



Cumberland Police Department
Investigative Report

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03/13/2016

Case #: 11-8-IA

Date/Time Reported: 07/21/2011 @ 1045
Report Date/Time: 07/21/2011 @ 1045
Occurred On: 07/20/2011 @ 0942

Complaint Type: MISTREATMENT
Disposition: UNFOUNDED

Reporting Officer: DEPUTY CHIEF MICHAEL KINCH

Signature: _____

OFFENSE(S) A/C TITLE/CHAP SECTION

LOCATION TYPE: Residence/Home/Apt./Condo Zone: MONASTERY HEIGHTS
CUMBERLAND RI 02864

1 MISTREATMENT C
OCCURRED: 07/20/2011 0942

VICTIM(S) SEX RACE AGE SSN PHONE

1 401- [REDACTED]

DO. [REDACTED]
CONTACT INFORMATION:
Home Phone (Primary) [REDACTED]
Home Phone (Primary) [REDACTED]
Home Phone (Primary) [REDACTED]
Home Phone [REDACTED]
ETHNICITY: Not of Hispanic Origin
RESIDENT STATUS: Resident
VICTIM CONNECTED TO OFFENSE NUMBER(S): 1
RELATION TO: [REDACTED] Otherwise Known
RELATION TO: [REDACTED] Otherwise Known

OFFICER(S) SEX RACE AGE SSN PHONE

1 [REDACTED] 401- [REDACTED]

CUMBERLAND RI 02864
CONTACT INFORMATION:
Home Phone (Primary) 401-333-2500
BODY: NOT AVAIL. COMPLEXION: NOT AVAIL.
DOB: [REDACTED] PLACE OF BIRTH: NOT AVAIL.
LICENSE NUMBER: NOT AVAIL. ETHNICITY: NOT HISPANIC

[APPEARANCE]

GLASSES WORN: NO

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#	OFFICER(S)	SEX	RACE	AGE	SSN	PHONE
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CUMBERLAND POLICE DEPARTM · 401-333-2500

EMPLOYER/SCHOOL:

1380 DIAMOND HILL RD
CUMBERLAND RI 02864

OCCUPATION: POLICE OFFICER

2

M

W

CUMBERLAND RI 02864

CONTACT INFORMATION:

Home Phone (Primary) 401- [REDACTED]

Home Phone (Primary) 401- [REDACTED]

HEIGHT: [REDACTED]

BODY: [REDACTED]

DOB: [REDACTED]

LICENSE NUMBER: [REDACTED]

WEIGHT: [REDACTED]

HAIR: [REDACTED]

EYES: NOT AVAIL.

COMPLEXION: LIGHT

PLACE OF BIRTH: RI

ETHNICITY: NOT HISPANIC

[APPEARANCE]

GLASSES WORN: NO

CUMBERLAND POLICE DEPARTM · 401-333-2500

EMPLOYER/SCHOOL:

1380 DIAMOND HILL RD
CUMBERLAND RI 02864

OCCUPATION: POLICE OFFICER

REDACTED

Ref: 11-8-IA

Complaint

On 7/21/11, Lt. Stansfield received a phone call from Ms. [REDACTED] of [REDACTED] Street. Lt Standfield reports that Ms [REDACTED] was upset with the way that the two Cumberland Police officers treated her when they responded to her home on 7/20/11. Ms [REDACTED] identified one of the officers as Officer [REDACTED] and did not know the identity of the other officer.

In her complaint, Ms. [REDACTED] states that she suffers from several [REDACTED] issues. On 7/20/11, Ms. [REDACTED] states that it took her about 3 hours to walk home from the store due to these [REDACTED] issues. Once home, she reports that she was on the sofa fading in and out of consciencousness. When she awoke, Ms. [REDACTED] states that two Cumberland Police Officers were in her apartment along with resue personnel. Ms. [REDACTED] states that she heard the police officer making fun of her son because her son was still in bed. Ms. [REDACTED] also states that the two police officers accused her of being on drugs or being intoxicated. She also states that the officers were very rough with her when the placed her on the stretcher.

Investigation

On 7/21/11, as per policy, Lt. Stansfield filled out a misconduct form as a result of the phone call from [REDACTED]. After being advised of the complaint by Lt. Stansfield, I assigned Lt. Stansfield as the lead investigator. I also instructed Lt. Stansfield to bring the misconduct complaint form to Ms. [REDACTED] in order for her to sign the complaint. Lt. Stansfield informed me that he had also contacted the Director of the Cumberland Rescue to inform him of the complaint, and to request a report of the responding rescue personnel.

As part of the investigation, Lt. Stansfield spoke with Officer [REDACTED]. Officer [REDACTED] reported that he and officers [REDACTED] were dispatched to Ms. [REDACTED] residence to assist rescue with a possible suicidal and disoriented female . Rescue personnel were already on scene when Officers [REDACTED] and [REDACTED] arrived. Officer [REDACTED] stated that neither he or Officer [REDACTED] place their hands on Ms. [REDACTED] and denies any unprofessional conduct.

On 7/22/11, Ms [REDACTED] contacted Lt. Stansfield to apologize for the accusation. Ms. [REDACTED] stated that she spoke to her son [REDACTED], who stated to her that the police officers never touched her or said anything inappropriate to her, and that rescue personnel were the only ones who touched her. Ms. [REDACTED] blames the miscommunication on her disorientation.

Conclusion

As a result of this admission, Lt. Stansfield found that all actions taken by officers [REDACTED] and [REDACTED] as deemed appropriate, and that the accusation of misconduct was deemed unfounded. After reviewing Lt. Stansfield's report, and after reviewing the original incident report, I concur with Lt. stansfield's findings



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Case #: 11-9-IA

Date/Time Reported: 12/31/2010 @ 1746
Report Date/Time: 01/03/2011 @ 0930
Occurred Between: 12/31/2010 @ 1746
 And: 01/03/2011 @ 0930
Complaint Type: IMPROPER DEMEANOR
Disposition: NOT SUSTAINED

Reporting Officer: DEPUTY CHIEF MICHAEL KINCH

Signature: _____

Assisting Officer: CAPTAIN ALAN MILLIGAN

Signature: _____

OFFENSE(S) A/C TITLE/CHAP SECTION

LOCATION TYPE: Residence/Home/Apt./Condo Zone: DIAMOND HILL
CUMBERLAND RI 02864

1 IMPROPER DEMEANOR C
OCCURRED: 12/31/2010 1746

VICTIM(S) SEX RACE AGE SSN PHONE

1 [REDACTED] F W NOT AVAIL
CUMBERLAND RI 02864
DOB: -
CONTACT INFORMATION:
Home Phone (Primary) 401-333-1427
Work Phone (Primary) 508-272-9514
ETHNICITY: Not of Hispanic Origin
RESIDENT STATUS: Resident
VICTIM CONNECTED TO OFFENSE NUMBER(S): 1
RELATION TO: Stranger

OFFICER(S) SEX RACE AGE SSN PHONE

1 [REDACTED] [REDACTED] [REDACTED] 401-333-2500
1380 DIAMOND HILL RD
CUMBERLAND RI 02864
CONTACT INFORMATION:
Home Phone (Primary) 401-333-2500
BODY: NOT AVAILABLE COMPLEXION: NOT AVAILABLE
DOB: [REDACTED] PLACE OF BIRTH: [REDACTED]
LICENSE NUMBER: RI 9672763 ETHNICITY: NOT HISPANIC

[APPEARANCE]

GLASSES WORN: NO

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Case #: 11-9-IA

#	OFFICER(S)	SEX	RACE	AGE	SSN	PHONE
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[FAMILY/EMPLOYMENT INFORMATION]

SINGLE

MARITAL STATUS:

CUMBERLAND POLICE DEPARTM

EMPLOYER/SCHOOL:

1380 DIAMOND HILL RD
CUMBERLAND RI 02864

OCCUPATION: POLICE OFFICER

REDACTED

Ref: 11-9-IA

Complaint

On 1/3/11, Ms [REDACTED] came to the station to file a misconduct report against Officer [REDACTED]. The complaint was taken by Sgt. Alan Milligan. I, Dep Chief Kinch, received the complaint on 1/5/11 at 0800 hours.

In her complaint, Ms [REDACTED] reports that the police have been to her home on 2 separate occasions for domestic issues with her husband. Both times Officer [REDACTED] responded to the residence at [REDACTED]. During both incidents, Ms. [REDACTED] felt that Officer [REDACTED] had spent more time talking with her husband than he did with her. She also reports that Officer [REDACTED] showed very little compassion and understanding towards her. In addition, Ms. [REDACTED] stated that she came across Officer [REDACTED] after these incidents while Off. L [REDACTED] was working a road detail at Navigant Credit Union. Ms. [REDACTED] states that she approached Officer [REDACTED] to speak with him about her situation and that Off. [REDACTED] was very "short" and rude towards her.

Investigation

REDACTED

Ref: [REDACTED]

Entered: 03/13/2016 @ 1601

Entry ID: 2865

Modified: 03/13/2016 @ 1602

Modified ID: 2865

On 10/29/10 Officer [REDACTED] and I responded to [REDACTED] for a verbal domestic. Upon arrival I observed the female caller ([REDACTED]) outside in the driveway. [REDACTED] stated that she and her soon to be ex husband [REDACTED] had gotten into a verbal argument in which he called her a crazy bitch. When asked what the argument was over [REDACTED] stated that she lives on the top floor while [REDACTED] lives on the bottom floor and today he was on the top floor according to her. [REDACTED] also showed me paperwork from family court which spelled out the conditions in which the couple were to reside within until the finalization of the divorce. [REDACTED] felt this gave her the legal foundation to have him removed from the residence if in her opinion he broke any of the conditions.

I approached the door to the bottom floor of the residence and began to knock. [REDACTED] came over and went to enter the residence. I told [REDACTED] to go upstairs through her door while I reached [REDACTED] to speak with him. She stated that this was the door she always used and opened the door. [REDACTED] entered the bottom floor and stated "it's my house I can go where ever I want". While keeping in mind that the reason for the argument was because [REDACTED] had gone on the top floor I asked him what had happened after asking [REDACTED] three more times to go upstairs. [REDACTED] confirmed that they had gotten into a verbal argument over him being on the top floor. Furthermore, he stated that they are always on each others floor and its never an issue except that after a recent court date she is more upset over the ongoing divorce. He was told it would be best if he went to another residence for the evening and explained the possible detriments of remaining at the residence. [REDACTED] stated that he wanted to stay. There was no circumstance or paperwork in place which would give officers legal ground to remove either party from the residence.

I went upstairs and explained this to [REDACTED]. [REDACTED] was extremely upset. Throughout the situation she was confrontational and difficult to reason with. After explaining the reasoning for our decision [REDACTED] stated that she had nothing left to say to us. Cleared.

REDACTED

Ref: -

Entered: 03/13/2016 @ 1604 Entry ID: 2865
Modified: 03/13/2016 @ 1604 Modified ID: 2865

On 12/31/10 [REDACTED] and I responded to a possible domestic at [REDACTED]. Upon arrival I spoke with [REDACTED] ([REDACTED]). [REDACTED] stated that he and his mother [REDACTED] were about to leave for the mall and then go to a party for New Year's Eve; but, when the father [REDACTED] observed them leaving with alcohol he became concerned that something was awry and a verbal argument ensued. [REDACTED] admitted that they had kept the fact that they were going to a party from the father.

I later spoke to [REDACTED] who confirmed this story; but, also added that he was concerned because [REDACTED] has allowed [REDACTED] to drink alcohol in the past and because [REDACTED] had been drinking and was intoxicated. [REDACTED] spoke with [REDACTED] while I spoke with [REDACTED]. All parties stated that the argument was verbal in nature. [REDACTED] was warned against driving while intoxicated. Cleared.

** Portions of this report have been redacted **

Summary of Misconduct Complaint

Case number nd [REDACTED]

Several incidents where Officer [REDACTED] came into contact with Ms. [REDACTED] [REDACTED] Cumberland RI. The offense numbers are listed above. I spoke with [REDACTED] who stated that he was doing a detail at the Navigant Credit Union when Ms. [REDACTED] approached him and began to question the way he handled the call he responded to at their residence. He stated to her that he did not have time at the present moment to go into detail as to why it was handled the way it was. She was not satisfied with that and hence the complaint.

Mr. [REDACTED] came to the Cumberland Police Department a day after she made the complaint and stated that while at their residence, all officers including Officer [REDACTED] handled themselves in a very courteous and professional manner. Ms. [REDACTED] only voiced her concern regarding the short response at the Credit Union.

I spoke with Officer [REDACTED] regarding all of the aforementioned and merely advised him of the complaint and that all contacts with the public should be handled in a professional manner. He reiterated that he was short in conversation with her but not rude. Based on the statements by Mr. [REDACTED] and after speaking with Officer [REDACTED] it is clear that this complaint is not sustained as there is insufficient evidence to prove or disprove the complaint initiated by Ms. [REDACTED].

