

**Middletown NY Police Department  
Supplement Report**

From: Lt. Mark L. Schuh  
To: Lt. Paul Rickard, Bureau Commander of Operations  
  
Re: Supervisor Investigation – Incident 22648-08, Case 4663-08  
Injury to Defendant

Date: August 15, 2008

Having conducted informal interviews with involved personnel and reviewed the investigative report of Sgt. Jahrling including all supporting documents, I believe the following events occurred:

1. On 8/12/08, PO Ribeiro was involved in a foot pursuit with Erik Martin in the same area at this incident. This agency presently has a warrant for the arrest of Mr. Martin. Mr. Martin eluded PO Ribeiro.
2. On 8/13/08, PO Ribeiro communicated this information to PO Berman. Ribeiro further advised Berman that Martin is likely to run as soon as he sees a police car.
3. On 8/13/08, PO Berman observed Kadeem Swaby outside the XrtaMart. Swaby resembled Martin. Swaby further was acting in a suspicious manner consistent with preparation for a robbery.
4. Officer Berman observed the situation while awaiting additional units.
5. Upon seeing PO Berman, Swaby, without provocation, began to flee. This action was exactly what PO Ribeiro had warned PO Berman about. During flight, he caused multiple vehicle to swerve and stop in order to avoid a collision.
6. PO Berman chased Swaby based upon his belief that he was Erik Martin fleeing from the execution of a warrant and based upon his reasonable suspicion that Swaby was preparing to commit a robbery or larceny.
7. During the course of the pursuit, PO Berman deployed Canine Kilo who apprehended Swaby.
8. Swaby was injured by Canine Kilo.

The incident does not appear to have been reasonably preventable by MPD personnel. Swaby received numerous warnings to surrender. He received additional warnings that his failure to comply would result in canine deployment. Not only did he refuse to surrender, he kept his hand in the vicinity of his waistband thereby heightening the perceived danger to officers. It seems clear that the only person who could reasonably have avoided this incident from occurring or terminating it prior to injury was Swaby.

I believe the officer's actions were proper and do not indicate policy violations nor the need for additional training.

TO: LT . P. RICKARD

FROM; SGT. E. JAHRLING

RE: C# 08-22648

1. AT APPROXIMATELY 10:30 P.M. ON 8/13/08 OFFICER BERMAN WAS INVOLVED IN A VEHICLE/FOOT PURSUIT OF A SUBJECT ON FOOT AT THE SAMS MART STORE ON ACADEMY AVENUE.
2. OFFICER BERMAN BELIEVED THIS SUBJECT TO BE INVOLVED WITH SUSPICIOUS ACTIVITY AT THE SAMS MART. OFFICER BERMAN ALSO BELIEVED THIS SUBJECT TO BE ERIK T. MARTIN [REDACTED] WHO IS WANTED BY THIS AGENCY AND PROBATION.
3. ERIK MARTIN FLED FROM OFFICERS IN THIS SAME AREA ON 8/12/08 C# 08-22512
4. SUBJECT , LATER IDENTIFIED AS KADEEM SWABY [REDACTED] , FLED FROM OFFICER BERMAN WHO WAS ATTEMPTING TO INTERVIEW HIM REGARDING HIS ACTIVITY AND TO POSITIVELY IDENTIFY HIM. SUBJECT FLED INTO TRAFFIC ON ACADEMY AVENUE CAUSING TRAFFIC TO STOP SUDDENLY AND DRIVERS TO BECOME INCONVENIENCED ANNOYED AND ALARMED.
5. SUBJECT FLED FROM OFFICER BERMAN AFTER BEING TOLD HE WAS UNDER ARREST AND WHILE RUNNING FROM OFFICER BERMAN SUBJECT REACHED HIS LEFT HAND INSIDE HIS WAISTBAND CAUSING OFFICER BERMAN TO BELIEVE SUBJECT MAY HAVE BEEN ARMED.
6. OFFICER BERMAN'S BACKUP HAD NOT ARRIVED AT THIS POINT AND OFFICER BERMAN RELEASED HIS K-9 AFTER WARNINGS WERE GIVEN TO DEFENDANT. DEFENDANT WAS APPREHENDED BY K-9 WITH DEFENDANT RECEIVING INJURIES TO HIS LEFT ARM WHICH WERE TREATED AT THE SCENE BY MOBILE LIFE AND AT ORANGE REGIONAL MEDICAL CENTER LATER.
7. DEFENDANT WAS CHARGED WITH DISORDERLY CONDUCT , RESISTING ARREST , AND OBSTRUCTING GOVERNMENTAL ADMINISTRATION.
8. IT APPEARS AT THIS POINT THAT OFFICER BERMAN BELIEVED HE WAS CHASING AN ARMED SUSPECT WITH A HISTORY OF VIOLENT CRIME WHO HAD FLED POLICE DAYS BEFORE . THIS SUSPECT WAS TOLD HE WAS UNDER ARREST BY OFFICER BERMAN AND HE REPLIED "NO" SEVERAL TIMES. AN ASSESSMENT OF THIS INCIDENT DEMONSTRATES THAT OFFICER BERMAN ACTED CORRECTLY IN UTILIZING HIS K-9 AND THE INCIDENT COULD HAVE BEEN AVOIDED IF THE DEFENDANT HAD NOT FLED OFFICER BERMAN AND HAD IDENTIFIED HIMSELF TO OFFICER BERMAN.

