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**Involved Member(s):**

Investigator Padraic K Obrien

Trooper Jacalyn M Sommer

Trooper Lisa A Butenhoff

Trooper Mark A Sypek

**Case Type:** Personnel Complaint

**Case Number:** DCN2018-0413

**Finding:** Founded

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**Complainant:** Lieutenant Kenneth A Ward

**PROFESSIONAL STANDARDS BUREAU  
PERSONNEL COMPLAINT TRACKING**

DCN: 20180413	CTV: K1453	REGION: SRO	LEVEL: 3	TYPE: Personnel
Subject(s): Investigator Padraic O'Brien, Troopers Lisa Butenhoff, Mark Sypek, Jacalyn Sommer				
Investigated by: Senior Investigator Timothy Miller			Troop or Detail K	
Staff Inspector: Robert Gregory			Date: 05/21/19	
SUBJECT HISTORY REVIEWED? <input checked="" type="checkbox"/> AUDIO? <input type="checkbox"/> VIDEO? <input type="checkbox"/> ON PROBATION? <input type="checkbox"/>				

**ALLEGATION: Fail to Safeguard Prisoner**

**SYNOPSIS:** Investigation determined that, on July 26, 2018, [REDACTED] was taken into custody by Tpr Lisa Butenhoff, SP Rhinebeck, on a warrant out of SP Dover Plains for Criminal Possession of Stolen Property. She was searched by Tpr Butenhoff and Trooper Sommer and relayed to SP Dover Plains by Trooper Sommer. While in the custody at SP Dover Plains, Ms [REDACTED] was left unattended in the interview room where she removed what appeared to be a needle from her brassiere and appears to have injected herself with an unknown substance.

Major Richard Mazzone, Troop K Commander, determined the following:

The allegations against Trooper Lisa Butenhoff and Trooper Jacalyn Sommer regarding the search of Ms [REDACTED] are Unfounded.

The allegations against Investigator Padraic O'Brien, Trooper Mark Sypek and Trooper Jacalyn Sommer are Founded in that these Members repeatedly left Ms [REDACTED] unattended and unsecured while she was in their custody, in violation of Reg 8A2 / Regulation 8D1 - Fail to Safeguard a Person Under Arrest, and Executive Memorandum 05-09 that states prisoners should never be left unattended. This allegation is closed as Founded.

Staff Inspector Robert C. Gregory concurs with the findings of Major Mazzone.

Finding of Investigation: <input checked="" type="checkbox"/> Founded <input checked="" type="checkbox"/> Unfounded <input 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: _____
Date Forwarded to Assistant Deputy Superintendent – Professional Standards Bureau <u>05/21/19</u> – RCG.	

Assistant Deputy Superintendent – Professional Standards Bureau	Date: 6/24/19
<p><b>Comments:</b> Article 31E3 cited in the Conclusion instructs to "Search the clothed body and all clothing worn by the person" and also to "Search as if you were to find anything anywhere". The portion of contraband discarded by the defendant in the wastebasket at about 2:50:41 in the video is of a size significantly larger than a hypodermic needle and a little heroin and would clearly have been detected during a satisfactory search.</p> <p>Recommend change to <b>Founded</b> for inadequate search for Tprs Butenhoff and Sommer.</p>	

Finding of Investigation: <input checked="" type="checkbox"/> Founded <input type="checkbox"/> Unfounded <input type="checkbox"/> Unsubstantiated <input type="checkbox"/> Closed by Investigation	
Recommended Level of Adjudication: <input checked="" type="checkbox"/> Troop Level <input type="checkbox"/> Division Level <span style="float:right">MSR</span>	
Date Forwarded to Deputy Superintendent – Professional Standards Bureau _____	

Deputy Superintendent – Professional Standards Bureau	Date: 6/24/19
<p><b>Comments:</b> Concur with Lt Col Renneman. What was discovered was not merely a needle, but the syringe required to inject a substance. While the defendant was clearly trying to secrete the instrument in a manner that would preclude its being found, the failure of a search to locate it created a hazardous and potentially dangerous situation not only for the defendant, but for our members and corrections officers coming in contact with her.</p>	

<input type="checkbox"/> Division Level Recommended		<input checked="" type="checkbox"/> Troop Level Recommended		PJR
Date Forwarded to First Deputy Superintendent: _____				
First Deputy Superintendent		Date: _____		
Direction: <u>RCG</u> <u>6/27/19</u>				
<input checked="" 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: _____

**DIKEMAN, JESSICA (TROOPERS)**

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**From:** SMITH, NANCY (TROOPERS)  
**Sent:** Tuesday, August 13, 2019 11:29 AM  
**To:** DIKEMAN, JESSICA (TROOPERS)  
**Subject:** RE: ADJUDICATION NOTIFICATION PC20180413  
**Attachments:** 20190813112348.pdf

[REDACTED]

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**From:** DIKEMAN, JESSICA (TROOPERS)  
**Sent:** Thursday, June 27, 2019 5:01 PM  
**To:** MAZZONE, RICHARD (TROOPERS) <[REDACTED]>; KOLB, DAVID (TROOPERS) <[REDACTED]>; SMITH, NANCY (TROOPERS) <[REDACTED]>  
**Subject:** ADJUDICATION NOTIFICATION PC20180413

Major,

Per the First Deputy he would like this PC to be changed to FOUNDED for inadequate search for Troopers Butenhoff and Sommer. He agrees with FOUNDED for Investigator Padraic O'Brien, Troopers Mark Sypek and Jacalyn Sommer. The 1<sup>st</sup> Dep asks that you Adjudicate. Please send appropriate paperwork after you have had your meetings.

Thank you,

*Jessica Dikeman*  
Secretary 1  
NYSP Headquarters  
Professional Standards Bureau  
[REDACTED]  
[REDACTED]

**NEW YORK STATE POLICE**

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**MEMORANDUM**

Troop K Station Headquarters

Date August 13, 2019

**To:** Deputy Superintendent Patrick J. Regan, Professional Standards Bureau

**From:** Major Richard L. Mazzone, Troop Commander, Troop K *RLM*

**Subject:** COMPLAINT AGAINST PERSONNEL – #20180413  
TROOPER MARK A. SYPEK

Reference is made to the previously submitted report regarding the above subject.

On August 13, 2019, Trooper MARK A SYPEK appeared before me and executed his consent to have me adjudicate this matter at Troop level.

Pursuant to Rule 3 of the New York State Police Administrative Manual, I have determined that he receive a Letter of Censure. I have attached a copy of the Letter of Censure and consent waiver.

This matter is closed.



**State  
Police**

KEITH M. CORLETT  
Superintendent

RICHARD L. MAZZONE  
Troop K Commander

LETTER OF CENSURE

August 13, 2019

Trooper Mark A. Sypek  
New York State Police  
Troop "K"  
Dover Plains, New York

Dear Trooper Sypek:

On August 13, 2019, you appeared before me at Troop K Headquarters for the purpose of adjudicating a disciplinary matter arising from your actions on July 26, 2018. You had previously requested to have the matter adjudicated informally by me pursuant to Rule 3 of the Administrative Manual.

Investigation has disclosed that on July 26, 2018, Ms. [REDACTED] was arrested in Hyde Park on a warrant and transferred to SP Dover. You assisted Investigator Pdraic O'Brien with the interview of the subject but left her unsecured and unattended. While left unattended the prisoner managed to remove a syringe she had secreted in her brassier and inject herself.

During our meeting, we discussed the importance of properly securing and monitoring prisoners, and how this responsibility was not met. You indicated to me that you learned from this experience. I am confident that this will not happen again as you continue your otherwise exemplary career.

I am closing this matter through the issuance of this letter of censure.

Sincerely,

Richard L. Mazzone  
Major - Troop Commander

**NEW YORK STATE POLICE**

**MEMORANDUM**

Troop K Station Dover Plains

Date August 13, 2019

**To:** Troop Commander, Troop K, Poughkeepsie, New York

**From:** Trooper Mark A. Sypék, SP Dover Plains M.A.S.

**Subject:** **DISCIPLINARY ACTION – COMPLAINT AGAINST PERSONNEL 20180413**

I hereby request to have the above captioned investigation adjudicated by the Troop Commander pursuant to Rule 3, disciplinary action, of the New York State Police Manual.

I waive the following:

1. The right to have this matter disposed of by the Superintendent or by a formal hearing.
2. Any right to appeal the Troop Commander's adjudication, which may be a determination of unfounded or, upon a finding of guilt, the imposition of the following penalties:
  - i. A letter of censure and/or
  - ii. An intra-troop transfer and/or
  - iii. A fine to be expressed in the loss of no more than five vacation days to be worked by me with no additional compensation or overtime.

**NEW YORK STATE POLICE**

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**MEMORANDUM**

Troop K Station Headquarters

Date August 13, 2019

**To:** Deputy Superintendent Patrick J. Regan, Professional Standards Bureau

**From:** Major Richard L. Mazzone, Troop Commander, Troop K *RLM*

**Subject:** COMPLAINT AGAINST PERSONNEL – #20180413  
TROOPER JACALYN SOMMER

Reference is made to the previously submitted report regarding the above subject.

On August 13, 2019, Trooper JACALYN SOMMER appeared before me and executed his consent to have me adjudicate this matter at Troop level.

Pursuant to Rule 3 of the New York State Police Administrative Manual, I have determined that she receive a Letter of Censure. I have attached a copy of the Letter of Censure and consent waiver.

This matter is closed.



**State  
Police**

KEITH M. CORLETT  
Superintendent

RICHARD L. MAZZONE  
Troop K Commander

LETTER OF CENSURE

August 13, 2019

Trooper Jacalyn M. Sommer  
New York State Police  
Troop "K"  
Dover Plains, New York

Dear Trooper Sommer:

On August 13, 2019, you appeared before me at Troop K Headquarters for the purpose of adjudicating a disciplinary matter arising from your actions on July 26, 2018. You had previously requested to have the matter adjudicated informally by me pursuant to Rule 3 of the Administrative Manual.

Investigation has disclosed that on July 26, 2018, Ms. [REDACTED] was arrested in Hyde Park on a warrant. You took custody of Ms. [REDACTED] at Troop K Headquarters, conducted a pat down search and transferred her to SP Dover. While at SP Dover Ms. [REDACTED] was left unsecured and unattended during her interview and further investigation. While unattended the prisoner managed to remove a syringe she had secreted in her brassier and inject herself.

During our meeting, we discussed the importance of properly searching, securing and monitoring prisoners. Specifically, we discussed how you left the prisoner unattended and your responsibility to safeguard this prisoner was not met. You indicated to me that you learned from this experience and I am confident that this will not happen again as you continue your career.

I am closing this matter through the issuance of this letter of censure.

Sincerely,

Richard L. Mazzone  
Major - Troop Commander

**NEW YORK STATE POLICE**

**MEMORANDUM**

Troop K Station Dover Plains

Date August 13, 2019

**To:** Troop Commander, Troop K, Poughkeepsie, New York

**From:** Trooper Jacalyn Sommer, SP Dover Plains *JMS*

**Subject:** DISCIPLINARY ACTION – COMPLAINT AGAINST PERSONNEL 20180413

I hereby request to have the above captioned investigation adjudicated by the Troop Commander pursuant to Rule 3, disciplinary action, of the New York State Police Manual.

