

Final Report to:

Conway, Londregan, Sheehan & Monaco

Independent Investigation of the Response
of the Stonington Police Department
on June 26, 2020

October 16, 2020



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MEMORANDUM

TO: Brian Estep, Esq.
Conway, Londregan, Sheehan & Monaco

FROM: Blum Shapiro

DATE: October 16, 2020

RE: Stonington CT Police Department

INTRODUCTION

Blum, Shapiro & Company, P.C. (“Blum”) has been engaged by Conway, Londregan, Sheehan, & Monaco to assist in rendering legal advice to its client, Town of Stonington CT (“Client”), specifically in connection with an Independent factfinding and review of police practices/response to an incident that occurred in town on June 26, 2020.

Blum is the largest regional accounting and business advisory firm based in New England. With decades of forensic investigative consulting experience, Blum utilizes the collective expertise of resources and leverages their industry experts to understand practices unique to certain business types. Blum’s Frank Rudewicz was primarily responsible for the investigation and authoring of this report.

Frank Rudewicz, Esq., CAMS

Mr. Rudewicz is Blum’s partner-in-charge of the Forensic, Litigation and Valuation Services practice. He leads a group of professionals providing forensic accounting, litigation support, investigative and business valuation services. Frank has more than 30 years of experience conducting domestic and international investigations for fraud, police misconduct, independent fact finding, forensic accounting, asset tracing and other litigation-related matters. He has appeared on *NBC Dateline* and *Forensic Files* for his investigative work and has been appointed

a Compliance and Ethics Monitor for a number of organizations within the government and environmental industries.

Frank is experienced in expert witness testimony and has testified in matters involving police practices and internal investigations. He has been appointed as the independent investigator for a number of police agencies in the Northeast involving allegations of harassment, abuse of power, racial profiling and improper police practices. Prior to joining Blum in 2019, Frank served as Principal, Counsel and Partner-in-Charge of Forensic Services at Marcum LLP. In addition, he has served as Managing Director and Special Counsel for several national accounting firms and Senior Managing Director and Counsel for an international risk consulting and investigative firm. Earlier in his career, Frank spent 14 years in law enforcement with the Hartford Police Department and Federal Bureau of Investigation Organized Crime Task Force.

SCOPE OF WORK

We were asked to conduct a fact finding regarding the circumstances surrounding the Stonington Police response and subsequent press release regarding an assault complaint that occurred at the Quality Inn on June 26, 2020. Specifically, our review of the police response is focused on the specific time period between 11:15 am and 5:00 pm on June 26, 2020. Additionally, we reviewed the circumstances surrounding the press release of July 3 regarding this incident.

METHODOLOGY

Our inquiry has consisted primarily of interviews of current police personnel, receipt and review of documents, and meetings with various individuals with knowledge of the incident. To protect confidentiality, information obtained during the course of the interviews may not be attributed to specific individuals, if it has not already been released in the public domain, but the content and summary of that information will be disclosed in this report. Additionally, if names of individuals have not already been identified publicly, this report will not reveal their identities either.

During the course of our investigation, we have attempted, where possible, to obtain corroboration of certain facts from multiple sources. Where multiple sources were not identified nor made available, an assessment of the credibility of the information was conducted.

Our specific investigative tasks have included the following:

- Interviews (some of whom had several) of:
 - Chief Darren Stewart
 - Captain Todd Olsen
 - Sgt. Keith Beebe
 - Det. Sgt. Morrison
 - Det. Greg Howard
 - Officer George Stamatien
 - Officer Brian Discordia
 - Personnel at Lawrence & Memorial Hospital
 - Dev Khambhati, Manager on duty at the Quality Inn
 - Jammel Caldwell, son of the victim, Crystal Caldwell-Boyd
 - Lauryn Dixon , girlfriend of Jammel Caldwell
 - Attorney John Strafacci¹
 - Attorney Kevin Smith²
 - New London State Attorney Michael Regan
 - New London Chapter NAACP President Jean Jordan
- Review of documents and video:
 - Incident Reports and other incident related documents provided by Stonington PD
 - Various Stonington PD policies and procedures
 - Past Stonington PD incident reports with similar circumstances
 - Copies of Video from Quality Inn

¹ At the start of this inquiry, Attorney Strafacci was contacted and explained that an opportunity for the victim, Chrystal Caldwell-Boyd to speak with investigators first was preferred. Numerous other attempts were made to arrange an interview. On the scheduled day in which her son was interviewed, Ms. Caldwell-Boyd was not feeling up to being interviewed. Attorney Strafacci, through several interviews, provided information on her behalf. As of the date of this report, Ms. Caldwell-Boyd has chosen not to be interviewed. We have reviewed and relied upon a sworn written statement that she provided to SPD on June 30, 2020.

² Attorney Smith is on record as representing Sarner and Orbay. A request to interview Sarner and Orbay was presented. As of the date of this report, Sarner and Orbay have not been interviewed.

- Stonington PD audio tape
- Media articles and citizen comments from The Day

DISCUSSION OF INCIDENT

A summary of the incident is as follows:

On June 26, 2020, at approximately 11:30 a.m., Stonington Police received two calls for service at the Quality Inn, located at 48 Whitehall Avenue in the Old Mystic section of the Town of Stonington, CT. The first caller was an employee, who was reporting that a guest at the hotel had assaulted an employee. The second caller was Philip Sarner (“Sarner”), a guest at the hotel who was reporting having been assaulted by an employee.

Officer Discordia, Sgt. Beebe, Officer Stamatien, and Sgt. Morrison all responded. Officers at the scene found Crystal Caldwell-Boyd (“Caldwell-Boyd”), an African American female employee of the Quality Inn, inside a room off the laundry room. Officer Discordia noted that Caldwell-Boyd had swelling to her right eye, and she was holding a bag of ice on it. Caldwell-Boyd told Officer Discordia that she was “jumped”, kicked and punched, by two guests.

Caldwell-Boyd said the male who had assaulted her was staying in room 128, and had called the front desk, irate, because there was no hot water in his room. Caldwell-Boyd said the man was yelling racial epithets at her and very disrespectful. Due to her injuries, Caldwell-Boyd was transported by ambulance to Pequot Medical Center for treatment.

Officers were made aware that the guests involved in the disturbance were leaving the building; officers stopped the guests outside. The guests were identified as Philip Sarner and Emily Orbay. Sarner, a Caucasian male, identified himself by name and date of birth and Orbay identified herself by producing a NY learner permit. Orbay, who reported she was 5-months pregnant, reported she had been kicked and punched by Caldwell-Boyd. Officers observed a small scratch and redness to the bridge of Orbay’s nose. Orbay requested medical attention and was transported by ambulance to L&M Hospital.

Sarner also reported he had been injured during the incident; he complained of a headache, and officers observed a deep scratch to the right side of his neck. Sarner said he had called the front desk to report the hot water not working in his room. Sarner said he argued with the woman on the phone, later determined to be Caldwell-Boyd, and wasn't "getting anywhere" so he decided to go to speak with a manager. Sarner said he located and was speaking with the manager, later identified as Dev Khambhati, and the "head housekeeper" later identified as Dorothe Williams, when he heard Caldwell-Boyd walking toward them. At that point, Sarner said that Caldwell-Boyd started to punch him in the face. Sarner claimed that he and Orbay were simply defending themselves. Sarner requested medical attention and was transported to L&M Hospital.

After all parties were transported to hospital facilities, Stonington Police, after interviewing witnesses and viewing the first of two video tapes showing the altercation, determined that they had probable cause to arrest both Sarner and Orbay. However, for reasons detailed within this report, no arrest, custody or otherwise was made of Philip Sarner or Emily Orbay on June 26, 2020. Sarner and Orbay were subsequently taken into custody on July 13, 2020 in Brooklyn, NY. This report provides a detailed summary of the events. Attached as **Exhibit 1** are the official Stonington Police reports with full and additional details.

This incident and subsequent police response garnered much local and national media attention, particularly criticizing the actions of the Stonington Police with implications of racial bias in their response. As a result, this inquiry was commenced to answer the following questions:

- 1. Was the response of the Stonington Police at the Quality Inn on June 26, 2020 appropriate under the circumstances?**
- 2. Did the Stonington Police provide false or misleading information in their initial press release on July 3, 2020?**

In an effort to provide a clear illustration of how the circumstances of June 26 unfolded, we have developed a timeline of events, explained below. This timeline is based upon the cumulative information developed from our review. Much of the information **was not** known or available at the time of the initial police response and was reconstructed days later from video review or

additional documents. For purposes of illustration as to what was known or should have been by Stonington PD at the time of their first arrival, we note whether the information was known to them at that time in the timeline by adding **NK (not known at the time)** to the timeline. When exact times were not available, we have estimated that time to the most probable. Please note that minor discrepancies exist between different audio and video systems. For example, time coding on the Quality Inn video system was not necessarily synced with Stonington Police communications and dispatch system. Where reported times from disparate electronic communications conflicted, we attempted to eliminate the conflict from other information from interviews to establish the probable time.

Relevant Timeline of June 26, 2020

Approximately 11:25 am: Telephone Altercation occurs between Sarner and Caldwell-Boyd

11:32 am: First altercation between Sarner, Orbay and Caldwell-Boyd. Incident partially captured on video.

11:36 am: Two separate 911 calls to Stonington PD alleging assault- one from Quality Inn employee complaining of an assault on staff by a guest. The second by Sarner, alleging assault by a Quality Inn employee. Sarner requests an ambulance.

11:36 am: SPD is dispatched to the Quality Inn. Ambulance is dispatched for Sarner

11:37 am: 2nd assault occurs with Sarner throwing Caldwell-Boyd to the floor and kicking her in the head. Incident captured on video but not viewed by anyone or available until Monday, June 29. **NK**

11:41 am: Sarner and Orbay are viewed on video placing items in their vehicle. (not known to SPD on June 26) **NK**

11:45 am: Officer Discordia, Sgt. Beebe and Sgt Morrison arrive at Quality Inn and interview Caldwell-Boyd.

11:50 am: Officer Stamatien arrives. Sarner and Orbay are returning to their vehicle, attempting to leave and are stopped by Sgt Beebe and Officer Stamatien. Sarner is handcuffed as he appears agitated, but not placed under arrest.

11:54 am: Ambulance arrives. Sarner is unhandcuffed for medical treatment. Sarner is taken to L&M Hospital per request of Sgt Beebe. Beebe says that knowing Orbay is requesting medical attention and she is pregnant; L&M Hospital was the appropriate choice for Orbay.

11:59 am: Additional ambulances are dispatched for Orbay and Caldwell-Boyd.

12:01 pm: Orbay is taken to L&M Hospital.

12:04 pm: Caldwell-Boyd is taken to Pequot Medical Center. Caldwell-Boyd is informed by Officer Discordia that Sarner will be arrested.

12:10-12:20 pm: Sarner is officially admitted at L&M Emergency Room.

12:10-12:15 pm: Discordia talks to L&M Personnel about arrest of Sarner.

12:23 pm: Discordia calls Sarner and tells him to call SPD when he is released. Sarner agrees.

12:26 pm: Caldwell-Boyd arrives at Pequot.

12:39 pm: Orbay arrives at L&M and she is taken to Obstetrics for treatment.

12:40-1:30 pm: Sometime after Officer Discordia left the Quality Inn and before Sarner returned, hotel personnel determined that no personal property of Sarner was left in the hotel room. **NK**

1:13 pm: Sarner posts a negative review on the Quality Inn Facebook page. **NK**

1:40 pm: Orbay is officially discharged. **NK**

1:51 pm: Sarner calls Orbay and leaves the hospital without being seen (official time is 2:01 pm but most likely left before that). **NK**

1:40-2:00 pm: Jammel Caldwell and Lauryn Dixon are at L & M Hospital, outside and observe Sarner and Orbay get into a Lyft vehicle. **NK**

2:00-2:19 pm: Jammel Caldwell follows Lyft vehicle back to Quality Inn. Caldwell does not notify SPD that he is following Sarner. **NK**

2:19 pm: Sarner and Orbay get in their car and leave the property, unknown to Jammel Caldwell. **NK**

2:20-3:45 pm: Jammel Caldwell remains at the hotel property, as they believe Sarner is inside the hotel. They did not see Sarner leave in his vehicle. **NK**

2:58-4:00 pm: Sarner and Orbay engage in social media posts with Jamel Annabline Winston, nephew of Caldwell-Boyd and Lauryn Dixon. They believe Sarner is still inside the hotel. **NK**

3:17 pm Sarner calls Stonington PD to report being threatened by family members of Caldwell-Boyd. Sarner lies to dispatch and says he is leaving the hospital and returning to the hotel to retrieve personal property. (Sarner is actually on Foxwoods Casino property at the time **NK**.) Dispatch tells Sarner that Officer Discordia will call him.

3:20 pm: Officer Discordia calls Sarner and tells him that Stonington PD will meet him at the hotel. Sarner falsely claims that he is still at the hospital and is getting ready to leave. (Cell phone records show that he was at Foxwoods Casino at the time of the call). **NK**

3:25 pm: Officer Discordia contacts Officer Stamatien and requests that he return to the hotel and keep a watch on Sarner's car for his return.

