
[REDACTED] [REDACTED]

TYPE: Personnel

CASE# 20160026

FINDING: Unsubstantiated

Complainant:

[REDACTED]

INTERNAL AFFAIRS BUREAU
PERSONNEL COMPLAINT TRACKING

DCN: <u>20160026</u>	CTV: [REDACTED]	REGION: <u>South</u>	LEVEL: <u>3</u>	TYPE: <u>Personnel</u>
Subject(s): [REDACTED]				
Investigated by: <u>Sergeant Timothy J Mannix</u>			Troop or Detail <u>F</u>	
Staff Inspector: <u>Staff Inspector Michael A Kopy</u>			Date: <u>3/31/16</u>	
SUBJECT HISTORY REVIEWED? <input checked="" type="checkbox"/> AUDIO? <input type="checkbox"/> VIDEO? <input type="checkbox"/> ON PROBATION? <input type="checkbox"/>				
ALLEGATION: <u>Complainant alleges that [REDACTED] used excessive force during his arrest.</u>				
SYNOPSIS: <u>Investigation into this matter has failed to substantiate the allegation that [REDACTED] used excessive force while making an arrest.</u>				
 <u>Troop F Commander, Major Joseph A Tripodo, concluded the matter be closed as Unsubstantiated. Staff Inspector Kopy concurs with Major Tripodo.</u>				
Finding of Investigation: <input type="checkbox"/> Founded <input type="checkbox"/> Unfounded <input checked="" type="checkbox"/> Unsubstantiated <input type="checkbox"/> Closed by Investigation				
Recommended Level of Adjudication: <input type="checkbox"/> Troop Level <input type="checkbox"/> Division Level				
Adjudicated at Troop <input type="checkbox"/>		Date:		Disposition: <u>Kopy</u>
Date Forwarded to Assistant Deputy Superintendent - Internal Affairs <u>3/31/16</u>				
Assistant Deputy Superintendent -- Internal Affairs Date: <u>5/19/16</u>				
Comments:				
Finding of Investigation: <input type="checkbox"/> Founded <input type="checkbox"/> Unfounded <input checked="" type="checkbox"/> Unsubstantiated <input type="checkbox"/> Closed by Investigation				
Recommended Level of Adjudication: <input type="checkbox"/> Troop Level <input type="checkbox"/> Division Level <u>Matthew S. Hansen</u>				
Date Forwarded to Deputy Superintendent -- Internal Affairs <u>5/19/16</u>				
Deputy Superintendent -- Internal Affairs <u>5/16/16</u> Date: <u>5/24/16</u>				
Comments: [REDACTED]				
<input type="checkbox"/> Division Level Recommended		<input type="checkbox"/> Troop Level Recommended		
Date Forwarded to First Deputy Superintendent:				<u>UNSUBSTANTIATED</u>
First Deputy Superintendent		Date:		
Direction:				
<input type="checkbox"/> Troop Level -- Return to Chief Inspector		<input type="checkbox"/> Division Level -- Forward to Division Counsel		
Date Forwarded to Counsel or the Chief Inspector:				
<input type="checkbox"/> Troop Level		Rank/Name of Member Notified _____		
Date Notified: _____		Notified by Whom: _____		

Type: Personnel Sub Type: Troop: F Status: Pending

Incident Date/Time: 6:15 PM Mode Recvd: In Person

Report Due: 2/26/2016 Level Inv: 3 T CTV: [REDACTED]

Commissioned Officer Assigned: No Report Location/Date: IAB - 4/11/2016

Classification: USE OF FORCE Finding: Unsubstantiated

Synopsis: [REDACTED] responded to 911 report of domestic with assault at [REDACTED], [REDACTED] encounters male subject involved in complaint and attempts to interview same. Male subject becomes combative and resists being taken into custody. Both [REDACTED] and male subject fall to ground, with subject receiving minor abrasions. Subject alleges excessive force used by [REDACTED]

Per IAB SRO troop to investigate as Level 3.

Subjects:

Name: [REDACTED]
Rank/Shield: - [REDACTED]
Employee ID: [REDACTED] DOE: [REDACTED]
Troop: [REDACTED] Location [REDACTED]
Char of Case: EXCFO - EXCESSIVE FORCE

Complainants:

Name: [REDACTED] Sex: SP Employee?
Street Address: [REDACTED]
City: [REDACTED] State: NY Zip: [REDACTED]
Home Phone: [REDACTED] Work Phone: [REDACTED] Ext

Administrative Personnel:

RECEIVING MEMBER Name: ZONE SERGEANT MICHAEL RUSHANS Emp ID: [REDACTED]
Troop: F100 Location Z/1 LIBERTY
Date/Time: 1/22/2016 7:06 PM

MEMBER AT TROOP NOTIFIED Name: MAJOR JOSEPH TRIPODO Emp ID: [REDACTED]
Troop: L011 Location TROOP COMMANDER
Date/Time: 1/23/2016 12:52 PM

