

**MIDDLETOWN POLICE DEPARTMENT  
POLICE PERSONNEL/DEPARTMENT COMPLAINT FORM**

NAME OF COMPLAINANT: EDWIN MALLENDAZ

ADDRESS: [REDACTED]

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

DATE AND TIME OF INCIDENT: 10/20/2001 10:27 PM

LOCATION OF INCIDENT: 117 GRAND AVE

DEPARTMENT COMPLAINT CONTROL NUMBER: P# 01-16506

NAME OF OFFICER(S) AGAINST WHOM COMPLAINT IS BEING FILED, OR OTHER IDENTIFYING INFORMATION:

NAME: ESSAM KHALIL RANK: P.O. BADGE #: 1037

VEHICLE: CAR #9 DUTY STATUS: ON  OFF

NAME(S)/ADDRESSES(ES)/PHONE NUMBER(S) OR OTHER IDENTIFYING INFORMATION CONCERNING WITNESS(S):

DIANA MALLENDAZ 121 GRAND AVE. MIDDLETOWN, N.Y.

**STATEMENT OF ALLEGATION:**

FEELS OFFICER KHALIL WAS UNPROFESSIONAL AND DISRESPECTFUL TO HIM. (SEE ATTACHED LETTER)

I understand that this statement of complaint will be submitted to the MIDDLETOWN POLICE DEPARTMENT and may be the basis for an investigation. I declare that the facts contained herein are an accurate and true account to the best of my knowledge and belief. I further declare that this complaint is made voluntarily and without persuasion, coercion or promise of any kind.

I understand that I may be required to appear at another time to give information or to appear at a hearing to testify under oath concerning all matters relevant to this complaint.

\*\*\*False statements made in the foregoing complaint are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law. Accordingly I hereby affirm under that the foregoing statements are true under penalty of perjury.\*\*\*

DATE AND TIME: 10/21/2001 8:15 PM

[Signature]  
SIGNATURE OF COMPLAINANT  
(INSERT REFUSED IF COMPLAINANT REFUSES TO SIGN)

[Signature]  
RECEIVING OFFICER

Oct. 20, 2001

*To Chief Ogden & Mayor Joe Destafano*

*At about 10:30pm Saturday I left my home at 121 Grand Ave. to walk my dog when I noticed a man standing on the front porch of the neighboring house at 117 Grand Ave. He was knocking on a front window so I didn't pay no mind to it until seconds later I heard this man smash the window of this house. I asked the man what he was doing and if he lived there and he responded saying yes he lived there. I didn't recognize the man since it was dark out and my front porch light as well as the home next door was off making it hard to see who the man was. I walked back in my house and asked my wife to call the police to report a possible break in or burglary next door. My wife made the call and spoke to someone at dispatch and told them what had happened then she passed the phone to me and I explained to the woman what was going on, and that's when she said the police were just pulling up so go out and tell them what had taken place.*

*I walked outside and spoke to the two officers who were on the scene and gave them a rundown of what took place. I showed them the broken glass on the porch and the window that I saw the man climb through. The officers asked me to step away so they could further investigate when the man who climbed through the window came outside to speak with the officers. I then walked back in my house thinking my good deed was done. About 15 minutes later as my wife and I were watching TV the officers came knocking on my front door and shining a flashlight through my glass window. I found this to be a bit intrusive since I was the one to report the incident and now it was like I was being investigated. Without any hesitation I walked out to my front porch thinking the officers were going to let me know what had happened next door only to be talked down to and somewhat reprimanded for reporting the incident. This officer had told me that I should have known better than to report this even after the man said that he lives there and has for the past 4 months. He went on to say that my reporting this incident could have caused an accident sending police through the streets at 100 mph thinking there was a burglary in progress. All of this was said as if I was completely in the wrong and in the tone this officer said it to me was not only unprofessional but downright disrespectful! The officer proceeded to walk away without so much as allowing me to defend myself! At this point I walked towards the officer and asked for his name and badge number. The officer in question is Officer Khalil #1037 and I find him to be an obnoxious, pompous ass!*

