to call the Chief, or whoever he was going to call, why didn't you remain on scene. [REDACTED] advised that [REDACTED] was going to call me to the scene, and if I needed him to return to the scene I could have utilized my police radio. I did inquire if [REDACTED] had met [REDACTED] at a funeral, or a wake. [REDACTED] advised that he did not recall meeting them. After a brief period of time, I asked [REDACTED] if it was possible that in the heat of the moment he accidentally swore at these people. [REDACTED] advised that he "Did not remember swearing at these people." I inquired if he had yelled at them. [REDACTED] advised that yes he did when they didn't obey his first two commands. He used an elevated tone, and told them to stay back because he was concerned for his safety. I then asked if he had anything else to add relative to this investigation. This is when [REDACTED] advised that he had something to add about [REDACTED] demeanor. He then picked up his police report and began to read it and stated that on "Seven twenty one." I then interjected and advised him that seven twenty one was not relative

Ref: 14-5-IA

Entered: 09/23/2014 @ 0822  
 Modified: 09/23/2014 @ 0823

Entry ID: 77JR  
 Modified ID: 77JR

to this investigation. It should be noted that he was referring to his MVST on 7/21/2014; CFS [REDACTED] I further advised him that I was only concerned as to what happened on the 28<sup>th</sup> of this month. [REDACTED] continued to elude back to 7/21/2014, and that the previous summons was voided, being that this was not relative to this investigation I concluded the interview.

**Prior Complaints**

At this juncture it is prudent to call attention to previous internal affair complaints made against [REDACTED] and how they were adjudicated. 13-3-IA, [REDACTED] make a complaint that [REDACTED] is rude to them pursuant to a motor vehicle stop. They also advised that profanity was directed at them when [REDACTED] stated "I'm not your fucking buddy." This was adjudicated as being unfounded. 13-5-IA, [REDACTED] complained that [REDACTED] was extremely rude to her after she was pulled over. She also advised that she was "Talked down to" and advised that [REDACTED] was a "Real jerk." It was also her contention that [REDACTED] sets a very poor example as a police officer. This was adjudicated by the Chief with a formal verbal warning after [REDACTED] expressed remorse for coming across as what he called "Brash." On April 3, 2013, [REDACTED] complained to the Chief that he was pulled over by [REDACTED] advised that [REDACTED] was extremely rude to him, and referred him as a "Bad cop." He also advised that when he attempted to utilize then [REDACTED] name as a friend of his, [REDACTED] stated the following: "How the fuck do you know him." [REDACTED] also stated that [REDACTED] had talked down to him, and also stated that he was a "Punk." This matter was personally disposed of by the Chief due to [REDACTED] not wanting to make a formal complaint. 14-1-IA, [REDACTED] conducts a motor vehicle stop with [REDACTED] employee of [REDACTED] When [REDACTED] gets his vehicle [REDACTED] yells at him "Get back in the fucking truck." When [REDACTED] a witness to the incident attempts to diffuse the situation [REDACTED] then yells at him "Get away from my car, I'm in the middle of an investigation." Originally, when I spoke with [REDACTED] regarding this incident he advised that [REDACTED] said "Get the fuck back I'm, in the middle of an investigation." This matter was adjudicated with a formal written warning placed in [REDACTED] personnel file.

**Complainants/ Witnesses**

[REDACTED] Warrants checks negative, BCI for a prior arrest for Violation of a Restraining Order. Limited police conduct with JPD, mostly as a complainant, or witness.

[REDACTED]: Warrant checks negative, BCI negative. Limited police contact, (2) two incidents involving fraudulent checks (insufficient funds) that were cleared by the suspect making full restitution.

[REDACTED] Warrant checks negative, BCI for Domestic related charges, and Malicious Injury to Animals, also a RITT summons for Possession of Marijuana via JPD.

[REDACTED] Warrant checks negative, BCI checks negative, no contact with JPD.

**Conclusion**

On August 8, 2014 [REDACTED] drafts a memorandum to the Chief regarding the alleged actions of [REDACTED] pursuant to a motor vehicle stop. [REDACTED] conduct, civility, and courtesy are

Ref: 14-5-IA

Entered: 09/23/2014 @ 0822  
Modified: 09/23/2014 @ 0823Entry ID: 77JR  
Modified ID: 77JR

called into question when he allegedly states the following to [REDACTED] "You don't know me, get the fuck away from me, I'm conducting an investigation." [REDACTED] also yells at [REDACTED] and says "Back the fuck up, I'm conducting an investigation." Subsequent interviews conducted at later times by all involved, and witness to the use of vulgarity all confirm the same statements that were allegedly made by [REDACTED]. Although there are variations of these statements that are made by [REDACTED] they are all fairly similar in nature, and all accounts of the incident corroborate by four different people. An attempt to seek out other witnesses to this incident was met with negative results. This is the second incident within six months that "Willing" complainants have come forward to call [REDACTED] conduct, civility and courtesy into question. At this time I will also note, and cross reference this incident to IA-1-2014. It is highly peculiar by this investigator that [REDACTED] choice of words that have come into question regarding both these civilian complaint are very similar in nature. These words, or phrases such as "Get the fuck back" or "Stay the fuck back" and "I'm conducting" or "I'm in the middle of an investigation" show some type of pattern which lead me to believe that [REDACTED] is in fact using vulgarity when confronted with certain, or high stress situations. In addition, I found it odd that when asked to answer questions regarding the motor vehicle stop he needed to refer to his police narrative twice, and seemed to have difficulty recalling events that only happened eight days prior. When asked in the beginning of the interview if he said "Fuck?" [REDACTED] said "No." When asked again towards the end of the interview if it was at all possible that in the heat of the moment he accidentally swore, [REDACTED] advised that he "Did not remember swearing at these people." This also leads me to believe that if he could not remember, and needed his police narrative in order to recall specific events it is highly probable that he did in fact use vulgarity, and the word "Fuck" during the motor vehicle stop. Based on the credibility of the complainants, and totality of all relevant circumstance in combination with prior civilian complaints made against [REDACTED] it is in my opinion that vulgarity may have been used during this motor vehicle stop.

I have investigated the following charges, and have come to the following conclusion based on the totality of the circumstances:

Count (1) 21-56 Civility- Guilty

Count (2) 21-58 Conduct Unbecoming an Officer- Guilty

Count (3) 21-62 Discourtesy- Guilty

**This Internal Affairs report will be forwarded to the Chief for his assessment, intervention, and adjudication.**

**Tuesday September 9, 2014**

The Chief reviewed this report and advised me to draft a summary punishment memorandum suspending [REDACTED] without compensation for two days.

**Wednesday September 10, 2014**

I advised [REDACTED] to respond to the Chief's office in order to receive his summary punishment.

Ref: 14-5-1A

Entered: 09/23/2014 @ 0822  
 Modified: 09/23/2014 @ 0823

Entry ID: 77JR  
 Modified ID: 77JR

[REDACTED] selected to have [REDACTED] sit in on this meeting. At this time the Chief advised [REDACTED] that based on the totality of the circumstance, and all relative evidence he was being suspended for two days without compensation. [REDACTED] did not agree with his summary punishment, but took receipt of the official memorandum. He was subsequently given a copy of this memorandum; see original attached.

**Thursday September 11, 2014**

I advised [REDACTED] to respond to my office in order to inform him which two days he would be receiving with no compensation as part of his discipline. At this time I advised him and gave him two absence cards indicating that September 20<sup>th</sup> and September 26<sup>th</sup>, 2014 would serve as his suspension days. [REDACTED] [REDACTED] acknowledged these two days by signing the absence cards and took receipt of same; see copies attached to this report.

**Monday September 15, 2014**

On the above stated date, I responded to the Chief's office and took receipt of a grievance that [REDACTED] [REDACTED] filed regarding this IA matter, and subsequent discipline. This grievance was subsequently TOT the Mayor by the Chief and acknowledged as received. Attached to this IA report is a copy of that grievance.



