



# Suffern Police Department

Incident #: 19SU04605

Reporting Officer: Andrew Loughlin

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

## Incident

Incident Nature  
Information Report

Address  
61 WASHINGTON AV;  
VILLAGE OF SUFFERN  
POLICE DEPARTMENT  
SUFFERN, NEW YORK 10901

Occurred From  
07/16/2019 12:20:42

Occurred To  
07/16/2019 12:20:42

Received By  
Andrew Loughlin

How Received  
Officer Report

Contact

Disposition  
Closed by Investigation

Disposition Date  
08/04/2020

Case Status

Judicial Status

Cleared Date

Clearance  
Record Finalized

Cargo Theft Related

[REDACTED]

## Complainant

Address

[REDACTED]

Phone

DOB  
09/24/1965

Sex  
F

Race  
White

Responding Officer(s)  
Andrew Loughlin

Circumstances

Internal Affairs

## Persons

## Complainant

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 [REDACTED] 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. [REDACTED] had been into the station on two prior occasions and was given the civilian complaint packet from both Sgt Smith and Lt Mallon and asked to complete it. [REDACTED] stated she wished to take the packet home and complete it there and that she would return it after she completes it. I called [REDACTED] back after receiving the voice message from her and spoke to her in regards to the incident. [REDACTED] stated in substance that she feels she was wrongly arrested by Sgt 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 Sgt 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. [REDACTED] 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 [REDACTED] 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 [REDACTED] to obtain the status of her civilian complaint paperwork. In substance, [REDACTED] 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 [REDACTED], in which she was a passenger in, for having a brake light out. Upon DMV check of the vehicle, it was found to be

unregistered and both the driver and [REDACTED] could not produce a valid insurance card. Sgt Martinez exercised discretion and allowed the driver to drive to his final destination on Hallett Pl. He advised the driver that the vehicle was unregistered and could not be operated again until the registration was valid. A short time later Sgt Martinez observed the vehicle being driven again, by what was later discovered to be [REDACTED]'s son. Sgt Martinez stopped the vehicle in the municipal B lot and advised the driver why he was being stopped. While conducting the traffic stop, [REDACTED] showed up on the scene and began to argue with Sgt Martinez over the stop. Sgt Martinez attempted to explain to [REDACTED] why the vehicle was stopped but [REDACTED] continued to argue with Sgt Martinez and talk over him. At that point Sgt Martinez approached the drivers side of the vehicle and asked the driver to step out of the vehicle because it was being impounded. Sgt Martinez opened the driver's side door of the vehicle for the driver to exit and [REDACTED] stated the the vehicle was not being impounded and used her body to pull the door away from Sgt Martinez's grasp and slam it shut. At that point Sgt Martinez attempted to place [REDACTED] under arrest for interfering with the traffic stop and [REDACTED] resisted his attempts to cuff her. She was stating that he was not arresting her and struggled not to be handcuffed. Sgt Martinez used no force, other than to pull her arms behind her back and handcuff her. After cuffing her, Sgt Martinez and Po N. Careswell attempted to walk her back to the police car and [REDACTED] struggled not to be walked to the vehicle. Throughout the encounter, Sgt Martinez and Po Careswell conducted themselves in a professional manner and did not use excessive force to make the arrest. They gave several commands for [REDACTED] to stop resisting arrest, which she did not comply with.

Sgt Martinez charged [REDACTED] with breach of peace and disorderly conduct and released her 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 [REDACTED], 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.