



CITY OF MIDDLETOWN POLICE DEPARTMENT



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Intra Agency

Memo

To: Chief Bethencourt

From: Lt Ewanciw

Date: August 11, 2014

Re: Injury to _____, a Juvenile Runaway. 14-22543

I am in receipt of a Supervisor's Investigation from Lt. Thoelen and Sgt. Tobin, pertaining to an injury sustained by a runaway juvenile. During police intervention.

On Friday August 1st, 2014, at approximately 12:45am, Officer Artola, who was working a 12aX8a patrol shift was assigned a call pertaining to a missing 14 year old female, at 14 Chestnut Ave. The missing juvenile was identified as _____. According to _____ mother, Jennifer Hinds, Arianna has been missing for two weeks and on 8/1/14, she and her boyfriend _____, came to the house requesting to stay. After being advised that _____ was not welcome to stay at their residence _____ and _____ left the area. After meeting with and interviewing _____ mother, Jennifer Hinds, Officer Artola broadcast a description of _____ as well as her direction of travel to the other patrol cars. Shortly thereafter Sergeant Tobin, located _____ and _____ on Dolson Ave, near the rail road tracks, where he conducted a field interview with them. While interviewing _____, Sgt. Tobin informed her that she would have to return to her residence, at which time she became uncooperative and walked to the opposite side of the street, along with _____ where the two stood for a few moments. According to Sgt. Tobin, _____ appeared to be trying to persuade _____ to cooperate with the police. During this time Officer Artola arrived on the scene to assist. _____ and _____ then returned to speak with Sgt. Tobin, and after being advised that she would have to return home to her mother, or to another responsible family member, _____ became uncooperative, refusing to accept this condition and attempted to walk away, at which time Sgt. Tobin grabbed her by the arm, to detain her and prevent her from running away again. In response _____ began to flail her arms around, while pulling away and threatening to spit on and punch the Officers. With the assistance of PO Artola, Sgt. Tobin was able to bring _____ to the ground, where they detained her, by securing her in handcuffs. _____ was subsequently returned to her mother, and then transported to Orange Regional Medical center for a mental health evaluation.


As a result of this incident _____ sustained a minor scratch to the left side of her neck, which is believed to have been self-inflicted while she was flailing her arms in an attempt to flee from the officers. Said injury did not require medical attention, do to it being so minor. Photographs of said injury were not secured due to priority calls requiring Sgt. Tobin's supervisory attention.

In review of this incident, I believe that it was not avoidable given _____ intentional efforts to avoid being detained as she attempted to run away, and I concur with Lt. Thoelen's assessment that the injury was most likely self-inflicted during _____ attempt to get away from the officers. In regards to the Officer's use of force, I believe that it was justified and necessary to take _____, a runaway, into custody and prevent her from running.

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away again. Furthermore I believe that Officers responded to actions appropriately and I find no violations of Departmental Policy, nor any indications of excessive force being utilized against her, therefore I am classifying this investigation as "Closed".

Respectfully Submitted


Lieutenant John Ewanciw
Bureau Commander of Operations

RB
DATE:
08/12/14



City of Middletown Police Department



Memorandum

Date: 08/06/2014
To: Lieutenant John Ewanciw
From: Lieutenant Jeffrey Thoelen
Subject: Injury Sustained by Juvenile Runaway :
Event #14-22543 / Case #14-4237

Lieutenant Ewanciw:

On 8/1/2014 Officer Ahmed Artola and Sergeant Tobin handled a reported domestic dispute between a parent and child at 14 Chestnut Avenue (Apartment B). During the investigation into the incident, it was determined that the juvenile in the incident, _____, was a previously reported missing person, who had since left the residence with her boyfriend on foot. Sergeant Tobin located the juvenile in the area of Auto Alignment World, at 86 Dolson Avenue. During the attempt to bring the juvenile female back to her residence, the juvenile was very uncooperative and became combative. The juvenile was restrained and placed into handcuffs for her safety; however, during the struggle to gain control, the female sustained a very minor scratch to the left side of her neck. As a result of this minor injury and pursuant to department policy, (AGO-025-11) I completed an investigation into the incident. The preliminary results of this investigation have been attached to this memorandum for administrative review.

Facts of the Incident:

On 8/1/2014, Officer Ahmed Artola was dispatched to 14 Chestnut Avenue, Apartment B, for a reported domestic dispute. Upon responding to and investigating the incident, Officer Artola was advised by the reporting person, Jennifer Hinds, that her 14 year old juvenile daughter, _____, had come to the residence that evening after being missing for approximately two weeks. The juvenile arrived at the residence with her boyfriend _____, and requested that her and boyfriend be permitted to stay for the evening. An argument ensued over the fact that Jennifer Hinds did not want _____ to stay at the residence, and _____ then left the residence with her boyfriend. Jennifer Hinds reported that she believed that the two subjects had left the area, possibly walking on the railroad tracks in the direction of County Route 78. Officer Artola broadcast this information and a description to available patrol units. He then remained at the residence to complete the necessary paperwork.

