



CITY OF MIDDLETOWN POLICE DEPARTMENT

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Intra Agency

Memo

To: Chief Bethencourt

From: Lt Ewanciw

Date: July 12, 2013

**Re: Fritzel Beauchamps Alleged Sexual Misconduct Investigation
Event # 13-17490**

On Friday June 14th, 2013 at approximately 7:50pm, I was contacted by Lt Graziano, who advised me that defendant Fritzel Beauchamps, while being processed by the intake unit at the Orange County Jail, made allegations that he was sexually assaulted by members of the City of Middletown Police Department, earlier in the day during his arrest processing. I was further advised that Beauchamps was being taken to Orange Regional Medical Center for evaluation/treatment. Lt Graziano then briefed me on the circumstances surrounding Beauchamps arrest. I then notified Chief Bethencourt of said allegations.

At approximately 9:30pm, after having numerous telephone conversations with, Lt. Graziano, Capt. Barrey, Sgt. Cottone, and Lt Metakes, I responded to headquarters, where I reviewed the incident report pertaining to this case, as well as reviewed the internal video footage during the time frame that Beauchamps was in our custody. Copies of said video are included with this investigation, and have also been forwarded to ADA Milza. After review of said items, and due to the fact that Beauchamps was incarcerated I decided to wait until Monday June 17th, to begin my investigation into these allegations. As part of this investigation I requested detailed reports from all involved members, explaining their specific role and actions. I also followed up with ADA Milza, and made arraignments with the jail to interview Beauchamps.

Beauchamps allegations, as per the reports obtained from the Orange County Jail, are that during a strip search, at the Middletown Police Department, the Officer conducting the strip search violated him by penetrating his anus with two fingers. The allegation is very generic and none of the reports indicate who the Officer(s) was nor any specific facts or details pertaining to this alleged incident, such as were this occurred, how many officers were present, the manor in which it occurred, any statements made, what happened after this occurred etc. In an effort to answer these questions arrangements were made for myself and Lt Metakes to interview Beauchamps, in the jail, on Thursday June 27th, 2013, however Beauchamps refused to meet with us.

On Friday June 14th, 2013 Beauchamps was taken to Orange Regional Medical Center, by the staff of the Orange County Sheriffs Office, where he was evaluated/treated by Eziuche Nwakanma, MD., for Rectal Trauma or Injury. The documents that I have pertaining to his hospital visit do not indicate whether or not Beauchamps actually sustained any rectal injury or trama. As a result of Beauchamps allegations, the hospital contacted rape crisis, and advocate Jennifer Valastro, responded and interviewed Beauchamps. I spoke with Valastro on July 12th, at which time she informed me that a rape kit was not performed on Beauchamps, based upon the recommendations of the examining doctor and SANE nurse. Valastro also indicated to me, without going into

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detail, that Beauchamps allegations were very generalized and non detailed during her interview with him.

The facts of the incident are as follows; On Thursday June 13th, 2013, Sgt. Magsamen received a faxed copy of a Parole Warrant for Beauchamps from New York State Parole Officer Jim Jones. Included with the warrant was hand written cover letter, that indicated that Beauchamps was paroled on June 11th, and that on June 12th he tested positive for cocaine and marihuana, that he was on the streets, and that if he was encountered to use caution as he is assaultive and off his medications (Copies of these documents are attached). On June 14th, 2013 at approxiamtley 10:38am, while on patrol, Officers Deyoung, Slanovec and Artola (narcotics unit members) observe a male subject approach 120 Wickham, a known drug location. Upon further investigation said subject was observed, by Officer Slanovec and Officer Artola through a window, to be inside of a vacant apartment, at 120 Wickham Ave. As Officers observed said subject, the subject was in possession of a white napkin that contained several objects, believed to be crack cocaine and/or a crack pipe. Officer Slanovec, believed that the subject was preparing to smoke crack cocaine. Officer Slaonvec maintained a visual of the subject, while Officer DeYoung secured the rear perimeter, and Officer Artola approached the door of said apartment. During this time the subjects observed Officer Slanovec in the window and began walking towards the front door of the apartment, causing Officer Slanovec to loose sight of him for several seconds. At this time Officer Artola was at the front door of the apartment, and said male subject opened the door. Said male subject identified himself as Fritznel Beauchamps, at which time Officer Artola instructed Beauchamps exit the apartment, at which time he placed him under arrest for the active parole warrant. Beauchamps adamantly denied having a parole warrant. The Officers then checked the vacant apartment for the white napkin, which Beauchamps was observed holding, but were unable to locate it, although the Officers did observe numerous empty baggies, commonly used for packaging narcotics, strewn about the apartment. Beauchamps was then transported back to the Police station by Officer Ribeiro. Upon arrival at the Police station and after being escorted into the booking area and secured to the booking bench, Beauchamps began to make threatening statements such as when the cuffs come off it will be on and that swat team will need to be called, because he was going to fight. Officer Ribeiro advised Officer DeYoung of said statements. Upon Officer DeYoung's arrival at the Police Station, he observed Beauchamps standing-up handcuffed to the booking bench, at which time Officer DeYoung advised him to relax, and informed him that he needed to be searched. Beauchamps responded, by stating that he refused to be sexually harassed and that Officer DeYoung better get more Officers, as he was not going to be searched. Officer Artola then arrived and began to assist Officer DeYoung. As Officer DeYoung began to conduct an inventory search of Beachamps, Beauchamps became uncooperative and refused to spread his legs and continually moved away from Officer DeYoung as he (DeYoung) attempted to search him. Beauchamps also became more verbally combative, calling the Officers liars and claiming that the Officers were harassing him and that he was not going to be searched and that he was going to sue the Officers. Officer Artola made attempts to calm Beauchamps, with negative results. Due to Beauchamps actions at the time of his arrest, the arrest environment, his verbal comments about not being searched, and his evasiveness when Officer DeYoung was attempting to search him, Officer DeYoung believed that Beauchamps may have been attempting to conceal some type of contraband on his person and requested authorization from Lt Schuh, the shift supervisor, to conduct a strip search of Beauchamps. Based on Officer DeYoungs explanation of facts, Lt Schuh authorized a strip search. After being advised that he was going to be strip searched, Beauchamps threaten to become combative if he was strip searched and stated that he would not be "sexually harassed". Lt Schuh explained the need for the strip search to Beauchamps and also explained to him that he would not be sexually harassed during said strip search. Beauchamps was then escorted into the area between the male and female holding cells (secure area designated for strip searches) by Officers DeYoung and Artola, where the process of the strip search was explained to him. Beachamps was advised by Officer Artola that they did not want any problems, and that if he (Beauchamps) chose to fight he would be tasered. Beauchamps was then un-handcuffed and given step-by-step instructions pertaining to the strip search. As the strip search progressed and upon being requested to remove his underwear, Beauchamps became agitated and claimed that he was being sexually harassed, but followed the instructions. Beauchamps was instructed to turn around, spread his buttocks while bending over and coughing. Beauchamps somewhat complied, however when bending over he would turn his buttocks towards the wall, preventing the Officers from observing his buttocks or anything concealed on his person. After several times of doing the same thing, Beauchamps eventually followed Officer DeYoungs instructions and when he bent over Officer DeYoung observed a piece of white paper type item, approximately 3-4 inches long, wedged between Beauchamps buttocks, just above his rectum. Beauchamps was immediately secured in handcuffs, to prevent him from destroying the possible evidence. Beauchamps was