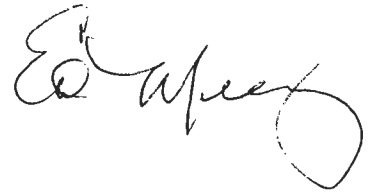
*First of all to question me about reporting an incident where I come across someone in the dark smashing a window and climbing through it, regardless if he tells me he lives there a travesty to my right to protect not only my home but the homes of all those in the neighborhood! How am I suppose to know this man is my neighbor in the dark! There were no lights on throughout this house and especially this time of night, who's to say this man wasn't an estranged husband breaking in to start a fight with his wife etc... there are so many scenarios of what was taking place but this officer can only think of chastizing me about my decision to report what I thought was the right thing to do! The Police Dept. and City Hall want the community to get involved in Watch Groups to serve our own community but yet when we get involved we're confronted by rude, arrogant young men with a badge and a gun who think they are above the law and think they can speak to people any way they choose to! Is this the best Middletown has to offer it's tax paying citizens! I was born and raised in Middletown and have lived here all my life and God willing I'll*



***raise my children here but it's sad to see how some officers take their oath of " To Protect and Serve" and turn it around to " I'm the law and what you have to say just don't matter!!!"***

***I'd like to file this formal complaint against Officer Khalil and his partner for not stepping in to let Officer Khalil know what he just did was completely wrong and unacceptable as well as unprofessional! I demand an apology from this officer and the Police Chief and Mayor of Middletown to acknowledge this complaint! I'd would hate to have to take this to the press to let them know that in these trying times since the tragedy of Sept. 11th that I had witnessed because I work down in NYC, we as Americans have been asked to help and protect our country that in the process of doing just that I find myself ridiculed by an officer who thinks what I have to say just isn't important!***

***A Very Angered Resident of Middletown  
Edwin Melendez***

A handwritten signature in black ink, appearing to read "Edwin Melendez". The signature is written in a cursive style with a large, looping flourish at the end.

**SUPPLEMENTARY REPORT**

**MIDDLETOWN POLICE DEPARTMENT**

1. EVIDENCE NUMBER		2. ARREST NUMBER		3. COMPLAINT CONTROL NO.	
4. NAME OF COMPLAINANT, VICTIM OR ARRESTEE			5. DATE OF THIS REPORT 10/24/01		6. DATE OF ORIGINAL REPORT
7. <input type="checkbox"/> FORM USED AS A CONTINUATION SHEET FOR CURRENT REPORT		8. <input checked="" type="checkbox"/> FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION		9. TYPE OF REPORT <input type="checkbox"/> OFFENSE <input type="checkbox"/> VEHICLE <input type="checkbox"/> ARREST <input checked="" type="checkbox"/> OTHER	
10. OFFENSE, CHARGE OR INCIDENT ON ORIGINAL REPORT			11. CORRECT OFFENSE OR INCIDENT CLASSIFICATION CHANGED <input type="checkbox"/> YES <input type="checkbox"/> NO		12. MULTIPLE CLEARANCE (LIST OTHER COMP. NOS. IN NARRATIVE) <input type="checkbox"/> YES <input type="checkbox"/> NO
13. NARRATIVE					

ON 10/20/01 AT APPROXIMATELY 2230 HRS R/O AND OFFICER KHALIL WERE WERE DISPATCHED BY 619 FOR A POSSIBLE BURGLARY IN PROGRESS AT 121 GRAND AVE. R/O AND OFFICER KHALIL ARRIVED AT SCENE WHERE WE MET WITH THE CALLER ON THE FRONT PORCH OF 121 GRAND AVE. WHO STATED TO R/O THAT THERE WAS SOMEONE WHO BROKE INTO THE HOUSE NEXT DOOR. CALLER'S HUSBAND CAME OUT OF 121 GRAND AVE. AND BROUGHT NEXT DOOR WHERE HE POINTED OUT THAT THERE WAS BROKEN GLASS ON THE PORCH OF 117 GRAND AVE.. R/O AND OFFICER KHALIL APPROACHED 117 GRAND AVE AND THE RESIDENT OF 117 GRAND AVE. CAME OUT OF THE RESIDENCE. R/O AND OFFICER KHALIL INTERVIEWED THE RESIDENT WHO BECAME KNOWN TO US AS A MARVIN GARCIA. MR. GARCIA WAS IN FACT THE RESIDENT OF 117 GRAND AVE.. GARCIA STATED THAT HE LOCKED HIMSELF OUT AND THAT WHEN HE TRIED TO OPEN THE WINDOW IT BROKE. GARCIA STATES THAT HE HAS LIVED AT THAT ADDRESS FOR APPROXIMATELY FOUR MONTHS AND THAT HE HAS HAD CONTACT WITH THE NEIGHBORS AT 121 GRAND AVE. ON SEVERAL OCCASIONS.

