

CONFIDENTIAL

INTERNAL AFFAIRS DIVISION
EDISON TOWNSHIP POLICE DEPARTMENT

TO: THOMAS J. BRYAN
DEPUTY CHIEF OF POLICE

FROM: LT. MARIO J. SEVERINO
INTERNAL AFFAIRS INVESTIGATOR

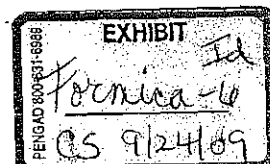
COMPLAINANT: DELEVAN DU BOIS
12 THORNTON LANE, PISCATAWAY, N.J.

ACCUSED: PTL. PAUL PAPPAS
PTL. CHRIS SORBER

DATE: NOVEMBER 12, 2008

ON AUGUST 18, 2008 THIS INVESTIGATOR RECEIVED CORRESPONDENCE FROM ATTORNEY THOMAS J. MALLON OF 86 COURT STREET, FREEHOLD N.J. REPRESENTING MR. DELEVAN DU BOIS WHO ALLEGES THAT HE WAS A VICTIM OF EXCESSIVE FORCE AT THE HANDS OF EDISON POLICE OFFICERS PAUL PAPPAS AND CHRIS SORBER. MR. DU BOIS CLAIMS THAT HE WAS BEING TREATED AT THE BEHAVIORAL HEALTH CENTER IN EDISON WHEN OFFICERS PAPPAS AND SORBER INFLICTED INJURIES WHICH REQUIRED HIM TO BE HOSPITALIZED AT ST. PETERS HOSPITAL IN NEW BRUNSWICK. THIS INCIDENT WAS BROUGHT TO THE ATTENTION OF DEPUTY CHIEF THOMAS BRYAN WHO ORDERED THE INTERNAL AFFAIRS DIVISION TO INVESTIGATE. THOMAS J. MALLON'S OFFICE WAS CONTACTED AND A MEETING WITH HIS CLIENT DELEVAN DU BOIS WAS SCHEDULED FOR SEPTEMBER 18, 2008.

THE PRELIMINARY INVESTIGATION REVEALED THAT ON JUNE 13, 2008 AT 1:19PM DISPATCHER GEORGE MANZELLA RECEIVED A CALL FROM UMDNJ OFFICE EMPLOYEE "VIRGINIA" WHO REQUESTED POLICE ASSISTANCE WITH A CLIENT WHO WAS THREATENING TO HARM HIMSELF. LOCATION AND CALL BACK NUMBER WAS SUPPLIED BY VIRGINIA AND THE CALL WAS TERMINATED. AT 1:27PM OFFICERS CHRIS SORBER AND PAUL PAPPAS OPERATING UNITS 31 AND 37 WERE DISPATCHED TO UMDNJ 100 METROPLEX DRIVE, SUITE 200 ON A MEDICAL TRANSPORT FOR EVALUATION. OFFICERS SORBER AND PAPPAS ARRIVED ON SCENE AT 1:31PM, THEIR ACTIONS AT THE SCENE ARE DOCUMENTED IN I.R. # 08027382.



THE FOLLOWING INFORMATION WAS OBTAINED BY WAY OF INTERVIEWS WITH MR. DELEVAN DU BOIS, PTL. PAUL PAPPAS, PTL. CHRIS SORBER, THERAPIST DENNIS COSTA, DR. TIKKU AND ADMINISTRATOR STEVEN SOHNLE.

INTERVIEW OF PTL. CHRISTOPHER SORBER:

