

NARRATIVE FOR LIEUTENANT STEPHEN E SULLIVAN

Ref: 06-854-AR

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On the above date and time (08/09/06 @ 0141 hrs) Ptlm O'Neill (dispatch) advised me that he had received a phone call reporting an underage drinking party at 117 Blackpoint Lane. Ptlm O'Neill reported that the caller reported that she went to pick up her 14 year old daughter at the residence and found her passed out and extremely intoxicated. The caller also reported that there were still juveniles on scene that were drinking.

I responded to 117 Blackpoint Lane with Ptlm Khubchandani and Clarke. While enroute dispatch advised me that the complainant was in the lobby with her intoxicated daughter requesting PFD check her condition because she keeps passing out in the car (see Ptlm O'Neill's narrative).

I parked my vehicle in the area of 81 Blackpoint Lane and walked down the road along with Ptlm Khubchandani and Clarke. As we approached the residence I could hear several people talking in the front yard. I entered a side yard and went into the backyard while Ptlm Khubchandani and Clarke continued toward the front of the house. As I was walking along the darkened side of the house I saw that the people in the front of the house saw the officers coming into the front and ran. I continued to the rear of the house and found a group of people standing near a rear sliding glass door that was open. As I approached I began to direct the people I encountered into the house so I could gather their identities. I was at this time that I observed a white female wearing a grey sweatshirt standing with a can of Miller Lite in her hand. I seized the open can of beer and directed the female identified as [REDACTED] into the residence.

After I directed everyone into the house I entered and heard glass break in the kitchen area and observed Mrs Harvey cleaning broken glass off the kitchen floor. It appeared that cleanup had been taking place while we were responding to the residence. I asked Mrs. Harvey if she knew about the underage drinking and she stated that she did not. Mrs. Harvey stated that she was having a birthday party for [REDACTED] and she went upstairs to bed at approx. 0000 hours. Mrs. Harvey stated that nobody was drinking at that time.

Ptlm Khubchandani and Clarke entered that residence and began to obtain data from all located participants while I continued to look around outside the residence. During the area search outside the residence I found numerous beer bottles and cans scattered around in the brush and front and back yard. I also observed a smoldering camp fire in the back yard that had several empty beers bottles scattered around it as well as several partially melted bottles in the fire. Mrs. Harvey joined me in the search and kept stating that she did not know about any drinking. Mrs Harvey also reported that she knew about the new "social host" law and stated that she could be fined \$1000.00 dollars or go to jail if convicted. While I walked around the residence Mrs. Harvey picked up the empty containers and stated that she doesn't even drink.

During this time I told Mrs. Harvey that [REDACTED] was passed out on a trampoline in the backyard. Mrs. Harvey then walked to that location with me and yelled for [REDACTED] to get up because the police were here. [REDACTED] got up and off the trampoline stating "what the [REDACTED] to her mother. When [REDACTED] got off the trampoline she was very unstable on her feet and appeared to be intoxicated. Mrs. Harvey stated that she was fine though and reported that she was not passed out she just sleeps on the trampoline a lot.

Ptlm Clarke came outside and reported that he found a female passed out upstairs in a bedroom. Ptlm Clarke reported the female was Stefanie Simas. Mrs. Harvey again quickly rebutted Ptlm Clarke's statement and reported that she was just sleeping, because she works a lot of hours and is tired.

Ptlm Khubchandani attempted to contact the parents of the juveniles on scene and have them come to the house to get there children. The juveniles who's parents could not be contacted and the juvenile with the open can of Miller Lite beer were transported to PPD Hq by myself and Ptlm Clarke. The adults and [REDACTED] were released at the scene.

After arriving at Hq we were able to make contact with two of the juveniles parents. The other two were transported to their residences and turned over to there parents after they woke up. Both parents apologized and reported that they did not hear the telephone ring. The juvenile arrestee was eventually released to her 18 year old brother, who was at the party with her. I attempted to contact her father on his cell phone several times, but

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each time the phone was not answered. The juvenile arrestee reported that her father was working in Providence. I then attempted to contact her mother in Tiverton by telephone and by notification by Tiverton Police Department. After failing to contact a parent I released the juvenile to her brother who had come to PPD Hq to check her status.

