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Prosecutor Rejects Enfield Police Effort To Arrest Officer

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The Hartford state's attorney has rejected an arrest warrant submitted by Enfield police to charge one of their own officers with third-degree assault and fabricating evidence.

The seven-page arrest warrant application submitted by Lt. Lawrence Curtis concluded that Officer Matthew Worden hit suspect Mark Maher with punches that "were neither necessary nor needed" during an arrest on April 1.

Hartford State's Attorney Gail Hardy rejected the arrest warrant application late last week, concluding that although Worden's actions might violate police department rules they did not rise to the level of criminal prosecution.

"Although striking Maher may have violated Enfield Police Department's use of force policies, Worden's conduct seemed to be aimed at an attempt to restrain Maher who was resisting officers' attempts to handcuff him, rather than an intention to inflict physical harm," Hardy concluded.

Curtis based his conclusion on interviews with four officers who responded to the town boat launch on the report of suspicious activity, a taped interview with Maher and a review of the video camera footage from two cruisers.

According to the arrest warrant application, Worden told Curtis that he hit Maher twice in the shoulder area because he was resisting arrest and that Maher was "tensing his arm" and

"clenching his fists" while Worden was patting him down on the hood of a cruiser.

Worden told Curtis that he delivered two closed fist punches aimed at Maher's upper right arm "to disrupt the nerves and incapacitate the muscles so the arms could be controlled." Worden said Maher was thrashing on the ground after officers took him down and that "this thrashing caused one of the punches to hit Maher in the right side of his forehead above the eye," the application states.

The application states Curtis concluded that the video did not show Maher resisting arrest and that at one point it shows Worden, while Maher is on the ground with one arm pinned behind him, stopping to adjust the glove on his right hand before delivering two of the four punches he threw.

In her letter rejecting the arrest warrant Hardy said the video "depicts many moving parts where it is extremely difficult to keep up with everything that is going on with all parties."

Hardy said the video shows another person "slip" something to Maher which could be seen by the officers as threatening. The officers searched the other person and then Maher. Hardy said that as Maher was facing the hood Worden was trying to pat him down and at that point Maher was taken to the ground and there was a "pile-up."

Hardy said the video shows Maher clearly continuing to resist arrest. Hardy acknowledges that Worden can be seen throwing punches but that the fact Worden claims he threw only two when the video shows he threw four is "factually insignificant."

Hardy also concluded that it would be difficult for the state to prove that Worden intended to cause physical harm to Maher.

"Although the strikes could be considered unnecessary the use of force in this regard, was not more than that necessary and reasonable to bring Maher (who continued moving about while on the ground) into compliance," Hardy wrote.

Hardy also rejected the fabricating evidence claim, saying Curtis' analysis of the video is clearly "erroneous." Hardy concluded that the discrepancy in how many times Worden said he hit Maher and where he said he hit him weren't significant.

Hardy said Worden wrote in his report that he hit Maher, called for medical attention and stayed while he was treated.

Enfield Police Chief Carl Sferrazza said his department did its job in thoroughly investigating the incident as a potential crime.

"We conducted our own criminal investigation and reviewed all of the statements and evidence and believed we had probable cause to submit an arrest warrant," Sferrazza said. "Once we submitted the arrest warrant we did our job."

Sferrazza said the internal affairs investigation of Worden has resumed. That investigation was placed on hold a few months ago when police sent an unsigned copy of the arrest warrant application to the Hartford state's attorney's office. A signed copy of the warrant was submitted to Hardy on July 10 and was rejected six days later.

Maher was charged with resisting arrest. His attorney has asked the court to dismiss the charges because of the investigation into Worden's conduct. A hearing is scheduled in Superior Court in Enfield for Aug. 18.

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