

**Special Investigations and  
Prosecutions Unit**

**Report on the Investigation into  
the Death of Gerard Roldan III**



**Letitia James  
NYS Attorney General**

## EXECUTIVE SUMMARY

On July 8, 2015, Governor Andrew Cuomo signed Executive Order No. 147 (the “Executive Order”), appointing the Attorney General as special prosecutor “to investigate, and if warranted, prosecute certain matters involving the death of an unarmed civilian . . . caused by a law enforcement officer.” On November 9, 2018, Gerard Roldan III (“Mr. Roldan”) was struck by a marked police vehicle operated by Patrolman Christopher Sniffen (“Ptl. Sniffen”) of the Cobleskill Police Department (“CPD”). Governor Cuomo subsequently issued Executive Order No. 147.21, expressly conferring jurisdiction on the Attorney General to investigate any potential unlawful acts or omissions related to Mr. Roldan’s death.

Ptl. Sniffen was on routine patrol shortly before 10:00 pm, driving eastbound on State Route 7, in the Village of Cobleskill (Schoharie County). The stretch of road on which Ptl. Sniffen was driving is a two-lane commercial roadway, lighted at night, and with a speed limit of 30 mph. Light rain was falling; there was very little traffic on the roadway. A Jeep, with a Pizza Hut sign mounted on its roof, passed Ptl. Sniffen’s vehicle (an SUV), going westbound, and Ptl. Sniffen’s radar device indicated that that the Jeep was travelling at over 40 mph. Ptl. Sniffen then, in his mirror, observed the Jeep run through a red light at a traffic-light-controlled crosswalk further down the roadway. Ptl. Sniffen proceeded a short distance and then made a u-turn, with the intention of conducting a car stop of the Jeep. In order to catch up to the Jeep, Ptl. Sniffen increased his own speed, up to (ultimately) between 53 and 63 mph. He did not activate his lights or sirens.

Shortly after passing through the same traffic light that the Jeep had run (the light was now green), and about 120 yards beyond the traffic-light-controlled crosswalk, Ptl. Sniffen’s vehicle struck Mr. Roldan, who had apparently been crossing the roadway. Mr. Roldan – a 26-year-old resident of the village, known to Ptl. Sniffen – was wearing a black knit hat, gray sweatshirt, black pants, and brown boots, and was not in a crosswalk. Ptl. Sniffen had not seen Mr. Roldan until just before striking him. Ptl. Sniffen immediately stopped his vehicle, radioed to central dispatch that he had struck a pedestrian and called for an ambulance, then exited his vehicle to attend to Mr. Roldan, who was lying unresponsive in the roadway. Ptl. Sniffen checked Mr. Roldan for a pulse and, finding none, soon began performing CPR on Mr. Roldan; he (and at least one other emergency responder) continued to do so until paramedics arrived and took over. Mr. Roldan was transported to Cobleskill Regional Hospital, where he was pronounced dead.

The Office of the Attorney General’s investigation and review of this matter included the following, among other materials:

- Review of all records relating to the incident generated by the CPD;
- Review of Collision Reconstruction Report, prepared by Collision Reconstruction Unit of the New York State Police;
- Interviews of Ptl. Sniffen, CPD Patrolman Cody Whittaker (“Ptl. Whittaker”), who arrived on scene immediately after the collision, and CPD Sergeant Justin Manchester (“Sgt. Manchester”), supervisor on scene;
- Review of body camera footage from Ptl. Sniffen, and dashboard camera and body camera footage from Ptl. Whittaker;
- Review of CPD radio transmissions related to the incident;
- Review of toxicology reports on Ptl. Sniffen’s blood;

- Review of records from the responding ambulance company, American Medical Response;
- Review of statements from first responders;
- Review of records from Cobleskill Regional Hospital;
- Personal inspection of the location of the incident;
- Review of the Autopsy Report of Mr. Roldan, prepared by Dr. Michael Sikirica;
- Review of CPD General Order on “Emergency Driving,” effective at time of incident.

Ptl. Sniffen may arguably be faulted for driving substantially above the speed limit without having activated his lights and sirens when he struck and killed Mr. Roldan. However, Ptl. Sniffen was not impaired by drugs or alcohol, distracted by a cell phone, or engaged in otherwise blameworthy conduct. Mr. Roldan was in a part of the roadway not marked for pedestrian crossing, and was wearing clothing that greatly minimized his visibility. Under New York law, Ptl. Sniffen’s conduct did not rise to the level of criminal culpability. For this reason, the OAG has determined that criminal charges are not appropriate in this matter.

## **STATEMENT OF FACTS**<sup>1</sup>

### A. Collision

State Route 7 (also known as East Main Street) in the vicinity of the intersection with Legion Drive in the Village of Cobleskill is a two-lane road, running east-west. It is lined with commercial establishments, mostly set back off the road and bordered by parking lots. The roadway is illuminated at night with streetlamps.<sup>2</sup> The street has a posted speed limit of 30 mph. A map of the general area is below.



<sup>1</sup> None of the material described in this report was obtained using Grand Jury subpoenas.

<sup>2</sup> The streetlamp in the immediate area where the collision subsequently took place, however, was later determined not to have been working that evening.

On the evening of November 9, 2018, at approximately 9:58 p.m., Ptl. Sniffen was on vehicle patrol in a marked SUV, driving alone eastbound on State Route 7 near the intersection with Trestle Lane.<sup>3</sup> Light rain was falling. Traffic along the roadway was minimal. A Jeep with a Pizza Hut sign mounted on its roof passed Ptl. Sniffen, travelling westbound on Route 7. According to Ptl. Sniffen, a radar device in his vehicle indicated that the Jeep was travelling at 42 mph. Monitoring the Jeep in his mirror, Ptl. Sniffen then observed the Jeep run through a steady red light at Legion Avenue. Ptl. Sniffen's vehicle continued a short distance along Route 7, then made a u-turn in the area of Trestle Lane, with the intention of catching up with and stopping the Jeep for the traffic violations. After completing the u-turn, Ptl. Sniffen – now heading westward – could see the Jeep ahead of him, with no other cars between his vehicle and the Jeep.

Prior to Ptl. Sniffen's making his u-turn, another CPD officer, Ptl. Cody Whittaker had also been travelling eastward along State Route 7, some distance ahead of Ptl. Sniffen.<sup>4</sup> He too had been passed by the westward-heading Pizza Hut Jeep, and – although Ptl. Whittaker's vehicle did not have a radar device – he also believed the Jeep to be exceeding the speed limit. Ptl. Whittaker also recognized the Jeep as a vehicle with which the CPD had previously had had issues. Ptl. Whittaker continued to Burgin Drive and began to make a u-turn, with the intention of stopping the Jeep, when he observed what he recognized to be Ptl. Sniffen's vehicle further west down Route 7, likewise making a u-turn. Via car-to-car radio, Ptl. Whittaker contacted Ptl. Sniffen to ask if Ptl. Sniffen would be going after the Jeep;<sup>5</sup> at this point, having completed his u-turn, Ptl. Whittaker continued westward to provide any needed assistance to Ptl. Sniffen.

By this time, Ptl. Sniffen had begun to speed up his vehicle to catch the Jeep, closing to within (by Ptl. Sniffen's estimate) approximately 500 feet. Ptl. Sniffen did not activate his lights or sirens, but says that his headlights were on.<sup>6</sup> His speed ultimately reached between 53 and 63 mph.<sup>7</sup> He passed through the (now-green) light at Legion Drive, and continued approximately 120 yards further west – to a point in front of the Save-a-Lot store on the north side of Route 7 – before a pedestrian (Mr. Roldan) appeared directly in front of him, apparently crossing from the south to the north side of Route 7. Ptl. Sniffen says that Mr. Roldan appeared so suddenly that he had no time either to take evasive maneuvers or even apply the brakes before striking Mr. Roldan.

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<sup>3</sup> Ptl. Sniffen's vehicle was not equipped with a dashboard camera.

<sup>4</sup> Ptl. Whittaker's vehicle was equipped with a dashboard camera, and some of the below-described activity is captured in video footage from that camera.

<sup>5</sup> It is Ptl. Sniffen's recollection that he confirmed via car-to-car radio that he would be going after the Jeep; Ptl. Whittaker did not recall Ptl. Sniffen responding. The direct car-to-car communication system uses a frequency that is not audio recorded, so this exchange is not preserved.

<sup>6</sup> Whether Ptl. Sniffen's headlights were turned on in the immediate run-up to the collision cannot be definitively confirmed, although they are clearly illuminated in body-worn camera footage from directly after the collision.

<sup>7</sup> This range of speeds was later calculated by an investigator from the Crash Reconstruction Unit of the New York State Police (NYSP), as discussed below.

## B. Post-Collision

Immediately after the collision, Ptl. Sniffen brought his vehicle to a halt, radioed to central dispatch that he had struck a pedestrian and required medical assistance on the scene,<sup>8</sup> turned on his emergency lights, and activated his body-worn camera.<sup>9</sup> He exited his vehicle and located Mr. Roldan – dressed in a grey sweatshirt and dark-colored pants – unresponsive in the roadway several feet in front of the vehicle. Ptl. Sniffen recognized Mr. Roldan from the community, and attempted to speak to him; he also checked Mr. Roldan’s neck for a pulse but felt none.

By that time, Ptl. Whitaker – who had observed Ptl.’s Sniffen’s brake lights and then his emergency lights come on ahead of him and heard Ptl. Sniffen’s radio transmission – arrived at the scene with his own emergency lights on. Ptl. Whitaker pulled his vehicle past Ptl. Sniffen’s vehicle and past what he observed to be a person lying in the roadway, activated his own body-worn camera,<sup>10</sup> then exited his vehicle to assist Ptl. Sniffen. Upon being informed that the victim had no pulse, Ptl. Whittaker checked his vehicle for an Automated External Defibrillator (AED) but could not locate one. (Ptl. Sniffen’s vehicle also had no AED.) At this time, approximately two minutes after the collision, Ptl. Sniffen began to perform CPR on Mr. Roldan.

Within minutes of Ptl. Sniffen’s radio call, an off-duty firefighter – who lived nearby and heard the incident come over his personal scanner – arrived on the scene; after about one minute of CPR on Ptl. Sniffen’s part, the firefighter took over the lifesaving efforts. Mr. Roldan remained unresponsive throughout. Additional CPD officers arrived on the scene and began securing the area. Approximately seven minutes after the collision, an ambulance pulled up and paramedics took charge of Mr. Roldan. They determined that he was in cardiac arrest; defibrillator pads were placed on Mr. Roldan’s chest, but the AED signaled that a shock was not called for. CPR was resumed, then Mr. Roldan was loaded into the ambulance and administered oxygen and epinephrine. Mr. Roldan was transported to Cobleskill Regional Hospital, arriving at about 10:20 pm. Doctors there performed advanced life-saving protocols, but were unable to revive Mr. Roldan. He was pronounced dead at 10:50 pm.