After I returned to Hq Ptlm O'Neill gave me a written statement from the complainant that stated that she witnessed "beer pong" and underage drinking while she was at the house and also stated that she woke up Mrs. Harvey when she found her daughter passed out. Ptlm O'Neill also reported that the complainant had stated that she wanted to press charges against Mrs. Harvey when she originally called, but changed her mind and stated that she was friends with Mrs. Harvey and did not want to get her in trouble when she was at Hq. Ptlm O'Neill reported that the intoxicated female that was brought to Hq reported that she had a couple shots of Captain Morgan Tattoo and was playing "flip cup" which is a drinking game. The juvenile also stated that she began drinking there at approximately 2300 hours.

The open can of Miller Lite that was seized from the juvenile was transported back to PPD Hq, tagged and secured in evidence locker #9.

SUPPLEMENTAL NARRATIVE FOR PATROL OFFICER PATRICK J ONEILL

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On 08/09/06 at approximately 0141 hrs while working dispatch I received a phone call from 411 Directory Assistance stating that they received a phone call from an unknown female party, later identified as Joyce DeCosta stating that she was attempting to call for police and medical help however could not do so due to terrible cell phone connection. I asked the operator where the party was located and he stated that he did not know however had a cell phone number of [REDACTED]. At this time I contacted that number and spoke with a female party (DeCosta).

The first time I contacted that number the female party (DeCosta) told me "I'll call you back" and hung up the phone. I again contacted that number and Mrs. DeCosta identified herself stating that she had just picked her daughter up at 117 Black Point Ln (Harvey Residence) where [REDACTED] was severely intoxicated. Mrs. DeCosta stated while she was picking up her daughter she witnessed several juveniles consuming alcohol and playing drinking games (Beer Pong). At this time I dispatched Officers Khubchandani, Clarke and Lt. Sullivan to the residence. (Refer to Lt. Sullivan's Narrative). Mrs. DeCosta also stated that there was a parent, later identified as Joanne Harvey, at the residence while this was taking place. I asked Mrs. DeCosta if she was alright and Mrs. DeCosta stated she was bringing her daughter home to Tiverton.

Approximately 5 minutes later Mrs. DeCosta called back stating that while driving her daughter home she passed out in the front passenger seat and would not respond to her. It should be noted that Mrs. DeCosta stated she was just passing Town Hall and was going to transport her daughter to St. Anne's Hospital and would be travelling at a high rate of speed. I advised Mrs. DeCosta to pull into Portsmouth Fire Department (PFD) and have them transport her daughter to the hospital. I contacted PFD and explained the situation. Moments later Mrs. DeCosta entered Portsmouth Police Department (PPD) with [REDACTED] who was conscious however had obvious signs of intoxication as she staggered about the lobby and her speech was heavily slurred. [REDACTED] stated to me that she began drinking alcohol (shots of Captain Morgan Tattoo) and playing "Flip Cup" (a drinking game) at approximately 2300 hrs on 08/08/06 while at the Harvey residence. At this time I advised PFD of the situation and they responded to the front lobby of PPD Headquarters to evaluate [REDACTED]. It should be noted that when Mrs. DeCosta entered PPD Headquarters she was very upset about the situation and stated "I want to press charges".

[REDACTED] was evaluated by PFD however she and her mother refused medical attention and signed the appropriate forms. PFD cleared the scene without further incident.

Mrs. DeCosta stated she was going to take her daughter home and that she would fill out a statement. It should be noted that after I informed Mrs. DeCosta of the seriousness of the situation she stated she did not want to get her friend, Joanne Harvey, in trouble and did not wish to file a formal complaint. However Mrs. DeCosta completed a written statement in little detail explaining what took place when she arrived at the residence.

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08/10/2006 10:30

Margaret [REDACTED] came into to PPD with [REDACTED]. At this time I informed him that we were looking into the party at 117 Black Point Ln. on the night of 08/08 - 08/09. I then asked what the party was for, and he stated that it was a birthday party for [REDACTED] who turned 15 on this date. (The party was located at the Harvey residence) [REDACTED] stated that he arrived at the home at approx. 20:00 and that he was one of the first people to arrive. As it began to get dark, 20:30 - 21:00 more people began to arrive and and that they began to bring alcohol. I asked [REDACTED] if he was aware of the alcohol drinking, and he stated yes he was, with people drinking in the home and out in the yard by the fire pit. I then asked [REDACTED] if the party was supervised by an adult, and he stated that Mrs. Harvey was there all night. I then asked if Mrs. Harvey had left the home at any time, and [REDACTED] stated that she was down stairs with them all night checking on the kids to make sure everything was okay. [REDACTED] stated that Mrs. Harvey may have gone upstairs for about 10-15 minutes but she returned down stairs to check on the kids. I asked [REDACTED] if Mrs. Harvey was aware that the kids were drinking alcohol, and he stated that it was quite obvious with the kids drinking out in the open.