SGT. E. JAHRLING

— SA 720

08/14/08 04:20 HRS

TO SGT JAHRLING:

ON 08/13/08 AT APPROX 10:32 PM R/O WAS TRAVELING S/B ON ACADEMY AVE NEAR THE I/O FULTON ST AND OBSERVED AN UNKNOWN BLACK MALE SUBJECT STANDING IN THE DRIVEWAY OF 86 ACADEMY AVE, WHO WAS FACING S/B AND STARING AT SAMS MART CONVENIENCE STORE WHICH IS LOCATED AT 90 ACADEMY AVE. THE SUBJECT WAS STANDING IN FRONT OF NY [REDACTED] BOTH FORD ECONOLINE VANS WHICH WERE PARKED IN THE SAID DRIVEWAY. AS R/O TRAVELED PAST 86 ACADEMY AVE, THE SUBJECT CLICKED HIS TWO WAY NEXTEL STYLE CELL PHONE AND BEGAN QUICKLY TALKING INTO IT, WHILE FACING A GROUP OF 2-3 BLACK MALE SUBJECTS STANDING NEAR THE PAYPHONE IN THE PARKING LOT OF SAMS MART. R/O THEN OBSERVED AN UNKNOWN BLACK FEMALE SUBJECT DESCRIBED AS APPROX 5'5", 150 LBS, WALK AWAY FROM THE PAYPHONE AND BEGAN TO WALK N/B THROUGH THE PARKING LTO OF SAMS MART, IN THE DIRECTION OF THE SUBJECT ON THE PHONE IN THE DRIVEWAY OF 86 ACADEMY AVE.

R/O THEN DID HAVE REASONABLE SUSPICION DUE TO THE CRIMINAL PROCEDURAL LAW SECTION 140.50, TEMPORARY QUESTIONING OF PERSON IN PUBLIC PLACES; SEARCHES FOR WEAPONS AS R/O REASONABLY SUSPECTED THAT A FELONY OR MISDEMEANOR, THAT BEING A ROBBERY WAS ABOUT TO, OR HAD JUST OCCURRED.

R/O THEN DROVE SLOWLY S/B ON ACADEMY AVE AND LOOKED INTO INTERIOR OF SAMS MART WHICH DID APPEAR TO HAVE A FEW UNKNOWN SUBJECTS INSIDE. R/O THEN OBSERVED A BLACK MALE FLEE FROM THE AREA OF THE PAYPHONE, ONCE THE SUBJECT OBSERVED DIRECT EYE CONTACT WITH R/O. THE SUBJECT THEN RAN W/B ACROSS ACADEMY AVE TOWARDS THE DIRECTION OF SOUTH WINDS RETIREMENT HOME WITH HIS LEFT HAND IN HIS FRONT WAISTBAND.