## C. Investigation

Sergeant Justin Manchester (“Sgt. Manchester”), supervisor of Ptl. Sniffen and Ptl. Whittaker, arrived on the scene at approximately 10:20 pm, after having been contacted by Ptl. Whittaker. (As discussed below, he subsequently transported Ptl. Sniffen back to the CPD station house before returning to the scene.) Sgt. Manchester notified CPD Chief Richard Bialkowski, who also came to the scene. Chief Bialkowski contacted several senior officers of the New York State Police (“NYSP”), who responded to the scene as well. That same evening, Chief Bialkowski requested that the NYSP conduct an independent investigation of the incident, including a

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<sup>8</sup> Ptl. Sniffen radioed, “I just hit a pedestrian in front of Save-a-lot. Send fire and EMS this way.” This communication was audio recorded and captured as well on Ptl. Sniffen’s body-worn camera.

<sup>9</sup> Much of the subsequent below-described activity is captured in video footage from Ptl. Sniffen’s body-worn camera.

<sup>10</sup> Much of the subsequent below-described activity is captured in video footage from Ptl. Whittaker’s body-worn camera.

reconstruction of the collision. The CPD ultimately provided the NYSP with body-camera and dashboard video, CPD paperwork, and other relevant materials in its possession for this purpose.

On the night of the incident, NYSP investigators took depositions from Ptl. Sniffen and Ptl. Whittaker, and over the following months, reviewed the materials provided by the CPD and independently conducted further interviews and gathered additional evidence. NYSP crash reconstruction experts were called to the scene less than two hours after the incident to begin its analysis. Investigator Jeremy Shultis of the Collision Reconstruction Unit photographed the location; checked the roadway for defects and lighting issues; and took note of physical evidence. Among the items of evidence recovered on the roadway were the gray sweatshirt that had been cut off of Mr. Roldan by emergency medical personnel, as well as a black knit cap, a black backpack, and brown boots that Mr. Roldan had apparently been wearing.<sup>11</sup> The Collision Reconstruction Unit also subsequently examined the recovered evidence as well as the (damaged) vehicle driven by Ptl. Sniffen.

#### D. Analysis of Ptl. Sniffen's Blood and Cell Phone

At approximately 10:35 pm, Sgt. Manchester transported Ptl. Sniffen back to the precinct, where Ptl. Sniffen voluntarily submitted to a prescreen alcohol test<sup>12</sup> administered by Sgt. Manchester. According to Sgt. Manchester, the test returned a reading of 0% alcohol in Ptl. Sniffen's system. Ptl. Sniffen was then transported to Cobleskill Regional Hospital, where he voluntarily submitted to having his blood drawn to test for the presence of alcohol and narcotics; his blood sample was then turned over to an investigator from the NYSP. Toxicological analyses conducted by a NYSP forensic scientist were negative for the presence of either alcohol or narcotics (including amphetamines, benzodiazepines, cocaine, cannabinoids, fentanyl, methadone, methamphetamine, opiates, oxycodone, phencyclidine, and others).<sup>13</sup>

Ptl. Sniffen also voluntarily provided the NYSP with his personal cell phone. It was examined by an investigator with the Computer Crimes Unit, which found no evidence that the phone had been in use in the time period immediately prior to the collision.

#### E. Medical Examiner Report

On November 11, 2018, Dr. Michael Sikirica, chief Medical Examiner for Rensselaer County, performed an autopsy of Mr. Roldan, on behalf of Schoharie County Coroner Donna McGovern, at the Albany Medical Center.<sup>14</sup> Dr. Sikirica identified as the cause of death "multiple severe traumatic blunt force injuries," including injuries to the spine, brain, and internal organs;

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<sup>11</sup> The dark-colored pants Mr. Roldan had been wearing travelled to the hospital with him, and were subsequently discarded.

<sup>12</sup> Pre-screening devices are roadside tools used by law enforcement to test for the presence or absence of alcohol in an individual's system. The device does not store or otherwise preserve test results.

<sup>13</sup> Copies of Ptl. Sniffen's blood test results are attached as Exhibit 1.

<sup>14</sup> A redacted copy of the final autopsy report is attached as Exhibit 2.

Dr. Sikirica also found the manner of death to be “accident.” Toxicological analysis also revealed the presence of low levels of fentanyl and morphine, as well as marijuana compounds, in Mr. Roldan’s blood.

#### F. New York State Police Collision Reconstruction Report

A report detailing the NYSP’s collision reconstruction findings in connection with the death of Mr. Roldan was prepared by Inv. Shultis of the Collision Reconstruction Unit.<sup>15</sup> The report reviewed features of the scene of the incident, evidence recovered there, the condition of Ptl. Sniffen’s vehicle, data from the vehicle’s Airbag Control Module, Mr. Roldan’s clothing and personal property, the injuries to Mr. Roldan, available video footage, witness statements, among other evidence. Inv. Shultis also conducted a series of mathematical analyses to determine the minimum speed (53 mph) and maximum speed (63 mph) of Ptl. Sniffen’s vehicle at the time of impact. Based on his review of the totality of evidence, Inv. Shultis concluded that “[t]he primary cause of this collision was the pedestrian’s failure to yield to a vehicle upon a roadway, when crossing a roadway at any point other than within a marked crosswalk. Additional contributing factors on the part of Gerald Roldan III were dark attire, environmental conditions of rain and darkness, drug involvement.”

### **LEGAL ANALYSIS**

The New York Penal Law contains a number of statutes that may, in principle, apply when the driver of a vehicle causes the death of another person. Some of these statutes, including most murder statutes, require as an element of the crime that the driver specifically intended to cause harm to the other person. Other statutes, including most vehicular manslaughter and vehicular homicide statutes, require as an element that the driver be operating the vehicle with a suspended license or while under the influence of drugs or alcohol. In the case of Ptl. Sniffen, there is no evidence at all to sustain charges of this nature. Moreover, a review of New York law makes clear that even though Ptl. Sniffen was significantly exceeding the posted speed limit at the time he struck Mr. Roldan, he would not be found criminally culpable of reckless manslaughter or criminally negligent homicide.

Under Penal Law 125.10, “A person is guilty of criminally negligent homicide when, with criminal negligence, he causes the death of another person.” The meaning of “criminal negligence” is set forth in Penal Law 15.05(4): “A person acts with criminal negligence with respect to a result or to a circumstance described by a statute defining an offense when he fails to perceive a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.” Criminally negligent homicide is a so-called “lesser included offense” of reckless manslaughter (a variety of manslaughter in the second degree), of which a person is guilty under Penal Law 125.15(1) when “[h]e recklessly<sup>16</sup> causes the death of another person.” In order for an individual to be guilty of

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<sup>15</sup> A copy of the collision reconstruction report is attached as Exhibit 3.

<sup>16</sup> Under PL 15.05(3), “A person acts recklessly with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that such

reckless manslaughter, that individual's conduct must also satisfy all of the elements of the lesser included offense.<sup>17</sup> Because Ptl. Sniffen's conduct does not satisfy the elements of criminally negligent homicide, as discussed below, the question of whether that same conduct constitutes reckless manslaughter is moot.

There is a great deal of case law addressing the criminal culpability of individuals whose driving results in someone's death. That case law makes clear that to find a driver guilty of criminally negligent homicide requires more than merely exceeding the legal speed limit, even substantially exceeding the speed limit. Rather, "it takes some additional affirmative act by the defendant to transform 'speeding' into 'dangerous speeding'; conduct by which the defendant exhibits the kind of 'serious[ly] blameworth[y]' carelessness whose 'seriousness would be apparent to anyone who shares the community's general sense of right and wrong' (*Boutin*, 75 NY2d at 696 [citations omitted])," *People v. Cabrera*, 10 N.Y.3d 370 (2008).

Thus, in the cases where we have considered the evidence sufficient to establish criminally negligent homicide, the defendant has engaged in some other 'risk-creating' behavior in addition to driving faster than the posted speed limit (*compare People v Haney*, 30 NY2d 328, 284 NE2d 564, 333 NYS2d 403 [1972] [defendant was speeding on city street and failed to stop at red light before killing pedestrian crossing street with green light in her favor]; *People v Soto*, 44 NY2d 683, 376 NE2d 907, 405 NYS2d 434 [1978] [defendant, who was speeding and drag racing on city street, struck and killed driver stopped at red light]; *People v Ricardo B.*, 73 NY2d 228, 535 NE2d 1336, 538 NYS2d 796 [1989] [defendant was drag racing at between 70 and 90 miles per hour on a busy metropolitan street, ran a red light and struck vehicle crossing intersection with light in its favor]; *People v Loughlin*, 76 NY2d 804, 807, 559 NE2d 656, 559 NYS2d 962 [1990] [intoxicated defendant was speeding on obstructed street under construction in residential neighborhood in Queens]; *People v Maher*, 79 NY2d 978, 980, 594 NE2d 915, 584 NYS2d 421 [1992] [intoxicated defendant drove at speeds of 50 to 100 miles per hour in 35 miles per hour zone in Manhattan, disobeying several traffic signals]; *People v Harris*, 81 NY2d 850, 851-52, 613 NE2d 526, 597 NYS2d 620 [1993] ['defendant, while legally intoxicated, drove his motor vehicle in the dark of night from a public highway into an unfamiliar farmer's field, accelerated at times to a speed approximating 50 miles per hour, intermittently operated the vehicle without headlights, and suddenly and forcefully drove through a hedgerow of small trees and shrubs, not knowing what obstacles and dangers lurked on the other side']; *People v Ladd*, 89 NY2d 893, 894-95, 675 NE2d 1211,

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result will occur or that such circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation."

<sup>17</sup> "Where the only culpable mental state required for the crime charged is that the proscribed conduct be performed recklessly, any lesser offense consisting of criminally negligent, instead of reckless, performance of the same conduct is deemed to constitute a lesser included offense." CPL 220.20(1)(b)



653 NYS2d 259 [1996] [intoxicated defendant driving on wrong side of a foggy road at 4:30 a.m.], with *People v Perry*, 123 AD2d 492, 507 NYS2d 90 [4th Dept 1986], *affd* 70 NY2d 626, 512 NE2d 540, 518 NYS2d 957 [1987] [no criminal negligence present where defendant was driving approximately 80 miles per hour in a 55 miles per hour zone ‘on a rural road, on a dark night,’ struck a utility pole, and killed two passengers; defendant's ‘conduct . . . d(id) not constitute a gross deviation from the ordinary standard of care held by those who share the community's general sense of right and wrong’ (citations omitted)]. Ibid.

