



CITY OF MIDDLETOWN POLICE DEPARTMENT

2 James street Middletown, NY 10940
(845) 343-3151 FAX (845) 343-2660



Intra Agency

Memo

To: Chief Bethencourt

From: Lt Ewanciw

Date: March 23, 2012

Re: Injury to Defendant Kyle Miller, Blotter # 12-7278

On Monday March 19, 2012 at approximately 2:25pm, Officer Slanovec and Gallagher were dispatched to the area of 215 Wickham Ave., for a report of a man sleeping in the parking lot of that location (12-7278). Upon arrival Officers located Kyle Miller sleeping in said parking lot and requested an ambulance for him. Officers were advised by Miller's sister, Amanda, that Miller has a history of drug abuse. Miller refused medical treatment and began yelling profanities and attempted to cross the street nearly being struck by two passing cars. After being warned several times, by the Officers, to stop yelling or he would be arrested, Miller continued yelling and entered the Sunoco gas station located at 210 Wickham Ave. Officers followed Miller inside and as Officer Slanovec attempted to take Miller into custody for Disorderly Conduct, Miller pulled away from him, resisting said arrest. Officer Slanovec then took Miller to the ground with a strong arm take down, which also caused Officer Slanovec to fall to the ground. After a brief struggle Officers were able to secure Miller. Miller was charged with Disorderly Conduct and Resisting arrest.

As a result of this incident Miller sustained minor abrasions to his forehead, both biceps, and both knees, which appeared to be consistent with rug burn. Miller was offered medical attention, however he refused. During Sgt. Tobin's Supervisors Investigation he observed a carpet in the area that this incident occurred, which could account for the rug burn type injuries. Nonetheless I believe said injuries are a direct result of Millers intentional actions to avoid arrest, and could have been prevented only with Miller's cooperation.

Neither Officer Slanovec nor Officer Gallagher sustained any reported injury as a result of this incident. In reviewing this incident I do not find any violations of our Departmental Policies, nor do I find any evidence of excessive force being used against Miller. I believe that the Officers had reasonable suspicion to interview Miller and due to his intentional actions he (Miller) provided the Officers with probable cause to make an arrest. Based on the facts provided in the reports related to this incident I am classifying this investigation as "Closed".

Respectfully Submitted


Lieutenant John Ewanciw
Bureau Commander of Operations



CITY OF MIDDLETOWN POLICE DEPARTMENT

Memo

To: Lt. Ewanciw

From: Sgt Tobin 

Date: 03/21/2012

On March 19, 2012, at approximately 2:25pm, Officer Slanovec and Officer Gallagher responded to the area of 215 Wickham Ave for a report of a man sleeping in the parking lot of that location. After arriving on scene, Officer Slanovec observed the subject, later identified as Kyle Miller, sleeping in the parking lot. Subsequently, Officer Slanovec requested an ambulance respond. Miller's sister, Amanda Miller, was interviewed on scene and stated that her brother had a history of using drugs. Kyle Miller refused to be treated by the ambulance and according to reports, Miller began to yell profanities and attempted to cross the street, almost getting struck by two cars. Again, Miller began to yell profanities. At this time, the defendant was warned to stop yelling profanities. Miller then entered the Sunoco gas station at 210 Wickham Ave and continued his behavior. As Officer Slanovec attempted to place Miller in hand restraints, he refused to comply. Officer Slanovec used a strong arm take down to place Miller on the ground and eventually was able to place him into hand restraints with the assistance of Officer Gallagher. Officer Slanovec verbally told me that when he took Miller to the ground a candy rack was knocked over onto the floor. Miller was charged with Disorderly Conduct and Resisting arrest.

As a result of the use of force, Miller sustained a small abrasion to his forehead and abrasions to his bicep area on both arms which appeared to be consistent with rug burn. Miller also sustained two small abrasion to each of his knees.

At 370 I asked Miller if he needed any medical attention and he refused. Photographs were taken of his injuries and they were placed into evidence. Miller was not cooperative when asking him details about the incident.