# Investigative Report

Page: 1  
03/14/2016

Case #: 14-5-IA

Date/Time Reported: 08/29/2014 @ 1015  
 Report Date/Time: 08/29/2014 @ 1053  
 Occurred Between: 08/28/2014 @ 0800  
 And: 08/29/2014 @ 1000  
 Complaint Type: INTERNAL  
 Disposition: SUSTAINED  
 Additional Cases: 14-1392-OF

Reporting Officer: Major Joseph Razza

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

# OFFENSE(S) A/C TITLE/CHAP SECTION

LOCATION TYPE: Residence/Home/Apt./Condo      Zone: BEAT 11

JOHNSTON RI 02919

- |   |  |   |     |    |
|---|--|---|-----|----|
| 1 | <b>CIVILITY</b><br>OCCURRED: 08/28/2014 0800<br>SUSPECTED OF USING: Not Applicable<br>BIAS AGAINST: No Bias                      | C | 21- | 56 |
| 2 | <b>CONDUCT UNBECOMING AN OFFICER</b><br>OCCURRED: 08/28/2014 0800<br>SUSPECTED OF USING: Not Applicable<br>BIAS AGAINST: No Bias | C | 21- | 58 |
| 3 | <b>DISCOURTESY</b><br>OCCURRED: 08/28/2014 0800<br>SUSPECTED OF USING: Not Applicable<br>BIAS AGAINST: No Bias                   | C | 21- | 62 |

# PERSON(S) PERSON TYPE SEX RACE AGE SSN PHONE

- |   |   |             |   |   |    |            |            |
|---|---|-------------|---|---|----|------------|------------|
| 1 | [REDACTED]<br>JOHNSTON RI 02919<br>CONTACT INFORMATION:<br>Home Phone (Primary) [REDACTED]                          | COMPLAINANT | F | W | 48 | [REDACTED] | [REDACTED] |
| 2 | [REDACTED]<br>JOHNSTON RI 02919<br>CONTACT INFORMATION:<br>Home Phone (Primary) [REDACTED]<br>Home Phone [REDACTED] | COMPLAINANT | M | W | 49 | NOT AVAIL  | [REDACTED] |
| 3 | [REDACTED]<br>JOHNSTON RI 02919   | WITNESS     | M | W | 19 | NOT AVAIL  | [REDACTED] |

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
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4	[REDACTED] NORTH SCITUATE RI 02857 DOB: [REDACTED] EMPLOYER: [REDACTED]	WITNESS	M	W	33	NOT AVAIL	
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#	CONTACT	SEX	RACE	AGE	SSN	PHONE
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1	1551 ATWOOD AVE JOHNSTON RI 02919 CONTACT INFORMATION: Home Phone (Primary) 401-231-4210 Work Phone (Primary) 401-231-4210  BODY: NOT AVAIL. DOB: NOT AVAIL. LICENSE NUMBER: [REDACTED]		M	W	3040	NOT AVAIL	401-231-4210
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COMPLEXION: NOT AVAIL.  
PLACE OF BIRTH: NOT AVAIL.  
ETHNICITY: NOT HISPANIC  
EMPLOYER/SCHOOL: JOHNSTON POLICE DEPT. 401-231-4210

#	VEHICLE(S)	YEAR	MAKE	STYLE	COLOR1	COLOR2	RUNE	MODEL
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1	08/29/2014 0 1133	2014	CHEV	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	CRUZE
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Investigative Report

03/14/2016

Case #: 15-2-1A

Date/Time Reported: 06/10/2015 @ 0800
Report Date/Time: 06/10/2015 @ 0800
Occurred Between: 06/10/2015 @ 0800
And: 06/11/2015 @ 0800
Complaint Type: INTERNAL
Disposition: UNFOUNDED

Reporting Officer: Major Joseph Razza

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

Table with columns: # OFFENSE(S), A/C, TITLE/CHAD, SECTION. Includes rows for 'SUBMITTING REPORTS' and 'TRUTHFULNESS' with details on occurrence dates and bias.

Table with columns: # PERSON(S), PERSON TYPE, SEX, RACE, AGE, SSN, FBIID. Includes rows for 'COMPLAINANT' and 'WITNESS' with contact information and redacted details.

Case #: 15-2-IA

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
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3	[REDACTED] JOHNSTON RI 02919 DOB: [REDACTED] CONTACT INFORMATION: Home Phone (Primary) [REDACTED] Home Phone [REDACTED] Home Phone [REDACTED]	WITNESS	F	W	60	[REDACTED]	[REDACTED]
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4	1651 ATWOOD AVE JOHNSTON RI 02919 DOB: NOT AVAIL CONTACT INFORMATION: Home Phone (Primary) [REDACTED] Work Phone (Primary) [REDACTED]	WITNESS	M	W	3035	NOT AVAIL	401-231-4210
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5	1651 ATWOOD AVE JOHNSTON RI 02919 DOB: NOT AVAIL EMPLOYER: JOHNSTON POLICE DEPT. CONTACT INFORMATION: Home Phone (Primary) [REDACTED] Work Phone (Primary) [REDACTED] Work Phone (Primary) [REDACTED]	OTHER	M	B	3540	NOT AVAIL	401-231-4210
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6	1651 ATWOOD AVE JOHNSTON RI 02919 DOB: NOT AVAIL EMPLOYER: TOWN OF JOHNSTON	OTHER	M	W	3035	NOT AVAIL	401-231-4210
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7	1651 ATWOOD AVE JOHNSTON RI 02919 DOB: NOT AVAIL EMPLOYER: JOHNSTON POLICE DEPT. CONTACT INFORMATION: Home Phone (Primary) [REDACTED]	WITNESS	M	W	2530	NOT AVAIL	401-231-4210
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#	OFFICER(S)	SEX	RACE	AGE	SSN	PHONE
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1	1651 ATWOOD AVE JOHNSTON RI 02919 CONTACT INFORMATION: Home Phone (Primary) [REDACTED] Work Phone (Primary) [REDACTED]	M	W	3035	NOT AVAIL	401-231-4210
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HEIGHT: [REDACTED] WEIGHT: [REDACTED] HAIR: [REDACTED] EYES: NOT AVAIL.  
 BODY: [REDACTED] COMPLEXION: [REDACTED]  
 DOB: NOT AVAIL PLACE OF BIRTH: NOT AVAIL.  
 LICENSE NUMBER: [REDACTED] ETHNICITY: NOT HISPANIC

[APPEARANCE]

GLASSES WORN: [REDACTED]

Case #: 15-2-1A

OFFICER(S) [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: [REDACTED]

EMPLOYER/SCHOOL: JOHNSTON POLICE DEPT. • 401-231-4210  
1651 ATWOOD AVE  
JOHNSTON RI 02919

OCCUPATION: POLICE OFFICER

Ref: 15-2-1A

Entered: 06/12/2015 @ 1201  
 Modified: 06/12/2015 @ 1254  
 Approved: 06/12/2015 @ 1204

Entry ID: 77JR  
 Modified ID: 77JR  
 Approval ID: 77JR

**Initiation**

On June 10, 2015, [REDACTED] responded to police headquarters and completed a Civilian Complaint form. Refer to her complaint form attached to this internal investigation. The bases of her complaint was that [REDACTED] lied in his police narrative regarding an incident that occurred at [REDACTED] Cherry Hill on the morning of June 9, 2015, refer to [REDACTED] OF.

**Interviews**

June 10, 2015

After the complaint was filed, I spoke with [REDACTED] and [REDACTED] made indication that she was assaulted by [REDACTED] on the evening of June, 8 2015, but never reported it to police. On the morning of June 9, 2015, an altercation occurred when [REDACTED] demanded money for drugs and she refused. A heated argument ensued and this is when [REDACTED] was whipped with an electrical cord and choked. [REDACTED] who resides in the residence was witness to the altercation, but claimed no injury. I subsequently requested that they all provide witness statements as to what transpired over the course of the 24 hour time frame. I then had [REDACTED] photograph their injuries and had him prepare a memorandum to me documenting same. I further instructed them to return after 1600 hours and speak with [REDACTED] the Department's Domestic Violence coordinator. Refer to the following reports attached to this investigation: [REDACTED] OF, [REDACTED] OF and [REDACTED] WA. Also, I did subpoena the 911 tape from this call and listened to what was being conveyed to the 911 Dispatcher. The female caller advised of the following with no real exigency in her voice: (1) please send a car to [REDACTED] Cherry Hill Road for Domestic Abuse, (2) [REDACTED] is flipping out and beating her mother and girlfriend.

