



# CITY OF MIDDLETOWN POLICE DEPARTMENT

2 James street Middletown, NY 10940  
(845) 343-3151 FAX (845) 343-2660



## Intra Agency

# Memo

**To: Chief Bethencourt**

**From: Lt Ewanciw**

**Date: May 29, 2013**

**Re: Release of Prisoner by Officer Beebe 13-13060**

On Thursday May 16th, 2013, Officer Beebe was working an 8X4 shift, during which time she was assigned to handle the court arraignments, which included the arraignment of Michelle Freudenberg, who had been arrested, by Officer Rosen, on May 15<sup>th</sup>, for an active arrest warrant from the City of Middletown Court, for Petit Larceny. In addition to the Middletown arrest warrant, Freudenberg also had an active arrest warrant out of the Town of Wallkill Court, for Criminal Possession of Stolen Property. This information was noted and highlighted on Freudenberg's prisoner inspection sheet (\*HOLD FOR T/O WALLKILL\*). In addition a copy of the warrant was attached to the prisoner inspection sheet. After arraigning Freudenbergs, on the City of Middletown arrest warrant, for which Freudenberg was released on \$250 bail. Officer Beebe inadvertently, released Freudenberg, not realizing that she had a hold for the active Town of Wallkill warrant. Officer Beebe claims that she did not realize that Freudenberg had a warrant hold on her, and she claims that she did not see the indication of such on the prisoner inspection sheet, due to it being on the first page of the inspection sheet, and she was utilizing the second page.

In reviewing this incident I believe it was a careless oversight that could have been avoided. In regards to Sgt. Kassel's recommendation about coming up with a better system to more clearly identify prisoners with "Holds", I am open to his ideas, however as indicated by Lt Graziano, we currently have a system in place that normally is sufficient. Furthermore I do not believe this incident is a result of a system failure, rather I believe it to be a result of carelessness. Nonetheless Officer Beebe's actions did violate Departmental Policy, specifically AGO-014-12/Rules of Conduct, page 4:

### General Standards of Conduct:

- A) All members of the Department are personally accountable for their own actions, the performance of duty and the completion of assigned work to the best of their ability, consistent with training and experience.

In conclusion I believe that at a minimum Officer Beebe should be verbally counseled, pertaining to this incident.

Spoke w/ PO Beebe  
w/ Sgt. Kassel on  
6/4/13



Respectfully Submitted  
*[Signature]*  
Lieutenant John Ewanciw  
Bureau Commander of Operations



# CITY OF MIDDLETOWN POLICE DEPARTMENT

## Memorandum

**To:** Lt. John Ewanciw  
**From:** Lt. Francis Graziano *FG 1036*  
**Date:** May 25, 2013  
**Re:** Release of Prisoner who had a hold

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### INTRODUCTION:

PO Beebe was assigned to complete arraignments on May 16, 2013. On this date there was a female prisoner, Michelle T. Freudenberg, who had a warrant hold from the Town of Wallkill Police Department. Michelle was arraigned and \$250.00 bail was set. Michelle made bail and was released even though she had the hold. Michelle returned back to the City of Middletown Police Department at approximately 5:30pm to inquire about her property. I realized that Michelle Freudenberg had a warrant and she was taken into custody. Town of Wallkill was notified and they responded to the police department and took custody of her with no incident.

### INVESTIGATION AND FINDINGS:

- A) Michelle Freudenberg was arrested and placed in a cell at 7:20p on May 15, 2013.
- B) On the original Prisoner Inspection Report it stated "Hold For T/O Wallkill" on the top of the first page and this statement was highlighted.
- C) On May 16, 2013 at approximately 2:30pm Michelle Freudenberg was arraigned and \$250.00 bail was set.
- D) At 3:00pm the bail was posted and then Michelle was released even though she had the hold out of the Town of Wallkill.
- E) On May 16, 2013 at approximately 5:30pm Michelle Freudentberg came into the City of Middletown Police Station to report that items were missing from her property bag.
- F) I knew that Michelle had a hold and then inquired with PO Beebe, who stated she was unaware of the hold.
- G) Michelle was taken back into custody and the Town of Wallkill was contacted. Town of Wallkill responded and took custody of Michelle with no incident.
- H) As far as the property is concerned, I explained to Michelle since she signed for her property and there was no indication at that time that property was missing so I have to assume she took possession of all her property. Furthermore she was out of our custody for two and a half hours before she responded back to the Police Department to report

this. I have to believe that she got all her property when she left the police department and what happened to it after she left the police department in unknown.

