

CITY OF MIDDLETOWN POLICE DEPARTMENT

Memo

To: Lt. Paul Rickard, Bureau Commander of Operations

From: Lt. Gregory Metakes

Date: November 11, 2008

Re: Supervisor Investigation-Blotter #:32123-08, Case #:6618-08,
Arrest #2553-08, injury to defendant Brian J. Stark

Based on informal interviews with the officers involved, review of all the written material and review of departmental policy I believe the following occurred:

- 1) *P.O. Berman, while assigned to patrol on 11/10/08 at or around 4:20 a.m., observed a subject who appeared to be intoxicated and was attempting to enter into Diva's bar, 90 North St. Middletown New York. The subject, later identified as Brian J. Stark, was turned away from Diva's and could be observed by P.O. Berman to sway and have difficulty walking.
- 2) Due to the apparently high level of intoxication of Mr. Stark and his resulting difficulty walking, P.O. Berman decided to conduct a field interview with Mr. Stark.
- 3) Mr. Stark was cooperative with initial interview but it was further observed by P.O. Berman during this interview that Mr. Stark appeared to be highly intoxicated.
- 4) P.O. Berman asked Mr. Stark if he was on probation or parole to which Mr. Stark stated that he was not. P.O. Berman then asked for a NYSPIN file check on Mr. Stark which revealed no wants, but Mr. Stark is on parole. P.O. Berman was advised of this.
- 5) P.O. Berman asked Mr. Stark why he had lied about parole status and Mr. Stark immediately began banging his own head onto the hood and left front fender of Middletown patrol car #13. Mr. Stark's actions caused a small dent to patrol unit #13.
- 6) P.O. Berman advised Mr. Stark that he was under arrest and along with P.O.'s Sommer, Speranza and Reed, who had responded to the scene to assist, placed Mr. Stark in handcuffs and lay him to the ground. At points during this arrest procedure, Mr. Stark apparently stated numerous times that he wanted "to die".

- 7) P.O. Berman immediately called for car #4 (Sgt. Doty) and advised over the radio that Mr. Stark would need to be transported to Orange Regional Medical Center.
- 8) The desk asked P.O. Berman if he needed an ambulance at the scene and he stated "yes".
- 9) Sgt. Doty arrived at the scene and upon his arrival, noted that Mr. Stark was prone on the ground, but was attempting to further injure himself by striking his head on the ground/pavement. In order to halt Mr. Stark's actions and stop him from further injuring himself or the officers present, Sgt. Doty deployed the TASER X26, striking Mr. Stark in the back.
- 10) The TASER was initially effective, but Sgt. Doty noted a loud noise attributed to a single probe hit from the TASER, apparently due to a broken wire between the TASER and the probe. Mr. Stark then continued to strike his head on the pavement, yelling "I'm schizophrenic!"
- 11) Due to the single probe hit, and Mr. Stark's continued actions, Sgt. Doty engaged a drive stun follow up with the cartridge attached. The purpose of this is to complete the TASER cycle with neurological muscular interference. The follow up appeared to be successful as Mr. Stark became compliant and actually apologized to officers for creating "paperwork" for them.
- 12) Mr. Stark was then transported by Mobile Life Support Services to the Arden Hill campus of Orange Regional Medical Center.
- 13) Sgt. Doty responded to the Arden Hill campus and photographed Mr. Stark's injuries, which were consistent with his having made contact with the patrol vehicle and the ground. Locations of probe marks from the TASER could not be positively identified due to acne on Mr. Stark's back. Mr. Stark would not cooperate with interview in regards to this incident follow up.
- 14) Sgt. Doty did further photograph patrol car #13. All photographs were made part of the case file as the memory card was entered into evidence.
- 15) It is unknown at this time if Mr. Stark was admitted to Arden Hill Mental Health and due to HIPAA regulations; it is unlikely that his present status can be ascertained.

Based on all of the above information, I believe that the stop of Mr. Stark was warranted as was the questioning of Mr. Stark. Mr. Stark's injuries appear to have been caused exclusively by his own actions and the use of force against him was to prevent his further injuring himself.

The deployment of the TASER under the circumstances described above is addressed under AGO-046-07 Section 10 (h) which states "In non-lethal force situations, when possible, officers *should* avoid using the CED on: Subjects in handcuffs".

The purpose of the order being written in this manner is that generally speaking, a person handcuffed presents a lesser risk to himself and officers, however, under some circumstances; the use of a less-lethal option may be the best and most appropriate means by which to safely conclude a situation whereby further injury can be avoided. I believe that Sgt. Doty's actions in deploying the TASER did conclude the situation and did prevent further injury to Mr. Stark. As such, I believe the use of the TASER was warranted.

Respectfully submitted,

Lt. Gregory W. Metakes 741

Lt. Gregory W. Metakes

CITY OF MIDLETOWN POLICE DEPARTMENT

Memo

To: Lt. Gregory Metakes

From: Sgt. Mark Doty

Date: November 10, 2008

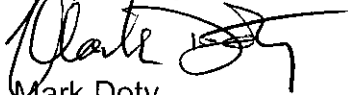
Re: Incident: 32123-08, Case: 6618-08, Arrest: 2553-08

1. At the above date, at around 4:20am, Officer Berman, assigned to marked unit 13, observed an intoxicated white male, later determined to be Brian J. Stark, he was attempting to enter Divas Bar at 90 North St..
2. Officer Berman attempted to ensure the safety of Mr. Stark and performed a *Field Interview* in front of Divas.
3. According to an interview with Officer Berman and his written report, Mr. Stark, although compliant, was intoxicated to the extent that he had difficulty understanding him.
4. Officer Berman, having file checked Mr. Stark, determined Mr. Stark is supervised by the NYS Division of Parole, contrary to his interview, and inquired of Mr. Stark the reason for lying.
5. According to interviews with all of the officers present and their supplemental narrative reports, Mr. Stark, upon Officer Berman's inquiry for his denial of being assigned to parole, began to bang his head on the hood and left front fender of marked patrol car 13, stating to the something to the effect, he wanted to die.
6. Mr. Stark's actions dented the fender lip adjacent to the hood, causing a three to four inch oblong dent, smattering the area of the dent with droplets of his blood caused by an injury, laceration to top of his head, he inflicted upon himself from his head banging.

