



CITY OF CRANSTON
DEPARTMENT OF POLICE
5 Garfield Avenue, Cranston, Rhode Island 02920
Office of Professional Standards

To: Colonel Michael J. Winqvist
From: [REDACTED]
Date: 29 JUNE 2015
Subject: OPS Case # 15-9

Complainant:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Nature of Complaint:

The complainant [REDACTED] alleged various types of misconduct [REDACTED] as a result of a keep the peace call on [REDACTED]

Investigation:

On [REDACTED] was dispatched to [REDACTED] residence, [REDACTED] for a "keep the peace" call [REDACTED] spoke to [REDACTED] who informed her that he wished to retrieve a power washer and box truck belonging to him from his wife's residence. While [REDACTED] was speaking to [REDACTED] [REDACTED] aggressively knocked on the front door [REDACTED] and questioned her as to what was taking so long [REDACTED] explained the situation and instructed him to return to his property or face arrest for disorderly conduct. [REDACTED] requested that another officer respond to assist her and subsequently requested the presence of a supervisor. [REDACTED] and [REDACTED] arrived on scene to assist [REDACTED]

retrieved the power washer; however the key to his box truck couldn't be located. requested to retrieve a chain to facilitate the towing of his truck from property. Efforts to locate the chain in the shed failed, causing to approach the rear of the residence where was standing by with . The encounter deteriorated quickly, prompting to direct to leave the property. requested that provide her name to which she responded by pointing to her badge and telling him that it was reported that as she walked out of the rear yard her foot came into contact with his foot due to their close proximity, prompting him to accuse her of kicking him. In an effort to de-escalate the situation, responded back to residence and allowed and to deal with .

then divulged that she had received information from one of former employees that had entered her residence and stolen jewelry and assorted items that he was keeping at a friend's house with his firearms. had reported the theft back in February also claimed that the ex-employee also told her that had a spare key to her car and planned to plant illegal drugs in it. responded into Headquarters and spoke to relative to the night that he seized firearms from house. recalled seeing assorted silverware in with the firearms but was unaware of any complaint at the time. The information was forwarded to and for further investigation.

On 5-6-15 this investigator received a Citizens Complaint form completed by from the Office of Constituent Affairs in City Hall. The disjointed complaint narrative made multiple allegations against multiple officers and indicated that audio and video recordings were available (refer to attached complaint). requested video footage from the detention area on the night of his arrest and wrote that he was unlawfully held at the ACI for one month due to the illegal procedures of the Cranston,

Police Department. [REDACTED] desired resolution was "relief from further unwarranted harassment of [sic] the Cranston Police".

This investigator attempted to retrieve the video footage from the afternoon of [REDACTED] arrest. [REDACTED] was unsuccessful due to the system's retention period of approximately 26 days.

This investigator contacted [REDACTED] via telephone the following morning [REDACTED] to set up an interview prior to a scheduled vacation to prevent the potential loss of any audio or video evidence. [REDACTED] arrived at headquarters alone approximately 15 minutes after informing me that he would respond in with his attorney in the afternoon. [REDACTED] was interviewed by this investigator in OPS office 243. He began by describing his wife's political affiliations and her relationship to the [REDACTED]. [REDACTED] Throughout the course of the interview [REDACTED] veered off topic and attempted to place blame for his current situation on his wife and her affiliations. He lauded certain officers while complaining about others. [REDACTED] complaint encompassed different incidents [REDACTED] and [REDACTED] involving multiple officers. He complained that his firearms were improperly seized from a neighbor and he was not afforded his constitutional rights or a phone when he was "unlawfully arrested" on [REDACTED]. He also complained that [REDACTED] acted unprofessionally by calling him profane names, kicking him and failing to provide him with her name on [REDACTED]. [REDACTED] stated that his wife's residence was equipped with a Cox Communications video system and that the entire incident would have been recorded.

[REDACTED] had a digital voice recorder in his possession and allowed me to listen to a segment of the recording made on [REDACTED]. [REDACTED] sounded flustered and was curt with [REDACTED]. The recording corroborated his statement that [REDACTED] only provided him with her badge number and not her name despite his request; however it did not capture [REDACTED] using any profane language.

Due to [REDACTED] complaint encompassing two (2) separate incidents on different dates it was determined that they would be assigned individual investigation numbers. The complaint relative to the "keep the peace" call on [REDACTED] will be handled in this investigation. The complaint stemming from the [REDACTED] encounter [REDACTED] was addressed in OPS 15-8.

This investigator interviewed [REDACTED] via telephone on 5-11-15 relative to [REDACTED] keep the peace call. [REDACTED] recalled the encounter and how [REDACTED] initially requested another officer followed by a supervisor due to [REDACTED] behavior. She denied that [REDACTED] directed any profanity at, or kicked [REDACTED]. [REDACTED] had looked into having a video system installed by Cox Communications but had not followed through due to the expense. She had however positioned a game camera in the rear yard facing a shed where [REDACTED] tended to hide. She informed me that the camera had not captured the [REDACTED] incident. [REDACTED] commended the officer's professionalism throughout the ordeal, a sentiment that she reiterated when I subsequently responded to her residence to verify the absence of security cameras.

On 6-4-15 [REDACTED] was interviewed in OPS office #243. [REDACTED] responded to [REDACTED] on [REDACTED] at the request of [REDACTED]. He initially spoke to [REDACTED] and subsequently to [REDACTED]. [REDACTED] complained that [REDACTED] had acted unprofessionally and kicked him. [REDACTED] questioned [REDACTED] about the assault and use of profanity allegation and she denied both. [REDACTED] was questioned regarding the assault allegation and denied witnessing any such behavior. [REDACTED] spoke to [REDACTED] and informed him of how to go about filing a complaint with the Office of Professional Standards should he choose to do so.

On 6-8-15 Officer [REDACTED] testified that he had responded to [REDACTED] to assist [REDACTED] on a keep the peace call. He described [REDACTED] as upset and frustrated while on scene and that he believed he heard her direct the word "asshole"

at [REDACTED] as she was trying to usher [REDACTED] out of the rear yard. [REDACTED] was not "100 percent" sure of what he heard but believed that was what she said.

[REDACTED] was present for but did not witness the incident that resulted in [REDACTED] accusing [REDACTED] of kicking him. [REDACTED] heard [REDACTED] ask [REDACTED] to not kick him or call him an asshole to which [REDACTED] responded that she hadn't kicked him [the audio provided by [REDACTED] captured [REDACTED] asking [REDACTED] to not kick him, along with her response that she hadn't; yet did not capture [REDACTED] making any reference to being called an asshole]. [REDACTED] believed that [REDACTED] had stumbled while escorting [REDACTED] out in a hurried manner leading to the contact.

On June 16, 2015, [REDACTED] was interviewed by this investigator. [REDACTED] was accompanied by [REDACTED]. [REDACTED] recalled responding to [REDACTED] on [REDACTED] 2015 for a keep the peace call. [REDACTED] testimony was consistent with that of her report narrative filed relative to the incident. [REDACTED] explained how her feet came into contact with [REDACTED] as she escorted out of the rear yard and denied intentionally kicking him. [REDACTED] testified that she didn't recall using any vulgarities towards [REDACTED] yet she admitted to not providing him with her name upon his request. [REDACTED] explained that she was uncomfortable in providing her name as she felt [REDACTED] was mentally unstable posing a potential safety issue.

Conclusion:

This investigation did not reveal any evidence supporting [REDACTED] allegation that [REDACTED] intentionally kicked him. The available evidence indicated that the contact was inadvertent as a result of their close proximity as [REDACTED] tried to usher [REDACTED] away from the residence.

This investigation did not reveal any viable evidence supporting [REDACTED] allegation that [REDACTED] acted unprofessionally by virtue of calling him a "douchebag". While [REDACTED] testified that he believed he heard [REDACTED] call [REDACTED] an "asshole"; the timeframe in which [REDACTED] believed he heard the comment was captured by [REDACTED] audio recording and did not corroborate [REDACTED] recollection.

The available evidence determined that [REDACTED] was impatient and refused to provide [REDACTED] with her name upon his request in violation of the following:

130.00 – Rules and Regulations

VII. Required Conduct

- h. All officers and employees shall be courteous and considerate to the public, to their superior officers and to their fellow officers and 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.*
- o. All officers shall carry their badges and identification cards on their person and verbally identify themselves over the phone while on duty, except when impractical or dangerous to their safety or to an investigation.
 - i. *They shall furnish their name and badge number to any person requesting that information, when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.*

This aspect of the complaint is classified as SUSTAINED

Attachments:

- Letter of commencement mailed to [REDACTED] dated 5-7-15
- Citizens Complaint Form completed by [REDACTED] (copy)

- IMC Main Name Index for [REDACTED]
- IMC Offense Report # [REDACTED]
- IMC Offense Report # [REDACTED]
- IMC Arrest Report # [REDACTED]
- Family Court Protection Order [REDACTED]
- RI Criminal History Report - [REDACTED]
- Transcript of [REDACTED] interview dated 05-07-15
- Transcript of [REDACTED] interview dated 5-11-15
- Interview acknowledgement form signed by [REDACTED]
- Notification of Rights & Responsibilities form signed by [REDACTED]
- Transcript of [REDACTED] interview dated 6-4-15
- Interview acknowledgement form signed by [REDACTED]
- Notification of Rights & Responsibilities form signed by [REDACTED]
- Transcript of [REDACTED] interview dated 6-8-15
- Interview acknowledgement form signed by [REDACTED]
- Notification of Rights & Responsibilities form signed by [REDACTED] dated 6-19-15
- Notification of Complaint form signed by [REDACTED] dated 6-19-15
- CPD G.O. 130.00 Rules & Regulations
- Printout from I.S.D. documenting the policy revisions and distribution dated 6/6/14.

Respectfully submitted,

[REDACTED]

[REDACTED]
Office of Professional Standards



CITY OF CRANSTON
DEPARTMENT OF POLICE
5 Garfield Avenue, Cranston, Rhode Island 02920
Office of Professional Standards

To: Colonel Michael J. Winquist
From: [REDACTED]
Date: 8-20-15
Subject: OPS Case # 15-11

Complainant:

[REDACTED]

Nature of Complaint:

On [REDACTED] sent a written complaint to the Office of Professional Standards (OPS) through the Mayor's Office [REDACTED] alleged that on [REDACTED] she called the police multiple times to complain about fireworks in her neighborhood and near her home. She stated that after four calls, the police never responded, a female dispatcher was rude to her and "a male dispatcher seemed unconcerned."

Investigation:

On [REDACTED] was transferred to OPS and took control of this investigation from [REDACTED] advised that he spoke, via telephone, with [REDACTED] and she reiterated the same concerns which she noted in her written complaint.

[REDACTED] reviewed the records which were compiled by [REDACTED] Those records include the Citizen Complaint Form completed by [REDACTED] the dispatch log from [REDACTED] the transcript of the four calls made to dispatch, and the RACAL audio recording of those transcripts. [REDACTED] also reviewed departmental policies which may have been violated.

The Department's electronic attendance system (ISE) indicated that Dispatchers [REDACTED] and [REDACTED] were working during the date and time which was specified by the complainant.

By referencing the RACAL recordings and the dispatch log, it was determined that the first call, from what is believed to be the complainant (she does not positively identify

herself during any of the calls), was received at [REDACTED] hours on extension 5050. The dispatcher for this call was identified as [REDACTED]

The transcription of the conversation is as follows:

[REDACTED] "Cranston Police..."

[REDACTED] "Hi, is it against the law to be using those loud bombs and aerial fireworks...?"

[REDACTED] "Yeah, where is it...?"

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] "Alright, I'll have somebody check it..."

[REDACTED] "Thank you..."

[REDACTED] "Yup..."

According to the call log it appears that this call was not entered into the computer system to be dispatched.

The second call was received at [REDACTED] hours on extension 5050. The dispatcher for this call was again identified as [REDACTED]

The transcription of the conversation is as follows:

[REDACTED] "That's delightful...Cranston Police..."

[REDACTED] "Hi, someone needs to get over to Harwood Street..."

[REDACTED] "Yup..."

[REDACTED] "They have the loud bombs going..."

[REDACTED] "Yup..."

[REDACTED] "There's a smell of smoke in the whole neighborhood..."

[REDACTED] "Okay..."

[REDACTED] "Thank you..."

According to the call log it appears that this call was not entered into the computer system to be dispatched.

The third call was received at [REDACTED] hours on extension 5052. The dispatcher for this call was identified as [REDACTED].

The transcription of the conversation is as follows:

[REDACTED] "Cranston Police [REDACTED]"

[REDACTED] "I called about 20 minutes ago and something has to be done about [REDACTED] and the display that's going on here. My pets are sick, I've called 3 times and it's still going on..."

[REDACTED] "Okay, we'll get somebody over there, Ma'am..."

[REDACTED] "Are you sure...?"

[REDACTED] "I'm working on it, Ma'am, we got other things that are going on in the City..."

[REDACTED] "Well, this is against the law too..."

[REDACTED] "So..." (Audio stopped)

According to the call log it appears that this call was entered into the computer system by [REDACTED] to be dispatched at [REDACTED] hours, and then cleared by [REDACTED]. However, it does not appear that a car was dispatched. "No Action Required" was entered in the disposition for the call.

The fourth and final call came in at [REDACTED] on extension 5050. The dispatcher taking this call was identified as [REDACTED]

The transcription of the conversation is as follows:

[REDACTED] "Cranston Police..."

[REDACTED] "I'm calling in regards to the Harwood Street fiasco. Is anyone going to stop what's going on with fireworks?"

[REDACTED] "They're working on it, Ma'am.

[REDACTED] "I don't believe you; I'm calling the Mayor on Monday.

[REDACTED] "You know what? I hope you do. Have a good night.

A call, it is unknown if it was related to this call for service, was entered into the system by [REDACTED] or [REDACTED] with a narrative indicating "fireworks and smokey backyards....same caller 4x." (This intersection is approximately 4/10 of a mile from [REDACTED] While the address for this call is not [REDACTED] the information entered into the call appears consistent with the information from the [REDACTED] caller. It should be noted that the call times do not appear consistent between the dispatch log and the RACAL System.

The call was dispatched to [REDACTED] at [REDACTED] [REDACTED] also arrived on scene at [REDACTED]. The call was cleared out by [REDACTED] at [REDACTED] with a "could not locate" disposition in the call log. No other calls for service to Harwood St. were located in the dispatch log through [REDACTED]

On 8-3-15 at a 1617, [REDACTED] interviewed Dispatcher [REDACTED] who was working channel two, as the primary call taker that evening. This position would require him to field telephone calls and enter calls for service into the computer as they were received. [REDACTED] could have also been responsible for running registration plates, operator licenses and persons, as well as entering warrants and wanted subjects and disseminating all information to officers via channel two. Please refer to his transcribed interview for details.

On 8-12-15 at 1619 [REDACTED] interviewed Dispatcher [REDACTED] who was working on channel one, the primary dispatch channel, during this shift. His only responsibility on channel one is to dispatch calls, communicate with officers on the road and clear the calls out when complete. Please refer to his transcribed interview for details.

On 8-13-15 at 1826 [REDACTED] interviewed Dispatcher [REDACTED] who was working as call taker during this shift. Her only responsibility was to answer telephone calls coming into dispatch, entering calls for service into the computer as they were received, and supplementing Channel 1 and 2 when necessary. Please refer to her transcribed interview for details.

Pertinent facts that were obtained from the interviews are as follows:

- ✓ There was minimum manning of 8 officers for this shift.
- ✓ There has been a past practice for approximately 20 years of not dispatching cars to calls for fireworks on [REDACTED] unless at least 2-3 calls are received for the same area, due to the volume of calls for fireworks that are received on [REDACTED]
- ✓ Dispatchers were following the same procedure this year, but if they learned the fireworks were aerial, they would place the call in right away, and not wait for multiple calls, due to the fact that aeriels are still illegal.
- ✓ Multiple calls for service for serious calls such as an attempted suicide by stabbing, an MVA with a possible OUI operator, a large disturbance which became a medical emergency when one of the participants began to experience chest pains (all but one vehicle was tied up on this call because of the large size of the crowd) and another simultaneous disturbance were all being handled at the same time by the eight cars in service.
- ✓ [REDACTED] stated that he believes that he may have inadvertently cleared the call out for [REDACTED] believing it was related to one or more of the other calls that were happening at the same time.
- ✓ All dispatchers interviewed advised [REDACTED] that the dispatch room was chaotic during that shift, due to the volume of calls that were coming in at the same time. They indicated that this is supported by the fact that [REDACTED] was answering the phones and entering calls while working Channel One.
- ✓ [REDACTED] indicated that she, at times, had multiple calls on hold while others were coming in due to the high call volume, and that is in addition to the calls that the other two dispatchers were fielding.
- ✓ [REDACTED] advised that he attempted to explain to the caller why it was taking so long for a car to respond to her call, but she cut him short and then hung up on him.

✓ [REDACTED] stated that during the last call, although it was extremely busy, she too would have attempted to explain the delay to the caller, but she cut her off saying that she was going to call the Mayor's office. [REDACTED] indicated that this certainly is her right as a tax payer and she told her to go ahead and do that. She stated that she responded in this manner because of the caller's demeanor being very angry and argumentative. Before she could say anything else, the caller hung up on her.