3:30 pm: Officer Stamatien arrives at hotel and notices that Sarner's vehicle is gone.

Approx. 3:30 pm New London Police are contacted to locate Sarner.

3:45-4:00 pm: Officer Stamatien meets Jammel Caldwell at the hotel, telling him that Sarner has left. Caldwell believes that Sarner is in the hotel.

SUMMARY OF FINDINGS

On June 26, 2020, Stonington Police determined that probable cause to arrest Sarner and Orbay for the misdemeanor crime of Assault 3rd degree existed. Because both parties requested medical treatment and the officers believed that medical treatment was required, both were sent to L&M Hospital in New London prior to the establishment of probable cause. While not prevented from doing so, SPD made a tactical and operational decision not to proceed to L&M Hospital to take Sarner into custody after his treatment. Instead, a plan was put in place to arrest Sarner when he returned to the Quality Inn to retrieve his vehicle and what was believed to be personal property

in his room. This information proved to be false and Sarner was able to retrieve his vehicle undetected by SPD and leave the area.

With the benefit of hindsight, all parties interviewed agree that they would proceed differently if they were to do this over again, specifically Sarner would have been taken into custody. However, in light of the circumstances known to Stonington Police at the time of the incident, the plan to take Sarner into custody at the Quality Inn was sound and reasonable, albeit additional measures to ensure that Sarner would be taken into custody should have been implemented.

Although SPD decided to do so, Sarner was not taken into custody on June 26, 2020, due to several interrelated factors:

- *Stonington police relying, primarily, if not solely, on the premise that Sarner would return to the hotel and have to access the hotel room for his property.* This proved to be false. Sarner had already removed all property from his room prior to the SPD arriving at the initial call. This was not known by SPD at the time and observed only after all video from the Quality Inn was made available days later. Because his vehicle was not secured and remained unattended, Sarner was able to retrieve his vehicle and leave the area.
- *L&M Hospital did not prevent SPD from arresting Sarner.* SPD made a decision to take Sarner into custody after medical treatment and upon his anticipated return to the hotel. As discussed later in this report, there was an apparent miscommunication or misinterpretation of what L&M Hospital policy was concerning a custodial arrest of a patient receiving treatment. SPD did not go to the hospital and instead formulated a plan to take Sarner into custody after he left the hospital and returned to the hotel. While the plan appeared reasonable based upon information relied upon by SPD at the time, the tactics used to implement the plan were minimal and flawed.
- *Lack of follow up to L&M Hospital or Quality Inn after the initial call and response.* After an initial contact at approximately 12:15 pm, no further communication with L&M Hospital personnel occurred to check on the status of Sarner and whether he was still being treated. Additionally, no further communication occurred with Quality Inn personnel before Sarner retrieved his vehicle at 2:19 pm. Sometime between 12:30

P.M and 1:30 P.M., Quality Inn personnel had determined that no property was left in the room. SPD was not made aware of this.

- *Reliance on false information provided by Sarner.* SPD had several phone conversations with Sarner, where he led them to believe that he had items in his room and that he would contact SPD before returning to Quality Inn. If SPD had verified and coordinated with Quality Inn that items were not in the room, additional measures to secure his vehicle would have been put in place.

DISCUSSION OF FINDINGS

Finding: We can find no violations of policy, procedure or law as it relates to the Stonington Police response on June 26. Stonington Police made an operational decision to NOT make a custodial arrest before medical treatment was given to Sarner and Orbay. This decision appears to be consistent with procedure and past similar incidents. While a decision was made to arrest Sarner after release from the hospital and a plan was put in motion to take Sarner into custody, Stonington Police tactics to implement that plan were faulty and failed to locate Sarner on June 26, for reasons discussed below.

On June 26, 2020, at approximately 11:30 a.m., Stonington Police received two calls for service at the Quality Inn, located at 48 Whitehall Avenue in the Old Mystic section of the Town of Stonington, CT. The first caller was an employee, Dorothy Williams, who was reporting that a guest at the hotel had assaulted an employee. She requested the police. The second caller was Philip Sarner and he was reporting having been assaulted by an employee. He also requested an ambulance for medical treatment for himself. A review of the 911 transcript shows that an ambulance was requested by Sarner, and not the Stonington PD. Two other ambulances were requested by officers after arriving at the scene.

911 Transcript from 6/26/2020 Stonington Police

Dispatcher: 911 where is your emergency?

Caller: Yeah. I...I need a cop called down at the Quality Inn, Mystic

Dispatcher: OK. What's going on?

Caller: I was just assaulted by...by staff.

Dispatcher: OK. How did they assault you?

Caller: Uh, punching my head it's on camera.

Dispatcher: OK.

Caller: And I have scratches on me.

Dispatcher: OK. I have the other half on the phone. You don't have any weapons on you, right?

Caller: No.

Dispatcher: OK. What are you wearing?

Caller: Shorts and a t-shirt.

Dispatcher: Alright. Go out front to meet the police so I'm going to keep you on the phone until they get there, OK?

Caller: *Indiscernible* I've got to get something out of my room.

Dispatcher: You what?

Caller: I...

Female voice: We have stuff in our room.

Caller: I. I have stuff in our room.

Dispatcher: What room are you in?

Caller: Room 128.

Dispatcher: OK. The officer will be there shortly. Do you need an ambulance?

Caller: Uh, yes, I do. (emphasis added)

Dispatcher: OK. I'll get 'em going.

- **Sarner is sent to L&M Hospital first, followed by Orbay in a second ambulance. In an effort to avoid any possible further confrontation, Sarner is sent first and Caldwell-Boyd is later sent to Pequot Medical.**

Compiling information from interviews and the official police reports, the following summarizes the actions at the scene:

Upon arrival, Stonington Police immediately spoke with the victim Crystal Caldwell-Boyd first. Caldwell-Boyd had swelling to her right eye and was holding a bag of ice up to it. She said she was “jumped”, kicked and punched by two guests because they were upset over having no hot water in their room.

Caldwell-Boyd said she received a phone call from room 128. The guest was irate that they had no hot water, demanded compensation and demanded to speak with the manager. Caldwell-Boyd said this person yelled at her and was very disrespectful as she tried to reason with him. Caldwell-Boyd said she was sitting at the front desk when she heard guests arguing with Williams and Khambhati in front of the laundry room. She said she went to tell Khambhati her side of the story. She stated that the guests yelled racial epithets at her and she believed he was attacking her because the color of her skin.

While interviewing Caldwell-Boyd, they were informed that Sarner and Orbay were attempting to leave the scene. Sgt. Beebe and Sgt. Morrison detained Sarner outside and began questioning. They observed injuries to his neck, handcuffed him for officer safety but informed Sarner that he was not under arrest at this time. Sarner provided information that conflicted with the version of the events that victim Caldwell-Boyd provided. He said he was the one who was assaulted by the employee. He explained that was complaining about the hot water not working and was mad about it. He said that the employee told him not to talk to her that way and said she was going to call her son and have him shot. He said he then was assaulted by her and he defended himself and his wife. He said she hit him first. He explained that his wife was six months pregnant and that the employee assaulted her as well and punched her in the stomach. He stated he chased her down the hall when she walked away and she assaulted him again. He explained that there were two incidents where the employee was the original aggressor. Additionally, Orbay claimed that she

was kicked in the stomach by victim Caldwell-Boyd. As Orbay was pregnant and requesting medical attention, Sgt. Beebe requested that she be transported to Lawrence & Memorial Hospital as that is the closest facility with an obstetrics and pediatric care.

Sgt. Beebe then made a tactical and operational decision to have Sarner, followed by Orbay transported first to L&M to remove him from the scene while Stonington PD continued to gather information to address the conflicting allegations. This was done out of an abundance of caution. It had been reported that victim Caldwell-Boyd's family members, specifically victim Caldwell-Boyd's son, Jammel Caldwell were in route to the scene. While there was no information or evidence pointing to any malicious intent on the part of any of the family members at the time, Sgt. Beebe, out of an abundance of caution to prevent any possible further conflict, instructed ambulance personnel to transport Sarner immediately.

Viewing this decision in light of the known information at the time: a mother has allegedly been assaulted by a male; the victim's son was in route and the alleged perpetrator was still on the scene, we find no fault with the police decision to remove Sarner from the scene immediately, given that he was claiming to be a victim and required medical attention.

Providing medical attention and treatment for victims is the top priority for officers after arriving at the scene. Stonington PD Policy Chapter 16, Criminal Investigations, governs actions of officers responding to specifically sections 16.2.1.2 and 16.2.1.2.1 state:

16.2.1.2 Render assistance to the injured.

16.2.1.2.1 The officer's first responsibility is to the victim. He must immediately tend to the victim by administering first aid and calling for an ambulance. The injured must receive the highest priority even if it permits the suspect to escape. Protecting a human life takes precedence over pursuit of the criminal.

In this matter, there were three identified victims in need of medical attention. Sarner requested an ambulance in his initial call to Stonington Police. At the time of Sarner being transported to the hospital, Stonington PD still had not finished interviewing witnesses and had conflicting accounts between the three parties. Probable cause to arrest had not been established.

- **After they were sent for medical attention, Stonington Police established Probable Cause to arrest Sarner and Orbay after interviewing witnesses while at the Quality Inn and viewing one portion of a security video showing Sarner as the aggressor.**

After Sarner and Orbay were transported for medical treatment, Officer Discordia continued his inquiry. After he had seen injuries to all involved and was provided two completely different accounts, he decided to seek out additional evidence and witnesses. Discordia interviewed the manager of Quality Inn, Dev Khambhati about what he witnessed and inquired about any video of the incident. Khambhati said he walked in on Sarner, Orbay and Williams talking near the laundry room. He entered into the conversation as Sarner and Orbay were complaining about hot water not working and a staff member being rude.

Khambhati stated that Sarner and Caldwell-Boyd began fighting in the hallway. He said he stepped in and broke it up. Khambhati did not see who threw the first punch or how it started. He had Sarner and Orbay go towards the front desk and Caldwell-Boyd went to the break room. Khambhati said he was trying to attempt to calm Sarner and Orbay down at the same time that there was another guest at the front desk. Khambhati stated that he began talking with the new guests when he heard a scream. He looked up at the camera and saw Sarner, Orbay and Caldwell-Boyd fighting again. He sprinted over and they were separated again.

Discordia also interviewed Dorthye Williams, an employee who stated that she was standing between Sarner and Caldwell-Boyd in the hallway when Sarner reached around Williams to punch Caldwell-Boyd. Sarner then grabbed Caldwell-Boyd and threw her to the ground. Williams stated that Sarner began to kick Caldwell-Boyd while she was on the ground.

Discordia stated that Khambhati was having difficulty in obtaining any video on the system. Discordia stated that he did observe one clip that showed that at approximately 11: 32 hours, Caldwell-Boyd can be seen walking back towards the front desk to help a customer. Sarner, followed by Orbay, are seen sprinting down the hallway toward Caldwell-Boyd. As Sarner

reached the location where Caldwell-Boyd was standing, she turned around. The video clip then stops and cannot be viewed. The very next clip is showing the two of them separated and yelling. This was the only video of the incident that Discordia was able to view on June 26, 2020.

After conferring with Sgt. Beebe, it was determined that probable cause existed to arrest Sarner and Orbay based on the witness statements and the portion of the video showing Sarner and Orbay as the aggressors. Both Sgt. Beebe and Officer Discordia stated that they determined that probable cause was established to arrest Sarner and Orbay on a charge of Assault in the Third Degree, a misdemeanor. Connecticut General Statutes Sec. 53a-61 reads:

Assault in the third degree: Class A misdemeanor. (a) A person is guilty of assault in the third degree when: (1) With intent to cause physical injury to another person, he causes such injury to such person or to a third person (emphasis added); or (2) he recklessly causes serious physical injury to another person; or (3) with criminal negligence, he causes physical injury to another person by means of a deadly weapon, a dangerous instrument or an electronic defense weapon.

Because the complete video was not able to be accessed on June 26, 2020, the misdemeanor charge of Assault 3rd degree appears to be the most serious charge available, based on the information known at the time by SPD.³

It was common and recommended practice for SPD (and most police departments in CT) that arrests for misdemeanor violations would be issued a misdemeanor summons, particularly during 2020. Connecticut General Statutes allows arresting officers the discretion of NOT taking someone into custody upon the commission of a misdemeanor and instead presenting a written summons with a promise to appear in court at a future date:

³ Sarner was eventually arrested for, among other charges, Assault in the 2nd degree, a felony, “with intent to cause physical injury to another person, the actor causes such injury to such person by striking or kicking such person in the head while such person is in a lying position.” See C.G.S. 53a-60 (7). This information about a kick to the head was not known to SPD on June 26, 2020 and only came to light after subsequent review of all of the videos on June 30.

Sec. 54-1h. (Formerly Sec. 6-49a). Arrest by complaint and summons for commission of misdemeanor. Any person who has been arrested with or without a warrant for commission of a misdemeanor, or for an offense the penalty for which is imprisonment for not more than one year or a fine of not more than one thousand dollars, or both, may, in the discretion of the arresting officer, be issued a written complaint and summons and be released on his written promise to appear on a date and time specified. (emphasis added). If any person so arrested and summoned fails to appear for trial at the place and time so specified, or on any court date thereafter, a warrant for his rearrest or a *capias* shall be issued, and he shall also be subject to the provisions of section 53a-173.