I secured a written statement from both Officer Gallagher and Officer Slanovec. Officer Gallagher's account of what had occurred only differs in that he states that Miller pulled away from Officer Slanovec which caused both Miller and Officer Slanovec to fall to the ground. It is possible that Officer Gallagher's vantage point in observing the incident caused him to believe that is what occurred, rather than Officer Slanovec's account that he used a strong arm take down.

On March 18, 2012, I responded to 210 Wickham Ave, the Sunoco gas station in an attempt to photograph the area that the incident occurred. When taking the photographs, I observed candy racks in the middle of the area and was told by a store employee that they were the racks that were knocked over, though that employee was not on duty at the time of the incident. I also observed a carpet that was lying on the ground behind the candy racks which could account for the burn type injuries on Miller's biceps. These photographs were taken and placed into evidence.

After completing the investigation, it is apparent that this was a call for assistance that Officer Slanovec and Officer Gallagher responded to rather than an officer initiated incident. It was only Kyle Miller's actions after the police arrived that solicited the need to arrest him. Officer Slanovec and Officer Gallagher made every attempt to ensure Miller was safe by both requesting an ambulance and preventing him from being struck by a car. Officer Slanovec took appropriate actions by warning Miller that he would be arrested. When the arrest was made, Officer Slanovec met resistance which caused him to use force against Miller.

The injuries sustained by Miller were minor and did not warrant medical treatment. The use of force was appropriate in this incident. It was noted that the written reports of Officer Slanovec and Gallagher differed slightly. It was also noted that the verbal statement that a candy rack was knocked over, which could have contributed to the abrasion to Miller's head was not included in the written reports of Officer Slanovec or Officer Gallagher. It is recommended that in the future the report be as accurate as the verbal account of the incident.

7. Respon. Day: Mon 8. Date: Mar 19 2012 9. Report Time: 14:25 Occurred On/From: Mon Mar 19 2012 12. Time: 14:25 Occurred On/To: Mon Mar 19 2012 15. Time: 14:25

16. Incident Type: MEDICAL AIDED 17. Business Name: 18. Weapon(s):

19. Incident Address(Street No.,Street Name,Bldg. No.,Apt. No.): 215 WICKHAM AVE 20. City,State,Zip(C T V): MIDDLETOWN 21. Location Code: 3601

22. OFF. NO.	LAW	SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE	CTS	23. No. of Victims
1	PL	205.30	-	A	M		O	RESISTING ARREST	1	
2	PL	240.20	-2				O	DISORDERLY CONDUCT	1	24. No. of Suspects: 1
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

TYPE/NO	NAME(LAST,FIRST,MIDDLE,TITLE)	Date of Birth	STREET NO.,STREET NAME,BLDG.NO.,APT.NO.,CITY,STATE,ZIP	Telephone No.
CA	KATE,			BUS () RES. (845) 649-0712
				BUS RES.
				BUS RES.
				BUS RES.

27. Date of Birth: / / 28. Age: 29. Sex: M F U 30. Race: White Black Other Indian Asian Unk. 31. Ethnic: Hispanic Unk. Non-Hispanic 32. Handicap: Yes No 33. Residence Status: Resident Tourist Commuter Military 34. Temp. Res.-Foreign Nat.: Student Other Homeless Unk/Not Indicated

34. Victim DID receive information on Victim's Rights and Services pursuant to New York State Law Yes No

35. Type/No: AR 36. Name(Last,First,Middle): MILLER, KYLE R 37. Alias/Nickname/Maiden Name(Last,First,Middle): 38. Apparent Condition: Impaired Drugs Mental Dis Unk. Impaired Alco Inj/Ill App Norm.