Conclusion:

OK [REDACTED] called Cranston Police four times beginning at [REDACTED] with the last call coming in at 2149hrs. Her request was for a police car to respond to [REDACTED] for fireworks. Two of the four calls appear to have been entered into the system, however, one appears to have been entered for [REDACTED] at [REDACTED] instead of [REDACTED]. There were a series of other events which led to the police not being dispatched to [REDACTED].

During the time of [REDACTED] calls, there were several high priority calls taking place which took precedent over her call for fireworks. The call volume was extremely high, with all three dispatchers fielding multiple calls at the same time. There was minimum manning of 8 cars for the shift. The dispatchers described the dispatch room as chaotic during the shift because of call volume and the low number of police cars on duty. As a result, mistakes were made in entering the calls and failing to dispatch a car to these calls. It appears that at least one of [REDACTED] calls was inadvertently cleared out of the system prior to a car being dispatched due to the fact that [REDACTED] believed the call to be associated with another call for aerial fireworks in what he believed to be the same area.

[REDACTED] and [REDACTED] described [REDACTED] demeanor as "short" and "frustrated." Both dispatchers attempted to explain to [REDACTED] the reason for the delay in getting a car to her, but she didn't listen. [REDACTED] advised that the caller hung up on him and [REDACTED] explained that when she told the caller "they're working on it ma'am" the caller responded, "I don't believe you. I'm calling [REDACTED] on Monday."

[REDACTED] admitted in her interview that she responded "You know what? I hope you do. Have a good night." [REDACTED] further advised that she actually felt bad for the caller because she realized how frustrated she sounded, and rightly so, but there was nothing she could do at the time because of the call volume, manpower and the number of more serious calls that were taking place at the same time.

The RACAL recording indicates that [REDACTED] was, in essence, "short" with [REDACTED] however, the extenuating circumstances present during this time are worth noting. Also, it appears that there was an oversight on [REDACTED] part in not dispatching a car to [REDACTED] because he believed that this call was connected to another call for aerial fireworks.

While there were at least two mistakes made by the dispatchers in reference to [REDACTED] call, there appears to be no intent on the dispatchers' part to have been discourteous to her. Also, while [REDACTED] admitted that he believed that he made a mistake in clearing this call out before a car was sent, his explanation that he thought it was connected to another call for service that officers were already out on, is plausible. Due to the holiday, call volume, and minimum manning I believe that these dispatchers had no ill intent, but rather honest mistakes were made and they advised that they realize their mistakes.

This complaint is sustained as to [REDACTED] for 130.00 III (i): "Perform police related services as required for the public" and 130.00 VII (j) "...be alert and vigilant in the performance of their duties and respond prudently but decisively when action is required."

Although an explanation was offered, this complaint is sustained as to [REDACTED] for 130.00 VII (d) "All officers and non-sworn employees will be civil...courteous and patient as a reasonable person is expected to be in any situation..."

Attachments:

- Citizen Complaint Form of [REDACTED]
- Transcript of four telephone calls from [REDACTED] dispatch
- Transcripts of Interviews with [REDACTED]
- Transcripts of Interviews with [REDACTED]
- Transcripts of Interviews with [REDACTED]
- CD of the RACAL recordings of the four telephone calls
- Dispatch Log for [REDACTED]
- Copy of G.O. 130.00 Rules and Regulations

Respectfully submitted,

[REDACTED]
[REDACTED]
Office of Professional Standards



**CITY OF CRANSTON
DEPARTMENT OF POLICE**
5 Garfield Avenue, Cranston, Rhode Island 02920
Office of Professional Standards

To: Colonel Michael J. Winquist
From: [REDACTED]
Date: August 24, 2015
Subject: OPS Case # 2015-12

Complainant:

[REDACTED]

Nature of Complaint:

- Unprofessional behavior toward a female identified only as [REDACTED] by [REDACTED] while at [REDACTED]
- Unprofessional behavior toward [REDACTED] by unknown officer(s) at CPD Headquarters
- False Arrest

Investigation:

In the early morning hours of [REDACTED] [REDACTED] responded to headquarters to file a complaint against [REDACTED] concerning an incident that occurred at [REDACTED] earlier in the evening. In his complaint [REDACTED] claims that while he was at headquarters waiting to file the complaint against [REDACTED] other officers "threaten[ed] to arrest me." He felt this this was "unacceptable."

The complaint the [REDACTED] filed against [REDACTED] is due to the arrest of a female name [REDACTED] which took place during a large disturbance that occurred at [REDACTED] earlier that evening. During the disturbance [REDACTED] approached a vehicle in the [REDACTED] parking lot and attempted to arrest the female, who was inside the vehicle [REDACTED] noted in his report that he did draw and point his Conducted Electrical Weapon (CEW) at the female because she was refusing his repeated commands to step out of the vehicle. He indicated that he took this action for officer safety purposes due to the seriousness of the disturbance and the large unruly crowd [REDACTED] also noted in his report that he had serious officer safety concerns due to the fact that he was unable to see inside the vehicle to determine how many people were in the vehicle and if they were in possession of any weapons.

[REDACTED] complaint concerns not only the female who had the CEW pointed at her, but also a male party that was inside the same vehicle, who "opened the opposite door and [the police] immediately arrested him." It appears from [REDACTED] statement that he may have been one of the occupants of the vehicle, but because he did not call me back, I was unable to determine this for certain. As of this date, the male and female that were arrested have not filed complaints with the Office of Professional Standards.

On 8-3-15, I received the complaint, which was taken by [REDACTED] on 8-1-15. On 8-3-15 I retrieved the dispatch logs and the reports that are associated with the arrests at [REDACTED] as well as the arrest from a disturbance at Police Headquarters which occurred later that morning, and which involved some of the same parties from the [REDACTED] disturbance. I burned to disc, all of the RACAL transmissions concerning the [REDACTED] call and the subsequent incident at headquarters. I also requested that [REDACTED] retrieve and preserve the video from the front lot of HQ from [REDACTED] then contacted [REDACTED] at the number listed in his complaint [REDACTED] and left a message requesting that he contact me in reference to this matter.

On 8-6-15 at approximately 1630, I again contacted the complainant at the telephone number he provided on the complaint form. A male party answered and apparently yelled to [REDACTED] but he did not come to the phone. A second male got on the telephone and I again identified myself and asked to speak with [REDACTED] I was told he could not come to the telephone because he was "up in a tree." I did hear what sounded like chain saws running in the background. I advised the second male of my name and title and advised him to tell [REDACTED] [REDACTED] was calling him concerning his OPS complaint. The male stated he would tell [REDACTED] I called. I advised him that [REDACTED] could call me back at his convenience. As of this date, I am awaiting the return from vacation of [REDACTED] so that he can review the complaint and determine if an investigation shall ensue.

On 8-11-15 I advised [REDACTED] about the complaint and provided him with the pertinent data. I further advised him that I had attempted to speak with the complainant on two occasions, but I have yet to hear back from him. He advised me to attempt to contact him again, and if he did not return my call, the case could be investigated and closed without further cooperation from the complainant.

On this date at approximately 1550 hours, I called [REDACTED] third time at the contact number he listed on his complaint, and again, got his voicemail. I left a message for him indicating that I was still attempting to reach him to discuss his complaint. I further advised him that if I do not hear back from him by Friday, August 14, 2015, I would have to assume that he did not wish to further pursue this complaint, and the complaint would be closed.

On August 17, 2015 I mailed a letter to [REDACTED] at the address he provided on his complaint form. The letter indicated that I had been attempting to reach him but he had failed to respond. I further advised him that if I did not hear back from him by August 24, 2015 I would close the investigation.

Conclusion:

Due to the fact that I did not hear back from [REDACTED] by August 24, 2015, I completed the investigation without interviewing him. [REDACTED] report was complete and concise, and as a result, I did not need to interview him for any further information.

The RACAL recordings indicate that on [REDACTED] there was an extremely large disturbance outside [REDACTED] with several people simultaneously getting arrested. Detail officers called for backup units to assist, and even after Cranston Police backup units arrived, the officers called dispatch to have Warwick Police respond for mutual aid assistance. There was a large amount of noise in the background of the officers' transmissions, which was consistent with a large disturbance. Eventhough several people were arrested at [REDACTED], none of the arrestees made a complaint with the Office of Professional Standards concerning their arrests.

After review of all evidence available to me at this time, it appears that [REDACTED] actions during this incident, including the arrest of [REDACTED] and the presentation of his CEW in order to effectuate the arrest, were consistent with Department Policy as well as Federal and State Law. His actions were clearly documented and justified in his arrest report.

Since [REDACTED] chose not to cooperate with this investigation after making his initial complaint, there was not enough information provided by the complainant to follow up on actions of any police officers at headquarters.

Based on the facts contained in the IMC Reports, review of the RACAL tapes of the incident, the dispatch log and the fact that neither arrestee made a complaint against [REDACTED] or any other member of the department, this investigation is closed as *exonerated*.

Attachments:

- Citizen Complaint Form of [REDACTED]
- Letter of Initiation dated August 17, 2015
- Dispatch Log for [REDACTED]
- RACAL Recordings of Incident
- Copy of G.O. 130.00 Rules and Regulations
- Copy of G.O. 310.01 Use of Force and Shooting Review
- Copy of G.O. 140.01 Headquarters Security and Maintenance
- Copy of G.O. 390.10 Special Details
- Completed IMC Reports for arrests at [REDACTED] and Police Headquarters
- Letter of Completion dated August 24, 2015

Respectfully submitted,

[REDACTED]
Office of Professional Standards



**CITY OF CRANSTON
DEPARTMENT OF POLICE**
5 Garfield Avenue, Cranston, Rhode Island 02920
Office of Professional Standards

To: Colonel Michael J. Winquist
From: [REDACTED]
Date: 02-01-2016
Subject: OPS Case # 2015-13

Complainant:

[REDACTED]

Nature of Complaint:

Complainant alleges that he called 911 to report a road rage incident and being assaulted by a female in another vehicle. After the police responded, he was arrested and his vehicle was towed. He is alleging false arrest, mistreatment, and marks on his hands from the handcuffs. He claims that the staff at the ACI observed the marks, but he did not bring it to their attention. He also did not seek medical attention and the marks were not photographed. He also alleges that his vehicle was damaged upon its return and there were items missing from the vehicle.

Investigation:

On 8-11-15 I reviewed this complaint with [REDACTED] and was advised to open an investigation. I reviewed and printed all associated reports and at 1635 I spoke via telephone with the complainant. [REDACTED]

[REDACTED] related the facts as he sees them, of what transpired that day. However, his story changed throughout the conversation. At first he indicated that he called the police because the vehicle was following him and harassing him, then he stated that he called because he believed the occupants of the vehicle were drunk, a third time he said he called because he was assaulted by the female occupant of the other vehicle. When I asked him what he reported to 911 and to the CPD Dispatchers, he stated he wasn't sure but suggested that I "listen to the tape because my lawyer's already got it and he's going to be listening to it."

As I attempted to ascertain information for my investigation, he continually interrupted me saying that my questions were "neither here nor there." As the conversation progressed, his tone became very dismissive and condescending. When I attempted to explain to [REDACTED] that this was pertinent information which I needed for my investigation, he became even more defensive and stated "all you need to know is that I was wrongfully arrested and I plan on fighting it, and I plan on getting compensation for the damage to the car and my missing property."

When I asked him about the situation with his vehicle, he stated that he had a loaner car with FL. Dealer plates and the officer told him he was going to leave it in the parking lot, but then it got towed and when the vehicle was returned to him it was "messed up." I then attempted to clarify that he did not own the vehicle and he replied "what's that got to do with anything. What does it matter who owns it?" I then explained that this is pertinent to my investigation and I have to be able to document ownership of the vehicle. I also asked him what he meant when he said that the car was "messed up." He replied that "they towed it wrong and it 'messed up' the gears."

I also reminded him that he alleged in his complaint that an item was missing from the vehicle, and asked him to expound on that. He stated "yeah, I had a hunting knife that was worth \$100 on me and the officer said he was going to put it on the floor of the car, because if I took it with me to the ACI it would just get thrown away." I specifically asked him if his allegation was that officers took the knife and he stated "no, the officer said he was going to put it on the floor in the front seat, but when I got the car back it wasn't there. I'm also missing a pair of aviator sunglasses from the car too." I again asked him if his complaint was that the officers took property belonging to him and he stated "no but the tow company could have. It was there for two weeks while I was locked up."

When I asked him why he had a loaner car he said that his was in the shop for repair and the repair shop gave him a loaner with a FL dealer plate. I asked him what shop it was and he hesitated, and then said "my son-in-law owns a repair shop." I asked him the name and he again said, very defensively, "that's neither here nor there; the shop has nothing to do with this." I attempted to explain why it's important for him to try to answer my questions as thoroughly as possible, since I am attempting to conduct a thorough investigation. I pressed him again for the name of the "shop" and he very curtly answered [REDACTED]. I asked him where that was located and he stated "it really doesn't matter where the shop is located, that has nothing to do with my complaint." He then replied, "Look all I'm trying to do is get compensated for the damage to the car and the stuff that I'm missing and I intend to get my lawyer to do that." I explained to him that I understood that, but I also needed to ask him a series of questions so that I could ascertain as much pertinent information as possible concerning his complaint. I again asked him where [REDACTED] is located and he stated Johnston.

As the conversation continued he became more and more argumentative and defensive and at one point said, in an extremely patronizing tone, "listen, why don't you just listen to the tapes and then get back to me and we'll talk again." I advised him that I certainly intended to do that, and once I did all of my background investigation I would have him come in for a taped interview with me. He stated "go ahead, and I'll bring somebody in with me as a witness, this conversation we are having now is probably taped too." I advised him it was not. He then stated "well, listen, I'm busy right now and I need to go so why

don't you listen to the tapes and call me back because I have to go to [REDACTED] tomorrow and I'm busy right now." I asked him if he was too busy to answer a few more questions I had concerning his complaint and he said "yup, why don't you call me and I'll make an appointment to sit down with you, and I'll bring someone in as a witness and we'll talk more then."

It was clear that he was attempting to intimate that he didn't trust me and that I was taking the officers side because I was asking questions that he believed had nothing to do with his complaint. All of my efforts to explain to him that I needed as much background information from him as possible so that my investigation would be thorough were futile and he just became more, and more defensive.

It should be noted that as he was explaining his version of events, he admitted to pulling into the parking lot of [REDACTED] and "waiting" for the other vehicle, and then following the other vehicle and eventually blocking the other vehicle in so that they could not leave, while he was waiting for police to arrive.

He also admitted that while they were all still on scene, an officer attempted to look for his telephone that the other suspect tossed away at the scene. He stated that one officer even came over to the other officers and asked to borrow a flashlight so he could look for the phone which was thrown away from the vehicles by the other suspect when [REDACTED] told the male and female that he was calling the police.

When [REDACTED] denied to me that he had struck the other male, I advised [REDACTED] that the other male party had injury to his face and there were no independent witnesses and that is why he was arrested. He stated "I didn't hit him; the female probably did because she's the one that hit me. She beat me up and they didn't even arrest her. I hope they didn't leave her there with the keys because they were both drunk." I asked him if he expressed that concern to the officers on scene, and he said "what, what concern?" I said, "That they were drunk." He replied "no, I'm not qualified to say that, that's their job to find that out." I again asked him if he expressed that concern to the officers on scene since he had expressed it to me several times. He then became very defensive again and stated "That really hasn't got anything to do with it. I called in a drunk driver and I was beat up by the girl. I shouldn't have been arrested for doing the right thing and reporting them. I am a pastor and I have no reason to make things up."

His responses continually changed when I pressed him about whether his original call to 911 was for road rage, a drunk driver or being assaulted. I was never able to get a clear answer from him during the telephone call.

He abruptly ended the call by saying he was too busy to talk further and suggested that I "do [my] homework and then call me back so we can make an appointment to sit down and talk further." I advised him that this is what I would do.

On 8-24-2015 I called [REDACTED] at the number he provided on his complaint form and left a message for him to call me back in order to set up an interview date.

On 8-26-2015 I called [REDACTED] at 1215 hours, he said that he would consult with an attorney and get back to me.

On 10-26-2015 I telephoned [REDACTED] at 1220 hours, he said the charges were dismissed and his lawyer should be calling me.

On 11-9-2015 I still had not heard back from [REDACTED] his attorney. I ran [REDACTED] name through BANNER and found that a warrant was issued for his arrest on 11-4-15 due to his failure to appear on 11-2-15.

On 11-09-2015 the investigation was turned over to [REDACTED] as [REDACTED] was temporarily reassigned to the Detective Division as Commander. [REDACTED] temporarily reassigned to the Office of Professional Standards.