Respectfully submitted,

Captain Mark England



Cumberland Police Department
Investigative Report

Case #: 12-6-IA

Date/Time Reported: 10/17/2012 @ 1635
Report Date/Time: 10/18/2012 @ 1200
Occurred On: 10/11/2012 @ 1718

Complaint Type: HARASSMENT
Disposition: NOT SUSTAINED
Additional Cases:

Reporting Officer: DEPUTY CHIEF MICHAEL KINCH

Signature: 

OFFENSE(S) A/C TITLE/CHAP SECTION

LOCATION TYPE: Highway/Road/Alley/Street Zone: CUMBERLAND HILL
WEEKS STREET

CUMBERLAND RI 02864

1 COURTESY C SEC I 10
OCCURRED: 10/11/2012 1718

PERSON(S) PERSON TYPE SEX RACE AGE SSN PHONE

1 [REDACTED] REPORTING PARTY M W NOT AVAIL [REDACTED]

DOB:
CONTACT INFORMATION:
Home Phone (Primary) [REDACTED]

2 [REDACTED] WITNESS M W [REDACTED] 401-333-2500

CUMBERLAND RI 02864
DOB:
EMPLOYER: CUMBERLAND POLICE DEPT 401-333-2500
CONTACT INFORMATION:
Home Phone (Primary) 401-333-2500

3 [REDACTED] PARTICIPANT M W [REDACTED] 401-333-2500

1380 DIAMOND HILL RD
CUMBERLAND RI 02864
DOB:
EMPLOYER: CUMBERLAND POLICE DEPARTM 401-333-2500
CONTACT INFORMATION:
Home Phone (Primary) 401-333-2500

4 [REDACTED] WITNESS M W NOT AVAIL [REDACTED]

CUMBERLAND RI 02864
DOB:
EMPLOYER: CUMBERLAND POLICE DEPARTM 401-333-2500
CONTACT INFORMATION:
Home Phone (Primary) [REDACTED]
Work Phone (Primary) [REDACTED]
Work Phone [REDACTED]

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Case #: 12-6-IA

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
5	1380 DIAMOND HILL RD CUMBERLAND RI 02864 DOB: CONTACT INFORMATION: Home Phone (Primary)	PARTICIPANT	M	W		NOT AVAIL	401-333-2500
6	CUMBERLAND RI 02864 DOB: CONTACT INFORMATION: Home Phone (Primary) Home Phone Cell Phone	WITNESS	F	W			
7	CUMBERLAND RI 02864 DOB: CONTACT INFORMATION: Home Phone (Primary) Cell Phone Work Phone (Primary)	WITNESS	M	W		NOT AVAIL	
8	1380 DIAMOND HILL RD CUMBERLAND RI 02864 DOB:	PARTICIPANT	M	W			

#	OFFICER(S)	SEX	RACE	AGE	SSN	PHONE
1	138 DIAMOND HILL RD CUMBERLAND RI 02864 CONTACT INFORMATION: Home Phone (Primary)	M	W		NOT AVAIL	401-333-2500
	BODY: NOT AVAIL. DOB: NOT AVAIL. LICENSE NUMBER: NOT AVAIL.				COMPLEXION: NOT AVAIL. PLACE OF BIRTH: NOT AVAIL. ETHNICITY: NOT HISPANIC	
	EMPLOYER/SCHOOL: TOWN OF CUMBERLAND					

REDACTED

Ref: 12-6-IA

Complaint

On 10/17/12 at 1635hrs., Mr. [REDACTED] came to the station to file a Misconduct Complaint Form. Mr. [REDACTED] stated that he was arrested on 10/11/12 for vandalism and misconduct in connection with a road rage incident that took place on Branch Avenue. Before he was arrested for his action, Mr. [REDACTED] stated that during the investigation he was treated disrespectfully and rudely by [REDACTED]. Mr. [REDACTED] also stated that [REDACTED] rude demeanor took place in front of Mr. [REDACTED] son. Mr. [REDACTED] reports that [REDACTED] spoke to him very loudly and point two fingers at him as he explained why Mr. [REDACTED] was being arrested. Mr. [REDACTED] also reports that he was falsely accused and that the road rage incident was caused by the other driver, Mr. [REDACTED]. Mr. [REDACTED] also added that after the incident, the Cumberland have been driving by his home on a continuous basis, and at one point, 5 officers came to his home to harass him.

On 10/18/12 at 9:32am, I contacted Mr. [REDACTED] and informed him that I received his complaint and that I would be the investigating officer. I also informed the Chief Desmarais that a misconduct complaint had been filed.

Incident

On 10/11/12 at about 5:17pm, [REDACTED] [REDACTED] was dispatched to the area of Mendon Road near St. Joan's Church. [REDACTED] was dispatched to the area to investigate a possible road rage incident. Upon arrival [REDACTED] was informed that the suspect vehicle was a PT cruiser bearing RI registration [REDACTED] and had left the area. The other involved party (the reporting party) also left the area and returned home to call police. [REDACTED] responded to [REDACTED] to speak with the alleged victim and operator of the second vehicle, [REDACTED].

Mr. [REDACTED] reported that he was driving on Quail Ave and turn right on to Weeks Street. While on Weeks Street he saw the suspect vehicle (PT cruiser) driving down the middle of Weeks Street. Mr. [REDACTED] states that when the vehicle passed him the driver "threw the me the middle finger and yelled at me". Mr. [REDACTED] reports that he continued on Weeks Street to Branch St. and noticed the suspect vehicle had turned around and started to follow him. Mr. [REDACTED] reports that he took a left turn on Branch Ave and the PT Cruiser pulled in front of him and block his vehicle while Mr. Masse was stopped at the Branch/Elk stop sign. Once stopped, Mr. [REDACTED] reports that the operator of the PT cruiser got out of the vehicle and approached his car. Mr. [REDACTED] states that the operator of the PT cruiser was yelling at Mr. [REDACTED] to exit the vehicle so they could fight. Mr. [REDACTED] reported that he drove around the suspect in order to avoid the confrontation. As Mr. [REDACTED] attempted to drive around the suspect, the male suspect hit the side mirror of Mr. [REDACTED] car with his hand causing the mirror to break. Mr. [REDACTED] states that he told the suspect that he is calling the police and the suspect got in his vehicle and left the area. Mr. [REDACTED] reports that he followed the suspect vehicle and got the registration plate numbers ([REDACTED]). Mr. [REDACTED] states that he lost sight of the vehicle on Mendon Road in the area of St. Joan's Church.

While finishing his interview with Mr. [REDACTED] dispatch inform officers on scene that the other party had contacted the station and that he would respond to Tucker field to explain his side of the story. Upon arrival at Tucker Field, [REDACTED] locates a vehicle matching the description bearing the same registration that was provided by Mr. [REDACTED]. [REDACTED] identifies the operator as [REDACTED] and described Mr. [REDACTED] as highly agitated and pacing back and fourth.

Upon coming in contact with Mr. [REDACTED], [REDACTED] read him his rights and asked him for his side of the incident. Mr. [REDACTED] stated that he was run off the road by the other operator (Mr. [REDACTED]) and that he followed

REDACTED

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him to get his license plate numbers in order to call the police. While [REDACTED] was speaking with Mr. [REDACTED] [REDACTED] arrived on scene. [REDACTED] attempted to calm Mr. [REDACTED] down as he explained that he was going to be placed in custody for vandalism. Mr. [REDACTED] became more aggressive and began to verbally abuse [REDACTED]. [REDACTED] informed Mr. [REDACTED] that as a result of him hitting the other vehicle's mirror, his delay in calling the police, and the fact that Mr. [REDACTED] followed the other vehicle and confronted the driver, were the facts that resulted in his arrest. In trying to keep Mr. [REDACTED] calm, [REDACTED] allowed him to drive his vehicle to the station to be processed in order for someone to be able to take custody of his [REDACTED] son who was still in the vehicle.

While at the station, Mr. [REDACTED] continued to make threats about the other driver ([REDACTED]). [REDACTED] reports that Mr. [REDACTED] stated that he is a member of a motor cycle club and that his friends will "take care of [REDACTED]." He also stated that he will "kick [REDACTED] ass", or "shoot him if he drives by his house."

Investigation

On 10/18/12, I called Mr. [REDACTED] in order to inform him that I received his complaint. While speaking with Mr. [REDACTED] he stated that he was arrested unjustly, and that his civil rights were violated. Mr. [REDACTED] also stated that he is being harassed by the Cumberland Police. Mr. [REDACTED] stated that Cumberland Police cruisers are continuously driving by his home and officers are coming to his house. Mr. [REDACTED] further reported that he only followed Mr. [REDACTED] car in order to get his license plate because he almost hit a woman who was walking on Quail Avenue, and because Mr. [REDACTED] almost ran him off the road. Mr. [REDACTED] stated that the only reason he waited to call police was due to a medical condition. Mr. [REDACTED] stated that he contacted his doctor and his wife after the incident before he called police. Mr. [REDACTED] reported that [REDACTED] is also the reason for his behavior. He states that he gets nervous and agitated very easily. He also stated that he hit the mirror on Mr. [REDACTED] car to protect himself while Mr. [REDACTED] tried to drive at him.

In speaking with Mr. [REDACTED] I explained to him that this could have easily been avoided if he had got Mr. [REDACTED] registration and continued home and called the police. The fact that he lost his temper with police, and the fact that the mirror was broken, and the fact that he followed Mr. [REDACTED] and exited his car, all provided officers with the probable cause required to make an arrest. I also told Mr. [REDACTED] that police officers are required to raise their voice at times in order to gain control of the situation. I informed Mr. [REDACTED] that due to his agitated state, [REDACTED] had no other choice but to speak firmly. I also informed Mr. [REDACTED] that the police went to his house several times to check his well being and that they were not harassing him. I explained to Mr. [REDACTED] that his [REDACTED], had called police because Mr. [REDACTED] had posted a threaten message on Face Book. [REDACTED] reported to the Cumberland Police on 10/12/12 that Mr. [REDACTED] threaten to kill Mr. [REDACTED] Mr. [REDACTED] is the ex-husband of [REDACTED] Mr. [REDACTED] is [REDACTED] to. I also informed Mr. [REDACTED] that he will have the opportunity to explain his [REDACTED] to the judge and if the judge sees fit, he can dismiss the charges.

Mr. [REDACTED] stated that he understood the situation that he placed the officers in and requested that I dropped the misconduct investigation into [REDACTED]. I informed him that the investigation will continue, but if he would like he could send me letter explaining his change of heart.

After speaking with Mr. [REDACTED] I spoke with [REDACTED] on 10/22/12. [REDACTED] stated that [REDACTED] responded to Tucker Field to assist [REDACTED]. He found Mr. [REDACTED] speaking loudly and not cooperating with [REDACTED] [REDACTED] reported that Mr. [REDACTED] was talking about everything except the facts of the incident and appeared [REDACTED] and angry. [REDACTED] stated that he interjected in order to explain the incident to Mr. [REDACTED].

REDACTED

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██████████ stated he did speak loudly in order to speak over Mr. ██████████ because he would not listening. ██████████ stated that he was forceful but respectful, and did not make any threats or use any foul language.

Conclusion

Upon speaking to Mr. ██████████ and ██████████, and reviewing reports ██████████, and ██████████, I find Mr. ██████████ charges as Unsustained. All involved officers acted in accordance with the policies and procedures, and the rules and regulations of the Cumberland Police Department. Furthermore, I received a statement from Mr. ██████████ on 10/29/12 requesting that I halt any investigation into the conduct of ██████████ and that their encounter was a misunderstanding

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Case #: 13-1-IA

#	OFFICER(S)	SEX	RACE	AGE	SSN	PHONE
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[APPEARANCE]

GLASSES WORN: NO

CUMBERLAND POLICE DEPARTM · 401-333-2500

EMPLOYER/SCHOOL:

1380 DIAMOND HILL RD
CUMBERLAND RI 02864

OCCUPATION: POLICE OFFICER

Ref: 13-1-IA

Witness Statement

Date: 1/17/13

Time: 12:12pm

Location: Dep. Chief's Office

Taken By: Dep. Chief Michael Kinch

[REDACTED]

Name

[REDACTED]

Address

[REDACTED]

Date of Birth

Bus Driver/ 401-[REDACTED]

Occupation/Phone

Q: On Friday 1/11/13, Durham Bus Services contacted The Cumberland Police requesting assistance for alleged drug activity on a school bus. Are you employed by Durham Bus Services?

A: Yes.

Q: What is your occupation?

A: Bus Driver

Q: How long have you worked for Durham?

A: a little over a year

Q: Were you the bus driver that called Durham's home office and requested police assistance?

A: Yes

Q: Can you tell me what happened on the bus?

A: I was doing the "late run" for the high school. The "late run" is a late bus that transports kids that are leaving school late due to detention, homework club, or other after school activities. Durham runs two late buses. One bus goes to the North of the town, and the other bus goes to the South of town. I was driving the South bus.

I picked the kids up at about 2:55pm from the high school and started to drive South down Mendon Road. When I got to the area of the RT. 295 I noticed two windows go down in the area of row 9 and row 7. The window in row 9 that was lowered was on the driverside and the window in row 7 that was lowered was on the passenger side. As soon as I saw the windows go down I thought that the students may have been hot so I shut the heat off. As soon as I shut the heat off I noticed a strong smell of marijuana coming from the back of the bus. As soon as I smelled the marijuana I pulled the bus into the McDonald's parking lot in the area of Rt 295. Once stopped I called Durham and told them that someone's "smoking weed" on the bus, and that I need assistance. Durham responded that they were sending someone as soon as possible. About a minute latter Durham called me and stated that the assistance was on the way.

Q. Who showed up to assist you?

A: First, a police officer showed up. I told the officer that I can smell "weed" coming from the back of the bus

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and I showed the officer were the two windows were lowered.

Q. Who showed up next?

A: The Safety Supervisor from Durham, [REDACTED]. I don't know her last name.

Q: What did the officer do after you told him about the smell of marijuana?

A: The officer started to walk to the back of the bus. As the officer walked to the back he stated to tell the kids in the area that he could smell the marijuana. He stopped in the area of rows 7 and 9. He could not get much farther because there were a lot of kids in the back of the bus and some were blocking the aisle. Once the officer got to rows 7 and 9 he tried to get someone to confess to smoking and having the marijuana.

Q: Did he focus in on any one person?