June 11, 2015

I spoke with [REDACTED] regarding what his capacity was in this call for service and requested that he draft memorandum to me. [REDACTED] indicated that on the day in question the scene was quite "chaotic" and briefly spoke with [REDACTED] at the onset of the investigation [REDACTED] indicated to [REDACTED] that she was bitten on the hand by her daughter [REDACTED] but could not provide a specific time frame. [REDACTED] also indicated in his memorandum and verbal accounts to me that he observed no physical evidence to indicate that [REDACTED] was bitten and deferred the investigation to [REDACTED] Refer to [REDACTED] memorandum attached to this report.

I spoke with [REDACTED] regarding what his capacity was in this call for service and requested that he verbally apprise me as to what happened. [REDACTED] made indication that when he arrived on scene [REDACTED] was in the process of being transported to [REDACTED] hospital. He further advised that it was apparent that she was under the influence of some type of narcotic. [REDACTED] stated that he did not enter the residence and had no contact with [REDACTED] and that he only observed her as she was peering out a window at officers on scene.

I spoke with [REDACTED] and apprised him of the situation and asked for his verbal account as to what transpired at [REDACTED] Cherry Hill Road. [REDACTED] advised that he arrived on scene as [REDACTED] was being transported and it was never communicated to him that an assault had occurred. He was advised by [REDACTED]

Ref: 15-2-1A

Entered: 06/12/2015 @ 1201      Entry ID: 77JR  
Modified: 06/12/2015 @ 1254      Modified ID: 77JR  
Approved: 06/12/2015 @ 1204      Approval ID: 77JR

[REDACTED] that the incident was being documented as a Domestic Disorderly Conduct and a No Trespass Order was being issued against [REDACTED] by her mother [REDACTED]. [REDACTED] further indicated that [REDACTED] was on scene at the time of the incident and acted as the primary supervisor.

As the documenter of facts, I spoke with [REDACTED] regarding this complaint and requested a memorandum, and verbal account of what transpired at [REDACTED] Cherry Hill Road. [REDACTED] indicated that at the onset of his on scene investigation [REDACTED] indicated that she was assaulted by [REDACTED] but what he observed on scene was contradictory to what she was stating to him. He further advised that he was unable to corroborate [REDACTED] statements with any physical evidence. Having past experience with [REDACTED] [REDACTED] he dispelled that an assault occurred and informed [REDACTED] on how to file a Trespass Complaint; in which she did. [REDACTED] also interviewed [REDACTED] who later made allegation that she was also assaulted by [REDACTED]. At the onset of speaking with her she made no indication that she was assaulted and there was no evidence to suggest otherwise.

June 12, 2015

I spoke with [REDACTED] who acted as First Line Supervisor for the CFS and requested his verbal account as to what had transpired at [REDACTED] Cherry Hill Road. [REDACTED] indicated that when he arrived on scene [REDACTED] was standing on the front step and was never able to speak with [REDACTED] because she slammed the door shut in their face. He did speak with [REDACTED] and he conveyed to him how he was going to document the incident, and that there was no probable cause to affect an arrest for domestic related charges.

## Conclusion

I did speak with [REDACTED] and [REDACTED] in reference to this complaint and to what transpired at their residence. [REDACTED] indicated that she is extremely concerned for [REDACTED] because she is a habitual drug user. She conveyed that [REDACTED] is unwilling to seek help for her dependency and believes that [REDACTED] will ultimately succumb to her affliction. [REDACTED] further conveyed that [REDACTED] is on probation and she felt that if [REDACTED] had been arrested at the time of the incident she may have gotten the help she needs. After interviewing officers and reading memorandums, it is evident that at the onset of the investigation the complainants ([REDACTED] and [REDACTED]) were not forthcoming with information to establish probable cause to make an arrest. I do believe that an incident occurred at [REDACTED] Cherry Hill Road and there is probable cause to arrest [REDACTED] but the necessary evidence and information was not provided to this agency in a timely manner, and outside the 24 Hour Rule regarding Domestic related charges. I further speculate that [REDACTED], [REDACTED] and [REDACTED] corroborated as to what the best course of action would be regarding [REDACTED] drug affliction and surmised that having her arrested would be prudent.

It should be noted that all participants have lengthy criminal records and their creditability somewhat questionable.

Based on the aforementioned facts and underlining circumstance this investigation is being documented as unfounded.

Ref: 15-2-1A

Entered: 06/12/2015 @ 1201      Entry ID: 77JR  
Modified: 06/12/2015 @ 1254      Modified ID: 77JR  
Approved: 06/12/2015 @ 1204      Approval ID: 77JR

encl:

- (3) memorandum
- (3) reports
- (1) civilian complaint form
- (1) 911 tape
- (3) RI BCI
- (1) CFS from Dispatch Log



Case #: 15-3-IA

Date/Time Reported: 06/25/2015 @ 0900  
Report Date/Time: 06/29/2015 @ 1330  
Occurred Between: 06/25/2015 @ 0900  
And: 06/25/2015 @ 0930  
Complaint Type: INTERNAL  
Disposition: UNFOUNDED

Reporting Officer: Major Joseph Razza

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

# OFFENSE(S) A/C TIME/CHAP SECTION

LOCATION TYPE: Highway/Road/Alley/Street Zone: BEAT 21

JOHNSTON RI 02919

- 1 CIVILITY OCCURRED: 06/25/2015 0900 C 100. 04  
SUSPECTED OF USING: Not Applicable  
BIAS AGAINST: No Bias
- 2 DISCOURTESY OCCURRED: 06/25/2015 0900 C 100. 04  
SUSPECTED OF USING: Not Applicable  
BIAS AGAINST: No Bias

# PERSON(S) PERSON TYPE SEX RACE AGE SSN PHONE

1 [REDACTED] COMPLAINTANT F W 55 [REDACTED] [REDACTED]  
JOHNSTON RI 02919  
DOB: [REDACTED]  
CONTACT INFORMATION:  
Home Phone (Primary) [REDACTED]

# CONTACT(S) SEX RACE AGE SSN PHONE

1 [REDACTED] M W 2530 NOT AVAIL [REDACTED]  
1651 ATWOOD AVE  
JOHNSTON RI 02919  
CONTACT INFORMATION:  
Home Phone (Primary) 401-231-4210  
Work Phone (Primary) 401-231-4210  
:  
:  
:  
BODY: NOT AVAIL.  
DOB: NOT AVAIL.  
LICENSE NUMBER: [REDACTED]  
COMPLEXION: NOT AVAIL.  
PLACE OF BIRTH: NOT AVAIL.  
ETHNICITY: NOT HISPANIC  
EMPLOYER/SCHOOL: JOHNSTON POLICE DEPT. • 401-231-4210

Ref: 15-3-IA

Entered: 06/30/2015 @ 0907      Entry ID: 77JR  
Modified: 06/30/2015 @ 0908      Modified ID: 77JR  
Approved: 06/30/2015 @ 0908      Approval ID: 77JR

15-3-IA

### Inception

On June 25, 2015, I spoke with [REDACTED] in reference to a civilian complaint she filed against [REDACTED]. [REDACTED] made verbal indications that [REDACTED] was rude and abrupt with her after she was pulled over for speeding earlier that day.

[REDACTED] indicated that she felt "chastised" when [REDACTED] advised her that her registration was about to expire at the end of the month. I inquired with [REDACTED] what the patrolman did to her that was "rude and abrupt." [REDACTED] advised that his "mannerisms" were abrupt, but when asked to explain what she meant by that she could not. [REDACTED] could only point to procedural aspect of the stop she felt were wrong, (i.e. the patrolman did not request to see proof of insurance.) She also indicated that it was in her opinion that she was not speeding and should not have been cited. I explained to her how she could contest the summons and that I was only concerned with civility issues regarding [REDACTED]. Once again she did not give me any indications that would lead me to believe that [REDACTED] was acting unprofessional and never indicated that he was uncivil. Attached to this IA report is her civilian complaint.

June 29, 2015, I spoke with [REDACTED] in reference to this civilian complaint and the allegations being made by [REDACTED]. [REDACTED] advised that the stop was fairly normal except for the fact that [REDACTED] complained to him that she was not speeding and this is when he showed her the laser unit indicating that she was traveling a "56" miles per hour in a posted 35 mile per hour zone. He also indicated that she was somewhat rude and argumentative, but did not engage in any banter with her. [REDACTED] so informed me that he did tell her that he was exercising his discretion and was only citing her for traveling 10 miles per hour over the posted speed limit. He also conveyed that he did explain to her that her registration was about to expire. I then asked [REDACTED] to submit memorandum to me regarding his actions on the date in question. Attached to this IA report is his memorandum.