On 12-1-15 at 1111hrs. [REDACTED] received a voice message from [REDACTED] questioning whether "the attorney" had contacted me yet. He was requesting that I call him to let him know what the status was so that we could "move this thing forward." The investigation was transferred to [REDACTED] for follow-up. As of this date neither I nor [REDACTED] have received any telephone calls from an attorney indicating that the represent [REDACTED]

On 12/03/2015 I contacted [REDACTED] get clarification on why the charges were dismissed against [REDACTED] with reference to Superior court case [REDACTED]. She advised that charges were dismissed against both parties involved in the arrest case (CPD [REDACTED]) because they were arrested as mutual combatants and could not be compelled to give testimony against the other without violating their respective 5th Amendment rights against self-incrimination. [REDACTED] stated that all parties were in agreement and the case was dismissed because they would not be able to meet the burden of proof at trial without a complaining witness.

On 12/03/2015 at 1551 hours I contacted [REDACTED] by phone and ask him to respond into headquarters for a formal interview concerning the matter, since the criminal case was completed. He stated that I should just listen to the 911 recording and be able to determine that he was falsely arrested. I informed him that I had listened to the 911 recording and needed further clarification concerning the actions of all involved to make a thorough determination of whether the officer's arrest of him was proper or not proper.

I informed him that it was my job to compile and record all information concerning the incident and produce a conclusion of fact that I would present to the Colonel. [REDACTED] stated that 'it sounded like I had already made up my mind' and that he did not think that he responding to headquarters without an attorney would be in his best interest. He stated that he believed that he was going to be blindsided in an interview without his attorney. I advised him that it was not the case. I asked him who is attorney was and when could he come in with his attorney to complete the interview. He stated that he could not afford an attorney and was attempting to look for one that would take him as a client pro-bono. He stated that he had been left in a bad financial situation because of the arrest. He informed me that he would call me

when he got an attorney and abruptly ended the conversation wishing me a good day. I strongly suggest moving forward with the investigation without [REDACTED] as it appears he does not want to participate.

On 12/15/2015 I printed out the Dispatch CAD tow log for the entire day [REDACTED] and found that there was no record of the tan Buick bearing Florida passenger registration [REDACTED] being towed.

On 12/21/2015 I mailed out Witness Notice of Interview Forms to [REDACTED]. On the same day I also mailed out a Written Notice of Complaint form to First reporting [REDACTED], listing him as the subject of the investigation relevant to potential violations of Departmental General Orders/Rules & Regulations 330.41 Motor Vehicle Inventory and 330.40 Vehicle Tow Protocol.

On 12/22/2015 at 1205 hours I received a phone call from [REDACTED] from [REDACTED]. The phone call lasted for approximately 15 minutes and twenty five seconds. During the call [REDACTED] stated that he had thought he had retained an attorney to take his case against the Cranston Police Department, but stated that the attorney's office apparently was not willing to take it. He stated that he had contacted a second attorney's office and that he was requesting to get a copy of the arrest report and a copy of the 911/dispatch RECAL. I advised him that he could get a copy of the report from the records division as they are a matter of public record. I informed him that his attorney could obtain the 911 digital recording with a court ordered subpoena.

I inquired of him as to why he thought he needed an attorney because the criminal case had already been dismissed. He stated that he did not trust the Cranston Police Department and wanted to have his attorney present for any interview. I informed him that he could have an attorney accompany him to the interview, but that the attorney could only participate as far as advising him. I told him that during the interview I would only be addressing him and not the attorney. I advised him that I was preparing to close the case due to his reluctance to participate in the O.P.S. investigation. He again recounted the whole incident, alleging that he should have been never arrested in the first place because he was the one who had called 911 for an alleged drunk driver.

I requested that he listen to me, without getting angry, tried to explain that he was correct in calling 911 for the alleged drunk driver. I further explained to him that his actions may have gone awry when he continued to follow the other driver, blocked the other driver's vehicle in, and then exited his vehicle to confront the other operator, who had reached in [REDACTED] vehicle grabbed his phone and thrown it. I tried to explain that he transformed himself from a reporting observer to a participant that put himself in harm's way and in potential danger. He stated that the dispatcher should have told him not to follow the other driver. I rebutted, "Did the dispatcher ask you to follow the other driver, but you did anyway". He responded "that is not the point they are supposed to be the professionals, they should have told me to stop following".

The conversation continued wherein he stated that [REDACTED] had told him that he could get a copy of the report and the digital RECAL 911 recording. I reiterated our previous topic in the conversation and informed him I would consult with the Captain to verify the information that he had just given me and that I would telephone him back. At approximately 1230 hours 12/22/2015 I spoke

with [REDACTED] and learned that she had not told him that he could get a copy of the 911 RECAL without a court subpoena. She informed me that she had told [REDACTED] that he could get a copy of the report from the records division. She informed me that she had told [REDACTED] previously that he should probably consult with an attorney, due to the fact that the criminal court case, at that time, was still on-going and that she would Mirandize him prior to any interview.

At 1244 hours I telephoned [REDACTED] in the presence of [REDACTED]. I informed [REDACTED] that he was on speaker phone and that the [REDACTED] was sitting within ear shot. He acknowledged that the [REDACTED] was present. [REDACTED] reaffirmed to [REDACTED] that she had not told him he could get the RECAL digital 911 recording without a subpoena; he immediately disagreed with her stating that it was not what she had told him. She responded that it is exactly what she had told him. [REDACTED] again recounted that his life had been ruined by the Departments arrest of him. He stated that he needed the information to give to an unnamed attorney for a case against the Cranston Police Department. The Captain informed him that the O.P.S. investigation was separate and apart from any legal action that he might be pursuing and that his attorney would be able to obtain any information through the Court system; through the proper channels. [REDACTED] recalled for [REDACTED] that she had had numerous telephone conversations with him wherein he stated that he was going to have his attorney contact the O.P.S. office to set up an appointment for an interview, but no attorney had ever contacted her or me since taking over the investigation.

As in previous telephone conversations, where [REDACTED] did not get his own way or felt that you were not in agreement with him, he said that he was very busy and had to meet with the [REDACTED]. It seemed odd to me, in that he had initiated the inquiry with today's phone call, but was too busy to receive the timeliest response, that may not have been the response he was looking for. He said this conversation is going no-where and curtly hung up. Subsequent to the phone call I made Colonel Winquist aware of the outcome and was advised by him to continue with the investigation.

On 01/06/2016 I conducted interviews with [REDACTED]. Prior to beginning all three interviews I provided each one of them their Notification of Rights Pursuant to the LEOBOR form under RIGL 42-28.6-2. Each officer stated that they understood their rights and responsibilities relative to the investigation and signed their respective forms. I provided [REDACTED] with his Notification of Complaint Pursuant to the LEOBOR form under RIGL 42-28.6-2. Signed originals of the forms have been listed under the attachments section of this report and included as part of the investigation. The digital recordings of the interviews were turned over to NIBRS transcriptionist [REDACTED] who subsequently provided me with transcribed copies of the interviews on 01/22/2016. The following information was derived from the interviews.

Interviews:

[REDACTED]
[REDACTED]
Officer [REDACTED] testified that he was working on [REDACTED] and recalled the incident wherein he responded to the intersection of [REDACTED]. He stated that he recalled the incident

was dispatched as a road rage incident and that both vehicles had pulled into a parking lot where a disturbance subsequently occurred. He stated that he was the third officer on scene behind [REDACTED] and did not know what order they had arrived in. He testified that on arrival he observed a gold Buick parked closely behind a pick-up truck and both vehicles were out of the vehicles arguing. He stated that the other officers appeared to him to have the scene under control. When questioned about whether the pick-up truck would have been able to leave if they wanted to; he stated "no". He recalled that both parties were arrested for disorderly conduct and assault.

He stated that he had spoken to one of the parties from the pick-up truck that had a red mark on his neck. [REDACTED] testified the occupant said he was assaulted by the operator of the Buick. [REDACTED] testified that he did not recall whether the operator had any injuries as he only spoke to the occupant of the pick-up truck. [REDACTED] stated that while [REDACTED] spoke to the two individuals that he looked for a cell phone that the operator of the Buick, later identified as [REDACTED] alleged had been taken from him by the other individual, later identified as [REDACTED] and thrown. [REDACTED] reported that he was never able to locate the cell phone in question.

[REDACTED] testified that he never made a search of the car and that he subsequently transported one of the arrested individuals into headquarters and placed him into a cell. [REDACTED] stated that he had no other interaction with the prisoner and that [REDACTED] was tasked with the booking of both prisoners. [REDACTED] stated that he had no knowledge of a knife or pair of sunglasses that is alleged, b [REDACTED] to be missing from his Buick.

[REDACTED] testified that he was working on [REDACTED] and that he and [REDACTED] were dispatched to the intersection of [REDACTED] for a verbal/physical disturbance. He stated that upon arrival he observed that a Buick sedan "was blocking a pick-up truck in the parking lot". When asked about the relative positioning of the two vehicles [REDACTED] later explained that Buick was blocking the pick-up truck. When I asked him whether the pick-up truck would have been able to leave, he stated "no". He stated that he saw a subject later identified as [REDACTED] who was very irate and had a ripped shirt. When I asked [REDACTED] what he meant by irate he stated that he [REDACTED] was very animated with his hands and just kept saying "I want him arrested".

[REDACTED] recalled that [REDACTED] had an injury on his cheek and a ripped t-shirt. [REDACTED] stated that the second subject's, [REDACTED] head was a little red and had a scratch under his eye (unspecified). [REDACTED] reported that [REDACTED] stated that he had been punched in the face by [REDACTED]. [REDACTED] testified that [REDACTED] stated that he had been also assaulted by the female passenger, later identified as [REDACTED], prior to the disturbance on [REDACTED]. [REDACTED] stated that he did not believe that [REDACTED] was impaired when he spoke to him, but stated that he remembered that [REDACTED] may have had some impairment based on his observations.

[REDACTED] testified that his investigation revealed that both parties had minor injuries stemming from the incident. He stated that [REDACTED] was not adamant about pressing charges because he did not know [REDACTED] and would never see each other again. [REDACTED] stated that when he presented the same

opportunity to [REDACTED] he wanted [REDACTED] arrested [REDACTED] stated that he arrested both parties due to not being able to determine fault or [who the primary aggressor was]. When offered the term mutual combatants he stated that he clearly believed they were.

[REDACTED] stated that he took custody of [REDACTED] and [REDACTED] took custody of [REDACTED]. He stated that he remembered both individuals were patted down and that no contraband was found. He stated that he became aware that [REDACTED] phone had been thrown by [REDACTED] but that he and [REDACTED] were unable to locate it. [REDACTED] testified that he called for the tow of [REDACTED] vehicle because it was unregistered and that [REDACTED] was going to remain on scene for the tow truck. He stated that he and [REDACTED] did not have any conversation concerning an inventory search of the vehicle and that he did not recall if one was ever done. [REDACTED] did remember that he had looked into [REDACTED] car due to his close proximity while he was conducting his investigation, but stated that he saw nothing. He stated that he had thought it was odd that he did not see one thing in the car when he looked. [REDACTED] communicated that his search of the vehicle was cursory and not a more in depth inventory search. He stated that he did not know the whereabouts of the alleged missing glasses or knife.

[REDACTED] testified that he was working on the night in question and had responded with [REDACTED] for a report of a disturbance. [REDACTED] stated that he and [REDACTED] arrived first and that [REDACTED] arrived several seconds later. When he arrived [REDACTED] observed two gentlemen outside of their respective vehicles and both were very animated; yelling at one another. [REDACTED] reported that [REDACTED] stated that he was assaulted. [REDACTED] observed that both men had minor injuries that were apparent on their faces. [REDACTED] stated that [REDACTED] T-shirt was also ripped. He described the injuries as scratches and swelling. [REDACTED] observed further that [REDACTED] vehicle was pulled behind [REDACTED] vehicle in the driveway of the parking lot in a way that would have prevented [REDACTED] from leaving the parking lot.

[REDACTED] testified that he spoke to all three individuals including [REDACTED] and a female identified as [REDACTED]. [REDACTED] stated that only [REDACTED] appeared to be intoxicated. [REDACTED] reported that [REDACTED] had reported to the officers that his phone was missing subsequent to [REDACTED] taking it from him [REDACTED] and throwing it. [REDACTED] remembered that he and the other two officers attempted to look for the phone, but were not able to locate it. [REDACTED] testified that both individuals were taken into custody because of the statements made by both males that they had been assaulted by the other and because of the injuries that they both had; alleged to have been inflicted by the other. [REDACTED] reported that based on all of his observations that the two men seemed like they were mutual combatants. He called specific attention on the way that [REDACTED] pulled his vehicle behind [REDACTED] pick-up truck preventing his egress if he wanted to. [REDACTED] reported that the facts of the incident were relayed to the OIC and the OIC advised that it would be in the best interest to arrest both male individuals. Apparently there was no evidence that the female [REDACTED] had engaged in the disturbance a [REDACTED].

██████████ reported that during the course of the investigation he found out that ██████████ vehicle was not registered and he was found to have a suspended license. He stated that the decision was made that ██████████ vehicle would be towed from the scene. He stated that he did not remember who stood by for tow to arrive and could not remember who transported the prisoners that night. ██████████ testified that there did not appear to be anything of value in the vehicle and no inventory search was made subsequent to arrest prior to tow, due to the call volume being high as it was the night of the feast. When I asked him how he knew that there was nothing of value in the vehicle without searching it he stated that he remembered asking ██████████ if he had any cash or electronics, "which (he) typically does if (he) is going to tow a vehicle from anyone". ██████████ reported that ██████████ stated that there was no cash or electronics in the car. ██████████ had no knowledge of either a hunting knife or pair of Aviator sunglasses allegedly being left in ██████████ vehicle.

I asked ██████████ whether he believed that there was probable cause for the arrest of both men he stated that "it appeared that both ██████████ and ██████████ were disorderly and that they both had committed assaults on one another". Subsequently both men were arrested.

Conclusion:

██████████ alleges that he called 911 to report a road rage incident and being assaulted by a female in another vehicle. After the police responded, he was arrested and his vehicle was towed. He is alleging false arrest, mistreatment, and marks on his hands from the handcuffs. He claims that the staff at the ACI observed the marks, but he did not bring it to their attention. He also alleges that his vehicle was damaged upon its return and that pair of sunglasses and a hunting knife were missing from his vehicle. ██████████ filed the OPS Citizen complaint on 8/6/2015 with ██████████ who was the OPS commander at the time. After review with Colonel Winquist a formal OPS investigation was opened on 08/11/2015. ██████████ telephoned ██████████ initially to get preliminary information from him as to what his complaint was. Her conversation with ██████████ and her perceptions of the conversation are cited previously in this report. The investigation was suspended or put on hold while ██████████ went through the criminal proceedings in the District Court and subsequently through the Superior Court Processes.

On 11-09-2015 ██████████ was temporarily reassigned to the Detective Division as Commander. ██████████ temporarily reassigned to the Office of Professional Standards. During the transition ██████████ was being brought up to speed concerning the open OPS cases. On 12-1-15 at 1111hrs, ██████████ received a voice message from ██████████ questioning whether "the attorney" had contacted me yet. He was requesting that ██████████ call him to let him know what the status was so that we could "move this thing forward." The investigation was transferred to ██████████ for follow-up. As of this date neither I nor ██████████ have received any telephone calls from an attorney indicating that the repre ██████████

On 12/03/2015 I contacted ██████████ to get clarification on why the charges were dismissed against ██████████ on 11/18/2015 with reference to Superior court case ██████████. She advised that charges were dismissed against both parties involved in the arrest case ██████████ because they were arrested as mutual combatants and could not be compelled to give

testimony against the other without violating their respective 5th Amendment rights against self-incrimination. [REDACTED] stated that all parties were in agreement and the case was dismissed because they would not be able to meet the burden of proof at trial without a complaining witness that was also not a victim of the other's assault. . Subsequent to several telephone calls, cited above, with [REDACTED] it was apparent that for whatever reason he was not going to actively participate in the OPS investigation without an attorney that he was never able to procure/produce.

In review of the RMS records, RECAL transmissions, CAD dispatch records, subject/witness testimony, and other collected documents the following factual information was derived:

- [REDACTED] initiated the call by calling 911 that he was following a vehicle that he had a road rage incident with in the area of the St. Mary's Feast
- He alleged that the operator of the other vehicle [REDACTED] was intoxicated and that the female passenger [REDACTED] had assaulted him (both allegations were never substantiated)
- The road rage incident came to a conclusion when [REDACTED] and [REDACTED] had a confrontation in the parking lot of [REDACTED]
- [REDACTED] had blocked the egress of [REDACTED] vehicle in the parking lot of [REDACTED]
- Both men had minor facial injuries including scratches and swelling/redness that had resulted from the physical confrontation
- Both men made cross accusations of assault against the other
- Both men were arrested for disorderly conduct and assault
- [REDACTED] had an additional charge of operating with a suspended license
- [REDACTED] were the responding officers at the disturbance
- [REDACTED] was the first reporting officer [REDACTED]
- The criminal charges against both men were dropped in Superior Court on 11/18/2015 due to the A.G. not being able to compel either individual to testify against the other without violating either individuals Fifth Amendment right against self-incrimination
- No inventory search was made of [REDACTED] vehicle subsequent to arrest and prior to removal from the parking lot due to it not being registered
- [REDACTED] license has been re-instated to an active status during the criminal proceedings

In addressing [REDACTED] complaint of false arrest a careful critique of the totality of the facts and circumstances surrounding the incident was undertaken. The primary focus was whether, as in all arrest cases, there was probable cause for the officers to affect an arrest. Probable cause is defined as facts and circumstances within the officer's knowledge that are sufficient to warrant a prudent officer to believe a suspect has committed, is committing, or is about to commit a crime. In this case [REDACTED] were dispatched on a report of a road rage incident and subsequent physical disturbance that was occurring in the parking lot of [REDACTED] based on the testimony of all three officers concerning their initial observations upon arriving on the scene and the subsequent investigation there was probable cause of arrest. Officers testified that both [REDACTED] and [REDACTED] were outside of their respective vehicles and were in a state of animated agitation toward one

another; yelling at one another. Officers testified further that both men had injuries in the facial areas including scratches, swelling, redness, and [REDACTED] had a ripped shirt [REDACTED] and [REDACTED] testified that both individuals made cross allegations of assault against the other.