7. All of the officers restrained Mr. Stark, placed him in handcuffs and placed him on the ground to prevent further injury.
8. The officer's accounts of Mr. Stark's behavior varied slightly. Officer Sommer indicated that Mr. Stark was crying and openly proclaimed he was schizophrenic, prior to the discovery he was a parolee. All of the officers indicated Mr. Stark was yelling he wanted to die as he was restrained.
9. As the officers restrained Mr. Stark and took him into custody, Officer Berman contacted me by radio requesting I respond, advising Mr. Stark had sustained injury.
10. Upon my arrival Mr. Stark was observed prone on the ground, handcuffed behind his back, banging his head/face on the pavement, squirming, rolling, and flexing/arching his body as he yelled he wanted to die. Officer Sommer and Reed tried to pin him to the ground at his shoulders and Officer Speranza attempted to control his legs.
11. I determined that Mr. Stark was becoming uncontrollable, even in his prone position; he was attempting to further injure himself, and risked injuring the officers that restrained him. I deployed my department issued Taser, striking him mid-back. Upon completion of the full cycle it appeared a wire had broken and the circuit had not completed.
12. Mr. Stark's behavior stopped initially but he began yelling he was schizophrenic, and resumed hitting his face on the pavement.
13. I determined another application of the Taser was appropriate, drive stunning the still in place cartridge to his back, completing the circuit with the still in place probe for the entire cycle.
14. Mr. Stark's yelling and violent actions stopped completely. He began to whimper and apologize for his behavior; he further apologized for the paperwork the officers would now have to perform.
15. Upon arrival of Mobile Life, Mr. Stark was transported to Arden Hill Hospital.
16. At the scene three afids were recovered along with the expended Taser cartridge and placed into evidence.
17. Officer Speranza secured the Taser probes while at Arden Hill.
18. I responded to Arden Hill to photograph Mr. Stark's injuries with the digital camera assigned to Patrol. Upon arrival I discovered Mr. Stark on a gurney in four point restraints, supervised by security.
19. Mr. Stark's face, top of his head and back were photographed.

20. Mr. Stark appeared to have three or four small lacerations on the top of his head with some abrasions and swelling near his left eye and cheek. I was unable to be certain if the marks on his back were acne or caused by the Taser probes; Mr. Stark had been wearing a thickly padded leather jacket.
21. Mr. Stark was asked to further participate in this investigation by answering some questions. Mr. Stark became silent and refused to speak until I was leaving stating he was sorry, and other incoherent ramblings.
22. Car 13 was photographed at our facility. At the time of the photo's the dent on the fender lip appeared to have popped out to a third or fourth of its original size.
23. Based on the officers interviewed, their written material and my observations of Mr. Stark's behavior, their use of force to take him into custody and to prevent his self inflicted injury was reasonable and consistent with departmental policy.
24. It is my belief the deployment of the Taser stopped Mr. Stark's attempts to inflict self injury and prevented injury to members of our agency.

Respectfully submitted,



Mark Doty
Sergeant

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-06618-08		6. Incident No. CM-032123-08						
7. Report Day Mon		8. Date Nov 10 2008		9. Report Time 04:21		10. Day Mon		11. Date Nov 10 2008		12. Time 04:21		13. Day Mon		14. Date Nov 10 2008		15. Time 05:30	
16. Incident Type FIELD INTERVIEW				17. Business Name				18. Weapon(s) DOES NOT APPLY				A. -					
19. Incident Address(Street No.,Street Name,Bldg. No.,Apt. No.) 90 NORTH ST								20. City,State,Zip(<input checked="" type="checkbox"/> C <input type="checkbox"/> T <input type="checkbox"/> V) MIDDLETOWN				21. Location Code 33		B.			
22. OFF. NO.		LAW	SECTION	SUB	CL.	CAT	DEG	ATT	NAME OF OFFENSE			CTS	23. No. of Victims		C.		
1		PL	145.00	-3	A	M	4	O	CRIMINAL MISCHIEF FOURTH			1					
2		PL	205.30	-	A	M		O	RESISTING ARREST			1	24. No. of Suspects		D. 47		
3																	
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.		F.			
OT		MOBILE LIFE EMS,										BUS ()					
		ARDEN HILL MED,						APT FRAN GOSHEN, NY 10924				RES. () 343-1212					
												BUS		G.			
												RES. () 294-2170					
												BUS		H.			
												RES.		I.			
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		Temp. Res.-Foreign Nat. <input type="checkbox"/> Student <input type="checkbox"/> Other <input type="checkbox"/> Homeless <input type="checkbox"/> Unk/Not Indicated		J.				
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													K.				
35. Type/No AR		36. Name(Last, First, Middle) STARK BRIAN J				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 checked="" type="checkbox"/> Impaired Alco <input type="checkbox"/> Inj/Ill <input type="checkbox"/> App Norm.				L.			
39. Address(Street No., Street Name, Bldg. No., City, State, Zip)								40. Phone Res: () Bus: ()		41. Social Security No.				M.			
42. Date of Birth		43. Age	44. Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U	45. Race <input checked="" 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 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				N. -			
49. Height 5	50. Weight 10	51. Hair 170	52. Eyes BRO	53. Glasses <input type="checkbox"/> Yes <input type="checkbox"/> Contacts. <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				1			
57. Scars/Marks/Tattoos(Describe)								58. Misc.				2					
59. Victim or Suspect No.	Property Status	Property Type	Quantity/Measure	Make or Drug Type	Model	Serial No.	Description	Value				3					
												4					
V 60. Vehicle Status	61. License Plate No		Full <input checked="" type="checkbox"/> Partial <input type="checkbox"/>	62. State NY	63. Exp. Yr.	64. Plate Type	65. Value				5						
66. Veh. Yr. 2007	67. Make FORD		68. Model CROWN VICTORI		69. Style		70. VIN.				6						
71. Color(s) WHI		72. Towed By: To:				73. Vehicle Notes D/S FENDER DAMAGED						7					
74. ON 11/10/08 AT APPROX 4:20 AM R/O WAS TRAVELING N/B ON NORTH ST AND OBSERVED A													8				
WHITE MALE SUBJECT, LATER IDENTIFIED AS BRIAN J STARK, (DEFENDANT)													9				
WALKING S/B ON THE W/B SIDEWALK IN FRONT OF DIVAS BAR, LOCATED AT 90 NORTH ST.													10				
THE DEFENDANT DID ATTEMPT TO WALK INTO DIVA'S, HOWEVER APPEARED TO HAVE BEEN													11				
ADVISED BY AN UNKNOWN HISPANIC MALE EMPLOYEE THAT DIVA'S WAS CLOSED. THE													12				
DEFENDANT THEN CONTINUED TO WALK S/B ON THE W/B SIDEWALK IN THE DIRECTION OF THE													13				
PARKING LOT LOCATED ADJACENT TO THRALL LIBRARY. THE DEFENDANT DID THEN MAKE EYE													0				
CONTACT WITH R/O AND THEN TURNED AROUND AND BEGAN WALKING N/B ON THE W/B																	
SIDEWALK OF NORTH ST TOWARDS DIVAS BAR. THE DEFENDANT DID APPEAR TO BE HEAVILY																	
INTOXICATED AND FURTHER HAVING A VERY DIFFICULT TIME SAFELY WALKING. R/O DID																	
THEN CONDUCT A FIELD INTERVIEW WITH THE DEFENDANT IN REGARDS TO HIS HEALTH,																	
75. Inquiries(Check all that apply). <input type="checkbox"/> DMV. <input type="checkbox"/> Want/Warrant. <input type="checkbox"/> Scoop/flow <input type="checkbox"/> Crim. History <input type="checkbox"/> Stolen Property <input type="checkbox"/> Other					76. NYS PIN Message No.			77. Complainant Signature					B use cover sheet				
78. Reporting Officer Signature(Include Rank)				79. ID No 1179 PO BERMAN		80. Supervisor's Signature(include Rank)			81. ID No			85. 1 Page of 3 Pages					
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 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 Nov 10 2008			84. Notified/TOT									

