

**FROM THE CHIEF OF POLICE
CITY OF MIDDLETOWN POLICE DEPARTMENT**

Memo

To: Chief Matthew Byrne

From: Lt Patrick Freeman *Pat*

Date: March 5, 2009

Re: James Williams

I received a personnel complaint from James Williams dated 2/14/09 that accused Sgt Ewanciw as well as Officer Gass of violating his Civil Rights as a result of a traffic stop. After carefully reviewing the case, it was clear that the Officers followed proper policy and procedure when they stopped Mr. Williams. The Officers had prior knowledge of active suspensions regarding Williams' driving status and had in fact arrested him for that very condition on 1/22/09. It appears however, that in the interim, Williams had the suspensions cleared was issued a valid permit and was in the vehicle with a licensed driver. Mr. Williams refused to leave a phone number and when I responded to his listed residence, was met by his sister, Marsheila Lee, who indicated that James did not reside there nor did she have an address for him. However I was contacted by Williams on today's date, and since there was no further information provided, I advised him of the final disposition.

It is my determination that this complaint is **not sustained**. If you have any further questions, please advise me.

Reid
MTD
3/6/09

CITY OF MIDDLETOWN POLICE DEPARTMENT PERSONNEL COMPLAINT

The City of Middletown Police Department encourages citizens to report legitimate complaints against employees of this Department. As a result, a thorough, impartial and confidential investigation will be conducted. If this complaint leads to a formal charge against the employee, you will be asked to participate in the hearing and/or arbitration process.

Date of Report: 2/14/69	Time: 4:40 PM	Event No.: 4577-09	Case No.: (If Applicable)
Type of Complaint: <input checked="" type="radio"/> External	<input type="radio"/> Internal	<input type="radio"/> Other	If Other, please explain:
How Received: <input type="radio"/> Phone	<input checked="" type="radio"/> Walk-In	<input type="radio"/> Other	If Other, please explain:
Date of Incident: 2/13/69	Day of Incident: FRIDAY	Time of Incident: 6:45 PM	
Location of Incident: NORTH ST/WILLIAM AVE		Nature of Complaint: HARASSMENT	

Complainant: James E Williams	Date of Birth: [REDACTED]
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Details of Incident: (ADDITIONAL SPACE AVAILABLE ON BACK OF FORM, IF NEEDED) LAST NIGHT ON FRIDAY EVENING ABOUT 6:45 PM WHILE I WAS AT NORTH ST/WILLIAM AVE MIDDLETOWN DRIVING MY AUNT, Kim Goode who resides in Summit-Field APTS by the basketball courts. I noticed flashing lights in front of me. I was blocked in by a black charger. I sat in my vehicle, a Millennium color Berardo. The sergeant who I know from my first arrest

Personnel Complained Of: (NAME OR PHYSICAL DESCRIPTION, BADGE #, CAR #, ETC.)
SGT JJ EWANIN
PO PATRICK GASS

Witness Info: (NAME, D.O.B., ADDRESS, TELEPHONE NUMBERS, ETC.)
Kim Goode - [REDACTED]

NOTE: PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK, ANY INCORRECT OR FALSE STATEMENT ATTRIBUTED TO YOU AND CONTAINED HEREIN IS PUNISHABLE AS A CLASS "A" MISDEMEANOR.

<i>[Signature]</i> Reporting Officer's Signature	Police HQ 2 SPAIN ST MIDDLETOWN Complaint Room Location Report Taken	<i>[Signature]</i> Complainant's Signature	2/14/69 Date
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ADMINISTRATIVE USE ONLY		No Further Action Needed: _____
Reviewed By: _____	Investigation Assigned To: _____	
Name & Rank	Shield No.	
Date Reviewed: _____	MPD-II #: _____	

Details of Incident: (CONTINUED)

Wp. Was on the front passenger side and the driver whose name I believe is Patrick opened my driver side door. At that time I produced my NYS driver permit and my cousin Kim Cook produced her NYS driver license. The two officers refused to shut my driver side door until they ran my cousin's driver's license and my permit. They gave me my license back I mean my permit and I drove away.

I feel my constitutional rights were violated.

I spoke with my attorney, Gary Greenwald, yesterday and he told me to come to the police station and file a complaint. So I decided to come to the police station today, 2/14/09, at approx 4:40 PM.

There are cameras downtown and this happened in front of the Vameca's.