### Conclusion

When I asked [REDACTED] what was rude and abrupt about [REDACTED] [REDACTED] could only specify that she felt his "mannerisms" were abrupt in nature. She did not mention, or make any indications in her verbal, or written account of the interaction with him that his civility was an issue. [REDACTED] only complained of procedural aspects of the motor vehicle stop that she felt were inappropriate, or wrong which are not a basis for a civilian complaint. I am inclined to believe that this complaint is being made to circumvent the summons and nothing more at this juncture.

Based on written and verbal accounts from [REDACTED] I find her complaint to be unfounded and this matter closed.

**Investigative Report**

Page: 1  
03/14/2016

Case #: 15-4-IA

Date/Time Reported: 07/01/2015 @ 1200  
 Report Date/Time: 07/06/2015 @ 0800  
 Occurred Between: 07/01/2015 @ 1000  
 And: 07/01/2015 @ 1015  
 Complaint Type: INTERNAL  
 Disposition: SUSTAINED

Reporting Officer: Major Joseph Razza

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

#	OFFENSE(S)	DATE/TIME	BEAT	TITLE/CHAP	SECTION
	LOCATION TYPE: Parking Lot/Garage JOHNSTON RI 02919		Zone: BEAT 21		
1	<b>CIVILITY</b> OCCURRED: 07/01/2015 1000 SUSPECTED OF USING: Not Applicable BIAS AGAINST: No Bias		C	100.04 B	21
2	<b>CONDUCT UNBECOMING AN OFFICER</b> OCCURRED: 07/01/2015 1000 SUSPECTED OF USING: Not Applicable BIAS AGAINST: No Bias		C	100.04 D	(1) (B)
3	<b>DISCOURTESY</b> OCCURRED: 07/01/2015 1000 SUSPECTED OF USING: Not Applicable BIAS AGAINST: No Bias		C	100.04 D	(1) (F)

#	PERSON(S)	RELATIONSHIP	SEX	RACE	AGE	DOB	PHONE
1	[REDACTED] JOHNSTON RI 02919 DOB: NOT AVAIL EMPLOYER: [REDACTED]	COMPLAINANT	F	W	4050	NOT AVAIL	[REDACTED]
2	[REDACTED] JOHNSTON RI 02919 DOB: [REDACTED] EMPLOYER: [REDACTED] CONTACT INFORMATION: Home Phone (Primary) [REDACTED] Work Phone (Primary) [REDACTED]	WITNESS	M	W	55	[REDACTED]	[REDACTED]
3	[REDACTED] SMITHFIELD RI 02917 DOB: [REDACTED] EMPLOYER: [REDACTED]	WITNESS	M	W	56	NOT AVAIL	[REDACTED]

Case #: 15-4-IA

#	OFFICER(S)	SEX	HAIR	AGE	SSN	PHONE
#	OFFICER(S)	DOB	RACE	AGE	SEX	PHONE
1	[REDACTED] 1651 ATWOOD AVE JOHNSTON RI 02919	M	W	2530	NOT AVAIL	401-231-4210

CONTACT INFORMATION:

Home Phone (Primary) 401-231-4210  
 Work Phone (Primary) 401-231-4210

BODY: NOT AVAIL.  
 DOB: NOT AVAIL

LICENSE NUMBER: [REDACTED]

COMPLEXION: NOT AVAIL.  
 PLACE OF BIRTH: NOT AVAIL.  
 ETHNICITY: NOT HISPANIC

EMPLOYER/SCHOOL: JOHNSTON POLICE DEPT. • 401-231-4210

**Inception**

On July 1, 2015, I received a telephone call from [REDACTED] who is an employee of [REDACTED] located at [REDACTED] Hartford Avenue. [REDACTED] stated that at approximately 1015 hours on this date her employer [REDACTED] was pulled over by a Johnston Police Officer in the parking lot of [REDACTED]. The officer was driving a black unmarked police cruiser displaying registration number [REDACTED] or [REDACTED] and when [REDACTED] was pulled over she left her office and walked outside to ask [REDACTED] what was going on, and this is when the officer stated to her "get back inside." She attempted to explain to the officer that she worked at [REDACTED] and wanted to ask [REDACTED] what was going on, and this is when the officer stated to her "get back inside now, or I will make it worse for him." [REDACTED] said to the officer that he was not being very nice and this is when he gave her a "dirty look," intimidated she went back inside her office. [REDACTED] further described the officer as being a "rookie" with dark hair and of medium build. She also conveyed that she was not disrespectful to the officer and did not appreciate the way she was spoken to, or looked at, and felt threatened by the officer. She added that a customer that was waiting for his vehicle overheard the exchange and gave her a look of surprise during the encounter. This customer was subsequently identified as [REDACTED].

I apologized to [REDACTED] on the behalf of the Johnston Police and gave her procedural information on how to make a formal complaint if she was so inclined.

On July 6, 2015, I received a formal complaint from [REDACTED] via the United States Postal Service which was postmarked July 2, 2015. I then informed Chief Tamburini of the complaint and basis. Subsequently, Chief Tamburini instructed me to look into the matter formally and an official internal affairs investigation is now being conducted (15-4-IA). At the onset of this investigation and based on who was driving police cruiser [REDACTED] on the day in question and physical description obtained from [REDACTED] I determined that [REDACTED] is the officer in question. I then responded to [REDACTED] residence and had her view a photographic array of all departmental members. [REDACTED] upon reviewing all photographs of departmental members positively identified [REDACTED] as the officer in question.

On July 6, 2015, via telephone, I spoke with Ronald Fraraccio who is the proprietor of R&F Auto Service who

Entered: 07/27/2015 @ 1341      Entry ID: 77JR  
Modified: 08/20/2015 @ 1108      Modified ID: 77JR

was pulled over on the day in question. [REDACTED] advised that he did hear the comment the officer made to [REDACTED] and added that the officer was quite mean to him. [REDACTED] also advised that the officer treated him like a criminal and at one point thought he (the officer) was going to shoot him. When asked why he thought that, [REDACTED] advised that it was the officer's overall demeanor that was odd.

On July 7, 2015, at approximately 0700 hours, I had [REDACTED] respond to my office and advised him of the pending internal investigation. He subsequently signed his Advisory Notice form that was witnessed and notarized by [REDACTED]. [REDACTED] was subsequently given a copy and the original was attached to this IA report.

July 7, 2015, I responded to [REDACTED] and spoke with [REDACTED] regarding what had transpired on the 1<sup>st</sup> of July. [REDACTED] stated that he was test driving a customer's motor vehicle and was stopped for speeding. He did not realize that he was speeding due to being unfamiliar with the customer's vehicle. [REDACTED] further explained that he forgot his driver's license at his house and at this juncture his employee [REDACTED] began to approach. This is when the officer said to her "get back inside or I'll only make it worse for him." [REDACTED] conveyed that he didn't know what could be worse than getting a ticket for speeding and was not really sure what the officer meant by the comment, and felt threatened. He reiterated that the officer was "mean" to him during the encounter. I did obtain a handwritten witness statement from [REDACTED] which was attached to this IA report.

July 7, 2015, I responded to [REDACTED] residence and spoke with his in regards to [REDACTED] complaint. [REDACTED] advised that he was present on the day in question and was in close proximity to over hear what the officer said to [REDACTED]. [REDACTED] stated that he heard the officer say "get back in there or you'll make it worse for him." [REDACTED] further advised that it was in his opinion that the officer's comment was threatening in nature and was taken back because [REDACTED] the owner of [REDACTED] is a "nice guy." [REDACTED] had nothing further to add and completed a handwritten witness statement which was subsequently attached to the IA report.

July 16, 2015, [REDACTED] responded to my office and he was given memorandum from Chief Tamburini instructing his to respond to my office on July 22, 2015 at 0700 hours for a formal interview regarding the civilian

complaint. At that time he was also advised of his Administrative Proceeding Rights. Refer to signed originals attached to this IA report.