INCIDENT No.: CM-06618-08

BLOTTER/CC No.: CM-032123-08

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ADDITIONAL NARRATIVE

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SAFETY, AND TO MAKE SURE THAT THE DEFENDANT WAS NOT GOING TO ENTER A MOTOR VEHICLE AND DRIVE AWAY.

AS R/O APPROACHED THE DEFENDANT THE DEFENDANT BEGAN STATING "I DON'T WANT ANY PROBLEMS, I'M JUST TRYING TO GO HOME". PO DOLAN WHO WAS TRAVELING S/B PASSING 90 NORTH ST THEN ASSISTED R/O. R/O INQUIRED AS TO WHERE THE DEFENDANT HAD BEEN DRINKING AND HE STATED "DIVAS". R/O FURTHER INQUIRED AS TO HOW THE DEFENDANT WAS GOING TO GET HOME SAFELY AND HE STATED "I AM GOING TO WALK HOME". R/O ASKED THE DEFENDANT WHERE HE RESIDED AND HE SLURRED AND UNFAMILIAR ADDRESS TO R/O WHICH SOUNDED SIMILAR TO "SUNLURD ST". R/O THEN INQUIRED IF THE DEFENDANT HAD BEEN DRINKING WITH FRIENDS TONIGHT AND HE STATED "I WAS DRINKING ALONE ALL NIGHT AT DIVAS".

PO SOMMER, PO SPERANZA, AND PO REED THEN ARRIVED ON SCENE. R/O THEN ASKED THE DEFENDANT IF SPOKE SPANISH AND HE STATED "NO". R/O INQUIRED AS TO HOW HE COULD SOCIALIZE IN A BAR WHICH CONSISTS OF PRIMARILY HISPANIC CUSTOMERS WITH THE PRIMARY LANGUAGE BEING SPANISH, AND THE DEFENDANT WAS UNABLE TO SUPPLY R/O WITH ANY REASONABLE OR VALID ANSWER.

R/O THEN ASKED THE DEFENDANT IF HE FELT THAT HE NEEDED TO GO TO THE HOSPITAL DUE TO CONSUMING TO MUCH ALCOHOL AND HE STATED "I'M OK". R/O THEN ASKED THE DEFENDANT IF HE WAS ON PROBATION OR PAROLE AND HE STATED "NO". R/O THEN ASKED THE DEFENDANT IF HE IS EMPLOYED AND HE STATED "I WORK FOR IBM. I HAVE A GOOD JOB". R/O ASKED THE DEFENDANT IF HE HAD A DRUG OR ALCOHOL PROBLEM AND HE STATED "YES, I HAVE AN ALCOHOL PROBLEM". THE DEFENDANT THEN STATED "BRO, YOU CAN CHECK ME AND SEARCH ME, I HAVE A GOOD JOB AND I'M A GOOD PERSON". R/O THEN ASKED THE DEFENDANT IF HE CONSENTED TO A SEARCH OF HIS PERSON AND HE STATED "BRO, SEARCH ME".

R/O THEN HAD THE SUBJECT PLACE HIS HANDS ON THE DRIVER'S SIDE HOOD OF MARKED K9 PATROL VEHICLE 13. R/O BEGAN A SEARCH OF THE DEFENDANT AND LOCATED A NYS PHOTO BENEFIT CARD IN THE DEFENDANTS WALLET, WHICH WAS LOCATED IN HIS BACK REAR PANTS POCKET. PO DOLAN THEN PERFORMED A FILE CHECK OF THE DEFENDANT VIA POLICE DEPT RADIO. HEADQUARTERS ADVISED PO DOLAN THAT THE DEFENDANT WAS CURRENTLY ON PAROLE.

R/O THEN ADVISED THE DEFENDANT THAT HE WAS ON PAROLE AND ASKED WHY HE HAD LIED TO R/O. THE DEFENDANT THEN IMMEDIATELY BEGAN BANGING HIS HEAD AGAINST THE DRIVER'S SIDE HOOD. R/O DID NOTICE BLOOD AND A DENT THAT WAS NOT PREVIOUSLY PRESENT ON THE HOOD OF THE PATROL VEHICLE. R/O ADVISED THE DEFENDANT THAT HE WAS UNDER ARREST FOR CRIMINAL MISCHIEF. AS R/O WAS ADVISING THE DEFENDANT THAT HE WAS UNDER ARREST HE CONTINUALLY BANGED HIS HEAD AGAINST THE DRIVER'S SIDE HOOD OF THE PATROL VEHICLE. OFFICERS ADVISED HIM TO DISCONTINUE HIS ACTIONS AND HE BEGAN STATING "THIS IS MY THIRD TIME, I JUST WANT TO DIE". AT THIS TIME R/O DID OBSERVE THE DEFENDANT TO HAVE MINOR BLEEDING COMING FROM HIS FOREHEAD AND A SWOLLEN LEFT EYE.

OFFICERS HAD TO PHYSICALLY USE SOFT HAND TACTICS IN ORDER TO SECURE THE DEFENDANT IN HANDCUFFS AS THE DEFENDANT CONTINUED TO PULL HIS HANDS TOWARDS HIS CHEST, AWAY FROM OFFICERS. THE DEFENDANT FURTHER CONTINUED TO BANG HIS HEAD AGAINST THE PATROL VEHICLE'S HOOD.