Cabrera went on to dismiss the criminally negligent homicide conviction of a driver who, carrying multiple passengers in violation of his junior license status, had driven at an excessive speed along a winding road – and ultimately crashed, causing the death of several of the passengers.

Given this case law, Ptl. Sniffen’s conduct does not satisfy the standard for criminal negligent homicide. There appear to be no additional affirmative acts that exhibit serious blameworthiness. Notably, Ptl. Sniffen submitted voluntarily to tests (including a blood test) for both drugs and alcohol immediately after the incident, and they all came up negative. Likewise, Ptl. Sniffen was determined not to have been using his cell phone at the time leading up to the collision. In addition, under the New York Vehicle and Traffic Law, Ptl. Sniffen was not in fact prohibited from exceeding the speed limit for the purposes of stopping a vehicle that has committed a traffic violation as long as that his driving did not otherwise create a dangerous situation. VTL 1104(a) and (b) specifically permit “the driver of an authorized emergency vehicle, when involved in an emergency operation”<sup>18</sup> to “[e]xceed the maximum speed limits so long as he does not endanger life or property.” In other words, it does not appear that Ptl. Sniffen’s accelerating on an apparently open road to catch up with another vehicle for the purpose of conducting a legal car stop would violate the law; therefore, it would not constitute the kind of carelessness whose seriousness would be “apparent to anyone who shares the community's general sense of right and wrong.” *People v. Haney*, 30 N.Y.2d 328, 335 (1972). For these reasons, the Attorney General’s Office has concluded that criminal charges are not appropriate in this case.

## **RECOMMENDATIONS**

Although the OAG finds no criminal culpability in this case, this is not to suggest that the danger associated with Ptl. Sniffen’s speeding could not have been mitigated if he had activated his lights and sirens. At the time of the incident, however, CPD policy only required its officers to activate lights and sirens when engaged in a vehicle “pursuit,” which was defined to include only instances in which “the operator refuses to comply with a lawful directive to stop and . . . attempts to flee.” As to the conduct in which Ptl. Sniffen engaged – increasing the speed of his vehicle to catch up with

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<sup>18</sup> VTL 101 defines “authorized emergency vehicle” to include “[e]very . . . police vehicle.” VTL 114-b defines “emergency operation” as “[t]he operation . . . of an authorized emergency vehicle, when such vehicle is engaged in . . . pursuing an actual or suspected violator of the law.”

another vehicle for purposes of a car stop – the department had no written policy. The CPD has since changed its policy to require lights and sirens even under the latter circumstances.<sup>19</sup>

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<sup>19</sup> A copy of CPD's current policy is attached as Exhibit 4.

# EXHIBIT 1



**State  
Police**

**Forensic  
Investigation  
Center**

ANDREW M. CUOMO  
Governor  
GEORGE P. BEACH II  
Superintendent  
RAY A. WICKENHEISER  
Director

Captain BCI - Troop G  
New York State Police  
760 Troy Schenectady Road  
Latham, New York 12110

Lab Case No.: 18TG-00260  
Report Date: December 4, 2018  
Agency Case No.: 8578596  
Submitting Agency: G321-SP PRINCETOWN

**TOXICOLOGY REPORT - SUPPLEMENTAL**

**Subject Name: CHRISTOPHER R SNIFFEN**

*Date of Occurrence: November 9, 2018*

<b>Item # 1 - Blood</b>	Submission Date: November 14, 2018
<i>Testing Performed: Drug</i>	
<b>COMPOUND</b>	<b>RESULT</b>
No compounds were detected for this specimen (refer to 'Testing Summary' for scope of analysis).	

(CPL 190.30(2) Certification)

*I, Kevin M. Martin, Forensic Scientist II, hereby certify that I am a public servant in the employ of the New York State Police. I further certify that this is the original of my report and contains the opinions and interpretations of the examination I performed in the above referenced case.*

*False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law.*

Kevin M. Martin

Sara K. Brooks

*Kevin M. Martin*

*Sara K. Brooks*

Forensic Scientist II  
Toxicology

Supervisor of Forensic Services

*Definitions of terms used in this report can be located within the Report Standardization Manual at <http://criminaljustice.ny.gov/forensic/labreportstandards.htm>.*

*This report does not constitute the entire case file. The case file may be comprised of worksheets, images, analytical data, and other documents.*

cc: Inv. J. Castiglione  
DMV Crash Records Center  
Schoharie County District Attorney  
File



TOXICOLOGY REPORT - SUPPLEMENTAL

**Report Date:** December 4, 2018  
**Subject:** CHRISTOPHER R SNIFFEN

**Lab Case No.:** 18TG-00260  
**Agency Case No.:** 8578596

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**Testing Summary**

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*Toxicology testing included the following analyses. No compounds were detected other than those listed in the results table.*

**Immunoassay Drug Screen** (Enzyme Linked Immunosorbent Assay - ELISA): amphetamine, benzodiazepines, cocaine/benzoylecgonine, cannabinoids, carisoprodol, fentanyl, methadone, methamphetamine, opiates, oxycodone, phencyclidine, zolpidem

**Analysts:** Heidi E. Grieger, Forensic Scientist I  
Kevin M. Martin, Forensic Scientist II





**State  
Police**

**Forensic  
Investigation  
Center**

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760 Troy Schenectady Road  
Latham, New York 12110

Lab Case No.: 18TG-00260  
Report Date: December 4, 2018  
Agency Case No.: 8578596  
Submitting Agency: G321-SP PRINCETOWN

**TOXICOLOGY REPORT - SUPPLEMENTAL**

**Subject Name: CHRISTOPHER R SNIFFEN**

*Date of Occurrence: November 9, 2018*

<b>Item # 1 - Blood</b>	Submission Date: November 14, 2018
<i>Testing Performed: Alcohol</i>	
<b>COMPOUND</b>	<b>RESULT</b>
No volatiles were detected for this specimen (refer to 'Testing Summary' for scope of analysis).	
<b>THE SPECIMEN WILL BE RETAINED AT THE LABORATORY PENDING DRUG ANALYSIS.</b>	

(CPL 190.30(2) Certification)

*I, Shane W. Lanahan, Forensic Scientist III, hereby certify that I am a public servant in the employ of the New York State Police. I further certify that this is the original of my report and contains the opinions and interpretations of the examination I performed in the above referenced case.*

*False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law.*

Shane W. Lanahan

Jennifer F. Limoges

Forensic Scientist III  
Toxicology

Assoc Dir of Forensic Science

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cc: Inv. J. Castiglione  
DMV Crash Records Center  
Schoharie County District Attorney  
File



TOXICOLOGY REPORT - SUPPLEMENTAL

Report Date: December 4, 2018  
Subject: CHRISTOPHER R SNIFFEN

Lab Case No.: 18TG-00260  
Agency Case No.: 8578596

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**Testing Summary**

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*Toxicology testing included the following analyses. No compounds were detected other than those listed in the results table.*

**Volatile Analysis (Headspace Gas Chromatography):** ethanol, acetone, isopropanol, methanol

*Analyst:* Shane W. Lanahan, Forensic Scientist III



# EXHIBIT 2



FINAL AUTOPSY REPORT

CASE #: MS-18-607  
OC-18-281 (Albany Medical Center)

DECEDENT: Gerard Roldan

DATE OF BIRTH: [REDACTED]

PRONOUNCEMENT DATE: November 09, 2018

PRONOUNCEMENT TIME: 10:50 PM

DATE OF AUTOPSY: November 11, 2018, 8:30 AM

PLACE OF AUTOPSY: Albany Medical Center, Albany, NY

PROSECTOR: Michael Sikirica M.D.


ASSISTING: Ms. Sandra Marsh

CORONER: Ms. Donna McGovern, Schoharie County

Cause of Death: Multiple severe traumatic blunt force injuries

Manner of Death: Accident

  
\_\_\_\_\_  
Michael Sikirica, M.D./nw  
DATE: 4-29-19

External Description

The body is received in a white plastic body pouch. There is a hospital identification tag attached to the pouch listing the decedent's name and date of birth of [REDACTED] and listing a medical record number 1224871. The body is that of a 66 ½", 153 pound normally-developed, thin adult Caucasian male appearing the reported age of 26 years with full rigor mortis and posterior fixed livor mortis. The body temperature is cool to the touch after refrigeration. The general appearance of the body is of good health and hygiene.

The body is received wearing a blue print hospital gown. There is no jewelry present on the body or included with it. There are no clothing items included with the body.

The scalp hair is short and brown in color measuring approximately 1/8" in length. There is a brown beard and mustache. The eyes are open. The irides are brown. The right and left pupils each measure 3 mm in diameter. The corneas are clear and the sclerae and conjunctivae are unremarkable. The face is symmetric, and the facial bones are intact to palpation. Injuries to the face and forehead region are described under "Evidence of Injury." There is a small amount of brown vomitus type material along the nostrils and oral cavity. There are no materials in the ears. The teeth are natural and in fair condition but crooked and fractured along the upper gumline. There is no acute injury to the lips, teeth or gums. The neck is free from masses. There are no unusual marks or lesions on the skin of the neck. The larynx is midline and the thyroid not palpable. The chest is of normal contour. The breasts are

those of an adult male. The abdomen is flat. The posterior torso shows only abnormalities to be described under "Evidence of Injury." The upper extremities are symmetric, and the fingernails are intact and show no foreign material. No clubbing or cyanosis is noted. The external genitalia are those of a mature male. There is no evidence of injury or abnormal secretions. The buttocks and anus are unremarkable. The skin is white in color and smooth. There are no tattoos discernible. There is a several cm ovoid burn type scar along the dorsal upper aspect of the right forearm. There are no major surgical scars noted. There is no evidence of acute or chronic intravenous narcotism. Passive motion of the head, neck and extremities reveals fracturing of the distal left femur and right ankle. There is no unusual odor about the body.

#### Evidence of Recent Medical Therapy

There is an endotracheal tube protruding outward from the oral cavity and taped around the cheeks. There is an IV line inserted into the left antecubital area. There is hospital identification bracelet on the left wrist listing the decedent's name and date of birth. There is an intraosseous port inserted into the bony tissue of the right upper calf. There is a hospital identification tag attached to the left great toe.

Evidence of Injury

There is an irregular zone of red abrasion injury extending along the lateral left forehead and downward into the upper left temporal region measuring approximately 5.5 x 3 cm in size. There is a 2 cm laceration along the upper portion of the abrasion field and an additional 11 mm laceration extending vertically within the lower portion of the abrasion. There are several additional small linear abrasions along the lower edge of the larger confluent lesion.