THE SUBJECT FURTHER DID APPEAR TO BE ERIK T MARTIN, [REDACTED] WHO HAD AN ACTIVE BENCH WARRANT FROM THE CITY OF MIDDLETOWN COURT FOR COCAINE POSSESSION, AN ACTIVE PROBATION VIOLATION WARRANT FROM THE OCSO, AND A NEW ARREST WARRANT FOR FALSE IMPERSONATION AND RESISTING ARREST THAT WAS PENDING IN THE CITY OF MIDDLETOWN COURT.

THE SUBJECT THEN FLED W/B ACROSS ACADEMY AVE RESULTING IN VEHICLES TRAVELING S/B ON ACADEMY AVE TO HAVE TO STOP TRAVELING IN ORDER TO AVOID CONTACT WITH THE SUBJECT, AND RESULTED IN A GROUP TO GATHER IN FRONT OF SAMS MART, CAUSING THEM TO BE PUBLICALLY INCONVENIENCED, ANNOYED, AND ALARMED.

R/O MAINTAINED CONSTANT VIEW OF THE SUBJECT AND ADVISED HEADQUARTERS AND UNITS IN THE FIELD OF THE SUBJECTS DIRECTION OF TRAVEL. R/O ATTEMPTED TO EXIT THE PATROL VEHICLE IN FRONT OF SAMS MART, AND ADVISED THE SUBJECT THAT HE WAS UNDER ARREST AND TO STOP RUNNING. THE SUBJECT YELLED "NO, NO, NO" AND CONTINUED TO FLEE ON FOOT. R/O THEN YELLED "ERIK MARTIN, STOP RUNNING" AND HE CONTINUED TO FLEE ON FOOT.

THE SUBJECT FLED W/B THROUGH THE PARKING LOT OF SOUTH WINDS AND RAN PARALLEL TO FULTON ST. THE SUBJECT THEN ATTEMPTED TO EXIT THE DRIVEWAY MAIN EXIT OF SOUTH WINDS WHICH EXITS TO FULTON ST. R/O THEN TRAVELED W/B ON FULTON ST IN AN ATTEMPT TO STOP THE SUBJECT FROM FURTHER FLIGHT. THE SUBJECT THEN TURNED AROUND, WITH HIS LEFT HAND STILL IN HIS WAISTBAND. R/O ATTEMPTED TO EXIT THE PATROL VEHICLE TO PURSUE THE SUBJECT ON FOOT, AND ADVISED HIM "POLICE K9 UNIT, STOP RESISTING, STOP RUNNING". THE SUBJECT

IGNORED R/O'S REQUEST AND FLED S/B, PARALLEL TO THE E/B SIDE OF SOUTH WINDS IN THE DIRECTION OF THE REAR OF THE BUILDING.

R/O THEN ENTERED THE PATROL VEHICLE AND DROVE S/B THROUGH THE PARKING LOT OF SOUTH WINDS. R/O WAS ABLE TO PARK THE PATROL VEHICLE AT THE REAR OF THE BUILDING TO BLOCK THE PATH OF TRAVEL THAT THE SUBJECT WAS RUNNING TOWARDS. THE WORDS "POLICE CANINE" WERE VISIBLE TO THE SUBJECT ON THE BACK WINDOW OF THE PATROL VEHICLE AND THE RIGHT REAR PASSENGER DOOR. R/O THEN ENGAGED THE SUBJECT ON FOOT, WHO THEN RAN N/B PARALLEL TO THE E/B SIDE OF THE BUILDING, IN THE DIRECTION HE JUST CAME FROM (TOWARDS FULTON ST). R/O BEGAN CHASING THE SUBJECT ON FOOT, YELLING NUMEROUS ANNOUNCEMENTS "MIDDLETOWN POLICE K9 UNIT, YOUR UNDER ARREST, STOP RUNNING OR I WILL RELEASE THE DOG". THE SUBJECT CONTINUED TO FLEE ON FOOT AWAY FROM R/O YELLING "NO, NO, NO".