R/O AND OFFICER KHALIL RETURNED TO 121 GRAND AVE. AND SPOKE WITH THE CALLER'S HUSBAND, AN EDWIN MELENDEZ, WHO EXPLAINED THAT WHEN HE WAS OUT WALKING THE DOG HE SAW MR. GARCIA ON THE PORCH OF 117 GRAND AVE. AND HEARD GLASS BREAK. MELENDEZ STATES THAT HE APPROACHED GARCIA ABOUT THE BROKEN GLASS.

R/O AND OFFICER KHALIL ADVISED MELENDEZ THAT IT WAS IN FACT HIS NEIGHBOR WHO HAD ENTERED 117 GRAND AVE. AND THAT IT WAS PROPER FOR HIM TO CALL THE POLICE IF THERE IS A PROBLEM BUT THAT IF HE WAS AWARE THAT IT WAS HIS NEIGHBOR ENTERING HIS OWN HOUSE THAT HE SHOULD HAVE REPORTED IT AS SUCH AND NOT AS AN UNKOWN PARTY BREAKING INTO A HOUSE. AT THIS TIME MELENDEZ BEGAN TO DISPLAY AGITATED BEHAVIOR. OFFICER KHALIL THEN TOLD MELENDEZ TO HAVE A GOOD NIGHT AND BEGAN TO WALK TOWARDS OUR PATROL UNIT. I THEN ALSO TOLD MELENDEZ TO HAVE A GOOD NIGHT AND BEGAN TO RETURN TO PATROL UNIT. MELENDEZ FOLLOWED AND ASKED FOR OUR NAMES AND SHIELD NUMBERS WHICH WERE GIVEN TO MELENDEZ. END OF REPORT.

14. REPORTING OFFICER'S SIGNATURE <i>P.O. Paul Weisinger</i>		SHIELD NO. 1073		17. CASE STATUS - STATUS MUST BE INDICATED FOR ALL CASES <input type="checkbox"/> OPEN (PENDING) <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED		
15. 2ND OFFICER'S SIGNATURE		SHIELD NO.		18. CASE DISPOSITION - DISPOSITION MAY BE INDICATED AS APPROPRIATE <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> CLEARED EXCEP.		
16. APPROVING SUPERVISOR'S SIGNATURE		DATE APPROVED		19. UCR DISPOSITION		20. REVIEWER
				21. PAGE		PAGES OF

22. COMPLAINT CONTROL NUMBER

**SUPPLEMENTARY REPORT**

**MIDDLETOWN POLICE DEPARTMENT**

1. EVIDENCE NUMBER		2. ARREST NUMBER		3. COMPLAINT CONTROL NO. <b>01-16506</b>	
4. NAME OF COMPLAINANT, VICTIM OR ARRESTEE <b>Melendez, Edwin</b>			5. DATE OF THIS REPORT <b>10-23-01</b>		6. DATE OF ORIGINAL REPORT <b>10-20-01</b>
7. FORM USED AS A CONTINUATION SHEET FOR CURRENT REPORT <input type="checkbox"/>		8. FORM USED TO REPORT FOLLOWUP INVESTIGATION OR SUPPLEMENTAL INFORMATION <input type="checkbox"/>		9. TYPE OF REPORT <input type="checkbox"/> OFFENSE <input type="checkbox"/> VEHICLE <input type="checkbox"/> ARREST <input checked="" type="checkbox"/> OTHER <span style="float: right;"><b>supplement</b></span>	
10. OFFENSE, CHARGE OR INCIDENT ON ORIGINAL REPORT			11. CORRECT OFFENSE OR INCIDENT CLASSIFICATION CHANGED <input type="checkbox"/> YES		12. MULTIPLE CLEARANCE (LIST OTHER COMP. NOS. IN NARRATIVE) <input type="checkbox"/> YES <input type="checkbox"/> NO
13. NARRATIVE					