A: No. He made statements to the whole group in the back of the bus. The officer told the group that "They might as well confess because he was going to find out anyway." After no one confessed he started to ask individuals if they saw anything. I saw him talk to a girl in row 9 who was wearing glasses. After he spoke with her he started to make his way to the very rear of the bus. It was a little hard for me to see who exactly he was talking to because I was watching through the rear view mirror.

Q: Where was the officer standing when he made these comments?

A: in the aisle around row 8.

Q. How many rows on the bus you were driving?

A: It was bus 307. It has 12 rows.

Q: Did you hear the officer use any foul language?

A: Yes. I hear him say "fuck"

Q: Was it said in an angry tone?

A: No. It was a stern voice but not yelling. I think he was trying to scare the kids into confessing or trying to get someone to give him a name.

Q: Was the "fuck" word said at an individual or to the group as a whole?

A: To the group. I did hear the officer get a little louder when one of the kids made a comment to him. The officer told the kid "Not to get smart with him"

Q: Do you know any of the names of the kids that were on the bus?

A: No. I have not been doing that "run" for long. It was only the second time.

Q. How many kids were seated in the rows 9 through 12?

A: I believe that each seat was filled with at least 2 kids. That would be 2 kids in a seat on the driver's side and 2 kids per seat on the passenger side. It was at least 15 kids, maybe even more in rows 9 to 12.

Q: Did you notice if the officer was speaking to more minority kids as compared to white kids?

A: No. He did talk to a couple of kids but I did not feel it was because of their race. Like I said, I saw him talk to a white girl with glasses trying to get information from her

BUS DRIVER REDACTED

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Q: How many kids were on the entire bus?

A: I don't know exactly but it was full. We have the slips that each kids gives me when they get on. I gave the slips to my supervisor.

Q: Do you feel that the officer acted in a professional manor?

A: Yes. He acted like a cop. He tried to get some of the kids to admit it. He was stern but not over-bearing. He wanted the kids to know that he was not playing around

Q: Is there anything else you would like to add to this statement?

A: I do not think the cop was out of line.

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Complaint

On 1/11/13 at 4:00pm, Ms. [REDACTED] came to the police station to file a complaint of behalf of her son, [REDACTED]. [REDACTED] is a 16 year old Cumberland High School Student. Ms. [REDACTED] was given the Misconduct Complaint Form and given verbal instructions of how to file the complaint. Ms. [REDACTED] took the Misconduct Complaint form home with her in order to type her complaint. Upon completion, Ms. [REDACTED] returned the form on Saturday, 1/12/13, and it was forwarded to me, Dep. Chief Michael Kinch, on 1/14/13

Ms. [REDACTED] states that on 1/11/13 at about 3:00pm, her son was returning home from Cumberland High School on the "late " bus. Ms. [REDACTED] reports that the driver of the bus pulled the bus over because the driver smelled the odor of burning marijuana. Once the bus was stopped Ms. [REDACTED] states that the police responded and entered the bus [REDACTED] Ms. [REDACTED] alleges that the responding Officer, [REDACTED], walked immediatly to the rear of the bus and accused the minorities students who were sitting in the last row as being responsible for smoking marijuana on the bus. One of the accused students was [REDACTED] [REDACTED]

Ms. [REDACTED] states in her complaint that [REDACTED] had the minority students who were sitting in the last row of the bus all stand up in order to look for the marijuana. Ms. [REDACTED] reports that officer [REDACTED] yelled and swore at minority students as he conducted his investigation. Ms. [REDACTED] states that at one point Officer [REDACTED] states "You think this is a fucking joke." Ms. [REDACTED] further states that her son [REDACTED] asked Officer [REDACTED] if he was selected for investigation because of his race and he told Officer [REDACTED] that he is going to inform his parents about the incident. Ms. [REDACTED] reports that Officer [REDACTED] responded to [REDACTED] by stating "I don't care, and they won't do anything about it."

As a result of Officer [REDACTED] alleged actions, Ms. [REDACTED] feels that Officer [REDACTED] was racially bias by selecting only black or hispanic students for investigation. Ms. [REDACTED] also feels that Officer [REDACTED] language was disrespectful and unprofessional and projected a bad image of all police officers to the students

Alleged Violations

1. Policy 320.01 of The Cumberland Police Department entitled Mutual Respect in Policing, specifcly Section IV Paragraph D which states: *Officers will not use actual or perceived race, ethnic background, age, gender, sexual orientation, religion, economic status, cultural group, or other identifiable group of such individual as the sole basis for developing reasonable suspicion or grounds for a traffic or street stop, or in deciding upon the scope and substance of post- stop action*
2. Section J, Paragraph 11 of the Rules and Regulations of the Cumberland Police Department entitled Discourtesy which states: *An officer or employee shall not be rude, impolite, contemptuous, or insolent to a superior officer, to a fellow officer, employee, or to a member of the public.*

Investigation

On 1/14/13, I received the Misconduct Complaint from Ms. [REDACTED] alleging Officer [REDACTED] conducted a racially bias investigation, and that Ofc. [REDACTED] was discourteous to the students as he conducted his investigation. On 1/14/13 at 8:55am, I contacted Ms. [REDACTED] and informed her that I received her complaint, and that I would be the investigating officer. During this conversation I informed Ms. [REDACTED] about the investigative process, and informed her that I will be giving her periodic updates regarding the status of the investigation. I

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also informed Ms. [REDACTED] that at some point I will need a witness statement from her son [REDACTED].

After speaking with Ms. [REDACTED] I contacted Durham Transportation. Durham Transportation had provided a CD on the incident which took place on 1/11/13 which recorded Ofc. [REDACTED] investigation. The CD was given to [REDACTED] who in turn, turned it over to me. [REDACTED] also provided me with a copy of all "Late bus slips". These slips are handed to the bus driver by the students as they board the bus. Each slip has the students name on it.

Upon reviewing the CD, the CD recorded the time period when Officer [REDACTED] entered the bus and began his investigation. I contacted Durham Transportation and requested a complete recording of the incident beginning when the bus picked up the students at the high school. On 1/15/13, I received a call from Durham Transportation to inform me that the entire 55 minute and 20 second recording was completed. I responded to Durham and took possession of a thumb drive which contained the recording. While at Durham I requested, and was allowed to enter bus #307. While on bus #307, I noted that the bus had 12 rows with the 12th row being a 1/2 seat on the d riverside of the bus. I also noticed that the emergency windows were located in the third row behind the driver. I will be able to use the red outline of the emergency windows as a reference point when viewing the recording.

Viewing the Recording

At 6 minute and 15 seconds point in the recording, the recording shows a male student located in row 7 on the passenger side of the bus hand something to a male student sitting in row 8 on the d riverside of the bus. A female student is also sitting with the male student in row 8. Ofc. [REDACTED] identified the male in row 7 as [REDACTED] (handing the item) and the male and female student in row 8 as [REDACTED] (Receiving the item) and [REDACTED]. Once receiving the items from [REDACTED], [REDACTED]t and [REDACTED] appear to be handling the item. At the 6 minute and 46 second point in the recording you can see both [REDACTED] and [REDACTED] lower their heads behind the seat, and occasionally look up as if they are monitoring the driver. As [REDACTED] head is lowered, you can view a small haze that appears on the recording. The haze appears to be smoke. This activity between [REDACTED] and [REDACTED] continues until the 7 minute and 27 second point of the recording. At this point, [REDACTED] returns the item that [REDACTED]t had received from [REDACTED]s earlier back to [REDACTED]s. After the item is returned to [REDACTED] a female student in row 7 on the driver side of the bus opens the window. This appears to have been done to remove the smell of burning marijuana that [REDACTED] and [REDACTED]t had just smoked. After opening the window, this female instructs another female to open another window. A female sitting in row 8 on the passenger side then opens the window in row 8. Being unable to eliminate the smell of the burning marijuana the driver, [REDACTED], smells the burnt marijuana at the 8 minute and 29 second point in the recording. Mr. Alves pulls the bus over in the McDonald's parking lot adjacent to Rt 295 and notifies Durham Transportation that "Someone's smoking weed on the bus."

Boards Bus

At the 15 minute and 6 second point of the recording, Officer [REDACTED] boards the bus. While entering the bus Officer [REDACTED] ask the driver "What seems to be the problem?" The driver, [REDACTED], answers Off. [REDACTED] by saying "Smoking weed in the back." Off. [REDACTED] inquires if Mr. [REDACTED] knows who is smoking. Mr. [REDACTED] responds by saying "Not Quite sure. Somewhere in the back." After speaking with the driver, Officer [REDACTED] proceeds to the back of the bus at the 15 minute and 23 second point in the recording and stops in the area of rows 7 & 8. At this point, Ofc. [REDACTED] appears to be speaking to the entire bus as he inquires about the strong smell of marijuana. Officer [REDACTED] stops at row 7 were the smell is strongest and speaks with [REDACTED].

DC KINCH REDACTED

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After seeing no visible signs of the marijuana, Officer [REDACTED] pass row 8 were a minority student is seating and continues to the back of the bus at the 16:16 point of the recording.

Upon arriving at the rear of the bus at 16 :32, Officer [REDACTED] encounter 3 student sitting in the 3 available seats. All 3 students are minorities. [REDACTED] is seating in a single seat in row 12 on the d riverside, and two other minority students are sitting in a double seat in row 12 on the passenger side. In the recording Officers [REDACTED] appears to be talking with [REDACTED], and asks [REDACTED] and the other two students to stand up. During their exchange you can hear the students begin to laugh and Officer [REDACTED] states "You wanna play this game with me." After this statement you can hear Officer [REDACTED] reply "You do that, you do that. After speaking with the 3 students in the rear of the bus, Officer [REDACTED] turns and walks back to the area of rows 7 and 8 were the marijuana smoke is strongest, and were the recording showed that the marijuana was smoked by Ms. [REDACTED] and Mr. [REDACTED]. officer [REDACTED] leave the back of the bus at the 17:03 point of the recording.

Upon returning to the area of row 8, Officer [REDACTED] asked the bus driver were the open window was located. The bus driver responded to Officer [REDACTED] by saying "right were you are, to your right." Sitting in the seat in front of this window was another minority student, [REDACTED]. Officer [REDACTED] asks [REDACTED] for his name and [REDACTED] reply by saying " I don't have to tell you me name". Officer [REDACTED] responds to him by saying " Are you fucking Kidding me."

After getting Mr [REDACTED] to identify himself, officer [REDACTED] informs Durham officials that no one is owing up to the marijuana, and officer [REDACTED] exits the bus.

[REDACTED] Statement

Mr. [REDACTED] states that he was sitting in row 12 on the "late bus", on 1/11/13. Mr. [REDACTED] reports that he is familiar with Officer [REDACTED] due to the fact that Officer [REDACTED] has patrolled the area were Mr. [REDACTED] lives (Main Street). Mr. [REDACTED] admits that he has never had a problem with Officer [REDACTED] and has never been arrested by him, or searched by him.

Mr. [REDACTED] states that while he was sitting in the rear of the bus he heard some other students state that "the bus driver smells marijuana." Mr. [REDACTED] reports that he smelled the burning marijuana and witnesses other students opening the windows in the area of rows 6 and 7. Mr. [REDACTED] further states that the bus pulled over into a McDonald's parking lot and Officer [REDACTED] arrived. Mr. [REDACTED] states that when he arrived, Officer [REDACTED] walked around the outside of the bus and then boarded the bus. Once on the Bus, Mr. [REDACTED] reports that Officer [REDACTED] was told by the bus driver that the smell was coming from the middle of the bus. Instead of stopping at the middle of the bus, Officer [REDACTED] walked directly to the rear of the bus and asked him and the two other minority students to stand up. When asked "Why are we being asked to stand?", Mr. [REDACTED] reports that Officer [REDACTED] told him "They look suspicious." Mr. [REDACTED] states that he then asked Officer [REDACTED] " Were we asked to stand because were colored?" Mr. [REDACTED] reports that the other students began to laugh, and Officer [REDACTED] told him "Do you think this is a fuckin joke?"

After having this encounter with Officer [REDACTED], Mr. [REDACTED] States that Officer [REDACTED] turns around and move up a few rows to about row 10 and speaks with other minority students. Mr. [REDACTED] admits that Officer [REDACTED] never searched or put his hands on him or any other students, and also did not have any students empty their pockets. Mr. [REDACTED] also admits that Officer [REDACTED] passed several rows on the bus that contained minority students and went directly to the rear of the bus. Mr. [REDACTED] reports that he is unsure why Officer [REDACTED] did not stop to speak

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with the other minority students.

After clearing row 10, Mr. [REDACTED] states that Officer [REDACTED] exited the bus and then got back on. When Officer [REDACTED] re-boarded the bus, Mr. [REDACTED] reports that he went to rows 7 and spoke with Ms. [REDACTED]. While Officer [REDACTED] was speaking to Ms. [REDACTED], Mr. [REDACTED] states that officer [REDACTED] was looking at him so he took his head phones out so he could hear Officer [REDACTED]. Officer [REDACTED] did not say anything, but I told him I'm going to tell my parents about this. Mr. Brown states that officer [REDACTED] responded by saying " You do that. They are not going to do anything any way." After this last encounter, officer [REDACTED] exits the bus.

Conclusion

Upon reviewing the the recording and speaking with Mr. [REDACTED], I found that Officer [REDACTED] acting properly and within the guidelines of the department's Mutual Respect in Policing policy. Although I found Mr. [REDACTED] to be credible, and reported truthfully to what he thought transpired, the recording showed some inconsistencies in Mr. [REDACTED] statement. Although Mr. [REDACTED] thought that the bus driver stated that the smell was coming from the middle of the bus, the recording clearly shows that the bus driver stated to Officer [REDACTED] that the "smell was coming from somewhere in the back of the bus." I feel that this demonstrates that Mr. [REDACTED] was not singled out due to his race, but due to his seat location. This is also confirmed by Mr. [REDACTED] himself who acknowledges that there were several persons of color on the bus , and that Officer [REDACTED] walked right by them to get to the rear.