[REDACTED] in testimony stated that initially, he attempted to use officer discretion and allow both parties to walk away from the incident, due to the fact that both had only sustained minor injuries and in all likelihood would never come in contact with one another. [REDACTED] stated that [REDACTED] was not adamant in pressing charges, but that [REDACTED] was. [REDACTED] testified that after conferring with the OIC they were advised, correctly so, to take both individuals into custody for disorderly conduct and cross allegations of assault as mutual combatants. All three officers also reported that [REDACTED] had positioned his vehicle behind [REDACTED] vehicle in such a way that would have prevented any egress or escape from the confrontation, by [REDACTED]

On the recording of the 911 call [REDACTED] can be heard relaying to [REDACTED] the route that he was following [REDACTED] vehicle. The recording begins in the area of [REDACTED] at the intersection of [REDACTED] [REDACTED] alleges in his conversations with dispatch and later by phone with [REDACTED] that there was some kind of road rage incident that occurred in the area of the feast, wherein he was assaulted by the female passenger in [REDACTED] pick-up. He also made accusations against [REDACTED] to dispatch that he believed that [REDACTED] was under the influence of alcohol and that was the reason why he was following him. It does not appear that [REDACTED] were ever able to substantiate the alleged assault by [REDACTED] as the prior incident had occurred several miles away and both men had inflicted injuries on each other's faces in the parking lot of [REDACTED]. In addition, [REDACTED] reporting of the initial road rage incident appears to be somewhat contradictory when he initially tells [REDACTED] on the recorded line that he was following the other vehicle because he was "smacked in the face" by the female passenger and that he [REDACTED] was hammered. A couple of lines after as can be seen on the transcribed copy of the 911 recording he tells [REDACTED] that he "was behind me at the festival beeping his horn, beeping his horn, I let him go by and then he went by swearing at me". [REDACTED] never makes any reference as to when the female could have gotten out of the pick-up truck and slapped him as he originally alleged earlier in the call.

[REDACTED] alleges that he was behind [REDACTED] a red light and that he honked his horn at [REDACTED] when he did not proceed through the intersection. [REDACTED] alleges in statements made to officers that [REDACTED] became visibly upset by the honking of the horn and began waving his arms. [REDACTED] stated that [REDACTED] pulled to the side of the road and that he passed [REDACTED] vehicle. [REDACTED] stated that [REDACTED] continued to follow his vehicle closely eastbound on [REDACTED]. Both individuals stated that they exchanged words at the intersection of [REDACTED] and [REDACTED]. [REDACTED] denies that [REDACTED] ever had any contact with [REDACTED]

In evaluating [REDACTED] claim that he should not have been arrested because he was the one who called 911, I make reference to several issues that appears that [REDACTED] may have put himself in a situation wherein he intentionally or un-intentionally transformed himself from a victim/witness to a combatant. The first issue that I make reference to is in the way that [REDACTED] continued to follow [REDACTED] vehicle even though in his own words, to officers at the scene, that [REDACTED] kept

'slamming on his brakes'. It is not reasonable to believe that someone would continue to follow another vehicle so closely as to potentially come in contact with the other vehicle, when it stopped abruptly. The other issue that I call attention to is the way that [REDACTED] appears to have intentionally blocked in [REDACTED] pick-up truck to confront him. On the dispatch recording [REDACTED] is dispatch that he [REDACTED] is pulling over and that "now he's [REDACTED] is going to threaten me again, stay on the phone, you'll hear it ...Listen...Listen". It appears that [REDACTED] was provoking a response from [REDACTED] but this is only supposition. It should be noted that [REDACTED] did exit his vehicle first and approached [REDACTED] vehicle in a very excited manner, screaming "what are you following me for?" It should be noted further that [REDACTED] did take [REDACTED] cell phone from him and throw it. It is still not clear why [REDACTED] left the relative safety of his own vehicle and got out to confront [REDACTED].

[REDACTED] claim that he was falsely arrested and that he claims some type of immunity because he had called 911 first, the investigation finds that there was probable cause for his and [REDACTED] arrest by [REDACTED]. [REDACTED] claim of false arrest is not substantiated by the facts and circumstances of the incident. Further there is no evidence of mistreatment found in any of the documents.

In addition to the allegations of false arrest [REDACTED] claimed that a undescribed hunting knife and a pair of Aviator glasses were missing from his motor vehicle that had been towed from the scene. It should be noted that because [REDACTED] did not participate in the OPS investigation it is not known if these items actually existed and have no documentation (i.e. receipts, paperwork or in depth description of either item).

In review of the incident in terms of G.O. 330.40 Vehicle Tow Protocol, it is found that [REDACTED] were in compliance with section III. Procedure, subsection c. (ii) that states that a vehicle may be towed 'when the operator of a vehicle is arrested, the vehicle may be towed, or with the officer's discretion and the owner's permission, may be turned over to a licensed driver at the scene...' In this instance [REDACTED] was being arrested, the vehicle in question was not registered and there was no documentation to show that [REDACTED] was the owner of the vehicle. In addition the vehicle was towed from the private property of [REDACTED]. Officers would not have had the authority to allow the vehicle to be left on the private property and in addition could not have guaranteed the relative safety of the vehicle that would have been left on the property for several weeks during [REDACTED] incarceration.

The Officers were in further compliance of the General Order 330.40 when they removed the Florida Dealer plate [REDACTED] from the motor vehicle and turned it into the Traffic Unit with the plates held for the Department of Motor Vehicles as per 330.40(III) c. (i) 1. [REDACTED] had no documentation for the plate or his right to necessarily possess it.

In the course of the OPS investigation it was found that none of the Officers at the scene had completed an inventory search of the [REDACTED] vehicle and subsequently had not completed the required Motor Vehicle Inventory Log form in violation of G.O. 330.41 Motor vehicle Inventory.

General Order 330.41 Motor Vehicle Inventory dictates that under section:

IV. Procedure

a. Motor Vehicle Inventory Process

- i. When an officer seizes a motor vehicle, he/she will complete a motor vehicle inventory (search) log.
- ii. A detailed inventory of the vehicle should be carefully planned and carried out ... and that under subsection ix., (under the same part IV), Officers will ensure that the Motor Vehicle Inventory log is completed and submitted as a part of the original police report.

In review of [redacted] arrest reports, [redacted] I found no mention that an inventory search was conducted of [redacted] vehicle once the decision was made, to have it towed from the scene, subsequent to his arrest. [redacted] testified in their interviews that they had taken custody of [redacted] and [redacted] at the scene and subsequently transported them to headquarters. Both Officers reported that [redacted] remained on scene with [redacted] vehicle until tow arrived. In his testimony, [redacted] recalls that an inventory search was not conducted "due to the high call volume that night".

[redacted] stated further in his interview that he did not believe there was anything of any value in the vehicle due to the fact that he asked [redacted] whether there was any cash or electronics in the car. [redacted] testified that he did not complete a formal inventory search of [redacted] vehicle and subsequently did not complete the required Motor Vehicle Inventory Log. [redacted] stated that he had no knowledge of the hunting knife or Aviator sunglasses that were allegedly left in [redacted] vehicle. By not completing the necessary inventory search, [redacted] did not 'protect the Department from disputes over lost or stolen property, negligence, theft, and vandalism, 'as is required by G.O. 330.41. It is conclusion of this Office of Professional Standards investigation that it is sustained other against [redacted]

Attachments:

- Citizen Complaint Form: [redacted]
- OPS Letter of Commencement: [redacted]
- Cranston Police Department arrest report(s): [redacted]
- Written Notice of Complaint: [redacted]
- Witness Notice of Interview: [redacted]
- General Orders 330.40 & 330.41

- RIOLN Response: [redacted]

- CAD: Incident Call# [redacted] dispatch log
- CAD: Vehicle Tow Log [redacted]

- CPD Citation Listings: [redacted]

- Notification of Complaint Pursuant to LEOBOR... [REDACTED]
- Notification of Rights Pursuant to LEOBOR... [REDACTED]
- Transcribed Interviews: [REDACTED]

Respectfully submitted,

[REDACTED]

Office of Professional Standards



CITY OF CRANSTON
DEPARTMENT OF POLICE
5 Garfield Avenue, Cranston, Rhode Island 02920
Office of Professional Standards

To: Colonel Michael J. Winqvist
From: [REDACTED]
Date: 9-14-15
Subject: OPS Case # 15-14

Complainant:

[REDACTED]

Nature of Complaint:

[REDACTED] complained that [REDACTED] "aced" her at Cumberland Farms on Cranston St. and [REDACTED] did not arrest [REDACTED] for the assault.

Investigation:

The complaint from [REDACTED] came in on 8-21-15 at approx. 1047hrs. via a telephone message left with the Office of Professional Standards. On 8-21-15 at 1114hrs I called [REDACTED] back at the number she provided on my voicemail, and received a recorded message that the number was not in service.

On 8-25-15 at approx. 1511hrs, I received a second call from [REDACTED] I advised her that I had attempted to call her back, but the number she left me was not in service. She indicated that she ran out of minutes after she left me the number. She then asked me about her complaint and if it was going to be investigated. I advised her that I was working to gather the information so that I could review it with the Chief for a determination as to whether it would be open for investigation.

As I began to ask her questions pertinent to the matter, she became defensive, accusing me of taking the officer's side and not wanting to do anything for her. I attempted to explain that I would remain neutral and gather all the facts, but I needed to ask her questions so that I knew when and where to look for the information which may be pertinent to her complaint. As the conversation continued she became more and more argumentative, talking over me, not

answering my questions directly, skirting around the questions and being belligerent. Several minutes into the conversation I placed her on speakerphone and recorded the rest of the conversation, in order to memorialize her argumentative demeanor. (Please refer to the transcripts of this call for further details.)

After speaking with [REDACTED] gathered the IMC Reports for this case and learned that the incident occurred on [REDACTED] and one of the subjects involved in the assault, [REDACTED] was arrested several days after the incident, for assaulting [REDACTED]. [REDACTED] first report mentions [REDACTED] as a participant in the altercation. [REDACTED] documented that the store clerk indicated that [REDACTED] tried to chase after a girl who she knows as [REDACTED] attempting to spray her with pepper spray." He also noted that the only one of the involved parties who was still on scene when he arrived was [REDACTED], and she did not want to make a formal complaint concerning the incident.

He further noted that approximately an hour and a half after the initial call, [REDACTED] was dispatched to [REDACTED], on a follow up. There he met with [REDACTED] and [REDACTED] had visible injury. [REDACTED] photographed the injuries and determined that [REDACTED] wished to press charges for the assault. [REDACTED] stated that she would respond to CPD headquarters after being treated and released from the hospital, however, she did not show up until several days later.

On 8-20-15, [REDACTED] obtained a video of the altercation; however, he and BCI were unable to open the CDR that he received.

On 8-21-15, [REDACTED] spoke with the store manager who advised him that [REDACTED] not allowed in this store and it's been over a year that she's banned her because every time she comes in, she causes trouble." However, the trespass notice that he spoke of was not official, and the store manager asked [REDACTED] to formally warn her, making it official, due to this most recent situation. [REDACTED] had the manager play the video again for him and he was able to clearly see that [REDACTED] was assaulted by a male subject, who was later identified as [REDACTED]. [REDACTED] was able to obtain a second copy of the video which he turned over to me, and is included in this report. I was able to open and play it.)

Also on 8-21-15, [REDACTED] and [REDACTED] arrived at HQ [REDACTED] days after the incident). At that time, [REDACTED] provided a written statement to [REDACTED] indicating that she wished to press charges against [REDACTED]. [REDACTED] took nine more photos of [REDACTED] injuries. He also advised [REDACTED] that he was aware that she had been trespassed from that [REDACTED] and advised her that it was now official, and she is banned from going into the store in the future. He further advised her that this would be documented in the CPD computer system.

After reviewing the reports and information from [REDACTED] I reviewed all the facts with Col. Winquist and it was determined that the case would not be open for investigation at that time, due to the fact that [REDACTED] only complaint was that she was upset that [REDACTED] did not arrest [REDACTED] for assaulting her when there was no evidence to suggest that the "mace" was deployed.

On 8-26-15 at approximately 1215hrs I called [REDACTED] back to let her know that the Colonel had reviewed the case and it was determined that it would not be open for further investigation. I attempted to explain the reasons why this decision was made, but once again, she became argumentative, yelling and screaming at me, blaming me for not doing my job when an assault had occurred. She advised me that she was extremely upset because she was assaulted by [REDACTED], who "maced" her during the assault, and [REDACTED] didn't arrest her.

I attempted to ask her why she didn't call the police during the fight, and she skirted around my questions, not answering any of them directly. I asked her if she had a cellphone with her at the Cumberland Farms during the first, and she repeatedly changed the subject each time I asked her. After pressing her on this, she stated that she did not. This is in direct conflict with [REDACTED] observation and statement that she was in possession of a cell phone at the store during the altercation.

This second call became so contentious that I placed her on speaker phone and again recorded the conversation to document her demeanor. After making several futile attempts to calmly explain the situation to her, I ended the telephone call because it was becoming more and more out of control. (Please refer to the transcripts of this telephone call for further details.)

On 8-31-15 at 1743hrs, after further review it was determined by Colonel Winquist that the case would, in fact, be opened. On that same date I opened this investigation and assigned it OPS # 15-14. I then sent her a letter of commencement.

On 9-1-15 at 0936hrs. I called [REDACTED] advise her that after further review, the Colonel made the decision to open the investigation. She thanked me and I asked her what date and time we could meet for her to be interviewed. She advised me that she would respond to headquarters on 9-2-15 at 1000hrs. [REDACTED] never arrived at headquarters or called me to advise me as to why she did not keep our appointment for her interview.

On 9-8-15 I interviewed [REDACTED] concerning [REDACTED] complaint. IBPO Local 301 Business Agent, [REDACTED] was also present during the interview. [REDACTED] clearly reiterated the facts of his investigation as contained in his IMC report, concluding that after reviewing all of the evidence, there was not enough probable cause to charge [REDACTED] with assaulting [REDACTED].

During his OPS interview, [REDACTED] advised me that [REDACTED] demanded to press charges for being "maced" by [REDACTED], but would not answer questions pertinent to his investigation such as why she did not call the police instead of going into the store and getting involved. He stated that [REDACTED] was continually yelling and swearing at him demanding that he do his job and arrest [REDACTED]. He stated that when he told her that he would conduct a further investigation into this matter if she wanted him to, but she would most likely also be arrested for disorderly conduct due to her involvement in the melee, she became irate and stormed out of the police station telling him to forget it and disparaging the Cranston Police as she left.

During his interview [REDACTED] also advised me that he was in the parking of the old [REDACTED] building when the original call came in. He immediately crossed over the bike path and he was out at Cumberland Farms even before the dispatcher finished giving out the call. As he entered the store he did not smell or feel any remnants of mace or pepper spray. He stated that it appears in the video that [REDACTED] chased [REDACTED] with the spray in her hands, but did not deploy it. He also mentioned that the store clerk did not mention that [REDACTED] actually deployed it and the clerk did not show any effects from having the substance deployed inside the store. As a result of this, it did not appear to him that [REDACTED] ever actually "maced" [REDACTED] as she alleges. Because of this fact, in addition to the fact that she had been banned from the store for more than a year, as well as the fact that she was in possession of a cellphone while at [REDACTED] but didn't call the police for help, and chose instead to go into the store and get involved, he did not believe there was enough probable cause to arrest [REDACTED] for assaulting her.

Please refer to [REDACTED] transcribed interview for further details.

Conclusion:

After reviewing all of the reports, video, RACAL, and interviewing [REDACTED] I concur with his decision that there was not enough probable cause to arrest [REDACTED] for assaulting [REDACTED]. The video clearly shows that as soon as [REDACTED] enters the store she aggresses toward [REDACTED], placing both of her hands on [REDACTED] body. At no time was there any indication that mace or pepper spray was deployed by [REDACTED] and did not come for her scheduled interview, and offered no other evidence by way of audio or video which contradicts or negates [REDACTED] decision not to arrest/charge.

