

Date/Time Reported:

08/21/2014 @ 0900

Report Date/Time: 09/07/2014 @ 0900

Complaint Type: ABUSIVE LANGUAGE

Disposition: EXONERATED

Additional Cases: [REDACTED]

Reporting Officer: SERGEANT COREY HUCK

Signature: _____

OFFENSE(S) A/C TITLE/CHAP SECTION

LOCATION TYPE: Highway/Road/Alley/Street Zone: BEAT 2/131
ELLERY RD / BRAGA PARK
ELLERY RD
NEWPORT RI 02840

1 All Other Offenses-VIOLATION OF DEPARTMENT RULES A
OCCURRED: 08/12/2014 0846

VICTIM(S) SEX RACE AGE SSN PHONE

1 [REDACTED] M W 52 [REDACTED]

EMPLOYER: SELF EMPLOYED [REDACTED]
CONTACT INFORMATION:
Home Phone (Primary) [REDACTED]
Home Phone [REDACTED]
Home Phone [REDACTED]
Home Phone [REDACTED]
Work Phone (Primary) [REDACTED]
INJURIES: None
ETHNICITY: Not of Hispanic Origin
RESIDENT STATUS: Non Resident
VICTIM CONNECTED TO OFFENSE NUMBER(S): 1
RELATION TO [REDACTED]

Otherwise Known

OFFICER(S) SEX RACE AGE SSN PHONE

1 [REDACTED] M W 32 NOT AVAIL 401-847-1306

120 BROADWAY
NEWPORT RI 02840
CONTACT INFORMATION:
Home Phone (Primary) [REDACTED]
Home Phone (Primary) 401-847-1306
Home Phone [REDACTED]
Work Phone (Primary) 401-847-1306

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

[APPEARANCE]

GLASSES WORN: NO

EMPLOYER/SCHOOL:
NEWPORT POLICE

DEPARTMENT · 401-847-1306

INVESTIGATIVE NARRATIVE

Sgt. Corey. A. Huck

On August 21, 2014 a complaint was received from ██████████ regarding his arrest which occurred on ██████████. ██████████ claims that Officer ██████████ assaulted him and arrested him without cause. I made several attempts to contact Mr. ██████████ and hear his version of events as the report he submitted was very vague and lacked any substance. In reviewing the police report of Officer ██████████ he clearly articulates that Mr. ██████████ had pulled in at a high rate of speed and claims he parked "perpendicular, blocking in his cruiser". Photos of the scene depict this and actually show that Mr. ██████████ vehicle was straddling two parking spaces. The actions of Mr. ██████████ clearly escalated the situation and his failure to respond to very basic questioning would lead any reasonable officer to respond with hesitation. As Mr. ██████████ approached Officer ██████████ he still remained silent and as he reached out for the door handle he struck Officer ██████████ in the arm. Officer ██████████ stated that he advised him he was under arrest to which Mr. ██████████ resisted and began backing away. As Officer ██████████ continued to give verbal commands Mr. ██████████ continued to retreat until Officer ██████████ deployed his X26 Taser and ordered him to the ground at which time Mr. ██████████ complied. After Mr. ██████████ was arrested he continued to resist and insist he had done nothing wrong. During this time Mr. ██████████ apparently falls to the ground and suffers minor scrapes to his right knee and elbow.

Once in booking Mr. ██████████ states to Officer ██████████ that he "only nudged" him when she advised him of the charge of Simple Assault.

Due to the fact that Mr. ██████████ has not returned my calls and his claims are substantiated by Officer ██████████ I find that Officer ██████████ is Exonerated of any wrongdoing as the incident did occur but was done in proper context of the Newport Police Policies and procedures.

Gary T. Silva - Chief of Police 1/15/16

I have reviewed this matter and endorse the findings and conclusions. No further action is necessary and this is the final disposition.**END**

Date/Time Reported:

09/18/2014 @ 1530

Report Date/Time: 09/18/2014 @ 1530

Complaint Type: VIOLATION DEPT. RULE
Disposition: SUSTAINED

Reporting Officer: LIEUTENANT JOSE COSTA

Signature:

#	OFFICER(S)	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED]	M	W	44	NOT AVAIL	401-
847-1306	120 BROADWAY NEWPORT RI 02840 CONTACT INFORMATION: Home Phone (Primary) 401-847-1306 Work Phone (Primary) 401-847-1302					
	BODY: NOT AVAIL. DOB: [REDACTED] LICENSE NUMBER: [REDACTED]				COMPLEXION: NOT AVAIL. PLACE OF BIRTH: NOT AVAIL. ETHNICITY: NOT HISPANIC	

[APPEARANCE]

GLASSES WORN: NO

EMPLOYER/SCHOOL:
NEWPORT POLICE

DEPARTMENT · 401-847-1302

Lt. Jose F. Costa

Synopsis

On September 18, 2014 at approximately 1430 Hours while on duty Investigator [REDACTED] went in to speak with his Supervisor Lieutenant [REDACTED]. Lieutenant [REDACTED] made some observations of Investigator [REDACTED] condition and questioned Investigator [REDACTED]. Investigator [REDACTED] then admitted to Lieutenant [REDACTED] that he had consumed alcoholic beverages while he was on duty.

Complaint

On September 18, 2014 while on duty Investigator [REDACTED] consumed alcoholic beverages while he was on duty.

Charges and Specifications

Violation Of Required Conduct (I) , Part-4, (Bearing) of the Rules and Regulations governing the Newport Police Department, which reads:

I. Required Conduct- In addition to the specific duties of each individual rank and assignment, the following provisions are applicable to all members and employees of the Department:

4. Bearing- Officers will carry themselves in a professional manner as befits an officer of the law.

Conclusions:

Based on the fact that Investigator [REDACTED] was working his normal duty hours of 0700-1500 on September 18, 2014 and admitted to me that he consumed alcoholic beverages during this time after being advised of his rights I find the charges to be *sustained*. A memo has been submitted to his Supervisor Lieutenant [REDACTED] of my findings.

Findings:

Sustained

Chief of Police Gary Silva 11/6/14

I have reviewed this matter and endorse the findings and conclusion.

Consequently, and in accordance with Chapter 3.32.120, of the Newport City Code and titled *Suspension Without Pay*, Investigator [REDACTED] is relieved of duty and suspended from duty, without pay, beginning on November 5, 2014 and continuing through, and including, November 25, 2014. He is not permitted to perform duty of any sort on these dates. He is permitted to return to full duty beginning November 26, 2014.

Investigator [REDACTED] was also informed by me that if he disputes this, he must adhere to the Law Enforcement Officers' Bill of Rights, Section 42-28.6-4, of the Rhode Island General Laws; as indicated in the section, he has five (5) days from receipt of his notice to submit a written request for a hearing. He was instructed to direct the request to Lieutenant Jose Costa of the Office of Professional Standards. He was also advised to refer to any applicable procedures set forth in the collective bargaining agreement by and between the City of Newport and Fraternal Order of Police, Lodge Number 8, as well as the Newport City Code.

I want Investigator [REDACTED] to take this as an opportunity to gain the positive training value of this matter to enhance his future police service. I am encouraged by the level and scope of the constructive, positive and lengthy discussion he and I had. He took honest and full responsibility for his actions without hesitation. This character trait attests to his credibility and integrity. This matter involved misguided judgment that can be improved upon, and I want him to have a successful career.

This is the final disposition of this matter and no further action is required.**END**

Date/Time Reported:

10/27/2014 @ 0800

Report Date/Time: 10/27/2014 @ 0800

Complaint Type: VIOLATION DEPT. RULE

Disposition: NOT SUSTAINED

Additional Cases: 14-25635-01

Reporting Officer: SERGEANT COREY HUCK

Signature:

OFFENSE(S) A/C TITLE/CHAP SECTION

LOCATION TYPE: Residence/Home/Apt./Condo Zone: BEAT 3/144
THE LANDING RESTAURANT
BOWENS WHF
NEWPORT RI 02840

1 All Other Offenses-VIOLATION OF RULES REGULATIONS C
OCCURRED: [REDACTED]

PERSON(S) PERSON TYPE SEX RACE AGE SSN PHONE

1 [REDACTED] REPORTING PARTY F B 48 NOT AVAIL [REDACTED]

CONTACT INFORMATION: [REDACTED]

OFFICER(S) SEX RACE AGE SSN PHONE

1 [REDACTED] M W 32 NOT AVAIL 401-

847-1306

120 BROADWAY
NEWPORT RI 02840

CONTACT INFORMATION:

Home Phone (Primary) 401-847-1306
Home Phone [REDACTED]

BODY: NOT AVAIL.
DOB: 02/10/1982
LICENSE NUMBER: NOT AVAIL.