ON 10-20-01 AT ABOUT 10:30 PM R/O AND PO WEISSINGER WERE DISPATCHED TO A BURGLARY IN PROGRESS AT 121 GRAND AVE. UPON ARRIVAL R/O SPOKE WITH EDWIN MELENDEZ WHO STATED THAT AN UNKNOWN SUSPECT HAD SMASHED THE WINDOW OF 117 GRAND AVE. AND IS INSIDE THE RESIDENCE. EDWIN THEN SHOWED R/O AND PO WEISSINGER THE BROKEN WINDOW. AT THE SAME TIME THE RESIDENT OF 117 (MARVIN GARCIA) CAME OUT OF THE RESIDENCE, EDWIN THEN LEFT.

MARVIN STATED THAT HE HAD LOCKED HIMSELF OUT OF HIS HOUSE AND AS HE WAS ATTEMPTING TO OPEN THE WINDOW IT BROKE. MARVIN STATED THAT EDWIN THEN WALKED UP TO HIM AND STATED THAT " I DO NOT CARE IF YOU LIVE HERE OR NOT, DO NOT BREAK THE WINDOW LIKE THIS". MARVIN STATED THAT HE AND EDWIN GOT INTO A VERBAL ARGUMENT BEFORE HE (EDWIN) RAN INTO 121 GRAND AVE.

MARVIN STATED THAT HE HAD LIVED AT 117 GRAND AVE. FOR THE PAST FOUR MONTH IN WHICH HE HAD MANY CONVERSATIONS WITH EDWIN AND WAS FAMILIAR WITH HIS PHYSICAL APPEARANCE. MARVIN ALSO STATED THAT EDWIN KNEW WHO HE WAS.

R/O THEN WENT TO 121 GRAND AVE. AND ADVISED EDWIN OF WHAT MARVIN TOLD R/O. R/O ALSO ADVISED EDWIN THAT IF HE HAS A PROBLEM WITH THE NEIGHBOR BREAKING HIS OWN WINDOW IT IS OK TO CALL THE POLICE BUT IT IS NOT OK TO REPORT THE MATTER AS A BURGLARY IN PROGRESS.

EDWIN KEPT INTERRUPTING R/O AS HE WAS EXPLAINING THE SITUATION. EDWIN WAS ALSO GETTING LOUD AND YELLING AT R/O. AT THIS POINT R/O ADVISED EDWIN THAT IF THIS ACTION IS REPEATED THAT HE WILL BE PLACED UNDER ARREST FOR FALSELY REPORTING AN INCIDENT. TO AVOID FURTHER CONFRONTATION R/O TOLD EDWIN TO HAVE A NICE NIGHT AND PROCEEDED TO WALK TOWARDS UNIT # 9. AS R/O AND PO WEISSINGER WERE WALKING TOWARDS THE VEHICLE EDWIN CHASED R/O AND ASKED FOR R/O'S NAME AND BADGE #. EDWIN WAS GIVEN THE INFO HE REQUESTED.

121 GRAND AVE. AND 117 GRAND AVE. ARE ADJACENT BUILDINGS WITH A DRIVEWAY IN-BETWEEN. 119 GRAND AVE. DOES NOT EXIST. THE FRONT PORCH OF 117 GRAND AVE. HAD MEDIUM LIGHTING.

14. REPORTING OFFICER'S SIGNATURE <b>E. K. H.</b>		SHIELD NO. <b>1037</b>		17. CASE STATUS - STATUS MUST BE INDICATED FOR ALL CASES <input type="checkbox"/> OPEN (PENDING) <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED		
15. 2ND OFFICER'S SIGNATURE		SHIELD NO.		18. CASE DISPOSITION - DISPOSITION MAY BE INDICATED AS APPROPRIATE <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> CLEARED EXCEP.		
16. APPROVING SUPERVISOR'S SIGNATURE		DATE APPROVED		19. UCR DISPOSITION	20. REVIEWER	21. PAGE OF PAGES OF

CONTROL NUMBER