CITY OF MIDLETOWN POLICE DEPARTMENT

Memo

To: Lt. Freeman

From: Sgt. Ewanciw

Date: February 19, 2009

Re: Event # 09-4468/James Williams

On Friday February 13, 2009, at approx. 6:18pm, my self and Officer Gass were patrolling the Park Circle area in car 50, as part of our Crime Suppression Team assignment. We were driving down (East) Wickham Ave., and while turning right onto North St., we observed a red vehicle stopped at the red light on North St., facing north bound. The driver of said vehicle was observed by officers to be James Williams, who was personally known to officers to have a suspended New York State driving permit. This was known to my self and officer Gass, from prior dealings with Mr. Williams, as well as a recent arrest in which Mr. Williams was arrested for Aggravated Unlicensed Operation of a Vehicle in the Third Degree, which occurred on January 22, 2009 (case # 09-00440). Upon seeing Mr. Williams operating said vehicle, which was bearing state of New York [REDACTED], we stopped our vehicle in the intersection and approached Mr. Williams who was still seated in his vehicle. Mr. Williams was instructed to roll down his window, although he refused and began laughing while stating "I got my permit, I got my permit". At this point the driver's door of Mr. Williams's vehicle was opened by officer Gass, in an effort to further interview Mr. Williams. Mr. Williams continued to state "I got my permit" and "you guys look stupid now, I've been waiting for you to stop me ". Mr. Williams then supplied officer Gass with a copy of his New York State Learners Permit, which officer Gass ran through NYSPIN, to confirm its validity. While officer Gass was checking the status of Mr. Williams's license, I remained with Mr. Williams to further interview him and explain why we stopped him. While doing so Mr. Williams requested that I shut his door, as he was cold. I stated that I would shut the door, if he would roll down the window, which he agreed to do. After I shut his drivers' door, Mr. Williams rolled down his window approximately one inch. I

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instructed Mr. Williams to roll his window down all the way so I could continue speaking with him, at which time he stated that he did not have to. Mr. Williams stated that when he was getting his permit at DMV, he asked the clerk the requirements in regards to rolling his window down when encountered by the police and he was advised that he did not have to roll his window down more than six inches. I advised Mr. Williams that he was mis-informed, and that he needed to roll down his window so that myself and officer Gass could complete our vehicle and traffic stop, of which he refused. I then opened his door, rolled down his window and then shut the door. Mr. Williams then began yelling "I got you now, I got you now, I'm going to the station to write your ass up". I attempted to explain to Mr. Williams that he should be more cooperative when encountered by the police, although he would not stop yelling that he was going to write me up. After officer Gass completed his license check of Mr. Williams and his passenger, Kim Goode, who were both valid, their documentation was returned to them and they were sent on their way.

Kim Goode's license status was checked due to her being the licensed driver who was accompanying Mr. Williams who possess a valid learners permit. Said license check of Mr. Williams indicated that he cleared his suspended status on February 6, 2009.

A handwritten signature or set of initials, possibly "JG", enclosed within a hand-drawn oval shape.

SUPPLEMENTAL REPORT

Re: Personnel Complaint

On February 14, 2009 at approximately 4:40Pm James E Williams dob: [REDACTED] residing [REDACTED] Middletown New York 10940 came into headquarters to report that he was harassed and a violation of his civil rights alleged to have been perpetrated by both a sergeant whom Mr Williams knows previously from the first time he was arrested and an officer whom he knows as Patrick.

Mr Williams further states the two officers were driving a black Dodge Charger last evening Friday February 13, 2009 at approx 6:45Pm when the officers pulled in front of Mr Williams vehicle, a 1996 Mazda Millennium color : Burgundy, and initiated a vehicle stop at the corner of Wickham Ave and North St. The officers opened his driver side door and refused to close it after being asked to do so. These action's "Violated" Mr Williams civil rights because he "knows the law" according to Mr. Williams.

Mr Williams was insistent on filing a personnel complaint on the advice of his attorney, Gary Greenwald. Mr Williams was advised by Mr Greenwald that he had twenty four hours to make a complaint so he decided to come into headquarters this evening.

A City of Middletown Personnel Complaint form was completed and is being forward to Lt Paul Rickard, Bureau Commander of Operations for further review.


Lt Barry S Bernstein-579

Entry/CC#: **CM-004468-09** Date: **02/13/2009** Time: **18:18** Tour: **C** Desk Officer: **579**

Call Type.....: **VEHICLE STOP** Priority...: **1** How Received: **RADIO**

Caller.....:
Bus. Name...:
Address.....:
City/St/Zip:

Call Back #:

Location of Assignment: **NORTH ST, MIDDLETOWN**
Cross Street.....:
Business Name.....:
Description.....:
Disposition.....: **WARNING**

Post: Dispatched: **Y** Dispatched Date: **02/13/2009**

VEHICLE'S INVOLVED

Plate & State: [REDACTED]
Year/Make/Model/Color: **1995 MAZD MILLENIA RED**
Vin:

OFFICERS INVOLVED

Serial #:1212 Rank:PO Name:EVAN R COLON
Serial #:1180 Rank:PO Name:FREDRICK J SLANOVEC
Serial #:1197 Rank:PO Name:PATRICK H GASS

UNIT'S INVOLVED

Unit: 50 Officers: (1212,1180,1197)
Disp. Time: 18:22 | Arv. Time: 18:22 | Comp Time: 18:24
Rcv'd to Comp: 0:06 :: Disp to Comp: 0:02

ASSOCIATED NUMBERS

PERSONS INVOLVED

Name.....:WILLIAMS, JAMES DOB: / /
Address.....: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