THE SUBJECT STILL HAD HIS LEFT HAND IN HIS FRONT WAISTBAND AND BEGAN TO TURN W/B AROUND THE N/E CORNER OF THE SOUTH WINDS BUILDING. DUE TO R/O BEGIN THE ONLY PURSUING OFFICER AT THE TIME, AND THE SUBJECT STILL FLEEING ON FOOT WITH HIS HAND IN HIS WAISTBAND, AND TURNING A CORNER AROUND A BUILDING, R/O ACTIVATED THE K9 EMERGENCY DOOR POPPER DEVICE, WHICH ALLOWED THE K9 TO JOIN R/O IN THE FOOT PURSUIT.

R/O AND THE K9 RAN AROUND THE CORNER OF THE BUILDING AND OBSERVED THE SUBJECT STILL FLEEING ON FOOT (W/B THROUGH THE PARKING LOT) WITH HIS LEFT HAND IN HIS WAISTBAND. R/O MADE ONE LAST K9 ANNOUNCEMENT AND THE SUBJECT TURNED AROUND, FACED R/O AND THEN TURNED AROUND AGAIN AND CONTINUED TO FLEE W/B. THE SUBJECT THEN TURNED AROUND JUST PRIOR TO THE K9 COMING IN CLOSE RANGE OF THE SUBJECT, AND THE SUBJECT STILL REFUSED TO TAKE HIS HAND OUT OF HIS WAISTBAND.

AS A RESULT THE K9 APPREHENDED THE SUBJECT ON HIS LEFT HAND, WHICH CAUSED THE SUBJECT TO FALL TO THE GROUND. R/O ADVISED THE SUBJECT TO STOP RESISTING, AT WHICH POINT HE DID. THE K9 THEN RELEASED FROM THE SUBJECT.

R/O ADVISED THE SUBJECT TO STAY ON THE GROUND, AND LAY ON HIS CHEST, IN A PRONED OUT POSITION. THE SUBJECT DID THEN ATTEMPT TO STAND UP AND RUN AWAY FROM R/O. R/O ADVISED THE SUBJECT TO STOP, OR THE K9 WOULD BE RELEASED AGAIN. THE SUBJECT THEN COMPLIED AND LAID ON THE GROUND UNTIL UNITS IN THE FIELD WERE ABLE TO RESPOND AND TAKE THE SUBJECT INTO CUSTODY. THE ACTIONS OF THE DEFENDANT RUNNING THROUGHOUT THE PROPERTY OF SOUTH WINDS AND YELLING "NO, NO, NO" DID RESULT IN NUMEROUS EMPLOYEES AND ELDERLY SUBJECTS RESIDING AT THE FACILITY TO BECOME INCONVENIENCED, ANNOYED, AND ALARMED.

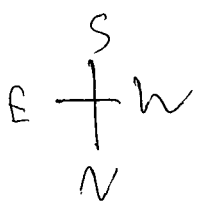
ONCE IN CUSTODY, THE SUBJECT STATED HIS NAME WAS KADEEM A SWABY, DOB [REDACTED] THE SUBJECT THEN MADE A SPONTANEOUS STATEMENT AND STATED "I JUST RAN BECAUSE MY FRIENDS TOLD ME TO RUN". MOBILE LIFE RESPONDED TO THE SCENE AND TEMPORARILY TREATED THE SUBJECT. THE SUBJECT WAS THEN TRANSPORTED TO HORTON HOSPITAL BY MOBILE LIFE. PO RIBEIRO RODE IN THE AMBULANCE TO SECURE THE DEFENDANT AND THEN SECURED HIM WHILE HE RECEIVED MEDICAL TREATMENT.