I waive the following:

1. The right to have this matter disposed of by the Superintendent or by a formal hearing.
2. Any right to appeal the Troop Commander's adjudication, which may be a determination of unfounded or, upon a finding of guilt, the imposition of the following penalties:
  - i. A letter of censure and/or
  - ii. An intra-troop transfer and/or
  - iii. A fine to be expressed in the loss of no more than five vacation days to be worked by me with no additional compensation or overtime.

**NEW YORK STATE POLICE**

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**MEMORANDUM**

Troop K Station Headquarters

Date January 22, 2020

**To:** Deputy Superintendent Patrick J. Regan, Professional Standards Bureau

**From:** Captain John J. Ryan, *JJR* Acting Troop Commander, Troop K

**Subject:** COMPLAINT AGAINST PERSONNEL – #20180413  
TROOPER LISA A. BUTENHOFF

Reference is made to the previously submitted report regarding the above subject.

On January 22, 2020, Trooper LISA A. BUTENHOFF appeared before me and executed her consent to have me adjudicate this matter at Troop level.

Pursuant to Rule 3 of the New York State Police Administrative Manual, I have imposed no penalty. I have attached a copy of the consent waiver.

This matter is closed.

**NEW YORK STATE POLICE**

**MEMORANDUM**

Troop K Station \_\_\_\_\_ Rhinebeck

Date \_\_\_\_\_ January 22, 2020

**To:** Troop Commander, Troop K, Poughkeepsie, New York

**From:** Trooper Lisa A. Butenhoff, SP Rhinebeck *LAB*

**Subject:** **DISCIPLINARY ACTION – COMPLAINT AGAINST PERSONNEL 20180413**

I hereby request to have the above captioned investigation adjudicated by the Troop Commander pursuant to Rule 3, disciplinary action, of the New York State Police Manual.

I waive the following:

1. The right to have this matter disposed of by the Superintendent or by a formal hearing.
2. Any right to appeal the Troop Commander's adjudication, which may be a determination of unfounded or, upon a finding of guilt, the imposition of the following penalties:
  - i. A letter of censure and/or
  - ii. An intra-troop transfer and/or
  - iii. A fine to be expressed in the loss of no more than five vacation days to be worked by me with no additional compensation or overtime.

**NEW YORK STATE POLICE**

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**MEMORANDUM**

Troop G Station SP Latham

Date August 21, 2019

**To:** Deputy Superintendent Patrick J. Regan, Professional Standards Bureau  
**ATTN:** Staff Inspector George K. Nohai - North

**From:** Major Robert E. Patnaude, Troop Commander, Troop G *DSA*

**Subject:** COMPLAINT AGAINST PERSONNEL - DCN: 2018-0413  
INVESTIGATOR PADRAIC K. O'BRIEN - DOE: 06/10/13  
TROOP K, SP DOVER PLAINS

Reference is made to the Cover Page Report of Senior Investigator TIMOTHY W. MILLER dated November 07, 2018, and cover memorandum of Major RICHARD L. MAZZONE, Troop K, dated December 21, 2018, regarding above titled subject.

On August 21, 2019, Investigator O'BRIEN appeared before me at Troop Headquarters for an informal hear to dispose of the matter. Investigator O'BRIEN agreed to accept my determination, a copy of his waiver is attached.

Investigator O'BRIEN was verbally counselled regarding this matter.

This matter is considered closed.

REP/td

**NEW YORK STATE POLICE**

**MEMORANDUM**

Troop G Station Headquarters

Date August 21, 2019

**To:** Major Robert E. Patnaude, Troop Commander, Troop G

**From:** Investigator Padraic K. O'Brien, SP Brunswick *P.K.O.*

**Subject:** **DISCIPLINARY ACTION - COMPLAINT AGAINST PERSONNEL**  
**DCN: 20180413**

I hereby request to have the above captioned investigation adjudicated by the Troop Commander pursuant to Rule 3, Disciplinary Action, of the New York State Police Manual.

I waive the following:

1. The right to have this matter disposed of by the Superintendent or by a formal hearing.
2. Any right to appeal the Troop Commander's adjudication, which may be a determination of unfounded or, upon a finding of guilty, the imposition of the following penalties:
  - i. A Letter of Censure and/or
  - ii. An intra-Troop transfer and/or
  - iii. A fine to be expressed in the loss of no more than five vacation days to be worked by me with no additional compensation or overtime.

REP/td

**NEW YORK STATE POLICE****MEMORANDUM**Troop K Station HeadquartersDate December 21, 2018

**To:** Deputy Superintendent Patrick J. Regan, Professional Standards Bureau

**From:** Major Richard L. Mazzone, Troop Commander, Troop K *RLM*

**Subject:** COMPLAINT AGAINST PERSONNEL #20180413  
INV. PADRAIC K. OBRIEN – EOD 06/10/13 – SP DOVER PLAINS  
TROOPER LISA A. BUTENHOFF – EOD 01/13/14 – SP RHINEBECK  
TROOPER MARK A. SYPEK – EOD 3/2/15 – SP DOVER PLAINS  
TROOPER JACALYN M. SOMMER – EOD 3/28/16 – SP DOVER PLAINS

Reference is made to NYSP Cover Page Report of Senior Investigator TIMOTHY W. MILLER, dated November 7, 2018, concerning titled subject.

I have read the report and discussed the matter with Captain JOHN J. RYAN, BCI and I concur with the report findings.

On September 18, 2018, ADA ERIN GINTY advised that prisoner [REDACTED] was left unattended in the SP Dover Plains interview room on July 26, 2018 and was able to use a needle to inject herself with an unknown substance.

Investigation revealed that on July 26, 2018 Trooper LISA A. BUTENHOFF arrested Ms. [REDACTED] for an active bench warrant out of SP Dover Plains. Trooper BUTENHOFF conducted a search of Ms. [REDACTED] person and met Trooper JACALYN M. SOMMER at Troop K Headquarters, who also conducted a search of Ms. [REDACTED] person prior to relaying her to SP Dover Plains.

At SP Dover Plains, Investigator PADRAIC K. OBRIEN uncuffed and moved Ms. [REDACTED] into the interview room to conduct an interview with the assistance of Trooper MARK A. SYPEK. Ms. [REDACTED] was never secured while in the interview room and was left unattended multiple times. While left unattended and unsecured Ms. [REDACTED] removed what appeared to be a needle from her brassiere and injected herself with an unknown substance. Ms. [REDACTED] was arraigned and remanded to the Dutchess County Jail. While in the custody of the Dutchess County Jail Ms. [REDACTED] was found unresponsive in her cell with a needle in her possession.

Investigation into this matter regarding taking Ms. [REDACTED] into custody and conducting a proper search by Troopers SOMMER and BUTENHOFF revealed the searches

were consistent with what is required in Article 31E3. Recommend this matter be closed UNFOUNDED..

Investigation revealed that Investigator OBRIEN and Troopers SOMMER and SYPEK failed to safeguard their suspect and allowed her to stick herself with the hypodermic needle.

As a result of their actions Investigator OBRIEN and Troopers SOMMER and SYPEK violated the following Regulations of the New York State Police:

Regulation 8A2 – for failing to comply specifically with:

Regulation 8D-1 for not properly safeguarding a person under arrest.

Executive Memorandum 05-09 that states prisoners should never be left unattended.

It is recommended this matter be closed as FOUNDED.

# Complaint of Personnel Investigation 20180413

Type: Personnel Sub Type: Troop: K Status: Pending

Incident Date/Time: 7/26/2018 Mode Recvd: Phone

Report Due: 10/19/2018 Level Inv: 3 T CTV: K1453 - T/DOVER

Commissioned Officer Assigned: No Report Location/Date:

Classification: INTERNAL ADMINISTRATIVE MATTERS Finding:

Synopsis: While under arrest and sitting unattended in SP Dover, defendant [REDACTED] removed a hypodermic needle from her bra which she utilized to inject herself with an unknown substance.

Level 3 per Captain Luttmann

## Subjects:

Name: LISA A BUTENHOFF

Rank/Shield: TROOPER - 978

Employee ID: [REDACTED] DOE: 1/13/2014

Troop: K121 Location RHINEBECK

Char of Case: FAPRI - FAILURE TO SAFEGUARD A PRISONER  
IMPPA - IMPROPER POLICE ACTION  
DISOD - DISOBEYED ORDER/DIRECTIVE/INSTRUCTIONS

Name: PADRAIC K OBRIEN

Rank/Shield: INVESTIGATOR - 2911

Employee ID: [REDACTED] DOE: 6/10/2013

Troop: K221 Location DOVER PLAINS

Char of Case: FAPRI - FAILURE TO SAFEGUARD A PRISONER  
IMPPA - IMPROPER POLICE ACTION  
DISOD - DISOBEYED ORDER/DIRECTIVE/INSTRUCTIONS

Name: JACALYN M SOMMER

Rank/Shield: TROOPER - 1282

Employee ID: [REDACTED] DOE: 3/28/2016

Troop: K221 Location DOVER PLAINS

Char of Case: FAPRI - FAILURE TO SAFEGUARD A PRISONER  
IMPPA - IMPROPER POLICE ACTION  
DISOD - DISOBEYED ORDER/DIRECTIVE/INSTRUCTIONS

## Complainants:

Name: KENNETH WARD JR

Sex: M SP Employee?