### Interview

July 22, 2015, I conducted a taped interview with [REDACTED] in regards to this pending IA investigation and in attendance was Union Representative [REDACTED]. It should be noted that [REDACTED] had already been advised of and given a copy of his Administrative Proceeding Rights which he acknowledged and signed for on July 16, 2015. At the onset, [REDACTED] confirmed that he was assigned to JARE and utilizing Cruiser # [REDACTED] on the date in question. He also confirmed that he stopped [REDACTED] and noted the probable cause for the stop (speeding). [REDACTED] conveyed that a woman exited the business and began "chatting" over him with [REDACTED] as he was conducting his motor vehicle stop. The woman has subsequently been identified as the complainant, [REDACTED]. At this juncture he asked [REDACTED] to step aside while he was conducting his motor vehicle stop and she continued to talk over him. Again, he asked her to step aside and this is when she finally did. I then advised [REDACTED] that [REDACTED] was complaining that during his motor vehicle stop with [REDACTED] he stated the following to her: "get back inside now, or I will make it worse for him" and if he recalled saying anything like that to her. [REDACTED] stated he recalled stating "something along those lines, but not that exact statement, no." I then asked [REDACTED] what exactly he did say to [REDACTED]. [REDACTED] conveyed the following: (1) He told [REDACTED] several times to step aside and stop obstructing me while I'm trying to do my job, (2) he's leaving hear with a warning, (3) if you continue to badger me, and (3) don't make me reconsider. I then advised [REDACTED] that [REDACTED] also heard the same statement that he made to [REDACTED] and that I subsequently identified another witness to the incident, [REDACTED]. [REDACTED] was standing in close proximity and overheard the entire exchange, and gave a statement indicating that [REDACTED] stated to [REDACTED] "get back in there, or you'll make it worse for him." Again, I inquired if he was sure with what he had said to [REDACTED] and [REDACTED] stated the following: "I didn't threaten her like that, I may have said that she's going to make things worse for him, like maybe she took it the wrong way, but I didn't use those exact words." I asked [REDACTED] if there was anything else he would like to add to the interview. [REDACTED] asked if [REDACTED] works at [REDACTED] to which I replied yes and believed her to be an office worker. [REDACTED] said that she [REDACTED] was being disrespectful to him. I advised him that [REDACTED] advised that she merely wanted to speak with [REDACTED]. [REDACTED] indicated that she [REDACTED] attempted to converse with him several times during the car stop and inquired if he was "new" to the job

in a sarcastic tone, but he "brushed it off and ignored it." The interview was concluded and I gave [REDACTED] another copy of his signed Administrative Proceedings Rights form.

### Conclusion

[REDACTED] contacts me on July 1, 2015 at 1015 hours and apprises me of the incident she had with [REDACTED]. Subsequently, I instructed her on how to file a civilian complaint if she would like to. On July 6, 2015, I received her civilian complaint against [REDACTED] that was postmarked July 2, 2015. This fact leads me to believe that there may be some credence to her complaint give it was filed contemporaneously to the incident. Also there are no underlining factors, i.e. she, not [REDACTED] is trying to circumvent paying for a citation. Upon interviewing [REDACTED] he confirms without hesitation the statement that is made by [REDACTED] to [REDACTED]. When I asked [REDACTED] and [REDACTED] if there may have been a witness to this incident they both indicate that [REDACTED] was in close proximity to the verbal exchange and overheard what had transpired. When I interviewed [REDACTED] regarding the incident, his statements corroborated with what [REDACTED] and [REDACTED] conveyed to me. When I conducted the interview with [REDACTED] he confirmed that he had stopped [REDACTED] on the day in question. He further indicated that he may have said something along those lines, but could not recall the exact statement he made when referring to the alleged statement he made "get back inside now, or I will make it worse for him." When I enquired what he exactly stated to [REDACTED] he advised me of the following: I asked her several times to step aside and stop obstructing me, and that I was trying to do my job, and that [REDACTED] was leaving with a warning, but if you continue to badger me, I will reconsider. Subsequently, I advised [REDACTED] that I had identified a witness to the incident and he [REDACTED] gave me an account of what happened. He also stated that he heard you state to [REDACTED] "get back in there, or you'll make it worse for him." When I inquired again if he was sure with what he said to [REDACTED] he stated the following: "I may have said that she's going to make things worse for him, like maybe she took it the wrong way, but I didn't use those exact words."

### Recommendation

Based on corroborating statements by [REDACTED] and [REDACTED] and subsequent statements provided by an unbiased witness identified as [REDACTED] I am inclined to believe that [REDACTED] did make one of the following statements to [REDACTED] (1) "get back inside now, or I will make this worse for him, or (2) "get back in there, or you'll make it worse for him," both statements are similar, and can be perceived as a threat. I have



COMPLAINT FOR MAJOR JOSEPH P RAZZA

Ref: 15-4-IA

Entered: 07/27/2015 @ 1341  
Modified: 08/20/2015 @ 1108Entry ID: 77JR  
Modified ID: 77JR

also reached this conclusion based on the fact that during my interview with him he stated "I may have said that she's going to make things worse for him, like maybe she took it the wrong way, but I didn't use those exact words," when in fact, I do believe he used those exact words, and may have inadvertently disclosed this information while being interviewed. This admission by him during the interview is irrefutable and only corroborates the statements (written and verbal) provided by the complainant and witnesses. Therefore, I am recommending a two (2) day suspension for [REDACTED] for violating the Rules and Regulations of this agency as they pertain to civility, conduct, and courtesy. I base this two (2) day suspension on the severity of the complaint which is threatening in nature, highly unprofessional and a breach of public trust. In addition, this recommendation has been made on an overall prudent assessment of the overall body of work that [REDACTED] [REDACTED] has provided to the Town of Johnston for the last five and one half (5 ½) years, his consistent inappropriate behavior for its citizenry he has vowed to protect, and taking into account that he received summary punishment on 7/11/2014 for violating rules and regulations where he received a written letter of reprimand; see memorandum attached to this IA report.

On July 27<sup>th</sup>, 2015, I presented my findings to Chief Tamburini who subsequently reviewed the entire IA report and agreed with my overall assessment, and recommendation. He then instructed me to prepare a Summary Punishment Memorandum suspending [REDACTED] for two (2) days, which will be given to him at a later date.

On July 29<sup>th</sup>, 2015, I responded to Chief Tamburini's office with [REDACTED] and at that time he was advised of his Summary Punishment. He acknowledged same by signing the original memorandum and was given a copy.

On July 30<sup>th</sup>, 2015 [REDACTED] filed a grievance stating that there was not just cause for his suspension; refer to a copy of the grievance attached to this report. This grievance was denied by the Chief on 8/3/2015

### **Notations**

*Procedural checks against complainant and witnesses were negative with limited police contact. Complainant and witnesses deemed creditable and mild-mannered, and [REDACTED] an unbiased witness who was merely*

Entered: 07/27/2015 @ 1341      Entry ID: 77JR  
Modified: 08/20/2015 @ 1108      Modified ID: 77JR

having his vehicle serviced at [REDACTED]

On 7/30/2015 when I informed [REDACTED] which two days that he would be suspended we had a brief discussion and I allowed him to read the witness statements provided by the witnesses and complainant. It was at this juncture he stated to me "this would never happen in Woonsocket;" his previous place of employment. I informed him that he was not in Woonsocket and we are duty bound to investigate all civilian complaint filed against personnel. We then discussed procedural aspects of motor vehicle stops and this is when he stated to me that he perceives "everyone as a threat" when comes to police citizen encounters.

**Investigative Report**

Case #: 15-8-IA

Date/Time Reported: 09/29/2015 @ 1100  
 Report Date/Time: 10/01/2015 @ 0900  
 Occurred Between: 09/22/2015 @ 1800  
 And: 09/22/2015 @ 1900  
 Complaint Type: INTERNAL  
 Disposition: SUSTAINED

Reporting Officer: Major Joseph Razza

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

**4 OFFENSE(S)**      A/C    TITLE/CHAP    SECTION

LOCATION TYPE: Government/Public Building      Zone: BEAT 31  
 JOHNSTON RI 02919

- |   |  |   |     |       |
|---|--|---|-----|-------|
| 1 | <b>CIVILITY</b><br>OCCURRED: 09/22/2015 1800<br>SUSPECTED OF USING: Not Applicable<br>BIAS AGAINST: No Bias                      | C | III | B 21  |
| 2 | <b>CONDUCT UNBECOMING AN OFFICER</b><br>OCCURRED: 09/22/2015 1800<br>SUSPECTED OF USING: Not Applicable<br>BIAS AGAINST: No Bias | C | III | D 1 B |
| 3 | <b>NEGLECT OF DUTY</b><br>OCCURRED: 09/22/2015 1800<br>SUSPECTED OF USING: Not Applicable<br>BIAS AGAINST: No Bias               | C | III | D 1 C |
| 4 | <b>DISCOURTESY</b><br>OCCURRED: 09/22/2015 1800<br>SUSPECTED OF USING: Not Applicable<br>BIAS AGAINST: No Bias                   | C | III | D 1 F |

