

Darlene Magdalinski Police Incident Written Complaint
Officers Involved D. Duffy, B. Wilk, Balchun, Patty Wagon Officer
Wilkes-Barre Police Department
Chief Joseph Coffay- Mayor George Brown

On Saturday August 13, 2022 Officer Duffy pulled over my Mercedes Benz in front of Turkey Hill on Wilkes-Barre Blvd. and Hazle Street. My daughter Fa'tirah Duggins was driving, I was in the backseat with my grandson, and we had another passenger opposite the driver.

I rolled my window down and asked the officer why he was pulling us over. He stated that when we passed him the meter picked up that my tags had a suspended registration and lapsed in insurance. He requested for my daughter's license which she did not have on her at the time. I told him I was letting her drive so that I could sit with the baby. I offered him my license. I also told him that I do have insurance on my vehicle and that the Luzerne County Court House and Department of Transportation messed up my registration on the Mercedes. He stated that if you can produce the insurance you will be fine. I just need to see that you have insurance on your vehicle. He requested for it and I attempted to pull it up on my phone. I explained to him that I just got a new phone so I am learning how to use it. I explained to him that my agent sent me an email copy of my insurance documents.

While he is waiting on me to attempt to retrieve my car insurance, he requested for my daughter's name and DOB. During this time, she got out of the car and started talking with him. In the meantime, an officer pulled up in the Turkey Hill Parking lot asking him was he okay. I believe that was Balchun. Also, another cop car pulled up which was officer Wilk.

I kept trying to locate my card via-email and determined that I did not have yahoo mail downloaded on my new phone. I tried to download the app while on the scene so that I can provide proof. By this time I am out of the car. While I was out of the car he told my daughter that she was coming back as having a warrant for her arrest and a suspended driver's license. My daughter started screaming and crying and getting hysterical and became afraid. She said mom I am not going back it is not my fault with the warrant, they keep screwing up my dates, they treat me bad in that jail, and they do not give me my mental health medication. I turned to the officer and explained to him how she has shared her horrible experience being in the Luzerne County jail and how we have talked with public officials about our experiences. Due to my daughter crying hysterical, as a mother I am trying to console my daughter and get her to calm down. That shortly delayed me from pulling up the email. We were dealing with four different situations at the scene.

After a period of time the officer stated that if you do not get me that insurance card (distasteful) I am going to tow your car. I stated to him that he was not towing my car because I had insurance on it. At this point there were three officers on the scene. Balchun was near me and started having small conversation. He stated, Darlene how do I remember you again? Is it through Keith, I stated to him that it was through the Police Advisory Committee. Once I stated that, (I was in the street talking to Balchun) Officer Duffy was on the sidewalk. He stepped from by the tree and said oh you on the police advisory committee? I said yes I am on the police advisory committee. He started taunting me about being on the committee and said he do not care if I am on the committee. He continued to harass and taunt me on the scene with various statements and making several threats (please review the body cam). I told him during our back and forth that I was reporting him to the Chief of police and the Mayor and he stated that I can tell who I want he do not care. He said tell them. You are not going to try to use who know to get out of this. I was totally confused at this point, moreover; did not understand where this was coming from.

Officer Duffy escalated with me once officer asked me how he knew me and I mentioned the police advisory committee. He also threatened to give me a ticket for dark tint on my car windows that is legal. He was just continued to nit picking with me with everything making arrogant and sarcastic comments. He even started bothering with my daughter because he was mad at me.

He continued to say I am going to tow your vehicle. I told him I did not have a ride for me, my grandson, and the other passenger he told me to find a ride. My daughter ended up contacting my son-in-law who took us home. As he was taunting me about towing my car he was like yeah where my screwdriver. During this time I was leaning on the back of the car where the plate was located. For the most part that was where I was at. He came over to me and said move out the way and nudged/pushed me (not super aggressive) but the mere fact that he was trying to move me out the way to take the plate. I never once tried to prevent him from taking the plate despite me telling him he was not going to tow my car. I offered to call my insurance company and two of the officers (Duffy and the Paddy Wagon Officer) refused claiming that they were closed on the weekend. Insurance companied are available 24/7.

Again, he had to prove he was in control, omnipotent, and ruling the situation. It was unnecessary! I feel that that situation could have ended differently had Officer Duffy not allowed his ego (disdained character) to get in the way of how he felt about me. One of the things is that he did not like that he realized I interact with Chief Coffay and Mayor George. Again, he really escalated after his fellow officer and I was communicating/had a rapport and he learned that I was on the W-B Police advisory committee. (The body cam will show you everything what happened)

Duffy displayed appalling disruptive conduct as an officer which included bad intent... which turned into racial profiling (when I did not commit a crime). It was very apparent that racial bias and discrimination was involved. It was a traffic stop for suspended registration and driving

without insurance. What I experienced was beyond unacceptable. His behavior in front of many witnesses, me as a resident, community activist, and more importantly a Wilkes-Barre Police Advisory Committee Member demonstrated to me the epitome of systematic racism.

The tow truck guy gave me options related to the tow. One of them was to tow my car home for a fee obviously, which that is what I did. What was gained from Officer Duffy treating me horrible on the scene the way he did? Why did I deserve that? It was unfair treatment. One of his goals was to get my Mercedes Benz impounded. This was very clear on the body cam, his behavior, and what came out his mouth. Where was his empathy and understanding as an officer? He clearly does not understand what cultural sensitivity means, and how to implement/practice/utilize it.

With all that said, I do have proof of insurance via-email and a hard copy. Also, the Department of Transportation stated that they will attempt to resolve the registration issue within three days. They are out of Harrisburg and the person that handled my case was from the Scranton Office.

Please understand, what I mentioned is miniscule to the totality of what Officer Duffy did to me. I am asking that this officer be investigated immediately. He should not be on the Wilkes-Barre Police force NEVER mistreating resident/people and abusing his power. He clearly demonstrated this behavior on Saturday August 13, 2022 in front of Turkey Hill in front of too many witnesses. Several pictures were taken of what he did to me. Also, his behavior escalated all the way to Lackawanna County before I arrived home.

I am asking that this serious issue between Officer Duffy and me be investigated immediately. I am also asking that you review the body cam in its entirety. Thank you for your anticipated resolution...

Kindly,

Darlene Magdalinski, AAS, AS, BS, CAC, CPTS, MSW