Based on the facts available to me at this time, [REDACTED] is exonerated from the allegation that he violated G.O. 130.00 Rules and Regulations Section VII (p)(1) *Every officer while on duty, regardless of rank or assignment will...enforce all laws, detect the commission of crimes and [to] apprehend law violators.* [REDACTED] clearly believed

that he did not have enough probable cause to charge [REDACTED] an assault against [REDACTED]

Attachments:

- Dispatch Log pertaining to call
- IMC Report completed by [REDACTED]
- Written statements of the three females who were involved, obtained by [REDACTED]
- CD containing video of incident obtained from manager at [REDACTED]
- CD containing RACAL transmissions
- Witten notice of complaint sent to [REDACTED]
- Letter of Commencement to [REDACTED]
- [REDACTED] signed notification of rights
- [REDACTED] signed notification of complaint
- Transcripts of:
 - Interview with [REDACTED]
 - Two partial telephone calls with [REDACTED]
- General Order 130.00 Rules and Regulations
- Complainant Disposition Letter
- Letter of Exoneration for [REDACTED]
- General Order 350.01 Criminal Investigations

Respectfully submitted,

[REDACTED]
Office of Professional Standards

Allan W. Fung
Mayor



Colonel Michael J Winquist
Chief of Police

DEPARTMENT OF POLICE
5 GARFIELD AVENUE ~ CRANSTON, RI 02920
Phone (401) 477-5024 Fax (401) 477-5110
TDD (401) 943-1410

To: Colonel Michael Winquist

September 3, 2015

From: [REDACTED]

Re: Complaint from [REDACTED]

Colonel,

I reviewed the attached written complaint from [REDACTED] dissatisfaction with police services. The basis of her complaint is the fact that officers did not properly enter her son [REDACTED] missing. [REDACTED] also alleged discourtesy by the officer that responded to her home. Through the Department's dispatch records and I found that Officer [REDACTED] was the officer that she referenced in her complaint from [REDACTED]. [REDACTED] identified [REDACTED] the officer who responded to her home on [REDACTED].

On August 25, 2015 I spoke to [REDACTED] about the complaint; he was advised of the nature of the complaint. [REDACTED] explained that he was dispatched to the [REDACTED] residence of [REDACTED] hours to take a missing person report. [REDACTED] stated that he spoke to [REDACTED] about her [REDACTED] d, who she said had been missing for approximately three days. [REDACTED] explained that he had a cordial conversation with [REDACTED] and ran several checks on his Mobile Data Terminal (MDT) in an effort to see if any other police departments had recently contacted [REDACTED]. [REDACTED] was under the impression that he could not have [REDACTED] entered into NCIC as missing because he did not meet the criteria required by NCIC; suicidal, endangered, juvenile, or medical condition. [REDACTED] actually documented what his [REDACTED]

understanding of the NCIC requirements were in his police report and explained this to [REDACTED] lastly, [REDACTED] typed an email with information on [REDACTED] on his MDT and sent it to [REDACTED] to copy into a statewide message. [REDACTED] stated that he did not ask [REDACTED] if her son had a criminal history as he was familiar with [REDACTED] from prior contacts and was well aware of his past. Additionally [REDACTED] denied making any comments about a casino or losing money.

I also spoke to [REDACTED] who handled the call to the [REDACTED] residence on the previous day. [REDACTED] was advised of the nature of the complaint and explained that [REDACTED] was originally dispatched to the call but he [REDACTED] handled it for him because of heavy call volume in the area. [REDACTED] stated that he was very familiar with the [REDACTED] family from prior contacts so he felt comfortable enough to call [REDACTED] on the phone to see what was going on with [REDACTED]. After speaking with [REDACTED], [REDACTED] did not believe the necessary conditions existed to enter [REDACTED] into NCIC as missing. [REDACTED] understanding of the NCIC was the same as [REDACTED] the person needed to be suicidal, endangered, juvenile, or have a medical condition. [REDACTED] was told by [REDACTED] that [REDACTED] girlfriend had already contacted [REDACTED] and [REDACTED] to report [REDACTED] missing so [REDACTED] was under the impression that both of those police departments had not put him out missing for the same reason. [REDACTED] stated that he asked [REDACTED] to wait another day to see if she hears from her son. [REDACTED] admitted that he had a discussion with [REDACTED] about where [REDACTED] may be and some reasons that he may not be contacting his mother or girlfriend. [REDACTED] mistakenly attributed these comments to [REDACTED].

I spoke to [REDACTED] about the incident on [REDACTED] that [REDACTED] handled. [REDACTED] stated that [REDACTED] sent him an email through IMC with information on [REDACTED] to include in a BOLO (Be On the Look Out) to other Rhode Island police departments so they would be aware to contact the Cranston Police in the event they came into contact with [REDACTED]. [REDACTED] stated that he spoke with [REDACTED] on the phone and told him that it was his understanding that he could not put out a statewide BOLO without first entering [REDACTED] to NCIC. So, since they both

BA

believed that [REDACTED] did not meet the requirements to be entered into NCIC, no BOLO message could be sent.

Both officers were under the impression that the rules of NCIC were a person had to fit one of five categories to be entered as missing; disabled, endangered, involuntarily missing, juvenile, or the victim of a catastrophe. They were not aware that a sixth category, "Other", has recently been added to the NCIC Criteria for Entry as a Missing Person. The category allows for a person to be entered as missing who does not meet the criteria of any other category and: 1) for whom there is reasonable concern for their safety or 2) a person who is under age 21 and declared emancipated by the laws of his/her state of residence. Additionally, the civilian dispatcher was not aware that a statewide BOLO could be put out without an accompanying NCIC missing person entry.

As result of this incident an email update on the NCIC missing person criteria was distributed to all sworn officers and dispatchers by our Terminal Agency Coordinator (TAC). The TAC advised me that he had previously been given time at the yearly In-Service Training, but his time has been eliminated because of more important topics needing to be covered.


This incident has clearly identified an issue with our officers and civilian dispatchers not being adequately trained or updated on NCIC entry criteria. Also, I think it is important to point out that Section VI of the Department's Missing Person Policy has never been updated to reflect the addition of this new criterion.

To prevent similar incidents from happening again the following corrective measures were taken;

- [REDACTED] was given a copy of the current NCIC Criteria for Missing Person entries along with a copy of the Departments Missing Person Policy. The new NCIC criterion was reviewed with [REDACTED]. Both documents were reviewed with the officer and an acknowledgement form was signed indicating he received the documents.
- [REDACTED] was given a copy of the current NCIC Criteria for Missing Person entries along with a copy of the Departments Missing Person Policy. [REDACTED]

Person Policy. The new criterion was reviewed with [REDACTED] and he was counseled on what the department expectations are with regards to how officers respond to calls for service in person. [REDACTED] is also counseled on proper etiquette when dealing with sensitive situations. Both documents were reviewed with the officer and an acknowledgement form was signed indicating he received the documents.

- [REDACTED] was given a copy of the current NCIC Criteria for Missing Person entries along with a copy of the Departments Missing Person Policy. The new NCIC criterion was reviewed with [REDACTED] [REDACTED] Both documents were reviewed with the dispatcher and an acknowledgement form was signed indicating he received the documents.

The three signed acknowledgement forms along with copies of the up to date NCIC Entry Criteria and current Department Policy on Missing Persons that were re-issued are attached. 

Respectfully submitted,

[REDACTED SIGNATURE]



CITY OF CRANSTON
DEPARTMENT OF POLICE
5 Garfield Avenue, Cranston, Rhode Island 02920
Office of Professional Standards

To: Colonel Michael J. Winqvist
From: [REDACTED]
Date: October 26, 2015
Subject: OPS Case # 15-16

Complainant:

[REDACTED]

Nature of Complaint:

[REDACTED] alleges that on [REDACTED] at approximately [REDACTED] he was physically grabbed and verbally threatened with future arrest by [REDACTED] in Cranston St in the parking lot of [REDACTED]. [REDACTED] indicated in his complaint that he is in fear that the officer will arrest him the next time [REDACTED] sees him. He is also alleging excessive force by [REDACTED].

Investigation:

This investigation was reported to the Office of Professional Standards via a Citizen Complaint Form which was taken by [REDACTED] on [REDACTED] at 1300 at headquarters. On [REDACTED] I received the complaint and reviewed it with Col. Winqvist. I was advised to initiate an investigation.

On [REDACTED] I attempted to contact [REDACTED] the number he provided on the complaint form. Upon calling that number at 1220hrs, I reached [REDACTED] father, also named [REDACTED]. He indicated to me that his son must have left his cell phone number as a point of contact because his son doesn't have minutes on his own phone all the time.

I advised [REDACTED] that I was following up on his son's complaint and asked that he have his son call me as soon as possible. He indicated that he would tell his son and have him get back to me.

After speaking with [REDACTED], I researched RACAL and the dispatch log for [REDACTED] from [REDACTED] and could not locate any information that would indicate that [REDACTED] called out with anyone during the time of the alleged incident. RACAL indicates that at [REDACTED] a male [REDACTED]

party called dispatch from the lobby with a request to speak to an officer due to "an incident with an undercover cop." I was able to determine that [REDACTED] was working that day because at [REDACTED] he contacted dispatch to inquire if IMC was down because he was having trouble logging on at his desk. He then called back a second time at [REDACTED] and requested that dispatch run a party to determine if they were still out missing.

On 9-18-15 I completed and mailed the Letter of Commencement and the Officer Written Notice of Complaint forms to [REDACTED] and [REDACTED] respectively. [REDACTED] letter was placed in a sealed envelope and placed in his mailbox in the rollcall room.

On 9-21-15 I responded to [REDACTED] and spoke with the owner, [REDACTED] in an effort to determine if his cameras show video surveillance of the crosswalk area between his business and [REDACTED]. He showed me the cameras and none of his surveillance reaches that far into the street. I then went to [REDACTED] and spoke with the manager. He indicated that his video covers only the front door and [REDACTED]. I then went to [REDACTED] and spoke with the manager. [REDACTED] he indicated that the video on her building does not cover the cross walk, bus stop area, or [REDACTED] but it does cover some of the parking lot. I advised her that I may be back to look at the video in the near future, if I could determine that the alleged incident actually took place in the covered area of the parking lot.

On 9-21-15 at 1130hrs. I contacted the complainant's father again, on his cell phone, as I had not yet heard back from the complainant. [REDACTED] advised me that he told his son immediately after he had spoken with me, that he needed to call me about his complaint. He stated that he thought his son had called me. I then advised [REDACTED] that this is the only number I have for his son, and I really do need to speak with him. I asked him if he knew whether his son was still interested in going forward with his complaint, and he stated he did not know. He indicated he would call his son right away and tell him to call me. I asked [REDACTED] to let his son know that if I did not hear from him by the end of the day on Tuesday, 9-22-15, I would have to assume that he was not interested in further pursuing his complaint. He assured me he would tell him that. I did not hear from [REDACTED] at all while the investigation was pending.

I also attempted to speak with the witness, [REDACTED] by calling the number listed on the complaint form. I left a message for him but never heard back from him.

On 10-22-15 I interviewed [REDACTED] the Office of Professional Standards. He indicated that he was with [REDACTED] who was driving, when they encountered the two individuals crossing [REDACTED] stated that his window was down and he could see and hear the two individuals making comments toward him and [REDACTED] they crossed the street. He was confused about why they were making comments, and appeared to be upset, since [REDACTED] stopped the vehicle to let them cross. He indicated that as he was asking [REDACTED] what she thought their problem was, one of the males, later identified as [REDACTED] yelled to them to "shut your window and get the fuck outta here."

After the comment was made, [REDACTED] turned the vehicle around and [REDACTED] made contact with [REDACTED] in the side lot of [REDACTED] where he asked [REDACTED] step off his bike. [REDACTED] denied he removed anyone from their bike and that after he was asked, [REDACTED] stepped off voluntarily. [REDACTED] stated that he did pat down [REDACTED] after he became argumentative, because he remembers there being "an issue with his pockets-he touched

his pockets several times." He denied that at any time he threw him against the police vehicle or used excessive force.

explained that after had been patted down, he became apologetic about the situation. He indicated that both he and explained to that due to his foul language as he was crossing the street, he could be arrested for disorderly conduct. Therefore, it was not a threat, but more of an educational explanation that he could be arrested based on his behavior.

stated that before apologized, when he was still argumentative, he said something about his cell phone. told that if he felt he needed to record the interaction that he was free to do so, but he doesn't think ever produced it. had the same recollection as concerning this issue.

stated that he believes that asked him for his badge number and he provided it, because "I always do." vehemently denied telling that the next time he saw him in the neighborhood her would arrest him.

stated that he didn't call out the stop because there had been a stabbing of a prior to their encountering these men and the radio was busy with traffic from that call. Also, he and decided that they weren't "going to make a fuss" about the encounter and call for other officers; it was simply a dispersal, so it didn't really warrant them calling out on the stop.

was asked if he completed a report of this incident. He stated that his intention during the encounter with was to take information, but when he made his way to the passenger side of the police car, he realized he didn't have anything to write with. Also, he considered this nothing more than dispersal, and normally reports aren't taken for dispersals. He then stated "with hindsight being twenty, twenty-knowing where we are now, I should have and I would have if I would have known it would have gone this far. But no, I didn't take a report."

In reference to the allegation of excessive force, denied that expressed concern about this on scene and he did not request medical attention. also denied that he ever told that he would be looking for him in the future. stated "... You know, I have no intentions of seeking out or did I in the first place. And I just want to make it clear that I've never been a vindictive person in this job in of being here and I certainly don't intend to start with ." Please refer to the enclosed transcript of interview for further details.

On 10-23-15 I interviewed in the Office of Professional Standards. Her recollection of the incident was very similar to . She indicated that she did not feel the need to have complete a report, or call out the stop because it was a dispersal only, and the radio was busy due to the stabbing of . She explained that friend didn't really say anything during the entire encounter and it appeared as though was the spokesman for the both of them. She stated that she stood by with the friend, later identified by in his complaint, as while dealt with . She indicated that she didn't recall hearing say he was going to arrest for

disorderly conduct or that the next time he saw [REDACTED] in the neighborhood he was going to arrest him. Please refer to the enclosed transcript of [REDACTED] interview for further details.

Conclusion:

This investigation was opened by the Office of Professional Standards on September 17, 2015 after [REDACTED] completed a written complaint alleging excessive force by [REDACTED]

I made several attempts to contact [REDACTED], but he never responded to my requests to contact me, even after speaking with [REDACTED] father on two occasions. I also attempted to contact the listed witness, [REDACTED] but he too did not make any effort to respond to my call.

In attempting to review the RACAL and IMC Report(s), I learned that the officers did not call out on the stop and did not complete a report. I also went to [REDACTED] and [REDACTED] in an effort to obtain any video evidence that may be available. I learned that the video in these locations did not cover the crosswalk or side of the building where the encounter took place.

I interviewed [REDACTED] and [REDACTED] who was also present during the encounter. Both denied that [REDACTED] used excessive force or [REDACTED] stated that he did not physically remove [REDACTED] from his bicycle, and while he did pat him down because he kept touching his pockets, he did not "throw [him] up against the vehicle and tell [him] to put [his] hands on the car."

[REDACTED] explained that he did discuss arrest for disorderly conduct with [REDACTED] due to the fact that he was yelling and swearing as he crossed the street, but he did not "threaten" him with arrest. He merely told him he could be arrested for this behavior. [REDACTED] also denied telling [REDACTED] that if he saw him in the neighborhood in the future, he would arrest him. [REDACTED] confirmed [REDACTED]'s version of events and stated that in no way did [REDACTED] act inappropriately.

Both officers indicated that they viewed this encounter as nothing more than a dispersal and therefore did not feel the need to call out the stop or complete a written report, especially since a critical incident had just occurred at [REDACTED] with patrol and detectives utilizing the radio for that call. [REDACTED] admitted that in hindsight, if he knew that this was going to escalate into a complaint, he certainly would have completed a report, but both officers expressed their surprise that a complaint was made due to the entire incident being a minor encounter only.

After interviewing both Officers involved in this encounter, and hearing their explanation of events, I find a clear lack of evidence to support [REDACTED] claims based on the information I have at this time. [REDACTED] did not cooperate at all during my investigation and therefore, did not offer any evidence to dispute [REDACTED]'s and [REDACTED]'s version of events.

Although [REDACTED] made a complaint of excessive force, he did not produce any evidence to support his claim, such as proof of a request at the scene for medical treatment, medical treatment he sought on his own after the encounter, or documented injury as a result of the encounter with [REDACTED]

Based on the facts available to me at this time, the allegation against [REDACTED] is *not sustained*.

Attachments:

- Completed Citizen Complaint Form
- Letter of Commencement
- Written Notice of Complaint
- Dispatch Log [REDACTED]
- General Order 310.01 Use of Force & Shooting Review
- General Order 130.01 Rules and Regulations
- Transcript of Interview with [REDACTED]
- Transcript of Interview with [REDACTED]

Respectfully submitted,

[REDACTED]

[REDACTED]

Office of Professional Standards



**CITY OF CRANSTON
DEPARTMENT OF POLICE**
5 Garfield Avenue, Cranston, Rhode Island 02920
Office of Professional Standards

To: Colonel Michael J. Winqvist
From: [REDACTED]
Date: 12/16/2015
Subject: OPS Case # 2015-17

Complainant:

[REDACTED]

Nature of Complaint:

Complainant alleges that after his vehicle was towed to police headquarters, a bracelet was missing from the center console of the vehicle.

