



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: October 5, 2016

**Re: Personnel Complaint against Officer Artola, by Robert Parker
16-21892. MPD-II-03-16**

I am in receipt of a Personnel Complaint made by Robert Parker against Police Officer Artola, claiming racial profiling.

Mr. Parker alleges that on Monday July 4th, 2016, at approximately 10:43am, he was walking along West Main St., when Officer Artola jumped out on him, falsely accusing him of having a warrant. Mr. Parker claims that he did nothing wrong and that he has no warrants, and that he did not feel safe with Officer Artola approaching him. Mr. Parker also alleges that another set of officers arrived and yelled at him, as if he did something wrong. Mr. Parker claims that he videotaped this encounter.

This complaint is related to blotter # 16-21892, with a call type of Field Interview, dated 7/4/2016 at 10:45am.

As part of this investigation I attempted to contact Mr. Parker, via telephone, utilizing the telephone number he supplied on his personnel complaint, _____, multiple times. On 7/14/16 I left a message for Mr. Parker to contact me, then on 9/9/16 & 9/13/16, I made several attempts to contact Mr. Parker, however the provided telephone number appears to be out of service. I also attempted to make contact with Mr. Parker utilizing the telephone numbers listed in IMPACT, _____ - I left a voice message, and _____ the voice mail belongs to a female. I did receive a call back from the _____ number, from a female claiming to be Mr. Parker's girlfriends Aunt, who seemed confused as to why I was calling her number looking for Mr. Parker. This female claimed not to have a contact number for Mr. Parker, but indicated that she would get a message to him to call me. On Tuesday September 13th, 2016, a male subject claiming to be Robert Parker called me inquiring as to why I was looking to speak with him. I explained it was in regard to the personnel complaints that he made. The subject supplied me with a current telephone number of _____, and we made arraignments for him to come into MPD, on Wednesday September 14th, to further discuss his complaints. Mr. Parker never showed up as scheduled, nor did he call.

At the time of this incident Officer Artola had recruit Officer Kevin Vecchiarelli with him, and according to the blotter Officer Neilson assisted with the call.

Upon speaking to Officer Artola about this complaint, he informed me that Mr. Parker did in fact video record their encounter, and then posted the video of Facebook. Officer Artola was able to forward me the video. Upon reviewing this video, which is 14 seconds long, Officer Artola appears to be frustrated, as he walks across the street, away from the subject doing the video recording, with Officer Vecchiarelli following behind him, as a male voice states "by law you're a public servant and you have to give me your badge number". Officer Artola

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stops, turns towards the camera and provides his badge number then continues walking. The male subject then states "and your name please, can I have your name, your name please, hello". As the video is ending a marked City of Middletown Police car drives past, at which time the male subject states "can I have your badge too bitch, what the fuck". I am unable to determine who is operating the car or the cars number, however I did not hear any exchange of words between the operator of this passing police vehicle and the male subject.

As part of this investigation Officer Artola provided me with ah written memorandum, which states that he and Officer Vecchiarelli, were patrolling West Main St. near Monhagen Ave., when he observed a male subject he believed to be Jarrand Alves, who he (Artola) believed had a warrant. Officer Artola conducted a field interview with this subject, at which time he advised the subject, that he (Artola) believed that the subject had a warrant. The subject then provided Officer Artola with identification showing that his name was Robert Parker. Officer Artola gave Mr. Parker his identification back, without file checking or searching him, advising him that he looked like someone else. Officer Artola stated that Mr. Parker then got upset and began yelling at the officers while recording them.

According to IMPACT, Jarrand Alves, who does have an active warrant for Petit Larceny, 16-402, is a 28 year old black male, 5'11, 165lb, and Robert Parker is a 21 year old black male, 5'09", 142lbs.

In review of this complaint, I do not find any evidence of Officer Artola racially profiling Mr. Parker, It appears that Officer Artola mistakenly believed that Mr. Parker was Jarrad Alves, which I believe is reasonable, as Mr. Parker and Mr. Alves have similar physical features. Based on the information supplied by both Officer Artola and Mr. Parker, Officer Artola briefly stopped Mr. Parker and once he learned Mr. Parker's identity, he allowed Mr. Parker to go about his business, without further interruption. In regards to Mr. Parker's claim of not feeling safe when approached by Officer Artola, I was not able to further explore this allegation, due to the fact that Mr. Parker chose not to meet with me or contact me by telephone, to further discuss his complaint.