R/O THEN PLACED HANDCUFFS ON THE DEFENDANT AND THE DEFENDANT BEGAN PULLING HIS

INCIDENT No. : CM-06618-08

BLOTTER/CC No. : CM-032123-08

BODY WEIGHT TO THE GROUND. OFFICERS DID THEN PRONE THE SUBJECT ONTO THE GROUND IN ORDER TO PREVENT FURTHER INJURY TO THE DEFENDANT. THE DEFENDANT DID THEN CONTINUOUSLY BANG HIS HEAD AGAINST THE PAVEMENT OF NORTH ST. R/O REQUESTED SGT DOTY TO THE SCENE AND OFFICERS ATTEMPTED TO AID THE DEFENDANT. THE DEFENDANT DID CONTINUOUSLY BANG HIS HEAD AGAINST THE PAVEMENT OF NORTH ST AND IGNORED OFFICER'S REQUEST TO STOP. THE DEFENDANT FURTHER THEN STATED "I WANNA DIE". SGT DOTY DID USE THE DEPARTMENT ISSUED TAZER ON THE DEFENDANT IN ORDER TO PREVENT FURTHER SELF INFLICTED INJURY TO THE DEFENDANT AS THE DEFENDANT CONTINUED TO BANG HIS HEAD AGAINST THE PAVEMENT. THE TAZER WAS EFFECTIVE AND THE DEFENDANT THEN BEGAN STATING "I'M SORRY THAT NOW YOU HAVE TO DO ALL THIS PAPERWORK, I'M SCHIZOPHRENIC".

MOBILE LIFE RESPONDED TO THE SCENE. MOBILE LIFE TRANSPORTED THE DEFENDANT TO ARDEN HILL HOSPITAL. PO SPERANZA RODE IN THE AMBULANCE AND PO REED ESCORTED IN MARKED PATROL VEHICLE 10. SGT DOTY RESPONDED TO ARDEN HILL HOSPITAL TO TAKE PHOTOS OF THE DEFENDANT. PHOTOS WERE TAKEN OF THE DAMAGE TO MARKED PATROL VEHICLE 13. THE DEFENDANT WAS ISSUED AN APPEARANCE TICKET WITH A RETURN DATE OF 11/19/08 TO ANSWER THE CHARGES OF PL 145.00-3 (CRIMINAL MISCHIEF 4th DEGREE) AND PL 205.30 (RESISTING ARREST) DUE TO HIS CURRENT MENTAL HEALTH. THE DEFENDANT WAS TOT MEDICAL PERSONNEL AT ARDEN HILL HOSPITAL. THE DEFENDANT NEEDS TO BE FINGERPRINTED AT A LATER DATE.

Officer Rank/Name: PO FRANK M SPERANZA

Department: Middletown Police Dept.
DD Number :

Case Number.: CM-06618-08
Blotter/CC #: CM-032123-08

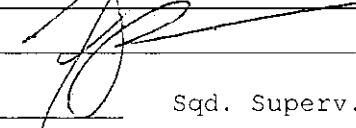
R/O (PO Speranza) and PO Reed in car 10 responded to 90 North Street to assist PO Dolan and PO Berman with a field interview of a subject. Upon arrival the R/O and PO Reed observed PO Berman, PO Dolan and PO Sommer speaking with the subject/defendant who was later identified as Brian Stark.

After several minutes of conversation the defendant began to bang his head on the hood of marked patrol unit 13. At this time all of the officer's attempted to restrain the defendant and place him in handcuffs. The defendant was non compliant with the officer's verbal commands and he refused to willingly place his hands behind his back. The defendant was placed in handcuffs and placed on the ground for his safety. While on the ground the defendant continued to bang his head on the pavement. The defendant also repeatedly stated "I want to die" and continued to writhe and kick his feet at the officer's. The r/o then utilized the expandable baton on the subject by applying pressure to the back of the defendant's legs. This was done in an effort to bring the defendant under control as well as to prevent the defendant from kicking the officers on scene.

Mobile Life was requested and Sgt. Doty also responded to the scene. The defendant after repeated verbal commands refused to stop kicking his legs and banging his head on the ground. Sgt. Doty then deployed the tazer and brought the subject under control. Mobile Life then arrived on scene and transported the defendant to Arden Hill Hospital for a psychological and physical evaluation.

While at Arden Hill Hospital the medical staff removed the tazer prongs and the r/o took possession of the prongs. The r/o upon returning to 370 placed the prongs into evidence.

While at the hospital the r/o contacted Lt. Metakes and was instructed to issue the defendant an appearance ticket. Sgt. Doty also responded to Arden Hill Hospital and took photos of the defendant. The defendant was left in the care of the medical staff of Arden Hill Hospital.

Signature 
D.O.: _____

Sgd. Superv.:  7/1/05
C.O.: _____

Narrative #: 1

Officer Rank/Name: PO CHRISTOPHER J DOLAN

Department: Middletown Police Dept.
DD Number :

Case Number.: CM-06618-08
Blotter/CC #: CM-032123-08

ON 11/10/2008 AT APPROX 0421 AM R/O DOLAN ASSISTED OFFICER BERMAN ON A FIELD INTERVIEW AT 90 NORTH ST. IN FRONT OF DIVAS BAR.

AS R/O WAS WALKING UP TO THE DEFENDANT AND OFFICER BERMAN R/O OBSERVED OFFICER BERMAN ASKING THE DEFENDANT WHERE HE LIVED AND IF HE WAS ON PROBATION OR PAROLE. OFFICER BERMAN THEN HANDED R/O A NYS PHOTO BENEFIT CARD. R/O THEN PERFORMED A FILE CHECK OF THE DEFENDANT VIA POLICE DEPT RADIO. HEADQUARTERS ADVISED R/O THAT THE DEFENDANT WAS CURRENTLY ON PAROLE.

OFFICER BERMAN THEN ASKED THE DEFENDANT WHY HE LIED. THE DEFENDANT, FOR NO REASON THEN IMMEDIATELY BEGAN BANGING HIS HEAD AGAINST THE DRIVER'S SIDE HOOD OF MARKED UNIT #13. R/O DID NOTICE BLOOD AND A DENT THAT WAS NOT PREVIOUSLY PRESENT ON THE HOOD OF THE PATROL VEHICLE.