ON SEPTEMBER 25, 2008 AT APPROX. 9:30PM OFFICER CHRIS SORBER WAS INTERVIEWED AT POLICE HEADQUARTERS BY LT. MARIO SEVERINO OF THE EDISON POLICE INTERNAL AFFAIRS DIVISION, ALSO PRESENT AT THE TIME OF THE INTERVIEW WAS PBA REPRESENTATIVE SALVATORE DELLA FAVE. OFFICER SORBER STATED THAT HE AND HIS PARTNER OFFICER PAUL PAPPAS RESPONDED TO UMDNJ OFFICE AND WERE INFORMED THAT THE PATIENT DELEVAN DU BOIS WAS IN DR. TIKKU'S OFFICE AND THAT HE HAD INGESTED PILLS. ACCORDING TO SORBER THE SCREENER MR. COSTA REQUESTED THE OFFICERS FACILITATE GETTING THE PATIENT DU BOIS TO CONSENT TO A MEDICAL TRANSPORT AND TO RETRIEVE THE PILLS. OFFICER SORBER WENT ON TO SAY THAT MR. DUBOIS WHILE CALM REFUSED TO TURN OVER THE PILLS AFTER THE OFFICERS REQUESTED HE DO SO. MR. DU BOIS DID TAKE THE VIAL OF PILLS OUT OF HIS POCKET SHOWED THEM TO OFFICERS SORBER AND PAPPAS BUT WOULD NOT HAND THEM OVER. OFFICER SORBER SAID THE CAP WAS ON THE BOTTLE AND MR. DU BOIS MADE NO ATTEMPT TO TAKE ADDITIONAL MEDICATION NOR DID HE THREATEN TO DO SO. AT THIS POINT OFFICERS SORBER AND PAPPAS ATTEMPTED TO PHYSICALLY RETRIEVE THE BOTTLE FROM MR. DU BOIS WHO RESISTED AND OFFICERS SORBER AND PAPPAS THEN USED OPEN AND CLOSED FISTS TO THE TORSO OF MR. DU BOIS WHILE WRESTLING HIM TO THE GROUND AND EVENTUALLY RECOVERED THE PILL BOTTLE. OFFICER SORBER STATED HE EMPLOYED THE USE OF A PRESSURE POINT BEHIND MR. DUBOIS EAR WHICH WOULD ACCOUNT FOR THE INJURY AND STITCHES REQUIRED AS DISPLAYED IN PHOTOS SUPPLIED BY MR. DU BOIS. AT THIS POINT MR. DU BOIS WAS BLEEDING FROM THE HEAD AND COMPLAINED OF PAIN. MR. DUBOIS WAS HANDCUFFED AND TRANSPORTED TO ST. PETERS HOSPITAL FOR TREATMENT BY AMBULANCE ACCOMPANIED BY OFFICER SORBER WITHOUT FURTHER INCIDENT.

INTERVIEW OF OFFICER PAUL PAPPAS

ON SEPTEMBER 18, 2008 AT APPROXIMATELY 10:08AM OFFICER PAUL PAPPAS WAS INTERVIEWED AT POLICE HEADQUARTERS BY LT. MARIO J. SEVERINO OF THE EDISON POLICE INTERNAL AFFAIRS DIVISION, ALSO PRESENT DURING THIS INTERVIEW WAS UNION REPRESENTATIVE OFFICER MICHAEL SCHWARZ PBA PRESIDENT. ACCORDING TO THE STATEMENTS OF OFFICER PAPPAS HE ALONG WITH OFFICER SORBER WERE SENT TO UMDNJ OFFICE TO ASSIST WITH A TRANSPORT OF A

PATIENT FOR SCREENING. OFFICER PAPPAS STATED THAT HE SPOKE WITH MR. COSTA WHO INFORMED HIM THAT PATIENT DELEVAN DU BOIS WAS DEPRESSED AND HAD TAKEN SOME PILLS IN AN ATTEMPT TO KILL HIMSELF. PAPPAS WENT ON TO SAY THAT MR. DU BOIS WAS IN AN OFFICE HOLDING THE DOOR CLOSED AND HE AND OFFICER SORBER HAD TO FORCE THEIR WAY INSIDE. ONCE INSIDE MR. DU BOIS WAS COOPERATIVE UNTIL THE OFFICERS ASKED FOR THE PILLS AT WHICH TIME HE BECAME DEFIANT AND REFUSED REQUESTS BY THE OFFICERS TO GIVE UP THE PILLS. OFFICER PAPPAS STATED HE WAS PUTTING THE PILLS BACK INTO HIS POCKET WHEN THEY TRIED TO TAKE THEM FROM HIM AND A STRUGGLE ENSUED. DURING THE STRUGGLE OFFICER PAPPAS STATED HE USED OPEN AND CLOSED FISTS ON MR. DU BOIS IN THE TORSO AND SHOULDER AREA AND WAS ABLE TO RETRIEVE THE PILLS HOWEVER DURING THE COURSE OF THIS ENCOUNTER MR. DU BOIS SUFFERED A HEAD INJURY BELIEVED TO BE CAUSED BY STRIKING THE WALL. MR. DU BOIS WAS HANDCUFFED AND LEFT ON THE FLOOR UNTIL THE AMBULANCE RESPONDED TO TRANSPORT HIM TO ST. PETERS HOSPITAL FOR TREATMENT AND EVALUATION. ACCORDING TO OFFICER PAPPAS MR. DU BOIS DID NOT COMPLAIN OF INJURY BUT WAS APOLOGETIC FOR NOT COMPLYING AND GIVING UP THE PILLS UPON REQUEST.