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

EMPLOYER/SCHOOL:
NEWPORT POLICE

Internal Investigation
Sgt. Corey Huck #163

Synopsis:

On October 27, 2014 Captain [REDACTED] received a faxed complaint from [REDACTED] concerning her involvement with the Newport Police Department. Ms. [REDACTED] alleges that on 10/18/2014 at 1500 hours she was attending the Seafood Festival at Bowens Wharf. She said she was sexually assaulted while at The Landing and she was not happy with the services she received from the Newport Police Department, specifically Officer [REDACTED]

Investigation:

After receiving this complaint to follow up on I made contact with Ms. [REDACTED] on November 3, 2014 and discussed the matter at length. She stated that she is still very upset and could not understand why no one has contacted her from the Criminal Investigation Division. I explained that I was unsure and would follow up with but I was looking into her complaint regarding Officer [REDACTED]. Ms. [REDACTED] immediately became upset and stated that she felt "like a victim" from the very beginning. She stated that Officer [REDACTED] was insensitive and afforded her no privacy to discuss this matter and report this crime. She goes on to state that Officer [REDACTED] then asks her to remove her sunglasses, when she inquires as to why he states "I want to see your eyes to see if you are telling the truth and how much you had to drink". Ms. [REDACTED] stated she removed her glasses as instructed but knew then and there that she would not receive the attention this matter deserved. Ms. [REDACTED] also could not understand why Officer [REDACTED] would question her in front of the restaurant manager as he was not a witness to the incident. I apologized to Ms. [REDACTED] and stated that the matter would be looked at and she would be notified of the outcome.

On November 12, 2014 when Officer [REDACTED] returned to work from family leave I provided him with his notification of rights pertaining to this investigation. Officer [REDACTED] signed this form and began questioning the validity of the complaint process as he was also provided with a separate complaint that he was involved in. Officer [REDACTED] later apologized for his rudeness and stated that he was feeling singled out as [REDACTED] had previously referred something to his watch commander for review as well. During the interview it was apparent that Officer [REDACTED] did in fact have a personal relationship with the manager of the restaurant as he referred to him as "[REDACTED]" and I had to ask who he was referring to as [REDACTED] to clarify. However there is no reason to believe that Officer [REDACTED] acted inappropriately in handling this matter.

Images:

- Copy of Complaint
- Copy of Notification to Officer [REDACTED]
- Letter of outcome to [REDACTED]

- Letter of outcome to [REDACTED]

Conclusion:

Based on the above information I find that the allegation against Officer [REDACTED] are Not Sustained at this time.

It is my recommendation that this matter be referred the training division for remedial training on interviewing victims of sexual assaults and any other sensitivity training Sgt. Carlone sees fit.

Date/Time Reported:

10/14/2014 @ 1849

Report Date/Time: 10/14/2014 @ 1849

Complaint Type: VIOLATION DEPT. RULE
Disposition: SUSTAINED
Additional Cases: 14-25332-AR
14-24665-AR

Reporting Officer: LIEUTENANT JOSE COSTA

Signature:

OFFENSE(S) A/C TITLE/CHAP SECTION

LOCATION TYPE: Highway/Road/Alley/Street Zone: BEAT 1/102
NEWPORT RI 02840

1 All Other Offenses C
OCCURRED: 10/06/2014 1554

LOCATION TYPE: Drug Store/Doctor's Office/ Zone: BEAT 2/133
NEWPORT RI 02840

2 All Other Offenses C
OCCURRED: 10/14/2014 1849

PERSON(S) PERSON TYPE SEX RACE AGE SSN PHONE

1 847-1302 WITNESS M W 45 NOT AVAIL 401-
120 BROADWAY
NEWPORT RI 02840
DOB: EMPLOYER: CITY OF NEWPORT
CONTACT INFORMATION:
Home Phone (Primary) 401-847-1302

2 847-1306 WITNESS M W 29 NOT AVAIL 401-
120 BROADWAY
NEWPORT RI 02840
DOB: EMPLOYER: NEWPORT POLICE DEPARTMENT 401-847-1302
CONTACT INFORMATION:
Home Phone (Primary) 401-847-1306
Work Phone (Primary) 401-847-1302
Work Phone (Primary) 401-847-1306
Work Phone 401-845-1212

3 845-5701 WITNESS M W 50 NOT AVAIL 401-
120 BROADWAY
NEWPORT RI 02840
DOB: EMPLOYER: NEWPORT POLICE DEPARTMENT 401-845-5701
CONTACT INFORMATION:

Work Phone

(Primary)

401-845-5701

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
4	[REDACTED] 120 BROADWAY NEWPORT RI 02840 DOB: [REDACTED] EMPLOYER: NEWPORT POLICE DEPARTMENT	WITNESS	F	W	52	NOT AVAIL	
5	[REDACTED] NEWPORT RI 02840 DOB: [REDACTED] EMPLOYER: CITY OF NEWPORT · 401-847-1306 CONTACT INFORMATION: Home Phone (Primary) [REDACTED] Work Phone (Primary) 401-847-1306	WITNESS	F	W	41	NOT AVAIL	[REDACTED]

#	OFFICER(S)	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED] 120 BROADWAY NEWPORT RI 02840 CONTACT INFORMATION: Home Phone (Primary) 401-847-1306 Work Phone (Primary) 401-847-1306 BODY: NOT AVAIL. DOB: [REDACTED] LICENSE NUMBER: [REDACTED]	M	W	48	NOT AVAIL	401-847-1306

[APPEARANCE]

GLASSES WORN: NO

EMPLOYER/SCHOOL:
NEWPORT POLICE

DEPARTMENT · 401-847-1306

Synopsis

On October 6, 2014 at approximately 1552 hours Officer [REDACTED] requested a unit to meet him at 249 Park Holm to assist him locating a party (who was later Identified as [REDACTED]). [REDACTED] was wanted on a Superior Court full bench warrant. Dispatch dispatched car number [REDACTED] (officer [REDACTED]), Car number [REDACTED] (officer [REDACTED]) also stated that he would respond. At approximately 1557 Hours Officer [REDACTED] states on the radio "that she closed the door on me". At approximately 1558 Hours Sergeant [REDACTED] (who was assigned as the [REDACTED] from 1500 to 2300 hours and Operating Vehicle # 18) came over the radio asking what was the paperwork for. Dispatcher [REDACTED] advised him that the warrant was for Failure to Appear for Arraignment Hold without Bail. Sergeant [REDACTED] then advised dispatcher Stout " You can double check with the OIC but it does not sound like we should go too crazy on this". Officer [REDACTED] then advised Sergeant [REDACTED] that [REDACTED] had closed the door on him and if he wanted him to leave. Sergeant [REDACTED] then asked Officer [REDACTED] to give him a 10-21 (telephone call). Dispatcher [REDACTED] then asks Sergeant [REDACTED] if he was heading that way and he responds that he was but was in the south end and wanted Officer [REDACTED] to give him a 10-21. Sergeant [REDACTED] then contacted the Officer In Charge (Lieutenant [REDACTED]) by telephone and during the conversation informs Lieutenant [REDACTED] that in the past we do not enter a residence just based on a warrant. Lieutenant [REDACTED] states to Sergeant [REDACTED] that he is still wants him to respond to determine if Officer [REDACTED] had been assaulted and thought it was necessary for a supervisor to be on scene to assess the situation. Shortly thereafter Officer [REDACTED] advises dispatch that [REDACTED] came out and to cancel the 406 (Field Supervisor). Lieutenant [REDACTED] advises dispatch to inform Officer [REDACTED] to stand by and advises dispatch to tell Sergeant [REDACTED] to still respond which dispatcher [REDACTED] does. Sergeant [REDACTED] then calls the station for Lt. [REDACTED] and asks dispatch "do you know why I'm still responding" at which time dispatcher [REDACTED] states she does not know and transfers Sergeant [REDACTED]. Lt. [REDACTED] again speak to sergeant [REDACTED] again and tells him to respond to the scene to assess the situation and determine if Officer [REDACTED] was assaulted. Sergeant [REDACTED] arrives on scene at approximately 16:16 hours (24 Minutes) after the original call.

On October 14, 2014 at approximately 1849 Hours the Newport Police Department records office received a telephone call from Newport Hospital Emergency room advised us that one of the patient had walk with an IV in their arm. Records Clerk [REDACTED] then transferred the call to dispatch. Dispatcher [REDACTED] then spoke with the hospital personell and obtained the gentleman name (identified as [REDACTED] dob 06/29/1983) a discription and an address. Dispatcher [REDACTED] then put out a check well being for [REDACTED] and several units acknowledged the attempt to locate. Shortly thereafter Sergeant [REDACTED] (The Field Supervisor) requested officers to be dispatch to Newport Hospital area. Several officers then started to check the area for Mr. [REDACTED]. Dispatcher [REDACTED] then ran Mr. [REDACTED] NCIC and he came back a hit with three warrants. Two bench warrants (1) for Failure to appear for trial on 2nd degree child molestation (2) Rule 9 Attorney General request for Bail Jumping, and an NCIC warrant for the above. Dispatcher [REDACTED] then took the paperwork and went to inform Sergeant [REDACTED] who was the Officer In Charge.