MEMBER WHO NOTIFIED TROOP Name: CAPTAIN BRIAN SHORTALL Emp ID: [REDACTED]
Troop: L012 Location UNIFORM CAPTAIN
Date/Time: 1/23/2016 12:52 PM

MEMBER AT DIV NOTIFIED Name: INVESTIGATOR DAVID CHANDLER Emp ID: [REDACTED]
Troop: A331 Location COLLINS
Date/Time: 1/25/2016 2:30 PM

MEMBER WHO NOTIFIED DIV Name: LIEUTENANT JARED DUFFY Emp ID: [REDACTED]
Troop: F300 Location Z/3 KINGSTON
Date/Time: 1/25/2016 2:30 PM

INVESTIGATOR Name: SERGEANT TIMOTHY MANNIX Emp ID: [REDACTED]
Troop: F111 Location LIBERTY
Date/Time: 2/11/2016

REVIEWER

Name: **STAFF INSPECTOR MICHAEL KOPY**

Emp ID: [REDACTED]

Troop: **H132 Location INSPECTION**

Date/Time: **3/31/2016**

NEW YORK STATE POLICE

MEMORANDUM

TROOP F STATION Middletown

DATE March 18, 2016

TO: Deputy Superintendent Daniel R. Penny
FROM: Major Joseph A. Tripodo, Troop F Commander
SUBJECT: COMPLAINT AGAINST PERSONNEL – 20160026 - LEVEL 3

[REDACTED]

Reference is made to the attached report of Sergeant Timothy J. Mannix and cover memorandum of Captain Brian J. Shortall regarding the above subject.

I have reviewed the attached report and agree with the conclusion. The investigation has revealed that the allegations against [REDACTED] are without merit. The matter is closed by investigation as unsubstantiated. [REDACTED] will be advised of the results of this investigation by memorandum.

Forwarded for your review.

Attach.

NEW YORK STATE POLICE

MEMORANDUM

TROOP F STATION Middletown

DATE March 18, 2016

TO:

[REDACTED]

FROM:

Major Joseph A. Tripodo, Troop F Commander

SUBJECT:

COMPLAINT AGAINST PERSONNEL - LEVEL 3 - 20160026

[REDACTED]

The investigation into this matter has been completed. This matter is closed with no further action being taken.

CC:

Division HQ
Zone Commander

NEW YORK STATE POLICE

MEMORANDUM

Troop F Station SP Liberty

Date March 14, 2016

To: Major Joseph A. Tripodo, Troop Commander, Troop F

From: Captain Brian J. Shortall, Zone Commander, Zone One *BJS*

Subject: LEVEL 3 COMPLAINT AGAINST PERSONNEL – DCN#: 20160026

[REDACTED]

Reference is made to attached Level 3 Complaint Against Personnel of Sergeant TIMOTHY MANNIX dated February 11, 2016 regarding the above captioned subject.

I have reviewed the above referenced report of Sergeant TIMOTHY MANNIX and find it to be properly submitted. I have discussed this matter with Sergeant MANNIX and concur with his findings. On January 22, 2016 [REDACTED] responded to a 911 report of a domestic with assault at [REDACTED]. Upon arrival [REDACTED] encounters [REDACTED] who is involved in the complaint and attempts to interview Mr. [REDACTED]. Mr. [REDACTED] becomes combative and resists being taken into custody. [REDACTED] was eventually able to subdue Mr. [REDACTED] and as he was being walked over to [REDACTED] Mr. [REDACTED] repeatedly threw himself on the ground. After being placed inside Division Vehicle [REDACTED] Mr. [REDACTED] complained he had sustained an injury. Mr. [REDACTED] was transported to Catskill Regional Medical Center for evaluation. The tending physician's assistant diagnosed him as having minor bumps and bruises consistent with an individual resisting arrest. Mr. [REDACTED] alleges that [REDACTED] used excessive force.

I concur with Sergeant MANNIX that there is no evidence to substantiate the allegation of excessive force made by Mr. [REDACTED] against [REDACTED]. Investigation failed to reveal that [REDACTED] violated any rules or regulations. It is therefore recommended that this case be closed as "unsubstantiated" with no further action required.

NEW YORK STATE POLICE
COVER PAGE

TITLE OF CASE [REDACTED] EOD: [REDACTED] [REDACTED]	REPORTING TROOP F	MANAGING TROOP F	DATE OF REPORT 02/11/16
	DATE OF OCCURRED 01/22/16	TZS [REDACTED]	CTV CODE [REDACTED]
	INVESTIGATIVE PERIOD 01/22/16 - 02/11/16		TYPED BY tjm
	REPORT OF <i>Timothy J. Mannix</i> Sgt. Timothy J. Mannix		SHIELD 5440
CHARACTER OF CASE - (CC CODE) COMPLAINT AGAINST PERSONNEL (PCT0100)	STATION SP Liberty	CASE # 20160026	
	STATUS OF CASE () CA () C/EC () C/INV () C/UNF (<input checked="" type="checkbox"/>) C/UNS () C/FND () OPN		