39. Address(Street No.,Street Name,Bldg.,No., City.,State,Zip): 40. Phone Res: Bus.: 41. Social Security No.:

42. Date of Birth: 43. Age: 44. Sex: M F U 45. Race: White Black Other Indian Asian Unk. 46. Ethnic: Hispanic Unk. Non-Hispanic 47. Skin: Light Dark Unk. Medium Other 48. Occupation:

49. Height: 5 10 50. Weight: 210 51. Hair: BRO 52. Eyes: BRO 53. Glasses: Yes No Contacts. 54. Build: Small Medium Large 55. Employer/School: NONE 56. Address:

57. Scars/Marks/Tattoos(Describe): SKULL LEFT ARM 58. Misc.:

59. Victim or Suspect No.	Property Status	Property Type	Quantity/Measure	Make or Drug Type	Model	Serial No.	Description	Value
		49	1.000				DIGITAL MEMORY CARD	1.00

60. Vehicle Status	61. License Plate No	62. State	63. Exp. Yr.	64. Plate Type	65. Value
					1.00

66. Veh. Yr. 67. Make 68. Model 69. Style 70. VIN.

71. Color(s) 72. Towed By: To: 73. Vehicle Notes

74. ON THE ABOVE DATE AND TIME OFFICERS RESPONDED TO THE ABOVE LOCATION FOR A REPORT OF A MAN SLEEPING IN THE PARKING LOT. UPON ARRIVAL OFFICERS SPOTTED THE DEFENDANT SLEEPING IN THE PARKING LOT. OFFICERS THEN HAD MOBILE LIFE RESPOND TO THE ABOVE LOCATION FOR AN EVALUATION. THE DEFENDANT THEN REFUSED MEDICAL ATTENTION. THE DEFENDANT INFORMED OFFICERS THAT HE HAD NOT SLEPT IN SEVERAL DAYS AND THAT HE HAD NO MEDICAL ISSUES.

THE DEFENDANT THEN BEGAN YELLING PROFANITIES (UNREASONABLE NOISE) AT OFFICERS AND SEVERAL PEDESTRIANS IN THE PARKING LOT.

THE DEFENDANT THEN CROSSED THE STREET ALMOST GETTING HIT BY TWO UNKNOWN

75. Inquiries(Check all that apply): M.V. Want/Warrant Scofflaw Other Crim. History Stolen Property

76. NYSPIN Message No. 77. Complainant Signature

78. Reporting Officer's Signature(include Rank): 79. ID No: 1180 PO SLANOVEC 80. Supervisor's Signature(include Rank) 81. ID No:

82. Status: Open Closed(if Closed, check box below) Unfounded Vict. Refused to Coop. Arrest Pros. Declined Warrant Advised CBI Juv. - No Custody Arrest-Juv. Offender Dead. Extrad. Declin Unknown

83. Status Date: Mar 19 2012 84. Notified/TOT:

INCIDENT No. : CM-01621-12

BLOTTER/CC No. : CM-007278-12

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ADDITIONAL NARRATIVE

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VEHICLE'S (OBSTRUCTING VEHICULAR TRAFFIC). BOTH VEHICLE'S HAD TO AGGRESSIVELY APPLY BRAKES TO AVOID STRIKING THE DEFENDANT.

THE DEFENDANT THEN BEGAN SCREAMING PROFANITIES AT SUNOCO GAS CUSTOMERS. R/O ADVISED THE DEFENDANT SEVERAL TIMES THAT IF HE CONTINUED MAKING UNREASONABLE NOISE THAT HE WOULD BE ARRESTED. THE DEFENDANT THEN ENTERED THE SUNOCO GAS STATION AND CONTINUED SAME.

THE DEFENDANT THEN REFUSED TO BE PLACED IN TEMPORARY HAND RESTRAINTS DESPITE NUMEROUS REQUESTS MADE BY R/O.

R/O TOOK THE DEFENDANT TO THE GROUND USING A STRONG ARM TAKE DOWN. AFTER A BRIEF STRUGGLE OFFICERS WERE ABLE TO FORCE THE DEFENDANTS HAND INTO THE AFORESAID HAND RESTRAINTS.

THE DEFENDANT WAS THEN CHARGED WITH PL 240.20-2 AND PL 205.30 TAKEN TO 370 BOOKED AND PROCESSED. □

R/O COMPLETED A USE OF FORCE FORM AND SUBMITTED SAME WITH THIS REPORT.

THE DEFENDANT WAS UNCOOPERATIVE (NO DEBRIEFING).

NO FURTHER INFORMATION TO REPORT AT THIS TIME.