Investigation:

This complaint came in to the Office of Professional Standards after [REDACTED] made a complaint with [REDACTED] on October 16, 2015. The written complaint indicates that [REDACTED] was arrested and his vehicle was towed to HQ on [REDACTED]. When the vehicle was towed, there were four pieces of jewelry in the front console of the vehicle. After he was released from the arrest, [REDACTED] called BCI and left a message indicating that he would like to pick up his jewelry. He called again (his complaint indicates [REDACTED] but I believe he meant [REDACTED] and he was informed by BCI that no jewelry was taken into the BCI Division of the police department. Subsequently, his father retrieved the vehicle from police headquarters and noted that the only items left in the vehicle were two book bags and two boxes, but he didn't locate any of the jewelry.

[REDACTED] returned to the police station to speak with the Officer in Charge about the missing jewelry. He spoke with [REDACTED] who indicated to him that a photo was taken of the jewelry in the center console at the time of the incident, before it was towed. Because the jewelry was missing, he made a written complaint with [REDACTED].

Later the same day [REDACTED] returned to police headquarters to report that his mother had conducted a thorough search of the vehicle after he made his initial complaint, and she located three of the four pieces of missing jewelry. He indicates that she located the watch and two rings under a vitamin water bottle in the cup holder but the bracelet that had been in the center console with the rest of the jewelry was still missing. When he returned to headquarters he brought the vehicle with him and asked [REDACTED] to search the vehicle again before he made the second statement. He indicated that the search turned up nothing, and the bracelet is worth \$2100.00. He further indicated that he has a receipt for the bracelet.

On October 20, 2015 I reviewed the case with Col. Winqvist and was instructed to initiate an investigation. I reviewed the IMC report and viewed the photographs of the vehicle that were taken at the scene. One of the photos clearly shows several pieces of jewelry in the center console of the vehicle.

I then spoke with [REDACTED] in an effort to obtain any documents that are associated with the report, including the vehicle inventory sheet. He indicated that no forms associated with this incident were located in records. I then contacted Admin. [REDACTED] and asked her to locate the vehicle hold form for the vehicle to determine what tow company towed the vehicle. I also asked her to find out the name of the tow truck driver. She advised me that dispatch did not enter the tow into the tow log at the time it was towed, and she could not locate a vehicle hold/release form for the tow. She was able to determine that [REDACTED] doing business as (DBA) [REDACTED] towed the vehicle and the driver's name is [REDACTED].

On 10-23-15 I attempted to contact [REDACTED] at the home number provided on his complaint form. I got a recording saying that the number was no longer in service. I was able to contact who I thought was the complainant at the work number he provided. Although the person I was speaking with did not identify himself as the complainant's father, I learned later from the complainant that it was, in fact, his father that I was speaking with, who is also named [REDACTED].

After initially speaking with his father, the complainant called me back. I asked [REDACTED] if he had located the bracelet and he stated that he had not. I then asked him to provide me with the receipt for the bracelet and he stated he would drop a copy of the receipt off to me at headquarters. I asked him to confirm his address, since there was a discrepancy between his citizen complaint form and the arrest report. He confirmed that his address is [REDACTED]. [REDACTED] advised [REDACTED] that I was opening an investigation and I would be contacting him in the near future for him to be interviewed; He agreed to speak with me.

On 10-26-15 I received a copy of the requested receipt, which was provided to [REDACTED] on 10-24-15. The receipt was from [REDACTED]. The date on the receipt was July 29, 2014 and it was written for one 14K.

Bracelet 50.8g with a sale price of \$2100.00. The receipt indicated that the bracelet was paid for in full. It should be noted that although the receipt has lines provided for "sold to, address, phone, sold by, memo, cash, COD"-none of this information was filled out. Therefore, I was unable to determine by the receipt whom the bracelet was actually sold to.

On the same day, at 1206hrs, I again called the home number provided and it was still out of service. I called the alternative number which I believed to be the complainant's father, and asked him to have [REDACTED] call me so that we could set up an interview. I did not hear back from him.

Also on 10-26-15 [REDACTED] spoke with [REDACTED] and requested that he check the GEMS website to determine if a bracelet matching this description had recently been sold or pawned. I provided [REDACTED] with the name of the complainant and the tow truck operator so that in the event someone had pawned or sold the bracelet they could match the name with possible suspects. [REDACTED] provided a memo indicating that he had checked the GEMS website and contacted [REDACTED] of the Attorney General's Office so that he could also conduct a search. Neither search turned up any activity for the bracelet, the complainant or the tow truck operator.

On 10-27-15 I still had not received a call back from the complainant. [REDACTED] was advised and in the morning hours he called [REDACTED]. He spoke to a male subject identifying himself as [REDACTED] had a lengthy conversation with who he believed was the complainant in this investigation. The person the Maj. was speaking with answered all of the Majors questions, even indicating that he had made a complaint with the Cranston Police Dept. During the conversation [REDACTED] asked [REDACTED] when he could respond to the police station for an interview. It was at that time that the subject told [REDACTED] that he was actually looking for his son, and the Major then learned that he had been speaking with the complainant's father. This is the same situation that I originally encountered when initiating the investigation.

[REDACTED] indicated that the father, also named [REDACTED] moved forward with the conversation as if he was the son. [REDACTED] finally did advise [REDACTED] that he would relay the message to his son who was at school at that time. However, the day passed with no return call from [REDACTED]. At 1735hrs, [REDACTED] called [REDACTED] Sr. back and asked if he had the opportunity to speak with his son. [REDACTED] replied "no" and advised [REDACTED] that he was "working on" getting in touch with his son. He made several excuses as to why he hadn't spoken to his son, but he left [REDACTED] with the distinct impression that [REDACTED] had, in fact, spoken with his son and wasn't admitting it. The Major drew this conclusion based on the answers [REDACTED] was providing to the Major's questions.

_____ was eventually able to obtain _____ personal cell phone number, which he had never provided to the police dept. during his initial complaint. He was also able to obtain a home phone which had not been provided by the complainant either. _____ continued to attempt to contact _____ but was unable to reach him at the home number. _____ would answer his cell phone and made several excuses as to why he hadn't gotten back to _____. (Please see _____'s narrative, included here, for further details of his conversation with _____. _____ indicated that he believed both _____ and _____ were being misleading in their answers.

It should be noted that we were able to ascertain one inconsistency in _____ answers to _____. In his original complaint he wrote that his mother completed a thorough search of his vehicle and located all the other jewelry except the bracelet. However, when he was speaking with the Major, he indicated that it had been his aunt, _____ who searched his vehicle and located the other jewelry. _____ was eventually able to set up an interview with _____ for 10-28-15 at 1445hrs at headquarters.

On the same date at approximately 1800hrs, _____ and I responded to _____ and spoke with the resident of that home. This is the same home that _____ originally responded to in order to "collect on a drug debit" that the resident there owed him. That resident was _____ and I had a lengthy conversation with _____ who advised that he did not know the two men who showed up at this house. He stated that the operator (later id'ed as _____) stayed in the vehicle and the passenger (later id'ed as _____) was the only one that went to the back of the home and attempted to kick in the door. He stated that he was unable to see if _____ had a watch or rings on but he could see that he was wearing a thick gold necklace. (It should be noted that when I met with _____ on 10-29-15 at the Dunkin Donuts on _____ observed him to be wearing a thick gold chain link necklace that matched the description of what _____ described that he saw _____ wearing.)

On 10-28-15, at approximately 1039 hours., I received a voicemail message from _____ indicating that he would like to rescind his complaint with the Office of Professional Standards. At 1042hours I called _____ back and asked him if he had located the bracelet. He stated that he had not. I asked him why he was rescinding his complaint if nothing had changed, and he replied that it was "bringing too much stress on his family." I attempted to press him for more of an explanation, believing that he was not being forthcoming with me, however, he was adamant that he did not want to follow through with the complaint and he just wanted to "forget about it because it's just a bracelet, it's not worth all of this aggravation on my family."

I then told him I would have to meet with him and have him sign paperwork stating that he wanted to repeal his complaint. He asked if he could just write a letter and send it in. I

told him "no", that it had to be on the police department official form. He reluctantly agreed to meet me and asked me to meet him at [REDACTED] in [REDACTED] after his class at 1445hrs. I initially agreed, but later in the day I learned that I was unable to make it to [REDACTED] at that time. I contacted [REDACTED] and asked him if he would come to HQ. He was adamant that he did not want to come to HQ or meet in [REDACTED] even after I assured him that he would not be arrested if he came to HQ. We finally agreed to meet on 10-29-15 at 1300hrs at the [REDACTED]. He indicated that he chose that location because it was close to his house.

On 10-28-15 at approximately 1100hrs, [REDACTED] and I responded to [REDACTED] and spoke with both the owner, [REDACTED] and his employee, [REDACTED] is the employee who sold [REDACTED] the bracelet. [REDACTED] stated that he knew who we were talking about and only knows him by his first name, [REDACTED] but gave a physical description that matched [REDACTED]. He stated that he had sold [REDACTED] other pieces of jewelry as well, to include gold rings. I showed him the photo that was taken of the jewelry while it was in the vehicle, and he identified the rings as those sold by him to [REDACTED]. He was also able to identify the bracelet as the one he sold to [REDACTED]. We then asked him how much the bracelet was actually worth, and the price they sold it to him for. We told [REDACTED] that the bracelet was sold to him for \$2100. He figured the price of gold per ounce at market rate for July, 2014 and stated that this price was right for the price of gold at that time.

[REDACTED] stated that he is certain that [REDACTED] paid cash for the bracelet and he further indicated that he always pays cash for everything he buys from them. He stated that they should still have the store's copy of the receipt and he would try to locate it and send it to me via fax. We showed him a copy of the receipt that [REDACTED] provided and asked him if this was accurate. He stated it was. [REDACTED] asked [REDACTED] why he did not fill in the "sold to, address, phone, sold by, memo, cash, and COD" lines. He stated that sometimes they do, and sometimes they don't. If the customer requests it, they do, otherwise they don't. He and the owner were advised that from this point forward, they should always fill that information in, as we would have had no way of positively confirming that the receipt for the bracelet actually belonged to [REDACTED] if we weren't able to speak with them directly and they had recollection of selling the piece to him.

On 10-29-15 at 1300 hrs, [REDACTED] and I responded to the parking lot of Dunkin' Donuts and met with [REDACTED]. He signed the form indicating he wished to rescind his complaint and [REDACTED] notarized his signature. I signed as a witness. I attempted to press [REDACTED] again as to why he wanted to rescind his complaint and reassured him that I would conduct a full investigation in an attempt to determine what happened to his bracelet. This conversation appeared to make [REDACTED] very nervous and he stated that he was grateful to me for my help, but he really just wanted "this whole thing to be over with and to go away because it's bringing too much stress to my family." I found the response odd, especially since as he was telling me this he would not make

eye contact with me. At that time [REDACTED] left the parking lot and [REDACTED] and I returned to HQ.

On 10-31-15 [REDACTED] faxed a copy of the receipt which was retained by the store, and it matched the one provided by [REDACTED]. Both were placed in the file.

On November 9, 2015 this investigation was turned over to [REDACTED] for completion. The complaint was formally withdrawn by [REDACTED]. The case is pending for apparent lapses in implementation of policy and/or procedure that were discovered as part of the initial investigation. In general the investigation revealed that there were potential violations of Departmental General Orders/Rules & Regulations, which included: 330.41 Motor Vehicle Inventory, 350.20 Bureau of Criminal Identification, and 330.40 Vehicle Tow Protocol. In reviewing the case specifically it was found that the following forms/Reports were not completed pertaining to the vehicle: a Vehicle Inventory Log, a Vehicle Hold Form, and a Seizure Report.

On 12-03-2015 I printed a NLETS Query Report for the suspect vehicle bearing Massachusetts passenger registration [REDACTED]. The vehicle came back actively registered to [REDACTED]. I included a copy of the NLETS Query Report as an attachment to this report. The vehicle in question had been seized as part of the investigation and towed to headquarters and logged as property # [REDACTED] by [REDACTED], under CPD report [REDACTED]. A Seizure Report was not completed for the vehicle, although the keys (property [REDACTED]) for the vehicle and the vehicle had been listed on separate Cranston Police Department Property Forms. I have included copies of both property forms as an attachment to this report.

On 12-04-2015 I printed out a copy of the dispatch log from the CAD. I found that on [REDACTED] hours that a tow had been called for the vehicle from the scene. I listened to the corresponding transmission from the RECAL 14.29.32 and found that [REDACTED] had radioed on frequency two to Dispatcher Dunton requesting that a tow respond. [REDACTED] provided the necessary vehicle information including the registration for the tow log. On 12-04-2015 I ran a query on the CAD for the vehicle tow log for the entire day [REDACTED]. I found that [REDACTED] had not entered the suspect vehicles information into the tow log. I have included a copy of the tow log query as an attachment to this report.

On 12-07-2015 I conducted recorded interviews with both [REDACTED] and [REDACTED] concerning the incident. I provided the digital recordings of both interviews to NIBRS [REDACTED] transcription. An interview with [REDACTED] will take place within the next several days. Both [REDACTED] and [REDACTED] were provided their Notification of Rights Pursuant to the Law Enforcement Officer's Bill of Rights under RI General Law 42-28.6-2et seq. prior to the interview taking place. Signed original copies of this rights form have been included in the attachment section of this report. I included transcribed copies of

both interviews as part of this investigation, listing both in the attachment section of this report.

On 12/11/2015 I received the transcriptions of the interviews for [REDACTED] and [REDACTED] from NIBRS [REDACTED]. On this same date I interviewed [REDACTED] and forwarded the digital recording to NIBRS for transcription. Prior to conducting the interview with [REDACTED] provided him with a Notification of Complaint Pursuant to the Law Enforcement Officers Bill of Rights under RI General Law 42-28.6-2 and his Notification of Rights Pursuant to the Law Enforcement Officer's Bill of Rights under RI General Law 42-28.6-2et seq. Signed original copies of both have been included in the attachment section of this report.

Interviews:

[REDACTED] testified that he recalled that an arrest was made during the incident on [REDACTED] subsequent to an investigation and probable cause search of a suspect vehicle, wherein narcotics and paraphernalia were seized. He recalled that [REDACTED] and [REDACTED] had taken two individuals into custody and had seized the drug items. When shown a set of four photographs of the suspect vehicle, taken by [REDACTED], showing the reported missing jewelry (bracelet); [REDACTED] reported that he did not look into the suspect vehicle on the day in question, but stated that the pictures that I was showing him did portray jewelry in the center console above the gear shift.

[REDACTED] testified that he did not recall if any other searches were conducted other than the probable cause search. Upon advising him that the RECAL revealed that [REDACTED] had requested a tow on channel two, he stated that he believed that he advised [REDACTED] to contact dispatch and to have tow respond to remove the vehicle. [REDACTED] recalled that he wanted to have the vehicle towed to headquarters for 'safekeeping' because it was rental.

[REDACTED] was not able to recall if he spoke to someone and tell them whether or not, to complete a motor vehicle inventory search or the required Motor Vehicle Inventory Form. When I asked him "as the supervisor on scene, who would you say is responsible for filling out one of these sheets"? He responded "The officer...I believe the officer who was securing the vehicle, had the vehicle in their custody." [REDACTED] stated that [REDACTED] was the officer in this case who would have been responsible, but stated that he could not specify because he [REDACTED] didn't make it clear to him that he should complete the inventory search and subsequent paperwork.

During the interview I made [REDACTED] aware that in addition to the inventory search/documentation form not being completed, that neither a Vehicle Hold Form nor a Seizure Report was completed for the towed vehicle. He stated that he was not aware whether [REDACTED] had had made any arrangements with each other, to complete the

necessary paperwork and offered that he believed that "I should have, as the supervisor on scene, insured who was responsible for what and if there was a failure in communication as to who was going to complete the inventory search/form, I believe that would fall on me."