As Officer Artola was investigating this incident, Sergeant Joseph Tobin was on stationary patrol in the area of Auto Alignment World, located at 86 Dolson Avenue. Shortly after hearing the description of the subjects involved, he observed a male and female subject matching the description walking on the railroad tracks adjacent to his location. He then exited his patrol vehicle to interview these subjects and quickly confirmed that they were in fact _____ and _____. The female subject was uncooperative and attempted to walk away from the field interview. Sergeant Tobin was able to briefly speak with her and advise her that the police were investigating a domestic dispute between her and her mother and that she would need to return to her residence. The female immediately stated that she was not going to go back to her residence and began walking away from Sergeant Tobin with her boyfriend. Sergeant Tobin temporarily permitted this to occur, as the female's boyfriend was attempting to calm her down and resolve the situation.

Officer Artola arrived on the scene to assist Sergeant Tobin and brief him with additional information. The female subject returned back to where Sergeant Tobin and Officer Artola were standing and inquired as to what was going to happen with the situation. Sergeant Tobin advised the female that she would need to stay with a responsible adult, whether it be her mother or some other appropriate family member. The juvenile refused to accept this condition and attempted to walk away from Sergeant Tobin. Sergeant Tobin attempted to grab hold of the female's arm at which time she began to flail her arms and forcibly pull away. Sergeant Tobin and Officer Artola then began to physically struggle with the female as they tried to restrain her and prevent her from running away. The female continued to flail her arms and made threats to punch and spit at the officers. Sergeant Tobin and Officer Artola quickly brought the female to ground and were then able to secure her in handcuffs. During the struggle, the female sustained a minor scratch to the left side of her neck. It is believed that the injury was self-inflicted, as the female was violently flailing her arms in an attempt to break free of the grasps of the police officers, and may have inadvertently scratched her neck with her own fingernails.

The female was placed into the rear of a patrol car and transported back to her residence at Chestnut Avenue. The female's mother was advised of the female's actions and that she had sustained a minor injury. No medical attention was necessary. After speaking with the female's mother and her mother's boyfriend (Horace Hinds), the female voluntarily agreed to a mental health evaluation at Orange Regional Medical Center. She was subsequently transported by Officer Artola and Officer Reyes to the Behavioral Health Unit without incident. The female was transferred to the care of hospital staff, under the responsibility of Horace Hinds.

After the female was transported to the hospital, Sergeant Tobin cleared the scene at Chestnut Avenue to provide supervisory assistance regarding another incident involving a vehicle pursuit and failure to comply on Wickham Avenue. As a result, Sergeant Tobin was unable to photograph the scratch sustained by the female. (The camera in Patrol Car #4 was also not working properly). The circumstances of the incident were reported and the necessary paperwork was completed. No further action was taken regarding the incident at that time.

Components of the Investigation:

• Copy of Case	• Copies of Officer Supplements and Statements
• Copy of Subject Resistance Reports	

Analysis and Assessment:

After reviewing this incident, it is clear that the injury sustained by the juvenile female is the direct result of her failure to comply with the lawful orders provided to her by Sergeant Tobin and Officer Artola. Immediately upon coming into contact with Sergeant Tobin, the female demonstrated that she was not going to cooperate with the investigation as she attempted to walk away. Sergeant Tobin provided her substantial latitude in allowing her to walk away from him, in an attempt to allow her to calm down and speak with her boyfriend who was being cooperative. Unfortunately, this tactic was unsuccessful, and upon returning to Sergeant Tobin to determine how the situation would be resolved, the juvenile female once again became uncooperative and attempted to walk away. At this point, Sergeant Tobin acted appropriately in grabbing hold of the female to prevent her from leaving the area. This physical contact sent the female into a rage and she began threatening to punch and spit at the officers. The officers brought the female to the ground, which provided them a position of advantage over the female, and permitted them to secure her in handcuffs for her own safety. While the female did sustain an injury, it is believed that this was not a result of the officers' actions but rather a result of the defendant wildly flailing her arms in an attempt to get away.

The force utilized by Sergeant Tobin and Officer Artola was reasonable, necessary, non-reckless and authorized by department policy, AGO-022-11 (Use of Physical Force and Deadly Physical Force) as well as