Narrative #: 1

Officer Rank/Name: PO SCOTT M GALLAGHER

Department: Middletown Police Dept
DD Number :

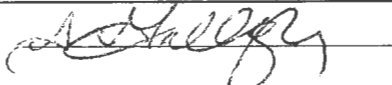
Case Number.: CM-01621-12
Blotter/CC #: CM-007278-12

*****CASE SUPPLEMENT*****

ON THE ABOVE DATE AND TIME I RESPONDED TO THE AREA OF PLANET WINGS (WICKHAM AVE) FOR A MEDICAL AIDED CALL IN REGARDS TO A MALE POSSIBLY ON NARCOTICS. UPON ARRIVAL I MADE CONTACT WITH AMANDA MILLER (SISTER). AMANDA STATED THAT HER BROTHER NEEDED MEDICAL ATTENTION. SHE STATED THAT HE HAS HAD A DRUG HISTORY. I ATTEMPTED TO SPEAK TO KYLE MILLER (DEFENDANT). KLYE APPEARED TO BE UNDER THE INFLUENCE OF A NARCOTIC. HE STARTED TO NOD OFF AND COULD NOT COMPLETE A SENTENCE. I THEN RADIOED FOR MOBILE LIFE.

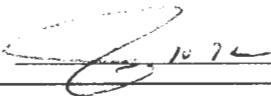
MOBILE LIFE THE ARRIVED ON SCENE. KYLE REFUSED MEDICAL ATTENTION DESPITE REQUESTS FROM MOBILE LIFE AND HIS SISTER. KYLE THEN STATED THAT HE WOULD LET HIS SISTER DRIVE HIM TO ORMC. HE THEN WALKED OVER TO THE VEHICLE. KYLE THEN WALKED TOWARDS WICKHAM AVE IN AN ATTEMPT TO CROSS THE STREET. KYLE STARTED TO SWAY BACK AND FORTH WHILE HIS KNEES WERE BUCKELED. KYLE WAS ALMOST STRUCK BY A VEHICLE. OFFICERS THEN HAD KYLE COME BACK ON THE SIDE WALK. KYLE BECAME ANGRY AND STARTED TO YELL AT PO SLANOVEC. KYLE THEN CROSSED THE STREET AND STARTED TO YELL IN THE SUNOCO PARKING LOT CAUSING CUSTOMERS AND MIDDLE SCHOOL STUDENT TO BECOME ALARMED. PO SLANOVEC THEN CROSSED THE ST TO PLACE KYLE UNDER ARREST FOR DISORDERLY CONDUCT. THE DEFENDANT THEN ENTERED THE SUNOCO GAS STATION. I THEN SECURED BOTH PATROL CARS AND WENT TO ASSIST PO SLANOVEC. AS I ENTERED THE STORE I OBSERVED PO SLANOVEC ATTEMPTING TO PLACE THE DEFENDANT IN TO HANDCUFFS. THE DEFENDANT PULLED AWAY WHICH CAUSED PO SLANOVEC AS WELL AS THE DEFENDANT TO FALL TO THE GROUND. THE DEFENDANT CONTINUED TO PULL HIS ARMS AWAY TO AVOID BEING HANDCUFFED. I THEN ASSISTED IN PLACING THE DEFENDANT INTO HANDCUFFS. I THEN TRANSPORTED THE DEFENDANT TO HEADQUARTERS TO BE BOOKED AND PROCESSED. THE DEFENDANT SUSTAINED SMALL SCRATCHES AND WHAT APPEARS TO BE A RUG BURN ON HIS RIGHT ARM. THE DEFENDANT WAS THEN BROUGHT TO COURT. HE WAS GIVEN BAIL IN THE AMOUNT OF FIFTEEN HUNDRED DOLLARS. HE WAS THEN PLACED INTO A CELL. AT APPROXIMATELY 4:20 PM THE DEFENDANT WAS TURNED OVER TO THE OCSO WITHOUT INCIDENT.

