

Suffern Police Department

Incident #: 19SU04605

Reporting Officer: Andrew Loughlin

Report Time: 07/16/2019 12:20:42

Incident

Incident Nature

Information Report

Occurred To

07/16/2019 12:20:42

Contact

Disposition Date 08/04/2020

Cleared Date

Address

61 WASHINGTON AV;

VILLAGE OF SUFFERN POLICE DEPARTMENT

SUFFERN, NEW YORK 10901

Received By

Andrew Loughlin

Closed by Investigation

Case Status

Disposition

Clearance

Record Finalized

Occurred From

07/16/2019 12:20:42

How Received

Officer Report

Judicial Status

09/24/1965

DOB

Cargo Theft Related

Complainant

Address

Sex **F** Race White

Phone

Responding Officer(s)

Andrew Loughlin

Circumstances

Internal Affairs

Persons



Address Phone DOB

Race Sex Ethnicity
White F Non-Hispanic

Height Weight
5'09" 200

Narratives

Original Narrative

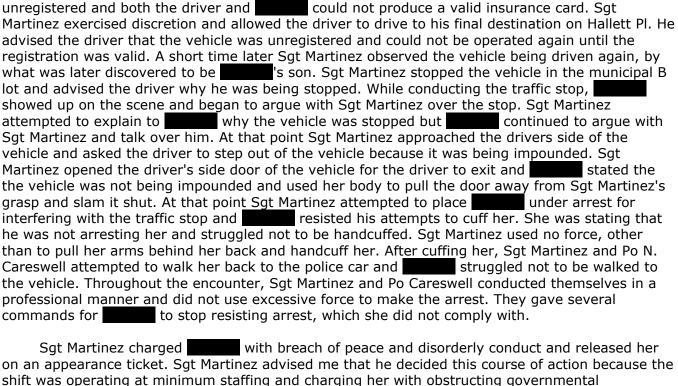
07/16/2019 15:18:39

Tue Jul 16 12:45:16 2019-

Lt Loughlin On 07/03/19 I received a voicemail from who stated she wished to file a civilian complaint against Sgt Jose Martinez in regards to how she was treated by Sgt Martinez in connection with report 19SU04121. had been into the station on two prior occasions and was given the civilian complaint packet from both Sqt Smith and Lt Mallon and asked to complete it. stated she wished to take the packet home and complete it there and that back after receiving the voice message she would return it after she completes it. I called sne would return it after sne completes it. I called back after receiving the voice message from her and spoke to her in regards to the incident. was wrongly arrested by Sqt Martinez and that he was rude to her and used excessive force in arresting her. She further stated that she was physically and emotionally injured by Sqt Martinez and that she had received medical and psychological treatment for same. I again explained how she needed to fill out the civilian complaint form and return it to me so I could begin an investigation into the incident. initially agreed to drop the packet off to me, but then changed her mind. She stated she was not mentally / emotionally ready to fill out the paperwork and was leaving for vacation within the next day or so. She requested that she be given time to go on vacation and fill out the complaint paperwork. She stated she would be back in the area on or around 07/13/19-07/15/19 and would drop off the complaint paperwork to me then. I advised her that although there was no time limit as to when she could file her complaint, timeliness was important and that I could not fully complete the investigation until I got her account of the incident in the complaint packet.

On 07/16/19 I received an email from the NYPD internal affairs unit advising me that reported the above complaint to a NYPD member. The member then reported it to NYPD internal affairs. I received an attachment from the NYPD, which is made a part of this report, containing their internal affairs report on the matter. The report was closed by turning over the matter to this agency. I called to obtain the status of her civilian complaint paperwork. In substance, stated she wanted to have an attorney assist her in writing the complaint and that she intended on following up on her complaint, but would do so on her "own timeline". I again encouraged her to submit the paperwork as soon as practical and advised her that although I was conducting an investigation into the above incident, that she would not be notified of the results unless she filed a formal complaint in writing, as per our G.O. on civilian complaints. She stated she understood and still intended on filing the complaint.

During the course of my investigation I interviewed Sgt. Martinez and reviewed the in car video of the above incident. The video was consistent with Sgt Martinez's account of the incident. In substance, Sgt Martinez had stopped a vehicle which was owned by a passenger in, for having a brake light out. Upon DMV check of the vehicle, it was found to be



on an appearance ticket. Sgt Martinez advised me that he decided this course of action because the shift was operating at minimum staffing and charging her with obstructing governmental administration would have required a custodial arrest and a matron or female officer being called in to assist. Sgt Martinez was counseled that obstructing would have been a more appropriate charge and he stated he understood and would consider that in future encounters such as this.

At this point the investigation into this matter is suspended, pending submission of a formal civilian complaint from , at which time she will be interview by myself. Based on the investigation thus far, Sgt Martinez and Po Careswell both acted appropriately and within the scope of the Department's General Orders.

Supplemental Narrative

08/04/2020 15:18:01 Andrew Loughlin

Tue Aug 4 15:18:05 2020- As of this date and time, the Complainant has not responded to the station or contacted this agency to pursue the matter. Incident is closed at this time, Unfounded.