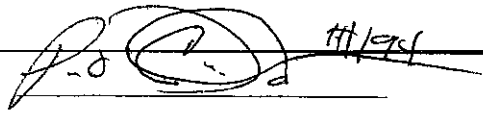
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R/O HAD TO PHYSICALLY USE SOFT HAND TACTICS IN ORDER FOR OFFICER BERMAN TO SECURE THE DEFENDANT IN HANDCUFFS AS THE DEFENDANT CONTINUED TO PULL HIS HANDS TOWARDS HIS CHEST, AWAY FROM OFFICERS. THE DEFENDANT FURTHER CONTINUED TO BANG HIS HEAD AGAINST THE PATROL VEHICLE'S HOOD.

OFFICER BERMAN THEN PLACED HANDCUFFS ON THE DEFENDANT AND THE DEFENDANT BEGAN PULLING HIS BODY WEIGHT TO THE GROUND. OFFICERS DID THEN PRONE THE SUBJECT ONTO THE GROUND IN ORDER TO PREVENT FURTHER INJURY TO THE DEFENDANT. THE DEFENDANT DID THEN CONTINUOUSLY BANG HIS HEAD AGAINST THE PAVEMENT OF NORTH ST.. OFFICER BERMAN REQUESTED SGT DOTY TO THE SCENE, AS R/O AND OFFICERS ATTEMPTED TO AID THE DEFENDANT. THE DEFENDANT DID CONTINUOUSLY BANG HIS HEAD AGAINST THE PAVEMENT OF NORTH ST AND IGNORED OFFICER'S REQUEST TO STOP.

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MOBILE LIFE RESPONDED TO THE SCENE. MOBILE LIFE TRANSPORTED THE DEFENDANT TO ARDEN HILL HOSPITAL. NO FURTHER INFORMATION.

Signature 

D.O.: _____ Sqd. Superv.: _____ C.O.: _____

Officer Rank/Name: PO KYLE A REED

Department: Middletown Police Dept.
DD Number :

Case Number.: CM-06618-08
Blotter/CC #: CM-032123-08

R/O WITH PO SPERANZA RESPONDED TO THE AREA OF DIVAS BAR TO ASSIST OFFICER BERMAN AND OFFICER DOLAN WITH FIELD INTERVIEW. UPON ARRIVAL R/O OBSERVED OFFICER BERMAN INTERVIEWING A WHITE MALE, LATER IDENTIFIED AS BRIAN STARK. WHILE INTERVIEWING SAID SUBJECT, R/O OBSERVED MR. STARK BEGIN TO BANG HIS HEAD OFF THE HOOD OF OFFICER BERMAN'S PATROL VEHICLE.

OFFICERS THEN USED SOFT HAND TACTICS TO PLACE MR. STARK INTO HANDCUFFS. OFFICERS THEN PLACED MR. STARK ON THE GROUND FOR HIS SAFETY. WHILE ON THE GROUND, MR. STARK CONTINUED TO BANG HIS HEAD ON THE PAVEMENT. MR. STARK THEN STATED, " I WANT TO DIE, I WANT TO DIE," WHILE KICKING HIS LEGS AND FEET IN THE DIRECTION OF THE OFFICERS.

WHILE TRYING TO CONTROL MR. STARK, SGT. DOTY AND MOBILE LIFE WAS REQUESTED ON SCENE. AS SGT. DOTY ARRIVED ON SCENE, MR. STARK CONTINUED TO KICK HIS LEGS AT THE OFFICERS, STATING, " I WANT TO DIE, I DON'T CARE." SGT DOTY THEN ADVISED MR. STARK TO STOP RESISTING THE OFFICERS COMMANDS. MR. STARK REFUSED, AND SGT DOTY DEPLOYED THE DEPARTMENT ISSUED TAZER, GAINING CONTROL OF MR. STARK.

MOBILE LIFE TRANSPORTED MR. STARK TO ARDEN HILL HOSPITAL FOR FURTHER EVALUATION. WHILE AT ARDEN HILL HOSPITAL, OFFICER SPERANZA PLACED THE PROBES FROM THE TAZER INTO AN EVIDENCE BAG AND THEN INTO THE EVIDENCE SYSTEM AT 370.

Signature *Kyle A Reed* (125)
D.O.: _____ Sqd. Superv.: *Mike Doty* (1241) C.O.: _____

Narrative #: 4

Officer Rank/Name: PO DEBORAH R SOMMER

Department: Middletown Police Dept.
DD Number :

Case Number.: CM-06618-08
Blotter/CC #: CM-032123-08

R/O RESPONDED TO THE AREA OF DIVAS, 90 NORTH ST, TO ASSIST PO'S BERMAN AND DOLAN WITH A FIELD INTERVIEW. UPON ARRIVAL R/O OBSERVED A MALE SUBJECT, WHO WAS LATER IDENTIFIED AS BRIAN STARK, CRYING AND STATING THAT HE WAS SCHIZOPHRENIC. PO BERMAN ASKED THE DEFENDANT TO PLACE HIS HANDS ON PATROL VEHICLE #13 IN ORDER TO SEARCH HIS PERSON. WHILE SEARCHING THE DEFENDANT PO BERMAN ASKED THE DEFENDANT WHY HE HAD LIED, AND THE DEFENDANT THEN BEGAN BANGING HIS HEAD ON THE HOOD OF PATROL VEHICLE #13, AND STATED "THIS IS THE THIRD TIME, I JUST WANNA DIE!"

AT THIS TIME OFFICERS BEGAN USING SOFT HAND TECHNIQUES IN ORDER TO PLACE THE DEFENDANT INTO HANDCUFFS, WHILE PO BERMAN INFORMED HIM HE WAS UNDER ARREST FOR CRIMINAL MISCHIEF. THE DEFENDANT DID STRUGGLE WITH OFFICERS AND REFUSE TO PLACE HIS HANDS BEHIND HIS BACK BY HUGGING HIS ARMS IN FRONT OF HIS BODY. ONCE IN HANDCUFFS, THE DEFENDANT DID SINK TO THE GROUND AND CONTINUE TO ATTEMPT TO BANG HIS HEAD INTO THE VEHICLE. OFFICERS THEN PLACED THE DEFENDANT INTO A PRONE POSITION ON THE GROUND. PO BERMAN REQUESTED FOR SGT DOTY TO RESPOND WITH THE TAZER, AND FOR MOBILE LIFE TO RESPOND FOR A MENTAL HEALTH TRANSPORT.