**CONCLUSION:**

The issue is that PO Beebe allowed a prisoner to leave our Police Department when that prisoner had a warrant out of another jurisdiction. The prisoner log was clearly marked in regards to the hold but PO Beebe claimed she was unaware of the hold. The hold warning was on the first page of the prisoner log and PO Beebe was working off the second page of the prisoner log so for that reason it could have been missed but it is the police officers responsibility to make sure that there is no warrants when they release a prisoner who is in our custody. In Sgt Kassel's memorandum he comments on the system we currently use to indicate a prisoner/defendant has a warrant/hold. For the most part the system we currently use does work but it does have flaws. The reason I say this is because this is not the first time this has happened to our agency. I am not sure what the correct method is but I will try different methods in an attempt to correct this problem. I will sit down with Sgt Kassel and see if we can come up with a different method to resolve this issue. As far as PO Beebe is concerned I think a verbal reprimand is what is needed to deal with this problem.

**SUBMITTED WITH THIS REPORT:**

- I. Copy of the two pages of the Prisoner Inspection Report
- II. Copy of Michelle's Prisoner Personal Property Record
- III. Copy of Town of Wallkill Warrant
- IV. Sgt Kassel's memorandum
- V. PO Beebe's memorandum

# CITY OF MIDDLETOWN POLICE DEPARTMENT

## Memo

**To:** Lt. Graziano

**From:** Sgt. Kassel

**Date:** May 19, 2013

**Re:** Accidental Release of Wanted Subject by PO Beebe

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On May 16, 2013 I was working as the Field Supervisor for the 8:00 AM - 4:00 PM shift. At approximately 5:30 PM I was advised by you (Lt. Graziano) that a female prisoner (Michelle Freudenberg) had been released from custody despite the fact that there was a warrant for her arrest out of the Town of Wallkill Court. A review of Freudenberg's Prisoner Inspection Sheet showed that she had been "Released on Bail" at 3:00 PM by PO Kristen Beebe. I spoke to PO Beebe regarding the incident and requested she provide me with a Memorandum.

According to PO Beebe, she had been assigned to conduct arraignments at approximately 2:20 PM. One of the prisoners to be arraigned was Michelle T. Freudentberg. Freudenberg had been arrested on May 15th for an active arrest warrant and placed in Female Cell 2 at 7:20 PM.

PO Beebe removed Freudenberg from Female Cell #2 at 2:20 PM for her arraignment. At arraignment the Honorable Judge Moson set bail in the amount of \$250.00. PO Beebe returned Freudenberg to her cell at approximately 2:30 PM.

At approximately 3:00 PM, Freudenberg's family posted the \$250.00 bail at the Middletown City Court window. PO Beebe handled the release of Freudenberg.

Several hours later Freudenberg returned to MPD Headquarters to discuss an issue regarding a discrepancy with her property bag. To my knowledge, it was during the course of resolving the incident involving Freudenberg's property bag that you discovered that Freudenberg should have been held for for a warrant out of the Town of Wallkill Court. T/O Wallkill PD then responded to MPD HQ to take custody of Freudenberg.

According to PO Beebe's Memorandum she had no knowledge of there being a "Hold" for Freudenberg, nor did she see the highlighted notation of the top of the Prisoner Inspection Sheet stating "\*HOLD FOR T/O WALLKILL\*." She states that the notation had been made on the first Prisoner Inspection Sheet. The documentation for Freudenberg's activity had been extended to a second Prisoner Inspection Sheet due to the fact that Freudenberg had been placed in the cell the night before. All of PO Beebe's notations had been made on the second Prisoner Inspection Sheet, and that sheet had no notifications of a "Hold" for the prisoner.

While it is reasonable to believe that PO Beebe did not see the notation listed at the top of the Prisoner Inspection Sheet (based on the circumstances she described), I do feel that this incident could have been avoided if PO Beebe had taken the time to completely review Freudenberg's paperwork prior to releasing her. I have discussed this with PO Beebe and will note it in my Red Book.

This is the second time that an incident of this nature has occurred on my squad. This is unacceptable and I plan on taking steps to eliminate it in the future. I will speak to all members of the squad and reinforce how important it is to remember that when dealing with persons in custody, we must always remain alert and be attentive to details (regardless of call volume). I am also considering other types of visual signals/cues such as attaching "Police Tape" to the property bags of wanted persons or placing their property bags in an alternate location. Hopefully these deviations from our normal prisoner release procedures may act as an additional warning to not release a wanted person.

Please let me know if you need any further investigation or information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Neil Kassel". The signature is stylized with a large, sweeping initial "N" and "K".