REFERENCE: Report of Personnel Investigation # 20160026, dated 02/11/16

ENCLOSURES: TO DIVISION HEADQUARTERS AND TROOP F

1. Genl. 4, Deposition of [REDACTED] dated 01/22/16
2. Genl. 81, Authorization for Use and Disclosure of Protected Health Information signed by [REDACTED] dated 01/22/16, with associated medical records
3. Genl. 34D, Digital Photo Record with associated photos, dated 01/22/16
4. Genl. 7, Memorandum [REDACTED] dated 01/22/16
5. Genl. 4, Deposition of [REDACTED] dated 01/22/16
6. AMS # [REDACTED] Injury to Person - While Being Taken into Custody, dated 01/23/16
7. Genl. 4, Deposition of Physician's Assitant JONATHAN ORTEGA, dated 01/23/16
8. Genl. 4, Deposition of EMT [REDACTED], dated 02/10/16
9. SJS and Arrest Report, dated 01/22/16

DISTRIBUTION: <input checked="" type="checkbox"/> DHQ <input type="checkbox"/> TROOP <input type="checkbox"/> OTHER:	FOR TROOP/DIVISION HEADQUARTERS USE ONLY	
APPROVED: ZONE <i>Capt. Brian Shuter</i>	DESTROY IN 20 _____	INITIALS _____
TROOP <i>Mannix 447-100</i>	PERMANENT RETENTION _____	INITIALS _____
DHQ	RCN	

REPORT

SYNOPSIS: On January 22, 2016, a defendant named [REDACTED] who was under arrest subsequent to a domestic dispute, alleged that [REDACTED] had used excessive force during the course of the arrest.

On January 22, 2016, at 6:30 pm [REDACTED] responded to a reported husband/wife domestic dispute at [REDACTED]. Upon his arrival he attempted to interview one of the involved parties, later identified as [REDACTED] outside the residence. [REDACTED] was uncooperative and belligerent. [REDACTED] asked [REDACTED] if he had any weapons on his person. He then conducted a frisk for weapons at which point [REDACTED] made an aggressive jerking motion. [REDACTED] then attempted to place him under arrest and [REDACTED] resisted. [REDACTED] was eventually able to subdue [REDACTED] and walked him over to marked state police unit [REDACTED]. As [REDACTED] was being walked over, he repeatedly threw himself on the ground. He was eventually placed inside [REDACTED] and complained he had sustained an injury. He was transported to Catskill Regional Medical Center for evaluation. The tending physician's assistant diagnosed him as having minor bumps and bruises consistent with one individual wrestling with another. These injuries are consistent with an individual resisting arrest. There is no evidence to support the allegation of excessive force.

I recommend this case be closed as unsubstantiated.

DETAILS:

AT SP LIBERTY, NY:

1. On January 22, 2016, Zone Sergeant MICHAEL RUSHANSKI was contacted telephonically by [REDACTED] who stated he had been investigating a boyfriend/girlfriend domestic dispute at [REDACTED] between [REDACTED] and [REDACTED]. [REDACTED] stated that during the course of his investigation, he had arrested [REDACTED] for Obstructing Governmental Administration and Resisting Arrest. He also stated [REDACTED] was claiming he was injured during the arrest and that excessive force had been used. [REDACTED] EMS was contacted and responded to the scene. Captain BRIAN SHORTALL, Zone One Commander, was advised and assigned Sergeant TIMOTHY J. MANNIX to investigate.

AT [REDACTED] NY:

2. On January 22, 2016, Zone Sergeant RUSHANSKI responded to 22 [REDACTED]. By the time Zone Sergeant RUSHANSKI had arrived on scene, [REDACTED] had been transported by ambulance to Catskill Regional Medical Center. [REDACTED] rode along with [REDACTED] in the ambulance.
3. On January 22, 2016, Zone Sergeant RUSHANSKI interviewed [REDACTED]. She stated she had gotten into an argument with her boyfriend [REDACTED] that turned physical. She sustained a few scratches. She was on the phone with her mother at the time of the argument and when she heard what was going on, her mother called 911. [REDACTED] then went outside the apartment and [REDACTED] arrived shortly thereafter. She was inside and did not observe [REDACTED] being placed under arrest, however, when she did step outside she observed a handcuffed [REDACTED] refuse to enter [REDACTED] car. She tried to calm him down but he was out of control. He fell to the ground on his own. [REDACTED] was struggling with him to get him into his car. [REDACTED] has several previous injuries to his knee, ankle and shoulder stemming from a tour he did with the Marines in Afghanistan. She believes that [REDACTED] was doing his job and was trying to calm [REDACTED] down. She feels [REDACTED] actions were wrong. Deposition of [REDACTED] is attached as enclosure # 1.