Additionally, we were informed that, due to COVID related issues, misdemeanor summons was strongly encouraged when possible and Promise To Appear (“PTA”), non-surety bonds were placed even if the arrest was custodial. We also note that as part of the process, even when someone was taken in on an arrest warrant, the bail commissioner is called, conducts an assessment, contacts a judge and in the majority of cases, they have been released on a PTA.

However, based on the circumstances of this matter which included a male-female assault, out of state resident and underlying racial connotations, Sgt. Beebe determined that an in-custody arrest of Sarner was appropriate. Sgt. Beebe stated that it was planned that Orbay, due to her pregnancy, would be issued a Misdemeanor Summons. Sgt. Beebe then instructed Officer Discordia to respond to L&M hospital and take Sarner into custody after completion of his medical treatment and issue the summons to Orbay.⁴

L&M Hospital personnel did not prevent Stonington Police from entering the hospital to make an arrest. Sergeant Beebe decided NOT to take Sarner into custody at the hospital and instead he and Officer Discordia formulated a plan to arrest Sarner upon his return to the hotel to retrieve personal items from his room. The decision to plan to arrest back at the hotel was based upon patrol staffing concerns, personal health concerns and quite probably, convenience. However, Stonington Police failed to locate Sarner on June 26 after his release from the hospital.

⁴ We note, ironically, that had SPD issued misdemeanor summons to both Sarner and Orbay on June 26, 2020, this inquiry would not have occurred. Charges would have been upgraded later at arraignment.

Sometime between 12:10 and 12:20 pm , Officer Discordia contacted L&M Hospital Emergency Room and was transferred to a supervisor. Officer Discordia could not remember the name but initially reported the following in his report:

“I contacted the L&M Hospital Emergency Room charge nurse. She notified me that Sarner was in the ER waiting to see a doctor and Orbay had been transferred to the Labor and Deliver Unit. I inquired about the COVID-19 protocols and I told her I needed to enter the Emergency Room to arrest Sarner. She told me she could not stop me from going in to get a statement, but I would not be allowed in to make an arrest. She told me they are not allowed to tell the police when any one is getting released. The charge nurse said the Labor and Delivery Unit was likely had much more stringent guidelines.”

In a July 3, 2020 Stonington Police press release, it stated, inter alia, *“Police called L&M and learned from staff that police would not be permitted inside the ER to make an arrest due to Covid procedures.”*

L&M Hospital spokesman denied that report and publicly stated that they do not prevent police officers from entering the facility. The statement by SPD was found to be a generalized description but not entirely accurate and was likely a result of a miscommunication or misinterpretation.

During my interviews with Officer Discordia, he acknowledged that he may have misinterpreted what was told to him. He stated that he recalled that he was told that the individual would have to complete necessary treatment before an arrest was made. He recalled that he was told that if he wanted to interview Sarner, he would have to be masked while he was in the hospital and wait to make an arrest until after treatment. Officer Discordia further stated that he was told that Orbay was taken to Obstetrics and Gynecology department and guidelines there may be more stringent and not allow waiting or interviewing of patients. Officer Discordia interpreted this to COVID related procedures.

During the course of my inquiry, I was able to identify and interview the L&M individual who spoke with Officer Discordia on June 26, 2020.⁵ The individual stated that a phone call from Officer Discordia was transferred to her. While a verbatim recollection from either party was not possible, the L&M employee recalls the following:

- That on June 26, 2020, at approximately 12:15 pm, a phone call from an officer with the Stonington Police was transferred to her.
- That the officer identified himself and inquired about a patient Phillip Sarner.
- That the officer stated he would be placing him under arrest.
- That she told him that he could come and speak with Sarner but that he has not been treated as yet.
- That the Hospital could not release Sarner until after treatment.
- That she told the officer that he could come and wait at the hospital but would be required to be masked at all times.
- That the officer asked for L&M Hospital personnel to “hold” Sarner after his treatment is completed and contact Stonington Police.
- That she stated that she is not allowed to “hold” any one nor could she release any discharge information.

During my interviews with Sgt. Beebe and Officer Discordia, they both recalled that they had concerns about the length of potential wait time Officer Discordia would have to stay at the hospital until Sarner’s treatment was done. Sarner had not been seen by a physician as yet and they did not know whether it would be minutes, hours or even admittance to the hospital. Sgt. Beebe said that he had only two other officers on patrol that day for coverage of the whole town. Isolating one officer completely at the hospital would jeopardize adequate coverage and safety should other emergency calls occur.

⁵ The L&M Hospital employee has not been publicly identified and we will not do so in this report. Because Officer Discordia identified in his report that the “Emergency Room charge nurse” was female, we will use “she” and “her” when describing the individual. However, the individual was interviewed at length.

Additionally, Officer Discordia expressed some personal health concerns, in light of possible COVID 19 exposure, of having to wait for an extended period of time in the hospital.

- **Plan is designed to take Sarner into custody at Quality Inn.**

After Sgt. Beebe decided that Officer Discordia would not wait at the hospital for Sarner's release, a plan was put in place to take Sarner into custody when he gets released from the hospital. The Stonington Police were made to believe that Sarner still had personal property in his room at the hotel and would need to come back to retrieve it. This belief came from several sources, to wit:

- a) Approx. 12:00 pm: Just after Sarner was taken to the hospital, Dorothe Williams had asked Stonington police on what should be done with personal property in his room. She was advised not to go in the room without the police present.
- b) 12:23 PM: Officer Discordia contacts Sarner via cell phone. Sarner was just admitted for treatment at 12:20 pm. Sarner told Discordia that he was in the ER and waiting to be seen by a doctor. He was told that, to prevent any further problems, he would need a police escort to return to the Quality Inn in order to get his possessions from the property. Sarner still believed he was a victim and asked if the clerk was arrested. Sarner was not told that he would be placed under arrest, and that the investigation was still underway. Sarner stated that he would contact the police when he was returning to get his property.
- c) Sarner's vehicle was still parked on the premises of Quality Inn.
- d) During the initial call to Stonington Police where Sarner reported being assaulted, he reported that he had items in his room:

Dispatcher: Alright. Go out front to meet the police so I'm going to keep you on the phone until they get there, OK?

Caller: *Indiscernible* I've got to get something out of my room.

Dispatcher: You what?

Caller: I..

Female voice: We have stuff in our room.

Caller: I. I have stuff in our room. (emphasis added)

Dispatcher: What room are you in?

Caller: Room 128.

- e) Officer Discordia instructed Quality Inn personnel to disable the room key access to Sarner's room (128) and Quality Inn personnel were instructed to contact the police when they returned.

With the benefit of hindsight, all parties that have been interviewed agree that they would proceed differently if they were to do this over again, specifically Sarner would have been taken into custody had the Stonington Police initiated a few additional measures. However, in light of the circumstances known to Stonington Police at the time of the incident, the plan to take Sarner into custody at the Quality Inn was sound and reasonable. It was the tactics used to implement the plan that were flawed.

- **The decision to allow Sarner to be medically treated before taken into custody was not motivated by bias.**

Some of the public concerns alleged that the Stonington Police may have treated Sarner differently due to racial or other bias, specifically that the SPD did not do enough to have Sarner taken into custody on June 26, 2020. While additional steps could have been implemented to ensure the custodial arrest of Sarner at the time, no information was found that indicated bias or malicious intent by the actions of SPD.

As stated, and discussed later in this report, once the decision to take Sarner into custody was made, additional steps should have been taken to complete the arrest. However, there was no

information found that Stonington Police were motivated by any bias. A review of past incidents from 2017-2020 show numerous case incidents where suspects were either:

- Treated for medical injuries and arrested by warrant for violent related behavior at a later date.
- Not taken into custody at the initial interview but arrested by warrant at a later date.

There were no identical incidents to the current one that were noted. However, a few incidents had similar fact patterns:

- a) Case # 18-211-AR- White male, no custodial arrest at the time of incident, arrest by warrant after further review of video
- b) Case # 18-512-AR- White male and White female- incident reported on 5-27-18, both parties interviewed, no custodial arrests occurred at the time, arrest warrants applied for 5-29-18.
- c) Case #15-676-AR- Black male, contacted by phone for arrest on Assault 3rd degree on 10-30-15, no further initiatives to take into custody on date of incident, arrest warrant applied for and served on 12-23-15.
- d) Case # 16-457-AR- Black Female, no custodial arrest at time of interview, arrest warrant applied for.
- e) Case #19-49-AR- Black female, no custodial arrest at time of interview, later taken into custody after further investigation.

Based upon our review, we did not find any information leading to a conclusion that racial bias or malicious intent by SPD were responsible for the failure to take Sarner into custody on June 26, 2020.

- **Sarner was not taken into custody on June 26, 2020, due to several interrelated factors.**

1. *Stonington police relied, primarily, if not solely, on the premise that Sarner would return to the hotel and have to access the hotel room for his property. This proved*

to be false. Sarner had already removed all property from his room prior to the SPD arriving at the initial call. This was not known at the time and was observed on video on July 2 when all video from the Quality Inn was made available days later. SPD assumed that the Quality Inn would be able to contact them when Sarner returned and he would then be placed into custody. Because Sarner did not have to enter the hotel again upon his return, he was able to retrieve his vehicle undetected and leave the area.

2. *Lack of follow up to L&M Hospital after the initial call.* After an initial contact at approximately 12:15 pm, no further communication with L&M Hospital personnel occurred to check on the status of Sarner and whether he was still being treated.
3. *Reliance on false information provided by Sarner.* After he was sent for medical treatment, Sarner had several phone conversations with SPD, where he led them to believe that he had items in his room and that he would contact SPD before returning to Quality Inn. If SPD had verified and coordinated with Quality Inn that items were not in the room, additional measures to secure his vehicle would have been put in place. Because SPD relied on the assumption that Sarner would need to get items from his room (which access had been disabled), they did not take any additional measures to secure Sarner's vehicle, which was on the property.
4. *Lack of communication from SPD to Caldwell-Boyd or her family after the initial response at the Quality Inn.* Unbeknownst to SPD at the time, the victim's son, Jammel Caldwell, spotted Sarner and Orbay leaving the hospital at approximately 2:00 pm and followed them back to the Quality Inn. SPD was unaware that Sarner had left the hospital and was returning to the hotel. Jammel Caldwell was unaware of the SPD plan to take Sarner into custody. Even after Sarner was able to retrieve his vehicle and leave the area, he contacted SPD to complain and continued to provide false information.

On June 26, 2020, Sarner initiated another call to SPD dispatch at 3:17 pm to complain of harassment by the victim's family. A review of the transcript reveals the following:

Dispatcher: Stonington Police.

Caller: Yeah there, this is uh Phillip Sarner, um regarding an incident that happened at the Quality, you ready, regarding, what, the incident that happened at the Quality Inn at Mystic.

Dispatcher: OK.

Caller: Um, now I'm getting several threats on Facebook from, against, fam...from, what? (*female voice in background - indiscernible*) and text messages I guess from family members trying... their threatening me and now, now I fear, fear my safety.

Dispatcher: OK. Where, where are you located?

Caller: **Oh, I'm not on the property,** but...but now they have my name and now I'm getting people sending me messages on Facebook (*indiscernible*). (emphasis added)

Dispatcher: Yeah but, ok, but, where are you?

Caller: **I am in a...leaving the hospital.** (emphasis added)

Dispatcher: In..in what State? Or what town?

Caller: In Mystic.

Dispatcher: Ok, so...so you live in Mystic?

Caller: No, no I live in New York .

Dispatcher: OK. So... but right now you're located in Mystic?

Caller: I...I don't even know where if it's Mystic. I was taken...I was taken...by...by ambulance . I...I'm not from, from Connecticut.

Dispatcher: Ok.

Caller: But now people are reaching out...reaching out to me on Facebook threatening me.

Dispatcher: Ok. Yeah but I...I need to send somebody to speak to ya so I need to find out where you are is what I'm saying.

Caller: Oh, ok ...alright, alright. **When I get... when I get cause I gotta...gotta come get my stuff out of the hotel** ' cause... that's what the, uh, the Officer Oiscotti was saying. So,I guess when I uh, when I get... (emphasis added)

Dispatcher: Off...Off...Officer who?

Caller: Discotti?

Dispatcher: We don't have anybody by that name, not even close to that. Uh, were you sure...were you sure it was this Department?

Caller: Disco

Dispatcher: Discordia?

Caller: Yeah, yeah Discordia .

Dispatcher: Ok.

Caller: So, when... when I get discharged from here, I'll...I'll reach out so you...so you can send a car to get my stuff from the hotel. (emphasis added)

Dispatcher: Ok. What...when did we go out there? We went out there today for ya?

Caller: Around eleven thirty, twelve o'clock.

Dispatcher: Ok. What's your telephone number? I'll have...he's still workin, I'll have him call ya.

Caller: Alright.

*** REDACTION ***

Caller: Correct.

Dispatcher: And what... what was your name?

Caller: Phillip Sarner.

Dispatcher: Philip. Ok Phillip I'll have him give you a shout, ok? It's probably going to be from a private number so if somebody calls ya in the, you know, the next ten, twenty minutes from a private number it's gonna be him, alright?