R/O, PO DOREMUS, PO FESTA, AND SGT JAHRLING CONDUCTED A CANVASS ON FOOT, OR THE AREA IN WHICH THE DEFENDANT RAN FOR ANY POSSIBLE EVIDENCE. R/O DID LOCATE (1) KITCHEN STYLE KNIFE WITH A 4" BLACK COLORED PLASTIC HANDLE AND A 4.5" BLADE, WITH THE BRAND BEING FARBERWARE. SAID KNIFE WAS LOCATED

APPROX 15' N/E FROM WHERE THE DEFENDANT WAS SECURED AND ARRESTED. IT IS UNKNOWN AT THIS TIME IF THE KNIFE BELONGS TO THE DEFENDANT, HOWEVER IT WAS LOCATED IN THE DEFENDANT'S PATH OF TRAVEL, WITH NO OTHER SUBJECT(S) BEING IN THAT IMMEDIATE AREA WHEN THE DEFENDANT FLED.

SUBMITTED BY:  
PO JASON BERMAN, SHIELD 1179

*PO Berman*  
08/14/08



Phone  
☺☺  
☺  
(Defendant)  
Sam's  
mart  
90 Academy

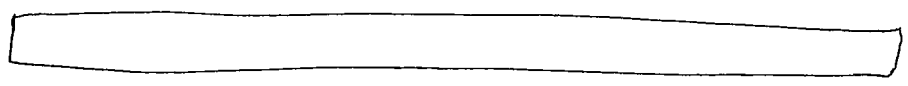
OK  
86  
Academy

↑  
Academy Ave  
13

Southwinds  
70 Fulton St

☒  
K9 apprehension  
parking lot  
knife

(15' between K9 apprehension &  
knife recovery)