**7 PERSON(S)**      PERSON TYPE      SEX      RACE      AGE      TITLE

- |   |   |             |   |   |      |            |            |
|---|---|-------------|---|---|------|------------|------------|
| 1 | [REDACTED]<br>JOHNSTON RI 02919<br>DOB: [REDACTED]<br>CONTACT INFORMATION:<br>Home Phone (Primary) [REDACTED] | COMPLAINANT | M | W | 46   | [REDACTED] | [REDACTED] |
| 2 | [REDACTED]<br>JOHNSTON RI 02919<br>DOB: NOT AVAIL<br>CONTACT INFORMATION:<br>Home Phone (Primary) [REDACTED]  | PARTICIPANT | M | W | 1215 | NOT AVAIL  | [REDACTED] |

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
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3	[REDACTED] 1651 ATWOOD AVE JOHNSTON RI 02919 DOB: NOT AVAIL EMPLOYER: JOHNSTON POLICE DEPT. CONTACT INFORMATION: Home Phone (Primary)	REPORTING PARTY	M	W	4550	NOT AVAIL	401-231-4210
							401-231-4210

4	[REDACTED] COVENTRY RI 02816 DOB: [REDACTED] EMPLOYER: [REDACTED] CONTACT INFORMATION: Cell Phone (Primary)	PARTICIPANT	M	W	56	[REDACTED]	[REDACTED]
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5	[REDACTED] COVENTRY RI 02816 DOB: [REDACTED] CONTACT INFORMATION: Cell Phone (Primary)	PARTICIPANT	M	U	56	[REDACTED]	[REDACTED]
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#	PERSON(S)	SEX	RACE	AGE	SSN	PHONE
---	-----------	-----	------	-----	-----	-------

1	[REDACTED] 1651 ATWOOD AVE JOHNSTON RI 02919 CONTACT INFORMATION: Home Phone (Primary)	M	W	2025	NOT AVAIL	401-231-4210
						401-231-4210

BODY: NOT AVAIL.  
DOB: NOT AVAIL.  
LICENSE NUMBER: NOT AVAIL.

COMPLEXION: NOT AVAIL.  
PLACE OF BIRTH: NOT AVAIL.  
ETHNICITY: NOT HISPANIC

2	[REDACTED] 1651 ATWOOD AVE JOHNSTON RI 02919 CONTACT INFORMATION: Home Phone (Primary)	F	W	2025	NOT AVAIL	[REDACTED]
						[REDACTED]

BODY: NOT AVAIL.  
DOB: NOT AVAIL.  
LICENSE NUMBER: NOT AVAIL.

COMPLEXION: NOT AVAIL.  
PLACE OF BIRTH: NOT AVAIL.  
ETHNICITY: NOT HISPANIC

EMPLOYER/SCHOOL: JOHNSTON POLICE DEPT. [REDACTED]

Ref: 15-8-IA
Entered: 10/07/2015 @ 1206 Entry ID: 77JR
Modified: 10/16/2015 @ 0750 Modified ID: 77JR
Approved: 10/07/2015 @ 1211 Approval ID: 77JR

Inception

On 9/24/2015

[redacted] of [redacted] Lusi Drive, responded to police headquarters and met with Chief Tamburini in regards to an incident on the evening of September 22, 2015. [redacted] conveyed that his 12 year old son [redacted] ran away from his residence after being dropped off by his ex-wife.

[redacted] advised that his son suffers from [redacted] syndrome and that when he contacted the police for intervention he received a less than amical and professional response. He indicated that when he requested some type of documentation the officer advised him that there was nothing for us (the Johnston Police) to do. [redacted] further conveyed that when he called the station back and requested that a supervisor respond to his residence in order to discuss the situation the dispatcher stated to him "that's not gonna fly" and was subsequently hung up.

As the [redacted] Chief Tamburini asked that I look into the matter.

I checked the day sheet and found no evidence that a CFS was taken regarding the incident and spoke with [redacted] who was working in dispatch along with [redacted] on the evening in question. [redacted] confirmed that she was working with [redacted] on the evening in question and recalled [redacted] contacting headquarters. She further advised me that a CFS was not punched due to the immediacy in which his son [redacted] was located. I then requested that [redacted] draft a memorandum to me regarding what had transpired. I then instructed [redacted] to make contact with [redacted] who was on days off and have him submit memorandum to me when he returns as to what transpired on the evening in question and why there was no CFS, or report taken.

On 9/25/2015

I received the memorandum from [redacted] who in short verified the call from [redacted]. She also confirms that she speaks with [redacted] but he is never identified in her memorandum. [redacted] further advised that a CFS was not issued for the matter because officers did not end up responding to the scene. She also indicated that she told [redacted] "be thankful that his son was located, not injured and healthy." Attached is [redacted] memorandum in its entirety.

It should be noted that [redacted] was subsequently identified as a passerby who observed [redacted] son walking along Plainfield Street. [redacted] called police headquarters to report this and subsequently witnessed [redacted] retrieve his son.

On 9/29/2015

I received the memorandum from [redacted] who recalled [redacted] calling on the evening in question. [redacted] indicated in his memorandum that he "explained to him [redacted] that no report would be necessary in this matter due to the fact that his child was found with-in minutes of contacting this department." Attached is [redacted] memorandum in its entirety.

Entered: 10/07/2015 @ 1206      Entry ID: 77JR  
Modified: 10/16/2015 @ 0750      Modified ID: 77JR  
Approved: 10/07/2015 @ 1211      Approval ID: 77JR

At this juncture, based on [REDACTED] verbal statements to Chief Tamburini and memorandums drafted by [REDACTED] and [REDACTED] it is apparent that there a procedural aspects regarding this incident that are lacking. Furthermore, at the very least a CFS should have been issued and identities (i.e. [REDACTED]) checked, verified and put into the CFS.

At 1500 hours on the aforementioned date, I received a formal complaint from the complainant, [REDACTED]. I read the contents of the complaint which is somewhat disturbing in nature as it points to a less than professional approach to policing by [REDACTED] and [REDACTED]. I then began to listen to dispatch audio recordings from the evening in question which corroborated with what [REDACTED] had documented and verbally conveyed on 9/24/2015. Applicably, I will bring this formal complaint and its merits to the attention of Chief Tamburini.

On October 1, 2015

Chief Tamburini instructed me to look into the matter in an official capacity as the Internal Affairs officer and subsequently, I registered the complaint with 15-8-IA.

### Formal Complaint

The basis of [REDACTED] complaint is as follows: He called the Johnston Police on the evening of September 22, 2015 and requested police intervention when his son [REDACTED] ran away from his residence after being dropped off by his ex-wife. [REDACTED] conveyed that his son suffers from [REDACTED] syndrome and became concerned when he could not immediately find him in the general vicinity of his residence (Lusi Drive). He began to speak with [REDACTED] who initially took the call and explained to him the circumstance. [REDACTED] conveyed that he went into detail of his son's last known direction of travel and physical description. At this juncture [REDACTED] said to him "what did I expect the police to do." [REDACTED] further annotates in his complaint that he received very little cooperation from the dispatcher, but finally he agreed to send a patrol car. After four to five minutes [REDACTED] called [REDACTED] back and told him that they had "somebody" out with his son, which led [REDACTED] to believe that police had custody of his son. Subsequently, [REDACTED] requested that police escort his son back to his residence from where he was located (the intersection of Morgan Avenue and Plainfield Street). [REDACTED] advised [REDACTED] "we don't transport people, were not going to bring him back to your house." [REDACTED] then explained that he was home with two small children which were getting ready for bed. [REDACTED] then stated to him "what, don't you have a car." At this juncture, [REDACTED] could not understand why the police could not take his son home if they were already tending to him. He subsequently left his residence and observed his son walking westbound on Morgan Avenue being followed by a civilian [REDACTED] driving a Coventry Pest Control truck. In short, what transpired was [REDACTED] observed his son walking on Plainfield Street and called the suspicious activity into police headquarters. There was never any response to the scene, nor was there any verification to see if [REDACTED] son arrived home safely, and in the custody of parental supervision.

