

CITY OF MIDDLETOWN POLICE DEPARTMENT PERSONNEL COMPLAINT

The City of Middletown Police Department encourages citizens to report legitimate complaints against employees of this Department. As a result, a thorough, impartial and confidential investigation will be conducted. If this complaint leads to a formal charge against the employee, you will be asked to participate in the hearing and/or arbitration process.

Date of Report: 06/25/16		Time: 12:50 PM		Event No.: 16-20546		Case No.: (16-0683)	
Type of Complaint: External		INTERNAL OTHER		If Other, please explain:			
How Received: PHONE		Walk-In		If Other, please explain:			
Date of Incident: 06/25/16		Day of Incident: Saturday			Time of Incident: 1:29 AM		
Location of Incident: IAO 22 Franklin Street				Nature of Complaint: Unprofessional Conduct			

Complainant:			Date of Birth:		
Address:		City: Middletown		State: NY	Zip Code: 10940
Home Phone #:		Work Phone #:		Other Phone #:	
Employer: Student -- Middletown H.S.			Occupation: Student		
Employer's Address: Gardner Ave Ext. Middletown			Employer Telephone No.: N/A		



Details of Incident: (ADDITIONAL SPACE AVAILABLE ON BACK OF FORM, IF NEEDED)

Complainant states that she was attending a party at 48 Highland Avenue. At some point, an unknown female arrived at the residence and began demanding to know who was throwing the party. The complainant and her friends did not interact with the unknown female, but this female became increasingly angry. The complainant and her friends began to leave the party because of the commotion that was caused by the unknown female. The complainant and her friends entered a vehicle, a black Hyundai, that was parked on Franklin Street.

Personnel Complained Of: (NAME OR PHYSICAL DESCRIPTION, BADGE #, CAR #, ETC.)
Officer is described as a white male, possibly in his early forties, with short brown hair (Complainant states she only saw him from the chest up and had limited other description.)

Witness Info: (NAME, D.O.B., ADDRESS, TELEPHONE NUMBERS, ETC.)
Middletown, NY -
Middletown, NY -

NOTE: PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK, ANY INCORRECT OR FALSE STATEMENT ATTRIBUTED TO YOU AND CONTAINED HEREIN IS PUNISHABLE AS A CLASS "A" MISDEMEANOR.
Report by: Lt. Jeffry Thoelen
Taken @ MPD Headquarters

Reporting Officer's Signature:  1153
Location Report Taken: _____
Complainant's Signature:  Date: 6/25/16

ADMINISTRATIVE USE ONLY		No Further Action Needed: _____	
Reviewed By: _____		Investigation Assigned To: _____	
Name & Rank		Shield No.	
Date Reviewed: _____		MPD-II #: _____	

Details of Incident: (CONTINUED)

While the complainant and her friends were seated in her vehicle, the unknown female began to argue with _____, who was a friend of the complainant who was seated in the front passenger seat of the black Hyundai. The argument escalated and the unknown female and _____ started physically fighting. Several other people then began trying to break up the fight, but then several other people started fighting at the same time. The police responded and began breaking up the fight. Another friend of the complainant, _____ was attempting to break up the fight with the unknown female, but was arrested by police.

After _____ was placed under arrest, there was a police officer standing by the black Hyundai. The complainant states that the police officer picked up a foam cup and then held it up to her and stated, "Is this cup yours?" The complainant states that she did not respond to the officer's question, however, he then forcefully threw the cup into the black Hyundai, striking the complainant in the face with the cup. The officer then walked away. The complainant states that she was uninjured by the action of the officer throwing the cup, but states that it was completely unnecessary and unprofessional. The complainant admits that the cup could have possibly fallen out from the interior of the vehicle when her and her friends entered the vehicle, but denies that she or anyone else in the vehicle purposely threw it on to the ground outside the vehicle. The complainant believes that the action of the officer throwing the cup at her was intentional, and not something that was done accidentally. She requests that the incident be investigated and that the officer receive some type of disciplinary action for the incident.

**The complainant states that she has limited information on the offending police officer other than the information provided on the front of this form, however, she is confident that she can identify him if she sees him again. **



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. Metakes

Date: July 8, 2016

Re: Personnel complaint Nyasia Hicks, CM-20546-16

On June 27, 2016 I received a personnel complaint from Lt. Jefry Thoelen
That had been submitted by

Ms. _____ stated that during a party on June 25, 2016 in the area of Highland Ave.
And Franklin St. a dispute began and police responded to the area. Ms. _____ states she and
Friends of hers were seated in a vehicle on Franklin St. Ms. _____ stated that while seated in
The vehicle, an officer approached the vehicle and picked up a foam cup from the roadway
Adjacent to the vehicle and asked "is this cup yours?" Ms. _____ states she did not respond
And the officer then threw the cup into the vehicle, striking Ms. _____ in the face. Ms.
States she was not injured, but felt that the officer's actions were unprofessional.

Lt. Thoelen advised me that the officer involved was possibly PO Ahmed Artola.
I assigned the investigation to Sgt. Joseph Tobin on June 27, 2016.

PO Artola provided a memo on June 30, 2016 which stated on June 25, 2016 he
observed a Styrofoam cup being thrown from a vehicle while on a dispute call on Franklin St.
PO Artola states he threw the cup into the vehicle and informed the occupants to not throw
their garbage into the street. PO Artola was not positive, but believed he may have struck a
passenger in the rear drivers side seat with the cup and stated "I don't know if I hit you with the
cup but if I did, I apologize".

While it does not appear (though not completely out of the question) that PO
Artola intended to hit Ms. I _____ with the cup, throwing the cup into the vehicle served no
Legitimate purpose and could only work to inflame the situation. The actions were indeed
Unprofessional and did not reflect positively on PO Artola or the City of Middletown Police
Department. As a result, I believe that discipline is appropriate.

My findings are that Ms. Hicks complained is SUSTAINED.

Respectfully Submitted,

Lt. Gregory W. Metakes

Lt. Gregory W. Metakes

Memo of PO Ahmed Artola
Memo of Sgt. Joseph Tobin
Copy of original personnel complaint



On July 20, 2016, I spoke with PO Artola. I explained to PO Artola that his Actions were inappropriate and unprofessional and that the personnel complaint against him Was sustained. PO Artola understood and admitted that he acted in error. I advised PO Artola That verbal counseling would suffice as discipline at this time, but that further acts in violation Of the rules of conduct could result in further, and greater, discipline.


Lt. Gregory W. Metakes