It that the ultimate responsibility for any lapses in procedure should fall to him.

testified that he was told to have it (the suspect vehicle) towed back to headquarters by [REDACTED]. He stated that he was one of the people that did go through the vehicle; the other he believes was [REDACTED]. He stated that he did not know what happened to the missing bracelet. He testified that he did not complete the Motor Vehicle Inventory Log, but was never asked to either. He stated that there was no conversation between him and [REDACTED] to whether one should be filled out. When asked, "you don't know who should have completed it?" (Vehicle Inventory Log) He responded "Ah, I guess if I followed it back, maybe it should fall on me..."

testified that he followed the towed suspect vehicle back to headquarters, but does not recall which tow company was used that day. He stated that he observed the tow operator pull into the lot, remove the suspect vehicle from the tow truck, and drive the vehicle into the CPD lower garage. He stated that he turned over the keys for the vehicle to [REDACTED] because he was doing the report. When asked if completed a vehicle hold form; he state "I did not do that either." [REDACTED] stated that he has read the vehicle tow policy. He stated also that he does read his City e-mail, but does not necessarily specifically remember receiving the e-mail sent by [REDACTED] or [REDACTED]. The e-mail referenced General Order 330.41 Motor Vehicle Inventory and requested all sworn officers to "please review and familiarize yourselves with the attached motor vehicle inventory policy." [REDACTED] stated that to his recollection, he did not have any conversation with [REDACTED] to who was going to complete the necessary Vehicle Inventory Tow Log or the Vehicle Hold form.

testified that he and other officers originally responded to the scene for a report of a suspicious vehicle outside the residence of [REDACTED], but was advised by dispatch that the incident was a possible B&E in progress. He reports that he was the first on scene and immediately detained the two individuals that he found there. He testifies that when other officers arrived in the course of their investigation that probable cause existed to make a search of the suspect vehicle that included a smell of marijuana, a large amount of cash found on the person of one of the detained and an admission from one of the detained that there might be something in the car. [REDACTED] testifies that he participated in a search of the trunk wherein narcotics and paraphernalia were subsequently located.

reports that when the illegal contraband was located that he took immediate custody of one of the detained and placed him under arrest. During the interview I showed [REDACTED] digital photographs of the interior of the suspect vehicle that captured the jewelry in the

center console. [REDACTED] testified that he never searched the interior of the suspect vehicle and that his probable cause search was confined to the trunk of the vehicle. [REDACTED] stated that he was aware of the Department's policy to complete an inventory search and accompanying Motor Vehicle Inventory Search Inventory form. He states in his interview that he was not on scene when the vehicle was towed due to the fact that he had transported his prisoner into headquarters for processing.

He further stated that [REDACTED] transported the other prisoner into headquarters at approximately the same time which is corroborated by the dispatch log. Both officers radioed to dispatch that they were transporting their respective prisoners into headquarters at 1419 hours. [REDACTED] testifies that he was not aware the suspect vehicle had been towed to headquarters until after the fact when he was notified by [REDACTED] at headquarters. He stated that he was never made aware of why it had been towed to headquarters. When asked pointedly whether he had any knowledge of who may have taken the bracelet in question? He stated "NO".

[REDACTED]

On 1/5/2016 I interviewed [REDACTED] who testified that he had responded to the incident on the day in question and had detained the second individual who had been sitting in the suspect vehicle. He stated that he removed the individual out of the car, made a search of him and sat him down on the curb. He stated that he looked into the vehicle and did see the jewelry in the center console of the car, but maintained security of the detained subject. He stated that when the decision was made he took custody of his detained individual and subsequently transported him to headquarters. He stated that he did not know who was left to maintain the suspect vehicle. He stated in his interview that he had no knowledge of where the bracelet in question ended up.

[REDACTED]

On 1/5/2016 I interviewed [REDACTED] who testified that he had been working on [REDACTED] on the day in question and had responded to the location on his own when he heard that an officer was responding into headquarters to retrieve a CST camera. He stated that he answered up that he had a camera on his person and would be responding to the location. He stated that when he got to the scene he was instructed by [REDACTED] instructed him to digitally photograph the suspect vehicle. [REDACTED] testified that he photographed the entire vehicle including the passenger compartment and the trunk. He stated that as part of his CST duties that he did not collect any of the evidence or personal property from the suspect vehicle, as he was only instructed to photograph it. During his interview he confirmed that he was the one had photographed the suspect vehicle when I showed him the pictures. [REDACTED] testified he did not know where the missing bracelet may have ended up.

Conclusion:

On 10/29/2015 prior to the completion of OPS investigation 2015-17 [REDACTED] withdrew his formal complaint concerning the missing bracelet that had initiated the original complaint. [REDACTED] and [REDACTED] obtained An OPS Complaint withdrawal form from [REDACTED] that was signed by him and Notarized [REDACTED]. He did so 'without threats or promises, voluntarily and willingly' as is printed on the form. [REDACTED] informed [REDACTED] that he just wanted "this whole thing to be over with and to go away because it's bringing too much stress to my family." During the investigation it was found that numerous individuals including civilians, police officers and tow operator had access to the missing bracelet and unfortunately the investigation did not cultivate the whereabouts of it. As such it was found that certain lapses in procedure allowed the bracelet to go undocumented, except for CST photos that were taken on scene with reference to arrest report [REDACTED].

The photos showed that several pieces of jewelry were left by the defendant in the center console of the vehicle that was in front of the gear shifter, at the time of his arrest. These lapses included a motor vehicle inventory search not being completed and/or documented, a vehicle hold form not being completed, and a seizure form not being completed. In addition, dispatch did not enter the vehicle tow information into the tow log although it was properly relayed to the dispatcher over frequency two.

In review of all RMS records, RECAL transmissions, CAD records, and subject/witness testimony the following factual information was derived:

- [REDACTED] the primary reporting officer for the incident
- [REDACTED] was the scene supervisor
- [REDACTED] was on scene as an assisting officer
- A probable cause search was conducted wherein illegal narcotics and drug paraphernalia were seized by [REDACTED]
- Two suspects were arrested and [REDACTED] and [REDACTED] took physical custody of them; suspects/drugs transported to headquarters by them in relatively short period of time

[REDACTED] ordered that the suspect vehicle be transported to headquarters

[REDACTED] as per General Order 330.40 –Vehicle Tow Protocol correctly ordered that the suspect vehicle in question be towed from the scene in accordance with 330.40, III., c. ,(ii.), wherein the order states the 'when the operator of a vehicle is arrested, the vehicle may be towed...'. In this incident the vehicle was towed from the roadway due to the operator and passenger being arrested on scene. [REDACTED] in testimony recalled that he ordered that the vehicle be towed to headquarters for "safe keeping". By all accounts any evidence that was going to be seized as part of a prosecutorial action against the suspects had been collected during the probable cause search of the vehicle. There is some speculation that in this case that the suspect(s) may have agreed to work

with the [REDACTED] and the word "safe keeping" was incorrectly used in the report and could have just as easily been replaced by towing for "further investigation". Under G.O. 330.40, the order states that when:

- f. Towing to the police station or any city controlled property:
 - i. A vehicle should be towed to the station under the observation of an officer whenever:
 - 1. The vehicle is considered to be part of the crime scene and a search warrant and/or processing at the police station is necessary, including crash investigations.
 - 2. Refer to 350.20 Bureau of Criminal Identification IV. l. x. for procedures involving motor vehicles towed to headquarters or any city controlled property.
- and under section:
 - g. Towing to tow company
 - i. Vehicles will be towed to the tow service place of business when evidence collecting is not necessary or may be accomplished on scene prior to the tow.

In analysis of this incident it is not important why [REDACTED] had the suspect vehicle towed to headquarters. What is important is that once he did, his decision triggered compliance with sections of General Orders 330.41 and 350.20.

In compliance with G. O. 330.40-Vehicle Tow Protocol, [REDACTED] appointed [REDACTED] as the person that would observe the suspect vehicle being towed to the station. In [REDACTED] own testimony he stated "I, we knew it was gonna' be towed back per [REDACTED] I took the initiative to call on Channel 2 and have tow respond. And he told me to have it towed back to headquarters." When [REDACTED] identified [REDACTED] the person that was going to "seize" the vehicle, a secondary search, used to inventory any personal items and valuables, should have been performed prior to the vehicle being towed to the station. Although [REDACTED] claims that he did not know why the suspect vehicle was being towed to headquarters, he should have known by his training and experience that he was being ordered to seize the vehicle even though the exact words may not have been uttered by [REDACTED]

General Order 330.41-Motor Vehicle Inventory dictates that under section:

IV. Procedure

- a. Motor Vehicle Inventory Process
 - i. When an officer seizes a motor vehicle, he/she will complete a motor vehicle inventory log.
 - ii. A detailed inventory of the vehicle should be carefully planned and carried out. The particulars of the situation will dictate the search sequence,...

and that under subsection vii., entitled **Items of Value, 3.**, [all]items of evidentiary value and personal items of value will be placed in the temporary evidence for safe keeping.

The last sub-section ix., under the procedure section III., states that "Officers will ensure that the Motor Vehicle Inventory Log is completed and submitted as part of the original police report." [REDACTED] did not complete a motor vehicle inventory search or the

required inventory search log. Refer as needed to the full copy of General Order 330.41 that has been provided as an attachment to this investigation

In analysis of General Order 350.20-Bureau of Criminal Identification, the purpose of the policy is to establish 'guidelines for both maintaining the integrity of the evidentiary chain of custody and properly storing found/personal property.' The proper handling of evidence reduces the risk of contaminating case evidence and limits the risk of personal property going undocumented, thereby mitigating the potential for possible accusations being needlessly filed against officers and the Cranston Police Department. Based on the testimony of [REDACTED] he stated that he followed the suspect vehicle back to headquarters where it was placed in the garage below the station, by the tow operator. He stated that he provided [REDACTED] with the keys for the suspect vehicle, "cause he was the initial, ah, he was doing the report." When asked, [REDACTED] testified that he did not complete a required Vehicle Hold Form. When posed with the question of whether he had any discussion with [REDACTED] on who was going to complete the necessary Vehicle Hold Form? He replied, "Honestly, I didn't offer or I didn't discuss it with him. It was toward the end of my shift and there were multiple people and he was, he was doing his report and I just kinda' left him with the keys and told him where the vehicle was." Under G.O. 350.20 section and subsection IV. (e) i., entitled, *Documenting Evidence*, the policy guidelines state that "to minimize the chain of custody, evidence should be handled by as few people as possible. The impounding officer is responsible for the evidence seized, and its chain of custody, until the evidence is turned over to the evidence custodian". [REDACTED] should not have turned over, the responsibility of documenting the suspect vehicle, to [REDACTED] as it was a violation of policy. He as the impounding officer was responsible for documenting the seizure of the vehicle including: the hold form, property tracking, and communication to dispatch to ensure that the vehicle was logged into the IMC CAD tow log.

In review of the RECAL digital recording I found that [REDACTED] did radio into headquarters on frequency two and provided [REDACTED] with the suspect vehicle information. A check of the CAD tow log revealed that only two vehicles were entered into the log for the entire day in question. [REDACTED] apparently neglected to enter the vehicle into the system. Refer to a copy of the CAD tow log that is an included attachment. As final documentation I reference General Order 350.20:

IV. Procedure

x. Motor Vehicles

1. Dispatch will include a detailed description and the tow location of the vehicle in the IMC tow log.
2. The officer towing the vehicle will assign it, (the vehicle), a PR# and complete a property card for any vehicle that is being towed and held, as it should be considered evidence or seized/held property. If there are keys with the vehicle, they should be assigned a separate PR#.
3. The officer towing the vehicle will include, on the property card, the reason that it is being held at HQ or the City garage.

- a. i.e. Held for prints, Held for processing, To be searched by/for.
4. The Property card will be placed into designated temporary evidence locker (TL21) , with the keys attached, if there are any. Do not leave the property card with the vehicle.
5. A property label will be completed and kept with the vehicle.
6. The officer towing the vehicle will complete a department vehicle hold form which includes the specific location of the vehicle as well as the PR# assigned. This should also be attached to the Property Card submitted to BCI.
7. The officer towing the vehicle will include the vehicle information in IMC under the property tab.
 - a. Enter the detailed vehicle information under the "Vehicle" tab
 - b. Enter the storage location under the "Case Tracking" tab
 - c. Select either "Police Impound lot", "CPD basement", or "City garage" ...

All the guidelines in this section refer to the "officer towing the vehicle" is responsible for completing the necessary documentation and not the reporting officer, although it can be. Documentation includes the completion of a vehicle hold form, completion of a property for the vehicle and all necessary property tracking information. None of this was completed by [REDACTED]

The initial complaint by [REDACTED] alleged that a bracelet was missing from his rental vehicle upon its return. During the investigation [REDACTED] withdrew his complaint, but the investigation continued to possibly identify where and/or who removed the bracelet from the seized suspect vehicle. Unfortunately the investigation did not produce the whereabouts of the missing bracelet. As part of the investigation it became apparent that because above cited sections within General Orders 330.4, 330.41 and 350.20 were violated, that the bracelet was allowed to go undocumented and subsequently unprotected. Although [REDACTED] was initially thought to be the "Subject" named in the complaint, careful critic and review of all documentation reveals that [REDACTED] was responsible for the lapses in policy. It is the conclusion of this Office of Professional Standards investigation that it is other sustained against [REDACTED]

Attachments:

- Citizen Complaint Form: [REDACTED]
- OPS Complaint Withdrawal Form: [REDACTED]
- OPS Letter of Commencement: [REDACTED]
- Cranston Police Department arrest report: [REDACTED]
- Written Notice of Complaint Subject M: [REDACTED]
- Witness Notice of Interview: [REDACTED]
- Cranston Police Property Form property items: [REDACTED]
- NLETS Specific Query Report Massachusetts passenger registration: [REDACTED]
- CAD Incident call @ [REDACTED] dispatch log: [REDACTED]
- CAD Vehicle Tow Log: [REDACTED]

- Notification of Complaint Pursuant to L.E.O. Bill of Rights... [REDACTED]
- Notification of Rights Pursuant to L.E.O. Bill of Rights... [REDACTED]
- Transcribed interviews: [REDACTED]
- E-mail [REDACTED] / Subject: Motor Vehicle Inventory Procedure/August 19, 2015
- Cranston Police Department General Order(s) 330.40, 330.41 and 350.20
- Transcribed Interview Accuracy Form: [REDACTED]

Respectfully submitted, [REDACTED]

Office of Professional Standards



CITY OF CRANSTON
DEPARTMENT OF POLICE
Office of Community Outreach
5 Garfield Avenue, Cranston, Rhode Island 02920

To: Colonel Michael J. Winquist
From: [REDACTED]
Date: November 3, 2015
Subject: OPS Case #15-~~1~~ 19 [REDACTED]

Complainant:

[REDACTED]

Nature of Complaint:

Complainant [REDACTED] states that she is displeased with police services arising from several contacts. She additionally believes that the Department is intentionally targeting her husband, [REDACTED].

Investigation:

This investigation was assigned to this investigator on October 5, 2015, from [REDACTED]. Upon review of the Citizens Complaint Form, this investigator briefly spoke to [REDACTED] regarding the genesis of the complaint. [REDACTED] explained that [REDACTED] came into police headquarters on Friday, October 2nd, and presented him with five additional typewritten pages outlining what she believed to be police misconduct. She also presented him with an SD card purported to show members of the police department acting unprofessionally.

This investigator spoke with the complainant on the morning of October 7, 2015. In our brief conversation, I asked her if she would like to make a recorded statement relative to her experiences with the police. I additionally asked her if there is anything that she would like to add, above and beyond the statement that she provided to [REDACTED]. She stated that she did not wish to make a recorded statement and that she did not have anything to add to the typewritten statement she provided to [REDACTED]. I finally asked her if she had contact with any members of the Cranston Police

Department between the time at which she made her complaint and my contact to her. She stated that she did not. I notified her that I would be sending her a "Letter of Commencement" indicating that her complaint would be investigated and that I would contact her periodically to let her know about the status of her complaint.

The Complainant provides three individual narratives in her letter that state that the crux of her husband's issues come as a result of a "mental health" problem that leads people to believe that he is a bad person. She does not specifically detail what his deficiency is but states that a lack of treatment is a factor. *Please note that [REDACTED] has an extensive list of contacts with the Cranston Police Department dating back to 2004 (see attached).*

She goes on to detail two incidents that purport to show the Cranston Police Department conducting police service in an unprofessional way. These incidents were both involving matters dealing directly with the actions of her husband:

- [REDACTED] - Disturbance at [REDACTED] resulting in the arrest of [REDACTED] for Disorderly Conduct [REDACTED]
- [REDACTED] Domestic disturbance at [REDACTED] resulting in a warrant being issued for the arrest of [REDACTED]s for Simple Assault, Refuse/Relinquish Use of a Telephone, and Disorderly Conduct - all domestic [REDACTED]

Examination of Video:

[REDACTED] provided a video recording of an arrest following an incident documented by [REDACTED]. This incident took place on [REDACTED] at 1204 hours, at the [REDACTED] residence at [REDACTED]. The video tape in question is 14 minutes long. In a close review of the video, it does not appear that any member of the Cranston Police Department acts unprofessional in any way; nor does it appear that any member of the Cranston Police Department violated any policies or procedures during any part of the investigation. Please note, the video only shows a portion of the investigation and does not show the incident in its entirety. Please also note that the charges relative to this case were upheld:

[REDACTED]	Closed	Arrest	[REDACTED]
Charge:	DISORDERLY CONDUCT		
Disposition:	PLEA OF NOLO CONTENDERE (09/14/2015)		
Sentence:	6 MOS SUSPENDED/6 MOS PROBATION; NCO; MENTAL HEALTH COUNSELING.		

Complainant's Claim of Overzealous Prosecution:

[REDACTED] has claimed that the Cranston Police Department has engaged in overzealous prosecution of her husband relative to his current wanted status, specifically stating that the department's use of Facebook and the media is unwarranted. Please note that this has been an established practice of the department for over two months. His current warrant status is as follows:

<u>Date</u>	<u>Status</u>	<u>Activity Type</u>	<u>Refer to:</u>
[REDACTED]	Pending	Warrant	[REDACTED]
Charge:	DOMESTIC-SIMPLE ASSAULT/BATTERY		
Charge:	DOMESTIC-REFUSE/RELINQUISH TELEPHONE		
Charge:	DOMESTIC-DISORDERLY CONDUCT		

It should be noted that on 9/23/2015 complainant [REDACTED] contacted headquarters and stated that he had a warrant and that he wanted to be picked up. Please note that [REDACTED] stated that officers responded to his home following this call only to find that he had left the scene.