[REDACTED] who was still on the phone with [REDACTED] inquired if we would be issuing a case report number, or log recording because he would need some type of documentation of this incident. [REDACTED] response to this request was the following: "were not just going to issue a report, you got your son

Entered: 10/07/2015 @ 1206

Entry ID: 77JR

Modified: 10/16/2015 @ 0750

Modified ID: 77JR

Approved: 10/07/2015 @ 1211

Approval ID: 77JR

back." He then said to [REDACTED] that he may need assistance in taking his son to Hasbro Children's Hospital for an evaluation. [REDACTED] subsequently advised [REDACTED] "that's not our job, we don't get involved in that, if you want to take him that's up to you." Once [REDACTED] arrived at his residence with his son he called police headquarters and requested that a supervisor respond to his residence. [REDACTED] answered the phone and subsequently told him "what would it be in reference to." [REDACTED] advised that he would let the supervisor know when they arrive at his residence. [REDACTED] stated to [REDACTED] "that's not how it works, I'm just not going to send the supervisor out there not knowing the nature, or what it's about." Again he requested that a supervisor respond to his residence to discuss the matter regarding his son. [REDACTED] stated "I'm a police officer, if there's a problem you can tell me." In frustration, [REDACTED] told him that he was aware that he was a "goddam" police officer and just send a supervisor to his residence. Subsequently, [REDACTED] hung the phone up and never dispatched a supervisor to his residence.

[REDACTED] then called back and spoke with [REDACTED] and requested a supervisor. She stated to him the following: "sir we are not just going to send a supervisor because you want to speak to him" and "sir you got your son back what is the problem." After receiving no cooperation and a less than amical police intervention, he advised [REDACTED] he would bring his concerns to the attention of Chief Tamburini.

*The aforementioned is a condensed version of [REDACTED] complaint highlighting the basis of his complaint. Attached to this IA investigation is his seven (7) page complaint.*

Based on the aforementioned, I will be exploring the following breach of Departmental Rules and Regulations:

- Civility – All personnel of the Department shall be civil, orderly, diligent, discreet, courteous and patient as a reasonable person is expected to be in any situation and shall not engage in any altercation, physical or otherwise, whether on duty or not, with any other member or employee of the Department.
- Conduct Unbecoming an Officer – Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon the officer as a member of the Department, or that which impairs the operation or efficiency of the Department or officer.
- Neglect of Duty – Being absent from assigned duty without leave or failing to take suitable and appropriate police action when any crime, public disorder or other incident requires police attention.
- Discourtesy – Discourtesy, rudeness, or insolence to a member or civilian. An officer shall be courteous and tactful in the performance of his duties and shall control his temper, exercising the utmost patience and discretion, even in the face of extreme provocation.

I drafted an Advisory Notice form with the pending charges and potential witnesses, and complainant. This Advisory Notice will be given to [REDACTED] as soon as he returns to duty on 10/2/2015.

Entered: 10/07/2015 @ 1206      Entry ID: 77JR  
Modified: 10/16/2015 @ 0750      Modified ID: 77JR  
Approved: 10/07/2015 @ 1211      Approval ID: 77JR

On October 2, 2015

I gave [REDACTED] his Advisory Notice which he signed for and was notarized by [REDACTED]. [REDACTED] was also given his Administrative Proceeding Rights and subsequently signed same. I also gave him an Official Memorandum from me that ordered him to respond to my office on October 5, 2015 at 1630 hours for a formal interview regarding [REDACTED] complaint. Copies of each were attached to this IA investigation.

On October 2, 2015 & October 3, 2015

On the above stated dates, I listened to the dispatch tapes in detail from the evening in question and at this juncture will annotate the following:

At approximately 2035 hours, [REDACTED] calls police headquarters and speaks with [REDACTED]. He subsequently provides [REDACTED] with his identity, address, a detailed description of his son and the reason why he is requesting police intervention. During the conversation [REDACTED] makes the following comments: "sir you just can't tell us, were just not gonna go out there and look around" and "we have to talk to you." [REDACTED] then asks him all pertinent information that was already provided and advises that he will send a patrol car.

At approximately 2036 hours, [REDACTED] calls police headquarters and speaks with [REDACTED]. He reports that he has just left the Underground Billiards on Plainfield Street and has observed a suspicious looking juvenile in the area of [REDACTED] Plainfield Street; subsequently revealed to be [REDACTED] son. [REDACTED] subsequently follows [REDACTED] in his Coventry Pest Control vehicle while simultaneously giving [REDACTED] his location. [REDACTED] in turn advises that she will be sending a car. *It should be noted, I can hear [REDACTED] in the background with [REDACTED] on the other police land line.* [REDACTED] is placed on hold and when [REDACTED] picks the line back up, he advises her that [REDACTED] is being approached by a car. Subsequently, revealed to be [REDACTED] who has left his residence.

At the same time [REDACTED] is on the phone with [REDACTED]. [REDACTED] calls [REDACTED] and reports to him "there is someone out with your son" on Plainfield Street in the area of [REDACTED] Plainfield Street. [REDACTED] requests that we have someone pick him up and bring him back to his residence because he has two other children in his residence. [REDACTED] in turn says "you don't have a car." [REDACTED] then conveys that [REDACTED] will need to go to [REDACTED] Hospital, but [REDACTED] says to him "we don't make those decisions" and "you need to take him there." [REDACTED] explains that he "understands what the police's roll in this matter is." [REDACTED] subsequently directs [REDACTED] to gather his two kids and make his way to Plainfield Street to retrieve his son. [REDACTED] places [REDACTED] on hold and while he is on hold, he make contact with his son being followed by [REDACTED]. It is apparent while listening to the audio tapes that his son is very distraught. At this juncture, [REDACTED] inquires if there will be a "CR" and [REDACTED] indicates "you're with him and he's fine." [REDACTED] requests "some type of documentation" that his son took off and the police received calls pertaining to his missing son. [REDACTED]



Entered: 10/07/2015 @ 1206  
Modified: 10/16/2015 @ 0750  
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Entry ID: 77JR  
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Approval ID: 77JR

██████████ advised ██████████ that he was the only one who called and that if he wanted to speak with a police officer "I am a police officer." Again, ██████████ requested documentation. ██████████ stated to him that his son was "not missing" and "simply took off" and "you found him" and "he's not a runaway." He also added "it's not like he was missing for hours" and we already did a report. ██████████ further stated "you called us and he was found within 10 minutes and there was nothing for us to do."

At approximately 2051 hours, ██████████ calls police headquarters and speaks with ██████████. At this time he requests that a supervisor respond to his residence located at ██████████ Lusi Drive. ██████████ inquires what it is in reference to and ██████████ advises that he wants to speak with a supervisor. This request is made twice and on the second occasion ██████████ indicates that he will advise the supervisor what the problem is when they arrive at his residence. ██████████ then states to ██████████ "that's not gonna fly" "I'm not gonna send my supervisor to your house if I don't know what it's for." ██████████ then tells ██████████ that he wants a supervisor in reference to his son leaving his residence this evening. ██████████ then says "what would you like to know, I am a police officer" and "is there anything that I can do." A very agitated ██████████ then says to ██████████ "that's great you're a police officer, now send me the goddam supervisor." The phone call is subsequently terminated by ██████████ and a supervisor is never dispatched.

At Approximately 2053 hours, ██████████ calls police headquarters and speaks with ██████████. He inquires if the line is tapped, because he did not appreciate the "smart ass" who hung up on him nor his attitude, and will be taking the matter up with the chief in the morning. ██████████ indicates to ██████████ that his son was located. ██████████ requests that a supervisor come to his house. ██████████ asks him what it is reference to and ██████████ tells ██████████ that the officer already knows what it is in reference to because he hung the phone up on me. There is some banter between ██████████ and ██████████ and he tells her "your job is not to debate this with me" and send a supervisor to my house. ██████████ indicates that she is "doing her job" and that she is "trying to rectify the situation." She adds that she does not want to tie up a supervisor on "something that is insignificant." ██████████ continues to banter and talk over ██████████ as he again requests a supervisor. ██████████ response to this request was that she was not going to send a supervisor to his residence. The phone call was terminated by ██████████ indicating he would be taking the matter up with the chief.

