



## Orange County News

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For Immediate Release  
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### **District Attorney Hoovler Issues Statement on Police Assault Allegations**

*Recording Shows No Crime Committed by Police Official Alleged to Have Assaulted Part-Time Police Officer in Dispute over Car*

#### *Portion of Police Surveillance Video Released*

Orange County District Attorney David M. Hoovler announced on July 12, 2017, that the Orange County District Attorney's Office has completed an investigation into an incident that occurred on April 3, 2017, which allegedly resulted in a part-time police officer with the Village of Highland Falls Police Department, who is also a part-time Town of Highlands Police Department detective, suffering an injury after an altercation with a high-ranking Village of Highland Falls Police Department official. The altercation was over the use of a Village of Highland Falls police car. The incident, which occurred in the parking lot of the Town of Highland Falls Police Department, was recorded by police surveillance cameras. A review of the recording, as well as interviews of those involved in the incident, revealed that no prosecutable offenses occurred.

On April 3, 2017, an unmarked police car belonging to the Village of Highland Falls Police Department was parked outside of the Town of Highlands Police Department. The car had been assigned to a part-time Village of Highland Falls police officer, who was also employed as a part-time detective with the Town of Highlands Police Department. The car, which the police officer used to commute from his residence on Long Island, was issued to him in his capacity as a part-time Village of Highland Falls police officer, and was used in conjunction with his duties with a "Special Investigations Unit" that had been established between the two departments to investigate Village and Town crimes.

A sergeant from the Village of Highland Falls Police Department, who had been designated as the Officer-in-Charge of the Police Department, when the department did not have an active duty Chief of Police, arrived with Kenneth Scott, Chief of Police of the Village of Highland Falls, to retrieve the unmarked police car and return it to the Village of Highland Falls Police Department.

Immediately before that date, Chief Scott had not been on active duty with the Village of Highland Falls Police Department, pending his anticipated retirement. Early that day, it had been announced at a press conference that Chief Scott was returning to active duty. He was in full uniform when he arrived to retrieve the Village's police car. When Chief Scott and the Sergeant/Officer-in-Charge attempted to retrieve the vehicle, the part-time officer initially refused to relinquish the vehicle to the Chief and the sergeant, claiming that he had not been properly notified that the vehicle was being reassigned, and then citing the presence in the vehicle of confidential documents.

When Chief Scott attempted to open the passenger door to the police car, the part-time police officer forcibly tried to push it closed, precipitating a brief struggle over the door, which ended when the part-time officer forcibly slammed the car door shut. Later the part-time officer reported that he had been injured by the Chief striking him with the door, and he is currently not working due to those injuries. The recording shows that after the part-time officer slammed the door, he walked to the other side of the car and threw away a cigarette, before retrieving items from the car and changing the license plates on the car.

The Orange County District Attorney's Office was asked to evaluate whether Chief Scott's action constitutes criminal conduct, including Assault in the Second Degree (assault on a police officer). After reviewing the recording and interviewing all known witnesses to the incident, it has been determined that Chief Scott committed no criminal conduct. The Village Police Department clearly had the right to retrieve its own vehicle. A review of the recording shows no indication that Chief Scott purposely struck the part-time officer with the door. To the contrary, the Chief began to open the door before the part-time police officer forcibly attempted to stop him, and slammed the door. Nor can the Chief's conduct in the video be viewed as reckless under the law. In order for someone to commit a reckless assault, they must consciously disregard a substantial and unjustifiable risk that certain harm will occur. To the extent the injuries allegedly sustained by the part-time officer were the result of the incident with the car door, there is no indication that the Chief, in attempting to open the door, and thereafter immediately abandoning his attempt after the part-time officer pushed against the door and slammed it, consciously disregarded a risk that the officer would sustain any injury, let alone the serious injuries alleged. The recording shows no indication that the part-time officer was in any immediate pain or distress after the incident as he emptied the car and replaced the license plates.

To ensure public confidence in the integrity of the investigation, a portion of the recording showing the interaction between Chief Scott and the part-time officer has been released. The video may be downloaded from the link below. Use VLC Media Player to download and view the video: <https://orangecountygov.sharefile.com/d-s946699ff1e04390b>

District Attorney Hoovler thanked the Town of Highlands Police Department and the Village of Highland Falls Police Department for their cooperation in the investigation. The District

Attorney's Office's investigation was conducted by Chief Assistant District Attorney Christopher Borek and Chief Investigator Wilfredo Garcia. Having determined that no criminal charges are warranted, the matter has been referred back to the police agencies for whatever administrative actions they deem appropriate.

A criminal charge is merely an allegation that a defendant has committed a violation of the criminal law, and it is not evidence of guilt. All defendants are presumed innocent and entitled to a fair trial, during which it will be the State's burden to prove guilt beyond a reasonable doubt.

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