INTERVIEW OF DELEVAN DU BOIS

ON SEPTEMBER 18, 2008 MR. DELEVAN DU BOIS WAS INTERVIEWED AT POLICE HEADQUARTERS BY LT. MARIO J. SEVERINO OF THE EDISON POLICE DEPARTMENT INTERNAL AFFAIRS DIVISION, ALSO PRESENT WERE MR. DU BOIS'S WIFE AND ATTORNEY THOMAS MALLON. ACCORDING TO THE STATEMENT OF MR. DU BOIS ON JUNE 13TH 2008 HE WAS VISITING HIS THERAPIST DENNIS COSTA AT THE UMDNJ OFFICE IN EDISON. MR. DUBOIS SAID HE WAS DEPRESSED OVER PROBLEMS WITH HIS WIFE AND NEEDED TO TALK OUT HIS PROBLEMS WITH MR. COSTA. DURING THE SESSION WITH MR. COSTA IT WAS SUGGESTED THAT MR. DU BOIS BE TAKEN TO ST. PETERS HOSPITAL FOR SCREENING A PROCESS THAT MR. DU BOIS WAS NOT IN FAVOR OF AND WISHED TO AVOID. MR. DU BOIS STATED THAT HE TOOK AN ALLERGY PILL IN THE OFFICE AND LED MR. COSTA TO BELIEVE THAT HE MAY BE INTENT ON HARMING HIMSELF AND HIS REASONING WAS TO CONTINUE THE DIALOG WITH MR. COSTA AND AVOID THE TRANSPORT FOR EVALUATION. AT THIS POINT MR. DU BOIS SAID MR. COSTA CALLED THE POLICE. MR. DU BOIS HAD REQUESTED THAT HE SPEAK WITH DR. TIKKU WITH WHOM HE WAS FAMILIAR. MR. DU BOIS SAID HE THEN WENT WITH DR. TIKKU INTO HER OFFICE, TO AVOID THE POLICE HE CLOSED, LOCKED AND PUT A CHAIR AGAINST THE DOOR SO NOT TO BE INTERRUPTED. MR. DU BOIS SAID DR. TIKKU WAS NOT COMFORTABLE AND OPENED THE DOOR AND WALKED OUT OF THE OFFICE AND ALMOST IMMEDIATELY OFFICERS PAPPAS AND SORBER ENTERED AND CLOSED THE DOOR. MR. DU BOIS SAID HE ATTEMPTED TO KEEP THE OFFICERS OUT

BY HOLDING THE DOOR CLOSED BUT WAS OVERPOWERED BY THE OFFICERS. ONCE INSIDE THE OFFICERS ASKED FOR MY IDENTIFICATION WHICH I GAVE THEM BUT THEY DEMANDED EVERYTHING OUT OF MY POCKETS SPECIFICALLY THE PILL VIAL WHICH I TOOK OUT SHOWED IT TO THEM BUT DID NOT GIVE TO THEM. MR. DUBOIS SAID AT THIS POINT THE OFFICERS GRABBED HIS ARM AND TRIED TO PULL THE BOTTLE OUT OF MY HAND AND INSTINCTIVELY I PULLED AWAY AND THE ONE OFFICER (PAPPAS) SAID "OK YOU WANT TO PLAY ROUGH YOUR GOING TO GET IT" AT THIS TIME THE OFFICERS ARE PULLING MY ARMS AND PUNCHING ME IN THE KIDNEY AND CHEST AREA. MR. DU BOIS SAID HE STRUGGLED TO PROTECT HIS KIDNEY AREA AS HE SUFFERS FROM POLYCYSTIC KIDNEY DISEASE AND HAS ONLY ONE FUNCTIONING KIDNEY. ACCORDING TO MR. DU BOIS THE OFFICERS TORE HIS PANTS GOING THROUGH HIS POCKETS AND THREW HIM OFF THE COUCH ONTO THE FLOOR HITTING HIM IN THE FACE AND EAR, THEY THEN KNELT ON HIS NECK CAUSING PAIN AND WOULD NOT LET HIM UP. MR. DU BOIS SAID EVENTUALLY THE AMBULANCE ARRIVED AND HE WAS LED OUTSIDE BY THE OFFICERS AND TAKEN TO THE HOSPITAL. MR. DU BOIS SAID THE YOUNGER OFFICER (SORBER) ACCOMPANIED HIM INSIDE THE AMBULANCE TO ST. PETERS HOSPITAL. MR. DU BOIS HAS SUPPLIED PHOTOGRAPHS WHICH WERE TAKEN AT THE HOSPITAL THE DAY OF AND TWO DAYS AFTER THE INCIDENT THAT INDICATE CUTS ON THE HEAD, BLOOD, BRUISES ON THE FACE AND NECK, TWO BLACK EYES AND A STITCHED AND BANDAGED RIGHT EAR. MR. DU BOIS STATED THAT AT NO TIME DID HE TAKE AN AGGRESSIVE POSTURE AND ATTEMPT TO FIGHT THE OFFICERS.