Sgt. Neil Kassel

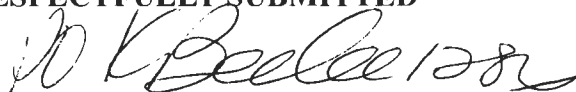
**CITY OF MIDDLETOWN POLICE DEPARTMENT**

# Memo

**To : Sgt. Kassel**  
**From : P.O K. Beebe**  
**Date : 05/17/2013**  
**Re : Prisoner release; Michelle Freudenberg 05/16/2013**

On 05/16/2013 at approximately 2:20pm, I was assigned to arraign the prisoners. I arraigned the female prisoners first, the last female to be arraigned being Michelle T. Freudenberg. Ms. Freudenberg was arraigned in front of the honorable Judge R. Moson and was given bail in the amount of \$250.00. I was not aware that Ms. Freudenberg had a hold from the Town of Wallkill Police Department and I did not see the notation \* Hold for the T/O Wallkill \* written on the first prisoner inspection sheet. I did not see the notation because it was on the front of the first prisoner inspection sheet which was not visible since I was writing on the second prisoner inspection sheet. Ms. Freudenberg was bailed out at 3:00pm, and R/O released her to her family. R/O was made aware of the mistake by Lt. Graziano when Ms. Freudenberg returned back to MPD for a separate reason. Ms. Freudenberg was then taken into custody for the Town of Wallkill Hold.

**RESPECTFULLY SUBMITTED**



**P.O K. Beebe #1256**

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Narrative #: 1

Officer Rank/Name: PO ANDREW J ROSEN

Department: Middletown Police Dept  
DD Number :

Case Number.: CM-02880-13  
Blotter/CC #: CM-013060-13

\*\*\*\*\*ARREST WARRANT EXECUTED\*\*\*\*\*

ON 05/15/2013 AT APPROX 5:35PM, R/O ROSEN RESPONDED TO 125 HIGHLAND AVE APT 6 TO CONDUCT A WARRANT CHECK FOR THE DEFENDANT, MICHELLE T FREUDENBERG. UPON ARRIVAL, R/O WAS MET BY THE DEFENDANT WHO HAS AN ACTIVE ARREST WARRANT ISSUED OUT OF THE MIDDLETOWN CITY COURT SIGNED BY THE HON STEVEN W BROCKETT ON 05/09/2013 FOR THE ABOVE CHARGE OF PETIT LARCENY(PL 155.25). THE DEFENDANT ALSO CURRENTLY HAS AN ACTIVE ARREST WARRANT ISSUED OUT OF THE WALLKILL TOWN COURT SIGNED BY THE HON JOSEPH OWEN ON 05/06/2013(CASE #: 13050215). THE DEFENDANT WAS THEN TRANSPORTED TO 370 WHERE SHE WAS BOOKED AND PROCESSED ON THE ABOVE ARREST WARRANTS. THE DEFENDANT WAS THEN PLACED INTO A HOLDING CELL AWAITING ARRAIGNMENT. NOTHING FURTHER TO REPORT.

Signature \_\_\_\_\_

D.O.: \_\_\_\_\_ Sqd. Superv.: \_\_\_\_\_ C.O.: \_\_\_\_\_



LL #: F2 # HOLD FOR T/O WALKIN DATE: 5/15/13

SE # 13-2880 EVENT # 13-13060 CHARGE: A/W

DEFENDANT: Freutenberg, Michelle T \$250 bail

DEFENDANT LOCKED IN CELL: \_\_\_\_\_ TIME RELEASED: \_\_\_\_\_

DATE & TIME INSPECTED	CONDITION OF PRISONER	REMARKS	OFFICER MAKING INSPECTION
5/15/13 7:20P	OK	Placed in cell	KB 1193
5/15/13 7:35P	OK	Toilet Paper	KB 1193
5/15/13 7:45P	OK	Feed/Laying down	KB 1193
5/15/13 8:15P	OK	Laying down	KB 1193
5/15/13 8:45P	OK	sitting	KB 1193
5/15/13 9:15P	OK	Laying down	KB 1193
5/15/13 9:45P	OK	Laying down	KB 1193
5/15/13 10:15P	OK	Laying down	KB 1193
5/15/13 10:35P	OK	lying down	KB 1193
5/15/13 11:00P	OK	sitting	KB 1193
5/15/13 11:30P	OK	laying down	KB 1193
5/16/13 12:00 AM	OK	lying down	DR 1087
5/16/13 12:30 AM	OK	lying down	DR
5/16/13 1:00 AM	OK	lying down	DR
5/16/13 1:30 AM	OK	lying down	DR
5/16/13 2:00 AM	OK	lying down	DR
5/16/13 2:30 AM	OK	lying down	DR
5/16/13 3:00 AM	OK	lying down	DR
5/16/13 3:30 AM	OK	lying down	DR
5/16/13 4:00 AM	OK	lying down	DR
5/16/13 4:30 AM	OK	lying down	DR
5/16/13 5:00 AM	OK	lying down	DR
5/16/13 5:30 AM	OK	lying down	DR
5/16/13 6:00 AM	OK	lying down	DR
5/16/13 6:30 AM	OK	lying down	DR
5/16/13 7:00 AM	OK	lying down	DR
5/16/13 7:30 AM	OK	Feed	DR