Caller: Ok.Thank you.

Dispatcher : You're welcome. Bye bye.

Caller: Bye bye.

At 3:20, Officer Discordia contacts Sarner on his cell phone. Sarner told Officer Discordia that he was being discharged from the hospital and he was returning to the hotel. Officer Discordia told Sarner that SPD would meet him to provide an escort for his safety; however, the plan was to take Sarner into custody. Sarner did not return to the Quality Inn and had no further conversations with SPD. We were informed that Sarner also contacted New London Police at 3:37 pm and made a similar complaint. He would not meet with New London Police either.

While not known to SPD at the time on June 26, the following information came to light during the course of the investigation, sometime on July 2 after viewing video and others after Sarner cell phone records were reviewed:

1. That Sarner was captured on video at 2:19 pm on June 26 entering his vehicle at the Quality Inn and driving off.
2. That a review of Sarner's cell phone records show that he was at Foxwoods Casino⁶ at the time of his calls to SPD at 3:17 pm on June 26 and when Officer Discordia called him. He continued to provide information that implied that he was returning to the hotel, of which SPD relied upon.

It wasn't until approximately 3:30 pm, after Officer Stamatien arrived back at the hotel to wait for Sarner's arrival, that it was known to SPD that he had left.

After failing to take Sarner into custody on June 26, the Stonington Police took additional measures to pursue an arrest of Sarner and Orbay.

Immediately after determining that Sarner's vehicle was no longer at the Quality Inn, SPD contacted the New London Police to notify them that they were looking for Sarner. New London was unable to locate as well. There was no further contact with Sarner on June 26 by SPD.

On June 27, 2020, when Officer Discordia returned to work, he returned to follow up on this investigation. Due to the passing of time, Officer Discordia understood that an arrest warrant would have to be applied for, instead of an in-custody arrest. Generally, all arrests of individuals must be by arrest warrant, unless authorized under Connecticut General Statute 54-1f Entitled Arrest without warrant which states, in pertinent part,

⁶ While not confirmed, it appears that Sarner and Orbay left the Quality Inn and drove to Foxwoods, where they spent the night. By going there immediately, this had the result of keeping the vehicle off of the roadways and undetected.

“Peace officers, as defined in subdivision (9) of section 53a-3, in their respective precincts, shall arrest, without previous complaint and warrant, any person for any offense in their jurisdiction, when the person is taken or apprehended in the act or on the speedy information of others,”(emphasis added).

The Connecticut Supreme Court has held that "speedy information of others" means information that was received and acted upon promptly after the commission of the offenses charged in the information. Sims v. Smith, 115 Conn. 279 (1932). While there is no definitive amount of time that constitutes “speedy”, in one case, a court held that an arrest within an hour from when the information was received, was considered speedy for the purposes of the statute. State v. Barles, 25 Conn.Sup. 103 (1964). However, an arrest several hours after the incident, however, is not considered on "speedy information. Champagne v. Gintiuk, 871 F.Supp. 1527 (D. Conn. 1994).

While it appears clear that SPD would have been able to make a warrantless, custodial arrest of Sarner on June 26, they would have to seek an arrest warrant after that date. Additional pursuit or effort to locate Sarner would be fruitless after June 26 without an arrest warrant.

During our interviews with Officer Discordia, he stated that, as the investigating officer, he was responsible for follow up and application of an arrest warrant. In pursuing such, he required a signed statement from the victim, Chrystal Caldwell-Boyd . Officer Discordia stated that he contacted the victim during the weekend and arranged for an interview on Sunday June 28 for a sworn statement to be taken. However, that meeting was cancelled by the victim reportedly due to her injuries. On June 29, 2020, the investigation was reassigned to Det. Greg Howard for follow-up. Arrangements were made for statements to be taken at the Attorney Strafaci’s office on June 30, 2020. An arrest warrant application was submitted and signed by the court the next day on July 1, 2020.

In reviewing the initial reports of Officer Discordia, it may appear to some as if he did not begin his investigation until June 29, 2020, as the Case Management Software notes the date

of incident, date entered, date modified and date approved. Officer Discordia explained that it is common practice by him and others to compose his investigative reports in a Microsoft Word document first, as it is easier to edit and proof before entering into the system. He stated that he composed the bulk of his report over the weekend in the Word document and uploaded it into the Case Management system on Monday, once it was finalized with additional information. SPD provided copies of a word document and email corroborating this process on the matter.

Additionally, on Sunday, June 28, 2020, Sgt. Beebe had a telephone conversation with Sarner, informing him that a warrant for his arrest was being submitted and he would be notified once it was signed.

- **The Stonington Police Press Release on July 3, 2020 was factually incorrect, specifically as it related to L&M Hospital.**

Stonington Police Press Release on July 3, 2020 was not correct in its statement that “Police called L&M and learned from staff that police would not be permitted inside the ER to make an arrest due to COVID procedures.”

As discussed previously in this report, L&M Hospital personnel did not prohibit SPD from entering their facility. After having been informed that patients would not be released before treatment was given and that masks are required while waiting, SPD made an operational decision to NOT wait at L&M Hospital, due to the uncertainty of the wait time, patrol staffing availability and some personal COVID related concerns by Officer Discordia. The press release did not communicate that reasoning.

However, no information was found that suggests that the statement in the press release was intended to provide misleading or false information to the public. During our interviews with Captain Olson, he stated the press release was drafted directly from information contained in the written reports. As discussed previously, Officer Discordia’s report, entered into the Case management system first on June 29, 2020 states:

“I contacted the L&M Hospital Emergency Room charge nurse. She notified me that Sarner was in the ER waiting to see a doctor and Orbay had been transferred to the Labor and Deliver Unit. I inquired about the COVID-19 protocols and I told her I needed to enter the Emergency Room to arrest Sarner. She told me she could not stop me from going in to get a statement, but I would not be allowed in to make an arrest. She told me they are not allowed to tell the police when any one is getting released. The charge nurse said the Labor and Delivery Unit was likely had much more stringent guidelines.”

Captain Olson paraphrased the information contained in Officer Discordia’s incident report. No discussions with the hospital employee that spoke with Discordia were conducted prior to the press release. As a result, SPD was not aware, at the time of the press release, of the miscommunication/misinterpretation of the conversation between Officer Discordia and Hospital staff.

CONCLUSION

Merriam Webster’s Dictionary defines the idiom *twenty-twenty hindsight* as:

The full knowledge and complete understanding that one has about an event only after it has happened. The dictionary provides an explanatory phrase of : **With 20/20 hindsight, we now see where our strategy went wrong.** This idiom and phrase aptly describe the facts and circumstances of this matter.

All parties interviewed agree that different actions and tactics would have been implemented, in light of what was later found out. There is no doubt that certain facts, not known to SPD at the time, caused their “strategy” to fail. SPD put “all of their eggs in one basket” by relying on the premise that Sarner needed to retrieve items from the hotel and would have to make contact to do so. Candidly, the SPD attempted to lure Sarner into returning to the hotel under their escort, only to be placed into custody. This attempt failed, in essence, because Sarner tricked SPD.

No evidence or information was found to suggest any malicious intent on the part of SPD in NOT locating Sarner on June 26. There were no policy or legal violations found in their response. SPD made an operational and tactical decision to arrest Sarner upon his return to the hotel. Based on the information known and relied upon at the time, that decision appeared sound and measures were taken in furtherance.

However, with the benefit of hindsight, the tactics used by SPD to implement their plan were deficient. There were better suited and additional tactics that could have been implemented to ensure the custodial arrest of Philip Sarner on June 26, 2020. It is clear that SPD determined that there was probable cause to arrest Sarner. At the time, without the benefit of video that became available several days later, the contemplated charge was a misdemeanor charge of Assault in the Third Degree.⁷ We were informed that past protocol would be the issuance of a misdemeanor summons for similar offenses. In fact, it was never considered that Orbay would be taken into custody due to her pregnancy and a summons was planned.

Nevertheless, SPD made a decision that a custodial arrest was required, at least as it pertained to Sarner. If it was important enough to make a custodial arrest on that day, then the arrest should have occurred as soon as possible at L&M Hospital, regardless of the uncertainty of wait time. As it is now known, the wait time would have been a little more than one hour. If concerns (personal or otherwise) about COVID related issues prevented officers from waiting inside, nothing prevented other measures to be used such as a wait outside while completing paperwork from the incident. The decision not to go to L&M Hospital proved fatal to the possibility of a custodial arrest.

Based upon the information received during this inquiry, it is evident that more effective communication with the victim and her family after the initial response was required. After being transported for medical treatment and before Sarner was able to retrieve his vehicle, there was no further contact with the victim or her family. This was a highly charged

⁷ After the video of the second assault became available on June 29 and Sarner was viewed kicking the victim in the head, the charge was elevated to a felony of Assault in the Second Degree.

emotional incident for the victim and her family. Based upon their recollections memorialized in the police reports, SPD was aware that tensions and emotions were high. Additional communication from SPD regarding the plan to arrest Sarner may have helped ease those tensions and keep the avenue of information flow open. As an example, unbeknownst to SPD at the time, the victim's son, Jammel Caldwell and others traveled to L&M Hospital to locate Sarner. As a result, they spotted Sarner and Orbay leaving the hospital at approximately 2 P.M. and followed them back to the Quality Inn. However, Caldwell and other members of the victim's family were not aware that SPD had formulated a plan to take Sarner into custody at the Quality Inn after treatment. If SPD had known that Sarner was in route back to the Quality Inn, measures would have been put in place to take him into custody. Continued and effective contact with the victim and her family may have provided that avenue of communication necessary.

Additionally, measures should have been taken to secure Sarner's vehicle to prevent escape. Surveillance, blocking from movement or possible removal from the property were reasonable alternatives to help ensure capture. It was not known until days later that Sarner and Orbay had already brought their room belongings to the vehicle before police arrived. However, hotel personnel, while Sarner was at L&M Hospital had gained access to the room and did not find any property of Sarner or Orbay. SPD did not follow up with hotel personnel at the time nor did hotel personnel communicate this to SPD. Had SPD known that no personal belongings were in the room, additional measures could have been taken to take Sarner into custody.

As previously outlined, the press release issued by SPD turned out to be factually incorrect. This press release was based upon the initial report by Officer Discordia. The Captain had no reason to question that report before issuing the release. There was no evidence of an intent to mislead the press and the public.

Notwithstanding the above, we cannot overlook what the ultimate outcome was. After the initial response, SPD continued with a professional, thorough, and complete investigation culminating in the arrest of Philip Sarner on a felony assault charge and Emily Orbay on a misdemeanor assault charge.

As described in this report, Sarner's actions illustrate an individual familiar with "the system" and he was able to win the battle with SPD on June 26. However, it is the final outcome of the investigation that proved to be most important. While we have not found any violations of policy, procedure or law, SPD would be well served to use a review of this incident and response as a training tool for understanding of possible variables present in similar future incidents.

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Modified: 07/03/2020 @ 1437 Modified ID: DISC595
Approved: 07/03/2020 @ 1129 Approval ID: BEEB128

On 06/26/2020 at approximately 1135 hours I, Officer Discordia, was dispatched to 48 Whitehall Ave in the Old Mystic section of the Town of Stonington for an active disturbance at the front desk. Dispatch then advised "I have the other half on the phone, my half said he was assaulted, he is in room 128, wants an ambulance".

I arrived on scene with Sergeant Beebe. Sergeant Beebe was approached by a witness outside. We entered and were escorted by Manager Dev, Khambhati, to a laundry room down the hallway. Inside of the laundry room was a break room where we found the front desk clerk/victim, Crystal Boyd, and Executive Housekeeper Dorothy Williams. Boyd had swelling to her right eye and was holding a bag of ice up to it. She said she was "jumped", kicked and punched by two guests because they were upset over having no hot water in their room.

Boyd said she received a phone call from room 128. The guest was irate that they had no hot water, demanded compensation and demanded to speak with the manager. Boyd said this person yelled at her and was very disrespectful as she tried to reason with him. Boyd said she was sitting at the front desk when she heard guests arguing with Williams and Khambhati in front of the laundry room. She said she went to tell Khambhati her side of the story.

We were then interrupted by Williams who said the guests were trying to leave. Sergeant Beebe and I responded back outside. I believed they might try and leave in a vehicle so I got into my patrol vehicle and started to drive around the side of the hotel. Here I found Sergeant Morrison and Sergeant Beebe had made contact with, a male and female, they were explaining that they were just assaulted by the front desk clerk and were the ones who called 911. Sergeant Beebe was speaking to this male who had been handcuffed.

The female was identified through her NY learner permit (203846252) as Emily Orbay (DOB 07/19/1991). The male identified himself as Philip Sarner (DOB 11/01/1980). Both were run through NCIC and found to have no wants or warrants. His identity was later verified through the descriptors from a criminal history check and the name under the hotel reservation.

Sergeant Morrison and I spoke with Orbay as Sergeant Beebe spoke with Sarner. Orbay said she was kicked and punched by the clerk. She had a small scratch and redness to the bridge of her nose. Orbay said she was 5 months pregnant and concerned for the baby because the clerk had punched her in the stomach. I observed a deep scratch to the right side of Sarner's neck. He also said he was assaulted by the clerk and had a headache. Both said they wanted an ambulance for their injuries.