AT HARRIS, NY:

4. On January 22, 2016, [REDACTED] was treated by Physician's Assistant JONATHAN ORTEGA at Catskill Regional Medical Center. Genl 81, Authorization for Use and Disclosure of Health Information, and associated medical records, are attached as enclosure # 2.
5. On January 22, 2016, Zone Sergeant RUSHANSKI arrived at Catskill Regional Medical Center and took photographs of [REDACTED]. The Genl 34D and associated photos are attached as enclosure # 3.
6. On January 22, 2016, I was contacted telephonically by Zone Sergeant RUSHANSKI and advised of the situation. I responded to Catskill Regional Medical Center and interviewed [REDACTED]. He stated he responded to [REDACTED], for a reported violent domestic dispute. Upon his arrival he observed a male standing outside the apartment, speaking on a cell phone. He advised the individual, later identified as [REDACTED] that he was dispatched by 911 to that location for a disturbance. [REDACTED] stated to him that he had an argument with his "baby's mama." He asked [REDACTED] his name and he stated, [REDACTED]. He asked his last name and [REDACTED] responded, "none of your business."

He explained to [REDACTED] that he was conducting an investigation of an incident that [REDACTED] was involved in and that would require full name and that he was refusing to cooperate. He then asked [REDACTED] if he had any weapons on his person to which he responded "no" and held his hands out to the side stating [REDACTED] could check him. As he attempted to do pat down, [REDACTED] became confrontational, yelled profanities and took an aggressive step toward him. At this point [REDACTED] attempted to place [REDACTED] under arrest for Obstructing Governmental Administration. [REDACTED] continued to be uncooperative. [REDACTED] was able to place him in handcuffs and attempted to place him in marked unit [REDACTED]. [REDACTED] repeatedly threw himself to the ground. [REDACTED] eventually gained control and was able secure [REDACTED] in [REDACTED]. [REDACTED] stated he was injured and requested medical attention. He was transported to Catskill Regional Medical Center without incident. He requested his handcuffs be loosened and [REDACTED] complied. A memorandum from [REDACTED] is attached as enclosure # 4.

AT SP LIBERTY, NY:

7. On January 22, 2016, [REDACTED] was discharged from Catskill Regional Medical Center. He was transported to SP Liberty for processing. While at SP Liberty, I interviewed [REDACTED]. He stated that earlier in the day he was at home with his girlfriend, [REDACTED] and they had gotten into an argument. [REDACTED] had called her mother on "Facetime" during the argument. He told [REDACTED] to get her own phone and go next door if she "wants to talk shit about him". [REDACTED] then hung up [REDACTED] phone. This caused her mother to call the police. [REDACTED] then went outside the apartment and received a phone call from [REDACTED] sister. While on the phone with her, [REDACTED] arrived. He was instructed by [REDACTED] to get off the phone. [REDACTED] then asked his name. He told [REDACTED] that he was not going to get off the phone. He told [REDACTED] that his name is [REDACTED]. [REDACTED] asked for his last name. He refused to provide his last name. He told [REDACTED] to go inside and finish his investigation. [REDACTED] then put handcuffs on him and asked if he had any weapons. [REDACTED] stated, "I got nothing, you can check." [REDACTED] patted him down and then put him against a wall and patted him down again. He asked [REDACTED] why he was searching and arresting him. At that point, [REDACTED] was feeling "homophobic" and jumped back a little. He fell to the ground. [REDACTED] fell halfway down with him. He tried to pick himself up but [REDACTED] kept pushing him to the ground. [REDACTED] picked him back up and took him to his car. He opened the door and tried to put him in the passenger seat and his foot got stuck in the door. [REDACTED] grabbed the phone that was in his pocket and threw it toward his girlfriend who had come outside. He told her to start recording. As all of this was happening, [REDACTED] fell to the ground. [REDACTED] picked him up and placed him in the state police car. His phone that was in his pocket was damaged while this happened. He claimed to be injured and requested medical

attention. [REDACTED] feels the amount of force used during his arrest was excessive. A deposition from [REDACTED] is attached as enclosure # 5.

8. On January 23, 2016, Zone Sergeant MICHAEL RUSHANSKI sent AMS # [REDACTED] – INJURY TO PERSON – WHILE BEING TAKEN INTO CUSTODY. It is attached as enclosure # 6.

AT HARRIS, NY:

9. On January 23, 2016, Zone Sergeant MICHAEL RUSHANSKI obtained a statement from Physician's Assistant JONATHAN ORTEGA at Catskill Regional Medical Center. In it he stated that on January 22, 2016, he was working at CRMC emergency room and was assigned to treat [REDACTED] an individual under arrest by the New York State Police. [REDACTED] complained of excessive force used to restrain him and complained of left shoulder and left ankle pain. His left shoulder was examined and was found to have full range of motion with some tenderness along the clavicle. No bruising or abrasions were noted. The left ankle maintained a full range of motion with minor discoloration on the inner side of the ankle. No abrasions or lacerations were noted. There was a minor abrasion below the patient's right knee. X-rays were taken and showed no fractures. [REDACTED] sustained very minor injuries consistent with a fall and/or wrestling with another person. He was released and advised to follow up with his personal physician. Deposition of Physician's Assistant JONATHAN ORTEGA attached as enclosure # 7.