STATE OF NEW YORK  
ORANGE COUNTY

WALLKILL TOWN COURT  
CRIMINAL PART

PEOPLE OF THE STATE OF NEW YORK

VS.

MICHELE T. FREUDENBERG; dob: [REDACTED]

Defendant

CASE NO. 13050215

SUGGESTED BAIL

Cash \$ 3500. Bond \$ 10,000.

# Arrest Warrant

To Any Officer of:  
Town Of Wallkill Police  
99 Tower Drive-Bldg. B  
Middletown, NY 10941  
Det. J. Kenney

Defendants Last Known Address:

[REDACTED]

Original Charge(s)

Amended Charge(s)

PL 165.40 CPSP 5

Accusatory instruments filed with this court charge the above named defendant as shown.

Therefore you are ordered to arrest the above named defendant and bring him/her before this Court.

This warrant may be executed in Orange County or any adjacent county.

Dated: May 6, 2013

Joseph Owen  
Town Justice

The undersigned police officer, directed to execute the within Warrant of Arrest, hereby delegates \_\_\_\_\_ a police officer of the \_\_\_\_\_ Department, as Agent, to execute the within warrant. Dated at \_\_\_\_\_, New York on \_\_\_\_\_, 20\_\_\_\_ Department \_\_\_\_\_ Officer \_\_\_\_\_

If arrested (in a county other than where the warrant was issued or any adjoining county) for a non-felony, complete the following per CPL Section 120.90(3): On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a police officer authorized to execute the above Warrant, arrested the defendant in \_\_\_\_\_ County and brought Defendant before the \_\_\_\_\_ Court in \_\_\_\_\_ County. Department \_\_\_\_\_ Officer \_\_\_\_\_ Defendant was advised as follows: "You have the right to appear before a local criminal court in the county of arrest for the purpose of being released on your recognizance or having bail fixed." Offer accepted: Y/N Defendant \_\_\_\_\_ Local court release decision \_\_\_\_\_ Court \_\_\_\_\_ Judge \_\_\_\_\_

ENDORSEMENT (other county per CPL 120.70(2b)) This Warrant of Arrest may be executed in the county of \_\_\_\_\_, NY. Dated at \_\_\_\_\_, NY. \_\_\_\_\_, 20\_\_\_\_ Court \_\_\_\_\_ Judge \_\_\_\_\_

Police Department City of Middletown, N.Y.		<b>PRISONER'S PERSONAL PROPERTY RECORD</b>			ARRE. NUMBE
NAME OF PRISONER <i>Freudenberg, Michelle T</i>			SEARCHING OFFICER <i>K Bank</i>	(Signature) <i>KB</i>	
CHARGE <i>A/W</i>			WITNESS		
DATE/TIME SEARCHED <i>5/15/13 7:00p</i>			WITNESS		
CURRENCY \$	WALLET <input type="checkbox"/>	<i>1 - BIK BRA</i>			
COINS	RING <sup><i>silver</i></sup> <input checked="" type="checkbox"/>	<i>1 - GRN TANK TOP</i>			
CHECKS	KNIFE <input type="checkbox"/>	<i>1 - Yellow P-S Paper</i>			
	KEYS <input type="checkbox"/>	<i>1 - Silver neck lca</i>			
TOTAL \$	WATCH <input type="checkbox"/>				
VEHICLE (CIRCLE) IMPOUNDED YES NO	STORED AT	LICENSE NUMBER	RELEASED TO	DATE RELEASED <i>1/1</i>	
I CERTIFY THAT THE ABOVE LIST IS A TRUE LIST OF MY PERSONAL PROPERTY REMOVED FROM MY POSSESSION AT THE TIME I WAS PLACED IN JAIL.			I HAVE RECEIVED ALL THE ABOVE ITEMS EXCEPT WITHDRAWALS AND CONTRA-BAND LISTED.		
<i>X Michelle Frey</i> (PRISONER'S SIGNATURE)			<i>5/15/13</i> (DATE)	<i>X Michelle Frey</i> (PRISONER'S SIGNATURE)	
<i>5/16/13</i> (DATE)					
IF PRISONER IS UNABLE TO SIGN, THE ARRESTING OFFICER & TWO WITNESSES MUST SIGN FORM ABOVE.					