After Sergeant Beebe spoke with Sarner, I then interviewed him. Sarner said they called down to the front desk because they had no hot water. The woman at the front desk began to argue with them saying they didn't need a manager and she could handle it. Sarner argued with the front desk clerk and realized he wasn't getting anywhere so Sarner and Orbay decided to go down and speak with the manager. Sarner and Orbay found the manager and head housekeeper and were speaking with them in the hallway when Sarner heard the clerk, Boyd, walking toward them. Boyd was yelling at him and threatening him. She was saying "You can't talk to me like that" and "I'm going to call my husband and you're going to get stabbed". Sarner said he turned around and said "What did you just say to me?" Orbay and Sarner said this is when Boyd started to punch Sarner in the face. Orbay and Sarner said they were defending themselves. Sarner said he called the police and called for an ambulance for himself and his pregnant fiancé, Orbay.

Sarner said there must be video of the incident and said we should watch it. Sergeant Beebe and Sergeant Morrison allowed Mystic River Ambulance to the scene to treat Sarner and Orbay's injuries. After I had seen injuries to all involved and two completely different accounts, I decided to seek out additional evidence and witnesses.

I spoke with Khambhati about what he witnessed and inquired about the video of the incident. Khambhati said he walked

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in on Sarner, Orbay and Williams talking near the laundry room. He entered into the conversation as Sarner and Orbay were complaining about hot water not working and a staff member being rude. Then Boyd came walking up the hallway from the front desk yelling at Sarner. Boyd was saying something like "don't you dare be disrespecting me, you don't know me". Sarner then yelled back, "Bitch, you don't talk to me like that, you don't know who I am. Khambhati said Orbay was holding Sarner back. I asked if Boyd threatened to stab Sarner. Khambhati said she may have said something like my son is in the army but he wasn't sure. Khambhati said Boyd then started to walk back to help a guest at the front desk. The next thing he knew, Sarner and Boyd were fighting in the hallway. He said he stepped in and broke it up. Khambhati did not see who threw the first punch or how it started. He had Sarner and Orbay go towards the front desk and Boyd went to the break room. Khambhati said he was trying to deal with Sarner and Orbay at the same time there was another guest at the front desk. He was taking care of the new guests when he heard a scream. He looked up at the camera and saw Sarner, Orbay and Boyd fighting again. He sprinted over and they were separated again.

Khambhati went to work on getting the video and I went to speak with Boyd. Boyd still appeared to be in shock of what had happened. She said Sarner attacked her in the hallway. Boyd said Sarner punched her then threw her to the ground and Orbay and Sarner began to kick her. Ambulance personnel was on scene and I let them tend to Boyd. She was later transported to Pequot Medical Center via Mystic River Ambulance.

Also, while speaking with Boyd, I heard from employees that Boyd's son, had been called and was responding to the scene. The employees believed there was going to be a problem when he arrived. I forwarded this information to Sergeant Beebe.

I spoke with Williams who said was between Sarner and Boyd in the hallway when Sarner reached around Williams to punch Boyd. Sarner then grabbed Boyd and threw her to the ground. He began to kick her while she was on the ground. Williams was not sure of Orbay's involvement. She said it looked like she was trying to pull Sarner off of Boyd but she could have been hitting Boyd as well.

Khambhati was having difficulty pulling up the video. I was able to observe a video of the front desk area which shows the hallway. Khambhati was unable to make it fullscreen but I could see video in a small square. At approximately 1132 hours Boyd can be seen walking back towards the front desk to help a customer. Then I could see Sarner, followed by Orbay, sprinting down the hallway after Boyd. Just as Sarner gets to Boyd, she turned around. The video clip then stops. The next clip is they two separated and yelling. This was the only video of the incident Khambhati was able to pull up of the incident. He was having trouble getting any other views.

At this point it was clear that even if Boyd had thrown the first punch she was acting in self-defense. She had no where to go and no way to defend herself. I relayed this information to Sergeant Beebe. We knew we had probable cause to arrest Sarner and Orbay based on the statements. The injuries sustained by Sarner and Orbay were a result from Boyd defending herself. This is when I was notified that Sarner and Orbay had requested medical transport to the hospital and Mystic River Ambulance transported them to L&M Hospital in New London.

I asked Khambhati if I could get a copy of the surveillance video. He said he did not know how to make a copy but would look into it. I left him my business card to contact me and offered to bring him a flash drive if he needed.

Sergeant Beebe and I agreed that I would respond to L&M hospital and take Sarner into custody after completion of his treatment.

I contacted the L&M Hospital Emergency Room charge nurse. She notified me that Sarner was in the ER waiting to see a doctor and Orbay had been transferred to the Labor and Deliver Unit. I inquired about the COVID-19 protocols and I told her I needed to enter the Emergency Room to arrest Sarner. She told me she could not stop me from going in to get a statement

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but I would not be allowed in to make an arrest. She told me they are not allowed to tell the police when any one is getting released. The charge nurse said the Labor and Delivery Unit was likely had much more stringent guidelines.

I advised Sergeant Beebe of what was learned from the hospital.

Sergeant Beebe and I wanted take Sarner into custody and devised a plan to have him come to the police when he gets released from the hospital.

I had Khambhati cancel the room keys to Sarner's room (128) and told him to contact the police if they returned. Sarner's vehicle was still at scene. I called Sarner who said he was still in the ER and waiting to be seen by a doctor. He still believed he was a victim and asked if the clerk was arrested. I did not tell him my intent to arrest him and only that the incident was under investigation and I was still looking into getting the video. I told him he was banned from the Quality Inn and would need a police escort in order to get his possessions from the property. He said he understood and would let us know. The idea was to place Sarner under arrest when we made contact with him for the escort

Around 1515 I received a message from dispatch saying Sarner was looking to speak with me. I called Sarner. He said he was being threatened on Facebook messenger by people challenging him to come outside of his hotel room and fight them. Sarner said he was still at the hospital. I again told Sarner to set up a meeting with the police when he gets out of the hospital. I told him it was so we could give him an escort to get his things but it was really an attempt to meet up and arrest him. I sent Ofc Stamatien to the Quality Inn to anticipate Sarner's arrival. I cleared to backup Officer Hewes with a suicidal subject in Pawcatuck.

We advised New London Police we were looking to arrest Sarner if they made contact. There was another attempt from New London Police to make contact with Sarner but he was not found.

On 06/29/20 I spoke with Khambhati who said he was saving the file as we were speaking. At approximately 1200 hours I responded to the Quality Inn and took a copy of the surveillance video from the incident. Khambhati explained that the cameras are attached to motion sensors which is why sometimes they cut out and why there are breaks in the video from time to time.

I watched the video and it details two different altercations between Boyd and Sarner and Orbay. At 1125 hours the (front desk video - A13) shows Boyd talking on the phone at the front desk. At 1131 hours she leaves her desk and heads up the hallway towards the laundry room. There is a camera pointed at an ice machine which is located next to the laundry room door (A08). At 1130 hours Sarner and Orbay are seen on camera speaking with Williams. Khambahti enters the scene. Sarner is then seen yelling at someone down the hall, Boyd, and pointing his finger at her. Sarner then quickly leaves the frame followed by Orbay, then Khambahti. At approximately 1132 hours the front desk camera (A31) has Boyd walking back towards the front desk to help a guest. Sarner and Orbay are then seen sprinting towards her from behind. Boyd turns just as Sarner reaches her and then the camera cuts out. The next clip shows everyone separated but still yelling at each other. Sarner and Orbay were escorted towards the front desk and Boyd down the hallway and into the laundry room. Sarner and Orbay speak with Khambahti at the front desk while Sarner paces back and forth. After a few minutes Sarner and Orbay walk back up the hallway towards the laundry room. At approximately 1136 hours camera (A08) shows Williams getting ice from the ice machine. Boyd then enters the area to put the ice on her eye. This is when Sarner approaches with Orbay. Unprovoked Sarner and Orbay attack. Sarner throws a close fist punch with his left hand around Williams and strikes Boyd in the right eye. Orbay then punches Boyd multiple times. Sarner jumps in with a knee to Boyd's stomach then grabs her and throws her to the floor. Boyd falls violently and strikes the back of her head on the floor. Sarner then kicks Boyd in the head with his right foot then puts his knee on her head while punching her in the head with a closed right fist. Orbay pulled off Sarner but then pushes Boyd as other employees enter and break it up. Boyd staggered to her feet and was pulled into the

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Modified: 07/03/2020 @ 1437	Modified ID: DISC595
Approved: 07/03/2020 @ 1129	Approval ID: BEEB128

break room by Williams for her safety.

The video surveillance was property contolled.

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On June 26, 2020, at approximately 11:30 a.m., Stonington Police received two calls for service at the Quality Inn, located at 48 Whitehall Avenue in the Old Mystic section of the Town of Stonington, CT. The first caller was an employee, Dorothye Williams, who was reporting that a guest at the hotel had assaulted an employee. The second caller was Philip Sarner, a guest at the hotel who was reporting having been assaulted by an employee.

Officer Discordia, Sgt. Beebe, Officer Stamatien, and Sgt. Morrison all responded. Officers at scene found Crystal Boyd, a 59-year-old black female, inside a room off the laundry room. Officer Discordia noted that Boyd had swelling to her right eye, and she was holding a bag of ice on it. Boyd told Officer Discordia that she was "jumped", kicked and punched, by two guests. Boyd said the male who had assaulted her was staying in room 128, and had called the front desk, irate, because there was no hot water in his room. Boyd said the man was yelling at her and very disrespectful. Due to her injuries, Boyd was transported by ambulance to Pequot Medical Center for treatment.

Officers were made aware by Williams that the guests involved in the disturbance were leaving the building; officers stopped the guests outside. The guests were identified as Philip Sarner and Emily Orbay. Sarner identified himself by name and date of birth and Orbay identified herself by producing a NY learner permit (203846252). Orbay, who reported she was 5-months pregnant, reported she had been kicked and punched by Boyd. Officers observed a small scratch and redness to the bridge of Orbay's nose. Orbay requested medical attention, and was transported by ambulance to L&M Hospital.

Sarner also reported he had been injured during the incident; he complained of a headache, and officers observed a deep scratch to the right side of his neck. Sarner said he had called the front desk to report the hot water not working in his room. Sarner said he argued with the woman on the phone, later determined to be Boyd, and wasn't "getting anywhere" so he decided to go to speak with a manager. Sarner said he located and was speaking with the manager, later identified as Dev Khambhati, and the "head housekeeper" (Williams), when he heard Boyd walking toward them. Sarner said Boyd threatened to have her husband stab Sarner. Sarner said he responded, "What did you just say to me?" At that point, Sarner said that Boyd started to punch him in the face. Sarner said that he and Orbay were simply defending themselves. Sarner requested medical attention, and was transported to L&M Hospital.

Khambhati reported to officers at scene that he walked into a conversation between Williams, Sarner and Orbay regarding a staff member being rude, and there being no hot water. During this conversation, Boyd came up to the three saying, "don't be disrespecting me, you don't know me." Khambhati did not recall a specific threat, but thought Boyd may have said something like, "my son is in the army." Khambhati said that Boyd went back toward the front desk, and the next thing he knew, Boyd and Sarner were fighting. Khambhati said he separated them, and had Sarner and Orbay go toward the front desk, and Boyd went to the break room. Khambhati went to assist another guest at the front desk, when he heard a scream and looked up to see Sarner, Orbay, and Boyd fighting again. Khambhati was unable to get all of the video at the time.

On June 29, 2020, Khambhati was able to get recorded footage related to the incident downloaded. Officer Discorida responded to the Quality Inn where he took possession of two flash drives containing video footage of

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the incident. These flash drives were entered into Stonington Police property as evidence.

On June 29, 2020, I was assigned to complete the investigation into this incident. I made arrangements, via her attorney, to meet with Boyd on June 30 2020, at her attorney's office in New London, CT. On June 30, 2020, I met with Boyd as previously arranged, and obtained a signed, sworn statement from Boyd. In her statement, Boyd provided her account of the incident that occurred on June 26, 2020 at the Quality Inn during her 0700-1500 shift as a front desk agent. Boyd said that at around 11:15 a.m., she received a call at the front desk from an irate male guest (Sarner) in room 128. Sarner was upset over not having any hot water in his room. Boyd called Khambhati and told him about the issue. When Boyd called Sarner back to tell him about the issue, Sarner was still irate and demanded to speak with a manager. Boyd recalled he was so upset he was yelling such things as, "Fuck you bitch!" Boyd said that Williams and Khambhati intercepted Sarner on his way to the front desk, and were talking with him. Sarner yelled past Khambhati to Boyd, "Bitch, I'm going to send my girl to fuck you up!" Sarner then ran past Khambhati at Boyd. Boyd said she had no option but to try and defend herself. As Boyd was trying to fight Sarner off of her, Orbay also joined the altercation, which Boyd estimated lasted about 45-60 seconds. She recalled that both Sarner and Orbay were striking her in the head. The parties eventually separated, and Boyd went to Williams's office off of the laundry room, which is adjacent the room with the ice machine. Williams was having trouble getting ice from the machine into a bag for Boyd's eye, so Boyd went to the ice machine to help her. As Boyd neared the ice machine, Orbay came around the corner yelling, "You scratched my man's neck!" The next thing Boyd knew, Sarner reached around Williams and punched Boyd in the right eye. Sarner then threw Boyd on the ground and kicked her in the head. Boyd recalled hearing Sarner yelling, "you monkeys" during the assault. Boyd said she got to her feet and back into Williams's office. Boyd said she was treated at Pequot Health Center for a concussion, blunt force trauma to the eye, pain in the shoulder, wrist, neck, back and knees. At the time of her statement, Boyd's right wrist was in a brace and she had swelling to her right eye; photographs were obtained of Boyd's wrist and eye. Boyd said the comment about "monkeys" and the way the anger was directed at her, she felt that it was racially motivated.