AT SP LIBERTY, NY:

10. On February 10, 2016, I interviewed Emergency Medical Technician [REDACTED] telephonically who stated that she is a volunteer EMT for [REDACTED]. On January 22, 2016, she was dispatched to [REDACTED] for a reported assault along with EMT [REDACTED]. Once she arrived on scene, she saw a man (later identified as [REDACTED] handcuffed in a state police vehicle. [REDACTED] was being difficult and uncooperative. He stated the Trooper had hurt his ankle. She examined the ankle; it appeared slightly swollen. He stated that he had a split lip, he didn't. He had bitten his tongue, which had been bleeding. His chief complaint was his ankle got hurt when he was placed in the police car. He was limping on scene, but when they got to the hospital, he was barely limping. He was very difficult to deal with. She did not see the Trooper act in a way towards the man that she would consider to be an excessive use of force. Deposition of [REDACTED] attached as enclosure # 8.

11. On February 10, 2016, I interviewed EMT [REDACTED] telephonically. He stated that he is a volunteer EMT for [REDACTED]. On January 22, 2016, he was dispatched to [REDACTED] for a call along with EMT [REDACTED]. He was the driver of the ambulance and had little interaction with the patient (later identified as [REDACTED]). He did not do a patient assessment. He remembers the patient was belligerent. He declined to provide a written statement.

CONCLUSION:

This investigation has found no evidence to support the allegation of excessive force made by [REDACTED]. [REDACTED] responded to a report of a violent domestic dispute and found [REDACTED] standing outside the residence speaking on his cell phone. [REDACTED] attempted to interview [REDACTED] who became belligerent. He asked [REDACTED] if he had any weapons on his person, at which point [REDACTED] stated he did not and told [REDACTED] that he could check. [REDACTED] conducted a frisk of the subject at which point he made a sudden jerking movement. [REDACTED] then attempted to place him under arrest, and he remained uncooperative, physically resisting arrest. [REDACTED] was eventually able to subdue [REDACTED]. As he was walking him to [REDACTED] he repeatedly threw himself to the ground which was witnessed by his girlfriend, [REDACTED]. He was ultimately secured in [REDACTED] and complained of injury. He was then transported to Catskill Regional Medical Center where he was treated by PA JONATHAN ORTEGA. ORTEGA'S examination showed minor bruising consistent with an individual who had fallen or wrestled with someone. Photographs taken of [REDACTED] after his arrest showed bruising on his left bicep and on his right shin. [REDACTED] medical records, the statements of [REDACTED] AND PA ORTEGA, and his own statement, reveal [REDACTED] was uncooperative. The minor bruising sustained during the lawful arrest was consistent with an individual who had to be subdued by a police officer due to active resistance. I recommend this case be closed as unsubstantiated.

THE PEOPLE OF THE STATE OF NEW YORK
—VS.

DEFENDANT(S)

LOCATION OF INCIDENT:

STATE OF NEW YORK _____ COURT

COUNTY OF SULLIVAN

TOWN OF _____

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF SULLIVAN

TOWN OF _____

On DATE: 1/22/16 at TIME STARTED: 7:30 PM in _____

state the following: AT APPROX 6:15 PM ON FRIDAY JANUARY 22ND I WAS HAVING AN ARGUMENT WITH MY BOYFRIEND AT OUR APARTMENT

HE WAS TRYING TO GRAB MY PHONE AND WE PHYSICALLY STRUGGLED AND SCREAMED AT EACH OTHER. I HAVE A FEW SCRATCHES ON MY NECK FROM THE INCIDENT. MY MOTHER WAS ON THE PHONE WITH ME AT THE TIME HEARD WHAT WAS GOING ON AND CALLED 911 BECAUSE SHE WAS SCARED FOR ME. A STATE TROOPER SHOWED UP AND MY BOYFRIEND WAS OUTSIDE. I WENT OUTSIDE AND SAW A TROOPER WITH MY BOYFRIEND. HE WAS HANICOTTED AND REFUSED TO GET INTO THE TROOPER'S CAR. I TRIED TO CALM DOWN BUT HE WAS OUT OF CONTROL. I SAW MY BOYFRIEND FALL TO THE GROUND ON HIS OWN. THE TROOPER DIDNT THROW HIM DOWN. THE TROOPER WAS STRUGGLING WITH HIM TO GET HIM INTO THE CAR. _____ HAS A PREVIOUS INJURY TO HIS KNEE, ANKLE, AND SHOULDER FROM AFGHANISTAN. THE TROOPER DID HIS JOB AND DID NOTHING WRONG. HE WAS TRYING TO CALM _____ DOWN.