There are several small abrasions along the left posterior parietal scalp.

There is a small ovoid abrasion along the posterior left shoulder.

There is slight abrasion injury along the posterior left elbow.

There are small abrasions along the right lower lateral back.

There is a large 14 x 6 cm zone of yellow abrasion extending down along the medial portion of the right chest and a smaller 6 x 3.5 cm zone of yellow abrasion along the lower medial left chest.

There is a large field of individual red abrasions extending vertically along the left hip and anterior lateral left thigh with a larger confluent red abrasion along the upper border and a 5 x 1 cm vertical abrasion along the lower border.

There is a slight irregular red abrasion injury along the lateral left lower back.

There are dicing type abrasions over the dorsal distal portion of the left hand and over the dorsal portion of several fingers.

There is a 5 x 3 cm zone of pink ecchymosis injury along the medial right antecubital area and a 2 x 1 cm pink ecchymosis along the upper medial right ventral forearm.

There is slight abrasion injury on the dorsal right index finger and dorsal right hand.

Present along the posterior lateral right hip area is an 8 x 5 cm red abrasion.

There is palpable fracturing of the distal left femur located approximately 20 ¼" above the base of the left heel.

There are several red abrasions along the frontal portion of the left knee. The more medial and superior measures 3 x 2 cm in size and there is a smaller 2 x 1.3 cm red abrasion along a similar level along the lateral left upper knee. There is an additional 4 x 3 cm red abrasion along the frontal lower portion of the left knee.

There is a somewhat diagonal appearing zone of red abrasion injury extending across the frontal portion of the right knee and rising as it extends medially to laterally and partially surrounding a 2 cm laceration along the frontal portion of the knee.

There are small ecchymoses and abrasions along the left medial ankle and instep and abrasions along the top of all the toes of the left foot.

There is a palpable fracture of the right ankle located approximately 6 ½" above the base of the right heel.

There is a small blue ecchymosis along the anterior right ankle and a pink ecchymosis along the lateral right ankle. There is an additional small red abrasion along the medial portion of the right foot.

Procedure and Specimens

The organs are exposed utilizing the standard Y-shaped thoracoabdominal and posterior scalp incisions. Cardiac blood, vitreous fluid, gastric contents and urine are taken for toxicologic evaluation and submitted to the Forensic Toxicology Laboratory at the Albany Medical Center. An additional lavender top blood sample tube is retained for further testing if needed. Representative portions of the major viscera are retained in formalin and appropriate sections processed for microscopic slides. Pertinent findings at autopsy are recorded by digital photographs by Dr. Sikirica. Also present at the autopsy are New York State Police Investigator Shultis and New York State Trooper Blakely. A copy of an Administrative Message Report is received from the officers with SJS# 8578596. A set of digital scene photographs and a photograph log is also available for review at the time of autopsy. Portions of the decedent's medical records from Cobleskill Hospital are also received and evaluated and list the decedent's name and medical record number 1224871. The autopsy is assisted by autopsy assistant Ms. Sandra Marsh. No material is retained as evidence. X-rays are not taken or evaluated. A buccal reference sample is obtained and transferred to the officers present. An authorization for autopsy is also received from Coroner McGovern of Schoharie County.

### Internal Examination

Thoracoabdominal incision reveals approximately 2-3 cm of normal appearing abdominal panniculus. The thoracic and abdominal viscera have normal anatomic relationships with evidence of trauma to be described.

#### Body Cavities:

There are approximately 300 mls in the right pleural cavity and 100 mls of bloody fluid in the left pleural cavity. There are adhesions along the basilar and lateral aspect of the left lung. There are a few mls of bloody fluid in the abdominal cavity.

#### Musculoskeletal System:

The skeletal muscles are firm and normally developed. There are fractures along the anterior aspects of left ribs 2-8 and the anterior and lateral aspects of right ribs 2-10. There is a fracture to the sternum between the insertion of the 3<sup>rd</sup> and 4<sup>th</sup> ribs. There is a large diagonal fracture extending through the thoracic spine at the T1 level. There is fracturing of the cervical spine to be described.

#### Neck Organs:

The larynx and thyroid gland are unremarkable. The thyroid is homogeneously tan/brown without nodularity. The laryngeal cartilages and hyoid bone are intact. There are no laryngeal hemorrhages or hemorrhages in the soft tissues of the neck but there is hemorrhage along the mid anterior cervical spine. The carotid arteries and jugular veins are intact. There is a fracture of the cervical spine along the 4<sup>th</sup> and 5<sup>th</sup> cervical vertebrae.

Respiratory System:

The right lung weighs 380 grams, the left 550 grams. Except for zones of adhesions along the left lung, the pleural surfaces are smooth and glistening. There are several contusions in the parenchyma of each lung but no natural focal lesions. The tracheobronchial and arterial trees are unremarkable. No aspirated material or thromboemboli are found.

Cardiovascular System:

The pericardial sac is intact and contains a few mls of normal serous pericardial fluid. The heart weighs 340 grams and has a normal external configuration with a glistening epicardial surface and a normal amount of epicardial fat. The myocardium is firm and red/brown and shows no focal lesions. The cardiac chambers are of normal size and contain clotted blood. The right ventricle measures 4 mm and the left ventricle 10 mm in maximum thickness. The cardiac valves are normally formed and appear in good functional condition with thin pliable valve leaflets and thin discrete tendineae chordae. The mitral valve measures 10 cm, the tricuspid 13 cm, the pulmonary 7.5 cm and the aortic 7 cm in circumference. The endocardium is smooth and glistening without fibrosis or petechiae. The coronary arteries arise normally through unobstructed ostia and pursue their usual anatomic course. Serial cross sections at 2 mm intervals shows no significant atheromatous occlusion or anomalies. The atria and appendages are normal. The aorta is of normal caliber and branching distribution and is intact with no significant atherosclerosis. The vena cavae is intact and unremarkable.



Liver and Biliary Tree:

The liver weighs 1820 grams and has a smooth capsule. There are severe lacerations along the anterior and posterior surfaces of each lobe extending deep into the parenchyma. Upon sectioning there are no natural focal lesions. There is no evidence of fibrosis or cirrhosis. The gallbladder is intact and contains a trace of green/brown bile without stones. The remainder of the extrahepatic biliary system is unremarkable.

Spleen:

The spleen is severely macerated with a weight of approximately 330 grams. The parenchyma itself is purple in color with indistinct white pulp.

Pancreas:

Firm lobulated tan parenchyma.

Adrenals:

Thin bright yellow/orange cortical ribbons and tan medullae.

Genitourinary System:

The right kidney weighs 140 grams, the left 150 grams. The capsules strip easily to reveal pale but smooth purple cortical surfaces. There are tears in the hilar region of each kidney. There is perihilar and perirenal hemorrhage bilaterally. There are no natural parenchymal lesions. The ureters are patent into the bladder, which contains approximately 100 mls of yellow urine and is otherwise unremarkable. The prostate gland is not enlarged. Both testes are palpable in the scrotal sac.

Gastrointestinal System:

The esophagus is unremarkable. The stomach contains approximately 400 mls of brownish fluid and fragments of soft white material and rice. There are no recognizable fragments of tablets or capsules. The mucosa and rugae are flat and autolyzed but otherwise unremarkable. The small and large intestines and appendix have a normal configuration and are otherwise unremarkable.

Brain:

The scalp is retracted by an intermastoidal incision. There is a 9 x 5 cm posterior parietal subgaleal hemorrhage and a 3 x 2 cm zone of left frontal subgaleal hemorrhage. The bones of the calvarium and base of the skull are intact. The fresh brain weighs 1520 grams. There is subarachnoid hemorrhage collected along the basilar cistern and upper and lower portion of the cerebellum. There is no evidence of significant epidural or subdural hemorrhage. The meninges are focally bloody but clear. The cerebral vasculature is intact with no significant atherosclerosis or vascular anomalies. Serial coronal sections through the cerebrum, cerebellum and brainstem reveal tearing along the pontomedullary junction and a small area of contusion injury along the base of the right temporal lobe. There is also evidence of mild intraventricular hemorrhage. Stripping the dura reveals no fractures. The pituitary gland is not enlarged.

Microscopic Examination (slides 1-11)

Portions of the liver, spleen, lungs, kidneys, thyroid, pancreas, and brain are examined microscopically. Sections of the kidneys do reveal acute hemorrhage in the pericapsular region. No significant crystals are noted in the kidney parenchyma under polarized light examination. [REDACTED]

Sections of the spleen, thyroid gland, pancreas, and brain are unremarkable.

Anatomic Diagnoses

- I. Multiple severe traumatic blunt force injuries.
  - a. History of decedent struck by a police vehicle while crossing the roadway in the Village of Cobleskill on the evening of November 9<sup>th</sup>, 2018.
  - b. History of patient/decedent taken to Cobleskill Regional Hospital where he was pronounced shortly after admission.
  - c. Cervical spine fracture with tearing along the pontomedullary junction of the brainstem and associated subarachnoid hemorrhage.
  - d. Additional contusion injuries along the right temporal lobe of the brain, intraventricular hemorrhage and subgaleal hemorrhages.
  - e. Severe laceration injuries of the liver and spleen.
  - f. Fracturing of the thoracic spine and multiple bilateral rib fractures with fracturing of the sternum.
  - g. Laceration injury in the hilar region of each kidney with associated hilar and

perirenal hemorrhages.

- h. Bilateral hemothorax and small hemoperitoneum.
- i. Fracturing of the distal left femur and the right ankle.
- j. Multiple abrasions, ecchymoses and lacerations of the head, torso and extremities.

II. Additional findings:

- a. Reported history of seizure disorder.

[REDACTED]

[REDACTED]

- c. Low level of fentanyl detected in postmortem blood.
- d. Lower level of morphine detected in postmortem blood with 6-monoacetylmorphine (heroin metabolite) detected in urine.
- e. Marijuana compounds also detected in postmortem blood.