In addition to Mr. [REDACTED] misunderstanding what the bus driver stated to Officer [REDACTED], Mr. [REDACTED] also did not notice that Officer [REDACTED] did stop at other rows on the bus before heading to the rear of the bus. The recording clearly shows Officer [REDACTED] stopping in the area of rows 7 and 8 when he first boards the bus. As seen on the recording, rows 7 and 8 are the rows where the smoking actually took place, and where the odor was strongest.

In addition to not going directly to the rear of the bus, Mr. [REDACTED] also incorrectly stated that Officer [REDACTED] used foul language at him. When reviewing the recording, Officer [REDACTED] does not used the word "fuck" when speaking with Mr. [REDACTED] as reported. Instead, Officer [REDACTED] used the word "fuck" when speaking to Mr. [REDACTED]. Mr. [REDACTED] also incorrectly stated that Officer [REDACTED] exit the bus and then re-entered to speak with other students. The recording clearly shows that Officer [REDACTED] leave the bus and never re-enters.

These inconsistencies are in no way an attempt by Mr. [REDACTED] to fabricate a story against officer [REDACTED]. I feel that because Mr. [REDACTED] knew that he did no wrong, he did not pay attention to the whole incident as it played out, and only witnesses some of the events.

In closing, Officer [REDACTED] did admit in his statement to me that he used foul language when speaking to Mr. [REDACTED]. After speaking with Chief Desmarais it was determined that I issue Officer [REDACTED] a verbal warning for his choice of words.

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Witness Statement

Date: 1/17/13

Time: 2:00pm

Location: Dep. Chief's office

Taken By: Dep. Chief Michael Kinch

██████████

Name

Date of Birth

1380 Diamond Hill Rd

Police Officer/333-2500

Address

Occupation

Q: Officer ██████. This department has received a complaint from Ms. ██████, a mother of a Cumberland High School student who you had contact with on 1/11/13. Ms. ██████ alleges that while you were conducting a narcotics investigation on a school bus you concentrated your efforts on her son (Who is black), and other minorities high school students. Ms. ██████ also alleges at you were yelling and swearing at the students as you conducted your investigation.

Q: Do you understand the allegation?

A: Yes

Q: Officer ██████. Were you working on Friday, January 11, 2013.

A: Yes

Q: What area were you assigned to?

A: 433

Q: Were you dispatched to the McDonald's parking lot located on Mendon Rd, near the Rt 295 overpass?

A: Yes

Q: Why were you dispatched to the McDonald's parking lot?

A: The dispatcher told me to read my call narrative on my mobile terminal. The bus driver reports that kids were smoking marijuana on a school bus

Q: What did you do when you arrived at the school bus?

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A: I got on the bus and talked to the driver. The driver stated that the kids in the far back of the bus were smoking marijuana and that they threw it out the open window. After I spoke with the driver I started to walk to the back of the bus. As I walked down the aisle I could smell a strong order of marijuana. As I walked I was scanning right and left to see if I could locate the area were the smell was. At the same time the kids were yelling "lets go, lets go", [REDACTED], and some were stating "you have no right to search us."

Q: Did you immediatly go to the rear of the bus, or did you stop at any other rows?

A: I stopped at other rows. When I went down the aisle I stopped where there was an open window because the odor was strongest. The driver also told me that the marijuana may have been thrown out the window.

Q. Do you recall what rows you stopped at?

A: Not exactly, but it was a few rows before the back of the bus. I think it was about six row from the back.

Q: When you stopped about six rows from the back of the bus did you speak to any individual students?

A: No I spoke to the whole group. I told them that this bus is not going anywhere, and to let me know who was smoking. After no one answered me I walked to the last row because thats were the bus driver thought the smoke was coming from.

Q: Did you speak to the students in the last row?

A: Yes. I told the students in the last row to all to stand up. I wanted to see if they were sitting on any paraphernalia or drugs.

Q: Why did you ask them to stand?

A: If there was any contradand I was going to get them off the bus and hold them for their parents in order to get the rest of the bus moving.

Q: What happened after you asked the last row to stand?

A: Immediatly one student said that I picked him because he was black. He was sitting in the last seat on the driverside. I told him "no" its because the bus driver told me it was the kids in the back. At this point I felt this racial comment was an attempt to deflect my investigation. I then had the last row stand up and move their bags and then back sit down. Once I saw nothing I eliminated them as being involved and went back to the area of the open window.

Q: Did you swear at any of the kids in the last row?

A: No. I don't think so. Once the kid said to me that I was singling him out because of his race I stated " Do you really want to play this game with me"

Q: Do you recall if the black student in the last row threatened to tell his parents about his encounter with you?

A: Yes, and I said "You go ahead."

Q: Have you ever seen any of the kids that were in the last row of the bus before this incident?

A: I don't believe so. As I walked down the aisle I heard kids say "[REDACTED]."

Q: Did you know the name of the student from the last row (driver side)that accused you of singling him out because he was black?

A: No. Once I believed that he was not involved I never asked him for his name

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Q: Have you ever seen him before?

A: I don't believe so.

Q: Do you know what street or area that the students in the last row were from?

A: Honestly, no.

Q: Have you ever met [REDACTED]?

A: I can't say that I have

Q: Have you ever met any of the [REDACTED] family while patrolling [REDACTED] Street.

A: Over the last 20 years it is very possible, but I could not identify her. I wave to everyone who looks at the cruiser while I'm patrolling.

Q: Have you had any past encounters with, or known a student named [REDACTED]?

A: I have to say no.

Q: Did you ever say to this student that accused you of racial bias that " Your mother won't do anything about it?"

A: No. That sounds like something I would never say.

Q: How many students were sitting in the last row"

A: I believe it was 4 males.

Q: Were all 4 minorities?

A: Yes I believe so.

Q: Do you recall the race of the students sitting in the rows in front of the last row?

A: No I don't. The only reason I went there is because of the bus driver's statement.

Q: After you left the back of the bus did you stop and speak with any other students?

A: Yes. I went back to the open window where the marijuana smell was strongest, and where the driver stated that he thought they tossed the marijuana out of. While pointing my mini light at the windows I asked the driver which window he was referring to. The driver told me it was the window that I was at. Sitting in the seat next to this window was a male (later identified as [REDACTED]) and female. I asked these two for their names and [REDACTED] stated "I don't have to give the fuckin cops my name". I responded to this [REDACTED] by saying "Are you fuckin kidding me." Once the kid swore at me, and I swore back at him I had the girl in the seat with [REDACTED] move, and another female move because I thought things may escalate but it did not. At this point [REDACTED] and the Safety Officer from Durham arrived. The Safety Officer told me that there was video on the bus. It was determined that she would burn a copy so the school department could address this as a school matter. I then exited the bus.

Q: Once you exited the bus, did you ever get back on it?

A: No. Once I got off the bus it left a few minutes later. I did follow the bus while it made its stops so there would be no more drug activity.

Q: Is there anything else you would like to add to this statement?

A: Only that my action were to maintain control.

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Witness Statement

Date: 1/21/13
Time: 1:24pm
Location: Dep. Chief's office
Taken By: Dep. Chief Michael Kinch

Name

Date of Birth

Address

Student, CHS

Occupation

Q: [REDACTED]. You are at the Cumberland Police Station to provide a statement related to the action and conduct of a Cumberland Police Officer. Is anyone else with you as you provide this statement?

A: Yes. My mother, [REDACTED].

Q: Can you identify the officer in question?

A: Officer [REDACTED]

Q: How do you know Officer [REDACTED]

A: I see him around school, and I see him when he patrols.

Q: Has he ever arrested you ,or searched you?

A: No

Q: When did this incident take place?

A: On Friday. 1/11/13.

Q: Can you tell me what happened?

A: I was on the "Late bus" going home from school. The bus driver pulled the bus over in the McDonald's parking lot on Men don Road. The McDonald's is near the bridge over RT. 295.

Q: Why did the bus driver pull the bus over?

A: I did not know at first, but I heard some kids say that the bus driver smelled marijuana?

Q:What seat were you in on the bus?

A: The last seat on the d riverside.

Q: From where you were seating could you smell and marijuana?

A: Yes.

STUDENT REDACTED

Ref: 13-1-IA

Q: What happened after the bus pulled into the parking lot?

A: Some kids opened two windows. One on the left side of the bus and one on the right side of the bus.

Q: In what rows of the bus do you think that the windows were opened?

A: Rows 6 and 7

Q: What happened after the windows opened?

A: Around 5 minutes later the police came. Officer [REDACTED] came first and then another officer. When officer [REDACTED] came he walked around the outside of the bus for about 2 minutes then he came on the bus. When Officer [REDACTED] got on the bus he walked right to the back of the bus where I was sitting. Officer [REDACTED] told me, [REDACTED], and another back kid who was sitting next to [REDACTED] to stand up.

Q: Is [REDACTED] also a minority?

A: Yes. He is hispanic.

Q: Were there any non-minorities (White students) in the seats near you?

A: Yes. there were two white girls sitting in front of me, and there was a white boy sitting in front of [REDACTED].

Q: Did he ask the white students to stand?

A: No just us 3.

Q: What happened after Officer [REDACTED]s asked you to stand?

A: I asked Officer [REDACTED] why he had asked us 3 to stand and not anybody else. Officer [REDACTED] told me that "We look suspicious." I asked Officer [REDACTED] if he asked us to stand because we were colored? Officer [REDACTED] never answered but said " Do you think this is a fuckin joke."

Q: Do you feel that you were doing anything that made you look "Suspicious"?

A: No. I was just sitting there.

Q: Did officer [REDACTED] search you ,or the other two males?

A: No

Q: Did officer [REDACTED]s ask you or any other student to empty your pocket?

A: No.

Q: Were there any other person of color sitting in the rows in front of you?

A: Yes, but not near me. They were about 3 rows ahead of me.

Q: Did officer [REDACTED] stop at these rows?

A: No.

Q: Why do you think that officer [REDACTED] would pass some minority students and go right to your location?

A: I have no clue

Q: After speaking with you, what did Officer [REDACTED] do next?

A: He turn and started to walk to the front of the bus. He stopped around row 10, and spoke to some kids that

STUDENT REDACTED

Ref: 13-1-IA

were there and asked for there names.

Q: Were theses kids white, black, or hispanic?

A: One was hispanic and one was black. They were both male.

Q: When Officer [REDACTED] got on the bus were the windows that were open still in the open position?

A: Yes. One on the passenger side and one on the driver side. I think it was row 7.

Q: After Officer [REDACTED] spoke to the kids in row 10, what did he do next?

A: He walked to the front of the bus and got off.

Q: Did you see Officer [REDACTED] speak with any white students?

A: No. Not untill he left the bus and got back on?

Q: When did Officer [REDACTED] get back on the bus?

A: About 5 minutes after he got off, Officer [REDACTED] got back on. He went back towards the rear of the bus and I saw him speak to [REDACTED]. She was seating on the driver side of the bus in the area of rows 6 or 7. I did not hear what they were talking about because I still had my heads phones on. After Office [REDACTED] spoke with those kids, Officer [REDACTED] looked back at me. I thought he was going to say something to me so I took one ear phone out. Officer [REDACTED] did not say anything, but I said "I'm gonna tell my mother about this." Officer [REDACTED] stated " Go ahead, there not gonna do anything about it.". After saying that to me, Officer [REDACTED] go off the bus and then the bus left.

Q: Is there anything else you, or your mother would like to add?

A: Yes. [REDACTED] (Mother): I have two concerns with officer [REDACTED] conduct. First, is that officer [REDACTED] was swearing and yelling not only at my kid, but at some of the other kids that were on the bus. Secondly, I'm concerned if there is a race issue or a residency issue. Two out of the 3 kids that Officer [REDACTED] had asked to stand up on the bus were from [REDACTED] Street.

MEMO REDACTED

Ref: 14-1-IA

Memo

To: Chief John R. Desmarais

From: Deputy Chief Douglas Ciullo

Date: 11/21/2014

Re: [REDACTED]

On Sunday October 19, 2014 I met with Officer [REDACTED] regarding the complaint that Mr. [REDACTED] made after Officer [REDACTED] struck [REDACTED] vehicle with his hand while the officer was doing a construction detail on Mendon Road on 9/2/14.

The facts as gathered from [REDACTED] statement from 9/2/14, Officer [REDACTED] statement from that date, Captain James Murphy's memo and [REDACTED] October 19, 2014 statement indicate that:

1. Officers [REDACTED] and [REDACTED] were working a detail on Mendon Road in the area of Paradise Lane.
2. A construction crew was digging up the northbound lane of Mendon Road and the officers had that lane closed and were allowing vehicles to travel only in the southbound lane.
3. The construction area was confined to the area south of Paradise Lane and O'Neill's Funeral Home.
4. A fire truck travelled through the site, coming from north of the officer's location and turned onto New Clark Road.
5. A short time later, perhaps five to ten minutes later, a Rescue was seen and heard travelling north on Mendon Road toward New Clark Road and the construction site.
6. Officer [REDACTED] heard sirens approaching from the south and attempted to stop a southbound vehicle. This southbound vehicle was operated by [REDACTED] and is a red 2011 Lincoln SUV.

[REDACTED] did not stop his vehicle until he was nearly past [REDACTED] who struck the rear of the vehicle with his hand. This act caused damage to [REDACTED] vehicle.

Officer [REDACTED] states that he attempted to stop [REDACTED] and later struck the vehicle because he did not know where the Rescue was going and he was attempting

MEMO REDACTED

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to "avoid a potential hazard."

For the following reasons, the complaint against Officer [REDACTED] is sustained.