NOTICE

(Penal Law § 210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury
this 22 day of JANUARY, 2016

(SIGNATURE OF DEPONENT)

- OR -

* Subscribed and Sworn to before me
this _____ day of _____

(WITNESS) _____
(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED: 7:55 PM

* This form need be sworn to only when specifically required by the court

STATE OF NEW YORK

COUNTY OF _____

_____ COURT

_____ of _____

THE PEOPLE OF THE STATE OF NEW YORK)

-- vs.)

SUPPORTING DEPOSITION

(Defendant(s))

STATE OF NEW YORK)

COUNTY OF _____)

ss.

_____ of _____)

On	DATE	at	TIME STARTED <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	I,	FULL NAME
	DATE OF BIRTH		NO. & STREET		CITY
					STATE

state the following: I FEEL THAT MY BOYFRIENDS ACTIONS WITH THE TROOPER WERE TOTALLY WRONG AND THE TROOPER WAS ONLY DOING WHAT HE WAS SUPPOSED TO. I, MYSELF AM NOT INSURED AND DO NOT WANT TO PRESS CHARGES AGAINST [REDACTED] WE GET PHYSICAL ONCE IN AWHILE BUT HAS NEVER INJURED ME. TONIGHT WE WERE ARGUING ABOUT HIM HAVING GIRLFRIENDS. HE WANTED MY CELLPHONE BECAUSE HE BROOKIT IT. HE REMOVED THE BATTERY FROM THE HOUSE PHONE BECAUSE HE DOESN'T WANT ME TO TALK TO ANYONE.

NOTICE
(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury
this 22 day of JAN 2016

[REDACTED SIGNATURE]

- OR -

* Subscribed and Sworn to before me
this _____ day of _____, 19 _____.

(WITNESS)
[Signature]
(NAME OF PERSON TAKING DEPOSITION)
DATE ENDED 1:55 a.m. p.m.

* This form need be sworn to only when specifically required by the court.

DIGITAL PHOTO RECORD

INSTRUCTIONS:

- Complete a separate form for each investigation
- Print or type all entries

STATION SP Liberty	CASE NUMBER [REDACTED]	FIU LEAD NUMBER	INCIDENT DATE 1/22/16	PHOTO DATE 1/22/16	TIME BEGAN: 07:46pm COMPLETED: 8:50pm
INVESTIGATING MEMBER Sergeant Timothy J. Mannix			PHOTOGRAPHER'S NAME Z/Sgt Michael J. Rushanski		
CASE TYPE Injury to person while taken into Custody		COMPLAINANT - DEFENDANT - OPERATOR - DECEASED Defendant [REDACTED]			
COUNTY Sullivan		ADDRESS OR LOCATION [REDACTED]			

GENERAL DESCRIPTION OF SCENE / ITEM(S) Pics [REDACTED] (Domestic Victim) / photos of Defendant at CRMC	ACTION REQUESTED <input type="checkbox"/> Burn To CD/DVD <input checked="" type="checkbox"/> Print <input type="checkbox"/> Retain
--	---

CAMERA SONY	IMAGE TYPE OR FILE FORMAT <input checked="" type="checkbox"/> JPEG <input type="checkbox"/> TIF <input type="checkbox"/> Raw	PAGE #	OF	DATE SUBMITTED TO FIU	MANNER SUBMITTED: (Check one) <input type="checkbox"/> CD/DVD <input type="checkbox"/> E-MAIL <input type="checkbox"/> Other _____
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IMAGE#	CAMERA PHOTO ID#	DESCRIPTION:	IMAGE#	CAMERA PHOTO ID#	DESCRIPTION:
1	1278	Right profile [REDACTED]	39		
2	1279	left profile [REDACTED]	40		
3	1280	Front Face [REDACTED]	41		
4	1281	Front Defendant	42		
5	1282	Right Leg Def	43		
6	1283	Legs / Wrist Def	44		
7	1284	Face - DEF	45		
8	1285	Right Profile DEF	46		
9	1286	Left Profile DEF	47		
10	1287	Back - Head / Neck DEF	48		
11	1288	Tongue - DEF	49		
12	1289	Chest - DEF	50		
13	1290	BACK - DEF	51		
14			52		
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NEW YORK STATE POLICE

MEMORANDUM

Troop F Station _____Date January 22, 2016

To: Major Joseph Tripodo

From: _____

Subject: INJURY TO PRISONER - WHILE BEING TAKEN INTO CUSTODY

Member was advised of my right to representation to Article 16.2 of the contract by Sergeant Timothy J. Mannix on January 22, 2016. Member provides the following written account.