III. No evidence of other significant natural disease.



# FORENSIC TOXICOLOGY REPORT

ALBANY MEDICAL CENTER, 43 NEW SCOTLAND AVENUE  
 ALBANY, NEW YORK 12208-3478 (518) 262-3523  
 N.Y.S. FORENSIC LABORATORY PERMIT #PFI 1899  
 ACCREDITED BY THE AMERICAN BOARD OF FORENSIC TOXICOLOGY

LABORATORY DIRECTORS  
 Thomas G. Rosano, PhD, DABFT  
 Thomas A. Swift PhD

Subject: Roldan, Gerard  
 Referring Number: MS-18-607  
 Case Number: FT18-437  
 DOB: [REDACTED]  
 DOD: 11/09/2018  
 Collect Date: 11/11/2018  
 Received Date: 11/13/2018  
 Report Date: 12/18/2018

Agency: Schoharie County Coroner ( Donna McGovern)  
 Address: PO Box 182  
 Cobleskill  
 New York, 12043  
 Requestor: Dr. Michael Sikirica  
 Address: Forensic Medical Services  
 50 Broad Street  
 Waterford, NY 12188

## Test Results

Initial Tests:	Sample	Result	Detection Limit/Unit	Method
General Unknown	Blood, Cardiac	See Confirmatory	Analyte Specific	LC/MS
Cannabinoids	Blood, Cardiac	See Confirmatory	Detection Limit 10 ng/mL	Immunoassay
Salicylate	Blood, Cardiac	Negative	Threshold 10 mg/dL	Color Spot Test
Volatiles / Alcohols	Blood, Cardiac	Negative	Detection Limit 0.01% w/w	HS-GC-FID

Test Comment: Includes Acetone, Ethanol, Isopropanol and Methanol

## Confirmatory Testing:

11-Hydroxy Delta-9 THC	Blood, Cardiac	3.5	ng/mL	LC/MS/MS
6-Monoacetylmorphine	Blood, Cardiac	Negative	Detection Limit 0.2 ng/mL	LC/MS/MS
6-Monoacetylmorphine, Total	Urine	Positive	Detection Limit 0.2 ng/mL	LC/MS/MS
Codeine, Free	Blood, Cardiac	Negative	Detection Limit 10 ng/mL	LC/MS/MS
Codeine, Total	Urine	Positive	Detection Limit 10 ng/mL	LC/MS/MS
Delta-9 Carboxy THC	Blood, Cardiac	Negative	Detection Limit 10 ng/mL	LC/MS/MS
Delta-9 THC	Blood, Cardiac	12.6	ng/mL	LC/MS/MS
Fentanyl	Blood, Cardiac	1.1	ng/mL	LC/MS/MS
Hydrocodone, Total	Urine	Negative	Detection Limit 10 ng/mL	LC/MS/MS
Hydromorphone, Total	Urine	Positive	Detection Limit 10 ng/mL	LC/MS/MS
Morphine, Free	Blood, Cardiac	< 25	ng/mL	LC/MS/MS
Morphine, Total	Urine	Positive	Detection Limit 10 ng/mL	LC/MS/MS

## Specimens

SAMPLE #	TYPE	COLLECTION	AMOUNT
1	Blood, Cardiac	Fluoride/Oxalate (gray top vacutainer tube)	6.4 grams
2	Blood, Cardiac	Fluoride/Oxalate (gray top vacutainer tube)	6.3 grams
3	Blood, Cardiac	Fluoride/Oxalate (gray top vacutainer tube)	6.1 grams
4	Blood, Cardiac	Fluoride/Oxalate (gray top vacutainer tube)	5.3 grams
5	Blood, Cardiac	Fluoride/Oxalate (gray top vacutainer tube)	5.3 grams
6	Blood, Cardiac	EDTA (lavender top vacutainer tube)	2.2 grams
7	Urine	No Preservatives	3.0 grams
8	Urine	No Preservatives	3.0 grams
9	Urine	No Preservatives	3.2 grams
10	Urine	No Preservatives	3.0 grams
11	Vitreous Humor	No Preservatives	0.5 grams
12	Gastric Contents	No Preservatives	46.1 grams

I certify that the specimen(s) identified by the name and/or referring number above have been examined upon receipt, determined to be acceptable unless otherwise noted, analyzed in accordance with New York State Health Department regulations, and that the results set forth are for those specimen(s). Documentation of chain of custody throughout collection, transport, laboratory receipt and testing was reviewed and found to be acceptable, unless otherwise noted. Positive specimens are retained for a minimum of one year, unless otherwise requested. This report has an associated forensic toxicology case file.

Thomas A. Swift PhD  
 Certifying Scientist (Print)

*Thomas A. Swift*  
 Certifying Scientist (Signature)

12/18/2018  
 Date

*VDR*

# EXHIBIT 3

# **Car/Pedestrian Fatal Collision**

**State Route 7  
Village of Cobleskill  
Schoharie County**

**November 9, 2018 9:55 p.m.**



**Troop G  
Collision Reconstruction Unit**

**760 Troy-Schenectady Road  
Latham, New York 12110  
(518) 250-7470**

**Prepared by  
Investigator Jeremy Shultis**

## **INTRODUCTION**

On Friday, November 9, 2018 at 10:40 p.m., I, Investigator Jeremy Shultis of the New York State Police Troop G Collision Reconstruction Unit (GCRU), received notification to respond to the scene of a fatal motor vehicle collision involving a marked Village of Cobleskill Police vehicle and a pedestrian. The collision occurred on State Route 7 in the Village of Cobleskill, Schoharie County, New York.

I arrived at the scene at 11:40 p.m. Investigator Robert Mower and Troopers Travis Kline and Neil Blakely (GCRU) also responded to the scene to assist with the investigation. Members of the New York State Police on scene included Lieutenant William Williams, Senior Investigator Albro Fancher, Investigator James Castiglione, Sergeant Raymond Gilman, Trooper Ryan Bishop and Trooper Jason Saddlemire. Members of the Village of Cobleskill Fire Department assisted with scene management.

At the time of my arrival there was a mix of rain and snow, the road was wet. The temperature was approximately 41 degrees (F) at the time of investigation. Officer Cody Whittaker of the Village of Cobleskill Police Department indicated that it was raining at the time of the collision.

A preliminary assessment of the scene information indicated that the collision occurred at approximately 9:55 p.m. when a Village of Cobleskill Police Department marked patrol vehicle, Unit 946 (Vehicle #1), was westbound on State Route 7 and struck a pedestrian. Unit 946 was attempting to affect a traffic stop of an uninvolved vehicle when Unit 946 struck a pedestrian, Gerard Roldan III, in the roadway. The pedestrian was traveling from the south side of the roadway to the north. The pedestrian came to rest in the westbound lane of the roadway. Unit 946 was stopped in the same lane just east of the pedestrian upon my arrival.

I photographed the scene, documenting its condition at that time. The scene was marked in preparation for mapping. It was checked for roadway defects or other items, which may have contributed to causing the collision. No such defects or items were found. Trooper Kline forensically mapped the scene evidence using a DT Research Global Positioning System data collector.

## **COLLISION SCENE DESCRIPTION**

At the scene of the collision, State Route 7 was a relatively straight, two-lane, asphalt-surfaced road oriented in a general northeast to southwest direction through a primarily business area. For report clarity and ease of understanding it will be described as east-west. State Route 7 was divided into one westbound travel lane and one eastbound travel lane. From east to west an approximately 10.6 feet wide median quickly narrowed to a point, where it extended west as a solid double yellow center line, separating the lanes of travel. The westbound and eastbound lanes were approximately 15.6 feet and 15.1 feet wide, respectively, as measured from the center of the roadway to their respective edge of pavement. Adjacent to each lane was an approximately five (5) feet wide strip of grass followed by an approximately five (5) feet wide sidewalk. Numerous driveways from businesses broke the sidewalks intersecting with State Route 7. State Route 7 had a posted speed



limit of 30 miles per hour (mph). The intersection to the east of the scene incorporated a traffic light controlled crosswalk.

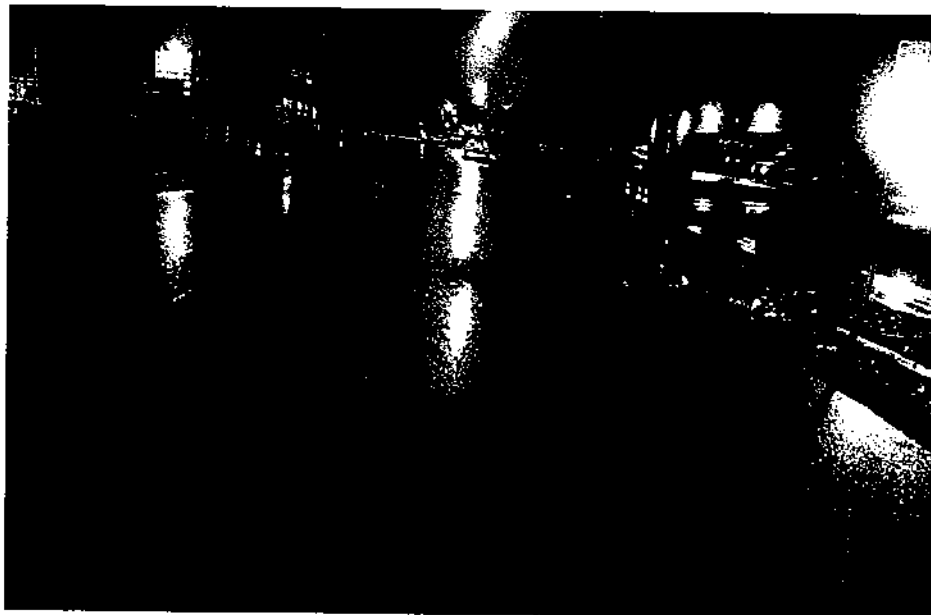


**State Route 7 at Scene Viewed Toward West**

**COLLISION SCENE EVIDENCE**

The scene and surrounding areas were examined for collision-related evidence. Scene evidence included clothing items and personal effects of the pedestrian as well as vehicular debris and Unit 946.

The evidence is described in order from east to west and unless otherwise specified, measured to its approximate center.