[REDACTED] stated that [REDACTED] mother, (Joyce DeCosta) arrived at the home to pick up her daughter and saw what was going and began yelling and then called the police. At this time the police arrived and had all of the juveniles picked up by their parents. [REDACTED] stated that there was approx. 20 people at the home throughout the night.

[REDACTED] then provided a written statement, which was signed by his mother.

08/10/2006 1400

[REDACTED] came into PPD with her mother Jill to be interview in reference to the party and possession of the alcohol. At this time [REDACTED] was given her miranda rights which she read out loud and initialed. [REDACTED] stated that she understood her rights and signed the same with her mother. At this time [REDACTED] stated that she arrived at the party at approx. 22:00. [REDACTED] indicated that she saw some kids drinking at the party inside and outside of the home. During the party [REDACTED] stated that she had seen Mrs. Harvey once during the night. At this time Mrs. Harvey saw [REDACTED] with a beer in her hand and told her to pour it out. At this time Mrs. Harvey left the area where [REDACTED] was and she did not see her again.

[REDACTED] then provided a written statement of the above.

08/23/2006 0809 Wednesday

Called Mrs. Joyce A. DeCosta and asked her to bring her daughter [REDACTED] into PPD in reference to the incident on 08/09/06. Mrs. DeCosta indicated that she did not want to get Mrs. Harvey in trouble. Mrs. DeCosta indicated she will attempt to bring her daughter in today or tomorrow.

08/23/06 1200

[REDACTED] in with her mother. At this time [REDACTED] indicated that she went to the Harvey residence for a birthday party for [REDACTED]. During the party friends of [REDACTED] age 17 had begun to come over. At this time some of the friends began to drink in the open. [REDACTED] indicated that most of the older kids were in the garage area and outside along the fire pit. During the party which had over 30 juveniles in attendance Mrs. Harvey was mostly upstairs and came down on few occassions with the juveniles drinking in the open areas in plain view of Mrs. Harvey. [REDACTED] stated that she did not see Mrs. Harvey tell anyone to throw out the alcohol or discard the same.

[REDACTED] indicated [REDACTED] has been calling all of the attendees at the party and has been telling them

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to lie to the police and that people do not have to give a written statement to the police. [REDACTED] indicated that it has been routine for the drinking parties at the Harvey residence and also have been going on since the party in question on 08/09/06.

08/24/2006 1100 Thursday

[REDACTED] came into PPD with her mother to be interviewed. At this time [REDACTED] stated that she arrived at the party at approx. 21:00. At about 2300 she met a friend and sat in his vehicle and talked. [REDACTED] stated that she had attempted to contact her mother for a ride home but was unable to contact her. She then stated that Mrs. Harvey came down to the party once. [REDACTED] also stated that there were approx. 50 people at the party at the high point. [REDACTED] stated that she did not see anyone with alcohol, but also stated that when anyone with alcohol arrived, she and [REDACTED] Harvey asked them to leave. [REDACTED] did not want to supply a statement, and was made aware of being an accessory after the fact if she with holds any information if asked by the police.

08/29/2006 0850 Tuesday

[REDACTED] in station with his mother. At this time [REDACTED] indicated that he arrived at the party at 23:00 on the night in question. He stated that he was inside the home in the living room watching television most of the night. [REDACTED] stated that he had looked outside and did see juveniles drinking in the back yard. [REDACTED] indicated that he saw Mrs. Harvey on one occasion and that she came from upstairs and walked threw the house and then outside. [REDACTED] was not sure if Mrs. Harvey saw any of the juveniles drinking. [REDACTED] stated that his ride left without him so he did not have a ride to leave.

I requested [REDACTED] and his mother if [REDACTED] would provide a written statement. At this time Mrs. [REDACTED] wanted to think it over and speak to her husband before [REDACTED] provides a written statement.

08/29/2006 13:30

Mrs. [REDACTED] in PPD with her daughter [REDACTED]. [REDACTED] stated at this time that she was over the home for the birthday party of [REDACTED] Harvey. She stated that Mrs. Harvey had spent most of the night upstairs while the party was going on. [REDACTED] stated that she did not see any drinking games going on at the home and did see a few kids with alcohol but was unsure if Mrs. Harvey had seen them. [REDACTED] wished not to provide a written statement.