On June 30, 2020, I spoke with and obtained a signed, sworn statement from Williams regarding this incident, which occurred during her 0900-1400 shift as the Executive Housekeeper. Williams said that she was aware that Boyd had received a call from an upset guest (Sarner) in room 128 regarding hot water. Williams knew that Khambhati was addressing the matter. As Williams was in her office, another staff member (Mary Slater) brought Sarner and Orbay into the office to speak with her about how Boyd had spoken to them. Williams said that Sarner was "very agitated" and getting loud. She recalled him saying, "I'm sorry, I'm Italian, so I get angry." Williams said she attempted to speak with Orbay in an attempt to de-escalate. Shortly after, Khambhati joined the conversation, as Sarner continued to be loud and agitated. During this conversation, Williams saw Boyd come up to them and was yelling back and forth with the guests. At some point, Williams just saw that the three of them started fighting. Williams said the three separated, and she got Boyd into her office and called 911. Williams said she was trying to get ice into a bag from the ice machine for Boyd, but couldn't hold both sides of the bag and push the button at the same time. Williams noted that Boyd's eye was bruised and swollen. Boyd came toward the ice machine to assist Williams with getting ice, at which point Williams recalled Sarner go around her and start "hitting and pushing" Boyd before he "threw" her on the floor and kicked her in the head. Williams did not recall any racial slurs or hearing the word, "monkey" during the altercation. However, Williams did note that things were happening very fast, and there was a lot of yelling. I also learned from Williams that

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she had conversations with officers at the scene regarding what to do with Sarner and Orbay's property in the room. Williams said she was cautioned by Sgt. Beebe not to enter the room as the guests could accuse of her stealing; rather he advised her that police would escort Orbay and Sarner to the room following their release from the hospital. Williams said she was later advised by police to disable Sarner and Orbay's key access to the room and to call the police when the couple returned for their effects. Williams said that went she went to the room to scan the lock to the prevent any entry, she heard water running. Williams got Khambhati to go in the room with her to investigate the water running. Upon entering the room, they found that the shower had been left on, but there were no personal effects of Orbay or Sarner in the room.

On June 30, 2020, I spoke with and obtained a signed sworn statement from Khambhati who was working as the manager at Quality Inn at the time of this incident. Khambhati said he learned of the hot water issue, and took about 5 minutes to fix it. When he came back inside from fixing the problem in the boiler room, he joined the conversation between Sarner, Orbay, and Williams. During this, Boyd came "up the ramp" (hallway) and she and Sarner began to argue. Khambhati said he remembered them "cussing" at each other and he believed they were both yelling racial slurs at each other. Khambhati wasn't sure how, but knew that at some point Boyd, Sarner, and Orbay ended up in a physical fight. Khambhati got them separated and went to help another guest. He then heard Williams scream his name, so he looked up and saw Sarner, Orbay, and Boyd fighting again. By the time he got to where they were, Boyd was getting to her feet, and Williams got her into the office away from the other two.

On June 30, 2020, I went to the Quality Inn and found that upon entering the front main entrance of the Quality Inn, the hotel main desk is on the right-hand side. Directly in from the main entrance, past the front desk, is a hallway that has a slight incline toward the rooms; this hallway is referred to by staff as "the ramp". At the top of "the ramp" is a left corner, and then immediately on the right is a room with an ice machine and vending machine. Off of this room is a laundry room, and off of the laundry room is Williams's office. In reviewing the surveillance footage, there are two cameras of note. The first is a camera (Lobby) that is positioned above the main entrance and captures "the ramp" up to the corner. In reviewing that footage, at 11:32 a.m., Boyd is seen walking down the ramp. As she gets to the bottom of it, Sarner and Orbay can be seen rounding the corner and sprinting down the ramp toward Boyd. Just as Sarner (with Orbay behind him) reaches Boyd, she turns and raises her hand in apparent defensive reaction. At that time, the video stops and the rest of the first altercation is not recorded. The next clip from the same camera shows Williams and Khambhati separating the three, Boyd, Orbay, and Sarner. Williams is walking Boyd back up the ramp, as Boyd is pointing at Orbay and Sarner; Khambhati is keeping Orbay and Sarner toward the bottom of the ramp as they slowly walk toward Boyd. I asked Khambhati about this camera. Khambhati explained that it is an "IP Camera" and only records portions of time based on certain motion. The second camera is positioned outside of the small room with the ice machine and vending machine. At 11:37 a.m., Williams is seen coming from the direction of the laundry room attempting to get ice into a plastic bag. It is evident from the video that Williams is having difficulty doing this, and then Boyd enters from the same laundry room. Almost immediately upon Boyd entering the room with the ice machine, Orbay enters the same room and appears to be talking to Boyd while pointing over her left shoulder at Sarner, who is behind her. At this point, Williams is bent over at the ice machine with Boyd to her right, and Orbay and Sarner entering the room from her left. As Orbay and Sarner enter, Williams turns toward Boyd who are now face-face, apparently speaking at each other. Sarner reaches around Williams on her left side and strikes

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Boyd in the right eye area with what appears to be a closed left fist. Orbay goes around Williams to the right, and strikes Boyd in the face with her right forearm. Williams gets out of the way, as Orbay grabs Boyd by the head. Sarner grabs Boyd first by the torso and strikes Boyd with his knee in the left side, before taking control of her head and forcibly throwing Boyd to the ground. He then kicks Boyd in the head with his right foot, and then strikes her in the head with his right hand. Orbay gets in front of Sarner, as does another employee, and Sarner stops the assault. Williams then grabs Boyd by the arm and pulls her into the laundry room area. Khambhati enters the frame at about that point and directs Sarner and Orbay away.

On June 30, 2020, I left messages with known phone numbers for Sarner and Orbay. Sarner returned the call and provided an account of the incident over the phone. Sarner said that as he was speaking with Williams and Khambhati, Boyd approached and began yelling, "white comments" at him. He said that as she walked away, Boyd was still yelling at him so he approached her to ask what she said. Sarner said that at that point, Boyd hit him unprovoked. I found that this statement is contradicted by the video footage which shows Sarner running at a sprint speed toward Boyd as she is walking away from him. The video cuts out just as Sarner reaches Boyd, but Boyd's actions just prior to the loss of video is consistent with a natural reaction of defense. Sarner said that the second altercation was started when Boyd entered the ice machine room and spit in his face. I found that this statement is contradicted by the video footage as Boyd's face is clearly visible and there is no indication that she spit, and further, it would have been nearly impossible to have spit at Sarner past Williams. Sarner said that "no one threw her on the ground." I found that this this statement is cotradicted by the video footage which clearly shows Sarner forcibly throwing Boyd to the ground. Sarner denied saying, "monkeys" during the assault. Sarner admitted to kicking Boyd in the head while she was on the ground. Sarner said he "lost his temper" and that Boyd should have never put hands on him.

I learned from Boyd that her family has been involved in text messaging via Facebook with the Facebook user "Keli Arias" who identified herself as the female companion of the man involved in the assault on Boyd. The person using the profile name "Keli Arias" referenced specific details of this incident, and referred to she and her "husband" being involved. In those messages, "Keli Arias" sent "Umm ur story is so twisted...we Called the cops weirdo. We approached the cops. We are still speaking to the cops. Their coming to make a report about you monkeys again. Don't get shot. Enjoy ur ghetto news I know the old bitch wants to feel important. No one cares about her she swung first". I obtained screenshots of this message from Lauryn Dixon, a family member of Boyd who had received the message from "Keli Arias."

I received from Sgt. Cuiffo of the Nassau County Police Department a booking photo of an arrest of Philip Sarner, dob 11/01/1980 on March 6, 2020. The image from that arrest matches the male in the aforementioned video. Sgt. Beebe viewed the booking photo and confirmed that the male who identified himself as "Philip Sarner" at the time of the incident was the same man as in the photo.

That based on the aforementioned set of facts and circumstances, I submitted affidavits to superior court charging Sarner with Assault 2nd degree and Intimidation Based on Bigotry and Bias; and charging Orbay with Assault 3rd degree and Intimidation Based on Bigotry. I was advised by the court to change the Assault 3rd charge for Orbay to Assault 2 and add Criminal Liability. At 10:12 a.m. on July 1, 2020, I emailed both warrants to court for review, and drove to court with signed copies. After several hours of discussion, the charges were changed to Assault 3 for Orbay and Assault 2 for Sarner. At approximately 1:35 p.m., both warrants were signed by Judge

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Strackbein.

Upon leaving the court house with the signed warrant, I was contacted by S/Inspector D'Amico and advised to return to the court as SSA Regen wanted paragraph 14 deleted in both warrants. I returned to court, and completed two more affidavits without the paragraph that was #14 in the original signed warrants. Paragraph #14 in the originally signed warrants detailed the aforementioned Facebook message sent by "Keli Arias". The original signed warrants were vacated by Judge Strackbein, and they are with the case file. The new warrants were signed by Judge Strackbein.

I returned to headquarters and at 3:20 p.m., sent an email to Det. Sgt. John Monell, of the Nassau County Police Department, containing a scanned PDF of the signed warrant. I further advised D/Sgt. Monell that the warrant was extraditable from New York and was currently being entered into NCIC. On July 1, 2020, at 4:33 p.m., I received an email from D/Sgt. Monell advising that he had forwarded the information to Det. Anthony Draghi of the department's fugitive squad as well as to the "fourth squad" which covers Oceanside. D/Sgt. Monell reported that Sarner is well known by the officers and detectives of the 4th squad. D/Sgt. Monell said the fugitive squad would start looking for Sarner in the morning, and that an intel workup had already been completed.

On July 2, 2020, I responded back to the Quality Inn and was granted permission by staff to access the on-site video system. In doing so, I downloaded relevant files to this incident. I also learned additional information. At 2:19 p.m., video shows that Orbay and Sarner were dropped off by a dark blue SUV, which appears to be VW and likely a Lyft or Uber. Sarner exits the driver's side rear door of the SUV, and hurries to his vehicle, a white Ford sedan (appears to be a Fusion) where he gets into the driver's seat. Orbay exits the same door of the SUV and gets into the passenger seat of the same white car. Sarner and Orbay then leave the parking lot of the Quality Inn. I also found that at 11:41 a.m., a time between the second altercation and police encountering Orbay and Sarner, the two went to the white vehicle with Orbay carrying a purse and a larger bag. She put the larger bag in the trunk of the white car.

On July 2, 2020, while at the Quality Inn, I obtained a copy of the guest card for Sarner's stay with his signature on it. I also spoke with Andrew Venturini, who was seen in the video of the second altercation, coming in toward the end. Venturini is an employee of Quality Inn who works in laundry, and was in the laundry room at the time of the second incident. Venturini said he heard the yelling, and looked out to see Sarner reaching around Williams to strike Boyd. Venturini said he didn't recall what was being said, just simply that there was yelling. He said he ran over as the assault was ending, and then went back to his work. I also spoke with Mary Slater, the housekeeper that was approached by Sarner after his phone conversation with Boyd. Slater said that she was working when she was approached by Sarner who was very "rude" and angry. Sarner said he wanted to speak with someone about how the woman at the front desk had just spoken to him. Slater said she asked if Sarner would like to speak with the manager, and Sarner said he didn't want to talk to that "black woman". Slater then offered that she would bring Sarner, to her boss (Williams), an offer accepted by Sarner. Slater escorted Sarner to Williams, and the two began speaking. Slater said she was in the area doing work as the disturbance took place, but did not have many details beyond hearing yelling and fighting.

On July 2, 2020, at approximately 12:05 p.m., I met with Jammel Caldwell and Lauryn Dixon at the office of Attorney John Strafaci in New London, CT. Dixon had earlier provided me with screenshots of her Facebook messenger conversation with "Keli Arias", believed to be the Facebook account of Emily Orbay based on the

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context of the conversation. Dixon showed me her phone, which showed that her text conversation with “Keli Arias” began on June 26, 2020 at 4:09 p.m. The profile of “Keli Arias” has been disabled so the content of the messages was no longer visible. However, Dixon confirmed that her own profile URL is www.facebook.com/lauuryn.dixon. At 2:17 p.m., I submitted a preservation request to Facebook for Dixon’s profile for a future search warrant to retrieve this message thread. I also learned from Dixon and Caldwell that another member of their family, Jamel Winston, had a text conversation via Facebook Messenger with the profile of Philip Sarner. Based on a screenshot provided by Dixon, the messaging between Sarner and Winston began at 2:58 p.m on June 26, 2020. There were different profiles for Philip Sarner, however Winston’s profile that he used to message Sarner was confirmed as www.facebook.com/jamel.maurice. At 2:17 p.m. I submitted a preservation request to Facebook for Winston’s profile for a future search warrant to retrieve the message thread. I confirmed with Sgt. Beebe that police on scene did not make Sarner aware that members of Boyd’s family were seeking him for retribution. Based on this, and the respective times that Facebook communications commenced, there is no evidence to show that Sarner had reason to believe he was in physical danger at 2:18 p.m when he hurried from the blue VW SUV to his vehicle and quickly left. It is reasonable to conclude that Sarner and Orbay hurried from the Quality Inn to avoid apprehension by police.