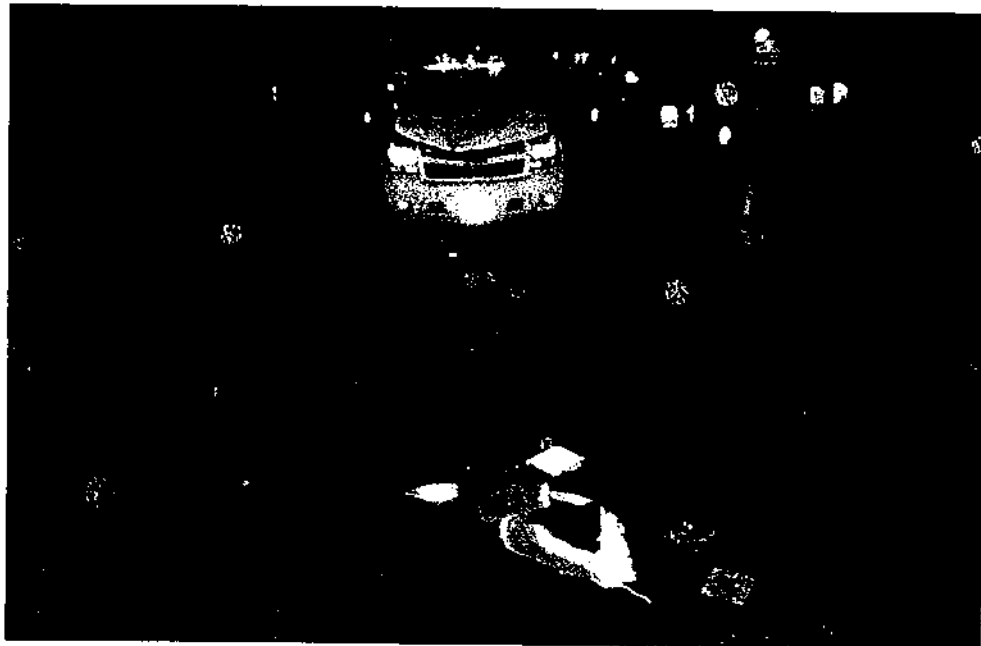
**Scene Evidence on State Route 7 Looking West**

The easternmost evidence consisted of the left boot of the struck pedestrian. It was located in the westbound lane, approximately 2.1 feet north of the center of the pointed median double yellow lane markings. A white sock was laying on the grass adjacent to the westbound lane. It was located approximately 1.3 feet off the roadway and 13.5 feet northwest of the boot just described. These two pieces of evidence are consistent with being the area of impact between the vehicle and pedestrian.

A concentrated vehicular debris field, consisting mostly of plastic pieces broken from Unit 946, began in the center of the westbound lane. It was approximately 29.0 feet west of the boot previously described. The debris spread out in a widening conical pattern to the west. It extended north onto the grass adjacent to the westbound lane and south into the eastbound lane.

A black knit cap was observed in the roadway approximately 51.4 feet to the west of the boot described and 4.7 feet into the westbound lane as measured from the center of the double yellow line markings. Approximately 7.9 feet northwest of the hat, in the westbound lane, was a black backpack. A second white sock was observed in the westbound lane approximately 27.2 feet west of the backpack. Approximately 41.5 feet to the south of this sock a damaged cellphone was observed on the grass off of the south side of the roadway. The matching boot for the right foot was observed approximately 135.9 feet to the west of the first boot. It was located on the southern solid yellow center line marking.

Unit 946 came to its controlled final rest near the edge of pavement in the westbound lane. It was approximately 184.3 feet west of the first boot described, as measured to the approximate center of mass of the vehicle. A grey sweatshirt and black t-shirt were in the westbound lane



**Scene Evidence on State Route 7 Looking East**

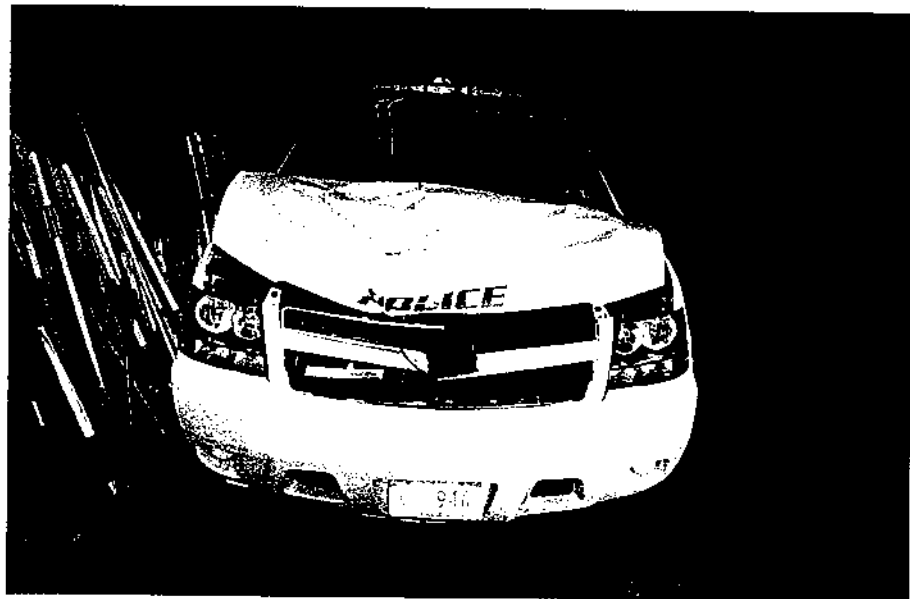
approximately 17.2 feet in front of Unit 946 and 207.8 feet west of the first boot described. The clothes were cut by responding emergency services personnel and several pieces of debris from used medical supplies lay near them. This area is consistent with where the pedestrian came to final rest. Approximately 359 feet to the west of the area of impact was a traffic controlled intersection with a crosswalk for State Route 7.

## VEHICLE EXAMINATION

Vehicle #1 was a white colored 2012 Chevrolet Tahoe four-door marked patrol sport utility vehicle, bearing identification Unit 946, and Vehicle Identification Number (VIN) - 1GNSK2E00CR277746.

Vehicle #1 exhibited damage to its front. The left lower bumper cover cutout was cracked as well as the front grille. Multiple pieces of the front grille were broken off and this damage extended to the area adjacent to both headlight assemblies. The hood was pushed rearward and slightly toward the passenger side. The deepest portion of damage was slightly to the right of center where the leading edge of the hood was buckled inward. The hood did not make any contact with the windshield and no further damage was observed. This damage was consistent with striking a pedestrian and exerting a force from the front of the vehicle toward the rear.

Vehicle #1 was equipped with four Hankook DynaPro ATM P265/70R17 tires. These were the correct size tires as recommended by the manufacturer. The left front tire had a minimum of 9/32 inch of tread and was inflated to 34 pounds per square inch (psi). The right front tire had a minimum of 10/32 inch of tread and was inflated to 30 psi. The left rear tire had a minimum of 10/32 inch of tread and was inflated to 34 psi. The right rear tire had a minimum of 10/32 inch of tread and was inflated to 32 psi.



**Unit 946 at SP Latham**

The vehicle was equipped with three-point lap belt/shoulder harness for all seating positions. The driver seatbelt was unbuckled, retracted, free-spooling, and functional. It showed no signs of loading or stress. The status of the seatbelt at the time of the collision was unable to be determined based upon an inspection of the seatbelt. No supplemental safety or restraint devices were deployed.

All exterior lights, including emergency lighting, were checked for damage and functionality. The lights were found to be fully functioning and undamaged.

A VIN-specific search of the National Highway Transportation Safety Administration (NHTSA) Recall Database for information pertaining to the vehicle was conducted April 12, 2019.

That search indicated that Vehicle #1 was the subject of one recall and that recall had not been completed. That recall pertained to possible wiring corrosion on the passenger side under-hood cooling fan assembly.

### **PEDESTRIAN EVIDENCE EXAMINATION**

The items being worn and carried by Roldan III were examined for collision related evidence. His outer gray sweatshirt had been cut, consistent with measures taken by responding emergency services personnel. The sweatshirt was dirty and scuffed and there was apparent blood staining on the front left side. There was apparent blue paint transfer on the right rear of the sweatshirt. The height of both Roldan and the front end of Unit 946 was consistent with the transfer being made by the blue colored POLICE decal on the front of the hood. A black t-shirt was worn under the sweatshirt and this also was cut by responding emergency services personnel. It was covered in dirt/roadway debris. The pants worn by Roldan III were transported to the hospital with him and subsequently discarded; however, the pants were reported to have been black.



**Sweatshirt of Gerard Roldan III, Lined up To Hood of Vehicle #1 at SP Latham**

An inventory of the black backpack that was being carried revealed the following items: pair of black socks, flannel shirt, white t-shirt, stick of deodorant, Taco Bell work apron, pill bottle containing multiple Divalproex pills prescribed to Gerard Roldan, two used syringes and a Walmart bag containing a 10-count bag of insulin syringes with two remaining and instructions for the Expanded Syringe Access Demonstration Program (ESAP).

## CRASH DATA RETRIEVAL

On November 12, 2018, I imaged the data contained in the Airbag Control Module (ACM) of Vehicle #1 using the Bosch Crash Data Retrieval System, based on the authority of a signed consent from The Village of Cobleskill Chief of Police, Richard Bialkowski. The data from the CDR Report showed the vehicle to have 16179 ignition cycles at the time of the investigation and no events recorded.<sup>1</sup> This was consistent with the damage profile of the vehicle and the lack of any deployed supplemental safety restraint.

## INJURY PATTERNS

The driver of Vehicle #1, Christopher Sniffen, was not physically injured as a result of the collision.

The pedestrian, Gerard Roldan III, died as a result of the injuries he incurred in the collision. On November 11, 2018, an autopsy was performed on Roldan at the Albany Medical Center Hospital in Albany, New York, by Forensic Pathologist Michael Sikirica, M.D. I observed abrasions to Roldan on his hands, chest, right knee, left hip, left leg and left foot. Internally, Roldan had severe traumatic blunt force injuries, consistent with being struck by a vehicle. Dr. Sikirica determined the cause of death as multiple severe traumatic blunt force injuries.<sup>2</sup>

## MATHEMATICAL FINDINGS

The post-impact path of the pedestrian was mapped, measured, and mathematically analyzed to determine the minimum and maximum impact velocities of Vehicle #1. The minimum impact speed of Vehicle #1 was determined using the Searle's Formula<sup>3</sup> of  $V_{min} = \sqrt{\frac{2(\mu)(g)(s)}{1 + \mu^2}}$ , where  $V_{min}$  = minimum impact velocity of Vehicle #1 in feet per second (fps); 2 = mathematical constant;  $\mu$  = coefficient of friction of a falling/bouncing/sliding body (0.66)<sup>4</sup>;  $g$  = gravity, 32.2 feet per second per second (fps<sup>2</sup>);  $s$  = post-impact travel distance of the pedestrian in feet (207 ft). According to this calculation, the minimum impact velocity of Vehicle #1 ( $V_{min}$ ) was 78 fps. The minimum impact velocity of Vehicle #1 was then converted into miles per hour (mph) using the formula  $S_{min} = \frac{V_{min}}{1.466}$ , where  $S_{min}$  = minimum impact speed of Vehicle #1 (mph);  $V_{min}$  = the minimum impact velocity of Vehicle #1 in feet per second (78 fps); and 1.466 = mathematical constant. This calculation indicated a minimum impact speed for Vehicle #1 of 53 mph.

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1 Bosch Crash Data Retrieval Report. 2012 Chevrolet Tahoe, VIN:1GNSK2E00CR277746, November 12, 2018.

