

SiRT

SERIOUS INCIDENT
RESPONSE TEAM

Summary of Investigation

SiRT File # 2018-022

Referral from

Amherst Police

July 4, 2018

Felix Cacchione
Director
September 10, 2018

In the late evening of July 4, 2018 SiRT was contacted by the Amherst Police Department regarding a serious injury sustained by a young woman, the affected party (AP), who had been detained for a breach of curfew. On July 5, 2018 SiRT began an investigation which was completed on July 31, 2018.

Facts

On April 30, 2018 the AP was released from custody on a recognizance with conditions. The conditions required the AP to observe a curfew by remaining in her residence from 8 PM to 6 AM seven days a week and to prove compliance with the curfew condition by presenting herself at the entrance of the residence should a police officer or any other authorized personnel attend the residence to check on her compliance.

The Subject Officer (SO) attended the AP's residence on July 4, 2018 at approximately 8:30 PM to verify compliance with the curfew condition. The AP was not at the residence and unsuccessful attempts were made to reach her through her surety. The person who had signed the recognizance as a surety was also the AP's roommate. She allowed the SO to enter the residence at 8:44 PM. The AP was not in the residence. The SO left the residence but returned at 9:05 PM after being advised that the AP had returned to the residence. The AP was waiting on the front steps of the residence when the SO and another officer arrived. The AP, who was shoeless, was told that she had to accompany the police officers to the police station. The AP was not placed under arrest. The AP asked the officers if she could enter the residence to get her shoes. She was given permission to do so.

The AP entered the residence, a second-story apartment, alone. She went to the rear of the apartment, removed a screen from the kitchen window, and jumped. When the SO and another officer reached the rear of the building they found the AP on the ground and in pain. The SO and other officers provided initial medical care to the AP while awaiting the arrival of an EHS ambulance. The AP was taken to the hospital where it was determined that she had sustained a compressed fracture of her L2 vertebrae.

Conclusion:

The SO and all other police officers present at the scene did not cause the injuries sustained by the AP. The AP voluntarily provided an audio recorded statement in which she clearly articulated that the police had nothing to do with her decision to jump from her apartment window to the ground. She did so to avoid being incarcerated.

Therefore, in these circumstances, there are no grounds for the laying of a criminal charge against the SO