Dispatcher [REDACTED] states that Sergeant [REDACTED] was in the records office speaking with clerk [REDACTED] at the time. Dispatcher [REDACTED] states she informed Sergeant [REDACTED] that there were three warrants for [REDACTED] and Sergeant [REDACTED] advised her that "if we find him we will deal with him". Sergeant [REDACTED] never asked her to see what the warrants were for and never ensured that she passed the information on to the officers attempting to locate [REDACTED]. Later in the evening at approximately 2016 Hours when Sergeant [REDACTED] relieved Sergeant [REDACTED] for dinner, Sergeant [REDACTED] was informed that there were warrants for [REDACTED] therefore he requested dispatch call in two officers. Officer [REDACTED] and Officer [REDACTED] were then advised about the warrants on [REDACTED]. They then responded to his residence and located him and arrested him.

Complaint (1)

On October 6, 2014 while assigned as the field supervisor from 1500-300 hours Sergeant [REDACTED] was negligent in his duty in reference to Newport Police Department report [REDACTED] the arrest of [REDACTED] date of birth [REDACTED]

Complaint (2)

On October 14, 2014 while assigned as the Officer In Charge from 1500-2300 hours Sergeant [REDACTED] was negligent in his duty in reference to Newport Police Department report [REDACTED] the arrest of [REDACTED]

Charges and Specifications

Violation of Section (J), Prohibited Conduct, Part-19, (Incompetence) of the Rules and Regulations governing the Newport Police Department, which reads:

J. PROHIBITED CONDUCT

The following acts, actions, or activities by Department personnel are prohibited or restricted:

19. Incompetence – An officer or employee will maintain sufficient competency to perform his duty and to assume the responsibilities of his position. Incompetence may be demonstrated by the following:
 - a. a lack of knowledge of the application of laws required to be enforced;
 - b. an unwillingness or inability to perform assigned tasks;
 - c. the failure to conform to work standards established for the officer's rank, grade, or position;
 - d. Repeated poor evaluations or repeated infractions of the rules and regulations.

Conclusion

It is clear that Sergeant [REDACTED] delayed his response in hopes that the situation would resolve itself in doing so he clearly exhibited an unwillingness or inability to perform his assigned task. Thus showing a failure to conform to the work standards established for his field supervisory duties.

Findings

- *Sustained*

Violation Of Section (J), Prohibited Conduct, Part-28, (Neglect Of Duty) of the Rules and Regulations governing the Newport Police Department, which reads:

J. PROHIBITED CONDUCT

The following acts, actions, or activities by Department personnel are prohibited or restricted:

28. Neglect of Duty – Includes the following: being absent from assigned duty without leave; leaving post or assignment without being properly relieved; failing to take suitable and appropriate police action when any crime, public disorder, or other incident requires police attention; failing to give suitable attention to the performance of their duty.

Conclusion

Although Sergeant [REDACTED] recognizes the urgency of the call he begins to initiate radio communication however he fails to respond in a timely matter to the call even after being instructed to by the Officer In Charge. At at one point he stopped and called the station and questioned the Officer In Charge why he had to respond to the call.

Findings

- *Sustained*

Violation Of Section (J), Prohibited Conduct, Part-51, (Unsatisfactory Performance-Sworn Officers) of the Rules and Regulations governing the Newport Police Department, which reads:

J. PROHIBITED CONDUCT

The following acts, actions, or activities by Department personnel are prohibited or restricted:

51. Unsatisfactory Performance (Sworn Officers)- Officers will maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Officers will perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicators of unsatisfactory performance, the following, will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, directives, or orders of the department.

Conclusion

It is evident through questioning Sergeant [REDACTED] and reviewing radio communications for the call in question Sergeant [REDACTED] was clearly unsatisfactory in the performance of his duties relating to call # [REDACTED]

Findings

- *Sustained*

Charges and specifications

Violation Of Section (J), Prohibited Conduct, Part-15, (Gross Incompetence) of the Rules and Regulations governing the Newport Police Department, which reads

J. PROHIBITED CONDUCT

The following acts, actions, or activities by Department personnel are prohibited or restricted:

15. Gross Incompetence – No officer or employee will perform any act or duty in such a manner as to be construed as blatantly incompetent or misfeasant.

Conclusion

Sergeant [REDACTED] clearly acknowledge in the interview that he should of reviewed the paperwork presented to him by dispatcher [REDACTED] as he know knows that the warrants were serious and in not doing so and not advising the officers he placed the officers and the public in danger and could of caused a liability for the City of Newport.

Findings

- *Sustained*

Violation Of Section (J), Prohibited Conduct, Part-28, (Neglect Of Duty) of the Rules and Regulations governing the Newport Police Department, which reads:

J. PROHIBITED CONDUCT

The following acts, actions, or activities by Department personnel are prohibited or restricted:

28. Neglect of Duty – Includes the following: being absent from assigned duty without leave; leaving post or assignment without being properly relieved; failing to take suitable and appropriate police action when any crime, public disorder, or other incident requires police attention; failing to give suitable attention to the performance of their duty.

Conclusion

Sergeant [REDACTED] failed to take appropriate action when presented with the fact the person Officers were attempting to locate had three warrants for him (B.C.I. Warrant for failure to appear for trial on 2nd degree child molestation, bail jumping and an NCIC warrant for same) thereby neglecting his duties.

Findings

- *Sustained*

Violation Of Section (J), Prohibited Conduct, Part-51, (Unsatisfactory Performance-Sworn Officers) of the Rules and Regulations governing the Newport Police Department, which reads:

J. PROHIBITED CONDUCT

The following acts, actions, or activities by Department personnel are prohibited or restricted:

51. Unsatisfactory Performance (Sworn Officers)- Officers will maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Officers will perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicators of unsatisfactory performance, the following, will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, directives, or orders of the department.

Conclusion

Sergeant [REDACTED] failed to maintain the highest standards of efficiency in carrying out the objectives of the Department as he failed review the paperwork(Warrants) and confirm the warrants and advise the officers of the warrants. When Sergeant [REDACTED] relieved Sergeant [REDACTED] for dinner Sergeant [REDACTED] failed advised Sergeant [REDACTED] of the warrants.

Findings

Sustained

Chief of Police Gary T. Silva 12/17/14

I have reviewed the investigative file and endorse the findings and conclusions. The fact pattern demonstrated several sustained violations of Newport Police Department Rules and Regulations in totality of two separate incidents.

Both of the matters involved police interaction with citizens having arrest warrants in effect for them. For each matter, the facts demonstrate Sergeant [REDACTED] intentional avoidance to act and competently perform his supervisory duties. He had appropriate information to guide his effort for prudent decision making, and each time he intentionally decided not to act appropriately.

Sergeant [REDACTED] failed and I do not have confidence in his ability to continue performance as a police officer. These matters are basic to police work and he demonstrated intentional incompetence and avoidance. The fact he is a supervisor is extremely troubling; it his duty and responsibility to act and provide competent leadership, direction and control of police activities. He completely failed with these two matters of heightened officer safety concern.

Sergeant [REDACTED] previously demonstrated a similar action of intentional incompetence in 2013 involving a firearm call. That matter factored into a missed opportunity for him for promotion to the rank of Police Lieutenant.

Prior to my review of this investigative file and this writing, Sergeant [REDACTED] retired from the agency on [REDACTED]. **END**

Date/Time Reported:

10/31/2014 @ 1829

Report Date/Time: 10/31/2014 @ 1829

Complaint Type: Viol of Dept Policy
Disposition: SUSTAINED
Additional Cases: 14-26666-01
14-26666-A1

Reporting Officer: LIEUTENANT JOSE COSTA

Signature:

OFFENSE(S) A/C TITLE/CHAP SECTION

LOCATION TYPE: Highway/Road/Alley/Street Zone: BEAT 1/115
NEWPORT RI 02840

1 ALL OTHER OFFENSES C
OCCURRED: 10/31/2014 1829

VICTIM(S) SEX RACE AGE SSN PHONE

1 M W 47

NEWPORT RI 02840
DOB:
CONTACT INFORMATION:
Home Phone (Primary)
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 OTHER M W 27 NOT AVAIL

120 BROADWAY
NEWPORT RI 02840
DOB:
EMPLOYER: CITY OF NEWPORT 401-847-1306
CONTACT INFORMATION:
Home Phone (Primary) 401-
Home Phone 401-
Cell Phone (Primary) 401-
Work Phone (Primary) 401-847-1306
Work Phone 401-

2 PARENT M W 27

120 BROADWAY
NEWPORT RI 02840
DOB:
EMPLOYER: CITY OF NEWPORT POLICE
CONTACT INFORMATION:
Home Phone (Primary) 401-
Work Phone (Primary) 401-