In conclusion I do not find any evidence to support Mr. Parker's claim of racial profiling, and I find no evidence of any violations of Departmental policy pertaining to this incident, therefore I am classing this complaint as "Unfounded".

Respectfully Submitted


Lieutenant John Ewanciw
Bureau Commander of Operations



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: <u>July 5th, 2016</u>	Time: <u>10:48 AM</u>	Event No.:	Case No.: (If Applicable)
Type of Complaint: External Internal Other	If Other, please explain:		
How Received: Phone <u>Walk-In</u> Other	If Other, please explain:		
Date of Incident: <u>July 4th, 2016</u>	Day of Incident: <u>Monday</u>	Time of Incident: <u>10:43 AM</u>	
Location of Incident: <u>West Main St, Middletown N.Y.</u>		Nature of Complaint: <u>Racial Profiling</u>	

Complainant: <u>Robert Parker</u>		Date of Birth:	
Address:	City: <u>Middletown</u>	State: <u>N.Y.</u>	Zip Code: <u>10940</u>
Home Phone #:	Work Phone #:	Other Phone #:	
Employer:		Occupation:	
Employer's Address:		Employer Telephone No.:	

Details of Incident: (ADDITIONAL SPACE AVAILABLE ON BACK OF FORM, IF NEEDED) On July 4th of 2016, at 10:43 AM, officer (badge #1249) jumped out his vehicle on West Main St, falsely accusing me of having a warrant. The officers exact words "you look like someone that has a warrant." I was literally walking in front of Planet Wings parking lot, so there is proof from cameras on the business property. I also have my own footage. I did nothing wrong and have no warrants, I did not feel safe with officer approaching me.

Personnel Complained Of: (NAME OR PHYSICAL DESCRIPTION, BADGE #, CAR #, ETC.) Officer badge # 1249

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

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.

Reporting Officer's Signature	Location Report Taken	Complainant's Signature	Date
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ADMINISTRATIVE USE ONLY		No Further Action Needed: _____	
Reviewed By: <u>EWANBCW</u> <u>LT</u>	Shield No. <u>1047</u>	Investigation Assigned To:	
Date Reviewed: <u>7/14/16</u>	MPD-II #: <u>C3-16</u>	<u>EWANBCW</u>	

Another set of officers arrived and yelled at me like I did something wrong. I do not approve of this. I am a resident of the city of Middletown and should not have to feel unsafe from the public servants. I am a black male, a human being with the same rights as everyone else in this world.

CITY OF MIDDLETOWN POLICE DEPARTMENT

Memo

To: LT. EWANCIW
From: P.O. ARTOLA
Date: 09/13/2016
Re: ROBERT PARKER (21892-16)

ON JULY 4, 2016 AT APPROXIMATELY 1045, I WAS ON PATROL WITH PO VECCHIARELLI ON WEST MAIN STREET BY MONHAGEN AVENUE WHEN I OBSERVED A MALE WHO R/O BELIEVED WAS JARRAND ALVES. I CONDUCTED A FIELD INTERVIEW WITH THE MALE AND INFORMED THE MALE THAT I BELIEVED HE HAD A WARRANT FROM MIDDLETOWN COURT. THE MALE DID PROVIDE ME WITH A NY ID THAT SHOWED HIS NAME WAS ROBERT PARKER. I DID NOT FILE CHECK HIM OR SEARCH HIM AND GAVE HIM BACK HIS ID AND TOLD HIM HE LOOKED LIKE SOMEONE ELSE. PARKER THEN GOT UPSET AND BEGAN YELLING AT OFFICERS AND RECORDING ON HIS PHONE. OFFICERS RETURNED TO THE PATROL VEHICLE AND LEFT THE AREA.

RESPECTFULLY SUBMITTED,

P.O. Artola 1249

P.O. ARTOLA 1249