On January 22, 2016 I was working a Flex Shift and operating marked patrol unit _____ assigned to _____. At approximately 6:15 PM I responded to a 911 poll for a violent domestic in progress regarding a husband physically beating his wife, at the _____. I arrived at _____ and a male subject was standing outside _____ on a cell phone. I approached the male subject and he asked if he could help me. I asked him where he lived and he stated in _____. I advised him I received a 911 call for a disturbance at that location and he stated he had an argument with his "babys mama." I asked the male subject his name at which point he told me "_____". I asked _____ if he had a last name and he told me it was none of my business. I advised the subject I was conducting an investigation, which he admitted he was involved in, and it required a last name and date of birth. The male subject refused to cooperate. I requested identification from the subject, at which point he stated it was inside the apartment. I asked the subject if he had any weapons on his person, and he said no holding his hands out to his side, stating I could check. I attempted an officer safety pat down of the individual, at which point he became combative, advising me to go "fuck myself," stepping towards me in a confrontational manner. The male subject, later identified as _____ was subsequently taken into custody for Obstruction of Governmental Administration. Mr. _____ became combative, refusing to be taken into custody, and resisted being placed into marked patrol unit _____. I was able to subdue the defendant by handcuffing him behind his back with an adequate amount of space within the handcuff to not cause pain or injury. While I was attempting to place Mr. _____ within marked patrol unit _____ he repeatedly threw himself to the ground, and was physically resisting being placed into the front seat of _____. Once Mr. _____ was placed into the front seat of _____ he stated he was injured, and requested medical attention. I contacted Sullivan County 911 and requested an ambulance to respond to my location.

██████████ ambulance responded to the scene and transported Mr. ██████████ via ambulance, while I was present to Catskill Regional Medical Center in Harris. After arriving at Catskill Regional Hospital in Harris Mr. ██████████ requested that I loosen the handcuffs, at which point the restraints were removed from the individual so he could receive proper medical care. SERGEANT MICHAEL RUSHANSKI was advised of the incident.

At no point did I or any other member of the State Police uses excessive force while effecting the arrest of ██████████ ██████████ I used the minimum amount of force necessary to control Mr. ██████████ and take him into custody while conducting the investigation of reported domestic incident.

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK
-VS-

DEFENDANT(S)

LOCATION OF INCIDENT:

STATE OF NEW YORK _____ COURT

COUNTY OF _____

_____ OF _____

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF _____

_____ OF _____

On DATE: 1-22-16 at TIME STARTED: 11:13p I, [REDACTED]

state the following: I live at [REDACTED]
[REDACTED] I live there with my girlfriend [REDACTED] Today at
 around 5:20 pm. My girlfriend ^{and I} had gotten into an argument. She
 called her mom on facetime and I hung up the phone. (Her mom
 heard ^{me} tell her to get her own phone and go next door if you
 want to talk shit about me.) Her mom called the police. [REDACTED]
 sister [REDACTED] called [REDACTED] phone. I answered the phone and was
 outside the apartment in the front. At that point a state trooper showed
 up. The trooper told me to get off the phone. He asked me my
 name. I told him I'm not getting off the phone. I told him my
 name is [REDACTED]. He asked for my last name. I told him I'm not
 giving you my last name. I told him to go inside to finish his
 investigation. ^{He put handcuffs on me} He asked me if I had any weapons on me. I said
 I got nothing on me you can check. He patted me down. He
 put me against a wall and patted me down again. He got too
 close to my junk. I then asked "Why are you touching me and
 searching me and arresting me?" I was feeling a little

NOTICE

(Penal Law § 210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 22 day of January 2016

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

* This form need be sworn to only when specifically required by the court

[REDACTED]
 (SIGNATURE OF DEPOSANT)

(WITNESS)
Timothy J Mannix
 (NAME OF PERSON TAKING DEPOSITION)

TIME ENDED:
11:52p

THE PEOPLE OF THE STATE OF NEW YORK
— VS. —

DEFENDANT(S)

LOCATION OF INCIDENT:

STATE OF NEW YORK _____ COURT _____

COUNTY OF _____

_____ OF _____

LOCATION OF DEPOSITION:

STATE OF NEW YORK _____

COUNTY OF _____

_____ OF _____

On **DATE:** 1-22-16 at **TIME STARTED:** 11:13p, I, [REDACTED]

state the following: homophobic. so I jumped back a little. The trooper grabbed me to pull me back toward him. I fell to the ground. He fell half way with me. I tried to pick myself up and he kept pushing me to the ground. He picked me back up and took me to his car. He opened the door and tried to put me into the front passenger seat. My foot got stuck in the door. As this is happening I grabbed the phone that was in my pocket and threw it toward my girlfriend and told her to start recording. As this was happening I fell to the ground. He picked me up and put me into the car. My phone was damaged - that was in my pocket throughout the ordeal. (This was my own phone). I feel this was excessive from the minute he put the handcuffs on me. He pushed me real hard against the wall used excessive force in putting ~~the~~ handcuffs on me and that's what escalated the whole thing. The handcuffs were too tight and I asked him to loosen them. He only loosened them at the hospital when a doctor was present to justify the fact that he loosened them up.

