



# 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 15, 2015**

**Re: In Custody Injury to Defendant Melissa Rotundo. 15-27654**

I am in receipt of a Supervisor's Investigation from Lieutenant Booth and Sergeant Franck, pertaining an in custody injury sustained by defendant Melissa Rotundo.

On Sunday September 20th, 2015 at approximately 12:00am, officers responded to Mobile on the Run, 176 West Min St., for a report of the clerk being assaulted. The investigation into this incident led the officers to the area of [redacted], where the two suspects were located, Shaquan and Jayquan Lightfoot. As the Officers approached the suspects, Jayquan fled on foot and Shaquan was taken into custody without incident. As officers were in the process of taking Shaquan into custody his father, Joseph Lightfoot approached the arresting officers in an aggressive manner, ignoring the officer's commands to stay back and to not interfere with the arrest. Joseph ignored said commands and at which time Officer Artola deployed his OC spray on Joseph, which effectively stopped him from interfering with the arrest of Shaquan. Joseph was subsequently arrested for Obstructing Governmental Administration. As Joseph was being taken into custody, a female identified as Melissa Rotundo, Joseph's wife, attempted to interfere with his arrest by grabbing both Officer Artola and Joseph, and physically standing between them. Melissa ignored the officer's warnings to stop interfering with them, resulting in Officer Artola pushing Melissa out of the way, which caused her to fall to the ground. Officers McNerney, Johnson, and Artola then attempted to take Melissa into custody, for Obstructing Governmental Administration however she actively resisted arrest, by pushing the officers away and pulling her arms in towards her chest. After several unsuccessful attempts to place Melissa in handcuffs, Officer McNerney deployed his taser, striking Melissa in the left upper thigh/buttock area, which gained her compliance and afforded the officers the ability to secure her in handcuffs.

After being transported back to MPD Melissa was evaluated by Mobile Life staff, due her taser exposure, at which time Melissa was found to have an elevated heart rate. Melissa was subsequently transported to Orange Regional Medical Center, where she was treated and released by Dr. Nwakanma, who diagnosed Melissa with Tachycardia (faster than normal heart beat).

In review of this incident, I believe that the involved officers all acted accordingly given the circumstances. This incident stemmed from an assault, and as one of the suspects was being apprehended, Joseph Lightfoot, the suspect's father, intentionally interfered which led to the use of force against him as he was being taken into custody, followed by Melissa Rotundo, Joseph's significant other, intentionally interfering in Joseph's arrest, which subsequently led to the use of force against her as she was being taken into custody. I believe that both arrests were justified given the facts presented in the related reports.

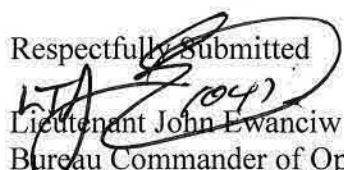
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In regards to the uses of force against Joseph Lightfoot and Melissa Rotundo, I believe that both were justified. I believe the use of OC spray on Joseph was justified to not only protect the officers, as they were taking Joseph's son, Shaquan, into custody, but also to prevent Joseph, who ignored numerous warnings to back away, from further interfering in the arrest of Shaquan. I believe the use of physical force, followed by the use of the taser was justified, not only to prevent Melissa from physically interfering in the arrest of Joseph, but them also to gain her compliance and take her into custody, as she actively resisted arrest by pushing the officers away from her and pulling her arms against her chest in an effort to avoid arrest. Neither Joseph nor Melissa suffered injury as a result of the force used against them, however Melissa's heart rate was found to be escalated after this incident, which could have resulted from a combination of her involvement in the incident as well as the force utilized against her as she actively tried to avoid arrest.

Both Shaquan and Jayquan were charged with the assault that originated this incident. Shaquan was also charged with littering as he dropped a can on the ground as the officers originally approached him. Jayquan, who originally fled the scene was later located at Orange Regional Medical Center where he was being treated for a broken nose, which he claimed was a result of him falling on his face as he was fleeing from the police. Additionally, and after further review of this incident and conferring with the ADA's, both Shaquan and Jayquan were charged with robbery, due to the fact that they assaulted the store clerk, while in the process of stealing an item.

In conclusion I find no violations of Department Policy, nor do I find any evidence of excessive force being utilized against any of the involved parties, therefore I am classifying this investigation as "Closed".

Respectfully Submitted

  
Lieutenant John Ewanciw  
Bureau Commander of Operations



**CITY OF MIDDLETOWN POLICE DEPARTMENT**

# Memo

**To: Lt. E. Ewanciw**

**From: Lt. G. Booth**

**Date: 9/27/15**

**Re: E# 15-27654**

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Sgt. Franck submitted to me a supervisor's investigation regarding an injury to Melissa Rotundo which occurred while being taken into police custody. After reviewing Sgt. Franck's memorandum I find that Sgt. Franck's investigation was thorough and complete and I feel there are no training issues that need to be addressed.

*Respectfully submitted,*



*Lt. George Booth #974*



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***Intra Agency***

**Memo**

**To: Lieutenant George Booth**

**From: Sgt. David Franck**

**Date: September 23, 2015**

**Re: Supervisor Investigation, ref. Blotter #27654-15**

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*Lieutenant Booth,*

I am submitting this memorandum pursuant to General Order #AGO-025-11, SUPERVISOR INVESTIGATIONS - *Injuries to persons in police custody.*

On Saturday, September 19<sup>th</sup>, 2015 I was assigned to work a regularly scheduled 4-12 patrol shift with squad #2. I was the assigned as the road supervisor, with Lt. Graziano being assigned as the shift supervisor. On the same date at approximately 11:55 PM a change of shift was taking place with squad #2 being relieved by midnights squads A and C. During the mentioned change of shift, a priority call for an assault was received by dispatch. Dispatchers Kummer and Brabanec relayed the information as an assault at the Mobile gas station at #176 West Main St. Dispatch advised that the clerk was assaulted by two male subjects and the male suspects, accompanied by a heavy-set female, were last seen fleeing on foot towards California Ave. Officers Andre and Artola were assigned to a directed patrol in marked unit #14 and were in the direct area as the call was dispatched. Officers Andre and Artola located possible suspects of the assault walking on Wells Ave. and made contact with said suspects. One male suspect was observed drinking what appeared to be and alcoholic beverage, the suspect discarded the container after seeing the marked patrol unit. Officers attempted to stop the suspects for further interview regarding the assault, as well as the city code violation that was observed. Upon officers attempting to stop the suspects, one male suspect fled the area on foot, while the other male suspect was secured in handcuffs for the city code violation. The male suspect who was detained for the observed violation was identified as Shaquan Lightfoot. While Officer Andre was in the process of arresting/detaining Shaquan, his father known to officers as Joesph Lightfoot, came out of his residence of . Joseph was upset over the fact that his son was being arrested, he approached officers in an aggressive manner ignoring the officers commands to stay back and to not interfere with the arrest. Joseph ignored the commands, at which time Officer Artola deployed OC spray, which was effective in that Officer Artola was able to place Joseph into custody for OGA 2. The above mentioned heavy-set female was on scene and became upset that her husband, Joseph, was being arrested and she also interfered with his arrest. Officer Artola was able to push the female to the ground which effectively stopped her from interfering/obstructing. However, while the female was on the ground, Officers Artola, Andre, and Johnson were attempting to arrest the female for OGA but she refused to comply with verbal commands to place her hands behind her back. Officer McInerney then deployed his department issued Taser, striking the female in the left upper thigh and buttocks area with both probes. The taser was effective in that officers were able to secure the female in handcuffs. The female was identified as Melissa Rotundo. During the above mentioned

