



CITY OF MIDDLETOWN POLICE DEPARTMENT

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Intra Agency

Memo

To: Chief Bethencourt

From: Lt Ewanciw

Date: November 6, 2013

**Re: Personnel Complaint MPD-II-14, Against Officers Rosen & Colletti
Refernce Improper Search & Missing Money. Blotter # 13- 30379**

On October 2nd, 2013 [Redacted] made a personnel complaint against Officers Rosen and Colletti, stemming from an interaction with said Officers, earlier on said date in the parking lot of then CVS Pharmacy on East Main St. Lt Schuh took this complaint from [Redacted] and conducted his own investigation into allegations, documenting such in a written memorandum.

At approximately 6:24pm Officers Rosen and Colletti, who were assigned to the Neighborhood Enhancement Unit, observed what they believed to be a suspicious vehicle parked and occupied by a white female subject, in the parking lot of the CVS Pharmacy on East Main St. After observing said vehicle for a period of time, with the occupant remaining in it, and believing that the occupant may have been engaging in some form of narcotics activity, the Officers approached said vehicle and conducted a field interview of the occupant, who was identified as [Redacted]. During the course of the interview it was discovered that [Redacted] had a restricted license and that she may have been operating the vehicle in violation of the restrictions. As the interview continued the Officers felt that [Redacted] was being deceptive and evasive, which lead them to believe that she was in the parking lot for narcotics related purposes. Based on their observations and beliefs the Officers requested consent to search [Redacted] and her vehicle. Officer Rosen performed the search of the vehicle, while Officer Colletti performed the search of [Redacted]. The Officers claim that [Redacted] gave verbal consent to both, however [Redacted] indicates in her complaint that she only consented to her vehicle being searched, not her person. The search of the both the vehicle and [Redacted] person yielded negative results for any illegal contraband. During the search of the vehicle Officer Rosen observed [Redacted] purse to be open on the front seat of her vehicle, with a large amount of U.S. currency in it, at which time he removed the purse and placed it on the trunk of the vehicle, in view of [Redacted]. After completing their field interview [Redacted] was sent on her way without any issues.

In [Redacted] personnel complaint she indicates that she did not consent to a search of her person and that she feels that the type of search performed on her was inappropriate. She further alleges that ten dollars was missing from her purse. In regards to the search of her person, Officer Colletti disputes [Redacted] allegations, and claims that [Redacted] verbally consented to being searched by stating "I don't have anything on me, you can check", after being questioned about possessing marijuana. As for the type of search conducted on [Redacted], she states that Officer Colletti's search made her feel uncomfortable, and she alleges that Officer Colletti lifted her shirt and bra placing her (PO Colletti's) hands inside of her bra, touching [Redacted] and then pulled open the back of her pants.

and looked inside. Officer Colletti disputes part of these allegations, and indicates that she conducted a through search, [Redacted], in search of narcotics related contraband, and in doing so she checked the waist band area of [Redacted] pants and shock out her bra, from outside of her shirt. In regards to the missing ten dollars, both Officers dispute [Redacted] allegations. Officer Rosen indicates that upon observing [Redacted] open purse containing the currency, he removed it from the vehicle and placed it on the trunk of the vehicle in view of [Redacted] and requested that she count the money in front of him to negate any allegations of missing money. [Redacted], stated "there should be like five hundred dollars there", however after counting said money she discovered that there was only \$490, at which time she jokingly asked Officer Rosen if he took her ten dollars, to which he replied "no".

On Wednesday November 6th, 2013, I followed up with [Redacted] in regards to her personnel complaint. [Redacted] claimed that she stood by her original complaint and that she had no additional facts or evidence to offer. [Redacted] remains adamant that she is missing \$10, from her purse. [Redacted] stated that she is positive that she was in possession of \$500, due to the fact that she counted her money three times while sitting in her vehicle in the parking lot, prior to the police interaction, due to the fact that she was planning on purchasing a \$500 prepaid money card. [Redacted] claims this is the reason she was seated in her vehicle while parked in the CVS parking lot. [Redacted] further stated that she has a hard time believing that a Police Officer would have take her money, but she has no other explanation for where it went. More importantly [Redacted] expressed a sincere concern for the manor in which she was searched. [Redacted] stated that the search was very invasive and shocking to her, especially when the Officer touched [Redacted]. She further stated that the search caused her to become embarrassed, as she felt as if she was being stripped of her clothing in public. [Redacted] feels that the officer's actions were inappropriate, and have scarred her, and she beleives the Officers should be held accountable for their actions and possibly retrained to prevent further incidents of inappropriate searches occurring.

In review of this incident I do not have any real evidence to support either side, thus my findings are based on the credibility of the involved parties. [Redacted] is adamant and consistent in her allegations, which I have no reason not to believe, nor do I have any founded reason not believe the detail of events outlined by Officers Rosen and Colletti. There is no dispute that [Redacted] was field interviewed while seated in her vehicle, which was parked in the CVS parking lot or that [Redacted] was personally searched by Officer Colletti, or that [Redacted] was in possession of a large sum of U.S. currency. There is also no disputing the fact that [Redacted] granted the Officers permission to search her vehicle. The discrepancies begin with whether or not [Redacted] consented to a search of her person. [Redacted] indicates that she only consented to the search of her vehicle, but Officer Colletti claims that [Redacted] verbally consented to being searched by stating "I don't have anything on me, you can check". It is possible that [Redacted] did not realize that her statement to Officer Colletti, lead Officer Colletti to believe that she was consenting to being searched. Nonetheless I have no reason not to believe that [Redacted] made this statement to Officer Colletti and it is impossible for me to prove otherwise. In regards to the type of search, the discrepancies are specific to whether or not Officer Colletti conducted the search from the outside of [Redacted] shirt or if she lifted [Redacted] shirt and bra and touched her [Redacted] while searching her. Again I have no specific reason not to believe either version of events, however given the circumstances that lead to the search [Redacted]. I do not believe that Officer Colletti had reasonable grounds to conduct such an evasive search, even if she had [Redacted] consent. In regards to the missing money, this as well is impossible to prove or disprove. Officer Rosen indicates that he purposely removed [Redacted] purse from her vehicle and requested that she count her money in an effort to avoid any allegations of missing money. I have a difficult time believing that one Officer Rosen would steal any amount of money form a subject, and two that if he did steal \$10 from [Redacted], why he would request that she count her money in front of him and bring to her attention the fact that she was missing money. Furthermore I do not see Officer Rosen jeopardizing his career over \$10, let alone any amount of money.

In conclusion I believe that Officer Rosen and Officer Colletti possessed sufficient reasonable suspicion to approach and field interview [Redacted]. However in regards to the allegations made in [Redacted] personnel complaint, I do not believe there is sufficient evidence to support said allegations. I do believe that this incident was shocking to [Redacted] as it would be to most people, who were subjected to the same set of circumstances, however the shocking factor alone is not sufficient evidence to support her allegations, therefore I am classifying this investigation as "Unsubstantiated". In regards to the scope of the search, I believe that Officer Colletti's intentions were nothing more then to conduct a through search in an effort to locate contraband, however as I have previously stated I do believe it was excessive, given the circumstances that lead to it. On October 3rd, after

reviewing this complaint, I personally discussed this issue with Officer Colletti, and explained the differences in the types of searches that are acceptable and when.

Respectfully Submitted

Lieutenant John Ewanciw
Bureau Commander of Operations