



# CITY OF MIDDLETOWN POLICE DEPARTMENT

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## *Intra Agency*

# Memo

**To: Chief Bethencourt**

**From: Lt Ewanciw**

**Date: September 5, 2016**

**Re: Personnel Complaint against Officers Artola & J. Johnson  
By Justin Ravelo. 16-24851, MPD-II-05-16**

I am in receipt of a Personnel Complaint, taken by and investigated by Sergeant Kassel. The complaint is made by Justin Ravelo, against Police Officers Artola and Johnson, claiming rudeness and excessive force.

On Saturday July 30th, 2016 at approximately 3:29am, Officers Artola and Johnson, who were both working a 12X8 uniformed patrol shift, responded to 103 Wickham Ave., for a domestic dispute, which was the result of a civil dispute over living arraignments. In sum and substance Justin Ravelo no longer wanted his brother, Emanuel Ravelo, and Emanuel's girlfriend to reside with him in his apartment, located at 103 Wickham Ave., thus he changed the door locks in an effort to prevent their entry. Through their investigation, the Officers learned that Emanuel has been living with Justin and paying part of the rent for the past two months, however he was not on the lease. Officers advised both Justin and Emanuel that this was a civil issue that should be addressed with the landlord. Officers provided Emanuel with various options, in an effort to avoid any further issues, however he declined and chose to kick in the door to his apartment, which infuriated Justin. Justin video recorded this entire incident, in which he blamed the officers for allowing Emanuel to kick in the door. Justin also alleged that Officer Artola used excessive force against him, by pushing his hand away, as Justin was attempting to record Officer Artola.

Sgt. Kassel conducted an investigation into this incident, during which he personally interviewed Justin and personally reviewed Justin's recording of this incident, which clearly documented not just the incident, but also Justin's demeanor, which Sgt. Kassel describes as being highly agitated and almost out of control. Sgt. Kassel indicates that upon his review/investigation, he found no evidence of any policy violations pertaining to this incident. In regards to the claim of excessive force, Sgt. Kassel documented that after reviewing Justin's Video recording of the incident that he did not believe that Officer Artola utilized force against Justin, and describes the encounter as Officer Artola justifiably moving Justin's arm away from his (Artola's) chest, as it was not safe to allow Justin's hands to be in such close proximity to him (Artola).

In conclusion, and after review of the documents pertaining to this incident, I concur with Sgt. Kassel's assessment of this incident, in that this personnel complaint is "Unfounded".



Respectfully Submitted  
*Lt John Ewanciw*  
Lieutenant John Ewanciw  
Bureau Commander of Operations

# CITY OF MIDDLETOWN POLICE DEPARTMENT



# Memo



**Date:** August 13, 2016

**To:** Lt. J. Ewanciw

**From:** Sgt. Neil Kassel

**Subject:** PO Artola/PO Johnson Personnel Complaint 24851-16

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I am writing this Memo in response to an external personnel complaint initiated by Justin Ravelo. The complaint is against PO Artola and PO Johnson. On July 30, 2016, PO Artola and PO Johnson responded to 103 Wickham Ave. Apt. 5 for a dispute call. They spoke with the caller (Valerie Vargas) and her boyfriend (Emmanuel Ravelo). Emmanuel advised the officers that they live with his brother (Justin Ravelo) at that location. Emmanuel states that he has paid rent to Justin and Doris Tilmont for the past 2 months. They returned home on this date and discovered that Justin had changed the locks to the apartment. Emmanuel was upset because Valerie's pregnancy had been diagnosed as "High Risk," and they needed to be able to sleep in their apartment. Officers advised Emmanuel that the situation regarding the locks was a civil matter, and that it would have to be handled with the landlord. However, the officers did offer several alternatives; including contacting Mobile Life (due to the high risk pregnancy) and having the subjects stay in the lobby of police headquarters. Emmanuel and Valerie declined these offers several times. Officers did attempt to resolve the incident by knocking on the apartment door several times. This yielded negative results.