WHILE AWAITING MOBILE LIFE'S ARRIVAL, THE DEFENDANT BEGAN TO BANG HIS HEAD ON THE GROUND, STATING "I WANNA DIE!" AT THIS TIME SGT DOTY USED THE DEPARTMENT ISSUED TAZER ON THE DEFENDANT IN ORDER TO SUBDUE HIM, TO KEEP HIMSELF FROM HARMING HIMSELF. THE DEFENDANT DID STOP HIS ACTIONS FOR A FEW MOMENTS, BUT THEN BEGAN BANGING HIS HEAD AGAIN. SGT DOTY THEN USED THE TAZER AGAIN. THE DEFENDANT DID THEN STOP STRUGGLING AND AND BEGAN CRYING STATING THAT HE WAS WORRIED ABOUT THE PAPERWORK HE HAD CAUSED OFFICERS.

DEFENDANT WAS THEN TRANSPORTED TO ARDEN HILL VIA MOBILE LIFE.

Signature

PO Sommer #1087
[Signature]

D.O.:

Sqd. Superv.:

C.O.:

1. NYSID No. 2. OBTS No. **New York State ARREST REPORT** 3. Case No. **CM-06618-08** 4. Ref No.

5. FBI No. 6. Arrest No. **CM-02553-08** 7. Agency **Middletown Police Dept.** 8. Division/Precinct **PATRO**

9. Name (Last, First, Middle) **STARK BRIAN J** 10. Alias/Maiden Name (Last, First, Middle) 11. Phone Number ()

12. Street Number and Name, Building No., Apt. No. 13. City, State, Zip (C T V) 14. Residence Resident Foreign Non-Res Non-Resident Link 15. Place of Birth **REFUSED**

16. Date of Birth 17. Age 18. Sex M F U 19. Race White Black Asian Indian Other Unknown 20. Ethnic Non Hispanic Hispanic Unknown 21. Skin Light Medium Dark Other Unknown

22. Height **510** 23. Weight **170** 24. Hair **BRO** 25. Eyes **BRO** 26. Glasses Yes No Contacts 27. Build Small Med Large 28. Marital Status Married Single Divorced Widowed Comm Law Separated Link 29. U.S. Citizen Yes No Unknown 30. Citizen Of

31. Social Security No. 32. Education 33. Religion 34. Occupation 35. Employed Yes No 36. Scars/Marks/Tattoos (Describe)

37. Arresting Officer **BERMAN** 38. ID No. **1179** 39. Assisting Officer **DOLAN** 40. ID No. **1194** 41. Arrest Date **11/10/2008** 42. Time **04:30** 43. Location of Arrest (C T V) **90 NORTH ST MIDDLETOWN**

44. Juvenile Juv-No Futher Process Yes No 45. Condition of Defendant At Arrest Impaired Drugs Mental Dis App Norm Impaired Alco Inj Ill 46. Weapon(s) at Arrest 47. Co-defendants Arrest No.

48. Miranda Yes No 49. Miranda By 50. Miranda Date 51. Mir. Time 52. Statements Written None Verbal 53. Status Bail/ROR Parole Probation 54. Search Warrant Yes No 55. ID Procedure Line Up None Show Up Photo

56. Arraignment Court **MIDDLETOWN CITY** 57. Arraignment Judge **BROCKETT** 58. Date **11/19/2008** 59. Time **09:00** 60. Property Yes No 61. Evidence Yes No 61a. Processed By 61b. Disposition

62. Incident No. **CM-032123-08** 63. Arrestee Status ROR Police Bail Held Cash Bail Bail Bond App Tkt Rel to 3rd Party 64. Bail Amount **0.00** 65. Bondsman **NONE** 66. Photo No.

67. Arrest Type PW IW SOM CIP COMP OP FC VOP RW AW DT 68. Warrant No. 69. Arrest FOA Yes No 70. Other Agency **NONE** 71. F/P/Taken Yes No

72. Location of Offense (C T V) **90 NORTH ST MIDDLETOWN NY ORANGE** 73. Offense Date **11/10/2008** 74. #Offndrs **0** 75. # Vict. **0** 76. Return Court **MIDDLETOWN CITY** 77. Return Judge **BROCKETT** 78. Return Date **11/19/2008** 79. Time **09:00**

80. Defendant/Case TOT Agency **NONE** 80a. Officer's Name **NONE** 80b. ID No 81. Time 82. Date

83. Law	Article & Section	SUB	CL.	CAT	DEG	ATT	NAME OF OFFENSE	CTS	NCIC Code	Age	VICTIMS Sex	Handicap	ASSOC. NO.	TYPE
PL	145.00	-3	A	M	4	N	CRIM MISCHIEF 4	2	9 9 9			NO		<input checked="" type="checkbox"/> APP <input type="checkbox"/> UFI <input type="checkbox"/> OTH
PL	205.30	-	A	M		N	RESISTING ARREST	4	8 0 1			NO		<input checked="" type="checkbox"/> APP <input type="checkbox"/> UFI <input type="checkbox"/> OTH
														<input type="checkbox"/> APP <input type="checkbox"/> UFI <input type="checkbox"/> OTH
														<input type="checkbox"/> APP <input type="checkbox"/> UFI <input type="checkbox"/> OTH
														<input type="checkbox"/> APP <input type="checkbox"/> UFI <input type="checkbox"/> OTH
														<input type="checkbox"/> APP <input type="checkbox"/> UFI <input type="checkbox"/> OTH

84. Person Type OT = Other SP = Spouse CD = Co-Defendant SC = School PO = Parole Officer VI = Victim RI = Relative RP = Religious Person
EM = Employer CH = Child PA = Parent AS = Associate LA = Lawyer PR = Probation Officer WI = Witness CO = Complainant DR = Doctor

85. TYPE	NAME (LAST, FIRST, MIDDLE, TITLE)	STREET-NAME & NUMBER	CITY/STATE/ZIP	TELEPHONE NO.
OT	MOBILE LIFE EMS,			() 343-1212
	ARDEN HILL MED,	APT # FRAN	GOSHEN, NY 10924	() 294-2170

85. **DEFENDANT ARRESTED ON ABOVE CHARGE. DEFENDANT ISSUED APPEARANCE TICKET. DEFENDANT TOT MEDICAL PERSONNEL AT ARDEN HILL HOSPITAL.**

86. Arresting Officer's Signature *[Signature]* 87. ID No. **1179 PO BERMAN** 88. Supervisor's Signature *[Signature]* 89. ID No. **47741** 90. Arrest Made as a Result of a SAFIS Latent Print Identification? Yes No Unknown 91. 92. 93. 94. **1** Page of **1** Page

CITY COURT
CITY OF MIDDLETOWN
COUNTY OF ORANGE: STATE OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

against

PERMISSION AND AUTHORITY

Brian J Stark

Defendant

I, PO Berman, being duly sworn, deposes and says:

- 1a. That I am the owner of premise, to wit: 2007 Ford Crown Victoria White-1DR
- 1b. I am employed by owner of premises, C/O Middletown 16 James St Middletown NY
My position being a City of Middletown Police Officer.

