

Attorney general clears Carmel police in stun-gun death



[Jon Campbell, jcampbell@gannett.com](mailto:jcampbell@gannett.com)

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(Photo: Submitted photo)

ALBANY - Carmel police officers will not face criminal charges for the November death of Joseph Seguin, a 38-year-old Mahopac man who died after he was hit repeatedly with a police stun gun.

A report released Friday by state Attorney General Eric Schneiderman found Carmel officers' use of force against Seguin was justified under state law, clearing police officers of criminal culpability for his death.

Schneiderman's report found Seguin was under the influence of phencyclidine — a drug better known as PCP or angel dust — and violently resisted arrest on Nov. 30 after police witnessed him assaulting a woman at his residence.

The Putnam County medical examiner found Seguin died of "cardiac arrest during (an) excited state" while he was on the drug and being arrested and stunned, according to the report.

"The death of Mr. Seguin is a tragedy, and we extend our condolences to his family and friends,"

Schneiderman said in a statement.

"Our exhaustive review of this case has concluded that Carmel police were justified in their use of force, including their use of a Taser, in their effort to arrest Mr. Seguin."

REPORT: Read the attorney general's report (<https://www.scribd.com/document/322259683/Oag-Report-Putnam-County>)

REVIEW: AG reviewing Mahopac man's death (</story/news/local/putnam/2015/12/31/ag-carmel-police-death/78078382/>)

Gov. Andrew Cuomo last year tasked Schneiderman with stepping in to [investigate any police-involved incidents that lead to the death of an unarmed civilian](/story/news/local/new-york/2015/07/08/cuomo-taps-attorney-general-police-probes/29893087/) (</story/news/local/new-york/2015/07/08/cuomo-taps-attorney-general-police-probes/29893087/>).

The Attorney General's Office has now completed two such probes. The first cleared police of any criminal wrongdoing in [the July 27, 2015, jail-cell death of Raynette Turner at Mount Vernon police headquarters](/story/news/local/westchester/2015/08/03/raynette-turner-jail-death-investigation/31054463/) (</story/news/local/westchester/2015/08/03/raynette-turner-jail-death-investigation/31054463/>). Turner died of an enlarged heart, with chronic use of cocaine and morphine a contributing factor, after being in custody for two days following a weekend shoplifting arrest.

There are four other investigations pending statewide, including the [Dec. 8 shooting death of Miguel Espinal by a New York City police officer](/story/news/crime/2015/12/08/saw-mill-yonkers-pursuit/76979854/) (</story/news/crime/2015/12/08/saw-mill-yonkers-pursuit/76979854/>) along the Saw Mill River Parkway in Yonkers following a chase from the Bronx.

According to Schneiderman's report Friday, a woman who previously dated Seguin's brother picked him up from the Croton Falls train station around 2 p.m. on Nov. 29. From there, they traveled to Yonkers where Seguin purchased "two or three bags of PCP."

The pair smoked some of the drug before heading to a room Seguin was renting in a Mahopac rooming house.

At 1:34 a.m., the son of the building's owner called 911 after he, the owner and residents heard what sounded like a violent struggle with the woman inside of Seguin's room. When police entered the room, they saw Seguin wrestling with the woman, whose shirt was off and had a black eye and scratches and bruising on her face, back and shoulders.

Several witnesses saw Seguin kick and fight police officers before grabbing a cage containing a pit bull as the officers tried to arrest him, according to the report.

When he continued to resist, police warned him before deploying a stun gun, which malfunctioned and didn't deliver a charge.

Seguin was warned again and an officer drove a stun gun into his waist and back, but Seguin continued to fight, according to the report.

As the struggle continued, an officer hit Seguin with a dart from a stun gun and activated it eight times over 91 seconds before police were able to handcuff him, Schneiderman's office found.

Seguin then lost consciousness and stopped breathing. Not knowing what drug Seguin was under the influence, police administered naloxone -- known as an antidote to heroin overdoses -- and administered CPR.

He was pronounced dead at approximately 2:40 a.m. at the Putnam Hospital Center.

In an email, Carmel Police Chief Michael Cazzari said his office "cannot comment on this matter." Efforts to reach Seguin's brother for comment were unsuccessful Friday.

The report found police had "clear" justification for "exposing Mr. Seguin to any increased risk" associated with a stun gun.

"Officers appropriately escalated their use of force in an effort to effect the arrest of a person violently resisting arrest for what appeared to be an attempted sexual assault," the report reads.

Schneiderman's report, however, recommends the Carmel Police Department come up with policies for using stun guns on those who are under the influence of drugs.

"Consequently, as a general matter, police agencies should be mindful of concerns about the use of tasers on those under the influence of drugs and take these concerns into account when developing use-of-force policies," the report reads.

Includes reporting by Journal News staff writer Jonathan Bandler.

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