Emmanuel then forced entry into the apartment by kicking in the door. As soon as entry was made, Justin began screaming at Emmanuel and the officers. Justin advised the officers that they violated his rights by "permitting" Emmanuel to kick in the door. Justin filmed the entire encounter with a cell phone camera. Officers attempted to explain the situation several times to Justin however he was extremely agitated and verbally combative. At one point, Justin extended his arm towards PO Artola's chest in an attempt to film his name tag. PO Artola felt uncomfortable with the proximity of Justin's hand to his chest so he pushed Justin's arm away. This caused Justin to become more irate. Officers stood by at the apartment while Emmanuel and Valerie gathered belongings from their bedroom. The officers completed a DIR for the argument that occurred after entry was made into the apartment.

Justin responded to police headquarters a short time later to make a personnel complaint. I brought Justin into the interview room next to the Records Division to speak with him privately. He gave me a brief summary of the incident from his perspective. In addition, Justin told me that he was upset because he felt that the officers encouraged Emmanuel to kick in the door. He felt that this action put his 1 year old daughter's "life in danger" and that it "jeopardized the safety" of his family. He also claimed that PO Artola used "excessive force" by pushing his arm away.

Justin played a video of the incident that had been recorded on a cell phone camera. The video began with footage showing Justin listening through a door from the inside of his apartment. He



listened for several minutes and advised his girlfriend that the police were outside with his brother. He then mentions that he thinks that his brother is going to kick in the door. This occurs for a short period of time before Justin moves to the side. Banging can then be heard, and the door is kicked in by Emmanuel. The video then shows Justin confronting Emmanuel and the officers. It is clear in the video that Justin was highly agitated and almost out of control. He was screaming at all parties involved and acting in an aggressive manner. The footage shows that Justin put his hand inches away from PO Artola's chest during the incident, and that PO Artola pushed Justin's arm aside. It is clear in the video that PO Artola's actions would not be considered a use of force, let alone would it be considered "excessive" force. PO Artola was only maintaining a reasonable space between himself and Justin. The video continues on for several minutes before ending after the officers leave the apartment.

I was unable to secure a copy of the video footage at the time of the interview. Justin agreed to save the video on the cell phone until it could be safely secured by this agency's IT Department. I later made arrangements with our IT Department and with Justin so we could secure a copy of the video footage. We agreed to meet on August 10<sup>th</sup> at 8:30 AM. Justin never showed up for our meeting. I called him at approximately 8:45 AM to ask if he going to be able to come to our meeting. Justin then hung up on me. I called back and left a message that I would also be available on August 12<sup>th</sup> at 8 AM. As of August 13<sup>th</sup>, I have not received any communication from Justin.

I have made the following determinations as a result of my investigation:

- As a result of my initial conversation with Justin it was clear to me that Emmanuel does in fact live with Justin. Therefore, Emmanuel would not be charged with Criminal Mischief to the door. I advised Justin that if he did not want Emmanuel living there any longer, then he would have to start the eviction process. Additionally, the officers did attempt to resolve the incident prior to Emmanuel forcing entry by knocking on the door while identifying themselves as police officers.
- PO Artola did not use excessive force. As I noted above, PO Artola's actions in the video footage would not be considered a use of force. PO Artola justifiably moved Justin's arm away from his chest while he was trying to assist both parties at the scene. Justin was agitated/aggressive throughout the incident, and it would not have been safe to allow him to keep his hands within such close proximity to the officer. Justin was not injured as a result of PO Artola's actions.
- Based on the footage I observed, it is clear that Justin was aware of the fact that the police were outside his door and that Emmanuel was going to force entry. Justin had ample opportunity to make contact with the officers before the situation escalated to the level that it did. He could have either opened the door to speak to the officers or contacted us via telephone. He could have even spoken to the officers through the door when they were knocking. Any of these actions would have helped to resolve the issue, and avoid Emmanuel forcing entry.
- Based on my conversations investigation into Justin's personnel complaint I do not feel that any departmental policies or procedures were violated. In my opinion, Justin may have wanted some form of conflict to occur as a result of this incident. I base this

opinion on the fact that Justin was completely aware of our presence in the hallway, and he knew that Emmanuel was going to force entry. Despite these facts, he made no effort to contact our officers or to prevent the incident. Instead he decided to record the entire event with a cell phone camera. I would recommend that this personnel complaint be classified as "unfounded."

Please feel free to contact me if you need any further information or if I can answer any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Neil Kassel', written in a cursive style.

Sgt. Neil Kassel