Rank/Shield: LIEUTENANT - 738

Emp ID: [REDACTED] DOE: 4/7/2003 TZS: K021

## Administrative Personnel:

RECEIVING MEMBER

Name: CAPTAIN JOHN RYAN III

Emp ID: [REDACTED]

Troop: K013 Location BCI CAPTAIN

Date/Time: 9/18/2018 10:20 AM

MEMBER AT TROOP NOTIFIED

Name: MAJOR RICHARD MAZZONE JR

Emp ID: [REDACTED]

Troop: K011 Location TROOP COMMANDER

Date/Time: 9/18/2018 11:20 AM

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**MEMBER WHO NOTIFIED TROOP** Name: CAPTAIN JOHN RYAN III Emp ID: [REDACTED]  
Troop: K013 Location BCI CAPTAIN  
Date/Time: 9/18/2018 11:20 AM

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**MEMBER AT DIV NOTIFIED** Name: CAPTAIN KENNETH LUTTMAN Emp ID: [REDACTED]  
Troop: H132 Location PROFESSIONAL STANDARDS BUREAU  
Date/Time: 9/18/2018 1:00 PM

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NEW YORK STATE POLICE  
COVER PAGE

<b>TITLE OF CASE</b> Investigator Padraic. K Obrien DOE 06/10/13, SP Dover Plains BCI Trooper Lisa A. Butenhoff DOE 01/13/14, SP Rhinebeck Trooper Mark A. Sypek DOE 03/02/15, SP Dover Plains Trooper Jacalyn M. Sommer DOE 03/28/16, SP Dover Plains [REDACTED] [REDACTED]	<b>REPORTING TROOP</b> K	<b>MANAGING TROOP</b> K	<b>DATE OF REPORT</b> <del>11/07/2018</del> 5/09/19
	<b>DATE OCCURRED</b> 07/26/2018	<b>TZS</b> K221	<b>CTV CODE</b> K1453
	<b>INVESTIGATIVE PERIOD</b> 09/19/2018-11/07/2018		<b>TYPED BY</b> TWM
	<b>REPORT OF</b> Timothy W. Miller		<b>SHIELD</b> 3487
<b>CHARACTER OF CASE - (CC CODE)</b> Complaint Against Personnel PCT0100	<b>STATION</b> SP Dover Plains		<b>CASE #</b> 20180413
	<b>STATUS OF CASE</b> ( ) CA ( ) C/EC ( ) C/INV ( ) C/UNF ( ) C/UNS (X) C/FND ( ) OPN		
<b>REFERENCE:</b> Complaint Against Personnel Investigation #20180413			
<b>ENCLOSURES:</b> TO DIVISION HEADQUARTERS AND TROOP K:			
1. Hyde Park Police Department Incident Report 2. Memorandum of Trooper Jacalyn M. Sommer dated September 24th, 2018 3. Dutchess County Jail Corrections Incident Officer's Narrative Report of Sgt. Joseph Crittenden and Gregory Schweizer 4. Dutchess County Sheriff's Office Case Report number [REDACTED] 5. Supporting Deposition of Detective Mark Catuzza 6. Memorandum of Trooper Lisa A. Butenhoff dated September 28th, 2018 7. Dutchess County Jail Investigative Worksheet 8. Memorandum of Investigator Padraic K. Obrien dated October 26th, 2018 9. Memorandum of Trooper Mark Sypek dated October 10th, 2018 10. SJS Incident Report [REDACTED] 11. SJS Incident Report [REDACTED] 12. SJS Incident Report [REDACTED] 13. SJS Incident Report [REDACTED] and arrest report. 14. SP Dover Plains DVR Video Interview of [REDACTED] dated July 26th, 2018			
<b>DISTRIBUTION:</b> (X) DHQ (X) TROOP ( ) OTHER:		<b>FOR TROOP/DIVISION HEADQUARTERS USE ONLY</b>	
<b>APPROVED:</b> ZONE <u>Capt [Signature]</u> TROOP <u>MAS. [Signature]</u> DHQ		DESTROY IN 20 _____ INITIALS _____ PERMANENT RETENTION _____ INITIALS _____ RCN	

## REPORT

**SYNOPSIS:** On September 18<sup>th</sup>, 2018 at approximately 10:16 a.m. I was notified by Investigator Padraic O'Brien, SP Dover Plains BCI, DOE 06/10/13 that an incident was brought to his attention from Dutchess County ADA Erin Ginty wherein a prisoner, ██████████, DOB ██████████ was left unattended in the SP Dover Plains interview room on 07/26/2018 and appeared to have used a needle to inject herself with an unknown substance. Ms. ██████████ was searched at the scene of the arrest by Trooper Lisa Butenhoff, SP Rhinebeck, DOE 01/13/14. At Troop K Headquarters when Ms. ██████████ was transferred to the custody of Trooper Jacalyn M. Sommer, SP Dover Plains, DOE 03/28/16, she was searched by Trooper Sommer. During this investigation it was learned that a fourth subject was developed who is Trooper Mark A. Sypek, SP Dover Plains, DOE 03/02/2015, who left ██████████ in the SP Dover Plains interview room unattended and unsecured.

Investigation revealed that on 07/26/18, Trooper Butenhoff was dispatched to the ██████████, Town of Hyde Park for a report of a domestic dispute between a male and female. When she arrived at the scene, Hyde Park Police Department had two officers on the scene. It was learned that Ms. ██████████ was the subject of an active bench warrant out of SP Dover Plains. Trooper Butenhoff took Ms. ██████████ into custody, conducted a search of her person, and placed her into 1K38 and arranged to meet with a SP Dover Plains patrol vehicle at Troop K Headquarters. At Troop K Headquarters, she turned Ms. ██████████ over to the custody of Trooper Sommer who also conducted a search of Ms. ██████████ prior to placing her in 2K27. Trooper Sommer transported Ms. ██████████ to SP Dover Plains where she was placed into the SP Dover Plains squad room while waiting to be interviewed by Investigator O'Brien and Trooper Sypek regarding a matter unrelated to the bench warrant. Ms. ██████████ was eventually moved from the squad room to the interview room where a recorded interview was conducted by Inv. O'Brien and Trooper Sypek, both of whom left the interview room twice with Ms. ██████████ seated at a table unsecured and unattended. Trooper Sommer, at the request of Inv. O'Brien, escorted Ms. ██████████ to the bathroom and then returned her to the interview room where Ms. ██████████ was again left unsecured and unattended. Trooper Sommer left the door partially opened and there came a time where Ms. ██████████ left her seat and closed the door completely. Trooper Sommer opened the door again and gave a bottle of Gatorade to Ms. ██████████. Trooper Sommer exits the interview room but again leaves the door ajar so she can observe Ms. ██████████ however Ms. ██████████ is still unsecured. Shortly after Trooper Sypek closed the door completely leaving Ms. ██████████ unattended and unsecured. On the interview room video at various times when she is unattended in the interview room with the door closed Ms. ██████████ is observed making furtive movements and appears to be reaching into her brassiere to retrieve what appears to be a needle containing and an unknown dosage of an unknown substance. Ms. ██████████ is seen on video inserting a needle into her right wrist or forearm. She freely moves to the garbage can and discards an item and a few moments later she retrieves the same item from the garbage. The investigation revealed that while in the custody of the Dutchess County Correctional Facility, Ms. ██████████ was able to secrete and use a needle while secured in her cell. While alone in her cell Ms. ██████████ was found unconscious on the floor with a needle floating on top of the toilet. Ms. ██████████ according to Dutchess County Jail personnel was strip searched during intake with no contraband located.

Troopers Butenhoff and Sommer searched Ms. ██████████ within allowable parameters pertaining to the Search and Seizure Manual in that they are not permitted to conduct a strip search of Ms. ██████████ since this was not a drug related offense. I recommend that this matter, in regard to Trooper Butenhoff and Sommer's search of Ms. ██████████ be closed- Unfounded. I recommend that this matter, in regard to Investigator O'Brien, Trooper Sommer and Trooper Sypek's failure to safeguard the prisoner, allowing her to be unsecured and unsupervised which aided her in using the needle with unknown dosage of an unknown substance be Closed-Founded, and the appropriate administrative action be taken.

### At SP Dover Plains

1. On September 18<sup>th</sup>, 2018, I was notified that Dutchess County ADA Erin Ginty was in possession of a SP Dover interview room video that showed ██████████ who was in his custody on 07/26/2018 at SP Dover and sitting in the interview room, use a needle to inject an unknown dosage of an unknown substance into her body. Ms. ██████████ had been in the custody of Troopers Lisa Butenhoff, Mark Sypek, Jaclyn Sommer, and Investigator Padraic O'Brien on the above written date. I notified Lt. Kenneth Ward, Troop K BCI Lieutenant, who assigned me to investigate this matter.
2. On September 24<sup>th</sup>, 2018, I telephonically interviewed Hyde Park Police Officer Daniel Montaldo. He stated that on July 26<sup>th</sup> at approximately 10:57 a.m. he responded to the ██████████, Hyde Park, for a report of a physical altercation occurring in front of ██████████. He responded to said location with Hyde Park Police Officer Antonio Rodriguez. When he arrived, he found ██████████

her boyfriend [REDACTED] and [REDACTED] at the scene. He said that [REDACTED] was outside and [REDACTED] was standing in the doorway [REDACTED]. A file check was completed of all parties and it was learned that Ms. [REDACTED] had an active bench warrant out of SP Dover Plains. He stated that Trooper Butenhoff arrived and took Ms. [REDACTED] into custody. While Trooper Butenhoff was taking Ms. [REDACTED] into custody they had Mr. [REDACTED] detained to keep the parties separated. He said that he did not observe the search of Ms. [REDACTED] and cannot offer any other useful information. He declined to give a written statement. Reference is made to the attached Hyde Park Police Report Incident Number HP-005701-18 which will be attached to this report as enclosure # 1.

3. On September 24<sup>th</sup>, 2018, I telephonically interviewed Dutchess County ADA Erin Ginty. She stated that she was reviewing a video interview of Ms. [REDACTED] when she came across footage that showed Ms. [REDACTED] using what appeared to be a needle to inject an unknown substance into her body. She said she had forwarded the video to Ms. [REDACTED] attorney, Mr. August Dumser who works for the Dutchess County Public Defender's Office. She could not offer any other useful information as it pertains to this investigation.
4. On September 24<sup>th</sup>, 2018 I directed Trooper Jacalyn M. Sommer, SP Dover Plains to compose a memorandum outlining her actions regarding the [REDACTED] arrest. Her memorandum stated that on Thursday, 07/26/2018 she was advised by Troop K Communications that she needed to respond to Troop K Headquarters to take custody of Ms. [REDACTED] who was the subject of a bench warrant out of SP Dover Plains for Criminal Possession of Stolen Property 5<sup>th</sup>. She arrived at Troop K Headquarters and took custody of Ms. [REDACTED] from Trooper Butenhoff who advised that she had searched Ms. [REDACTED] when she took her into custody. Trooper Sommer conducted a search of Ms. [REDACTED] and did not locate any contraband. Her search consisted of a pat down of the area in and around the brassiere that Ms. [REDACTED] was wearing. Ms. [REDACTED] was wearing a one-piece outer garment known as a "Romper" which did not have any pockets and was form fitting which prohibited the ability to secrete any contraband. Ms. [REDACTED] was also wearing sandals that also prohibited secreting any contraband. She transported Ms. [REDACTED] to SP Dover Plains and secured her to the bench in the squad room until she was moved into the interview room. Trooper Sommer escorted Ms. [REDACTED] from the interview room to the bathroom and then back to the interview room. Trooper Sommer left the door open to watch but Trooper Sypek subsequently closed the door leaving Ms. [REDACTED] unsecured and unattended. Reference is made to the attached memorandum of Trooper Sommer, enclosure 2.
5. On September 27<sup>th</sup>, 2018 I telephonically interviewed with Senior Investigator Mark S. Ralton, DC Jail Special Investigation Unit. He advised me he would comprise a list of personnel who had contact with Ms. [REDACTED] on July 26<sup>th</sup>, 2018. He supplied me with reports prepared by DC Jail Corrections Officer, Gregory Schweizer. The report stated that on 07/26/18 while conducting rounds and assigned to the housing unit that contained Ms. [REDACTED], Officer Schweizer discovered her on the floor of her cell in an unresponsive state. According to S/I Ralton, their protocol is to call away an emergency and wait for other staff members to arrive prior to entering the cell. He did not have any conversation with Ms. [REDACTED] nor was he among the first to enter the cell to give her aid. Senior Investigator Ralton also forwarded a report prepared by DC Jail, Sergeant Joseph Crittenden. His report states that after the emergency was called away he responded and made entry into the cell. He noticed a hypodermic needle in the cell toilet. He entered with DC Jail, Corrections Officer Steel. Officer Steel attempted to check Ms. [REDACTED] for a pulse when she jumped up and he had her sit on her cell bed. Reference is made to the attached Dutchess County Jail report number [REDACTED] enclosure 3.
6. On September 27<sup>th</sup>, 2018 I telephonically interviewed Dutchess County Sheriff's Office Detective Sergeant S. J. Reverri, Jr. I explained the reason for the interview and requested their case report for the incident described in paragraph 5. He forwarded me the case report that showed Detective Mark Catuzza was assigned to investigate. It further showed that [REDACTED] was charged with Promoting Prison Contraband 1<sup>st</sup> degree in violation of Penal Law 205.25 and Possession of a Hypodermic Needle in violation of Penal Law 220.45. Reference is made to the attached Dutchess County Sheriff's Office Case Report number [REDACTED] enclosure 4.