An examination of departmental indices shows only one additional attempt pick-up was self-initiated by a member of the department (call number [REDACTED]). This took place on [REDACTED] and was unsuccessful.

Outside Agency Follow Up:

Complainant [REDACTED] states in her narrative that she has contacted other agencies as she believes that she should make "higher authorities" aware of this department's actions. As such, this investigator contacted the referenced agencies. This investigator contacted [REDACTED] on October 19, 2015, regarding this case. [REDACTED] stated that [REDACTED] had not contacted the Division regarding this complaint. This investigator also contacted the Rhode Island Attorney General's Office, Criminal Division, on November 3, 2015, in an effort to ascertain the status of any complaint filed by [REDACTED]. Please note that [REDACTED] was unaware of any complaint by [REDACTED].

Please note that this department has not been contacted by any other Cranston city department relative to this complaint.

Conclusion:

This investigation is hindered by the unwillingness of the complainant to make an additional statement regarding her allegations of unprofessional conduct or be questioned further regarding these claims. Her letter to this police department appears to be rooted in emotional rhetoric rather than assessable examples of malfeasance by members of this police department on the two specific occasions she references [REDACTED] and [REDACTED]. Additionally, the video that she provided that allegedly shows officers acting unprofessionally does not show anything other than an investigation and arrest conducted by members of the Patrol Division. While the complainant is clearly not happy with the direction the investigation ultimately took (the arrest of her husband), her displeasure does not convey any evidence that wrongdoing took place on behalf of our officers.

[REDACTED]'s report regarding the incident on [REDACTED] appears to be an adequate representation of the investigation. The charges stemming from the incident were judicially sustained. *As such, no officers connected with the case were interviewed.*

Regarding her claims that officers misled her to obtain a warrant for her husband's arrest, this investigator would respectfully allow judicial examination of the criminal case prior to any internal investigation of this assertion. *This has not taken place as [REDACTED] remains wanted as of this writing.*

This complaint is classified as **unfounded**.

Attachments:

- SD card of [REDACTED] incident.
- Citizen Complaint dated 10/2/2015 including a complainant narrative.
- IMC master names index printout for [REDACTED]
- IMC master names index printout for [REDACTED]
- IMC dispatch log for [REDACTED]
- IMC dispatch log for [REDACTED]
- IMC dispatch log for [REDACTED]
- IMC dispatch log for [REDACTED]
- IMC report #15- [REDACTED]
- IMC report #15- [REDACTED]
- IMC report #15- [REDACTED]
- IMC report #15- [REDACTED]
- NCIC full spectrum printout for [REDACTED]
- NCIC full spectrum printout for J [REDACTED]

Respectfully submitted,

[REDACTED]

Office of Community Outreach



Cranston Police Department
Investigative Report

Page: 1
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Case #: 15-23-IA

Date/Time Reported: 12/29/2015 @ 1200
Report Date/Time: 12/30/2015 @ 1300
Occurred Between: [REDACTED]
And: [REDACTED]
Complaint Type: VIOLATION DEPT. RULE
Disposition: UNDER INVESTIGATION

Reporting Officer: Lieutenant [REDACTED]
Signature: [REDACTED]

#	OFFENSE(S)	A/C	TITLE/CHAP	SECTION
	LOCATION TYPE: Bar/Night Club [REDACTED]		Zone: out of town	
1	VIOL. G.O. 130.00 (VI) G [CONFLICT OF INTEREST] OCCURRED: [REDACTED]			C
2	VIOL G.O. 130.00 (VIII) C [REQUIRED CONDUCT] OCCURRED: [REDACTED]			C
3	VIOL. G.O. 130.00 (VIII) T [REQUIRED CONDUCT] OCCURRED: [REDACTED]			C
4	VIOL. G.O. 130.00 (IX) C [PROHIBITED CONDUCT] OCCURRED: [REDACTED]			C

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED] DOB: NOT AVAIL	OTHER	[REDACTED]	[REDACTED]	[REDACTED]	NOT AVAIL	[REDACTED]
2	[REDACTED]	PARTICIPANT	[REDACTED]	[REDACTED]	[REDACTED]	NOT AVAIL	[REDACTED]
3	[REDACTED] ***UNKNOWN***	PARTICIPANT	[REDACTED]	[REDACTED]	[REDACTED]	NOT AVAIL	[REDACTED]
4	[REDACTED] R	BUSINESS	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	BUSINESS	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

**Cranston Police Department
Investigative Report**

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Case #: 15-23-IA

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
6	[REDACTED]	BUSINESS					[REDACTED]
7	[REDACTED]	OTHER	[REDACTED]			NOT AVAIL	

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

CONTACT INFORMATION:
 Home Phone [REDACTED]
 Home Phone [REDACTED]
 Cell Phone (Primary) [REDACTED]
 Work Phone [REDACTED]

HEIGHT: [REDACTED] WEIGH: [REDACTED] HAIR: [REDACTED] EYES: [REDACTED]
 BODY: [REDACTED] COMPLEXION: [REDACTED]
 DOB: [REDACTED] PLACE OF BIRTH: [REDACTED]
 LICENSE NUMBER: [REDACTED] ETHNICITY: [REDACTED]

[APPEARANCE]

GLASSES WORN: NO

TATTOOS: [REDACTED]

EMPLOYER/SCHOOL: [REDACTED]

OCCUPATION: POLICE OFFICER

#	CALL(S)	NUMBER	PLACED TO	ORIGINATED BY	MIN
1	[REDACTED]	@ 1230	[REDACTED]	[REDACTED]	[REDACTED]
2	[REDACTED]	@ 1216	[REDACTED]	[REDACTED]	[REDACTED]
3	[REDACTED]	@ 1055	[REDACTED]	[REDACTED]	[REDACTED]
4	[REDACTED]	@ 1705	[REDACTED]	[REDACTED]	[REDACTED]
5	[REDACTED]	@ 1615	[REDACTED]	[REDACTED]	[REDACTED]
6	[REDACTED]	@ 1241	[REDACTED]	[REDACTED]	[REDACTED]
7	[REDACTED]	@ 1441	[REDACTED]	[REDACTED]	[REDACTED]

Ref: 15-23-IA

**CRANSTON POLICE DEPARTMENT
OFFICE OF PROFESSIONAL STANDARDS
INVESTIGATION 15-23-IA**

[REDACTED] at the request of Colonel M. Winquist I opened an investigation for the matter concerning an off-duty incident that [REDACTED] was involved in wherein the [REDACTED] was contacted concerning criminal allegations. On [REDACTED] Colonel Winquist provided me with a confidential memorandum documenting his contact with [REDACTED]. Please refer to this Memorandum for additional information. On 12/30/2015 I contacted [REDACTED] of the [REDACTED] Unit who reiterated to me the same information that had been given to me by Colonel Winquist in his confidential memorandum. In addition he e-mailed me a synopsis of the allegations that had been made against [REDACTED]. A copy of this e-mail can be found in the attachment section of this report. Based on the information that has been provided to this office the complaint alleges that [REDACTED] may have mis used his police badge and failed to notify a supervisor of the Cranston Police Department when he became involved in an off-duty incident, altercation, or victimization.

I began compiling the information and documents and have identified four sections of General Order 130.00, Rules & Regulations that I will critique for possible violations. The sections of the G. O. 130.00 are listed in the offense section of this report.

On 12/30/2015 I interviewed [REDACTED] who gave his recollection of the incident. The questions for the interview were specific in nature as it relates to the possible violations, but due to the nature of the allegations, general questions were asked concerning locations and notifications by [REDACTED].

Interview:

On 12/30/2015 [REDACTED] arrived at my office at approximately 1600 hours accompanied by his union representation [REDACTED]. I provided [REDACTED] with his Notification of Complaint Pursuant to the LEOBOR under RIGL 42-28.6-2 and his Notification of Rights Pursuant to the LEOBOR under RIGL 42-28.6-2 et seq.

[REDACTED] testified that he was in Boston during the early morning hours on [REDACTED] and had been there from the evening of [REDACTED] attending a [REDACTED]. He stated that subsequent to being at the dinner, that he and a couple of friends that he named were at several of the local bars on [REDACTED], including the [REDACTED].

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He stated that he was not familiar with the area and had his friends direct him where to go. [REDACTED] stated that towards the end of the night he did meet a female that he was introduced to as [REDACTED], in a bar that he did not know the name of, but that was identified as the [REDACTED] in the BPD incident report.

[REDACTED] testified that he and [REDACTED] made some small talk and that he noticed that she was looking on the floor where they were sitting. [REDACTED] stated that [REDACTED] told him that she was missing her Iphone and that he offered his phone to be used by her using the Find My Iphone app. He stated that the app showed that it was across the street at another bar and that he walked [REDACTED] there to retrieve it. He stated that he was also not aware of the bars name either. The bar was identified as the [REDACTED] [REDACTED] reported that [REDACTED] was closed, but that [REDACTED] knocked on the door and an employee answered same. [REDACTED] stated that the employee came to the door with the cell phone in their hand and gave it [REDACTED]

[REDACTED] recalled that he and [REDACTED] seemed to hitting it off and went on to testify that he [REDACTED] and his friend [REDACTED] made a couple of more stops and eventually gave her a ride to her apartment. [REDACTED] stated that he did not know where she lived, but recalled punching it into his GPS and that it had directed him to the address. [REDACTED] stated that when they got to [REDACTED] apartment building that she asked him to walk her upstairs and that they began to make out for about ten minutes. [REDACTED] stated that he ended the night early by telling her that he had to get back to his friend who was still waiting for him downstairs. [REDACTED] stated that when he left everything seemed to be all right. he stated that 'we kissed goodnight,said good bye' and that he went back downstairs and got back in his [REDACTED]

He does admit that he was telephoned by [REDACTED] on [REDACTED], notified of the allegations and advised that the complainant did not want to pursue the matter. He appeared shocked by the information, but stated that he thought the [REDACTED] was just giving him the heads up and warning him that [REDACTED] did not want to have any contact with him whatsoever. He testified that he was not aware that any formal report was going to be taken because he had not provided any identifying information and was not compelled to respond in to make any statements concerning the alleged incident. He admitted that he had not contacted anyone from the supervisory staff concerning his contact with the Boston Police Department.

I have attempted to contact [REDACTED] by telephone on two separate occasions (1/4/2016 at 1055 hours and 1/6/2016), to invite her to participate in the OPS investigation. I have been unable to leave any message on her voice mail system because the message states that the mail box is full. As of 1/11/2016 I have not been able to contact [REDACTED] phone and sent a letter inviting her to participate in the OPS investigation even though she had not wanted to pursue the matter criminally.

In the letter I made notice that this communication would be the final attempt to contact her and respect her apparent exercise of privacy. In the letter I enclosed an Investigation Participation form that I created, that requests that [REDACTED] check off whether she is willing or not willing to participate in the investigation. Copies for both can be found in the attachment section of this report.

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I also included a self-addressed metered envelope for her convenience. The letter and enclosures were mailed on 01/11/2016. On 2/3/2016 the OPS office received the above cited letter post marked 01/29/2016, "Return to Sender, Not Deliverable as Addressed Unable to Forward". I verified [REDACTED] address with the address that had been provided by the [REDACTED] on their incident report; the addresses were the same. It is unknown whether [REDACTED] still resides at the same address.

On 02/02/2016 1441 hours, I telephoned the [REDACTED] and spoke to male owner who stated that he was not working the night of the alleged incident, but would ask the female manager if she recalled the incident. He was provided with my name and contact information. On 2/4/2016 at 1412 hours I returned a phone call [REDACTED], manager of the [REDACTED], that was working on the evening in question. After describing [REDACTED] and [REDACTED] to her, she stated that she did remember them knocking on the door after hours and that the two were let in briefly. She stated that the female was given back her phone and that the couple left. [REDACTED] stated that she "did not recall" the male showing a badge at the door" or otherwise.

Conclusion:

In reviewing all of the documentation that is connected with the incident the following facts can be derived:

- [REDACTED] a Boston Police Department Incident report [REDACTED] wherein criminal allegations are made toward [REDACTED]
- [REDACTED] communicated to the investigating [REDACTED] that she did not want to pursue the matter or pursue criminal charges
- The matter is deemed inactive by BPD due [REDACTED] not wanting to proceed
- [REDACTED] telephoned [REDACTED] on [REDACTED] and spoke to him at least peripherally about the allegations
- [REDACTED] telephoned Colonel Winqvist and informed him about alleged incident on 12/29/2015

In scrutiny of [REDACTED] actions with regard to the above cited sections of General Order 130.00 I have found that the two sections that require focused critique are G.O. 130.00 (VI) g, under the Conflict of interest section and G.O. 130.00(VIII) t, under the Required conduct section of the policy. It became apparent to me that the other two sections cited in the violation section of the report are superfluous and that the proof of violation of G.O. 130.00 (VIII) c & G.O. 130.00 (IX) is predicated on the successful proof of violation of the two previously cited sections of the General Order in the beginning of the paragraph.

In reference to G.O.130.00(VI) g, under the Conflict of interest section, it states that:

- g. Officers and employees shall not use their official position, official identification, cards or badges:
 - i. For personal or financial gain;
 - ii. For obtaining privileges not otherwise available to them except in the performance of duty;
 - iii. For avoiding consequences of illegal acts.

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Based on the narrative provided in the Boston Police Incident report, first responder(s) documented that [REDACTED], the complainant, alleged that [REDACTED] proceeded to take out a police badge and display it against the door so that [REDACTED] employee would see it'. The alleged action was undertaken subsequent to when [REDACTED] met [REDACTED] and that she communicated to him that she had misplaced her Iphone. [REDACTED] used his Iphone app to locate [REDACTED] cell phone in the [REDACTED] that was closed due to it being after closing.

In his interview [REDACTED] recounted a similar story, but stated that he had given his phone to [REDACTED] and that she had logged into the I CLOUD, subsequently locating her phone in the [REDACTED] across the street from their location. [REDACTED] stated further that he walked [REDACTED] across the street and that [REDACTED] knocked at the door and gained the attention of an employee working inside. The employee turned the phone back over to [REDACTED]. When I asked him in his interview, how [REDACTED] would have known that he was a police officer?, ; he stated the topic must have come up as small talk/conversation when he first encountered her in the [REDACTED]

On 2/4/2016 I spoke with [REDACTED], manager of the [REDACTED], who did remember that [REDACTED] and [REDACTED] had come to the door that night, after I gave her a brief description of the two. She stated that she "did not recall" whether that the male displayed a badge at the entrance, on the night in question, "for obtaining privileges not otherwise available to them except in the performance of duty." She stated that she only remembered that there was a knock at the door and that the couple was let in briefly. She stated that she gave the female back her phone and that they left. Based on the fact that I was not able to make contact with [REDACTED] to participate in the OPS investigation and be able to confirm the information that was reported in the BPD report and the fact that the recollections appear contradictory on the point of whether [REDACTED] displayed his badge, to have employees open the door after hours, this OPS investigation finds that it is not able to sustain a finding of violation of G.O. 130.00 (VI) g.

To the contrary, the OPS investigation revealed both in [REDACTED] own testimony and in the documentation provided by [REDACTED], that [REDACTED] did not notify the on-duty officer in charge when he became aware that he was involved in an off-duty incident, altercation, or victimization. [REDACTED] provided documentation that he contacted [REDACTED] by phone on [REDACTED] and informed him of the criminal allegations that had been made against him by [REDACTED]. In addition, [REDACTED] informed [REDACTED] that [REDACTED] was not going to pursue the matter and of the fact that [REDACTED] did not want [REDACTED] have any further contact whatsoever.

In [REDACTED] own testimony, he recalled that he did receive a phone call on [REDACTED] from a Detective Sergeant from the Boston Police Department and that the allegations were communicated to him. Although [REDACTED] that he was surprised, made aware that there was no charges, and thought that the notification was an "unofficial heads up", does not excuse him from his duty to report the incident to an officer in charge.

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It is not reasonable to believe that based on [REDACTED] training and experience that he would not have known that some official documentation of the incident would have taken place, due to the gravity of the allegations that were made against him. It is the conclusion of this Office of Professional Standards investigation that it is sustained against [REDACTED] for violation of General Order 130.00(VIII), Required Conduct, section (t).

Cranston Police Department
Attachments for Internal Affairs: 15-23-IA

Description	Type
BOR NOTICE OF COMPLAINT	DOCX
BOR/OPS RIGHTS & RESPONSIBILITIES	DOCX
BOSTON POLICE REPORT ██████████ E-MAIL	PDF
COLONEL WINQUIST MEMORANDUM 12/30/2015	PDF
LETTER OF INTENT TO PARTICIPATE	PDF
INVESTIGATION PARTICIPATION FORM	DOCX
██████████ OPS INTERVIEW	DOCX