#	PERSON (S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
3	[REDACTED] NEWPORT RI 02840 DOB: [REDACTED] EMPLOYER: CITY OF NEWPORT POLICE · 401-847-1306 CONTACT INFORMATION: Home Phone (Primary) 401-[REDACTED] Work Phone (Primary) 401-847-1306	OTHER	F	W	34	[REDACTED]	[REDACTED]
4	[REDACTED] 120 BROADWAY NEWPORT RI 02840 DOB: [REDACTED] EMPLOYER: NEWPORT POLICE DEPARTMENT · 401-847-1306 CONTACT INFORMATION: Work Phone (Primary) 401-847-1306	OTHER	F	W	52	NOT AVAIL	[REDACTED]
5	[REDACTED] NEWPORT RI 02840 DOB: [REDACTED] EMPLOYER: CITY OF NEWPORT POLICE · 401-847-1306 CONTACT INFORMATION: Home Phone (Primary) 401-[REDACTED] Work Phone (Primary) 401-847-1306 Work Phone 401-[REDACTED]	OTHER	F	W	41	NOT AVAIL	[REDACTED]
6	[REDACTED] 120 BROADWAY NEWPORT RI 02840 DOB: [REDACTED] EMPLOYER: CITY OF NEWPORT · 401-847-1302 CONTACT INFORMATION: Work Phone (Primary) 401-847-1302	OTHER	M	W	52	NOT AVAIL	[REDACTED]

#	OFFICER (S)	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED] 120 BROADWAY NEWPORT RI 02840 CONTACT INFORMATION: Home Phone (Primary) [REDACTED] Work Phone (Primary) [REDACTED] BODY: NOT AVAIL. DOB: [REDACTED] LICENSE NUMBER: [REDACTED]	M	W	41	NOT AVAIL	[REDACTED]
					COMPLEXION: NOT AVAIL. PLACE OF BIRTH: NOT AVAIL. ETHNICITY: NOT HISPANIC	

EMPLOYER/SCHOOL:
NEWPORT POLICE

DEPARTMENT · 401-846-8492

Lt. Jose F. Costa

Synopsis

On Halloween night October 31, 2014 at approximately 1829 Hours the Newport Police Department records received a telephone call from a male party requesting officers respond to [REDACTED], Newport R.I. because [REDACTED] was inviting kids into the house and the kids were not coming out. Shortly thereafter the Newport Police Department dispatch received another telephone call from a male party again requesting officers respond to [REDACTED], Newport R.I. for a party with kids in his house and we have to send officers. The caller then hang-up the telephone. Dispatcher [REDACTED] then activated the last caller identification procedure. An automated voice stated that the call came from [REDACTED]. The Newport Police Department then received another telephone call transferred from the State of Rhode Island 911 operator. The caller stated stated he [REDACTED] and he was at [REDACTED] and he needed officers at [REDACTED] because there were kids in the house and they were not coming out. The caller then hang up and the 911 Operator stated to Newport Police Dispatcher [REDACTED] that the call was coming from [REDACTED] and not [REDACTED]. The telephone number [REDACTED] belongs to [REDACTED] of the Newport Police Department. Also, [REDACTED] Newport R.I. is the residence of [REDACTED] parents.

Uniform patrol Officers [REDACTED] and [REDACTED] responded to [REDACTED] in Newport R.I. and after advising the home owner [REDACTED] of the circumstances Mr. [REDACTED] allowed the officers to search the house. The officers found nothing unusual and were unable to substantiate the complaint. After the report was completed it was determined that a possible suspect for the false 911 telephone call was off duty Newport Police [REDACTED]. [REDACTED] of the Newport Police Department conducted a criminal investigation and [REDACTED] was charged with False 911 telephone call.

On December 17, 2014 the criminal case was disposed of in 2nd District Court. The disposition was as follows. Filed while maintaining not guilty plea.

Complaint (1)

That on October 31, 2014 [REDACTED] while off duty Provided False information to 911 Operator, Rhode Island General Law 39-21.1-16, under the 911 Emergency Telephone Number Act.

Complaint (2)

That on November 20, 2014 [REDACTED] was disrespectful to the Newport Police Department Officer of Professional Standards [REDACTED] at the Newport County Court House.

Complaint (3)

That on November 20, 2014 2014 [REDACTED] was discourteous when leaving the Newport Police Department after speaking with Chief of Police Gary T. Silva

Charges and Specifications

Violation Of Section (I), Required Conduct, Part-4, (Bearing) of the Rules and Regulations governing the Newport Police Department, which reads:

I. REQUIRED CONDUCT

In addition to the specific duties of each individual rank and assignment, the following provisions are applicable to all members and employees of the Department.

4. Bearing- Officers will carry themselves in a professional manner as befits an officer of the law.

Conclusion

On October 31, 2014 [REDACTED] telephoned the Newport Police Department and also telephoned the state of Rhode Island 911 Emergency line requesting officers respond to [REDACTED] in Newport R.I. for kids going into the house and not coming out. When he telephoned the Newport Police Department he failed to identify himself and actually hang-up. When he telephoned the 911 line he disguised himself and the location he was calling from.

On November 20, 2014 while at 2nd District Court house to be arraigned [REDACTED] stated to Captain Russell Hayes " what the fuck is he doing here" pointing to myself. After being arraigned [REDACTED] was ordered to the Newport Police Station to speak with Chief Gary Silva. Chief Silva spoke with [REDACTED] and handed him a letter. [REDACTED] was then dismissed and while walking down the hallway [REDACTED] slammed open the hallway door, causing a loud bang.

Findings

- ***Sustained***

Violation Of Section (J), Prohibited Conduct, Part-3, (Conduct Prejudicial To Public Peace Or Welfare) of the Rules and Regulations governing the Newport Police Department, which reads:

J. PROHIBITED CONDUCT

The following acts, actions, or activities by Department personnel are prohibited or restricted:

3. Conduct Prejudicial to Public Peace or Welfare – Officers and non-sworn employees will not purposely commit an act to disrupt public tranquility or safety without just cause.

Conclusion

On October 31, 2014 [REDACTED] telephoned the Newport Police Department and also telephoned the state of Rhode Island 911 Emergency line requesting officers respond to [REDACTED] in Newport R.I. for kids (trick-treaters) going into the house and not coming out. Uniform Patrol Officers [REDACTED] and [REDACTED] were dispatched. After arrival Officers spoke with the home owner and obtained his permission to search the house. Officers found no evidence to substantiate [REDACTED] complaint.

Findings

- *Sustained*

Violation Of Section (J), Prohibited Conduct, Part-4, (Conduct Unbecoming An Officer) of the Rules and Regulations governing the Newport Police Department, which reads:

J. PROHIBITED CONDUCT

The following acts, actions, or activities by Department personnel are prohibited or restricted:

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

Conclusion

On October 31, 2014 [REDACTED] telephoned the Newport Police Department and also telephoned the state of Rhode Island 911 Emergency line requesting officers respond to [REDACTED] in Newport R.I. for kids (trick-treaters) going into the house and not coming out. When he telephoned the Newport Police Department he failed to identify himself and actually hang-up. When he telephoned the 911 line he disguised himself and the location he was calling from. Uniform Patrol Officers [REDACTED] and [REDACTED] were dispatched. After arrival Officers spoke with the home owner and obtained his permission to search the house. Officers found no evidence to substantiate [REDACTED] complaint.

On November 20, 2014 while at 2nd District Court house to be arraigned [REDACTED] stated to Captain Russell Hayes " what the fuck is he doing here" pointing to myself. After being arraigned [REDACTED] was ordered to the Newport Police Station to speak with Chief Gary Silva. Chief Silva spoke with [REDACTED] and handed him a letter. [REDACTED] was then dismissed and while

walking down the hallway [REDACTED] slammed open the hallway door, causing a loud bang.

Findings

- ***Sustained***

Violation Of Section (J), Prohibited Conduct, Part-11, (Discourtesy) of the Rules and Regulations governing the Newport Police Department, which reads:

J. PROHIBITED CONDUCT

The following acts, actions, or activities by Department personnel are prohibited or restricted:

11. Discourtesy – An officer or employee will not be rude, impolite, contemptuous, or insolent to a superior officer, to a fellow officer, employee, or to a member of the public.

Conclusion

On November 20, 2014 while at 2nd District Court house to be arraigned [REDACTED] [REDACTED] stated to Captain Russell Hayes " what the fuck is he doing here" pointing to myself. After being arraigned [REDACTED] was ordered to the Newport Police Station to speak with Chief Gary Silva. Chief Silva spoke with [REDACTED] and handed him a letter. [REDACTED] was then dismissed and while walking down the hallway [REDACTED] slammed open the hallway door, causing a loud bang.

Findings

Sustained

Chief of Police Gary T. Silva 12/17/14

I have reviewed the investigative file and endorse the findings, conclusions and sustained violations of police department rules and regulations.