#### **At Dutchess County Sheriff's Office**

7. On September 28<sup>th</sup>, 2018 I interviewed Det. Mark Catuzza who stated in sum and substance on August 3<sup>rd</sup>, 2018 he became aware of Dutchess County Jail report number [REDACTED] and adopted a case on same. He secured evidence consisting of one B&D Hypodermic Syringe, and one partially chewed wax paper envelope. His investigation led him to charge Ms. [REDACTED] with the charges described in paragraph 6. Reference is made to a supporting deposition completed by Det. Catuzza, enclosure 5.

### At Hyde Park Police Department

8. On September 28<sup>th</sup>, 2018 I interviewed Police Officer Antonio Rodriguez. He stated in sum that on July 26<sup>th</sup>, 2018 he responded to [REDACTED], NY also known as the [REDACTED] for a boyfriend/girlfriend disturbance. Upon his arrival he observed a male outside [REDACTED]. A female made her way outside a short time later. He does not recall her name or any pertinent events of that incident. He remembers that the female had a bench warrant out of SP Dover and remembers that a female Trooper secured her but did not witness any search performed by the Trooper. He declined to give a written account of the incident.

### At SP Rhinebeck

9. On September 28<sup>th</sup>, 2018 I directed Trooper Lisa Butenhoff to compose a memorandum outlining her actions regarding the [REDACTED] arrest. Her memorandum stated in sum and substance that she was working a 1 shift on July 26<sup>th</sup>, 2018 and responded to [REDACTED], Hyde Park, NY to assist Hyde Park Police Department with a boyfriend/girlfriend domestic. While she was on scene it was determined that [REDACTED] had an active warrant out of SP Dover for Criminal Possession of Stolen Property 5<sup>th</sup>. She took Ms. [REDACTED] into custody. She observed her change her clothes from a tank top and shorts to a one-piece romper. She wore the same brassiere and underwear. After she finished changing Trooper Butenhoff conducted a search using the back of her hand around the brassiere and did not locate any contraband. She transported Ms. [REDACTED] to Troop K Headquarters and turned her over to the custody of Trooper Sommer and advised her that she had searched Mr. [REDACTED] prior to her transport. She heard Trooper Sommer advise Ms. [REDACTED] that she would be searched again prior to transport from Troop K Headquarters to SP Dover Plains. Reference is made to the attached memorandum of Trooper Butenhoff, enclosure 6.

### At Dutchess County Jail, Poughkeepsie, NY

10. On October 3<sup>rd</sup>, 2018 I interviewed Senior Investigator Mark Ralton who is assigned to the Special Investigation Unit. He advised me that Correction Officer Krystal Lowe was working in booking on July 26<sup>th</sup>, 2018 and conducted the intake of Ms. [REDACTED]. He supplied me with a Dutchess County Jail Investigative Worksheet with the name [REDACTED] Lea and booking number [REDACTED] and is dated July 27<sup>th</sup>, 2018 at 12:35 p.m. It is signed by Ms. [REDACTED] who declined to make any statements reference to the hypodermic needle found in her cell. Reference is made to the Dutchess County Jail Investigative worksheet, enclosure 7.
11. On October 3<sup>rd</sup>, 2018 I interviewed Dutchess County Jail Corrections Officer Krystal Lowe shield 82. She is a 15-year veteran of the jail. She stated in sum and substance that on the night that Ms. [REDACTED] was brought into the jail she conducted a strip search of her and did not locate any contraband on her person. She declined to give a written account of her interaction with Ms. [REDACTED].
12. On October 3<sup>rd</sup>, 2018 I interviewed Dutchess County Jail Sergeant Joseph Crittenden. He said that he is a 23-year veteran of the Dutchess County Jail. On July 26<sup>th</sup>, 2018 he was working in his capacity as a supervisor at the jail when a code was called for an unresponsive female in her cell. He said at about 9:00 pm he went to cell 4 which housed Ms. [REDACTED] and she was the only occupant of the cell. Upon entering the cell, he was accompanied by Corrections Officer Jonathan Steele. CO Steele was checking Ms. [REDACTED] for a pulse when she jumped to her feet. He sat her on the bed and asked her what happened but she was incoherent in her response. Sgt. Crittenden observed blood trickling just below her right elbow. He observed a needle in the cell toilet. He said that Ms. [REDACTED] was incoherent and did not make any statements. She was transported to medical and he sealed the cell. His statement is recorded on the Dutchess County Jail report [REDACTED] referenced in paragraph 5.

### At SP Dover Plains

13. On October 7<sup>th</sup>, 2018 I directed Investigator Padraic O'Brien to compose a memorandum outlining his actions regarding the [REDACTED] arrest. His memorandum stated in sum and substance that he was working a B line out of SP Dover Plains on 07/26/18 when he overheard a radio transmission for a prisoner transport wherein the suspect, Ms. [REDACTED] is a suspect in a SP Dover BCI burglary investigation. Upon their arrival at SP Dover Plains, Inv. O'Brien had moved Ms. [REDACTED] from the patrol

room to the SP Dover Plains interview room. He stated that during the interview he left the interview room with Trooper Sypek and went into the BCI office to discuss the details of the interview. They re-enter the interview room and continue the interview and after Ms. [REDACTED] made admissions to the crime of Criminal Possession of Stolen Property 5<sup>th</sup>, Inv. Obrien exits the interview room. Upon exiting the interview room he requested that Trooper Sommer escort Ms. [REDACTED] to the bathroom. He instructed Trooper Sypek to secure a written statement from Ms. [REDACTED]. Inv. Obrien made phone calls pertaining to criminal charges to be filed against Ms. [REDACTED] and prepared those charges from the BCI office. Reference is made to the attached memorandum of Investigator Obrien, enclosure 8.

14. On October 13<sup>th</sup>, 2018 I directed Trooper Mark Sypek to compose a memorandum outlining his actions regarding the [REDACTED] arrest. His memorandum stated in sum and substance that on 07/26/18 he assisted in an interview of Ms. [REDACTED] in the interview at SP Dover Plains, with Investigator Padraic Obrien. After the interview Ms. [REDACTED] was accompanied to the bathroom by Trooper Sommer and then returned to the interview room by Trooper Sommer who then provides Ms. [REDACTED] with a drink. After receiving her drink Trooper Sommer left the room. Trooper Sypek then asks Ms. [REDACTED] if she was good and closed the door to the interview room. He states that he returned to the SP Dover Plains Squad room where he received instructions from Inv. Obrien directing him to take a written statement from Ms. [REDACTED]. He removed Ms. [REDACTED] from the interview room and secured her to the bench in the squad room but Ms. [REDACTED] declined to give a written statement. Reference is made to the attached memorandum of Trooper Sypek, enclosure 9.
15. On September 24<sup>th</sup>, 2018 I reviewed the SJS incident report of Trooper Lisa Butenhoff, SP Rhinebeck – [REDACTED] Transport – Transports. No discrepancies were noted. Reference is made to incident report [REDACTED] enclosure 10.
16. On September 24<sup>th</sup>, 2018 I reviewed the SJS incident reports of Trooper Jacalyn Sommer, SP Dover Plains – [REDACTED] Transport – Transports and [REDACTED] Transport - Transports. No discrepancies were noted. Reference is made to incident report [REDACTED] enclosure 11 and incident report [REDACTED] enclosure 12.
17. On September 24<sup>th</sup>, 2018 I reviewed the SJS incident report of Investigator Adam Pereiro [REDACTED] and associated arrest report of Ms. Gomme. No discrepancies were noted. Reference is made to incident report [REDACTED] and arrest report [REDACTED] enclosure 13.
18. On October 2<sup>nd</sup> I contacted August Dumnser, who is the assigned defense attorney for Ms. [REDACTED]. I requested to speak with Ms. [REDACTED] to which he replied that he is not going to allow his client to speak with me.
19. On September 25<sup>th</sup>, 2018 I reviewed a video recorded interview of Ms. [REDACTED] that took place on 07/26/2018 in the interview of SP Dover Plains. The video shows that on 07/26/18 at about 2:01 p.m. Ms. [REDACTED] is escorted, unsecured, into the interview room by Investigator Obrien. She is seated at a chair in front of a table and remained unsecured. Just before 2:02 p.m. Trooper Sypek entered the interview room and sits next to Investigator Obrien and across from Ms. [REDACTED]. At 2:24 p.m. Investigator Obrien and Trooper Sypek leave the interview room and leave Ms. [REDACTED] unattended and unsecured. At 2:26 p.m. Ms. [REDACTED] reaches under her outer garment and appears to be moving something around in her brassiere. At 2:28 pm. Ms. [REDACTED] again reaches into her brassiere and again appears to be moving something located therein. At 2:33 p.m. Investigator Obrien and Trooper Sypek re-enter the interview room having left Ms. [REDACTED] unattended and unsecured for nine minutes. At 2:39 Investigator Obrien concludes the interview and as he is leaving the interview room Ms. [REDACTED] requested to use the bathroom. Trooper Sypek follows Investigator Obrien out of the interview room and closes the door behind him leaving Ms. [REDACTED] unattended and unsecured. At 2:40 p.m. Trooper Sommer escorts Ms. [REDACTED] to the bathroom. At 2:43 p.m. Ms. [REDACTED] re-enters the interview room, sits down in a chair and remained unsecured. At 2:43:56 Ms. [REDACTED] gets up from her chair and closes the door to the interview room and then sits back down in the chair. At 2:44 p.m. Trooper Sommer opens the door to the interview room and advises Ms. [REDACTED] that the door will remain open. At 2:44 p.m. Ms. [REDACTED] starts to adjust her brassiere on her right side and seems to be moving something therein. At 2:44:54 Ms. [REDACTED] now adjusts the left side of her brassiere. At 2:46 p.m. Trooper Sommer brings Ms. [REDACTED] an opened bottle of Gatorade. At 2:46 p.m. Trooper Sypek closes the door to the interview room and leaves Ms. [REDACTED] unsecured and unattended. At 2:47 p.m. Ms. [REDACTED] reaches into her brassiere and appears to be moving something therein. At 2:47:46 Ms. [REDACTED] appears to be making furtive movements with both hands under the table where she is sitting. She appears to be moving something around under the table and then occasionally glancing at it. The table obstructs the view of whatever it is Ms. [REDACTED] is moving around. At about 2:50 p.m. Ms. [REDACTED] reaches into her brassiere on the right side and removes an object, that appears to be a needle. At 2:50:41 Ms. [REDACTED]

stands up and places something in the garbage. It appears that she is holding what looks like a needle in her right hand. At 2:51 p.m. Ms. [REDACTED] stands and retrieves something from the garbage and puts same in her mouth. At 2:51 p.m. Ms. [REDACTED] appears to inject a needle in her left hand using her right hand. At 2:52 p.m. Ms. [REDACTED] appears to secrete something into her brassiere on the left side. At 2:53 p.m. Ms. [REDACTED] appears to inject her right arm with a needle. At 2:54 p.m. Ms. [REDACTED] appears to secrete the needle into her brassiere on the left side. At 2:54 p.m. after secreting the needle Ms. [REDACTED] removes something from her mouth and throws it into the garbage. The video ends at that moment. Reference is made to SP Dover Plains DVR Video Interview of [REDACTED] dated July 26th, 2018 enclosure 14. 20.