Fulton St

PO Ben 1179  
Berman

I N C I D E N T	1. Agency Middletown Police Dept.		2. Division/Precinct		3. ORI New York State INCIDENT REPORT NY0350100			4. <input type="checkbox"/> Orig <input type="checkbox"/> Supp		5. Case No. CM-04663-08		6. Incident No. CM-022648-08						
	7. Report Day Wed		8. Date Aug 13 2008		9. Report Time 22:32		10. Day Wed		11. Date Aug 13 2008		12. Time 22:32		13. Day Wed					
	14. Date Aug 13 2008		15. Time 22:35		16. Incident Type PURSUIT/CHASE		17. Business Name SOUTHWINDS			18. Weapon(s) ANSWER UNKNOWN			A. X					
	19. Incident Address(Street No.,Street Name,Bldg. No.,Apt. No.) 90 ACADEMY AVE							20. City,State,Zip( ) MIDDLETOWN			21. Location Code 33		B.					
N E W Y O R K	22. OFF. NO.		LAW	SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE		CTS	23. No. of Victims					
	1			205.30	-	A	M		O	RESISTING ARREST		1	C.					
	2			195.05	-	A	M		O	OBSTRUCTING GOVERNMENTAL		1	24. No. of Suspects					
3			240.20	-5	U	V		O	DISORDERLY CONDUCT		1	D. 37						
A S S E S S I O N S T E D	25. Person Type:CO=Complainant OT=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		E.					
	TYPE/NO		NAME(LAST, FIRST, MIDDLE, TITLE)				Date of Birth		STREET NO., STREET NAME, BLDG. NO., APT. NO., CITY, STATE, ZIP				Telephone No.					
	PA		SWABY, JOAN															
	OT		SOUTHWINDS RETIREM,															
C I T I Z E N	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 checked="" 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 checked="" type="checkbox"/> No		33. Residence Status <input type="checkbox"/> Resident <input type="checkbox"/> Tourist <input type="checkbox"/> Commuter <input type="checkbox"/> Military		Temp. Res.-Foreign Nat. <input type="checkbox"/> Student <input type="checkbox"/> Other <input type="checkbox"/> 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																	
P R O P E R T Y	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"/> Mental Dis <input type="checkbox"/> Unk. <input type="checkbox"/> Impaired Alco <input type="checkbox"/> Inj/Ill <input checked="" type="checkbox"/> App Norm.							
	AR		SWABY KADEEM															
	39. Address (Street No., Street Name, Bldg. No., City, State, Zip)								40. Phone Res:		Bus.:							
	42. Date of Birth		43. Age		44. Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U		45. Race <input type="checkbox"/> White <input checked="" 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 checked="" type="checkbox"/> Non-Hispanic		47. Skin <input type="checkbox"/> Light <input type="checkbox"/> Dark <input type="checkbox"/> Unk. <input checked="" type="checkbox"/> Medium <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		54. Build <input type="checkbox"/> Small <input type="checkbox"/> Large <input checked="" type="checkbox"/> Medium		55. Employer/School		56. Address				
57. Scars/Marks/Tattoos (Describe) SCAR BELOW LEFT KNEE																		
N A R R A T I V E	59. Victim or <input type="checkbox"/> Suspect No.		Property Status		Property Type		Quantity/ Measure		Make or Drug Type		Model		Serial No.		Description		Value	
			05		40		1.000		FARBERWARE						KNIFE			
	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.			
	71. Color(s)				72. Towed By: To:				73. Vehicle Notes									
	74. ON 08/13/08 AT APPROX 10:32 PM R/O WAS TRAVELING S/B ON ACADEMY AVE NEAR THE I/O FULTON ST AND OBSERVED AN UNKNOWN BLACK MALE SUBJECT STANDING IN THE DRIVEWAY OF 86 ACADEMY AVE, WHO WAS FACING S/B AND STARING AT SAMS MART CONVENIENCE STORE WHICH IS LOCATED AT 90 ACADEMY AVE. THE SUBJECT WAS STANDING IN FRONT OF NY REG [REDACTED] BOTH FORD ECONOLINE VANS WHICH WERE PARKED IN THE SAID DRIVEWAY. AS R/O TRAVELED PAST 86 ACADEMY AVE, THE SUBJECT CLICKED HIS TWO WAY NEXTEL STYLE CELL PHONE AND BEGAN QUICKLY TALKING INTO IT, WHILE FACING A GROUP OF 2-3 BLACK MALE SUBJECTS STANDING NEAR THE PAYPHONE IN THE PARKING LOT OF SAMS MART. R/O THEN OBSERVED AN UNKNOWN BLACK FEMALE SUBJECT DESCRIBED AS APPROX 5'5", 150 LBS, WALK AWAY FROM THE PAYPHONE AND BEGAN TO WALK N/B THROUGH THE PARKING LOT OF SAMS MART, IN THE DIRECTION OF THE SUBJECT ON THE PHONE IN																	
	75. Inquiries (Check all that apply). <input type="checkbox"/> DMV. <input type="checkbox"/> Want/Warrant. <input type="checkbox"/> Scofflaw <input type="checkbox"/> Crim. History <input type="checkbox"/> Stolen Property <input type="checkbox"/> Other																	
76. NYSPIN Message No.						77. Complainant Signature						78. Reporting Officer Signature (Include Rank)						
79. ID No 1179 PO BERMAN						80. Supervisor's Signature (include Rank)						81. ID No Approved By 740 SGT JAHRLING						
82. Status <input type="checkbox"/> Vict. Refused to Coop. <input checked="" type="checkbox"/> Arrest <input type="checkbox"/> Pros. Declined <input type="checkbox"/> Warrant Advised <input 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						83. Status Date Aug 13 2008						84. Notified/TOT						
85. 1 Page of 4 Pages																		

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INCIDENT No.: CM-04663-08

BLOTTER/CC No.: CM-022648-08

## =====

## ADDITIONAL NARRATIVE

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THE DRIVEWAY OF 86 ACADEMY AVE.

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BLOTTER/CC No.: CM-022648-08

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AS A RESULT THE K9 APPREHENDED THE SUBJECT ON HIS LEFT HAND, WHICH CAUSED THE SUBJECT TO FALL TO THE GROUND. R/O ADVISED THE SUBJECT TO STOP RESISTING, AT WHICH POINT HE DID. THE K9 THEN RELEASED FROM THE SUBJECT.