Date/Time Reported:

10/31/2014 @ 2334

Report Date/Time: 10/31/2014 @ 2334

Complaint Type: VIOLATION DEPT. RULE
Disposition: NOT SUSTAINED

Reporting Officer: SERGEANT COREY HUCK

Signature:

OFFENSE(S) A/C TITLE/CHAP SECTION

LOCATION TYPE: Highway/Road/Alley/Street Zone: BEAT 2/136
WASHINGTON SQ / MEETING ST
WASHINGTON SQ
NEWPORT RI 02840

1 All Other Offenses-VIOLATIONONS OF RULES AND REGS A
OCCURRED: 10/31/2014 2315

PERSON(S) PERSON TYPE SEX RACE AGE SSN PHONE

1 [REDACTED] REPORTING PARTY M W 32 [REDACTED] [REDACTED]

NEWPORT RI 02840

DOB: [REDACTED]

EMPLOYER: NORDSTROM

CONTACT INFORMATION:

Home Phone (Primary) 401-[REDACTED]
Home Phone 401-[REDACTED]
Home Phone 401-[REDACTED]
Cell Phone (Primary) 401-[REDACTED]
Cell Phone (Primary) 401-[REDACTED]

OFFICER(S) SEX RACE AGE SSN PHONE

1 [REDACTED] M W 28 NOT AVAIL [REDACTED]

120 BROADWAY
NEWPORT RI 02840

CONTACT INFORMATION:

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

HEIGHT: [REDACTED] WEIGHT: [REDACTED] HAIR: BROWN EYES: NOT AVAIL.

BODY: SLIM COMPLEXION: LIGHT

DOB: [REDACTED] PLACE OF BIRTH: [REDACTED]

LICENSE NUMBER: [REDACTED] ETHNICITY: NOT HISPANIC

[APPEARANCE]

GLASSES WORN: NO

OFFICER(S) SEX RACE AGE SSN PHONE

_____ [FAMILY/EMPLOYMENT
INFORMATION] _____

PEARL

MARITAL STATUS: SINGLE

EMPLOYER/SCHOOL: BLACK

BANNISTERS WHF
NEWPORT RI 02840

Internal Investigation
Sgt. Corey Huck #163

Synopsis:

On November 3, 2014 this office received a complaint from one [REDACTED] regarding his interaction with [REDACTED]. [REDACTED] was upset over the fact that he had been stopped and "harassed" by [REDACTED]. He feels that there is an ongoing vendetta that the officer has against him.

Investigation:

Upon being assigned this case I contacted Officer [REDACTED] and advised him of the complaint. Officer [REDACTED] was nervous and I advised him of the process and that we look at all complaints in an effort to exonerate officers of any wrongdoing if need be. Officer [REDACTED] was very forthcoming and told me that he did in fact stop Mr. [REDACTED] but at no time did he use any profanity or tell him that he was getting what he deserved. I asked if he has an issue with Mr. [REDACTED] and he stated that he did not have any issues besides what he witnesses at the time of the violations. [REDACTED] asked if he should not have any contact with Mr. [REDACTED] and I advised him that he should continue to be proactive and enforce the law as he sees fit.

I then attempted to contact Mr. [REDACTED] on three separate occasions and had no success. I monitored the case as I was aware that the upcoming court case was scheduled for December 8, 2014. Mr. [REDACTED] claimed that he was not speeding and that Officer [REDACTED] "personally estimated" his speed and wrote him for conditions requiring reduced speed.

When I reviewed the contacts form Mr. [REDACTED] I learned that there was no basis to his allegation of Harrassment as Officer [REDACTED] has only had two previous contacts with Mr. [REDACTED] and they were both for minor motor vehicle infractions. It should be noted that Mr. [REDACTED] has been arrested 21 times by our agency and has another 63 motor vehicle infractions to include 13 in the past year alone.

A review of the RITT court disposition showed that Mr. [REDACTED] Failed to Appear and offer a defense for his actions regarding that evening for Speeding and Conditions Requiring Reduced Speed and was fined \$95.00 for each violation.

Conclusion:

After careful review and the fact that Mr. [REDACTED] has refused to cooperate with this investigation I have determined that this matter is ***Not Sustained*** as there is no evidence to prove whether this matter occurred or did not occur.

IMAGES:

- Notification to Officer [REDACTED]
- Letter to Mr. [REDACTED]
- Findings to Officer [REDACTED]

Findings

to

Mr. [REDACTED]

Chief of Police Gary T. Silva - 1/6/15

I have reviewed this matter and endorse the findings and conclusion. No further action is required and this is the final disposition.**END**

Date/Time Reported:

09/13/2015 @ 0600

Report Date/Time: 11/17/2015 @ 0958

Complaint Type: Viol of Dept Policy

Disposition: EXONERATED

Additional Cases: 15-19873-AR

Reporting Officer: LIEUTENANT JOSE COSTA

Signature:

#	OFFENSE(S)	A/C	TITLE/CHAP	SECTION
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LOCATION TYPE: Drug Store/Doctor's Office/ Zone: BEAT 2/133
 NEWPORT HOSPITAL
 11 FRIENDSHIP ST
 NEWPORT RI 02840

1	All Other Offenses			C
	OCCURRED: 08/10/2015	1531		

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
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1	[REDACTED]	F	W	43	[REDACTED]	[REDACTED]
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NEWPORT RI 02840
 DOB: [REDACTED]
 CONTACT INFORMATION:
 Home Phone (Primary) [REDACTED]
 Work Phone (Primary) 401-847-1306
 Work Phone [REDACTED]
 ETHNICITY: Not of Hispanic Origin
 RESIDENT STATUS: Resident
 VICTIM CONNECTED TO OFFENSE NUMBER(S): 1

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
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1	[REDACTED]	OTHER	F	W	26	[REDACTED]	[REDACTED]
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120 BROADWAY
 NEWPORT RI 02840
 DOB: [REDACTED]
 EMPLOYER: NEWPORT POLICE DEPARTMENT
 CONTACT INFORMATION:
 Home Phone (Primary) [REDACTED]
 Home Phone (Primary) [REDACTED]
 Cell Phone (Primary) [REDACTED]

2	[REDACTED]	OTHER	M	W	48	NOT AVAIL	401-
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847-1302
 120 BROADWAY
 NEWPORT RI 02840
 DOB: [REDACTED]
 EMPLOYER: NEWPORT POLICE DEPARTMENT

CONTACT INFORMATION:

Home Phone (Primary) 401-847-1302

OFFICER(S) SEX RACE AGE SSN PHONE

OFFICER(S) SEX RACE AGE SSN PHONE

1 [REDACTED] M W 32 [REDACTED] 401-847-1306

120 BROADWAY
NEWPORT RI 02840

CONTACT INFORMATION:

Home Phone (Primary) 401-847-1306
Work Phone (Primary) 401-847-1306

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

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

[APPEARANCE]

GLASSES WORN: NO

[FAMILY/EMPLOYMENT INFORMATION]

OF NEWPORT · 401-847-1306

MARITAL STATUS: SINGLE

EMPLOYER/SCHOOL: CITY

43 BROADWAY
NEWPORT RI 02840

OCCUPATION: POLICE

OFFICER

Lt Jose F. Costa

Synopsis:

On August 10, 2015 at approximately 1531 Hours ██████████ called the Newport Police Department requesting that Officers respond to his address ██████████ to check the well being of his wife ██████████. ██████████ stated he was in Providence and that he had received several text message from his wife saying she wanted to die and that she was on drugs he was concerned for her safety. He further stated that the back door was open and Officers could use the back door to go in. Officer ██████████, ██████████ and ██████████ responded.

Upon the officers arrival the back door was locked however after several conversations by telephone with the dispatchers ██████████ open the door. Officer ██████████ spoke with ██████████ due to the fact that they were good friends and eventually convinced ██████████ to go to the Newport Hospital with ██████████. While at the hospital ██████████ assaulted two hospital security guards when they were trying to restrain her. Both Guards filed reports and ██████████ was summoned into court.

On September 13, 2015 ██████████ filed a civilian complaint with the Newport Police Department alleging that Officer ██████████ badgered her, called her a baby and yelled at her on two occasions.

Charges and Specifications

PROHIBITED CONDUCT

The following acts, actions, or activities by Department personnel are prohibited or restricted:

- Abusive Treatment – Officers and employees will not use any indecent, profane, or unnecessarily harsh language nor abuse the dignity of any citizen or fellow officer or employee.

Findings

Officer ██████████ responded to ██████████ apartment to check her well being based on information received by ██████████ husband ██████████ that she was possibly overdosing as she stated in a text message to him that she wanted to die. Upon their arrival Officer ██████████ initiated friendly contact with ██████████ as he was friends with her. Officer ██████████ then noticed that 15 Oxycodone were missing and he called for the rescue personnel at which time ██████████ became more irate. Officer ██████████ attempted to convince ██████████ to go to the hospital however she at first did not want to cooperate but eventually went by Police SUV. While at the hospital ██████████ refused to cooperate with Emergency Room staff and eventually hospital security were called to assist. Due to ██████████ scratching and biting the security Officers, Officers ██████████ and ██████████ intervene whereby Officer ██████████ yelled at ██████████ for her to Grow up and Cooperate. I find Officer ██████████ to be **exonerated** on the complaint.