20. On 5/09/19, I was advised by Captain John Ryan Troop K BCI, that he had contacted Dutchess County Jail Captain William Moore on 5/02/19 for further clarification as to the extent of the strip search conducted during intake of Ms. [REDACTED] at the Dutchess County Jail and whether they ever made notification to NYSP when Ms. [REDACTED] was found in possession of contraband at the jail. Captain Ryan stated Dutchess County Jail Captain William Moore looked into the matter and advised him that he spoke with Correction Officer Krystal Lowe who stated to the best of her recollection, she strip searched the defendant, but only down to her underwear and she believes the defendant was allowed to retain her bra during and after booking. With respect to lack of notification to NYSP concerning the defendant's possession of contraband at the jail, Captain Moore stated NYSP was not notified because the contraband was found after the defendant was in with the general population. If the contraband was found during intake at the jail, then notification would have been made to NYSP.

## CONCLUSION

Investigation revealed that Ms. [REDACTED] was taken into custody for an active bench warrant out of SP Dover Plains for Criminal Possession of Stolen Property, by Trooper Butenhoff, SP Rhinebeck, while dispatched to a domestic complaint in the Town of Hyde Park. Trooper Butenhoff watched Ms. [REDACTED] change her clothes from a tank top and shorts into a one piece "Romper" while wearing the same brassiere and underwear. She conducted a search of Ms. [REDACTED] consistent with what is legally allowable as written in the Search and Seizure Laws of the State Of New York. Ms. [REDACTED] was transported to Troop K Headquarters where she was turned over to the custody of Trooper Sommer who also conducted a search of Ms. [REDACTED] consistent with the allowable search previously performed by Trooper Butenhoff. Ms. [REDACTED] was transported to SP Dover Plains for further processing. While at SP Dover Plains Investigator O'Brien uncuffed Ms. [REDACTED] and moved her to the interview room for the purpose of conducting an interview relating to a burglary investigation, Trooper Sypek assisted. Ms. [REDACTED] was never secured while in the interview room. She was left unattended on three occasions while in SP Dover Plains interview room. While she was left unattended and unsecured Ms. [REDACTED] could retrieve what appeared to be a needle from her brassiere and utilize same to inject an unknown substance into her body. Ms. [REDACTED] was arraigned on an additional charge of Criminal Possession Stolen Property stemming from the burglary complaint. Ms. [REDACTED] was arraigned before Town of Dover Honorable Justice John Fusco and remanded to the custody of the Dutchess County Jail in lieu of \$5000.00 cash and \$10,000.00 bond. Ms. [REDACTED] was transported to the Dutchess County Jail and turned over to their custody. While in the custody of the Dutchess County Jail Ms. [REDACTED] was located unresponsive in her cell with a needle in her possession. An interview with Dutchess County Jail indicated that at booking Ms. [REDACTED] was strip searched, down to her underwear and bra, with nothing found on her person. Ms. [REDACTED] refused to make any statements concerning the needle to any investigators assigned to investigate the incident in the Dutchess County Jail.

Investigation into this matter regarding taking Ms. [REDACTED] into custody and conducting a proper search of same by Trooper Sommer and Trooper Butenhoff revealed that Ms. [REDACTED] was taken into custody for a Criminal Possession of Stolen Property bench warrant out of SP Dover Plains. Trooper Butenhoff observed Ms. [REDACTED] change her clothing with the exception of her brassiere which she conducted a pat down of with her hand and did not find any contraband. Trooper Sommer conducted a similar search upon taking custody of Ms. [REDACTED]. The searches were consistent with what is required in Article 31E3, furthermore the Search and Seizure manual, page 16, requires that the search must be commensurate with the charge for which the defendant was arrested. In this incident the charge was not drug related or of the kind that would allow a strip search to locate contraband.

I recommend the matter concerning the search of Ms. [REDACTED] with regards Trooper Sommer and Trooper Butenhoff be Closed – Unfounded.

Investigation into this matter found that Investigator Obrien, Trooper Sommer and Trooper Sypek repeatedly left Ms. [REDACTED] unattended and unsecured while she was in their custody. This created ample opportunities for Ms. [REDACTED] to retrieve a needle and an unknown substance and inject same into her body. Investigation determined that Investigator Obrien, Trooper Sommer and Trooper Sypek violated:

- Regulation 8A2 which requires all Members to study and comply with all Division Rules, Regulations, and Instructions.
- Regulation 8D-1 which states all members are responsible for the proper safeguarding of persons under arrest
- Executive Memorandum 05-09 that states prisoners should never be left unattended.

I recommend the matter of Regulation 8A2, Regulation 8D1 and Executive Memorandum 05-09 with regard to Investigator Obrien, Trooper Sommer and Trooper Sypek, be Closed- Founded, and the appropriate administrative action be taken.

I N C I D E N T	1. Agency Hyde Park Police Department		2. Division/Princt 1456		3. ORI New York State INCIDENT REPORT NY0136500			4. <input checked="" type="checkbox"/> Orig <input type="checkbox"/> Supp		5. Case No.		6. Incident No.										
	7. Report Day Thu		8. Date Sep 27 2018		9. Report Time 12:41		10. Occurred On/From Thu Jul 26 2018		11. Time 10:57		12. Occurred On/To Thu Jul 26 2018		13. Date 12:45									
	16. Incident Type DISTURBANCE					17. Business Name					18. Weapon(s)											
A B S E R V E R	19. Incident Address(Street No., Street Name, Bldg. No., Apt. No.)										20. City, State, Zip( <input type="checkbox"/> C <input checked="" type="checkbox"/> T <input type="checkbox"/> V)		21. Location Code HYD									
	22. OFF. NO.		LAW		SECTION		SUB		CL		CAT		DEF.		ATT.		NAME OF OFFENSE		CTS		23. No. of Victims	
	2																				24. No. of Suspects	
V I C T I M	25. Person Type: CO=Complainant OI=Other PI=Person Interviewed PR=Person Reporting WI=Witness NI=Not Interviewed VI=Victim										26. Victim also complainant <input type="checkbox"/> Y <input checked="" type="checkbox"/> N											
	Type/No.		NAME(LAST, FIRST, MIDDLE, TITLE)				Date of Birth		STREET NO., STREET NAME, BLDG NO., APT. NO., CITY, STATE, ZIP				Telephone No.									
	CA		DC911,						392 CREEK RD HYDE PARK, NY				BUS ( )									
P R O P E R T Y	PI												BUS									
													RES. ( )									
													BUS									
N A R R A T I V E	27. Date of Birth		28. Age		29. Sex <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U		30. Race <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Unk.		31. Ethnic <input type="checkbox"/> Hispanic <input type="checkbox"/> Unk. <input type="checkbox"/> Non-Hispanic		32. Handicap <input type="checkbox"/> Yes <input type="checkbox"/> No		33. Residence Status <input type="checkbox"/> Resident <input type="checkbox"/> Tourist <input type="checkbox"/> Commuter <input type="checkbox"/> Military		34. Temp. Res.-Foreign Nat., Student, Other, Homeless <input type="checkbox"/> Unk/Not Indicated							
	34. Victim DID receive information on Victim's Rights and Services pursuant to New York State Law <input type="checkbox"/> Yes <input type="checkbox"/> No										35. Type/No		36. Name(Last, First, Middle)		37. Alias/Nickname/Maiden Name(Last, First, Middle)		38. Apparent Condition <input type="checkbox"/> Impaired Drugs <input type="checkbox"/> Impaired Alco <input type="checkbox"/> Mental Dis <input type="checkbox"/> Inj/Ill <input type="checkbox"/> Unk. <input type="checkbox"/> App Num.					
	39. Address(Street No., Street Name, Bldg. No., City, State, Zip)										40. Phone Res:		41. Social Security No.									
D R O P E R T Y	42. Date of Birth		43. Age		44. Sex <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U		45. Race <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Unk.		46. Ethnic <input type="checkbox"/> Hispanic <input type="checkbox"/> Unk. <input type="checkbox"/> Non-Hispanic		47. Skin <input type="checkbox"/> Light <input type="checkbox"/> Medium <input type="checkbox"/> Dark <input type="checkbox"/> Unk. <input type="checkbox"/> Other		48. Occupation									
	49. Height		50. Weight		51. Hair		52. Eyes		53. Glasses <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Contacts		54. Build <input type="checkbox"/> Small <input type="checkbox"/> Medium <input type="checkbox"/> Large		55. Employer/School									
	57. Scars/Marks/Tattoos(Describe)										58. Misc.		56. Address									
V E H I C L E	59. Victim or Suspect No.		Property Status		Property Type		Quantity Measure		Make or Drug Type		Model		Serial No.		Description		Value					
	60. Vehicle Status		61. License/Plate No		Full <input type="checkbox"/> Partial <input type="checkbox"/>		62. State		63. Exp. Yr.		64. Plate Type		65. Value									
	66. Veh. Yr.		67. Make		68. Model		69. Style		70. VIN													
N A R R A T I V E	71. Colors		72. Towed By:		To:		73. Vehicle Notes															
	<p>ON DATE AND TIME AFORESAID WRITER AND S#23 WERE DISPATCHED BY DC911 TO THE [REDACTED] FOR A REPORT OF A PHYSICAL ALTERCATION OCCURRING [REDACTED] BETWEEN A MALE AND A FEMALE. UPON ARRIVAL WRITER AND S#23 MADE CONTACT WITH BOTH PARTIES WHO WERE OUTSIDE [REDACTED] IN THE PARKING LOT VISIBLY UPSET WITH EACH OTHER. PATROL SEPARATED BOTH PARTIES AND ATTEMPTED TO DETERMINE WHAT THE ISSUE WAS. ABOUT THAT SAME TIME NYSP UNIT 1K38 ARRIVED ON SCENE TO ASSIST. THE MALE HALF DID NOT HAVE ANY IDENTIFICATION ON HIM BUT IDENTIFIED HIMSELF BY NAME AND DOB [REDACTED]. THE FEMALE HALF PROVIDED A NYS DRIVER LICENSE WHICH IDENTIFIED HER AS [REDACTED] DOB [REDACTED]. THE FEMALE CAME BACK IN E-JUSTICE AS AN ACTIVE FILE 5 WITH THE WANTING AGENCY BEING NYSP. DUE TO THE FEMALE HAVING HER JUVENILE SON</p>																					
	<p>75. Inquiries (Check all that apply): <input checked="" type="checkbox"/> DMV <input checked="" type="checkbox"/> Want/Warrant <input type="checkbox"/> Scafflaw <input type="checkbox"/> Crim. History <input type="checkbox"/> Stolen Property <input type="checkbox"/> Other</p> <p>76. NYSPIN Message No.</p> <p>77. Complainant Signature</p> <p>78. Reporting Officer Signature (include Rank) 79. ID No 1052 PTL RODRIGUEZ</p> <p>80. Supervisor's Signature (include Rank)</p> <p>81. ID No Approved By 1008 CHE BENSON</p> <p>82. Status <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed (if Closed, check box below) <input type="checkbox"/> Unfounded <input type="checkbox"/> Vict. Refused to Coop. <input type="checkbox"/> Arrest <input type="checkbox"/> Pros. Declined <input type="checkbox"/> Warrant Advised <input checked="" type="checkbox"/> CBI <input type="checkbox"/> Juv. - No Custody <input type="checkbox"/> Arrest-Juv. <input type="checkbox"/> Offender Dead. <input type="checkbox"/> Extrad. Declin <input type="checkbox"/> Unknown</p> <p>83. Status Date Sep 27 2018</p> <p>84. Notified/TOT</p>																					
<p>85. 1</p> <p>Page of 2</p> <p>Pages</p>																						