CITY OF MIDLETOWN POLICE DEPARTMENT

Memo

To: Lieutenant Freeman

From: Officer Patrick Gass

Date: February 19, 2009

Re: Williams, James (Event # 09-4468)

On February 13, 2009 at approximately 6:18 pm, Sergeant Ewanciw and I were on patrol, traveling easterly on Wickham Avenue near the intersection of North Street, in unit 50. As I began to turn unit 50 southbound onto North Street, I observed a red four door Mazda sedan, bearing registration [REDACTED] of the state of New York, facing northerly on North Street, stopped at the traffic light of the aforesaid intersection. Myself and Sergeant Ewanciw observed the vehicle being operated by James Williams. Myself and Sergeant Ewanciw had previous knowledge that Mr. Williams possessed a suspended status New York driver license from previous file checks of his name and dob, and also from an incident on January 22, 2009 in which he was arrested by Officer Nuzzo for AUO third (ref case # 09-0440).

Upon observing Mr. Williams, I stopped unit 50, and began to exit the vehicle. As I was doing this, I observed Mr. Williams pointing at me and laughing. As I approached the driver window of the vehicle Mr. Williams was operating, I told him to put the window down, to which he did not. At this point, I opened the driver door of the vehicle. Mr. Williams, still laughing, stated "I got my permit". I then obtained a paper permit from Mr. Williams, and also a driver license from the front passenger, Kim Goode. As myself and Sergeant Ewanciw were speaking with Mr. Williams, he stated "I got my permit, I've been waiting for you to pull me over, you guys look stupid now".

At this point, I performed a NYSPIN check of Mr. Williams' permit and Mrs. Goode's license in unit 50's MDT. Both were valid status.

PAG # 197

Mr. Williams then began stating he wanted his door closed, to which Sergeant Ewanciw told him the door could be closed if he put the window down. The door was then closed, and Mr. Williams put the window down approximately one inch. Sergeant Ewanciw then advised Mr. Williams to put the window down farther for further interview. Mr. Williams stated he did not have to because DMV told him he only had to put the window down six inches when stopped by the police. Sergeant Ewanciw then told Mr. Williams that was not true, and that he needed to put the window down more for further interview and to complete the traffic stop. Mr. Williams continued to be non compliant with officers orders. At this point, Sergeant Ewanciw opened the door, rolled down the driver window, and closed the door. Mr. Williams then stated "I got you now, I'm going to the station to write your ass up".

Mr. Williams' permit and Mrs. Goode's license were both returned to them.

The NYSPIN check performed regarding Mr. Williams' license revealed he cleared his suspensions on February 6, 2009.

Officers then cleared the stop with a warning to Mr. Williams.

A handwritten signature in black ink, appearing to read "P. A. Goode", is located to the right of the text. The signature is written in a cursive, somewhat stylized font.

CITY OF MIDDLETOWN POLICE DEPARTMENT

SUBJECT RESISTANCE REPORT

Blotter #: 09-5080 Case #: 09-1011 Arrest #: 09-467 09-468

Date: 02-19-2009 Time: 2:32 Day of Week: THURSDAY

Address of Incident: NORTH ST / COURTLAND ST.

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

Name of Subject Resisting: HENRY B JACKSON Sex: M

Address: [REDACTED]

DOB: [REDACTED] Phone #: [REDACTED] Height: 600 Weight: 190

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

Subject Arrested Yes/No ___ If "Yes" Charges: PAROLE WARRANT + PC 205.30

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

MINOR LACERATION AND SWELLING OVER RIGHT EYE

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: 470 ORANGE REGIONAL MEDICAL CENTER

Transported By: P. GARD Attending Physician: ___

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

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

Name/Rank/Shield # of Officer Being Resisted: P. SUNDVEG

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

Nature of Officer's Injury: _____

Medical Attention Received by Officer: Yes/No 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>GASS</u>	<u>50</u>	Yes/No <u>No</u>
<u>COLON</u>	<u>50</u>	Yes/No <u>No</u>
<u>FRANCK</u>	<u>51</u>	Yes/No <u>No</u>
<u>SGT. EWANCIU</u>	<u>51</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:

DEFENDANT BEGAN SWINGING HIS ARMS AND KICKING HIS FEET AT OFFICER TO AVOID BEING ARRESTED ON AN ACTIVE PAROLE WARRANT. THE DEFENDANT ALSO SWALLOWED TWO BAGGIES CONTAINING AN OPE WHITE CHUNKY SUBSTANCE PRESUMED TO BE CRACK COCAINE. OFFICERS STRUGGLED WITH THE DEFENDANT FOR APPROX 2 MIN OFFICERS EVENTUALLY FORCED THE DEFENDANT INTO TEMPORARY HAND RESTRAINTS.

[Signature]
 Officer's Signature Shield# 1180

2-19-2009
 Date

[Signature]
 Supervisor's Signature Shield# 1000

2/19/09
 Date