## Interview

On 10/5/2015

At 1639 hours, I conducted a video and audio tapped interview with ██████████ who was accompanied by

Entered: 10/07/2015 @ 1206  
Modified: 10/16/2015 @ 0750  
Approved: 10/07/2015 @ 1211

Entry ID: 77JR  
Modified ID: 77JR  
Approval ID: 77JR

his representative [REDACTED]. At that time, I re-advised him of his rights and gave him a copy of same, he was also given a copy of his rights which were previously given to him on 10/2/2015. The audio and video recording from this interview is attached to this IA report.

I advised [REDACTED] of the complaint and then asked him to explain to me what had happened on the evening in question. [REDACTED] then stated and advised me of the following: He stated that to the best of his recollection [REDACTED] had called the police in reference to his son that ran away. He went on to say that he was given a description and obtained all the pertinent information. [REDACTED] advised that he hung up the phone and advised [REDACTED] and she dispatched units. He further added that [REDACTED] son suffers from mental disabilities and this happens frequently and "though it odd" that he didn't go after his son. *I will note at this point [REDACTED] advised that he checked his yard and the general area for his son without any success, and then contacted the police for intervention.* He confirmed the phone call received from [REDACTED] and identified him as a passerby. [REDACTED] further indicated that the passerby was with a juvenile who fit the description of [REDACTED] son. He then called [REDACTED] back and advised him that we had "somebody out with your child" on Plainfield Street. [REDACTED] advised that "he" [REDACTED] seemed "a little aggravated" and asked if we could send someone down. He then advised [REDACTED] that he should go down there (Plainfield Street) because we have someone [REDACTED] "out with your kid." [REDACTED] stated that [REDACTED] seemed aggravated and that the conversation was ended. [REDACTED] advised that [REDACTED] called back and requested a report. He advised [REDACTED] "there won't be a report" he did not want to get into the specifics that we would have to enter the "kid" into the system. [REDACTED] acknowledged that [REDACTED] asked again for a report to get his son into [REDACTED] Hospital and could clearly hear his son screaming in the background, but "didn't seem like anything, I needed to be concerned about personally." The phone call was ended by [REDACTED] advising [REDACTED] that we do not transport people to [REDACTED] Hospital." He advised that [REDACTED] called back and asked for a supervisor to respond to his house and he asked him "in reference to what." [REDACTED] indicated that [REDACTED] again requested a supervisor and he told him "it is basically not gonna work like that, I'm not gonna send a supervisor to your house if I don't know what it is in reference to." He confirmed that [REDACTED] asked two more times to have a supervisor respond to his residence and then said "send me a goddam supervisor." [REDACTED] informed me that this is when he "hung the phone up on him" terminating the conversation.

I did inquire why he did not enter a CFS, especially since officers were dispatched and a supervisor advised that he was responding. [REDACTED] advised that "I should have handled the situation differently and more professional."

I did inquire if he recalled stating to [REDACTED] "that's not gonna fly" when he requested a supervisor to respond to his residence. [REDACTED] advised that he did recall making that comment and "that's exactly what I told him."

I inquired why he hung the phone up on [REDACTED] [REDACTED] advised that it was "unprofessional" of him to do that and "he's never done that before." He also advised that it was a lapse in

Entered: 10/07/2015 @ 1206  
Modified: 10/16/2015 @ 0750  
Approved: 10/07/2015 @ 1211

Entry ID: 77JR  
Modified ID: 77JR  
Approval ID: 77JR

judgement and should have handled the situation more professionally. He further indicated that he felt badly the way he handled the situation.

## Conclusion

The audio recording from the evening of September 22, 2015 are consistent with the basis of [REDACTED] civilian complaint and admittedly speak for themselves. They also corroborate with what [REDACTED] had stated to me in his interview. There are procedural aspects and basic tenants of law enforcement that are not followed during this incident, they include, but are not limited to the following: (1) pertinent information from [REDACTED] was not obtained efficiently, (2) a written report, or CFS was never issued, (3) procedural checks against anyone, especially [REDACTED] were never conducted, (4) contact information regarding [REDACTED] was never obtained, (5) the medical condition of [REDACTED] son should not have been conveyed to [REDACTED] (6) when written documentation was requested it was never given, (7) an officer never verified the true whereabouts of [REDACTED] son, (8) an officer never confirmed the condition of [REDACTED] son, (9) despite numerous requests, a supervisor was never dispatched to the complainant, (10) there was no supervisory intervention what so ever in order to mitigate these procedural deficiencies.

As for the charges that were being explored, I have sustained them in the following way:

- Civility – All personnel of the Department shall be civil, orderly, diligent, discreet, courteous and patient as a reasonable person is expected to be in any situation and shall not engage in any altercation, physical or otherwise, whether on duty or not, with any other member or employee of the Department.

It is apparent that [REDACTED] was not civil, or courteous when dealing with [REDACTED] as evidenced when he hung the phone up on him. He also did not exercise a reasonable amount of patients, or diligence towards [REDACTED] given the ever evolving situation.

- Conduct Unbecoming an Officer – Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon the officer as a member of the Department, or that which impairs the operation or efficiency of the Department or officer.

[REDACTED] conduct has brought the department into disrepute by virtue of a formal civilian complaint and has discredited himself and the Johnston Police. His less than professional approach to policing, and his inactions have impaired the operational efficiency of the Johnston Police.

- Neglect of Duty – Being absent from assigned duty without leave or failing to take suitable and appropriate police action when any crime, public disorder or other incident requires police attention.

During this incident, [REDACTED] failed to take suitable and appropriate police action and intervention as

Entered: 10/07/2015 @ 1206 Entry ID: 77JR  
Modified: 10/16/2015 @ 0750 Modified ID: 77JR  
Approved: 10/07/2015 @ 1211 Approval ID: 77JR

evidenced in my conclusionary assessment.

- Discourtesy – Discourtesy, rudeness, or insolence to a member or civilian. An officer shall be courteous and tactful in the performance of his duties and shall control his temper, exercising the utmost patience and discretion, even in the face of extreme provocation.

██████████ did not exercise patience as evidenced by him hanging up the phone on ██████████ while during limited provocation. Also, his overall attitude and courtesy was lacking during most of the incident.

### Recommendation

I feel that ██████████ is not totally culpable in this matter, but assumes most if not all the responsibility as Officer ██████████. At this juncture, I will annotate that much of what ██████████ had stated to me corroborated with the audio recordings from the evening in question and what ██████████ had annotated.

Furthermore, he answered questions regarding his inactions and overall demeanor accordingly, and took full responsibilities for his incivility. As I annotated previously there are procedural aspects to the way this incident was mitigated and are lacking, but can be addressed with remedial training. Therefore, my recommendation as to disciplinary action are as follows:

I am recommending a one (1) day suspension for ██████████ for violating the abovementioned Rules and Regulations of the Department. This one (1) day suspension is also based on an internal review of his Internal Affairs file in which the following was discovered: (1) 5/20/2013 he received a verbal reprimand regarding an accidental TASER deployment (██████████ OF), (2) 6/1/2013 he received a verbal warning regarding his lack of proper police intervention regarding a report of shoplifting (██████████ F), (3) 6/25/2014 he received a one (1) day suspension for Neglect of Duty (IA-4-2013).

In addition to this one (1) day suspension, ██████████ should be enrolled in some type of remedial dispatcher training/ school in the immediate future. This can be addressed in his summary punishment memorandum and facilitated by the Operation and Training Division.

I am recommending a Written Letter of Reprimand for ██████████ for her refusal to send a supervisor to the complainant's residence despite numerous requests. Also, comments that she had made to ██████████ that were not tactful, or courteous as evidenced in the audio recordings. I have found her to be in violation of the Rules and Regulations as they pertain to Civility and Neglect of Duty.

I am recommending and have already spoken with ██████████ regarding his inactions as a supervisor given the fact that he was responding to the call, but made no verification to determine the status of ██████████ son.

Entered: 10/07/2015 @ 1206      Entry ID: 77JR  
Modified: 10/16/2015 @ 0750      Modified ID: 77JR  
Approved: 10/07/2015 @ 1211      Approval ID: 77JR

On 10/6/2015

I presented Chief Tamburini with my findings and he subsequently agreed with my assessment. Subsequently, I drafted two memorandums of summary punishment, one for [REDACTED] and the other for [REDACTED]. Each took receipt of same, copies were made and attached to this file, and originals place in their personal file.

On 10/15/2015

[REDACTED] and [REDACTED] responded to Chief Tamburini's office and both took receipt of thier summary punishment. Copies of each memorandum were attached to this IA report.