R/O ADVISED THE SUBJECT TO STAY ON THE GROUND, AND LAY ON HIS CHEST, IN A PRONED OUT POSITION. THE SUBJECT DID THEN ATTEMPT TO STAND UP AND RUN AWAY FROM R/O. R/O ADVISED THE SUBJECT TO STOP, OR THE K9 WOULD BE RELEASED AGAIN. THE SUBJECT THEN COMPLIED AND LAID ON THE GROUND UNTIL UNITS IN THE FIELD WERE ABLE TO RESPOND AND TAKE THE SUBJECT INTO CUSTODY. THE ACTIONS OF THE DEFENDANT RUNNING THROUGHOUT THE PROPERTY OF SOUTH WINDS AND YELLING "NO, NO, NO" DID RESULT IN NUMEROUS EMPLOYEES AND ELDERLY SUBJECTS RESIDING AT THE FACILITY TO BECOME INCONVENIENCED, ANNOYED, AND ALARMED.

ONCE IN CUSTODY, THE SUBJECT STATED HIS NAME WAS KADEEM A SWABY, [REDACTED] THE SUBJECT THEN MADE A SPONTANEOUS STATEMENT AND STATED "I JUST RAN BECAUSE MY FRIENDS TOLD ME TO RUN". MOBILE LIFE RESPONDED TO THE SCENE AND TEMPORARILY TREATED THE SUBJECT. THE SUBJECT WAS THEN TRANSPORTED TO HORTON HOSPITAL BY MOBILE LIFE. PO RIBEIRO RODE IN THE AMBULANCE TO SECURE THE DEFENDANT AND THEN SECURED HIM WHILE HE RECEIVED MEDICAL TREATMENT.

R/O, PO DOREMUS, PO FESTA, AND SGT JAHRLING CONDUCTED A CANVASS ON FOOT, IN THE AREA IN WHICH THE DEFENDANT RAN FOR ANY POSSIBLE EVIDENCE. R/O DID LOCATE (1) KITCHEN STYLE KNIFE WITH A 4" BLACK COLORED PLASTIC HANDLE AND A 4.5" BLADE, WITH THE BRAND BEING FARBERWARE. SAID KNIFE WAS LOCATED APPROX 15' N/E FROM WHERE THE DEFENDANT WAS SECURED AND ARRESTED. IT IS UNKNOWN AT THIS TIME IF THE KNIFE BELONGS TO THE DEFENDANT, HOWEVER IT WAS LOCATED IN THE DEFENDANT'S PATH OF TRAVEL, WITH NO OTHER SUBJECT(S) BEING IN THAT IMMEDIATE AREA WHEN THE DEFENDANT FLED.

SGT JAHRLING RESPONDED TO THE HOSPITAL TO TAKE PHOTOS OF THE DEFENDANT'S INJURIES. AT THIS TIME THE DEFENDANT HAS MINOR PUNCTURE WOUNDS TO HIS LEFT ARM RESULTING FROM THE K9 APPREHENSION AND A LACERATION THAT MAY HAVE POSSIBLY BEEN CAUSED BY THE KNIFE THAT THE DEFENDANT MAY HAVE BEEN RUNNING WITH, OR WHICH MAY HAVE BEEN CAUSED AS A RESULT OF THE K9 APPREHENSION.

THE DEFENDANT WAS TOT HIS MOTHER (JOAN SWABY) AT THE HOSPITAL AND WAS ISSUED AN APPEARANCE TICKET WITH A RETURN DATE OF 8/15/08 TO ANSWER THE CHARGES OF DISORDERLY CONDUCT, OBSTRUCTING GOVERNMENTAL ADMINISTRATION, RESISTING ARREST, AND CITY CODE CHILD CURFEW ORDINANCE. DEFENDANT NEEDS TO BE FINGERPRINTED AT A LATER DATE DUE TO BEING TREATED AT THE HOSPITAL.

INCIDENT No.: CM-04663-08

BLOTTER/CC No.: CM-022648-08

DEPARTMENTAL USE OF FORCE FORM COMPLETED AND LT SCHUH NOTIFIED LT RICKARD OF THE  
K9 APPREHENSION. FOUND KNIFE SECURED INTO EVIDENCE.

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**ADDITIONAL OFFENSES(s)**

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Off #	Law	Section	Subdiv	CL	Cat	Deg	Att	Name of Offense	Cts
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PHOTOGRAPHS OF DEFENDANTS INJURIES AND SCENE ON MEMORY CARD AND ENTERED INTO EVIDENCE.

— 5/17/0