ENVELOPE

- ITEM (2) Family members: Check NO if someone other than a lawyer or bondsman would (1) be willing to post detainee's bail, (2) visit detainee while he/she is incarcerated, or (3) accept a collect call from detainee.
- ITEM (3) Significant loss: Ask all three components to this question—loss of job, loss of relationship and death of close friend or family member.
- ITEM (4) Worried about problems: Ask about such problems as financial, medical condition or fear of losing job. Check YES if detainee answers YES to any of these.
- ITEM (5) Family/significant other attempted suicide: Significant other is defined as someone who has an important emotional relationship with detainee.
- ITEM (6) Alcohol or drug history: Check YES if detainee has had prior treatment for alcohol/drug abuse or if prior arrests were alcohol/drug related.
- ITEM (7) History of counseling or mental health evaluation/treatment: Check YES if detainee (1) has ever had psychiatric hospitalization, (2) is currently on psychotropic medication, or (3) has been in outpatient psychotherapy. Note current psychotropic medication and name of most recent treatment agency. If YES, make appropriate referral to mental health.
- ITEM (8) Check YES if detainee expresses extreme shame as result of arrest or feels that arrest/detention will cause humiliation to self/significant others. If YES, notify supervisor.
- ITEM (9) Suicidal: Check YES if detainee makes suicidal statement or responds YES to direct question, "Are you thinking about killing yourself?" If YES, notify supervisor.
- ITEM (10a&b) Previous attempt: Check YES if detainee states he has attempted suicide. If YES, explore method and note scars. Obtain as much information as possible re method and time of attempt. If YES to 10b, notify supervisor.
- ITEM (11) Hopeless: Check YES if detainee states feeling hopeless, that he has given up, that he feels helpless to make his life better. If YES, notify supervisor.
- ITEM (12) Criminal History: Ask detainee or check files to determine if this is detainee's first incarceration.

**Behavior/Appearance Observations**

YES or NO must always be checked for each of these items. They are observations made by the screening officer. They are not questions.

- ITEM (13) Depression: Indicators include behavior such as crying, emotional flatness, apathy, lethargy, extreme sadness, unusually slow reactions.
- ITEM (14) Overly anxious, afraid, panicked, or angry: Indicators include behavior such as handwringing, pacing, excessive fidgeting, profuse sweating, cursing, physical violence, etc.
- ITEM (15) Acting in strange manner: Check YES if you observe unusual behavior or speech such as hallucinations, severe mood swings, disorientation, etc. If detainee is hearing voices telling him to harm himself, make an immediate referral to mental health services.
- ITEM (16a) Under influence: Check YES if detainee is apparently intoxicated on drugs or alcohol or has been detained for the instant offence of DWI.
- ITEM (16b) Signs of withdrawal: Means physical withdrawal from drugs or alcohol. If YES, notify supervisor and immediately refer to medical.
- ITEM (16c) Check YES if detainee is showing signs of mental illness or is not oriented to person, place, or time. If YES, notify supervisor and immediately refer to medical/mental health.

**COMMENTS/IMPRESSIONS:** Note any "gut" feelings or general impression regarding suicide risk.

**SCORING**

Count all checks in Column A. Enter total. Notify supervisor if (1) total is 8 or more, (2) any shaded area is checked, (3) if you feel notification is appropriate.

**BOOKING OFFICER SIGNATURE AND BADGE NUMBER**

Sign form and enter badge number.

**SUPERVISOR SIGNATURE AND BADGE NUMBER**

Sign form and enter badge number if required.

**DISPOSITION**

Corrections Personnel: Supervisor notified: check YES or NO. Notification should be made prior to cell assignment. Note if constant supervision instituted. Note emergency/non-emergency referral to medical and/or mental health personnel



# CITY OF MIDDLETOWN POLICE DEPARTMENT

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## *Intra Agency*

# Memo

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**From: Lt Ewanciw**

**Date: May 29, 2013**

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Respectfully Submitted

Lieutenant John Ewanciw  
Bureau Commander of Operations