Chief of Police Gary T. Silva 12/10/15

I have reviewed this matter and the investigative report. Officer [REDACTED] was performing in a manner proportionate to the circumstances and in the context of an existing friendship with [REDACTED] to assist her with her needs for medical attention. In this context I endorse the findings and conclusion, with no further action necessary. This serves as the final disposition for this matter. **END**

Date/Time Reported:

09/17/2015 @ 0900

Report Date/Time: 09/17/2015 @ 0900

Complaint Type: Viol of Dept Policy

Disposition: NOT SUSTAINED

Additional Cases: 15-23422-B-AR

Reporting Officer: LIEUTENANT JOSE COSTA

Signature:

OFFENSE(S) A/C TITLE/CHAP SECTION

LOCATION TYPE: Other/Unknown
BELLEVUE PLAZA
250 BELLEVUE AVE
NEWPORT RI 02840

Zone: BEAT 3/165

1 All Other Offenses

C

OCCURRED: 09/11/2015 2057

VICTIM(S) SEX RACE AGE SSN PHONE

1 [REDACTED] M B 18 NOT AVAIL [REDACTED]

PROVIDENCE RI 02901

DOB: 06/08/1997

EMPLOYER: UNEMPLOYED

CONTACT INFORMATION:

Home Phone (Primary) [REDACTED]

ETHNICITY: Not of Hispanic Origin

RESIDENT STATUS: Non Resident

VICTIM CONNECTED TO OFFENSE NUMBER(S): 1

Lt Jose F. Costa

Synopsis:

On September 17, 2015 [REDACTED] filed a civilian complaint with the Newport Police Department in regards to his arrest on September 11, 2015. In his complaint [REDACTED] alleges that Officers picked him out of the crowd because he looked suspicious and had his hands in his pockets. Eventually [REDACTED] alleges that after giving his name to officers, Officers attacked him, punched him and arrested him without any explanation.

Investigation :

After receiving the complaint I contacted [REDACTED] on October 1, 2015 and left a message on his telephone number for him to contact me. [REDACTED] never contacted me. On October 6, 2015 at 0845 Hours I contacted [REDACTED] and I requested an appointment with him so I could interview him. [REDACTED] stated to me that he would contact me at a later date for an appointment.

I then reviewed the arrest of [REDACTED] on September 11, 2015. The arrest originated out of a Rogers High School Football game between Portsmouth and Rogers. At one point during the game Sergeant [REDACTED] (the Street Supervisor) observed a very large crowd shoving and pushing each other. Eventually a fight started with the crowd of approximately 30 to 40 going on into the football field stopping the game. Sergeant [REDACTED] called for back and eventually several people were arrested ; [REDACTED] being one of them.

As November 23, 2015 [REDACTED] has not contacted me for an interview. I have reviewed all the police reports in regards to the incident. At this time based on the lack of cooperation from [REDACTED] and my review of all the police reports in regards to this incident the officers acted accordingly. This case is being filed as not sustained pending any new information.

Chief of Police Gary Silva 11/24/15

I have reviewed this matter and endorse the findings and conclusions. No further action is required and this is the final disposition. **END**

Date/Time Reported:

11/02/2015 @ 0900

Report Date/Time: 12/02/2015 @ 1007

Complaint Type: VIOLATION DEPT. RULE
Disposition: NOT SUSTAINED

Reporting Officer: LIEUTENANT JOSE COSTA

Signature:

OFFENSE(S) A/C TITLE/CHAP SECTION

LOCATION TYPE: Highway/Road/Alley/Street Zone: BEAT 3/169
THAMES ST / WAITES WHF
THAMES ST
NEWPORT RI 02840

1 All Other Offenses C
OCCURRED: 11/01/2015 0047

VICTIM(S) SEX RACE AGE SSN PHONE

1 [REDACTED] F W 54 [REDACTED] [REDACTED]
NEWPORT RI 02840
CONTACT INFORMATION:
Home Phone (Primary) [REDACTED]
Comments= mothers home number in portsmouth ri
Cell Phone [REDACTED]
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] OTHER M W 41 [REDACTED] 401-847-1306
120 BROADWAY
NEWPORT RI 02840
EMPLOYER: NEWPORT POLICE DEPARTMENT · 401-847-1306
CONTACT INFORMATION:
Home Phone (Primary) 401-847-1306
Cell Phone (Primary) [REDACTED]
Work Phone (Primary) 401-847-1306

2 [REDACTED] OTHER F W 26 [REDACTED] [REDACTED]
120 BROADWAY
NEWPORT RI 02840
EMPLOYER: NEWPORT POLICE DEPARTMENT ·
CONTACT INFORMATION:
Home Phone (Primary) [REDACTED]
Home Phone (Primary) [REDACTED]
Cell Phone (Primary) [REDACTED]

#	PERSON (S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
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3	[REDACTED]	OTHER	M	W	32	NOT AVAIL	[REDACTED]
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120 BROADWAY Apt. #1
 NEWPORT RI 02840
 [REDACTED]
 EMPLOYER: NEWPORT POLICE DEPARTMENT · 401-847-1306
 CONTACT INFORMATION:
 Cell Phone (Primary) [REDACTED]
 Work Phone (Primary) 401-847-1306

4	[REDACTED]	OTHER	M	W	45	NOT AVAIL	401-
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847-1306
 120 BROADWAY
 NEWPORT RI 02840
 [REDACTED]
 EMPLOYER: CITY OF NEWPORT · 401-847-1306
 CONTACT INFORMATION:
 Home Phone (Primary) 401-847-1306
 Work Phone (Primary) 401-845-5862

#	OFFICER (S)	SEX	RACE	AGE	SSN	PHONE
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1	[REDACTED]	M	W	29	[REDACTED]	[REDACTED]
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120 BROADWAY
 NEWPORT RI 02840
 CONTACT INFORMATION:
 Home Phone (Primary) [REDACTED]
 Cell Phone (Primary) [REDACTED]
 Work Phone (Primary) 401-847-1306
 Work Phone (Primary) [REDACTED]

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

EMPLOYER/SCHOOL:
 NEWPORT POLICE · 401-

847-1306

#	VEHICLE (S)	YEAR	MAKE	STYLE	COLOR1	COLOR2	REG	MODEL
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1	12/02/2015 @ 1020	2014	CHRY	VN	WHI	[REDACTED]	[REDACTED]	TOWN & COUNTRY
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Synopsis

On November 1, 2015 at 0047 Hrs (Halloween Night) officer [REDACTED] stopped R.I. registration [REDACTED] being operated by [REDACTED] on Thames st by O'briens Pub. At the time Officer [REDACTED] was at a bar closing post with several other officers. Officer [REDACTED] states that Ms [REDACTED] was attempting to stop on Thames st impeding traffic so therefore he motion for Ms. [REDACTED] to stop at which time he advised her that this was her one warning and that she could not pick up passengers in the area due to the numerous pedestrians and also the fact that she was impeding traffic. At this time there was a verbal interaction between Officer [REDACTED] and Ms [REDACTED] in which led Ms. [REDACTED] to start to leave the area against Officer [REDACTED] wishes whereby Officer [REDACTED] started to jog next to Ms. [REDACTED] vehicle and eventually she pulled over. Officer [REDACTED] then issued Ms. [REDACTED] a traffic citation with the following violations. (1) Places where Parking or stopping Prohibited, (2) Obedience to Police Officers, and (3) Care in starting from stop.

Shortly after receiving her summons Ms. [REDACTED] responded to the Newport Police Department and filed a complaint against Officer [REDACTED] for escalating a situation with unnecessary force and spoke to her in a disrespectful way which she states is not in accordance with the department's mission statement. In her Complaint Ms [REDACTED] requested that the summons be voided.

Charges and Specifications

I. REQUIRED CONDUCT

In addition to the specific duties of each individual rank and assignment, the following provisions are applicable to all members and employees of the Department.