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Entry/CC#: [REDACTED] Date: 07/26/2018 Time: 10:57 Tour: BDesk Officer: 1062

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Call Type: .....: DISTURBANCE Priority: 1 How Received: 911 DISPATCH

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Caller: .....: DC911,  
Bus. Name: .....:  
Address: .....: 392 CREEK RD  
City/St/Zip: HYDE PARK, NY Call Back #: .....

---

Location of Assignment: [REDACTED] HYDE PARK  
Cross Street: .....:  
Business Name: .....: [REDACTED]  
Description: .....: MALE/FEMALE  
Disposition: .....: BACK IN SERVICE

---

Post: 1456 Dispatched: Y Dispatched Date: 07/26/2018 Call Taker: 1062

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OFFICERS INVOLVED

Serial #: 1052 Rank: PTL Name: ANTONIO R RODRIGUEZ  
Serial #: 1039 Rank: PTL Name: DANIEL E MONTALTO

ASSOCIATED NUMBERS

Case # [REDACTED] Incident Type: DISTURBANCE

PERSONS INVOLVED

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Name: .....: [REDACTED] DOB: [REDACTED]  
Address: .....: [REDACTED]  
City/State/Zip: [REDACTED]  
Phone Number: .....:  
Sex: .....: Race: .....:  
Person Type: .....: PERSON INTERVIEWED

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Name: .....: [REDACTED] DOB: / /  
Address: .....:  
City/State/Zip: .....:  
Phone Number: .....:  
Sex: .....: Race: .....

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Name: .....: DC911, DOB: / /  
Address: .....: [REDACTED]  
City/State/Zip: HYDE PARK, NY  
Phone Number: .....: ( )  
Business Number: .....: ( )  
Sex: .....: Race: .....:  
Person Type: .....: CALLER

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Name: .....: [REDACTED] DOB: [REDACTED]  
Address: .....: [REDACTED]  
City/State/Zip: [REDACTED], NY 12522-  
Phone Number: .....:  
Sex: .....: Race: .....

Person Type...: PERSON INTERVIEWED

NARRATIVE

911 DISPATCH FOR A BF/GF DOMESTIC, PHYSICAL IN [REDACTED]

CALLER IS A TAXI DRIVER THAT STATES THE MALE/FEMALE ARE FIGHTING AND THEY HAVE A SMALL CHILD PRESENT

S/23 S/16 EN ROUTE  
1062:07/26/2018 10:58 -

911 TRANSFER CALLER IS SCOTT MENDELSON THAT WORKS AT THE [REDACTED] AND STATES HE IS OUTSIDE NOW AND THE SITUATION HAS CALMED DOWN. FEMALE [REDACTED] DOES NOT WANT THE MALE THERE

UNITS OUT  
1062:07/26/2018 11:00 -

[REDACTED]  
DOB: [REDACTED]

FEMALE CID: [REDACTED] [REDACTED]

FEMALE IS A FILE 5 X2

POSS. OF STOLEN PROPERTY NYSP- DOVER PLAINS, WARRANT ENTERED ON 07/25/2018

PUBLIC ORDER CRIMES BETHLEHEM TOWN POLICE, WARRANT ENTRY 10/20/2017

S/23 WAS ADVISED AND STATES THE NYSP ARE ON SCENE, HE WILL ADVISE

S/16 EN ROUTE TO HQ FOR A TEST KIT  
1062:07/26/2018 11:25 -

MALE HAD POSSIBLE DRUGS ON HIM

CPS ON SCENE - 1220

S/23 REQUEST 10-28 ON NY [REDACTED]  
VEHICLE DRIVEN THERE BY THE MALE

1K38 HAS FEMALE IN CUSTODY

MALE CID: [REDACTED]

COMES BACK AS:  
[REDACTED] - VALID

MALE LEFT SCENE IN HIS VEHICLE, UNITS CLEAR.



**NEW YORK STATE POLICE****MEMORANDUM**Troop K Station SP Dover PlainsDate September 24, 2018

**To:** Major Richard L. Mazzone, Troop Commander, Troop K

**From:** Trooper Jacalyn M. Sommer *JMS*

**Subject:** COMPLAINT AGAINST PERSONNEL

I have been advised of my Article 16 rights by Senior Investigator Miller on September 24, 2018. I am represented by Trooper Maurice Coley and I provide the following account:

On Thursday, 7/26/2018, Troop K Communications contacted SP Dover Plains stating that a member of SP Rhinebeck had Ms. [REDACTED] in custody after she was involved in a domestic dispute in the Town of Hyde Park. At the time, SP Dover Plains had an active warrant for Ms. [REDACTED] for Criminal Possession of Stolen Property in the 5<sup>th</sup> degree. Troop K Communications then advised that they would call SP Dover Plains back to arrange the exchange of Ms. [REDACTED]. Trooper Mark Sypek later called me, requesting that I patrol to Troop K Headquarters and take custody of Ms. [REDACTED].

I patrolled to Troop K Headquarters and took custody of Ms. [REDACTED] from Trooper Lisa Butenhoff outside of the building. I performed a search of Ms. [REDACTED] prior to transporting her. The search included a pat down of her person, including around the sides of her bra and down the center of her chest using the back of my hand. Ms. [REDACTED] was wearing a romper, which is similar to a one-piece jumpsuit, with no waistband and no pockets. The romper consisted of long sleeves and shorts above her knee. She was also wearing sandals. A strip search was not performed on Ms. [REDACTED] or warranted, due to the nature of the crime for which she was being arrested. Trooper Butenhoff had also confirmed that she had searched Ms. [REDACTED] and that she had even changed her clothing in front of Trooper Butenhoff prior to leaving the incident location. I did not seize any items from Ms. [REDACTED] as a result of my search. Ms. [REDACTED] was then transported to SP Dover Plains in marked unit, 2K27.

After arriving at SP Dover Plains, Ms. [REDACTED] was placed on the bench in the patrol room, where she was handcuffed. Investigator Padraic O'Brien and Trooper Mark Sypek then took Ms. [REDACTED] into SP Dover Plains' interview room to question her regarding another stolen property case. While Investigator O'Brien and Trooper Sypek had custody of Ms. [REDACTED] I was in SP Dover Plains' patrol room, completing paperwork pertinent to the warrant. The only time I interacted with her while she was in the interview room was when she requested to use the bathroom. Ms. [REDACTED] had to leave the bathroom door open while she was in there. While Ms.

██████ used the bathroom, I stood outside the door and watched her. Due to the nature of the one-piece romper that she was wearing, she was only wearing a bra while utilizing the toilet. It did not appear that she had anything on her person. She was not allowed to flush until I checked to be sure she did not put anything in the toilet. After Ms. ██████ used the bathroom, Trooper Sypek advised me to return her to the interview room where she was to give him a statement regarding what they spoke about. I left the door to the interview room wide open, advised Trooper Sypek that she was done, and then left the area to complete my paperwork for the warrant. When I had left, Trooper Sypek was to continue his investigation with Ms. ██████ I later brought Ms. ██████ a Gatorade. After handing her the Gatorade I waited in the hallway, with the door open, until Trooper Sypek arrived at the interview room. I then went back to the patrol room to continue paperwork. Trooper Sypek then checked on Ms. ██████ closed the interview room door, and returned to the patrol room.

I later transported Ms. ██████ to the Town of Dover Court, for an arraignment, and then to Dutchess County Jail, without incident. Investigator O'Brien attended the arraignment as well.

E-3



# Dutchess County Jail

## Corrections Incident – Officer's Narrative Report

Incident Number: [REDACTED]

Officer's Name & Rank: Joseph Crittenden, Sergeant

### Officer's Narrative:

On 7/26/18 at 9:04PM, a Code 2 (Medical Emergency) was called for Housing Unit (HU) 8 by Officer Gregory Schweizer. I, Sergeant (Sgt.) Joseph Crittenden, responded immediately from the 2<sup>nd</sup> Level T area. Upon arrival, I was told by Officer Schweizer that the occupant of cell #4, inmate [REDACTED] (DCJ # [REDACTED]) was unresponsive and that he saw a needle in the cell. Inmate [REDACTED] entered the jail today, and was in Pre-Class and on Withdrawal Checks. I entered the cell with Correctional Emergency Response Team (CERT) Officer Jonathan Steele. Upon entering, I noticed a hypodermic needle and syringe in the cell toilet. When Officer Steele attempted to get inmate [REDACTED] pulse, she immediately sat up and attempted to stand. Officer Steele assisted inmate [REDACTED] to the bunk and ordered her to stay seated. She complied. While inmate [REDACTED] was seated on the bunk, I noticed blood trickling just below her elbow, on the inside of her right arm. This blood was coming from what looked like a small puncture wound. Other responding personnel were: Lieutenant Winifred Milkovich, Sgt. Kenneth Carroll, and CERT Officers James Schonmann and James Chicavich. At approximately 9:08PM, CERT Officer Dominick Campanella escorted Registered Nurses (RN) Tanisha Coicou, Victoria Bonner, and Licensed Practical Nurse (LPN) Sheila Goering on to the unit. After a brief evaluation, inmate [REDACTED] was assisted to a wheelchair by LPN Goering and was wheeled to 1<sup>st</sup> Level Medical by RN Coicou. The medical personnel and inmate [REDACTED] were escorted there by the CERT personnel present and I.