That on the 10 day of November, 2008, I did not give permission or authority to Brian J Stark to enter or remain therein.

2a. I am the owner/agent of property, to wit: (include value)
Driver Side Fender. Approx \$1200.00 IN VALUE

The basis of the value of said property unlawfully taken and possessed, being:

- retail price of the new merchandise price tag
- manager check of price insurance assessment
- replacement value appraisal
- other (explain)

That on the 10 day of November, 2008, I did not give permission or authority to Brian J Stark to damage, tamper with, take, operate, possess, use or exercise control over said property.

2b. That Brian J Stark has no possessory interest in said property.

I hereby acknowledge that false statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Signed: PO Berman 11/29 Date: 11/10/08
(Deponent)

Sworn to before me this
10th day of November, 2008
Gregory W. Metakes
Notary Public

CITY OF MIDDLETOWN POLICE DEPARTMENT
RESTITUTION REQUEST

DATE

11-10-08

The City of Middletown Police Department is requesting that restitution be made part of the Defendant's sentence.

The Defendant having been charged with the following crime and did cause damage during the arrest or booking process to the following:

Case Number: 6618-08 Blotter Number: 32123-08Defendant: STARK, BRIAN J.Arresting Officer: Berman, J.Charge(s): Crim Mis ^{914.60} + Resisting ArrestDamage (i.e. vehicle, cell, etc.): Car 13, Left front
fender, DENT.

Cost to repair damage will be submitted at a later date.

Supervisor's Signature

Attach copy with DA's Report and Arrest Report.

CITY OF MIDDLETOWN POLICE DEPARTMENT

SUBJECT RESISTANCE REPORT

Blotter #: 32123-08 Case #: 6618-08 Arrest #: 2553-08

Date: 11-10-08 Time: 4³⁵ AM Day of Week: MONDAY

Address of Incident: 90 North ST., Middletown, NY

Type of Premise: Public Street Took Place: Inside Outside Both

Name of Subject Resisting: STARK BRIAN J. Sex: M

Address: [REDACTED]

DOB: [REDACTED] e #: _____ Height: 510 Weight: 160

Condition of Suspect: Sober Drinking Alcohol Intox EDP

Subject Arrested: Yes / No If "Yes", Charges: Criminal Mischief 3rd Resist Arrest

Subject Injured During Incident: Yes / No If "Yes", Nature of Injuries: Abrasion to top of head and around left eye / cheek bone area.

Subject Injured Prior to Police Involvement: Yes No If "Yes", Nature of Injuries: _____

Medical Attention Refused: Yes No If "Yes", Witness: _____

If "No", Name of Medical Facility: ORMC - Arden Hill

Transported By: Mobile Life Attending Physician: _____

Less-Lethal Force Used (if any): Circle ALL That Apply

Type	Used	Effective
OC Spray	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Baton	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Taser	Yes <input checked="" type="radio"/> No <input type="radio"/>	Yes <input checked="" type="radio"/> No <input type="radio"/>
Impact Projectile	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>
Other: <u>Hands</u>	Yes <input checked="" type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>

Name/Rank/Shield # of Officer Being Resisted: BORMAN

Was Officer Assaulted: Yes/No No

Was Officer Injured: Yes/No No

Nature of Officer's Injury: _____

Medical Attention Received by Officer: Yes/No Medical Facility: _____

Transported By: _____ Attending Physician: _____

Tech Work Done: Yes/No No Type: Photos Diagram _____ Other _____

Names of Other Police Officers Present:	Car#	Injured
<u>REED</u>	<u>10</u>	Yes/No <u>No</u>
<u>SPERANZA</u>	<u>10</u>	Yes/No <u>No</u>
<u>Sommer</u>	<u>16</u>	Yes/No <u>No</u>
<u>Dolan</u>	<u>8</u>	Yes/No <u>No</u>

Narrative - Explain how the subject resisted and what was done to take them into custody, type of equipment used and amount of assistance received from other officers:

Mr. STARK IN Custody prior to my arrival. He was prone on the ground yelling "I'm schizophrenic" as he repeatedly banged his head on the pavement, squirming, rolling & flexing. Officers had difficulty restraining Mr. Stark and he was warned he was going to be tased. Mr. Stark indicated he wanted to die and his movements became more severe. Mr. Stark was TASED and A WIRE Broke. TASER was Redeployed & grounded in a drive stun to complete circuit. Mr. STARK STOPPED + Became Apologetic.

Sgt/Clark [Signature] 680
 Officer's Signature Shield#

11-10-08
 Date

Supervisor's Signature Shield#

_____ Date

CITY OF MIDDLETOWN POLICE DEPARTMENT

SUBJECT RESISTANCE REPORT

Blotter #: 08-32123 Case #: 08-6618 Arrest #: 08-2553

Date: 11/10/08 Time: 04:30 hrs Day of Week: Monday

Address of Incident: 90 Ninth Street

Type of Premise: street Took Place: Inside Outside Both

Name of Subject Resisting: Brian J Stark Sex: M

Address: [REDACTED]

DOB: [REDACTED] Phone #: N/A Height: 5'10" Weight: 170

Condition of Suspect: Sober Drinking Alcohol Intox EDP

Subject Arrested: Yes/No If "Yes", Charges: PL 145.05-2, PL 205.30

Subject Injured During Incident: Yes/No If "Yes", Nature of Injuries: Swelling to left eye, laceration to forehead

Subject Injured Prior to Police Involvement: Yes/No If "Yes", Nature of Injuries: _____

Medical Attention Refused: Yes/No If "Yes", Witness: _____

If "No", Name of Medical Facility: Arden Hill Hospital

Transported By: Mobile Life Attending Physician: Allen

Less-Lethal Force Used (if any): Circle ALL That Apply

Type	Used	Effective
OC Spray	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes/No
Baton	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes/No
Taser	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes/No
Impact Projectile	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes/No
Other: <u>soft hands</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes/No

Name/Rank/Shield # of Officer Being Resisted: PO Berman 1179

Was Officer Assaulted: Yes/No (No) Was Officer Injured: Yes/No (No)