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

Findings

Officer [REDACTED] was assigned to a bar closing post on Thames st and Waite's wharf to facilitate the orderly moving of pedestrian from the area on Halloween night and also to keep vehicle moving on Thames st so as not to collide with pedestrians and cause a back-up. Upon seeing a vehicle stopped or slowing in the area Officer [REDACTED] approached the vehicle and attempted to speak with the operator at which time a verbal interaction ensued. At the time there were parking spaces available on the left side of the street for the vehicle to pull over which it did not. The operator of the vehicle eventually pulls over to the side of the road at Officer [REDACTED] request and she is issued a summons. After being issued the summons the Operator [REDACTED]

responded to the police station and filled a complaint of being verbally abused by Officer [REDACTED] and saying that he was a bully wearing a badge, she further stated that he used unnecessary force because he placed his hands in her vehicle. After investigating this incident Ms. [REDACTED] complaint is **Not Sustained.**

Gary T. Silva - Chief of Police 1/15/16

I have reviewed this matter and endorse the findings and conclusions. No further action is necessary and this is the final disposition.**END**

Complaint Type: Viol of Dept Policy
 Disposition: NOT SUSTAINED
 Additional Cases: 15-27984-AR

Reporting Officer: LIEUTENANT JOSE COSTA

Signature: _____

#	OFFENSE(S)	A/C	TITLE/CHAP	SECTION
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LOCATION TYPE: Highway/Road/Alley/Street Zone: BEAT 1/100

NEWPORT RI 02840

1	All Other Offenses			C
	OCCURRED: 11/01/2015	2210		

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
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1		F	B	18	NOT AVAIL	
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NEWPORT RI 02840

EMPLOYER: THOMPSON MIDDLE SCHOOL

CONTACT INFORMATION:

Home Phone (Primary)

Home Phone

Home

Cell Phone (Primary)

Comments= 10/24/2015 #61

Cell Phone (Primary)

ETHNICITY: Not of Hispanic Origin

RESIDENT STATUS: Resident

VICTIM CONNECTED TO OFFENSE NUMBER(S): 1

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
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1		OTHER	M	W	47	NOT AVAIL	401-847-1302
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120 BROADWAY

NEWPORT RI 02840

DOB:

EMPLOYER: NEWPORT POLICE 401-847-1306

CONTACT INFORMATION:

Home Phone (Primary) 401-847-1302

Work Phone (Primary) 401-847-1306

#	PERSON (S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
2	██████████ 2 SGT GREEN WAY Apt. #2 NEWPORT RI 02840 DOB: ██████████ EMPLOYER: SELF EMPLOYED / HOUSE CLE ██████████ CONTACT INFORMATION: Home Phone (Primary) ██████████ Home Phone ██████████ Home Phone ██████████ Home Phone ██████████ Home Phone ██████████ Cell Phone ██████████ Work Phone (Primary) ██████████ Other Phone Number (Primary) ██████████ Comments= daughter's # (10/15) CallBack Number (Primary) ██████████	PARENT	F	W	36	██████████	██████████

#	OFFICER (S)	SEX	RACE	AGE	SSN	PHONE
1	██████████ 120 BROADWAY NEWPORT RI 02840 BODY: NOT AVAIL. DOB: ██████████ LICENSE NUMBER: NOT AVAIL.	M	W	34	██████████	██████████

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: SINGLE

EMPLOYER/SCHOOL: CITY OF NEWPORT · 401-847-
NEWPORT RI 02840

OCCUPATION: POLICE OFFICER

1306

2	██████████ 120 BROADWAY NEWPORT RI 02840 BODY: NOT AVAIL. DOB: ██████████ LICENSE NUMBER: ██████████	M	W	25	NOT AVAIL	██████████
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401-847-1306

EMPLOYER/SCHOOL: NEWPORT POLICE DEPARTMENT ·

On November 2, 2015 [REDACTED] filed a civilian complaint with the Newport Police Department alleging that officer [REDACTED] and another officer used excessive force when they arrested her the night before. On November 3, 2015 I contacted [REDACTED] and informed her that I had received the complaint and I would be following up with her at a later date. On November 4, 2015 I contacted Officer [REDACTED] and [REDACTED] and advised Them that I would be reviewing the arrest of [REDACTED] on November 1, 2015 report number 15-27984-AR.

Synopsis:

On November 1, 2015 [REDACTED] was assigned the housing detail. While on patrol he observed a vehicle [REDACTED] with two occupants in the vehicle parked next to 77 Hillside ave. When officer [REDACTED] ran the registration to the vehicle he received a bench warrant hit on the owner of the vehicle; [REDACTED]. Officer [REDACTED] approached the vehicle at which time he detected a strong odor of Burnt Marijuana. Officer [REDACTED] than started to question the person in the drivers side of the vehicle [REDACTED]. [REDACTED] was requested to get out of the vehicle but refused Officer [REDACTED] commands. Eventually [REDACTED] was forcibly taken out of the vehicle by Officer [REDACTED] and [REDACTED] and eventually arrested. [REDACTED] still refused to cooperate and was forcibly placed in a police vehicle. [REDACTED] was subsequently charged with Obstruction an Officer, Resisting arrest and possession of marijuana.

On November 2, 2015 [REDACTED] came to the Newport Police Department and filed a civilian complaint. In her complaint [REDACTED] alleges that Officer [REDACTED], a male officer, used excessive force upon her. She states that she was in the drivers side of a vehicle and the officer asked her to turn the vehicle ignition off. She states she was complying with the officers orders and made acknowledgement that she knew her rights and that he was in violation at which time the officer grabbed her out of the car by the hood of her sweater throwing her to the ground. She went on to say that another officer came over and used brutal excessive force as well. She states because of their actions she went to the hospital to be treated for her injuries to her wrist, neck and torso. She states no female should be treated this way by a male officer.

Investigation

On November 23, 2015 I contacted [REDACTED] and made an appointment for her to come and see me for an interview on November 24, 2015 at 1400. On November 24, 2015 [REDACTED] did not show up for her interview. On December 20, 2015 at 1045 Hours I attempted to call [REDACTED] again on her cell phone for an interview however the message on the phone was that the mail box had not been set up. I then left a message on her work number for her to contact me.

On December 20, 2015 I spoke with [REDACTED] (Newport Police Department Prosecution Officer) if he had any contact with [REDACTED] because I wanted to speak with her. He stated to me that she was due back in court on January 27, 2016 and that he would check her file. [REDACTED] then informed me that there were notes in the file written by Asst City Solicitor Girard Galvin which stated that the criminal complaint would be dismissed in lieu of her dismissing the internal affairs complaint. I then asked [REDACTED] to have this clarified.

Memo from [REDACTED] (Copy and Paste)

From: [REDACTED]
Sent: Thursday, January 14, 2016 9:24 AM
To: Costa, Jose
Subject: 15-27984-AR

Lt. Costa

I spoke with City Attorney Girard Galvin at your request to clarify the notes in the case folder for [REDACTED]. Galvin was approached by [REDACTED]' attorney who negotiated a disposition for the case. The attorney offered to not go forward on a pending IA complaint if the case is dismissed. Galvin wrote this offer in his notes. Galvin said that based on her having no record and the actual facts of the case, he was willing to dismiss the case if she accepts a donation to the victims fund and community service. Galvin said that he is not involved in th IA complaint report and this was offered by the attorney.

██████████

End of Memo

On January 13, 2016 ██████████ came to the station with her attorney Noah J. Kilroy and her mother ██████████. I met with all three of them. Attorney Kilroy stated to me that ██████████s wanted to drop the internal affairs complaint and that she wanted to sign a form stating so. I advised Attorney Kilroy that I had no such form and that the criminal case against ██████████ and the internal affairs complaint she filed are two different things and one has no bearing on the other. He stated that he understood and that ██████████ wanted to drop the internal affairs complaint. I advised Attorney Kilroy, ██████████ and ██████████ that although ██████████ wanted to drop the internal affairs complaint and that she would not cooperate with the investigation I was still obligated to review the complaint and that's what I was going to do. Attorney Kilroy stated he understood and then had ██████████ take a white sheet of paper and had her write that she no longer wanted to pursue the complaint. ██████████ and attorney Kilroy signed it. At this time I advised ██████████ that at the end of my review I would send a letter. Attorney Kilroy requested that he also get a copy of the letter.

I have reviewed the report in regards to ██████████ arrest. The reports from Officer ██████████, ██████████ and Officer ██████████ demonstrate that ██████████ did not cooperate with Officer ██████████ who was investigating a possible wanted person. As he approached the vehicle he smelled an odor of burned marijuana coming from inside the vehicle and that's when he started to question ██████████ who was in the driver's seat. Officer ██████████ states in his report that ██████████ was uncooperative and ██████████ in her complaint states she was cooperative.

On February 4, 2015 I met with Sergeant ██████████ in regards to this complaint. Sergeant ██████████ stated that when he arrived on the call ██████████ was already in custody. He stated he dealt with ██████████ mother ██████████ and ██████████. I asked Sergeant ██████████ if during booking ██████████ had complained to him about excessive force being used on her and he stated no. I further asked him if during booking she had requested to go to the hospital and he stated no. Below is a copy and paste memo from sergeant ██████████

To: ██████████
From: ██████████
██████████

Lt. Costa, I reviewed 15-27984-AR per your request. I do not believe I was on scene when Officer ██████████ placed ██████████ into custody. When I arrived on scene I dealt with ██████████ and ██████████ the mothers of ██████████ and ██████████ respectively. Both mothers were being loud and argumentative thus creating a scene. I spent the majority of my time managing them as to allow the officers on scene to conduct their investigation. I do not remember seeing any injuries or hearing about any injuries to ██████████ while on scene or in booking. I feel the situation was handled appropriately.

End of copy and Paste.

I then met with Officer ██████████ who was on the scene with Officer ██████████. Officer ██████████ stated to me that during the incident ██████████ was very uncooperative and that he and Officer ██████████ had to physically pull ██████████ out of her vehicle and also had to physically struggle with her to put the handcuffs on. He further stated that they had to physically put her in the back seat. I asked Officer ██████████ if at any time did ██████████ complain about being injured and if she wanted to go to the hospital and he stated no. He went on to say that he is the one that transported her into the station and she was just quiet. He stated that the incident was handled appropriately and that he and Officer ██████████ could not have done anything different. Below is a **copy and Paste** of Officer ██████████ report.

