

Raritan widow sues police, rescue squad

By STEPHEN REDSHAW

The widow and family of a Raritan Borough man who died on the way to the hospital following an altercation with police have sued the officers involved, alleging they used excessive force.

The lawsuit also alleges the three Raritan rescue squad members who transported the victim to the hospital were negligent.

The civil action was filed in Superior Court in Somerville on behalf of Roberta Stein, whose husband, Robert, 38, died May 18, 1990. Robert Stein's parents and three brothers are also seeking damages.

According to the suit, which was filed by Princeton attorney Beth Baldinger, Roberta Stein called police to the family's Berwick Street home shortly after 11 p.m. on May 17 because she was concerned about her husband's behavior.

Raritan Officers Robert McCarthy and Stephen Spolarich responded and decided to take Stein to Somerset Medical Center in Somerville for a psychiatric evaluation. When he refused, the officers used force to restrain him and get him into an ambulance, according to the lawsuit and police reports.

The suit alleges the officers used excessive force both during the initial altercation and afterward, when they used a combination of handcuffs, leather straps and bedsheets to restrain

Stein's arms and legs. Somerset County Prosecutor Nicholas Bissell Jr., whose office investigated the incident, declined to file criminal charges.

Bissell said the investigation revealed that Stein physically resisted the officers and that they then used "appropriate" physical force to restrain him. The lawsuit, however, denies that Stein made any threatening gestures or exhibited any violent behavior.

Stein died en route to the hospital while still restrained. An autopsy performed by the state Medical Examiner's Office concluded Stein suffocated in the ambulance because the leather straps around his chest were so tight he could not breathe.

In addition to McCarthy and Spolarich, the suit names Bridgewater Officer Robert Bradley and Somerville Officer George Fazio, both of whom arrived on the scene to provide backup assistance.

The rescue squad members named in the lawsuit are Carole Roberts, Gerard Musso and Frank Simmons. The lawsuit alleges they were negligent for "deferring" to the police officers' demands that the restraints not be released.

In addition, the lawsuit names the Raritan Borough, Somerville and Bridgewater police departments and the Raritan Borough rescue squad, alleging negligent training and supervision of the individual officers and squad members.