Cumberland Police Policy, 340.04, "Traffic Direction and Control" indicates that "All personnel will use the universal and signals taught at the Rhode Island Municipal Police Academy". (CPD policy 340.04 Section II A 2) Striking a vehicle is not taught at the Academy. CPD policy goes on to state that "Personnel should remain calm and professional whenever directing traffic. There are times when drivers and pedestrians do not understand or may be confused because of the surrounding circumstances. Personnel will handle these situations with courtesy and professionalism within the guidelines of accepted procedures." (CPD policy 340.04 Section II A 3).

The officer's act of striking the vehicle was exactly contrary to the policy of being professional and courteous. Further he states that he was attempting to avoid a hazard but by his own statement the construction area did not extend to New Clark Road. In fact the Rescue turned off of Mendon Road and onto New Clark. [REDACTED] estimated that 1. When he struck [REDACTED] vehicle the Rescue was one to two hundred feet away and 2. The closest the vehicle ever came to each other was over one hundred feet. A crash was not imminent; at the time that he struck the car each vehicle was occupying a different lane of travel.

Further, Officer [REDACTED] should have suspected that the Rescue was going to turn down New Clark Road as that was where the fire truck had gone.

Ref: 14-1-IA

OFFICER WITNESS STATEMENT

Date: 09/02/2014

Time: 2313

Place: Cumberland Police Department
Cumberland, RI

I, Patrolman [REDACTED], voluntarily, without threats or promises, make the following statements:

Q: What is your name?

A: Patrolman [REDACTED]

Q: Your present address?

A: 1380 Diamond Hill Road
Cumberland, RI 02864-5999

Q: Your occupation?

A: Police Officer

On Tuesday 09/02/2014 while on a road detail in the area of Mendon Rd and Paradise Ln Officers [REDACTED] and I were directing traffic. The Cumberland Water Department was doing work in the North bound lane of traffic so we only had the South bound lane of traffic open to let traffic go by. At one point dispatch informed me that one of our fire trucks would be coming through from the North side of town in a few minutes. Once I heard the fire sirens Officer [REDACTED] and I stopped both lanes of traffic to allow the fire truck to safely pass.

A short amount of time later I had the north bound lane of traffic stopped to allow Officer [REDACTED] to allow the south bound traffic through. Seconds after Officer [REDACTED] gave his lane of traffic the signal to go I heard the sirens from an emergency vehicle coming from south of my location I put my hand up while walking north on the double yellow lines towards the first vehicle coming south to signal the south bound vehicle to stop so that the emergency vehicle could safely pass. I observed that the vehicle I was attempting to stop was a red SUV operated by an elderly male who continued to travel south ignoring my command to stop. As the red SUV continued to travel south I began waving my hands in a criss cross pattern and yelling at the operator to stop to gain his attention and he would not stop. At this time I turned my head around and observed that the emergency vehicle was a rescue truck and I was able to clearly hear the siren and see the emergency lights, which were activated, traveling north in the south bound lane and the red SUV continued to travel south so both vehicle were heading towards each other head on. I was not aware of the destination that the rescue truck was traveling to and the red SUV was either ignoring my blatantly clear commands to stop or not able to see me in my department approved reflective detail traffic shirt, the rescue trucks emergency lights, hear my commands, or the noise of rescue truck sirens, so at the time I felt that my last option to avoid a potential hazard and gain the SUV operators attention was to hit the SUV with the palm of my hand as it was driving past me. Immediately after I hit the SUV the operator stopped the vehicle and the rescue truck turned off Mendon Rd down New Clark Rd so I no longer had to worry about getting the SUV out of the road way and I had time to check on the operator. I approached the operator and asked him if he was OK and if he saw me commanding him to stop. The operator stated that he thought I was directing the vehicle behind him to stop. I told the operator that I was directly in front of him with my hands up and when an officer does that it means to stop immediately. I informed the operator that I was trying to gain his attention because there was an rescue truck traveling north in

Ref: 14-1-IA

his lane of travel. I asked the operator if he saw the rescue truck coming and he stated that he did. I informed the operator that he is supposed to stop for emergency vehicles when their lights and sirens are on as well. I told the operator to be more careful and pay more attention when he's driving especially when driving through a construction work zone.

Later in the day I was informed that the operator stated there was a dent on his vehicle. I did not think I hit his vehicle hard enough to cause any damage nor did I do it for any malicious reason. I struck his vehicle after exhausting all other options that I believed I had at the time to stop the vehicle in order to avoid greater injury from a potential accident.

Patrolman [REDACTED]

Ref: 14-1-IA

Officer Witness statement re: [REDACTED]

Q: Officer [REDACTED] we are at the Cumberland Police Department in the Detective Commander's Office is that correct?

A: Yes Sir.

Q: I have given you a map and you have indicated where you were, where Officer [REDACTED] was and where the construction zone was is that correct?

A: Yes Sir to the best of my knowledge and recollection.

Q: Have you also indicated where the contact took place?

A: Yes. Sir.

Q: You have reviewed the statement that you made on the day of the incident. Is there anything that you wish to amend?

A: No.

Q: What in your estimation was the distance between the Rescue and Mr. [REDACTED] car when you struck the vehicle?

A: Maybe one to two hundred feet.

Q: What was the closest distance that the vehicles came to each other?

A: Maybe one hundred and fifty feet because the Rescue turned off.

Q: Did you know where the Rescue had been dispatched too?

A: No. I knew there was a Fire Truck that had been dispatched earlier but I didn't know where the Rescue was going or where it was dispatched.

Q: How long before the Rescue arrived had the Fire Truck gone through the work zone?

A: Not sure; I think it was a good amount of time.

Q: What's a good amount of time?

A: Five to ten minutes.

Q: Just so that I'm clear; the Rescue came from the south and the fire truck from the north?

A: Yes.

Q: It is approximately 0030 hours on Sunday morning. Is this one of your regularly scheduled work days?

A: Yes.

Ref: 14-1-IA

Q: Is there anything else that you wish to add to this statement?

A: No. Everything is pretty much in my witness statement.

[REDACTED]

Statement taken by DC Ciullo. 10/19/14 00:25 hours.

Ref: 14-1-IA

OFFICER WITNESS STATEMENT

Date: 09/02/2014

Time: 1001

Place: Cumberland Police Department
Cumberland, RI

I, Sgt. J. Hooper, voluntarily, without threats or promises, make the following statements:

Q: What is your name?

A: Sgt. J. Hooper

Q: Your present address?

A: 1380 Diamond Hill Road
Cumberland, RI 02864-5999

Q: Your occupation?

A: Police Officer

On September 2, 2014 [REDACTED] came to the station stating that he was driving on Mendon Rd this morning in a construction site. While one of police officer told him to go, he was travelling in the construction site when he noticed the other police office with his hand up to stop, but Mr. [REDACTED] thought he was doing that to the driver behind him. It was at this point that Mr. [REDACTED] said the second police officer hit the rear of his car. Mr. [REDACTED] stated that an rescue was going through the construction site at the same time as him. When Mr. [REDACTED] got to his destination at the Cumberland Monastery he noticed a dent in the drivers side of the rear portion of his car. I took photos of the dent and attached them to this report. Mr. [REDACTED] filled out a witness statement.

SERGEANT JACKIE E HOOPER

Memo

To: Police Chief John Desmarais
From: Captain J. Murphy
CC: Captain D. Ciullo
Date: 9/10/2014
Re: [REDACTED]

Chief Desmarais,

On 9/2/14 I was informed of an incident involving [REDACTED] Sgt. Hooper reported that while working a traffic detail on Mendon Rd. Officer [REDACTED] had struck a vehicle with his hand causing damage to the vehicle. The operator of the vehicle ([REDACTED]) came to the station to report the incident and damage.

I spoke to [REDACTED] and he reported that he was travelling south on Mendon Rd through a construction zone. [REDACTED] claimed that one of the officers waved him through the construction zone. [REDACTED] then became confused when another Officer walked in front of his vehicle with his hands raised in the air. [REDACTED] continued driving forward and said he thought the officer was signaling to someone else. At this point the second officer struck his vehicle which caused him to stop immediately. [REDACTED] reports that the officer then shouted at him that there was an emergency vehicle (Rescue) travelling in the opposite direction and he needed to yield. [REDACTED] then noticed the ambulance. He waited for the rescue to safely turn and then he continued south. It was not until he arrived at his destination (the Monastery) that he noticed the damage to the vehicle. I inspected the damage which consisted of a hand sized dent at the rear hatchback window pillar.

[REDACTED] reported that he was confused during the interaction with the officer. He continued to say that he did not initially see or hear the ambulance. He was however, upset about the damage to his vehicle. I told [REDACTED] that I would investigate the incident and contact him. A property damage report was initiated and [REDACTED] gave a statement. Photos of the damage were taken.

I responded to the location of the incident (Mendon Rd. and Kay St.) and spoke to [REDACTED] who was still on duty at the construction zone. Officer [REDACTED] reported that he had, in fact, struck the red SUV with an open hand. He said the red SUV was travelling south when he noticed a rescue travelling north with lights and sirens. [REDACTED] reported that the operator had ignored a clear traffic signal to stop. He said in an effort to prevent an accident, his only option to get the drivers attention was to strike the vehicle. He then spoke to the operator and explained his actions. He reported that the elderly driver seemed confused. Officer Caminero was unaware of any damage to the vehicle. I instructed Officer [REDACTED] to respond to HQ, after his detail, and complete a witness statement.

I asked Sgt. Hooper to call [REDACTED] and ask him to have an appraisal of the damage done by Cumberland Collision. [REDACTED] had the appraisal/damage estimate done the following day and submitted the form to me. The initial estimate was \$353.15 to repair the damage.

On Friday 9/5/14 Mr [REDACTED] dropped of a receipt from Gene's Auto Body (Lincoln RI). [REDACTED] had the damage fixed at a cost of \$180.00.

At this point I spoke to Chief Desmarais and explained the results of my investigation. I felt like I could negotiate a resolution to this issue which would be amenable to both parties. He told me to attempt to resolve the issue but any agreement would be subject to his approval first.

I called Mr. [REDACTED] the same day and informed him of my investigation. I explained to him that it is a primary duty of traffic enforcement officers to prevent accidents. I went on to explain that Officer [REDACTED] had no other option but to strike his vehicle in an effort to get his attention and prevent, what he felt, was a potential accident. I told Mr. [REDACTED] any time he sees a Police Officer facing his vehicle with an open hand raised in the air, he should stop. In fact, it is a violation of RI motor vehicle code to disobey an officer's direction and he could have been cited for the offence.

I then went on to say that while I understood the police officer's thought process; Officer [REDACTED] actions were not supported by any official police department policy. I told Mr. [REDACTED] that Officer [REDACTED] could be subject to departmental discipline for his actions and possible re-training.

Based on my investigation, it is my opinion that both parties share culpability equally. Because of these facts I offered to compensate Mr. [REDACTED] for half the damage to his vehicle (\$90.00). Mr. [REDACTED] said he understood the officer's actions and agreed to this arrangement. I told him that this arraignment was subject to the approval of the Chief of Police.

On 9/8/14 I spoke to Officer [REDACTED] in my office. I explained the investigation and my findings. Officer [REDACTED] would not acknowledge that his actions were in violation of department policy and felt he should not be financially responsible for any of the damage. Officer [REDACTED] believes that striking a vehicle during a traffic detail and causing damage is tantamount to breaking a door down to save the life of a person in distress. His opinion is that he had no other option to prevent an accident, but to strike the car. [REDACTED] went on to say that this police department does not and never has supported him and he will grieve the issue if he is asked to pay "one nickel". I suggested [REDACTED] speak with his Union representative.

On 9/8/14 Union President Robert Fay called me and told me that the FOP will write a check for \$90.00 to Mr. [REDACTED] for the damages to his vehicle. Officer Fay also wanted assurance that there would be no further discipline given to Officer [REDACTED] if the union writes a check for the damages. I informed him that I would pass this information along to the Chief of Police.

On 9/10/14 I spoke to [REDACTED] (wife of [REDACTED]) by phone. Mrs. [REDACTED] had left a message on my voicemail and I returned her call in the morning. Mrs. [REDACTED] was upset about the incident and claimed that this was all part of the "Blue Rule"; implying that the police department was attempting to hide something from her. I attempted to explain the facts of the case but Mrs. [REDACTED] would not allow me to speak. She said she thinks that the officer should pay for all of the damage "out of his own pocket". Before abruptly hanging up she said angrily, "We'll just pay the \$180.00 and thank you for the phone call".