On July 2, 2020, at 7.34 a.m., I had sent an email to Det. Draghi to ensure he had my cell and knew I was available all day. At 7:41 a.m., Det. Draghi responded that he had received it. At approximately 2:04 p.m, I attempted to call Det. Draghi for an update, but he was not in the office. At 2:06 p.m., I sent him an email asking for an update.

On July 2, 2020, I attempted to call Tim Corcoran, a guest at Quality Inn that was at the front desk during the incident. I have left a message for Corcoran, however he had expressed to officers at scene his hesitation to provide a witness account.

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On July 3, 2020, I again attempted to contact Det. Draghi for an update, but could not reach him. I then called the Detective Division at the 4th Precinct and spoke with Det. Jason Williams. I updated Det. Williams on the warrant, and provided a copy of the warrant for Sarner via email to Det. Williams. I also provided Det. Williams with the information we had regarding Orbay's address and that the two were last known to be traveling together as a couple. I also provided Det. Williams with images of the car that Sarner was last known to be operating, including an image of the TX temporary registration. Det. Williams said that he would communicate with the fugitive squad and members of his office would make attempts to locate Sarner and/or his vehicle on that day.

On July 3, 2020, at approximately 11:18 a.m., I received a call from Tina D'Amato advising that she represents Philip Sarner. D'Amato was advised that there was an active arrest warrant for her client, and I requested that he surrender himself to police. At approximately 12:05 p.m., I received a call from Sarner. Sarner said he was upset because the police were contacting his family members, including his 77-year-old mother, in an effort to find him. Sarner said he and Orbay were willing to turn themselves in on Wednesday, July 8, 2020. I advised Sarner that he should turn himself in as soon as possible, and that law enforcement would continue to pursue his arrest until such time he is taken into custody.

In reviewing the screenshots of the message thread between Dixon and "Keli Arias" I found messages from "Keli Arias" that implied she was the female involved in this incident. The dialogue captured in the screenshots is detailed below:

Dixon: "OHOOO SO YOU'RE THE BITCH WHO'S MAN HITS WOMEN?? He hits you too?"

Keli Arias: "No what happened was she looks like a man" "And hit him first"

Dixon: "bitch you have no room to talk, w/ your fat ass (emojis) stop it" "mooooooo bitch"

Keli Arias: "Stop talking about my fat ass it's weird what's wrong with you alien looking ass" "That old bitch is bad she handled it she beat myself up" "My husband*"

Dixon: "Stop it (emoji) I'm so far from ugly, you & your man literally look funny together (emojis) LMAOOOOO it's honestly funny, but I get it.. he was getting beat up... so you had to help your defenseless ass man... makes so much sense now (emoji) so he's just a pussy who got beat up... alright got your side now"

Keli Arias: "Yes exactly. He got beat up by that sick hateful racist employee." "And that's good you tell yourself that but you are ugly and weird talking about my fat ass and about a fight when it was an old sick woman assaulting a man." "Yes we look great together move on. Tf is your point being on fb? We didn't run from cops their investigating it for us. They saw the footage. We would be locked up if we assaulted her nasty ass. She put her hands on him."

Dixon: "Literally tried to call me ugly because you know you're fat (emojis) I'm crying. Sorry you're the fat girl mamas (emojis).

Keli Arias: "Ok ur calling me fat because you know you're ugly lmao wtf"

Dixon: "(emojis) so exactly your husband is a pussy? (emoji) lmaoooo y'all got it bitch. I talked to the cop actually & they were looking for you to ARREST you, but when y'all got out the Lyft instead of walking thru the front you walked thru the side, to HIDE. You & your pussy ass racist nigga can suck hella BLACK DICK bitch. Choke on that shit, I'm sure that's what you were taking before you got with

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the racist fuck. ENJOY bitch (emoji) I got time today, if you wanna really get it shakin let me know. Otherwise shut your pussy fat ass mouth up (emojis) & continue to cry to the cops bitch (emoji).” “sick old woman assaulting a GROWN ASS MAN? Come onnn girl you can’t be THAT STUPID (emoji) I didn’t even read what you said because honestly anything coming out your mouth sounds like bullshit (emojis) & no I’m calling you FAT BECAUSE YOURE A FAT BITCH (emojis) lmfaoooooo who calls someone something their not ? Y’all should’ve been on the way to fitness center, & not worried about a shower quite yet (emojis)” “lmaoooooo what’d you go home to eat a burger? (emojis)” “I think you probably get beat on too, I’ll be praying for you mamas (emojis)”

Keli Arias: “Ummm ur story is so twisted...we Called the cops weirdo. We approached the cops. We are still speaking to the cops. Their coming to make a report about u monkeys again. Don’t get shot. Enjoy ur ghetto news I know the old bitch wants to feel important. No one cares about her she swung first.”

Dixon: “look at you showing your racism AGAIN (emojis) & okay do you ma’am. I haven’t done anything so I’ll continue to talk my shit because you and your man are pussy simple as that, y’all had to fight an old lady, like cmon that’s just really sad...it’s really showing how much y’all dislike blacks. lmaooo coming to report about us monkeys? You wouldn’t even come outside cmon now (emoji) nobody did nothing to you & your man (emojis) Don’t get shot??? Sounds like a threat” “Maybe I should show the cops that (emoji)”

Kelli Arias: “Come outside where ya talking about? Make no sense. We were escorted by the cops very nicely back into our car. I’m saying don’t get shot by cops.”

Dixon: “Ghetto news .. WHEW YALL WANNA BE OF COLOR SO BAD” “lmaoooooo YOU ARE RACIST” “AS FUCK” “I just posted you all over social so enjoy”

Keli Arias: “Oh no u social media roach lol”

Dixon: “* & you’re a racist bitch” “I hope your man beats you once to hard next time (emoji)”

Keli Arias: “Kk keep telling the side of the story u got from ghetto news to show everyone black lives matter”

Dixon: “BLACK LIVES DO MATTER BITCH. yours doesn’t stfu (emoji)” “honestly just shut the fuck up at this point (emojis) it’s so sad, you & your husband are sad LMAOOO LITERALLY I could care less I’ll be posting all your racial shit bitch enjoy (emoji)”

Keli Arias: “Says the weirdo alien writing us on fb” “Wit ur fake story lmao”

Dixon: “bitch atleast I’m not fat & my man don’t beat on me”

Keli Arias: “I said show everyone they matter with ur fake story”

Dixon: “Fake story that’s why you so pressed”

Keli Arias: “So because my man was assaulted that means he beat me yes. Of course.”

Dixon: “Why you went & deleted your racist comments bitch” “Stfu”

Keli Arias: “Pressed? Yes so “pressed.”

Dixon: “Sure does cause he beats on women” “YES SO PRESSED BITCH” “fuck” “You keep responding for” “If you don’t wanna get it shakin fuck out my messenger bitch” “dead tf ssss”

SUPPLEMENTAL NARRATIVE FOR DETECTIVE GREG HOWARD

Ref: 20-436-OF

Entered: 07/14/2020 @ 1449 Entry ID: HOWA285
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Keli Arias: “Bitch u standing by so what’s good” “We got two free nights for the trouble” “See if ur free”

Dixon: “bitch you didn’t even wanna come outside when I was there you ran to the cops” “Stfu you fat ass BITCH CMONNN” “don’t play me rn” “pop out then bitch stfu”

Keli Arias: “Ran to the cops because I saw u?”

Dixon: “You & your man ran to the cops (emojis)” “COMONN (emojis)” “you’re pathetic” “(emojis) honestly” “I could GIVE A FUCK IF THE HOTEL GAVE YOU A ROOM it’s just funny because ANY NORMAL PERSON who was assaulted WOULDNT stay at the same hotel they were “assaulted” at but I guess that’s just you & your WEIRDO ass husband” “Who doesn’t share the same last name as you so BOYFRIEND my”

Keli Arias: “Yea cuz we were assaulted lol” “It’s called sarcasm u alien” “Idgaf who she is” “On the floor like a piss stain”

Dixon: “(emoji) so he’s 200 pounds plus over her...& he needed to defend himself...makes sense” “look at you chattin (emoji)” “you’re so big you couldn’t be missed bitch (emoji)” “I’ll be an alien you’re ugly & fat (emoji)” “Least Im cute ina bathing suit”

I also learned from Caldwell and Dixon that another member of their family, Jamel Annibalini-Winston, had a text conversation via Facebook Messenger with the profile of Philip Sarner. Based on a screenshot provided by Dixon, the messaging between Sarner and Dixon began at 2:58 p.m on June 26, 2020. Dixon provided me with a single screenshot from the text conversation. I recognized the profile picture associated with the profile of “Philip Sarner” as being Sarner, based upon the aforementioned video and booking photo. Winston confirmed that his contact with Sarner was related to the incident. There were different profiles for Philip Sarner, however Winston confirmed the URL for his profile, www.facebook.com/jamel.maurice, which he used to message Sarner. On July 2, 2020 at 2:17 p.m., I submitted a preservation request to Facebook for Winston’s profile to preserve the message thread. The dialogue captured in the screenshot is detailed below:

Winston: “Yeah come outside” “Stop hiding in ya hotel come outside”

Sarner: “I’m just a white guy I know u area gang member” “050”

Winston: “You pussy” “That’s exactly what you are” “Come outside”

Sarner: “Awe baby” “An u are a lowlife black person who life doesn’t matter”

Winston: “Aw you called the cops (emojis)”

According to his criminal history, Sarner was charged by New Jersey State Police Gaming Unit with Terroristic Threats on December 26, 2019; the case is still pending. On July 7, 2020, I received from NJSP a copy of the arrest report from this December 26, 2019 incident. In reviewing the report, I learned that in the course of that incident, Sarner was transported to a medical center for evaluation. The report indicates that Sarner “repeatedly made racial, sexist, homophobic and violent remarks towards law enforcement and hospital staff.”

On July 8, 2020, new affidavits were presented to the State’ Attorney Office as well as Judge Strackbein. The existing arrest warrants that were signed on July 1, 2020 were vacated and new arrest warrants issued charging Sarner with Assault 3rd Degree, Assault 2nd Degree, and Intimidation Based on Bigotry and Bias 1st Degree; and charging Orbay with 2 counts of Assault 2nd Degree and one count of Intimidation Based on Bigotry and Bias 1st

Degree.

On July 8, 2020, I obtained search warrants for the medical records of Philip Sarner for treatment received on June 26, 2020 at L&M Hospital, medical records of Emily Orbay for treatment received on June 26, 2020 at L&M Hospital, Facebook records from URL www.facebook.com/lauuryn.dixon for June 26, 2020, and Facebook records from URL www.facebook.com/jamel.maurice for June 26, 2020. I have communicated with Attorney Strafaci to get a release from Boyd regarding her medical records related to this incident.

On July 9, 2020, the 2 search warrants for L&M were served upon the Records Department at L&M Hospital, and the aforementioned medical records seized, and later entered into evidence. On July 10, 2020, the 2 search warrants for the aforementioned Facebook accounts were served upon Facebook.

In reviewing the medical records for Orbay, I found that she arrived at L&M Hospital on June 26, 2020, at 12:39 p.m.; her admission type was documented as "urgent". The discharge time was documented as 1:40 p.m. on June 26, 2020. The records indicate that Orbay came to the hospital complaining of a possible hit to the abdomen. At the time of treatment, the records indicate Orbay was 24 weeks and 6 days pregnant. Orbay declined the physician's recommendation of at least 4 hours of monitoring and lab work for possible placental abruption. Orbay was counseled about the risks associated with abruption, but chose to leave the hospital anyway, and was discharged.

In reviewing the medical records for Sarner, I found that he arrived at L&M Hospital on June 26, 2020 at 12:20 p.m.; his admission type was documented as "emergency". The discharge time was documented as 2:01 p.m. on June 26, 2020. Sarner's chief complaint was documented as, "Assault Victim (punched in the head, ringing in ears, pain to left side of neck. Police have been notified), Vision Change (resolved "I saw stars")." The records indicate that Sarner left the hospital before being seen by a doctor.

On July 9, 2020, using the law enforcement database Accurint, Sarner's cell phone number 516-789-9976 was checked and New Cingular Wireless/AT&T was found to be the carrier. According to Accurint, the phone is in the name of "Harold Sauer" with an address in Brooklyn, NY. The address in Brooklyn, NY is the same home address provided to police by Orbay as her home address. "Harold Sauer" also has a previous address in Oceanside, NY. The address in Oceanside, NY is the same home address provided to hospital staff by Sarner on June 26, 2020. In the medical record, I found that Sarner had provided his phone number as 516-789-9976 to hospital staff on June 26, 2020. On July 9, 2020, I contacted AT&T legal compliance office and confirmed that the phone number 516-789-9976 was an active AT&T phone number. On June 30, 2020, I had called the phone number 516-789-9976 and left a message for Sarner. This is the phone number that Sarner provided to officers at the time of the incident, and the phone number that Officer Discordia had called Sarner on while he was at L&M Hospital. When Sarner returned my call and provided his account of the incident over the phone; the phone number that displayed on "caller id" was 516-789-9976.