After inmate [REDACTED] was evaluated in 1<sup>st</sup> level Medical, LPN Goering reported to me that inmate [REDACTED] vital signs were normal. LPN Goering then spoke with Dr. Salwa Khouri via telephone. At 9:25PM, Dr. Khouri authorized inmate [REDACTED] to be transported to the Mid Hudson Regional Hospital Emergency Room (MHRH/ER) via ambulance for further evaluation for possible drug injection. I immediately notified Officer Andrew Bangert in Main Control, who in turn called 911. Dr. Khouri also stated that inmate [REDACTED] was to be placed on both Medical and Psychiatric Constant Supervision without smock. Inmate [REDACTED] was secured in a body chain and leg irons by Officers Chicavich and Steele for the transport. [REDACTED]

At 9:25PM, Mobile Life Support Emergency Medical Technician, Alexandra Scott and Paramedic Jarrett Halwick arrived at the jail. I escorted them to medical where they secured inmate [REDACTED] on a gurney. Mobile Life personnel then pushed the gurney to Booking and then out to the ambulance, escorted by myself and the CERT personnel. The

Reporting Officer:	<u>Sgt Crittenden</u> (Print)	<u>[Signature]</u> 7/26/18 (Sign & Date)
Supervisory Review:	<u>Sgt. A. Michels</u> (Print)	<u>[Signature]</u> 7/28/18 (Sign & Date)
<b>For Incidents Requiring Administrative Review</b>		
Shift Commander:	<u>Ct. Johnson, J</u> (Print)	<u>[Signature]</u> 7/26/18 (Sign & Date)
Correction Captain:	<u>[Signature]</u> (Print)	<u>[Signature]</u> (Sign & Date)

transport left the facility at 9:38PM, en route to MHRH/ER, with Officer Monica Vonknoblauch in the ambulance with inmate [REDACTED], and Officer Bryan Crookston followed in DC-427.

Officer Vonknoblauch called the facility at approximately 10:00PM, and told Lt. Kevin Carey that inmate [REDACTED] was refusing treatment. The transport returned to the facility at 10:34PM. Inmate [REDACTED] is now housed in HU-11, Cell #3, and is in Administrative Segregation Pending Hearing and Constant Supervision with no smock.

Officer Vonknoblauch told me that when searching inmate [REDACTED] upon return to the facility, she noticed that inmate [REDACTED] had something in her mouth. When Officer Vonknoblauch ordered inmate [REDACTED] to give her the object(s) in her mouth, she complied. Officer Vonknoblauch gave me the objects, which appeared to be small pieces of plastic. I wrapped them in paper towel, placed them in a paper bag, and secured them in evidence locker #3.

Investigator Mark Ralton was notified of the incident by Sgt. William Dunckelman. Per Investigator Ralton, Cell #4 on HU-8 is to be treated as a crime scene. The cell door was secured as soon as inmate [REDACTED] was out of the cell, and yellow tape marked "Crime Scene" was applied to the door jam, blocking the door. Investigator Ralton said that he would inspect the cell tomorrow (7/27/18). A Reportable Incident #52129 was completed and sent electronically to NYSDOC by Lt. Carey.

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# Dutchess County Jail

## Corrections Incident – Officer's Narrative Report

Incident Number: [REDACTED]

Officer's Name & Rank: Correction Officer Gregory Schweizer

### Officer's Narrative:

On 7/26/2018, I, Correction Officer (C/O) Gregory Schweizer, was assigned to Housing Unit (HU) 8 on the 4pm-12am shift when the following occurred. At approximately 9:04pm, while the medication cart was on the unit with Licensed Practical Nurse (LPN) Jerry Jeltsch and C/O Chris Taylor, I approached cell 4, which houses inmate(I/M) [REDACTED] (DCJ# [REDACTED]) to ask her if she takes medication. Upon looking through the cell window, I observed I/M [REDACTED] laying on the cell floor next to the toilet. After multiple attempts to get her attention, I/M [REDACTED] was unresponsive. I also observed a clear syringe in the toilet. Please note that I/M [REDACTED] is on withdrawal checks. At this time, I called a Code 2 (Medical Emergency) 3 times over my portable radio. Moments later, the following staff responded, Sergeant (Sgt.) Joseph Crittenden, Lieutenant (Lt.) Winifred Milkovich, Sgt. Kenneth Carroll, Sgt. William Dunckelman, Corrections Emergency Response Team (CERT) Officers James Schonmann, Jonathan Steele, James Chicavich, Dominick Campanella, C/O Melvin Hogue, LPN Sheila Goering, Registered Nurse (RN) Tanisha Coicou, and RN Victoria Bonner. Responding staff then took control of the situation.

Reporting Officer: Gregory Schweizer (Print) [Signature] (Sign & Date)

Supervisory Review: Sgt W. Dunckelman (Print) [Signature] (Sign & Date) 7/26/18

### For Incidents Requiring Administrative Review

Shift Commander: Lt Winifred Milkovich (Print) [Signature] (Sign & Date) 7/26/18

Correction Captain: \_\_\_\_\_ (Print) \_\_\_\_\_ (Sign & Date)

**NEW YORK STATE POLICE****MEMORANDUM**Troop K Station SP RhinebeckDate September 28, 2018

**To:** Major Richard L. Mazzone, Troop Commander, Troop K

**From:** Trooper Lisa A. Butenhoff *JAB*

**Subject:** COMPLAINT AGAINST PERSONNEL

I have been advised of my right to representation pursuant to Article 16.2 of the current contract by Senior Investigator Miller. I am being represented in this matter by Troop K Union Delegate Trooper Maurice E. Coley and I provide the following account:

On Thursday, 07/26/2018, I was assigned to a 1 shift working out of SP Rhinebeck operating marked unit 1K38. During the tour, I responded to assist Hyde Park Police Department with a boyfriend/girlfriend domestic at [REDACTED] in the Town of Hyde Park. While on scene, it was determined the female involved in the incident, Ms. [REDACTED] DOB [REDACTED], had an active warrant out of SP Dover for Criminal Possession of Stolen Property in the 5<sup>th</sup> degree. I took Ms. [REDACTED] into custody without incident and I performed a search of her person before transporting her. Prior to searching her, I observed Ms. [REDACTED] change her clothes from a tank top and pajama pants into a one piece romper. She was wearing a bra and underwear and she did not change those undergarments. The search was conducted using the back of my hand to feel along the bra line and I felt only underwire. I did not observe or seize any items from Ms. [REDACTED] as a result of my search.

Ms. [REDACTED] was transported to Troop K Headquarters where I turned her over to the custody of Trooper Jacalyn Sommer outside of the building. I advised Trooper Sommer that Ms. [REDACTED] had been searched prior to transport. Trooper Sommer then advised Ms. [REDACTED] she would be searched again prior to transport to SP Dover. Refer to SJS incident report [REDACTED]

I did not perform a strip search on Ms. [REDACTED] as it was not warranted due to the nature of the crime for which she was arrested.



# Dutchess County Jail

## Investigative Worksheet

(E-1)

LEA

Booking No: 2018-00001655

Inmate's Statement: No Statement

If Additional Space is Needed, Continue on Back

1) **INMATES WAIVER OF HEARING NOTIFICATION:** In accordance with the provisions of the NYS Minimum Standards, Part 7006, you are entitled to receive a written notice stating the date, time and location of your disciplinary hearing at least 24 hours prior to the hearing.

I WAIVE THE 24 HOUR NOTIFICATION:  Yes  No

2) I HAVE RECIEVED A COPY OF THE DISCIPLINARY REPORT:  Yes  No

Inmate's Signature: Breana Dornel Date and Time: 1-27-18 12:35

Printed Name & Title of the Investigating Officer: \_\_\_\_\_

Investigating Officer's Signature: \_\_\_\_\_ Date and Time: \_\_\_\_\_

Reviewing Supervisor's Remarks: \_\_\_\_\_

Printed Name & Title of the Reviewing Supervisor: \_\_\_\_\_

Reviewing Supervisor's Signature: \_\_\_\_\_ Date and Time: \_\_\_\_\_

**NEW YORK STATE POLICE****MEMORANDUM**Troop K Station SP Dover PlainsDate October 26, 2018

**To:** Major Richard L. Mazzone Jr., Troop Commander, Troop K

**From:** Investigator Padraic K. O'Brien *P.K.O.*

**Subject:** COMPLAINT AGAINST PERSONNEL

I have been directed to submit this memorandum under Article 16.2(A) of the agreement between the State of New York and the NYSPIA concerning the performance of my official duties and that I am required to provide this memorandum. I have been offered representation, to which I am entitled during an interrogation pursuant to Article 16.2(b)(7) and submit this memorandum accordingly. I understand that a refusal to provide this memorandum or a failure to provide a truthful account may result in disciplinary action against me, up to and including the termination of my employment.

On July 26, 2018 I was working a scheduled "B" tour, assigned to SP Dover Plains. While at the barracks I monitored a radio transmission indicating a prisoner was being relayed to SP Dover Plains. I was advised by SP Dover Plains UF patrols that [REDACTED] was being transported to SP Dover Plains to be processed on an active bench warrant out of the Town of Dover. I was aware that [REDACTED] was a suspect in an ongoing burglary investigation being conducted by Investigator Adam Pereiro, [REDACTED].

Trooper Jacalyn M. Sommer arrived at SP Dover Plains with [REDACTED] in custody. While I was in the backroom at SP Dover Plains I reviewed the case file for SJS [REDACTED] to familiarize myself with the particulars of the case. I entered the patrol room where I observed [REDACTED] in handcuffs and Trooper Sommer seated at a desk. I approached Trooper Sommer and asked if [REDACTED] had been searched to which she replied in the affirmative. I instructed Trooper Sommer to wait until I left the room, then read [REDACTED] her New York State Police Miranda Warning. I asked Trooper Mark A. Sypek to join me in the interview for the purpose of having another member present while interviewing a female suspect, as well as to allow Trooper Sypek to gain experience interviewing a suspect.

I brought [REDACTED] from the patrol room to the interview room of SP Dover Plains where I had already activated the Liberty recording system. Trooper Sypek joined me in the interview room, and I questioned [REDACTED] on her involvement in the burglary that was being investigated in SJS [REDACTED]

During the course of the interview Trooper Sypek and I exited the interview room at which point I closed the door and discussed the interview with Trooper Sypek and I went back into the backroom of SP Dover Plains to further review details of the case file. A short time later Trooper Sypek and I went back into the interview room and continued the interview. [REDACTED] made admissions to knowingly possessing stolen property. I asked [REDACTED] if she would provide a written statement and she replied in the affirmative. I then exited the interview room with Trooper Sypek. Immediately upon leaving the room the second and final time I asked Trooper Sommer to accompany [REDACTED] to the bathroom and I then asked Trooper Sypek to take a written statement from [REDACTED] I then entered the backroom and began to prepare paperwork for her arrest. I made phone calls regarding proceeding with new criminal charges against [REDACTED] After concluding my interview, I had no further contact with [REDACTED] in SP Dover Plains until observing Trooper Sommer prepare [REDACTED] for transport to the Town of Dover court for arraignment in front of the Honorable Judge Fusco. [REDACTED] was transported by Trooper Sommer in a marked patrol vehicle, while I followed behind in my assigned BCI vehicle. Judge Fusco remanded [REDACTED] to Dutchess County Jail in lieu of \$5,000 cash or \$10,000 bond. Trooper Sommer transported [REDACTED] from Dover Court to Dutchess County Jail.