2 Certificate of Death of Gerard Roldan, dated November 11, 2018, signed by Forensic Pathologist Michael Sikirica M.D.

3 Searle, John and Angela, "The Trajectories of Pedestrians, Motorcycles, etc, Following a Road Accident", SAE Paper# 831622.

4 Searle, John and Angela. "The Trajectories of Pedestrians, Motorcycles, etc, Following a Road Accident", SAE Paper# 831622.

The maximum impact velocity of Vehicle #1 ( $V_{max}$ ) was determined using the Searle's Formula<sup>5</sup> of  $V_{max} = \sqrt{(2)(\mu)(g)(s)}$ , where  $V_{max}$  = maximum impact velocity of Vehicle #1; 2 = mathematical constant;  $\mu$  = coefficient of friction of a falling/bouncing/sliding body (0.66);  $g$  = gravity, 32.2 feet per second per second (fps<sup>2</sup>); and  $s$  = post-impact travel distance of the pedestrian in feet (207 ft). Based on this analysis, the maximum impact velocity of Vehicle #1 was 93 fps.

The maximum impact velocity of Vehicle #1 was then converted into miles per hour (mph) using the formula  $S_{max} = \frac{V_{max}}{1.466}$ , where  $S_{max}$  = maximum impact speed of Vehicle #1 (mph);  $V_{max}$  = maximum impact velocity of Vehicle #1 in feet per second (93 fps); and 1.466 = mathematical constant. This calculation indicated a maximum impact speed for Vehicle #1 of 63 mph.

These calculations were performed in a conservative manner and in compliance with standard collision reconstruction protocols.

### **CONSPICUITY**

In the area of the collision, State Route 7 was a lighted roadway, however, the illumination of the roadway at the scene was minimal and further reduced by the street light just west of the area of impact not being illuminated. Weather conditions at the time of the crash consisted of rain which would have contributed to decreased visibility. Roldan's outer layers of clothing included a black knit hat, gray sweatshirt, black pants, brown boots and carrying a black back pack. This clothing in combination with the surrounding environment and weather conditions rendered the pedestrian to have a decreased level of conspicuity to motorists using State Route 7.

### **DRIVER BACKGROUND**

Vehicle operator, Patrolman Christopher Sniffen, [REDACTED] possessed a valid New York State Class D Driver's License, which was sufficient for the vehicle he was operating at the time.

### **VIDEO ANALYSIS**

Village of Cobleskill Police Department Chief Richard Bialkowski secured surveillance video from the front facing camera installed in Unit 945 being operated by Patrolman Cody Whittaker. In the video, it was raining and the windshield wipers of Unit 945 were operating. As Unit 945 traveled eastbound on State Route 7 an SUV with a roof mounted illuminated light (sign) passed traveling in the westbound direction. Unit 945 turned on the vehicle when it was safe and proceeded westbound. As Unit 945 approached Unit 946 which was stopped on the roadway, debris from the crash can be seen and Unit 946 then activates emergency lighting. Unit 945 went around Unit 946 pulling into the driveway just west of the struck pedestrian.<sup>6</sup>

<sup>5</sup> Searle, John and Angela, "The Trajectories of Pedestrians, Motorcycles, etc. Following a Road Accident". SAE Paper# 831622.

<sup>6</sup> Video Footage from Unit 945, dated 11/09/2018.

## **LABORATORY ANALYSIS**

A blood sample from the deceased was secured and submitted for analysis to Albany Medical Center Laboratory in Albany, New York. This sample was tested for alcohol and drug(s) and generated results for both. The Toxicology Report, testing for alcohol, yielded a result of Negative. The sample tested positive for the presence of Monoacetylmorphine, Codeine, Fentanyl, morphine, 11-Hydroxy Delta-9 THC, Delta-9 THC and Cannabinoids.<sup>7</sup>

## **WITNESS STATEMENTS**

A signed statement was obtained from Village of Cobleskill Police Department Patrolman Cody N. Whittaker. In sum and substance, he advised that he was traveling east on State Route 7 operating marked patrol vehicle, Unit 945. Unit 946 was also traveling east on State Route 7 behind him. Whittaker stated that he observed a Jeep Grand Cherokee westbound on State Route 7 speeding and then turned on the vehicle when he could. While turning on the vehicle he could see Unit 946 doing the same and inquired about the Jeep Cherokee over the radio. As he approached Unit 946 he observed the brake lights come on and then heard a radio transmission from Unit 946 advising that a pedestrian was struck. Whittaker stated he went around Unit 946 and observed a body on the ground in front of that vehicle, he then pulled into the driveway of Save-A-Lot.<sup>8</sup>

A signed statement was obtained from Village of Cobleskill Police Department Patrolman Christopher Sniffen. In sum and substance, Sniffen advised that he was traveling east on State Route 7, operating marked patrol vehicle, Unit 946. He observed a Jeep Cherokee with an illuminated Pizza Hut sign, westbound on State Route 7, fail to stop for a red traffic light at the intersection with Legion Drive. After turning around, Patrolman Whittaker radioed him in regards to the Jeep. Sniffen continued westbound in an attempt to affect a traffic stop of the Jeep, he did not have emergency lights activated. Sniffen stated that around the area of the carwash there was suddenly a person in a gray sweatshirt in the westbound lane in front of him and he was unable to avoid striking that person. He immediately stopped, called the incident into dispatch and then exited the vehicle to begin rendering medical aid.<sup>9</sup>

## **COLLISION PHASES**

### **PRE-IMPACT**

Unit 946 was traveling east on State Route 7 when he observed a westbound vehicle fail to stop as required at a red traffic signal. Unit 946 executed a U-turn and proceeded west on State Route 7 in an attempt to affect a traffic stop. The pedestrian was traveling north across State Route 7.

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<sup>7</sup> Toxicology Report for Gerard Roldan, dated 12/18/18, by Albany Medical Center Laboratory.

<sup>8</sup> Signed Supporting Deposition of Cody N. Whitaker, dated November 9, 2018.

<sup>9</sup> Signed Supporting Deposition of Christopher Sniffen, dated November 9, 2018.

## **IMPACT**

Vehicle #1 struck Gerard Roldan III in the westbound lane of State Route 7 as he walked across the roadway. The exact location of impact cannot be determined; however, the evidence is consistent with Roldan being approximately in the center of the westbound lane.

## **POST-IMPACT**

The pedestrian came to rest in the westbound lane of the roadway. The vehicle stopped in the westbound lane prior to the final rest location of the pedestrian. The driver exited his vehicle and immediately began medical treatment.

## **MV-104A POLICE ACCIDENT REPORT REVIEW**

I have reviewed the Police Accident Report and have found it to be generally consistent with my findings.

## **CONCLUSIONS/FINDINGS**

Based upon an interpretation of the collision scene evidence, vehicle examination, video analysis, signed depositions, pedestrian injuries and pedestrian kinematics, the following conclusions are drawn:

At approximately 9:55 p.m., on Friday, November 9, 2018, Vehicle #1 was traveling east on State Route 7 in the eastbound lane. Upon observing a moving violation of a westbound vehicle, Vehicle #1 turned on that vehicle and proceeded west to affect a traffic stop. The pedestrian was crossing State Route 7 from south to north without using a crosswalk.

The vehicle struck the pedestrian in the westbound lane and then came to a controlled stop. The pedestrian was projected forward and came to rest in the westbound lane. The pedestrian died as a result of the injuries he sustained in the crash.

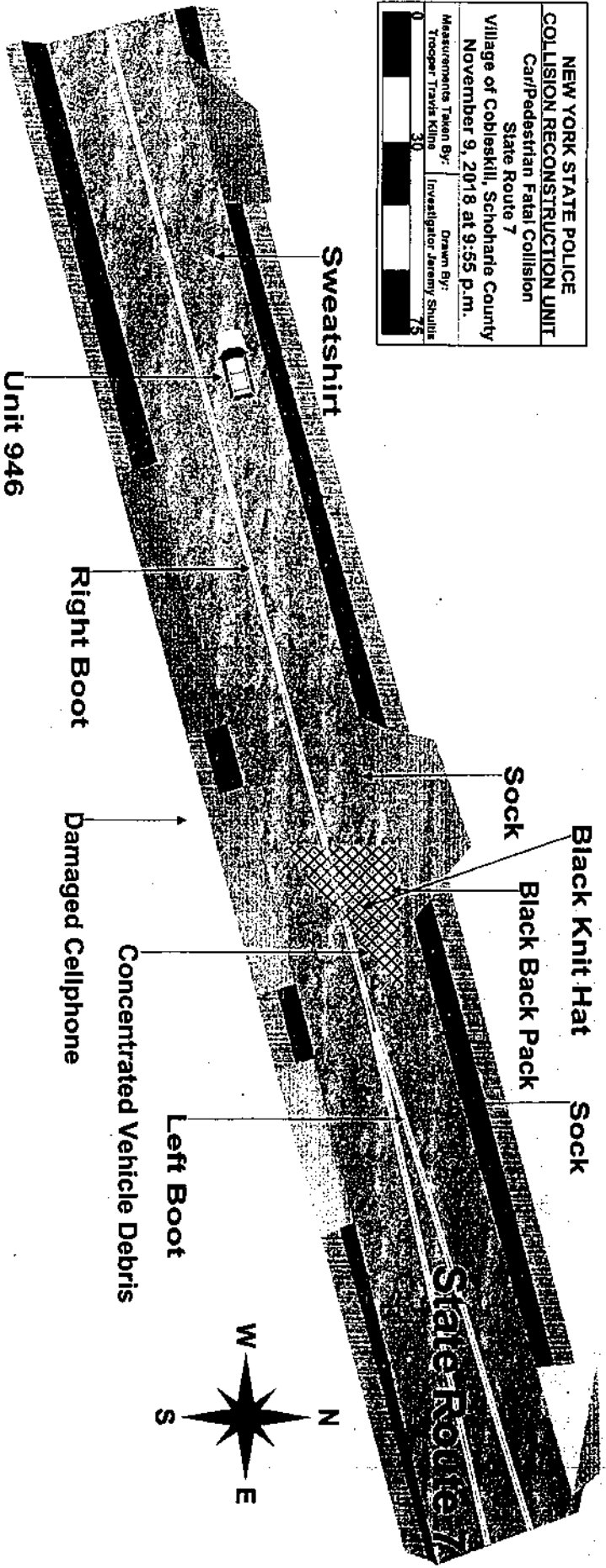
Roadway defects and vehicular defects have all been considered and ruled out as contributing to the cause of this collision.

The primary cause of this collision was the pedestrian's failure to yield to a vehicle upon a roadway, when crossing a roadway at any point other than within a marked crosswalk. Additional contributing factors on the part of Gerard Roldan III were:

- Dark attire
- Environmental conditions of rain and darkness.
- Drug involvement.