Signature



D.O.:

Sqd. Superv.:



C.O.:

MEMO

TO: SGT TOBIN
FROM: P.O. SLANOVEC, FRED 1180
DATE: 03/20/2012
TIME: 1600 HRS

ON THE ABOVE DATE AND TIME I RESPONDED TO THE ABOVE LOCATION FOR A REPORT OF A MAN SLEEPING IN THE PARKING LOT. UPON ARRIVAL I SPOTTED THE DEFENDANT SLEEPING IN THE PARKING LOT. I THEN HAD MOBILE LIFE RESPOND TO THE ABOVE LOCATION FOR AN EVALUATION. THE DEFENDANT THEN REFUSED MEDICAL ATTENTION. THE DEFENDANT INFORMED ME THAT HE HAD NOT SLEPT IN SEVERAL DAYS AND THAT HE HAD NO MEDICAL ISSUES.

THE DEFENDANT THEN BEGAN YELLING PROFANITIES (UNREASONABLE NOISE) AT OFFICERS AND SEVERAL PEDESTRIANS IN THE PARKING LOT.

THE DEFENDANT THEN CROSSED THE STREET ALMOST GETTING HIT BY TWO UNKNOWN VEHICLE'S (OBSTRUCTING VEHICULAR TRAFFIC). BOTH VEHICLE'S HAD TO AGGRESSIVELY APPLY BRAKES TO AVOID STRIKING THE DEFENDANT.

THE DEFENDANT THEN BEGAN SCREAMING PROFANITIES AT SUNOCO GAS CUSTOMERS. I ADVISED THE DEFENDANT SEVERAL TIMES THAT IF HE CONTINUED MAKING UNREASONABLE NOISE THAT HE WOULD BE ARRESTED. THE DEFENDANT THEN ENTERED THE SUNOCO GAS STATION AND CONTINUED SAME.

THE DEFENDANT THEN REFUSED TO BE PLACED IN TEMPORARY HAND RESTRAINTS DESPITE NUMEROUS REQUESTS MADE BY R/O.

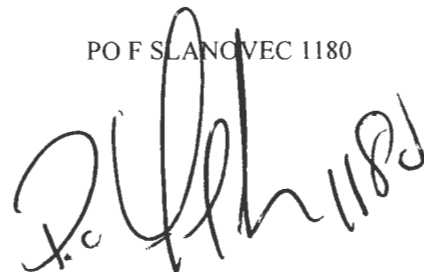
I TOOK THE DEFENDANT TO THE GROUND USING A STRONG ARM TAKE DOWN. AFTER A BRIEF STRUGGLE OFFICERS WERE ABLE TO FORCE THE DEFENDANTS HAND INTO THE AFORESAID HAND RESTRAINTS.

THE DEFENDANT WAS THEN CHARGED WITH PL 240.20-2 AND PL 205.30 TAKEN TO 370 BOOKED AND PROCESSED.

THE DEFENDANT WAS UNCOOPERATIVE (NO DEBRIEFING).

NO FURTHER INFORMATION TO REPORT AT THIS TIME.

PO F SLANOVEC 1180

A handwritten signature in black ink, appearing to read "F. Slanovec 1180", is written over the typed name. The signature is stylized and cursive.

STATE OF NEW YORK :

DATE: 03/19/2012

COUNTY OF ORANGE : ss

TIME: 4:40 PM

CITY OF MIDDLETOWN:

CASE 12-7278

I, SCOTT GALLAGHER BEING DULY SWORN, DEPOSES AND SAY THAT I AM YEARS OF AGE DOB AND I RESIDE 2 JAMES ST, MIDDLETOWN NY, 10940 AND I GIVE THIS STATEMENT TO SERGEANT TOBIN OF THE MIDDLETOWN NEW YORK POLICE DEPARTMENT, and that

ON THE ABOVE DATE AND TIME I RESPONDED TO THE AREA OF PLANET WINGS (WICKHAM AVE) FOR A MEDICAL AIDED CALL IN REGARDS TO A MALE POSSIBLY ON NARCOTICS. UPON ARRIVAL I MADE CONTACT WITH AMANDA MILLER (SISTER). AMANDA STATED THAT HER BROTHER NEEDED MEDICAL ATTENTION. SHE STATED THAT HE HAS HAD A DRUG HISTORY. I ATTEMPTED TO SPEAK TO KYLE MILLER (DEFENDANT). KLYE APPEARED TO BE UNDER THE INFLUENCE OF A NARCOTIC. HE STARTED TO NOD OFF AND COULD NOT COMPLETE A SENTENCE. I THEN RADIOED FOR MOBILE LIFE.

