



CITY OF MIDDLETOWN POLICE DEPARTMENT

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Intra Agency

Memo

To: Chief Bethencourt

From: Lt Ewanciw

Date: January 31, 2017

Re: Injury to Defendant Eugene Rolack. 17-03150

I am in receipt of a Supervisor's Investigation from Sergeant Kassel, pertaining to an injury sustained by Defendant Eugene Rolack.

On Thursday January 26th, 2017, at approximately 1:11am Rolack was arrested By Officers Artola, McCann and Gorelick, for Criminal Mischief, Disorderly Conduct and Resisting Arrest, as a result of Rolack going to his girlfriend's house and banging on the door, subsequently causing damage to said door. This was the second call for service pertaining to Rolack on this date, the first being at 12:55am (17-3147) during which Rolack was sent on his way. At the time of his arrest Rolack, who appeared to be intoxicated, was resistant and acting aggressive towards the officers. Rolack was advised that he was under arrest and to place his hands behind his back, to which he did not comply, thus Officer Artola deployed his OC spray, striking Rolack in the face and eyes, in an effort to gain his compliance and effect his arrest. This use of OC spray was effective and Rolack was taken into custody without incident. Rolack was then transported to the police station, where he was afforded the opportunity to clean his face and eyes. During the booking process Sgt. Kassel observed blood on Rolack's clothing and a small laceration that was not currently bleeding, to the backside of Rolack's right hand. When asked about said laceration Rolack alleged that the officers caused said injury during the arrest process. Rolack's allegation was inconsistent with the accounts of the involved officers whom documented that they observed the laceration to Rolack's hand during their earlier encounter with Rolack. Furthermore none of the involved officers had blood on their persons nor did they indicate that they were exposed to Rolack's blood. Nonetheless Rolack was provided medical attention by Mobile Life personnel, at which time he refused to be transported to the hospital for any further treatment and was subsequently supplied with a band aid.

As part of his investigation, Sgt. Kassel contacted Rolack's girlfriend, Ashley Ross, who was the complainant in this incident, and Ross informed Sgt. Kassel that Rolack sustained said injury prior to police involvement.

In review of this incident I believe that the arrest and use of force against Rolack was appropriate and authorized and I find no evidence of excessive force being utilized against Rolack. In regards to Rolack's injury, I do not believe that it was a result of police action, and I find no evidence to support Rolack's allegation of such.

In conclusion I find no violations of Departmental Policy pertaining to this incident, therefore I am classifying this investigation as "Closed".

Respectfully Submitted


Lieutenant John Ewanciw
Bureau Commander of Operations



CITY OF MIDDLETOWN POLICE DEPARTMENT



Memo



Date: January 30, 2017
To: Lt. John Ewanciw
From: Sgt. Neil Kassel
Subject: Eugene Rolack Injury

On January 26, 2017 I was working as the Shift supervisor for the 12 AM – 8 AM shift. At approximately 1:11 AM, officers McCann and Gorelick were dispatched to 92.5 Cottage St. for a domestic dispute. Our squad had been to that address earlier in the shift for a subject that was attempting to gather his property. PO Artola also responded to the scene to assist the above mentioned officers.

Several moments passed before PO Artola radioed dispatch that he was en route to police headquarters with a subject in custody. I then left the Communications Center to meet with PO Artola and the defendant (Eugene Rolack) at the rear door. As they approached I could see that there was a substantial amount of mucous coming out of Rolack's nose. PO Artola advised me that Rolack had been pepper sprayed. We escorted Rolack directly to the eye wash station, and allowed him to rinse his eyes/face for approximately 10 minutes. During this time, Rolack was very calm. He spoke clearly and calmly about how the OC spray was affecting him. I did detect an odor of alcoholic beverage coming from his breath. I also noticed that there were several small spots of what appeared to be dried blood on Rolack's grey sweatshirt and sweatpants. Rolack did not make any accusations of excessive force, nor did he make statements regarding any injuries.

After being decontaminated, Rolack was escorted to the bench in the booking room. At this time I noticed a small cut on the back of Rolack's right hand. The cut was approximately 1 inch long, but it was not actively bleeding. I asked Rolack how he became injured, and he stated that one of our officers had hurt his hand during the arrest process. Rolack was not very detailed with his answers, and he did not specify which officer hurt him. Rolack's injured hand was then photographed.

I spoke to the officers regarding the specifics of the arrest. PO Artola stated that Rolack had become extremely agitated and aggressive upon their arrival. Additionally, Rolack had made threats against PO McCann. The decision was made to place Rolack under arrest for disorderly conduct. Rolack was advised several times that he was under arrest, and that he needed to place his hands behind his back. Rolack refused these commands and continued to act in an aggressive manner. PO Artola then administered a short burst from his OC spray into the eyes of Rolack. This caused Rolack to drop his head to his chest. Officers McCann and Gorelick were then able to secure Rolack's wrists into handcuffs. Rolack did not offer any physical resistance to the handcuffing process. Other than the initial deployment of OS spray, there was no other use of physical force needed to gain control of Rolack. All three officers that were at the scene advised me that Rolack did not suffer any injury throughout the arrest process. Officers stated that

Rolack had already been injured prior to their first encounter with him that evening. It should be noted that I did not observe there to be any blood on the arresting officers. Additionally, none of the officers involved reported any exposure to Rolack's blood.