INTERVIEW OF DENNIS COSTA, STEVEN SOHNLE AND DR. TIKKU

ON OCTOBER 9, 2008 LT. MARIO J. SEVERINO OF THE INTERNAL AFFAIRS DIVISION INTERVIEWED THE STAFF OF UMDNJ'S OFFICE INVOLVED IN THE TREATMENT OF DELEVAN DU BOIS ON JUNE 13, 2008. THE STAFF MEMBERS INCLUDE DR. TIKKU AND THERAPIST DENNIS COSTA, ALSO PRESENT DURING THIS INTERVIEW WAS ADMINISTRATOR STEVEN SOHNLE. ACCORDING TO DENNIS COSTA AND DR. TIKKU THE OFFICERS ARRIVED ON THE SCENE AFTER MR. DU BOIS WAS INSIDE THE OFFICE ALONE WITH DR. TIKKU AND MR. COSTA HAD NOT YET TOLD THE OFFICERS ABOUT THE PATIENT TAKING PILLS OR THREATENING SUICIDE WHEN THE DOOR OPENED DR. TIKKU EXITED AND OFFICERS PAPPAS AND SORBER ENTERED. THE EVENTS THAT TAKE PLACE BETWEEN MR. DUBOIS AND OFFICERS WAS NOT WITNESSED HOWEVER ACCORDING TO DENNIS COSTA HE COULD HEAR WHAT SOUNDED LIKE DISCIPLINE AND THE NEXT TIME THEY SEE MR. DUBOIS HE IS ON THE FLOOR HANDCUFFED AND BLEEDING FROM THE HEAD. MR. DU BOIS COMPLAINED OF PAIN IN HIS SIDE AND MR. COSTA TOOK A PILLOW FROM THE COUCH AND PLACED IT UNDER MR. DU BOIS HEAD. SHORTLY AFTER THE OFFICERS ESCORTED MR. DU BOIS TO THE AMBULANCE AND THEN TO ST. PETERS HOSPITAL.

CONCLUSION

OFFICERS CHRISTOPHER SORBER AND PAUL PAPPAS RESPONDED TO A TRANSPORT FOR EVALUATION CALL AT THE UMDNJ OFFICE 100 METROPLEX DRIVE EDISON. ACCORDING TO OFFICERS SORBER AND PAPPAS WERE INFORMED THAT THE PATIENT DELEVAN DU BOIS WAS A SUICIDE RISK HAD TAKEN PILLS OF AN UNKNOWN TYPE AND WAS RELUCTANT TO GO FOR SCREENING. ACCORDING TO THE STAFF AND DENNIS COSTA THE PILLS HAD NOT BEEN MENTIONED TO THE OFFICERS UNTIL AFTER THE ALTERCATION WITH MR. DU BOIS. IN THE STATEMENT OF OFFICER PAPPAS HE STATED MR. COSTA WAS NOT AWARE OF MR. DU BOIS HAVING THE PILLS UNTIL AFTER HE FOUND THEM IN MR. DU BOIS'S POCKET. THE OFFICERS STATED THAT THEY WERE ABLE TO CALM MR. DU BOIS, THE DOCTOR AND MR. COSTA STATED THAT MR. DU BOIS WAS NOT AGITATED BUT APPREHENSIVE WHICH WOULD NOT EXPLAIN OR JUSTIFY A PHYSICAL ALTERCATION. ACCORDING TO THE OFFICERS REPORT AND THEIR STATEMENTS MR. DU BOIS WAS NEVER AGGRESSIVE NOR DID HE ATTEMPT TO HIT OR FIGHT THE OFFICERS OTHER THAN HIS REFUSAL TO COMPLY IN RELEASING THE PILL BOTTLE. UNDER THE CIRCUMSTANCES I CANNOT FIND JUSTIFICATION IN THE INJURIES SUSTAINED BY MR. DU BOIS FOR MERE NON COMPLIANCE SINCE THERE WAS NO IMPENDING DANGER TO THE PATIENT HIMSELF, UMDNJ STAFF OR THE OFFICERS. ULTIMATLY OFFICERS PAUL PAPPAS AND CHRISTOPHER SORBER USED A LEVEL OF FORCE EXCESSIVE FOR THE SITUATION.

COMPLAINT AGAINST OFFICERS PAUL PAPPAS AND CHRISTOPHER SORBER IS SUSTAINED.



LIEUTENANT MARIO J. SEVERINO
EDISON TWP. POLICE DEPT.
INTERNAL AFFAIRS DIVISION