MOBILE LIFE THE ARRIVED ON SCENE. KYLE REFUSED MEDICAL ATTENTION DESPITE REQUESTS FROM MOBILE LIFE AND HIS SISTER. KYLE THEN STATED THAT HE WOULD LET HIS SISTER DRIVE HIM TO ORMC. HE THEN WALKED OVER TO THE VEHICLE. KYLE THEN WALKED TOWARDS WICKHAM AVE IN AN ATTEMPT TO CROSS THE STREET. KYLE STARTED TO SWAY BACK AND FORTH WHILE HIS KNEES WERE BUCKELED. KYLE WAS ALMOST STRUCK BY A VEHICLE. OFFICERS THEN HAD KYLE COME BACK ON THE SIDE WALK. KYLE BECAME ANGRY AND STARTED TO YELL AT PO SLANOVEC. KYLE THEN CROSSED THE STREET AND STARTED TO YELL IN THE SUNOCO PARKING LOT CAUSING CUSTOMERS AND MIDDLE SCHOOL STUDENT TO BECOME ALARMED. PO SLANOVEC THEN CROSSED THE ST TO PLACE KYLE UNDER ARREST FOR DISORDERLY CONDUCT. THE DEFENDANT THEN ENTERED THE SUNOCO GAS STATION. I THEN SECURED BOTH PATROL CARS AND WENT TO ASSIST PO SLANOVEC. AS I ENTERED THE STORE I OBSERVED PO SLANOVEC ATTEMPTING TO PLACE THE DEFENDANT IN TO HANDCUFFS. THE DEFENDANT PULLED AWAY WHICH CAUSED PO SLANOVEC AS WELL AS THE DEFENDANT TO FALL TO THE GROUND. THE DEFENDANT CONTINUED TO PULL HIS ARMS AWAY TO AVOID BEING HANDCUFFED. I THEN ASSISTED IN PLACING THE DEFENDANT INTO HANDCUFFS. I THEN TRANSPORTED THE DEFENDANT TO HEADQUARTERS TO BE BOOKED AND PROCESSED. THE DEFENDANT SUSTAINED SMALL SCRATCHES AND WHAT APPEARS TO BE A RUG BURN ON HIS RIGHT ARM. THE DEFENDANT WAS THEN BROUGHT TO COURT. HE WAS GIVEN BAIL IN THE AMOUNT OF FIFTEEN HUNDRED DOLLARS. HE WAS THEN PLACED INTO A CELL. AT APPROXIMATELY 4:20 PM THE DEFENDANT WAS TURNED OVER TO THE OCSO WITHOUT INCIDENT.

I have read this statement consisting of ONE page(s) and I swear it to be the truth to the best of my recollection and knowledge.

Sworn to before me this 8TH Day
Of MAY, 2009.

Note: False statements made herein are punishable as a Class "A" misdemeanor pursuant to section 210.45 of the New York State Penal Law.

Notary Public


SIGNED

CITY OF MIDDLETOWN POLICE DEPARTMENT



SUBJECT RESISTANCE REPORT

Incident #: 12-7278 Case #: 12-1621 Arrest #: 12-894

Date: 3/19/12 Time: 2:35 AM/PM Day of Week: Monday

Address of Incident: 215 Wickham ave, Middletown ny 10940

Type of Premise: Parking lot/gas station Took Place: Inside Outside Both

Name of Subject Resisting: Miller, Kyle, R Gender: Male Female

Height: 5 ft ' 10 in Weight: 210 lbs

Condition of Subject: App. Normal Impaired Alco Impaired Drugs EDP Inj/III

Subject Arrested: Yes No If "YES", Charge(s): PL 205.304 PL 240.20-2

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

Subject Injured PRIOR to Police Involvement: Yes No

If "YES" Nature of Injuries: _____

Medical Attention Refused: Yes No Witness: PO Slavovick, Mobile Life, Amanda Miller (sister)