Officer ██████████

On 11/1/15 at 2210 hours, I responded from Admiral Kalbfus Road and Hillside Avenue to the area of ██████████ to assist Officer ██████████ who was investigating a suspicious vehicle.

Upon arrival, I witnessed Officer [REDACTED] standing on the driver's side door of a vehicle, asking the female operator of the car to step out. I detected a strong odor commonly associated with Marijuana emanating from the vehicle. Officer [REDACTED] asked the operator, later identified as [REDACTED], to step out of the vehicle several times, to which she refused. Officer [REDACTED] then told [REDACTED] that she was going to be forcibly removed from the vehicle if she did not comply with his request, to which she still refused. At this point Officer [REDACTED] and I reached into the vehicle and removed [REDACTED] who was now actively resisting by trying to pull away from us. Once she was outside of the vehicle, she began to violently pull her arms away from us and reach into her pockets. Officer [REDACTED] and I were finally able to gain control of [REDACTED]s and place her into handcuffs; even after she was cuffed, [REDACTED] was still actively resistive towards Officer [REDACTED] who had to physically place her in the rear of cruiser 14, after she said something to the effect of "I'm not getting in that car." At this point, Sergeant's [REDACTED], [REDACTED] and Officers [REDACTED] and [REDACTED] arrived on scene.

Sgt. [REDACTED] stood by with the female passenger of the vehicle, identified as [REDACTED], while Officer [REDACTED] and I searched the vehicle for the suspected Marijuana. Inside of the vehicle I found multiple fragments of Marijuana scattered throughout the interior of the vehicle, as well as a number of "stems" in the cup holder on the door of the passenger's side. I also found a small baggy of Marijuana inside of the glove compartment, well within the reach of [REDACTED]

Officer [REDACTED] issued [REDACTED] a summons for the Marijuana and I transported [REDACTED] to NPD for booking. [REDACTED] was booked and photographed by Sgt. [REDACTED], searched and uncuffed by Sgt. [REDACTED] and finger printed by Officer [REDACTED]. [REDACTED] was given a phone call and placed into cell 7, which was search prior by Officer [REDACTED] for weapons or contraband, with negative results. [REDACTED] was given a blanket and secured in he cell.

End of Copy and paste.

On February 4, 2015 I interviewed Officer [REDACTED] in regards to this complaint. I asked Officer [REDACTED] about the force that was used to arrest [REDACTED] and he stated that the appropriate force (which was minimal) was used. He stated that she refused to cooperate with him and Officer [REDACTED]. Officer [REDACTED] further stated he stood by his report. (Below is a **copy and paste** of Officer [REDACTED] report)

[REDACTED]

On Sunday, November 1, 2015, I was assigned to the Housing Detail. At approximately 2210 hours, I observed a silver vehicle [REDACTED] parked with it's left wheel to the curb, in front of 77 Hillside Ave. I observed that there were two occupants in the vehicle. I ran the vehicle registration on my MDT and learned that the registered owner, [REDACTED], had an active bench warrant.

As I approached the vehicle I detected a strong odor of burnt marijuana emanating from the inside of the vehicle. The occupant in the drivers seat would later be identified as [REDACTED] and the passenger as [REDACTED]. I advised [REDACTED] that she was parked illegally. I then asked [REDACTED] why the vehicle smelled like marijuana and she stated "It's not my car." [REDACTED] began to make a phone call and I asked her to hang the phone up. She ignored my command and continued to make multiple phone calls. Officer [REDACTED] arrive on scene at this time. I advised [REDACTED] to turn the vehicle off and to step out of the vehicle. [REDACTED] stated "nope I am making a phone call to my councilmen uncle and your gonna pay for this." [REDACTED] began to become belligerent and act out as she stated "you have no fucking right right to do this" as she slammed her fists on the steering wheel. I opened the drivers side door and again ordered her out of the car. [REDACTED] continued to ignore my verbal commands and continued to make phone calls. I then advised her that if she refused to exit the vehicle I would physically remove her. [REDACTED] again ignored my verbal commands. At this time I took control of [REDACTED] left arm and began to pull her out of the vehicle. While doing so, [REDACTED] began to exit the car and stated "I'm leaving", I ordered [REDACTED] not to move and she complied. As I was removing [REDACTED] she was pulling away from my grip and refused to keep her hands behind her back. I held her against the side of the car and she tried pushing herself off of it while I tried to place handcuffs on her. I was able to get the handcuffs on her and I then searched her incident to arrest. I then escorted her to cruiser #14. When we arrived to the rear of cruiser #14 [REDACTED] refused to get in and and stated "I am not getting in that car" as she stiffened up her body. I advised her if she did not get in I would have to physically put her in. [REDACTED] continued to maintain a stiff posture and I had to lift her off the ground by grabbing her upper arm area and placed her in the vehicle.

I then removed [REDACTED] from the vehicle, at which time her mother, [REDACTED] arrived on scene. Officer [REDACTED] arrived shortly after and stood by with [REDACTED]. When I removed [REDACTED] from the vehicle she initially kept her hands in her pocket and was refusing to allow me to search her. She then complied and I had her empty the contents of her pockets which I also checked. Inside of her right coat pocket was a small silver pouch which contained 5 small suspected burnt marijuana cigarettes which are commonly referred to as a "roach". Inside that same pocket were two five dollar bills which were crumpled up into a ball. I unraveled the bills and discovered a small amount of green leafy substance suspected to be marijuana. This search was conducted in the presence of [REDACTED]. [REDACTED] denied that it was hers and did not know where it came from. I seized the marijuana along with the five dollar bills that it was wrapped up in and the silver wallet. I then had [REDACTED] stand by with Sgt. [REDACTED] who was now on scene as well as Sgt. [REDACTED]. At this point there were several bystanders and [REDACTED] continued to yell and scream at the officers on scene and interfered at times with their efforts.

[REDACTED] and I searched the vehicle at this time. A search of the vehicle revealed a small plastic baggie which contained green leafy substance suspected to be marijuana. This was found by me in the glove box of the vehicle. There was also fresh remenace of marijuana along the passengers side door handle and on the floor of the drivers side of the vehicle. Nothing further was found.

At this time I issued summons # 15303500407 for RIGL 21-28 4.01 (C) (IV) Possesion of Marijuana, 1 Oz or less, under 18 years old to [REDACTED]. Due to the fact that [REDACTED] was under 18 I reviewed this summons with her in the presence of her mother, [REDACTED]. I advised [REDACTED] of the mandatory RITT court date of 11-12-15 at 1100 hours. Both [REDACTED] and [REDACTED] stated they understood the terms of the summons and [REDACTED] was released to her mother on scene. I seized all suspected marijuana and transported it to NPD, where it was later field tested by me. I conducted individual tests for the the marijuana which were both positive. I photographed the results with OIC camera #1.

At this time Officer [REDACTED] transported [REDACTED] to NPD for booking. Sgt. [REDACTED] completed the booking process and Sgt. [REDACTED] searched [REDACTED]. Sgt. [REDACTED] photographed [REDACTED]s and I fingerprinted her. She then made a confidential phone call and was then placed into cell #7. I issued [REDACTED] summons #15303500408 for RIGL 21-28 4.01 (C)(2) (III) Possesion of marijuana 1 oz or less by person 18>-(FIRST OFFENSE). This was left with [REDACTED] personal property.

I entered the marijuana into property and it was secured in the cellblock depository by me. The silver wallet and two \$5.00 bills were also entered into property by me and secured in locker #10.

At 0140 hours, Sgt. [REDACTED] and I released [REDACTED]. She was issued a district court summons and advised of her mandatory 2nd district court date of 11-18-15 at 0830 hours. She stated she understood and promised to appear in court. She was released without incident.

End of Copy and paste.

I than asked Officer [REDACTED] that if at any time did [REDACTED] complain of being injured and wanting to go to the hospital and he stated no. He stated that during the incident she was uncooperative but when she got to the station she was cooperative. I informed Officer [REDACTED] of [REDACTED] complaint about him using brutal excessive force and he stated he did not.

Charges and Specifications:

J. PROHIBITED CONDUCT

The following acts, actions, or activities by Department personnel are prohibited or restricted:

49. Unnecessary Force – The use of more physical force than that which is necessary to accomplish a proper police purpose. Officers will use force only when required in accordance with law and Departmental procedures.

Findings: Based on the fact that the complainant [REDACTED] refuses to cooperate and voluntarily withdrew her complaint and the fact that Officer [REDACTED] and Officer [REDACTED] both state that [REDACTED] was uncooperative during the incident and the fact that the officers reports demonstrate that the proper force was used with no other facts to contradict their reports I find this complaint to be Not Sustained.

Gary T. Silva - Chief of Police 02/09/16

I have reviewed this matter and endorse the findings and conclusions. No further action is required and this is the final disposition.**END**