NOTICE

(Penal Law § 210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 22 day of January 2016

- OR -

[REDACTED SIGNATURE]

(SIGNATURE OF DEponent)

* Subscribed and Sworn to before me

this _____ day of _____

(WITNESS)

Timothy J. Mannix

(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED:

11:52p

* This form need be sworn to only when specifically required by the court

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Y

Amended <input type="checkbox"/>	Date/Time-Reported/Discovered 01/22/2016 18:16	TZS F112	Agency ORI NY1520300		
Title INJURY TO PERSON - WHILE BEING TAKEN INTO CUSTODY					
Investigated By Z/SGT MICHAEL J. RUSHANSKI, SGT TIMOTHY J. MANNIX					
Units Responded UF					
SJS # [REDACTED]	Photos <input checked="" type="checkbox"/>	Videotaped <input type="checkbox"/>	# Vehicles 0	# Injured 1	# Deceased 0
Apparent Cause (Pending Investigation) PENDING INVESTIGATION					
County SULLIVAN		C/TV Name [REDACTED]			
Location/Street Name/Mile Post Marker [REDACTED]					
Weather Conditions 2 - CLOUDY			Road Conditions 1 - DRY		
Description of Damage DNA					
Criminal Action OBSTRUCT GOV'T ADMIN 2ND, RESISTING ARREST					
Narrative ON 1/22/16 AT 6:16PM [REDACTED] TO A 911 POLL FOR A DOMESTIC ASSAULT IN PROGRESS AT [REDACTED] UPON ARRIVAL, [REDACTED] ENCOUNTERS A MALE, LATER IDENTIFIED AS [REDACTED] OUTSIDE THE APARTMENT. [REDACTED] ATTEMPTS TO INTERVIEW HIM AS A POSSIBLE SUSPECT IN THE DOMESTIC AND [REDACTED] BECOMES PHYSICALLY COMBATIVE. [REDACTED] WRESTLES WITH [REDACTED] AND IS ABLE TO HANDCUFF AND SECURE HIM IN HIS VEHICLE. [REDACTED] WAS TREATED AND RELEASED AT CATSKILL REGIONAL MEDICAL CENTER FOR MINOR ABRASIONS AND COMPLAINTS OF PAIN IN HIS SHOULDER AND WRISTS. ZONE ONE COMMANDER CAPTAIN BRIAN J. SHORTALL NOTIFIED BY Z/SGT RUSHANSKI.					
Authorized By CAPTAIN BRIAN J. SHORTALL			Sent By RUSHANSKI MICHAEL	Sent Date 01/23/2016	Sent Time 11:56
Notification ZONE					

INJURED/DECEASED PERSON INFORMATION							
PERSON	Injured/Deceased	Injured Deceased Name - Last		First	Middle		
	INJURED	[REDACTED]		[REDACTED]	[REDACTED]		
	Address			City	State	Zip Code	
	[REDACTED]						
Injured DOB	Approx. Age	Sex	Description Of Injury				
[REDACTED]	[REDACTED]	M	ABRAISON TO LEG, PAIN IN SHOULDER / WRISTS				
Injured taken to (Medical Facility)							
CATSKILL REGIONAL MEDICAL CENTER							
001	Position in Vehicle			In Custody	Race	Seat Belt	Ejected
				<input checked="" type="checkbox"/>	3 - HISPA	NO	NO
Relative Notified	SP Member/Employee	Rank	Date of Entry	Shield	ARS #		
<input type="checkbox"/>	<input type="checkbox"/>						

THE PEOPLE OF THE STATE OF NEW YORK
VS

DEFENDANT(S)

LOCATION OF INCIDENT:
 STATE OF NEW YORK, LOCAL CRIMINAL COURT
 COUNTY OF _____
 OF _____

LOCATION OF DEPOSITION:
 STATE OF NEW YORK
 COUNTY OF SULLIVAN
 TOWN _____ OF THOMPSON

On DATE: 1/23/16 at TIME STARTED: 3:45 AM PM I, FULL NAME: JONATHAN ORTEGA, PHYSICIANS ASSISTANT

STATE THE FOLLOWING:

On 1/22/16 I was working at CRMC emergency room as a physicians assistant and was assigned to treat [REDACTED] [REDACTED] was arrested by the state police and complained of excessive force used to restrain him in handcuffs and was complaining of left shoulder and left ankle pain. His left shoulder was examined and was found to have full range of motion, with some tenderness along the clavicle. There were no bruising or abrasions noted on the shoulder. The left ankle also maintained full range of motion with a minor discoloration noted on the inner side of the ankle. There were no abrasions or lacerations noted. There was a minor abrasion noted below the patient's right knee. X-Rays were also taken and no fractures were noted. In summary, [REDACTED] sustained very minor injuries that would be consistent with a fall and or wrestling with another person. [REDACTED] was released and advised to follow up with his personal physician.

NOTICE

(Penal Law Sec. 210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 23 day of JANUARY, 20 16

- or -

*Subscribed and Sworn to before me

this _____ day of _____, 20 _____

(SIGNATURE OF DEPONENT) - JONATHAN ORTEGA,
PHYSICIANS ASSISTANT

(WITNESS)

Asst. M.J. Roskel
(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED AM PM
04:05

* This form need be sworn to only when specifically required by the court.