Medical Facility: _____ Transported By: _____

Attending Physician: _____

Less Lethal Force Used: Yes No

<u>Type</u>	<u>Effective</u>
<input type="checkbox"/> OC Spray	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Baton	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Taser	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Impact Projectile	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/> Other: <u>Self hand tactics</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Officer Being Resisted - Rank: PO Name: Halligan Shield #: 1225

Officer Assaulted: Yes No Officer Injured: Yes No

Nature of Officer's Injury: _____

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

Transported By: _____ Attending Physician: _____

Evidence Tech Work: Yes No Type: Photos Diagram Other: _____

<u>Names of Police Officers Present:</u>	<u>Car #</u>	<u>Injured</u>
<u>PO Slavovick</u>	<u>8</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

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

on the above date, time & location the offender resisted arrest while PO Slavovick attempted to place him in handcuffs for the charge of P.1 240 20-2. The defendant pulled his hands away to avoid being handcuffed. The defendant and PO Slavovick then fell to the ground. R/O then assisted in placing the defendant into handcuffs.

[Signature] 3/28/12 _____ _____ _____
 Officer's Signature Date Supervisor Shield # Date



SUBJECT RESISTANCE REPORT

Incident #: 12-7278 Case #: 12-1102 Arrest #: 12-894

Date: 3-19-2012 Time: 2:25 AM/PM AM Day of Week: TUESDAY

Address of Incident: 25 WICKHAM AVE MIDDLETOWN NY 10940

Type of Premise: Parking Lot / GAS STATION Took Place: Inside Outside Both

Name of Subject Resisting: MAUER, KYLE R Gender: Male Female

[Redacted] Height: 5 ft 10 in Weight: 210 lbs
[Redacted]

Condition of Subject: App. Normal Impaired Alco Impaired Drugs EDP Inj/III

Subject Arrested: Yes No If "YES", Charge(s): R 25.30, R 240.20.2

Subject Injured During Incident: Yes No If "YES", Nature of Injuries: _____
[Redacted]

Subject Injured PRIOR to Police Involvement: Yes No

If "YES" Nature of Injuries: _____

Medical Attention Refused: Yes No Witness: P. SLANOVEC, PO GALLAGHER, MOBILE LIFE

Medical Facility: _____ Transported By: _____

Attending Physician: _____

Less Lethal Force Used: Yes No

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

Officer Being Resisted - Rank: PO Name: SLANOVEC Shield #: 1150

Officer Assaulted: Yes No Officer Injured: Yes No

Nature of Officer's Injury: _____

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

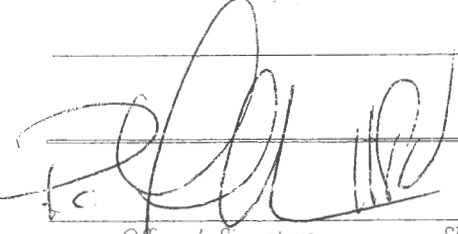
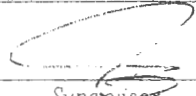
Transported By: _____ Attending Physician: _____

Evidence Tech Work: Yes No Type: Photos Diagram Other: _____

<u>Names of Police Officers Present:</u>	<u>Car #</u>	<u>Injured</u>
<u>P.O. GALLAGHER</u>	<u>5</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

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

ON THE ABOVE DATE, TIME, AND LOCATION OFFICER ATTEMPTED TO ARREST THE DEFENDANT FOR PC 240.200 - THE DEFENDANT REFUSED TO BE PLACED IN HAND RESTRAINTS. P/O THEN TOOK DEFENDANT TO THE GROUND USING A HAND TO HAND TAKE DOWN. AFTER A BRIEF STRUGGLE OFFICERS WERE ABLE TO FORCE THE DEFENDANT'S HANDS INTO HAND RESTRAINTS.


 Officer's Signature _____ Shield # _____ Date 3/19/12

 Supervisor _____ Shield # 1072 Date 3/19/12