In Orbay's medical record, I found that she had provided her phone number as 347-446-1824 to hospital staff on June 26, 2020. On July 9, 2020, using the law enforcement database Accurint, I queried Orbay's cell phone number, 347-446-1824, and found New Cingular Wireless/AT&T to be the carrier. According to Accurint, the phone is in Orbay's name with the same home address she provided to hospital staff on June 26, 2020, which is 49 Mackay Pl, Brooklyn, NY. On July 9, 2020, I contacted AT&T legal compliance office and confirmed that

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the phone number 347-446-1824 was an active AT&T phone number.

Philip Sarner had made arrangements that he would turn himself in on Wednesday, July 8, 2020, then through his attorney (Tina D'Amato) made arrangements to turn himself in on Thursday, July 9, 2020. On Friday, July 10, 2020, Sarner had still not surrendered himself to police, and efforts by authorities in New York to locate him had failed. I then obtained a search warrant for a Pen/Register Trap and Trace as well a search warrant for handset location for Orbay's phone and Sarner's phone. I forwarded the search warrants to James Masterson of the US Marshal's Office for service upon AT&T.

On July 13, 2020, at approximately 7:43 a.m., I received notification from Masterson that Sarner and Orbay were taken into custody in Brooklyn, NY that morning. During the day on July 13, 2020, I had several phone conversations with ADA Hanna Karsevar of the New York County District Attorney's Office regarding Orbay and Sarner. Eventually, I was advised by ADA Karsevar that Orbay and Sarner will willing to waive extradition if they were picked up that day.

At approximately 6:30 p.m. on July 13, 2020, Det. Capalbo, Officer Browning, Officer Hage and I drove to New York in two separate vehicles and took custody of Sarner and Orbay. Both Sarner and Orbay were transported to SPD headquarters where they were booked on the outstanding warrants. The NCIC entries were cancelled, and the two were later bonded with surety.

SUPPLEMENTAL NARRATIVE FOR PATROL OFFICER GEORGE STAMATIEN

Ref: 20-436-OF

Entered: 06/29/2020 @ 2219 Entry ID: STAM747
Modified: 07/02/2020 @ 1445 Modified ID: STAM747
Approved: 07/03/2020 @ 1130 Approval ID: BEEB128

On 6/26/20, at approximately 1130 hrs, I responded to the Quality Inn Mystic, 48 Whitehall Ave, Mystic for a report of a disturbance. Sgt. Beebe, Det Sgt. Morrison and Officer Discordia arrived prior to this officer. The disturbance involved Quality Inn employee, Crystal Boyd and hotel guests Phillip Sarner and Emily Orbay. I found all involved parties had been separated.

I found Sarner and Orbay outside the hotel, I observed abrasions on Sarner's head and neck and Orbay, who stated she is six months pregnant, claimed she was injured from being kicked in the stomach. Both Sarner and Orbay stated Boyd caused their injuries and requested transport to the hospital. I remained with them until they were transported by ambulance. While we waited, Sarner told me that he confronted the front desk staff this morning about the lack of hot water in his room. According to Sarner staff was not accommodating and Boyd told him something to the affect that she "would stab or shoot him" or she would have him "stabbed or shot." He gave this as the reason he engaged in a physical altercation with Boyd.

Boyd remained in the hotel until an ambulance arrived. Boyd claimed she could not see out of her right eye and that she had pain in her right leg and hip area. All involved parties were transported to the hospital for treatment. I was advised that Boyd's son, Jamel was on route to the Quality Inn and that he could be a problem when he arrives. He arrived with a female, I advised Jamel that his mother was inside and waiting for an ambulance to arrive. I observed his body language and it was obvious he was agitated, I advised him to care for his mother, to not escalate the situation as the investigation was not complete. He responded by ignoring my comments and his female partner snickered and said "I don't think he can do that." A short time after all parties were transported, I cleared.

At approximately 1500 hrs, Officer Discordia received information that Sarner may be returning to the Quality Inn. I responded to the Quality Inn to make contact with Sarner. On arrival, I observed Sarner's vehicle was no longer on the Quality Inn property. At this same time, I observed three vehicles driving passed me in the Quality Inn parking lot. I recognized Jamel as the passenger of one of the vehicles and stopped the vehicle. Jamel admitted that he was in contact with Sarner through Facebook Messenger and he believed that Sarner was in his hotel room. Jamel was attempting to get Sarner to come outside where I believed he had planned to take retaliatory action against Sarner.

I advised Jamel that Sarner was no longer on the property as his vehicle was no longer here. Jamel snapped at me "He is! He took a Lyft! He's in his room. He's in the hotel! He won't come out." I explained to Jamel that this department still needed to speak with Sarner and that Sarner has now most likely fled the area after feeling threatened by Jamel. I advised Jamel that his actions are not helping the Stonington Police Department with this investigation. He was advised to terminate communication with Sarner and leave the Quality Inn property. Jamel replied something to the affect "I don't know if I can do that."

Manager Dev Khambhati informed me that Jamel had been on the Quality Inn property looking for Sarner since police left earlier. Khambhati also discovered that Boyd had remotely accessed the inhouse Quality Inn computer system after leaving for the hospital. She had accessed Sarner's registration information and then provided it to Jamel. Khambhati believed that the entire incident could have been handled much differently by all involved, including Boyd. Khambhati said that Boyd's behavior leading up to this incident was not appropriate causing the hotel to consider disciplinary action or possible termination.

SUPPLEMENTAL NARRATIVE FOR SERGEANT KEITH BEEBE

Ref: 20-436-OF

Entered: 06/30/2020 @ 0205 Entry ID: BEEB128
Modified: 07/03/2020 @ 1406 Modified ID: BEEB128

On June 26, 2020 at about 1135 hours, Officer Discordia and I were dispatched to the Quality Inn located at 48 Whitehall Ave in Mystic for a reported disturbance in the lobby between staff and a guest. Dispatch also reported a second call from a male subject reporting that he was assaulted, needed an ambulance and that he was in his room.

Upon my arrival to the front door of the main lobby a male exited the hotel and approached me. He reported that he witnessed a black female employee being attacked by a white male guest and another female who was with the male. He reported that the white male and the female companion were the obvious aggressors. He said it was a violent fight. He said things were calm and that he was leaving. I asked if the parties were separated and he said they were. He agreed to identify himself as Tim Cororan and I received his phone number, but he refused to wait.

Officer Discordia entered the lobby. I entered right behind Officer Discordia where we were directed up the hall to a break room where we met the employee, Crystal Boyd, who was assaulted. She was sitting in a chair holding ice to her eye. She was extremely upset and reported that a white male and his wife approached her and they were upset with there being no hot water in their room. She explained that they were yelling and demanding a refund. She stated that she told them not to talk to her the way they were. She stated that the male attacked her and punched her and threw her to the ground. Another Employee, Dorothy Williams said she witnessed the assault. The manager also reported that he witnessed the assault. Boyd explained that the white male guest chased her down the hall after she walked away to assault her. She said he punched her in the eye and that the female with him also punched her. Victim Boyd stood up from her chair and demonstrated how the suspect punched her from behind Williams. Victim Boyd told us that the suspects were going to leave that we better find them before they get away. I advised Officer Discordia that we needed to respond to the room where the other caller was. We then heard that they, the suspects, were leaving. At this time victim Boyd did not elaborate about any racial slurs being exchanged, but this was a brief encounter with her to obtain an overview to establish identification and detention of suspects. Williams remained with Boyd.

As we exited the front door, I observed a white male and a Hispanic female walking toward us. Det. Sgt. Morrison arrived. The manager told me that the white male with the green shirt was the one who assaulted his employee and the female was his wife. Sgt Morrison and I approached the male and asked him if he was involved in the assault in front lobby. He said he was and that he was the one who called police. He was extremely agitated and animated. He was ordered to get his hands up for he appeared to be reaching to his waistband. He immediately complied I observed that his pupils appeared pin pointed causing me to believe possible narcotic use. I instructed him to turn around and put his hands behind his back. I placed handcuffs on him and advised him that he was not under arrest, but the info I currently had indicated he was violent and possibly attempting to flee. He said he understood. He said he was the one who was assaulted by the employee. He explained that was complaining about the hot water not working and was mad about it. He said that the employee told him not to talk to her that way and said she was going to call her son and have him shot. He said he then was assaulted by her and he defended himself and his wife. He said she hit him first. He explained that his wife was six months pregnant and that the employee assaulted her as well and punched her in the stomach. He stated he chased her down the hall when she walked away and she assaulted him again. He explained that there were two incidents where the employee was the original aggressor. Officer Discordia and Sgt. Morrison spoke to the female. Officer Discordia then spoke to Sarnier after he finished speaking to the female.

SUPPLEMENTAL NARRATIVE FOR SERGEANT KEITH BEEBE

Ref: 20-436-OF

Entered: 06/30/2020 @ 0205 Entry ID: BEEB128
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The male identified himself as Philip Sarner of 2746 Oceanside Rd., Ocean City, NY. Sarner showed me deep scratches to the left side of his head and marks on his neck. Wanted person checks were conducted which resulted negative for both. Mystic River Ambulance arrived and both Sarner and his wife agreed to be transported to the hospital for treatment. Mystic River called for a second ambulance. Sarner and his wife had stories which contradicted what we had learned already. However, Sarner's story at face value did not make sense. I uncuffed Sarner and allowed him and his wife to receive treatment as we continued our investigation. I learned that their car was at the hotel and believed they had possessions in the room to retrieve. Officer Stamatien arrived and remained with Sarner and his wife as they received treatment by EMS.

Officer Discordia re-entered to interview Boyd more and review video footage. Sgt. Morrison left the scene. Officer Discordia indicated that a third ambulance for Boyd had been dispatched. We then learned that Boyd had called her son who was on his way to our location. Officer Discordia informed me that he was told that there will be trouble when he arrives. I passed on this info to Officer Stamatien and advised EMS that they needed leave with their patients as soon as possible to avoid confrontation between Boyd's son and Sarner and his wife. An ambulance arrived for Boyd as the son arrived. The son caused no problem, but for obvious reason appeared angry.

Officer Discordia reviewed the video footage and briefly showed me. It was obvious from this footage that Sarner was the aggressor along with his wife. It was decided that Sarner would be arrested, taken into custody when released from the hospital. The wife, being pregnant, would be issued a summons. Officer Discordia would later be told by L&M Hospital that because of COVID-19 he would not be allowed in to make an arrest and for patient privacy they would not be able to call regarding release time. I did not agree, but understood the hospital's position on this regarding the current COVID situation and decided not to challenge it in the spirit of a continued future working relationship with hospital. Officer Discordia would make arrangement with Sarner to meet at hotel for arrest under the guise of an escort. Quality Inn staff was asked to deactivate the room card forcing them to make contact with front desk who in turn would call police.

At end of my shift on 6/26 Sarner was still at hospital. Sgt. Diamanti, evening shift supervisor, was briefed. I would later learn that Sarner contacted Officer Discordia saying he was still at the hospital being released but police discovered his vehicle missing from the hotel. Apparently, Boyd's son was at hotel waiting for Sarner. It was also learned that the son was communicating with Sarner.

Word spread through social media that police did not make an arrest. Black Lives Matter group and the NAACP were making inquiries. Lt Schneider had conversations with them regarding our intent and unsuccessful arrangement of arrest. And of continued investigation and pending arrest warrant. He said he received a call from Richard Brown, but did not make contact with him. I was instructed to call him.

On 6/28/20 I had conversation with a Richard Brown and explained the intention to arrest, but due to medical treatment of suspect and hospital policy regarding COVID our attempts to take him into custody were reduced and failed. He was told we also had contradicting stories causing more investigation through review of video. He was informed that at scene, we had information of the victim's son arriving and my first priority was to restore and

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maintain peace. It was explained that an arrest warrant would be obtained.

I had a similar conversation with a representative, Linda Oppelt, of BLM 860 who called asking to speak to me. She was requesting case numbers of the incident and they were provided, call number and OF. She too was advised of the continued investigation and pending arrest warrant for the suspect. She advised that the suspect was posting on Face Book about the incident and had referred to the victim as a "monkey." She stated that the suspect, she identified as Phili, has since deleted his post. I did not provide suspect name to either party. Both appeared satisfied with the direction of the investigation.

On 6/28/2020 about 1800 hours I received a call from Sarnier asking about the investigation. I advised him that it was not looking good for him and that video footage showed him as the primary aggressor. He became upset and began yelling at me and telling me that I did not look at all the of cameras. He insisted that she assaulted him. I advised him that witnesses also reported him as the assailant. I told him that we would be seeking an arrest warrant and would allow him to turn himself in. He yelled at me saying, "Don't threaten me with that shit, you fucking faggot." He then hung up.