09/19/2006 1330

Alexandra Lombard in the station and interviewed by Det. Grassi and myself. At this time Alexandra stated that she called the Harvey residence at approx. 23:30 when she returned home from work at Cool Scoops and spoke to [REDACTED] Harvey. [REDACTED] stated that there was still people over so Alexandra went over. Alexandra stated that she saw [REDACTED] on the couch and that someone brought her outside since she was throwing up. [REDACTED] stated that she was upstairs in the office area above the garage most of the time she was there, approx. 1 hr, with Dustin Caruba and did not see any alcohol being consumed. She stated that she went outside for a while but not near the fire pit where there were kids she did not know who they were. [REDACTED] stated that alot of the kids left when Mrs. [REDACTED] arrived at the home and stated that she was going to call the police.

Alexandra stated that she is good friends of the family and has been on vacation with the Harvey family. Alexandra stated that no one has called her to tell her not to speak to the police or lie.

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10/12/2006 1815 Thursday

██████████ in station with mother, ██████████ indicated that he had arrived at the home at approx. 21:00 and stayed mostly in the living room and outside around the fire pit. When asked if he had seen Mrs. Harvey, he stated that he did not see her at all and she was upstairs sleeping during the whole time he was at the home. ██████████ also stated that he was not aware of any juveniles drinking alcohol, but would not say it was not happening. (██████████ did not seem to be truthful in his statement and was informed of the same) ██████████ stated that he did not go into the garage, but there was a group of kids in the garage. ██████████ wished not to complete a written statement.

10/16/2006 1415 Monday

Mr. ██████████ and ██████████ came into the station in reference to the party at the Harvey residence on 08/08/06 - 08/09/06. At this time she stated that on this night she was at the Harvey residence for a birthday party for ██████████. During this time ██████████ indicated that she arrived with ██████████ to the party. ██████████ stated that she had seen a few juveniles drinking alcohol at the party but did not drink herself. At this time she stated that she did not see Mrs. Harvey at all thru the evening and was told Mrs. Harvey was upstairs sleeping while the party was going on. ██████████ did not know if Mrs. Harvey was aware that the youths were drinking at the party. I also asked ██████████ in reference to a reported party at the Harvey house this weekend when she took a vehicle without owners consent 06-1716-OF and she stated that she was unaware of any drinking on this evening, since she fell asleep soon after arriving at the party. ██████████ then did complete a written statement.

10/16/2006 1500

██████████ and her mother came to the station in reference to her vehicle taken without consent of the owner 06-1716-OF at this time I spoke to ██████████ in reference to juveniles drinking at the Harvey Residence, since Mrs. ██████████ indicated that her daughter came home at 10:00 the morning after the party and she felt her daughter was hung over and smelt of alcohol. At this time ██████████ stated that there were juveniles drinking at the party, but she was not drinking and probably smelt of alcohol since she was working at Blackstone Catering prior to going to the party and probably had alcohol spilt on her. Mrs. ██████████ who works at Newport Hospital indicated to her daughter that she knows what alcohol smells like and that she smells it all the time in the detox. on the patients at Newport Hospital and that is what she smelled like. ██████████ then indicated that she did see juveniles drinking and was not sure what their ages were since she did not know them since they were friends of ██████████ who is 17yrs old. ██████████ stated that Mrs. Harvey was not at the home on this night and was not sure where she was during the night.

11/17/2006 1445

Harvey returned call and stated that she can be in on Tues afternoon or Wednesday morning and will call back as to when she will be in.

11/21/2006 0818 Tuesday

No return call from Ms. Joanne Harvey in reference to meeting time, Called Joanne Harvey on her cell phone ██████████ and left a message for her to contact me.

11/24/2006 1000 Friday

Ms. Harvey into the station for an interview. At this time I informed her that I was going to read her, her rights,

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and she asked if she was in trouble. I informed her depending on the outcome of the investigation she could be. At this time she stated that she wanted to contact an attorney and left PPD without being interviewed.

11/27/2006 1352 Monday

Have not heard from Ms. Harvey or her attorney, arrest number pulled and summons drawn up for delivery.

11/28/2006 0809 Tuesday

Att. Vernon Gorton called in reference to Ms. Harvey and stated that she will be in to pick up the summons.

Att: Gorton requested a change in court dates from 12/7 to 12/14 which was granted.