Nature of Officer's Injury: N/A

Medical Attention Received by Officer: Yes/No Medical Facility: _____

Transported By: _____ Attending Physician: _____

Tech Work Done: Yes/No Type: Photos _____ Diagram _____ Other _____

Names of Other Police Officers Present:	Car#	Injured
<u>PO Dolan</u>	<u>8</u>	Yes/No <u>(No)</u>
<u>PO Speranza</u>	<u>10</u>	Yes/No <u>(No)</u>
<u>PO Reed</u>	<u>10</u>	Yes/No <u>(No)</u>
_____	_____	Yes/No

Narrative - Explain how the subject resisted and what was done to take them into custody, type of equipment used and amount of assistance received from other officers:

Subject refused to comply with verbal commands to place his hands behind his back, pulled his hands forward towards his chest, and began banging his head against the hood of patrol vehicle 13,

PO [Signature] 1179
Officer's Signature Shield#

11/10/08
Date

LT. [Signature] 741
Supervisor's Signature Shield#

11/10/08
Date

CITY OF MIDDLETOWN POLICE DEPARTMENT

SUBJECT RESISTANCE REPORT

Blotter #: 08-32123 Case #: 08-6618 Arrest #: 08-2553

Date: 11/10/2008 Time: 0430 AM Day of Week: Monday

Address of Incident: 90 North St

Type of Premise: street Took Place: Inside ___ Outside X Both ___

Name of Subject Resisting: STARKE, BRIAN J Sex: M

Address: [REDACTED]

DOB: [REDACTED] Phone #: _____ Height: 610 Weight: 170

Condition of Suspect: Sober ___ Drinking Alcohol ___ Intox X EDP X

Subject Arrested: Yes/No If "Yes", Charges: PL 145.05 Criminal Mischief

Subject Injured During Incident: Yes/No If "Yes", Nature of Injuries: _____

Swelling to left eye, laceration to forehead

Subject Injured Prior to Police Involvement: Yes/No If "Yes", Nature of Injuries: _____

Medical Attention Refused: Yes/No If "Yes", Witness: _____

If "No", Name of Medical Facility: Arden Hill Hospital

Transported By: Mobile life Attending Physician: Allen

Less-Lethal Force Used (if any): Circle ALL That Apply

Type	Used	Effective
OC Spray	Yes/ <u>No</u>	Yes/No
Baton	Yes/ <u>No</u>	Yes/No
Taser	Yes/ <u>No</u>	Yes/No
Impact Projectile	Yes/ <u>No</u>	Yes/No
Other: <u>Soft Hands</u>	<u>Yes</u> /No	<u>Yes</u> /No

Name/Rank/Shield # of Officer Being Resisted: P.O. C. Dalar #1194

Was Officer Assaulted: Yes/No Was Officer Injured: Yes/No

Nature of Officer's Injury: _____

Medical Attention Received by Officer: Yes/No Medical Facility: _____

Transported By: _____ Attending Physician: _____

Tech Work Done: Yes/No Type: Photos _____ Diagram _____ Other _____

Names of Other Police Officers Present:	Car#	Injured
<u>P.O. Berman</u>	<u>15</u>	Yes/ <input checked="" type="radio"/> No
<u>P.O. Speranza</u>	<u>10</u>	Yes/ <input checked="" type="radio"/> No
<u>P.O. Reed</u>	<u>10</u>	Yes/ <input checked="" type="radio"/> No
_____	_____	Yes/No

Narrative - Explain how the subject resisted and what was done to take them into custody, type of equipment used and amount of assistance received from other officers:

Subject refused to comply with verbal
commands to place his hands behind his
back, pulled his hands forward towards his
chest away from R/O and officers and
began to bang his head against
the hood of patrol vehicle #13

P.O. [Signature] #1194
Officer's Signature Shield#

11/10/08
Date

Lt. [Signature] 71
Supervisor's Signature Shield#

11/10/08
Date

CITY OF MIDDLETOWN POLICE DEPARTMENT

SUBJECT RESISTANCE REPORT

Blotter #: 32123-08 Case #: 6618-08 Arrest #: 2553-08

Date: 11/10/08 Time: 4:30 AM Day of Week: Monday

Address of Incident: 90 North Street

Type of Premise: Street Took Place: Inside ___ Outside Both ___

Name of Subject Resisting:

Address: [Redacted]

DOB: [Redacted] Phone #: ___ Height: 5-10 Weight: 170/lb

Condition of Suspect: Sober ___ Drinking Alcohol Intox EDP

Subject Arrested: Yes / No If "Yes", Charges: P.L. 145.05-2 / P.L. 205.30

Subject Injured During Incident: Yes / No If "Yes", Nature of Injuries: Swelling to left eye, Laceration to forehead.

Subject Injured Prior to Police Involvement: Yes No If "Yes", Nature of Injuries: ___

Medical Attention Refused: Yes No If "Yes", Witness: ___

If "No", Name of Medical Facility: Arden Mill Hospital

Transported By: Mobile Life Attending Physician: Allen

Less-Lethal Force Used (if any): Circle ALL That Apply

Type	Used	Effective
OC Spray	Yes <input checked="" type="radio"/> No <input type="radio"/>	Yes/No
Baton	Yes <input checked="" type="radio"/> No <input type="radio"/>	<input checked="" type="radio"/> Yes / <input type="radio"/> No
Taser	Yes <input checked="" type="radio"/> No <input type="radio"/>	Yes/No
Impact Projectile	Yes <input checked="" type="radio"/> No <input type="radio"/>	Yes/No
Other: _____	Yes <input checked="" type="radio"/> No <input type="radio"/>	Yes/No

Name/Rank/Shield # of Officer Being Resisted: PO. Speranza 1208

Was Officer Assaulted: Yes/No (No)

Was Officer Injured: Yes/No (No)

Nature of Officer's Injury: _____

Medical Attention Received by Officer: Yes/No Medical Facility: _____

Transported By: _____ Attending Physician: _____

Tech Work Done: Yes/No (No) Type: Photos _____ Diagram _____ Other _____

Names of Other Police Officers Present:

Car#

Injured

PO Berman

13

Yes/No (No)

PO Dolan

8

Yes/No (No)

[Signature]

Yes/No

Yes/No

Narrative - Explain how the subject resisted and what was done to take them into custody, type of equipment used and amount of assistance received from other officers:

The subject refused to place his hands behind his back when ordered by the officer's. The subject also banged his head on the hood of Car 13. The subject was put on the ground where he was kicking his legs. The RIO utilized the expandable baton by applying pressure to the back of the subject's legs to prevent him from further kicking.

[Signature] 1208
Officer's Signature Shield#

11/10/08
Date

LT. [Signature] 741
Supervisor's Signature Shield#

11/10/08
Date