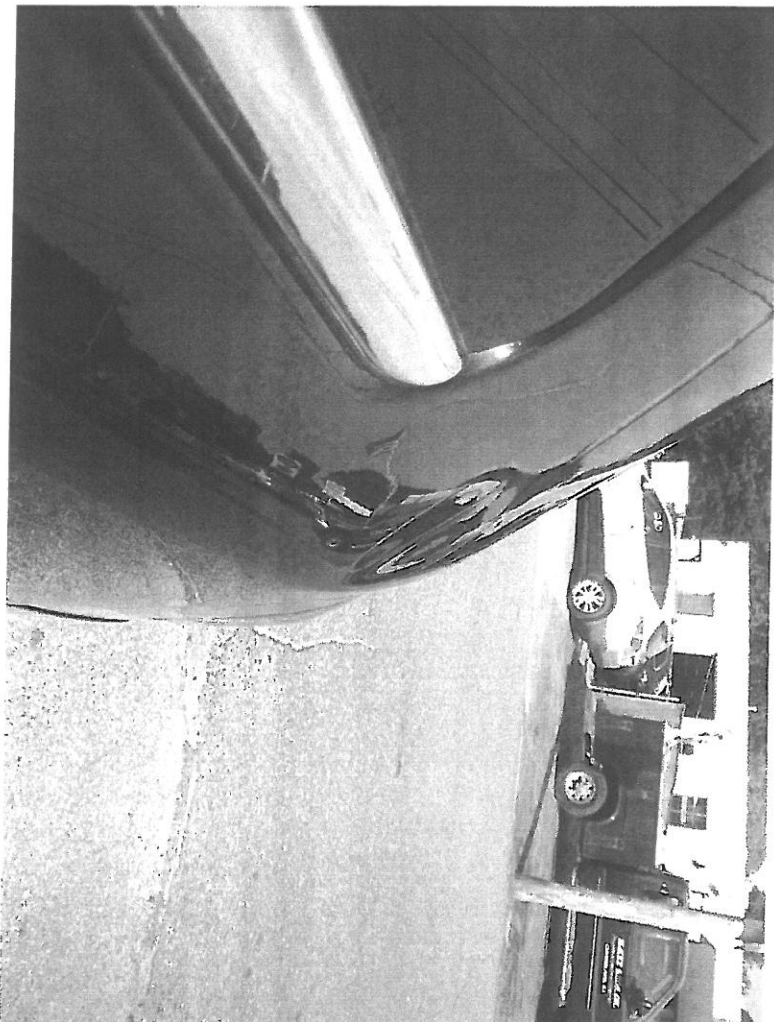
It was at this point I informed Chief Desmarais of the events. He instructed me to document the investigation and submit the report to the Deputy Chief.

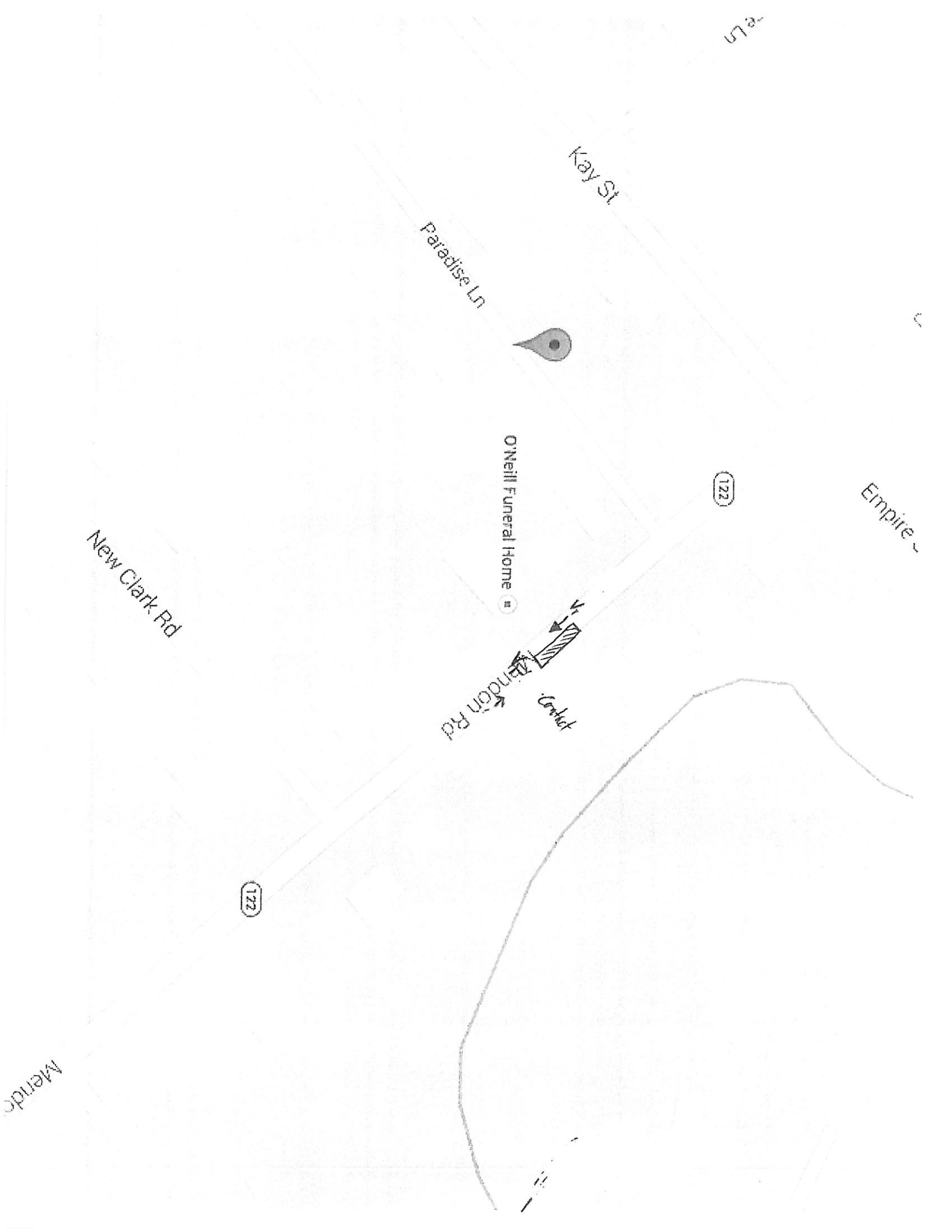

Captain James V. Murphy

Cumberland Police Department

Image Associated With Case Number

Image Description: **CR 16** drivers rear





122

Kay St

Paradise Ln



O'Neill Funeral Home

122

Empire

New Clark Rd

London Rd
Contact

122

Meride





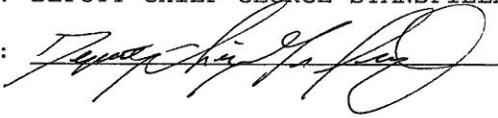
Cumberland Police Department
Investigative Report

Case #: 13-5-IA

Date/Time Reported: 10/29/2013 @ 0830
Report Date/Time: 11/01/2013 @ 1100

Complaint Type: HARASSMENT
Disposition: UNFOUNDED

Reporting Officer: DEPUTY CHIEF GEORGE STANSFIELD

Signature: 

OFFENSE(S) A/C TITLE/CHAP SECTION

LOCATION TYPE: Highway/Road/Alley/Street Zone: VALLEY FALLS

CUMBERLAND RI 02864


1 HARASSMENT C
OCCURRED: 10/26/2013 1230

VICTIM(S) SEX RACE AGE SSN PHONE








1 W 

CUMBERLAND RI 02864


DOB: 

EMPLOYER: UNEMPLOYED 

CONTACT INFORMATION:

Home Phone (Primary) 401 
Home Phone (Primary) 401 
Home Phone (Primary) 401 
Home Phone 401 
Cell Phone 401 
Cell Phone 401 
Cell Phone 401 

Comments= updated 10-02-12

Work Phone (Primary) 401- 

ETHNICITY: Not of Hispanic Origin

RESIDENT STATUS: Resident

VICTIM CONNECTED TO OFFENSE NUMBER(S): 1

PERSON(S) PERSON TYPE SEX RACE AGE SSN PHONE

1 PARTICIPANT M W 00 NOT AVAIL

1380 DIAMOND HILL RD

CUMBERLAND RI 02864

DOB: NOT AVAIL

EMPLOYER: CUMBERLAND POLICE 401-333-2500

OFFICER(S) SEX RACE AGE SSN PHONE

1    NOT AVAIL 

1380 DIAMOND HILL RD

CUMBERLAND RI 02864

Cumberland Police Department
Investigative Report

Page: 2
01/21/2014

Case #: 13-5-IA

#	OFFICER(S)	SEX	RACE	AGE	SSN	PHONE
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CONTACT INFORMATION:

Home Phone (Primary) [REDACTED]
Work Phone (Primary) [REDACTED]
Work Phone [REDACTED]

BODY: NOT AVAIL.

DOB: [REDACTED]

LICENSE NUMBER: [REDACTED]

COMPLEXION: NOT AVAIL.

PLACE OF BIRTH: NOT AVAIL.

ETHNICITY: NOT HISPANIC

EMPLOYER/SCHOOL:

CUMBERLAND POLICE DEPARTM · 401-333-2500

NARRATIVE FOR DEPUTY CHIEF GEORGE W STANSFIELD 3RD

Ref: 13-5-IA

On October 29, 2013 at approx. 0830 hrs. I received a phone call from resident [REDACTED] from [REDACTED] St. in Cumberland. [REDACTED] immediately stated that she wanted to make a complaint against Officer [REDACTED] for harassment. I asked [REDACTED] what prompted her to call a make this complaint against Officer [REDACTED] and asked if she was willing to come in and speak with me. [REDACTED] declined coming into the police department and wanted to lodge the complaint over the phone. I continued by asking [REDACTED] her complaint and she told me that on Saturday October 26, 2013 Officer [REDACTED] was looking over her vehicle and photographing her vehicle and that Officer [REDACTED] had no right photographing her vehicle and that she was being harassed because of the history between her and Officer [REDACTED]. [REDACTED] said that Officer [REDACTED] was there with another officer and told her that he was following up on a hit and run accident that occurred an hour earlier on Broad St. at Pleasant St. [REDACTED] said she was not involved in any accident. I told [REDACTED] that I would get the facts of the accident and speak with Officer [REDACTED] and call her back. I asked [REDACTED] for her telephone number and she gave me 401 [REDACTED].

On November 1, 2013 I spoke with Officer [REDACTED] regarding the hit and run accident he investigated and his encounter with [REDACTED] on October 26, 2013. Officer [REDACTED] said after investigating a hit & run accident on Broad St. at Pleasant St. he placed a BOLO for a Jeep Liberty with front end damage after recovering a headlight trim bezel for what he believed to be for a Jeep Liberty. Officer [REDACTED] said that he is familiar with this type of vehicle because he owns one [REDACTED]. Officer [REDACTED] said that he also is familiar with a Jeep Liberty that is owned by [REDACTED] who lives at [REDACTED] St. which is close to where the accident occurred. [REDACTED] said that the Jeep Liberty that is owned by [REDACTED] was not at [REDACTED] St. when he responded there after clearing the accident. Officer [REDACTED] said that approximately one hour later, he found [REDACTED] Jeep Liberty parked on [REDACTED] St. in front of [REDACTED] apartment with [REDACTED] in the driver's seat. Officer [REDACTED] said he asked [REDACTED] to look at her Jeep as part of an investigation with a hit and run that occurred on Broad St. approximately one hour ago. Officer [REDACTED] said that [REDACTED] began to yell at him at which time he called for another officer. Officer [REDACTED] said he looked at [REDACTED] Jeep Liberty and found the left side (driver) headlight trim bezel to be missing with some damage but it appeared to be old damage. Officer [REDACTED] said Officer [REDACTED] arrived on scene and they were there for approximately four minutes and then returned to Broad St. where the accident occurred. Officer [REDACTED] said that [REDACTED] continued to yell and be belligerent from her apartment during the investigation. Officer [REDACTED] said that he only looked at [REDACTED] Jeep and never photographed it.

On November 14, 2013 at 1015 hrs. I spoke with Officer [REDACTED] regarding his observations while out on [REDACTED] St. with Officer [REDACTED] that day. Officer [REDACTED] said he arrived on scene and accompanied Officer [REDACTED] who was checking [REDACTED] Jeep Liberty. Officer [REDACTED] said that [REDACTED] was yelling out her 2nd floor window and being belligerent. Officer [REDACTED] said that the driver's door was open to the Jeep Liberty and [REDACTED] was yelling at him and Officer [REDACTED] to close it. Officer [REDACTED] said that [REDACTED] left the door open but he along with Officer [REDACTED] declined to close it. I asked Officer [REDACTED] how long he was on scene with Officer [REDACTED] and if Officer [REDACTED] had photographed [REDACTED] Jeep Liberty. Officer [REDACTED] said he was with Officer [REDACTED] for approximately five minutes in front of [REDACTED] apartment with the Jeep Liberty and a total of ten minutes before clearing the scene where the hit and run accident occurred. Officer [REDACTED] said he did not observe Officer [REDACTED] photographing [REDACTED] Jeep Liberty or anything else.

NARRATIVE FOR DEPUTY CHIEF GEORGE W STANSFIELD 3RD

Ref: 13-5-IA

On November 14, 2013 at approximately 1040 hrs. I attempted to call [REDACTED] at the number she provided me 401 [REDACTED] and a female answered who said she was not [REDACTED]. I then had dispatch send Officer [REDACTED] by [REDACTED] residence at [REDACTED] Pleasant St. to make contact and have [REDACTED] contact me at CPD. Officer [REDACTED] was unable to raise [REDACTED]. Officer [REDACTED] attempted another contact at 1530 hrs. at which time he was able to speak with [REDACTED] and give her the message. At 1550 hrs., [REDACTED] called me at CPD and I spoke to her about my investigation and my findings. [REDACTED] was satisfied with my follow up and told me that she did not witness Officer [REDACTED] photographing her vehicle and that it was information she received from a neighbor. Again [REDACTED] was satisfied with my efforts and follow up.

The actions taken by Officer [REDACTED] were appropriate and within the scope of his investigation for the hit & run accident he investigated. Officer [REDACTED] spent a total of ten minutes between being out at [REDACTED] Jeep Liberty and going back to the scene of the hit & run on Broad Street. [REDACTED] complaint of harrassment is not supported given the actions of officers on scene. The complaint is recorded as unfounded.

On January 17, 2014 I mailed a conclusion letter to [REDACTED]. Attached to this case.