**NEW YORK STATE POLICE****MEMORANDUM**Troop K Station SP Dover PlainsDate 10 October, 2018**To: Major Richard L. Mazzone Jr., Troop Commander, Troop K****From: Trooper Mark Sypek M.A.S.****Subject: COMPLAINT AGAINST PERSONNEL**

I have been advised of my Article 16 rights by Senior Investigator Miller on October 04, 2018. I am represented by Maurice Coley and I provide the following account:

On July 26, 2018 I was working a scheduled F12 tour, assigned to SP Dover Plains. Trooper Sommer arrived at SP Dover Plains with [REDACTED] who was in custody for an active bench warrant out of the Town of Dover Court. Investigator Obrien advised that [REDACTED] was a suspect in an ongoing burglary investigation and asked if I would like to assist him in interviewing [REDACTED]

I advised Investigator Obrien that I wanted to assist to gain more experience in interviewing suspects. Investigator Obrien, uncuffed [REDACTED] and all three of us entered the interview room, where Investigator Obrien questioned [REDACTED] on her involvement in the burglary which was recorded and secured as evidence.

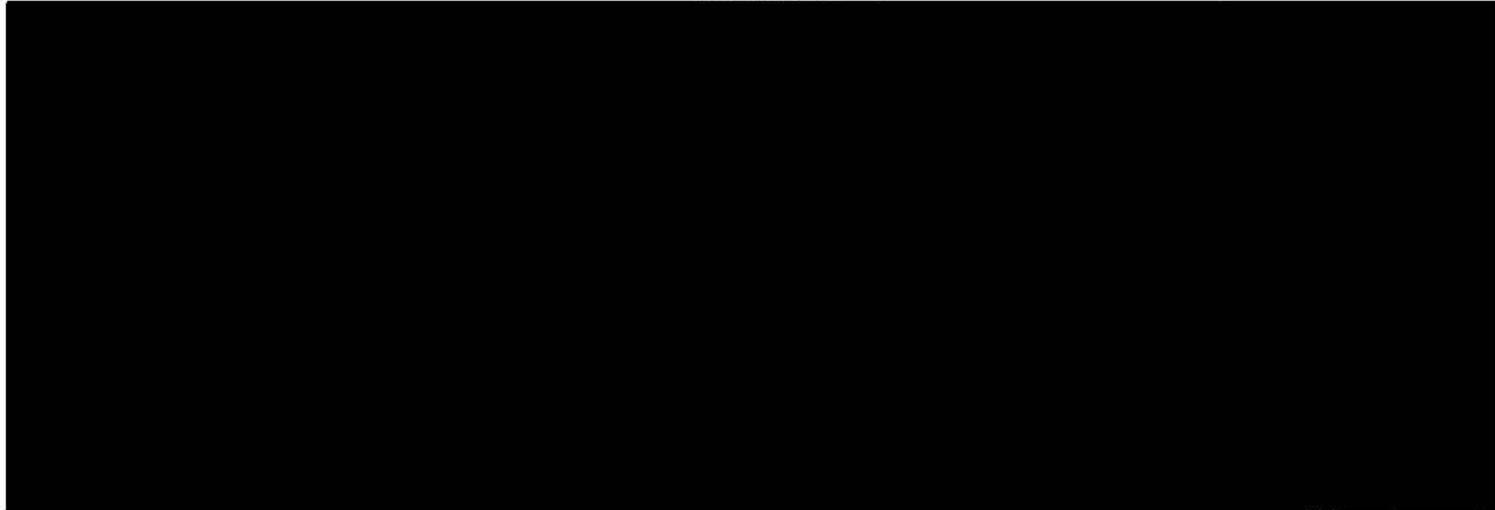
At the end of the interview, Investigator Obrien and I left the interview room and Trooper Sommer took [REDACTED] to use the restroom. Trooper Sommer then brought [REDACTED] back into the interview room where she supplied [REDACTED] with a drink. Trooper Sommer then left the room and I asked [REDACTED] if she was good and I shut the door. I then proceeded to go back in the patrol room and wait for further instruction regarding taking a statement from [REDACTED]. Shortly after, I was advised by Investigator Obrien to take a written statement from [REDACTED] via the computer in the patrol room. I brought [REDACTED] back into the patrol room and handcuffed her back to the wall. I began taking a written statement when [REDACTED] then declined to continue giving a statement. I was then dispatched to a call. Trooper Sommer remained at SP Dover Plains to process [REDACTED] for the pending criminal charges.

1. Agency K1 TROOP K - ZONE 1		2. Div/Precinct K121		New York State <b>INCIDENT REPORT</b>		3. ORI NY1100100		5. Case No. 182070162		6. Incident No. [REDACTED]	
7,8,9. Date Reported (Day, Date, Time) THURSDAY 07/26/2018 11:00				10,11,12. Occurred On/From (Day, Date, Time) THURSDAY 07/26/2018 11:00				13,14,15. Occurred To (Day, Date, Time)			
16. Incident Type TRANSPORT-TRANSPORTS						17. Business Name [REDACTED]					
19. Incident Address (Street Name, Bldg. No., Apt. No.) [REDACTED]											
20. City/State/Zip HYDE PARK NEW YORK 12538											
21. Location Code (TSLED) HYDE PARK TOWN 1456				23. No. of Victims 0		24. No. of Suspects 0		26. Victim also Complainant?			
Location Type MULTIPLE DWELLING											

**ASSOCIATED PERSONS**

25. TYPE	Name (Last, First, Middle, Title)	DOB	Street Name Bldg., Apt.No., City, State, Zip	Res Phone Bus Phone
SUSPECT	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

**SUSPECT**



**36. Alias/Nickname/Maiden Name**

Last Name	First Name	MiddleName
[REDACTED]	[REDACTED]	[REDACTED]

**NARRATIVE**

Date of Action	Date Written	Officer Name & Rank
07/26/2018	07/26/2018	BUTENHOFF, LISA (TPR)
<b>Narrative</b>		
<p>Dispatched by Dutchess County 911 to the [REDACTED] in the Town of Hyde Park for a report of a male/female domestic dispute. Assisted Hyde Park PD at scene with female subject, [REDACTED] who was taken into custody on SP warrant out of Dover. I transported GOMME to Troop K Headquarters without incident and TOT Trooper Sommer, SP Dover. Closed</p>		

### ADMINISTRATIVE

<b>74. Inquiries</b>	<b>75. NYSPIN Message No.</b>	<b>76. Complainant Signature</b>		
<b>77. Reporting Officer Signature (Include Rank)</b> TPR LISA BUTENHOFF		<b>78. ID No.</b> 978	<b>79. Supervisor Signature (Include Rank)</b> SGT DAVID CLAYTOR	<b>80. ID No.</b> 4027
<b>81. Status</b> CLOSED BY INVESTIGATION		<b>82. Status Date</b> 07/26/2018	<b>83. Notified/TOT</b>	
<b>Solvability Total</b>				0

E-11

1. Agency K TROOP K - ZONE 2	2. Div/Precinct K221	New York State <b>INCIDENT REPORT</b>	3. ORI NY1130100	5. Case No. SGTK221	6. Incident No. [REDACTED]
7,8,9. Date Reported (Day, Date, Time) THURSDAY 07/26/2018 13:32		10,11,12. Occurred On/From (Day, Date, Time) THURSDAY 07/26/2018 13:32		13,14,15. Occurred To (Day, Date, Time)	
16. Incident Type TRANSPORT-TRANSPORTS			17. Business Name		
19. Incident Address (Street Name, Bldg. No., Apt. No.) SP DOVER PLAINS					
20. City/State/Zip DOVER PLAINS NEW YORK 12522					
21. Location Code (TSLED) DOVER TOWN 1453		23. No. of Victims 0	24. No. of Suspects 0	26. Victim also Complainant?	
Location Type GOVERNMENT OFFICE					

### ASSOCIATED PERSONS

25. TYPE	Name (Last, First, Middle, Title)	DOB	Street Name Bldg., Apt.No., City, State, Zip	Res Phone Bus Phone
PERSON INTERVIEWED	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

### NARRATIVE

Date of Action	Date Written	Officer Name & Rank
07/26/2018	07/26/2018	SOMMER, JACALYN (TPR)
Narrative		
On 7/26/18 I transported [REDACTED] from Troop K HQ to SP Dover Plains in marked unit, 2K27, without incident.		
No further State Police action necessary. Closed.		

### ADMINISTRATIVE

74. Inquiries	75. NYSPIN Message No.	76. Complainant Signature		
77. Reporting Officer Signature (Include Rank) TPR JACALYN SOMMER	78. ID No. 1282	79. Supervisor Signature (Include Rank) SGT S/C MICHAEL JAOUEN	80. ID No. 2190	
81. Status CLOSED BY INVESTIGATION	82. Status Date 07/26/2018	83. Notified/TOT		
				Solvability Total 0

E-12

1. Agency K2 TROOP K - ZONE 2	2. Div/Precinct K221	New York State <b>INCIDENT REPORT</b>	3. ORI NY1130100	5. Case No. SGTK221	6. Incident No. [REDACTED]
7,8,9. Date Reported (Day, Date, Time) THURSDAY 07/26/2018 15:50		10,11,12. Occurred On/From (Day, Date, Time) THURSDAY 07/26/2018 15:50		13,14,15. Occurred To (Day, Date, Time)	
16. Incident Type TRANSPORT-TRANSPORTS			17. Business Name SP DOVER PLAINS		
19. Incident Address (Street Name, Bldg. No., Apt. No.)					
20. City/State/Zip DOVER PLAINS NEW YORK 12522					
21. Location Code (TSLED) DOVER TOWN 1453		23. No. of Victims 0	24. No. of Suspects 0	26. Victim also Complainant?	
Location Type GOVERNMENT OFFICE					

### ASSOCIATED PERSONS

25. TYPE	Name (Last, First, Middle, Title)	DOB	Street Name Bldg., Apt.No., City, State, Zip	Res Phone Bus Phone
PERSON INTERVIEWED	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

### NARRATIVE

Date of Action	Date Written	Officer Name & Rank
07/26/2018	07/26/2018	SOMMER, JACALYN (TPR)
Narrative		
On 7/26/18 I transported [REDACTED] from SP Dover Plains to the Town of Dover Court in marked unit, 2K27, without incident. She was also transported to DCJ without incident.		
No further State Police action necessary. Closed.		

### ADMINISTRATIVE

74. Inquiries	75. NYSPIN Message No.	76. Complainant Signature	
77. Reporting Officer Signature (Include Rank) TPR JACALYN SOMMER	78. ID No. 1282	79. Supervisor Signature (Include Rank) SGT S/C MICHAEL JAOUEN	80. ID No. 2190
81. Status CLOSED BY INVESTIGATION	82. Status Date 07/26/2018	83. Notified/TOT	
			Solvability Total 0