**NEW YORK STATE POLICE**  
**COLLISION RECONSTRUCTION UNIT**  
 Car/Pedestrian Fatal Collision  
 State Route 7  
 Village of Cobleskill, Schoharie County  
 November 9, 2018 at 9:55 p.m.  
 Measurements Taken By: \_\_\_\_\_ Drawn By: \_\_\_\_\_  
 Trooper Travis Kilian Investigation Jeremy Shuller  
 0 30 75



Sweatshirt

Unit 946

Right Boot

Damaged Cellphone

Concentrated Vehicle Debris

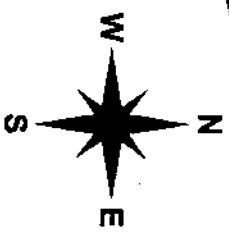
Left Boot

Black Knit Hat

Black Back Pack

Sock

Sock



State Route 7

NYS SP Station / Outside Agency Village of Cobleskill Police Department		T/Z/S SP Princetown	Case Number 8578596
Collision Date 11/09/2018	Time of Collision 9:55 p.m.	C/TV of Collision Village of Cobleskill	County Schoharie

Location  
State Route 7

Report Type:  Full Report  Summary Report  Diagram Report  
 Supplemental Report  Amended Report  No Report / Consultation (Explain)

Comments:  
Car/pedestrian fatal collision.

<input checked="" type="checkbox"/> Vehicle 1	<input type="checkbox"/> Bicyclist	<input type="checkbox"/> Pedestrian	<input type="checkbox"/> Vehicle	<input type="checkbox"/> Bicyclist	<input checked="" type="checkbox"/> Pedestrian 1
Last, First, MI Sniffen, Christopher, R.		<input type="checkbox"/> Deceased <input type="checkbox"/> Injured	Last, First, MI Roldan, Gerard, III		<input checked="" type="checkbox"/> Deceased <input type="checkbox"/> Injured
Last, First, MI	DOB	<input type="checkbox"/> Deceased <input type="checkbox"/> Injured	Last, First, MI	DOB	<input type="checkbox"/> Deceased <input type="checkbox"/> Injured
Last, First, MI	DOB	<input type="checkbox"/> Deceased <input type="checkbox"/> Injured	Last, First, MI	DOB	<input type="checkbox"/> Deceased <input type="checkbox"/> Injured
Last, First, MI	DOB	<input type="checkbox"/> Deceased <input type="checkbox"/> Injured	Last, First, MI	DOB	<input type="checkbox"/> Deceased <input type="checkbox"/> Injured
Last, First, MI	DOB	<input type="checkbox"/> Deceased <input type="checkbox"/> Injured	Last, First, MI	DOB	<input type="checkbox"/> Deceased <input type="checkbox"/> Injured
Last, First, MI	DOB	<input type="checkbox"/> Deceased <input type="checkbox"/> Injured	Last, First, MI	DOB	<input type="checkbox"/> Deceased <input type="checkbox"/> Injured


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Submitted By (Rank & Name) Investigator Jeremy B. Shuttis <i>JBS</i>	Shield 3928	Date Submitted 04/18/2019	FTU Senior Investigator <i>JBS</i>
Troop CRU / Station GCRU / SP Latham	CRU Case Number G2018-1109		Date 8/09/19
1 <sup>st</sup> Peer Review By Investigator Robert L. Mower <i>RLM</i>	Shield 102	Date Reviewed 05/22/2019	
2 <sup>nd</sup> Peer Review By Senior Investigator Michael J. MacIntosh <i>Michael J MacIntosh</i>	Shield 2903	Date Reviewed 08/09/2019	Date Published 8/09/2019

# EXHIBIT 4

# COBLESKILL POLICE DEPARTMENT

## General Order

	SUBJECT <b>Traffic stops</b>	GENERAL ORDER NUMBER <b>247.2</b>
	DCJS STANDARDS <b>47.2</b>	EFFECTIVE DATE <b>November 26<sup>th</sup>, 2018</b>
		REVISION DATE
	APPROVAL <div style="display: flex; justify-content: space-between; align-items: center;"> <span>Richard Bialkowski, Chief of Police</span>  </div>	

### I. PURPOSE

It is the purpose of this policy to establish guidelines for stopping and approaching motorists in a manner that promotes the safety of officers, motorists, and the general public.

### II. POLICY

It is the policy of this agency that motor vehicle stops shall be performed safely, professionally and courteously. This agency will promote the education of the public about proper driving procedures, while recognizing and taking steps to minimize the dangers involved in motor vehicle stops for officers, motorists, and other users of the roadway.

### III. PROCEDURES

#### A. Basis for Stopping Motor Vehicles

- i. Officers shall have legal justification to stop a motor vehicle. This may include commission of a traffic violation, reasonable suspicion of involvement in criminal activity, maintain public safety, or other investigative necessity.
- ii. Officers are prohibited from stopping vehicles when the stop is based solely on the occupant's race, ethnicity, sex, or similar distinction.
- iii. A motor vehicle may be stopped for only a period of time that is reasonable to issue a citation or conduct other legitimate law enforcement business.
- iv. Generally, officers should not make custodial arrests of motorists for traffic violations where a citation is permitted, unless extenuating and articulable circumstances exist.

#### B. Stopping and Approaching Traffic Violators

- i. Where available, in-car and body-worn cameras shall be activated per policy.
- ii. All emergency lighting is to be used, and siren if necessary, to conduct traffic stops.
- iii. If it is necessary to attempt to intercept, overtake, or "catch up" to a traffic violator prior to effecting the traffic stop, emergency lighting should be used when practical or as required for safety, but in no instance shall the officer(s) conducting/attempting to conduct the traffic stop operate the patrol vehicle in violation of the provisions of NYS Vehicle and Traffic Law section 1104.
- iv. ALL traffic stops are to be called in to dispatch over the primary radio channel. Information provided to dispatch is to include, at a minimum, the license plate # of the stopped vehicle, and the location of the vehicle stop. At the officer's discretion or communications' request, additional information may be exchanged.

## Cobleskill Police Department

- v. To minimize the hazard to officers and other roadway users, all motor vehicle stops shall be given the same attention and degree of caution. This includes the avoidance of inadequate areas to stop, poor lighting, high traffic speeds, and improper vehicle placement, as prescribed by agency policy and training.
- vi. Once the decision to conduct a motor vehicle stop has been made, the officer should select a location that will allow him or her to effectively and safely interact with the motorist.
- vii. Officers shall position their vehicle during the stop in a manner consistent with training in order to maintain their safety, the stopped motorist's safety, and the general public's safety during the entirety of the traffic stop.
- viii. When exiting the patrol vehicle, the officer should be particularly alert to furtive movements or actions of the driver or passengers. Officers should request back-up, where possible, when engaging in a motor vehicle stop that appears suspicious or unnecessarily hazardous.
- ix. If necessary for safety, the driver and any or all passengers may be ordered out of or directed to remain in the vehicle.
- x. When engaging motorists outside of the vehicle, the officer and other parties should be positioned to the side of the road, clear of motor vehicles. At no time should the officer or others stand in front of, between, or behind the stopped vehicles.
- xi. Motorists should not be permitted to sit in patrol vehicles while citations are being prepared or other law enforcement business is being conducted.
- xii. If probable cause is established to search the vehicle, the belongings of passengers may be searched, provided that the belongings are capable of concealing the type of object for which officers have probable cause to search the vehicle.
- xiii. Where evidence of crime is uncovered during the search of a vehicle, the driver and any and all passengers may be arrested. In order to do so, the officer must have probable cause to believe that such passengers had common knowledge of and control over the illegal items or evidence or were engaged in a common enterprise with the driver to conceal the fruits or evidence of a crime.
- xiv. Non-uniformed officers operating unmarked patrol vehicles with discrete emergency lights and siren shall not normally make vehicle stops for traffic violations. In situations where failure to act would create an unreasonable risk of injury, death, or significant property damage, such officers shall contact the communications center to request a marked patrol unit to make the stop. Depending upon the urgency of the situation, an officer may activate emergency lights and siren to make a traffic stop.
- xv. Non-uniformed officers operating vehicles not equipped with emergency lights or siren shall not make motor vehicle stops unless there is imminent danger of loss of life if they do not act. In cases that otherwise require attention, officers shall contact the communications center, request that a marked patrol vehicle perform the stop, and assist in directing the marked unit to the subject vehicle's location.

### **C. Making High-Risk Vehicle Stops**

When an officer initiating a vehicle stop has reason to believe that the occupants may be armed and dangerous, he or she should:

Cobleskill Police Department

- i. not individually initiate the high-risk vehicle stop unless back-up units will not be available in an appropriate amount of time or the urgency of the situation demands immediate action; and
- ii. signal the suspect to stop, after selecting an appropriate location and with adequate support units in position. The officer shall then follow their training for vehicle positioning and the removal and securing of vehicle occupants.

**D. Communication with motorist and occupant(s) during Traffic Stops**

Many individuals form their perceptions of law enforcement based on brief encounters with officers during motor vehicle stops. Therefore, officers should adopt a customer service and educational approach when dealing with motorists.

Officers should:

- i. introduce themselves and the law enforcement agency that they work for;
- ii. specify the reason for making the vehicle stop and solicit the necessary documents;
- iii. be courteous and respectful;
- iv. use command presence as compared to an aggressive or condescending approach, tone of voice, or facial expressions;
- v. provide the motorist with any information deemed appropriate to educate rather than lecture them about the infraction; and
- vi. ask if there are any questions concerning court dates and similar issues.
- vii. Officers should not dispute the stop, the charge(s), or any other issue with the motorist and/or occupant(s).

**E. Enforcement Decision**

Officers have 3 basic options for enforcement action:

- i. Warning – issue a verbal warning on the charges for the stop
- ii. UTT – issue appropriate UTT(s) for charge(s) utilizing the in-car Tracs system. If exercising this option, officers shall also issue any and all other appropriate and necessary paperwork as required (MV-78B, TB-37, etc.). Officers shall also return all appropriate documentation to the motorist at completion of the stop.
- iii. Arrest – arrest the operator and or occupant(s) for criminal offense. If exercising this option, officers shall also issue any and all other appropriate and necessary paperwork as required (MV-78B, TB-37, etc.). Officers shall also return all appropriate documentation to the motorist at completion of the stop

**F. Special considerations**

- i. Juveniles – follow procedures outlined in General Order pertaining to handling
- ii. Diplomats – Diplomatic violators shall be handled in accordance with General Order pertaining to Diplomatic and Consular Immunity.

of juveniles