References:

[REDACTED]
1 [REDACTED]



Cumberland Police Department
Investigative Report

Case #: 13-6-IA

Date/Time Reported: 10/12/2013 @ 1627
Report Date/Time: 10/12/2013 @ 1627

Complaint Type: CIVIL RIGHTS
Disposition: UNFOUNDED
Additional Cases: [REDACTED]

Reporting Officer:

Signature: _____

Assisting Officer:

Signature: _____

OFFENSE(S) A/C TITLE/CHAP SECTION

LOCATION TYPE: Highway/Road/Alley/Street Zone: VALLEY FALLS
7 FACTORY ST
7 FACTORY ST @ 16 MAIN ST
CUMBERLAND RI 02864

1 MUTUAL RESPECT IN POLICING C
OCCURRED: 10/12/2013 1547

VICTIM(S) SEX RACE AGE SSN PHONE

1 [REDACTED] F W 33 401 [REDACTED]

CUMBERLAND RI 02864

DOB:

CONTACT INFORMATION:

Home Phone (Primary) 401 [REDACTED]

Home Phone 401 [REDACTED]

Work Phone (Primary) 401- [REDACTED]

ETHNICITY: Not of Hispanic Origin

RESIDENT STATUS: Resident

VICTIM CONNECTED TO OFFENSE NUMBER(S): 1

RELATION TO: Stranger

2 M B 42 401 [REDACTED]

CUMBERLAND RI 02864

DOB:

CONTACT INFORMATION:

Home Phone (Primary) 4

ETHNICITY: Not of Hispanic Origin

RESIDENT STATUS: Resident

VICTIM CONNECTED TO OFFENSE NUMBER(S): 1

PERSON(S) PERSON TYPE SEX RACE AGE SSN PHONE

1 [REDACTED] PARTICIPANT M W NOT AVAIL 401-333-2500

1380 DIAMOND HILL RD

CUMBERLAND RI 02864

DOB:

Cumberland Police Patrol Captain

To: Chief Desmarais
From: Captain J. Murphy
CC:
Date: 10/22/2013
Re: Officer Misconduct Complaint –

Chief Desmarais,

On 10/12/13 [redacted] responded to the police station with his wife [redacted] to file a formal complaint against Officer [redacted]. The complaint originates in a car stop that occurred on 10/12/13 at 1620. The complaint was taken by Sgt Hooper at 1627 on the same date. The following is a summary of the events based on witness statements, police reports and officer interviews.

Primary Officer	Ofc. [redacted]
Backup Officer	Ofc. [redacted]
Road Supervisor	Sgt. Hooper
Officer in Charge	Sgt. Lamoureux
Location of Stop	Factory St. (near Main)
Duration of Stop	Arrived 15:47 Cleared 16:20

Summary

While on a radar post at Valley Falls Fire Dept., Ofc. [redacted] observes a white Pontiac travelling south on High St. [redacted] sees several objects hanging from the rear view mirror of the vehicle. The objects appear to obstruct the drivers view. Ofc. [redacted] makes the decision to stop the vehicle based on these observations. Ofc. [redacted] follows the vehicle and decides the safest place to conduct the stop is on Factory St. at or near Main St.

Upon exiting his police cruiser, a male passenger (later identified as [redacted]) exits the passenger side of the Pontiac. Ofc. [redacted] directs the male to remain in the vehicle. The male begins to verbally abuse Ofc. [redacted]. Ofc. [redacted] requests a back-up unit. Ofc. [redacted] makes contact with the female operator, identified as [redacted]. Ofc. [redacted] gives as back up at this time. Mr. [redacted] continues to yell obscenities at officers throughout the contact. According to officers, Mrs. [redacted] attempts to calm [redacted]. She tells him to calm down and stop yelling several times.

Sgt. Hooper radios [redacted] to ask if he need any assistance. Ofc. [redacted] asks her to respond if she can. *Sgt Hooper is just clearing a call in the northern area of town and does not arrive until [redacted] clears the stop.

Mr. [redacted] attempts to exit the vehicle at least one more time and is directed back into the car. Mr. [redacted] then requests a supervisor. Ofc. [redacted] tells him that there is a Sergeant responding but she was on another call and may take a few minutes to arrive. He tells [redacted] that he can respond to police headquarters if he would like to speak with a supervisor or make a complaint.

[redacted] issues Mrs. [redacted], a citation for no evidence of insurance and clears the car stop.

Several minutes later Mr. and Mrs. arrive at police headquarters. They are met by Sgt. Rosa and they inform him that they would like to make a complaint. Sgt Rosa explains the citizen complaint procedure and informs the shift OIC (Sgt. Lamoureux). Sgt. Hooper then gives a complaint narrative form to fill out. Mrs writes the narrative for Mr and the complaint is filed by . The form is then completed by Sgt. Hooper and forwarded to Lt. Cook per policy.

Conclusion

Several attempts were made to contact and discuss this complaint. Messages were left on the phone number provided. No calls were returned.

Mr complaint lists the type of misconduct he witnessed as "poor performance, harassment and integrity/behavior". These allegations were investigated through interviews with all officers involved as well as police reports, dispatch and radio logs.

The basis for the stop was the obstructed view of the driver. This is supported by RIGL 31-23-16 "Obstructions to clear view". This violation was explained to the operator and a verbal warning issued.

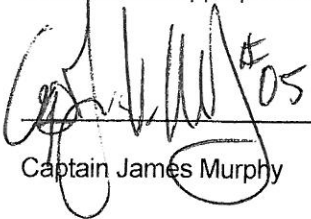
The citation issued is proper as described in 31-47-9 "No evidence of Insurance".

actions during the stop were appropriate and his communication with both the operator and passengers appear clear and professional. At no time did officers respond to the verbal abuse of . No harassment was found to have occurred.

Mr. exited his vehicle and began to berate Ofc immediately upon being stopped. Ofc had not made contact with the operator or explained the reason for the stop. Therefore, it can be concluded that had no idea why the car was being pulled over.

During the contact, officers responded to Mr. comments by directing him to a supervisor (at police headquarters) if he wished to lodge a complaint (per department policy).

The allegations of in this incident are not supported by any factual evidence. Officers' actions were appropriate and within department policy. The complaint is unfounded.



Captain James Murphy

13-2913-OF NARRATIVE FOR PATROLMAN JOSHUA D VAUGHN

Ref: 13-6-IA

On Saturday October 12, 2013 at approximately 1530, while on a fixed RADAR post at Valley Falls Fire, I observed RI PC [redacted] traveling south on High St. and take a right onto Blackstone St. The vehicle, a white Pontiac had multiple objects hanging off of the rear view mirror as to obstruct the view out of the front windshield. I followed the vehicle onto Factory St. where I felt I was in a safer position to make the stop.

As I was exiting my cruiser, the passenger, later identified as [redacted] began to exit the vehicle. I yelled for [redacted] to remain in the vehicle and he complied, although he began to yell obscenities at me. [redacted] began calling me a "fucking asshole" and made it difficult for me to speak with the operator of the vehicle, identified as [redacted], as he continued to yell at me and required a significant amount of my attention.

[redacted] was fully compliant and when asked for her information stated that she could not find an updated insurance card. Throughout my contact with [redacted] continued to yell and stated that when the stop was over he would respond to CPD HQ to make a complaint. I returned to my cruiser and Officer [redacted] arrived on scene at this time. Officer [redacted] kept an eye on the vehicle as I began writing a citation. From inside my cruiser I could hear [redacted] continue to yell at Officer [redacted] calling him names and screaming obscenities toward him. [redacted] asked Officer [redacted] to have a Sergeant respond to the scene but one was unavailable at the time as Sgt. Hooper was backing up another Officer on a call on Scott Rd. When Sgt. Hooper cleared I asked her to respond to the scene. [redacted] had two of her children in the car and I allowed both to exit the vehicle and walk to their house on [redacted] as a courtesy as both were adults and not pertinent to the traffic stop.

I issued [redacted] Universal Summons [redacted] for Operating a MV Without Evidence of Insurance. I also advised [redacted] that all she would need to do is take evidence of insurance to her court date and she would be all set. [redacted] again demanded that I have a Sergeant respond to the scene, but due to Sgt. Hooper's distance from our location I advised him that he could respond to CPD HQ and speak with a Sergeant there. After clearing with the vehicle I returned to my post at Valley Falls Fire. While observing traffic on my post I observed RI PC [redacted] again drive by me, this time north on High St. [redacted] was in the passenger seat and he smiled and extended his middle finger at me as he drove by.

Alleged Violation

1. Policy 320.01 of The Cumberland Police Department entitled Mutual Respect in Policing, specifically Section IV Paragraph D which states: *Officers will not use actual or perceived race, ethnic background, age, gender, sexual orientation, religion, economic status, cultural group, or other identifiable group of such individual as the sole basis for developing reasonable suspicion or grounds for a traffic or street stop, or in deciding upon the scope and substance of post- stop action*

See attached documents for Captain Murphy's investigation of this complaint.

Conclusion letter mailed to ... n January 16, 2014.



Cumberland Police Department
Investigative Report

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03/09/2016

Case #: 14-2-IA

Date/Time Reported: 10/03/2014 @ 1151
Report Date/Time: 11/21/2014 @ 1041
Occurred Between: 10/03/2014 @ 1151
 And: 11/21/2014 @ 1042
Complaint Type: IMPROPER DEMEANOR
Disposition: NOT SUSTAINED

Reporting Officer: DEPUTY CHIEF DOUGLAS CIULLO

Signature: _____

#	OFFENSE(S)	A/C	TITLE/CHAP	SECTION
	LOCATION TYPE: Government/Public Building CUMBERLAND POLICE DEPARTMENT 1380 DIAMOND HILL RD CUMBERLAND RI 02864		Zone: MONASTERY HEIGHTS	
1	COURTESY OCCURRED: 10/03/2014 1151	C	I	10

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED] CUMBERLAND RI 02864 DOB: NOT AVAIL EMPLOYER: [REDACTED] CONTACT INFORMATION: Home Phone (Primary) [REDACTED] Work Phone (Primary) [REDACTED] ETHNICITY: Unknown RESIDENT STATUS: Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 1	F	U	00	NOT AVAIL	[REDACTED]

#	OFFICER(S)	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED] CONTACT INFORMATION: Home Phone (Primary) 401-333-2500 BODY: NOT AVAIL DOB: [REDACTED] LICENSE NUMBER: RI		W		[REDACTED]	401-333-2500
						COMPLEXION: NOT AVAIL. PLACE OF BIRTH: NOT AVAIL. ETHNICITY: NOT HISPANIC
						[APPEARANCE]

GLASSES WORN: NO

EMPLOYER/SCHOOL:

1380 DIAMOND HILL RD
CUMBERLAND RI 02864

OCCUPATION: DISPATCHER

REDACTED

Ref: 14-2-IA

On Monday 10/6/14 I received an email which was forwarded from Chief Desmarais. The email was a citizen complaint made by [REDACTED] concerning a branch or tree limb blocking Highland Avenue. She alleged that the dispatcher that she spoke to was rude to her.

I was able to determine that during the time in question there were two dispatchers on duty, [REDACTED] and [REDACTED]. [REDACTED] declined to meet with me at the police station so I was unable to identify the employee involved with certainty but she did state it was a [REDACTED].

I was able to download the telephone calls from that time period and listen to them. I believe I was able to identify the call in question. I do not believe that Dispatcher [REDACTED] was rude to Ms. [REDACTED]. However in listening to the calls [REDACTED] demeanor did change from the first report until [REDACTED] spoke with [REDACTED]. I think that a contributing factor was that [REDACTED] was dealing in information which was passed onto to [REDACTED] from the police on scene. Further she expected that the debris would be carried away, something that the police are not equipped to do. During their exchange [REDACTED] asks her if the branch is out of the roadway and she indicates that it is.

Because I cannot identify the call with certainty this report is NOT SUSTAINED.

Letters will be sent to both [REDACTED] and [REDACTED]



Cumberland Police Department
Investigative Report

Case #: 15-1-IA

Date/Time Reported: 03/09/2015 @ 1200
Report Date/Time: 03/09/2015 @ 1200
Occurred Between: 03/08/2015 @ 2130
And: 03/09/2015 @ 1200
Complaint Type: IMPROPER DEMEANOR
Disposition: PENDING INVEST

Reporting Officer: DEPUTY CHIEF DOUGLAS CIULLO

Signature: _____

OFFENSE(S) A/C TITLE/CHAP SECTION

LOCATION TYPE: Residence/Home/Apt./Condo Zone: VALLEY FALLS
CUMBERLAND RI 02864

1 REQUIRED CONDUCT COURTESY C I. 10
OCCURRED: 03/08/2015 2130

OFFICER(S) SEX RACE AGE SSN PHONE

1 401-333-2500
1380 DIAMOND HILL RD
CUMBERLAND RI 02864
CONTACT INFORMATION:
Home Phone (Primary) [REDACTED]
Work Phone (Primary) 401-333-2500

HEIGHT: WEIGHT: HAIR: BROWN EYES: NOT AVAIL.
BODY: COMPLEXION: LIGHT
DOB: [REDACTED] PLACE OF BIRTH: NOT AVAIL.
STATE ID: FBI ID:
LICENSE NUMBER: NOT AVAIL. ETHNICITY: NOT HISPANIC

[APPEARANCE]

GLASSES WORN: NO

EMPLOYER/SCHOOL:

CUMBERLAND POLICE DEPT - 401-333-2500

2 401-333-2500
1380 DIAMOND HILL RD
CUMBERLAND RI 02864
CONTACT INFORMATION:
Home Phone (Primary) 401-333-2500
Cell Phone (Primary) [REDACTED]

BODY: NOT AVAIL. COMPLEXION: NOT AVAIL.
DOB: PLACE OF BIRTH: NOT AVAIL.
LICENSE NUMBER: RI ETHNICITY: NOT HISPANIC

Cumberland Police Department
Investigative Report

Page: 2
03/15/2016

Case #: 15-1-IA

#	OFFICER(S)	SEX	RACE	AGE	SSN	PHONE
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[APPEARANCE]

GLASSES WORN: NO

CUMBERLAND POLICE DEPT · 401-333-2500

EMPLOYER/SCHOOL:

1380 DIAMOND HILL RD
CUMBERLAND RI 02864

OCCUPATION:

REDACTED

Ref: 15-1-IA

██████████ called me and stated that she wanted to file a complaint against the Cumberland Police Department based on Hampson's visit to her house the previous night. She declined to come to CPD; my investigation was based on my conversation with her, the recordings of the phone calls between ██████████ and ██████████ and ██████████'s report.

I first reviewed the report which was typical of our recent interactions with ██████████ and her brother ██████████. The Cumberland Police have responded calls in which ██████████ has indicated that ██████████ was going to harm himself numerous times. Mr. ██████████ requested that ██████████ be told not to come to his house. Officer ██████████ attempted to serve a No Trespass upon her when he left Mr. ██████████ shortly after 1730 hours. She was not home. Officer ██████████ again attempted to serve this order upon her before he took his break at 2130 hours.

Ms. ██████████ took offense to this indicating that it was too late. She did not deal with ██████████ but called the police station. She had three telephone conversations with ██████████.

I also listened to the recordings of ██████████ calls. I found that ██████████ displayed patience with her initially and that she was rude to him. She initiated the call by yelling at the dispatcher and using vulgarity, when she continued to do this with ██████████ he told her to call back when she should be respectful and he ended the call.

Based on our history with this family and ██████████'s desire that ██████████ be served with a No Trespass Order I believe it was appropriate for ██████████ to visit her home at 2130 hours. ██████████ is a second shift officer; the second shift takes its lunch break shortly after 2130 hours. ██████████ was attempting to close out the call before he took his break.

The Cumberland Police Department has had over fifty interactions with both ██████████ and ██████████ in the last several years. The usual encounter involves ██████████ yelling and swearing and ██████████ being ██████████. She frequently calls the police to report that he is going to harm himself. Sometimes he seems to say this to get her going (her daughter did commit suicide several years ago) and on other occasions she uses this as a ploy to have the police interact with ██████████.

I find that complaint against Officer ██████████ is unfounded.



Cumberland Police Department
Investigative Report

Case #:

15-3-IA

Date/Time Reported: 06/05/2015 @ 1900
Report Date/Time: 06/06/2015 @ 1200
Occurred Between: 06/04/2015 @ 2345
 And: 06/05/2015 @ 0018
Complaint Type: IMPROPER DEMEANOR
Disposition: NOT SUSTAINED

Reporting Officer: DEPUTY CHIEF DOUGLAS CIULLO

Signature: _____

#	OFFENSE(S)	A/C	TITLE/CHAP	SECTION		
	LOCATION TYPE: Residence/Home/Apt./Condo CUMBERLAND RI 02864		Zone: MONASTERY HEIGHTS			
1	IMPROPER BEHAVIOR OCCURRED: 06/04/2015 2345	C	340.04	II A 3		
#	OFFICER(S)	SEX	RACE	AGE	SSN	PHONE

Ref:

15-3-IA

After reviewing the narrative prepared by Lieutenant Wilkie I concur with his determination that this complaint is Not Sustained.

WILKIE REDACTED

Ref:

15-3-IA

IA CASE #:

MISCONDUCT COMPLAINT FORM**COMMANDING OFFICER SUMMARY**

On Friday 06/5/15 at 1900hrs., ***** reported to CPD and stated he wanted to file a complaint against two Cumberland Police Officers. Mr. ***** stated that on [REDACTED] the Cumberland Police along with Cumberland Rescue responded to his girlfriend's house located at [REDACTED] because her father, ***** was not breathing ([REDACTED]).

Mr. ***** stated that the Officers were rude and did not handle the situation in a professional manner. I asked Mr. ***** if he wanted to file a misconduct complaint and complete a statement in regards to the incident and he replied that he did. I gave him a letter of complaint which he completed. I also gave Mr. ***** a misconduct complaint procedure brochure.

I completed this misconduct complaint to investigate whether Ofc. ***** and Ofc. ***** were not in compliance with Cumberland Police Rules and Regulations section:

I. REQUIRED CONDUCT

10. Courtesy- All officers and civilian employees shall be courteous and considerate to the public, to their superior officers and to their fellow officers and civilian employees of the department. They shall be tactful in the performance of their duties and are expected to exercise the utmost patience and discretion, even under the most trying circumstances.

J. PROHIBITED CONDUCT

11. Discourtesy- An officer or civilian employee shall not be rude, impolite, contemptuous, or insolent to a superior officer, employee, or to a member of the public.

As part of my review I read Mr. *****'s written complaint and spoke with him privately in the OIC office. Next, I read Cumberland Police incident report [REDACTED] written by Ofc. ***** along with a supplemental narrative by Sgt. *****. I also read the Cumberland Police Rules and Regulations along with policy 130.01 Internal Complaint Review Policy. Finally, I spoke directly and separately to Sgt. *****, Ofc. ***** and Ofc. ***** about what transpired.

On Thursday [REDACTED] at 2345 hrs., Ofc. ***** and ***** were assigned to the 411 area when they responded to a Rescue call for a man not breathing. They arrived on scene along with Rescue Personnel to find a subject in the basement not breathing. The subject's daughter informed police that her father had been drinking alcohol during the day and may have taken Percocet pills. Ofc. ***** was subsequently informed by Rescue Personnel that there was possibly drug paraphernalia next to the bed. Ofc. ***** located a small baggie in an ashtray with a small amount of a white substance. He also discovered a spoon next to the bed and a glass jar with marijuana in it. Ofc. ***** asked the daughter along with Mr. ***** what the white substance was, but they were unsure. Mr. ***** stated that they don't smoke crack, but they do smoke marijuana. Rescue along

WILKIE REDACTED

Ref:

15-3-1A

with Ofc. ***** carried the patient upstairs where he was further treated inside the rescue.

Complaint

1) Mr. ***** was upset and didn't understand why Ofc. ***** "raised his voice" to question them about drugs when he believed his future father-in-law was dying. Ofc. ***** believed trying to obtain any information about why the patient was in his current state would be beneficial to Rescue Personnel. Mr. ***** viewed it as unnecessary harassment and that the officers should have recognized that the white substance was what he claims to have been food.

2) Mr. ***** followed Ofc. ***** and Ofc. ***** outside and asked for their badge numbers. Mr. ***** claimed the officers smirked at him when he asked this so he told the officers they were "assholes".

3) Mr. ***** believed Ofc. ***** was condescending when his girlfriend asked him multiple questions about her father's condition while they were upstairs. Ofc. ***** stated he was not condescending and did not know the condition of patient.

On Friday 06/05/15, I interviewed Ofc. ***** and informed him of the specific allegations made by Mr. ***** . As mentioned above, Ofc. ***** having been informed by Rescue of drugs near the patient began searching for what may have been causing the patient's current condition. Ofc. ***** found marijuana and a plastic bag with some type of white substance in it along with a spoon on the bedroom nightstand. When he asked Mr. ***** what the substance was he replied he didn't know. According to Ofc. ***** , he manipulated the substance and it broke apart so he dismissed the substance as something other than drugs at that point. Mr. ***** later claimed in his statement that the substance was a piece of a Pop Tart. In a follow up interview, I asked Ofc. ***** if the substance could have been food. He stated it possibly could have been. Ofc. ***** believes he handled this emergency call in an appropriate manner.

On Tuesday 06/09/15, I interviewed Ofc. ***** and informed him of the specific allegations made by Mr. ***** . I asked Ofc. ***** if he was rude to Ms. ***** ***** while he was upstairs with her, and he stated he was not. Officer ***** stated that he had to tell ***** several times that he was unsure of her father's current condition because he was downstairs with rescue personnel but did not speak to her in a condescending fashion.

WILKIE REDACTED

Ref:

15-3-1A

COMMANDING OFFICER SUMMARY CON'T.

On Friday June 26, 2015 I responded to [REDACTED] and spoke with ***** in regards to the complaint against Ofc. ***** and Ofc. *****. Mrs. ***** stated she was aware of the complaint made by ***** in which he claimed the officers were rude. I asked Mrs. ***** if she witnessed the officers' behavior on scene. She stated she was upstairs most of the time, but when she came downstairs she observed them looking around the living room with flashlights. When she entered the living room where the officers were located, she stated they stopped looking around. Mrs. ***** did not provide anything to substantiate Mr. *****'s complaint. Mrs. ***** informed me that ***** and her daughter ***** were in Florida and would be back in a few weeks. I asked for a cell phone number for either her daughter or ***** due to the fact the number which ***** provided was not working. Mrs. ***** stated the phone that ***** uses is Wi-Fi and could not provide any other numbers. I left my contact information with Mrs. ***** and asked that her daughter and ***** call me when they return.

On Tuesday, June 30, 2015, I responded to Station One and spoke with Firefighter ***** and asked if he remembered the call at [REDACTED] and if he witnessed the police officers on scene being rude to anyone. Firefighter ***** stated the residents were yelling and screaming and continued to go downstairs while emergency personnel were tending to Mr. ***** . Firefighter ***** stated that Ofc. ***** told the residence to go upstairs several times, but he did so in a calm demeanor. Firefighter ***** added that both Ofc. ***** and Ofc. ***** helped emergency personnel carry the patient upstairs due to his large physical size. Firefighter ***** stated he did not witness any inappropriate behavior displayed by the officers on scene.

I then spoke with Rescue personnel ***** and Lt. ***** who also responded to the call. Paramedic ***** stated that he was the first emergency responder to reach the patient and that he located what appeared to be marijuana and a plastic bag with something in it by the bed in an ashtray. Paramedic ***** at this point alerted Ofc. ***** of what he found. ***** stated that ***** had told him that her father had been drinking all day and taking pills. ***** went on to say that both Officers had helped carry the patient up the stairs and that once Mr. ***** was in the rescue he became verbally combative towards rescue personnel. I asked Paramedic ***** if he witnessed any rude behavior such as an inappropriate smirk, the raising of a voice or condescending remarks by the police and he replied no. Paramedic ***** stated he heard one of the residence ask the officers what they were looking for, but he did not hear what the response was.

Next, I spoke with Paramedic Lt. ***** who stated he was downstairs with Ofc. ***** while administering care to Mr. ***** . I asked Lt. ***** if he witnessed any rude behavior exhibited by the police officers on scene, which he replied no. He said that Ofc. ***** began canvassing the area attempting to locate any clues as to why the patient was in the state he was in. Lt. ***** went on to say that the police

Officers both assisted rescue in bringing the patient up from the basement and out of the house due to his large physical size. I asked if he saw either officer make an inappropriate smirk or raise their voice at the residents and he replied no.

On Wednesday July 1, 2015, I responded to Station 2 and spoke with Firefighter Lt. ***** in regards to the [REDACTED] call. Lt. ***** stated he was in and out of the house acting as almost a runner for the rescue getting different necessary equipment from the emergency vehicles. Lt. ***** did not witness the police on scene being rude or raising their voices. Lt. ***** recalled that Ofc. ***** assisted with carrying the patient up the stairs for further treatment at the hospital. Lt. ***** recalled the patient's condition appeared

WILKIE REDACTED

Ref: 1-

15-3-2A.

to be life threatening.

On Wednesday July 8, 2015 I responded to Station One and spoke with Firefighter *****. Firefighter ***** stated that he remembered the call at [REDACTED], and that he was downstairs with the patient assisting with the breathing bag. ***** recalls Ofc. ***** was looking around the patient in an attempt to find out what he may have taken to cause his condition. He also remembered Ofc. ***** assisting in carrying the patient up the stairs and outside to the rescue. Firefighter ***** stated he did not witness the officers on scene being rude or making any type of inappropriate smirk nor raising their voices.

On Tuesday July 14, 2015, I still had not heard from Ms. ***** or Mr. ***** so I responded back to [REDACTED]. While there, I was able to speak with Ms. ***** and asked her about the night of June 4th. I asked her to describe what she observed and what specifically was inappropriate about the Police Officers' behavior. She stated that the officers were rude to ***** outside when he asked for their badge number. I asked if she was outside and witness this and she replied no. I then inquired as to what she witnessed which she believed to be discourteous behavior such as raising their voices, inappropriate comments, swearing and/or unbecoming facial expressions. ***** stated that the officer might have swore so I inquired what exact swear word was said. She could not provide that information and then said maybe he didn't swear but could not exactly recall. ***** continued by stating she felt that she told the officer what her father had taken, but the officer didn't seem to believe her. She sensed an "attack" when the officer raised his voice and continued to inquire about what he had taken. ***** divulged that she suffers from anxiety and that this made her additionally anxious. ***** identified the officer as the shorter of the two (Ofc. *****). In closing, she wanted to thank the fire and rescue personnel and that they did a great job but she believed that the police "seemed like they needed to find drugs to make the report seem better."

In the presence of Mr. and Mrs. ***** explained that the officers were acting to save *****'s life and by searching the house after discovering marijuana, a plastic bag with a white substance in it and a spoon in conjunction with being told ***** had been drinking alcohol and taking Percocet this appeared to be reasonable. In addition, I also informed them that heroin overdoses have been prevalent and immediate treatment utilizing Narcan can be extremely successful. Finally, I informed ***** and ***** that I spoke with all of the rescue and fire personnel on scene that night and none of them had witnessed anything which could have been construed as disrespectful.

In conclusion, after interviewing Fire and Rescue personnel, the Police Officer's on scene, the ***** family and the complainant ***** ***** , I recommend the allegation of misconduct not be sustained due to insufficient evidence to either prove or disprove the allegation.

Signature of Commanding/Supervising Officer: _____ Date: _____