Mobile Life personnel evaluated Rolack's injury. They determined that the injury did not require any immediate medical care, but they did offer Rolack an opportunity to be transported to ORMC for further examination. Rolack refused medical attention from Mobile Life personnel. I provided Rolack with a band aid to cover the wound. During the time he was being evaluated, Rolack advised Mobile Life personnel that he cut his hand during the arrest process. He did not provide any further specifics regarding his injury.

On January 26th at 7:45 AM, I made contact with Rolack's girlfriend (Ashley Ross). Ross had been the caller for the above mentioned incident. Ross confirmed what the responding officers had already told me. Ross stated that Rolack had already had a cut on his right hand prior to her making a phone call to our agency. Unfortunately, Ross advised me that she did not want to assist my investigation by providing me with a written statement.

Based upon all of the information I have gathered, I am confident that Rolack was not injured as a result of his encounter with the City of Middletown Police Department. The only force used against Rolack was a short burst of OC spray. He was decontaminated as soon as possible upon his arrival at police HQ. It should be noted that at no time did Rolack make any accusations of excessive force or unprofessional conduct against any of the officers involved in the arrest.

Please feel free to contact me if you need any additional information, or if you need me to answer any questions.

Respectfully submitted,



Sgt. Neil Kassel

1. Agency Middletown Police Dept		2. Division/Precinct New York State INCIDENT REPORT		3. ORI NY0350100		4. <input type="checkbox"/> Orig <input checked="" type="checkbox"/> Supp		5. Case No. CM-00503-17		6. Incident No. CM-003150-17											
7. Report Day Thu		8. Date Jan 26 2017		9. Report Time 01:11		10. Day Thu		11. Date Jan 26 2017		12. Time 01:11											
16. Incident Type CRIM MIS		17. Business Name				18. Weapon(s) NONE/NOT APPLICABLE		A. 77													
19. Incident Address(Street No.,Street Name,Bldg. No.,Apt. No.) 92 COTTAGE ST APT 3						20. City,State,Zip(<input checked="" type="checkbox"/> C <input type="checkbox"/> T <input type="checkbox"/> V) MIDDLETOWN			21. Location Code 3601			B.									
22. OFF. NO.		LAW		SECTION		SUB		CL		CAT		DEG		ATT		NAME OF OFFENSE		CTS		23. No. of Victims	
1		PL		205.30		-		A		M				O		RESISTING ARREST		1		1	
2		PL		240.20		-1		U		V				O		DISORDERLY CONDUCT		1		24. No. of Suspects	
3		PL		145.00		-1		A		M		4		O		CRIMINAL MISCHIEF FOURTH DEGREE/INTEN		1		1	
25. Person Type:CO-Complainant OT-Other PI=Person Interviewed PR=Person Reporting WI=Witness NI=Not Interviewed VI=Victim										26. Victim also complainant <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		E.									
Type/No		NAME(LAST, FIRST, MIDDLE, TITLE)				Date of Birth		STREET NO., STREET NAME, BLDG. NO., APT. NO., CITY, STATE, ZIP				Telephone No.		F.							
CA		ROSS, ASHLEY												G.							
														H.							
														I.							
27. Date of Birth		28. Age		29. Sex <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U		30. Race <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Unk.		31. Ethnic <input type="checkbox"/> Hispanic <input type="checkbox"/> Unk. <input checked="" type="checkbox"/> Non-Hispanic		32. Handicap <input type="checkbox"/> Yes <input type="checkbox"/> No		33. Residence Status <input type="checkbox"/> Resident <input type="checkbox"/> Tourist <input type="checkbox"/> Commuter <input type="checkbox"/> Military		34. Temp. Res.-Foreign Nat. <input type="checkbox"/> Student <input type="checkbox"/> Other <input type="checkbox"/> Homeless <input type="checkbox"/> Unk/Not Indicated		J.					
34. Victim DID receive information on Victim's Rights and Services pursuant to New York State Law <input type="checkbox"/> Yes <input type="checkbox"/> No												K.									
35. Type/No		36. Name(Last, First, Middle)				37. Alias/Nickname/Maiden Name(Last, First, Middle)				38. Apparent Condition <input type="checkbox"/> Impaired Drugs <input type="checkbox"/> Mental Dis <input type="checkbox"/> Unk. <input type="checkbox"/> Impaired Alco <input type="checkbox"/> Inj/ill <input type="checkbox"/> App Norm.				L.							
AR		ROLACK, EUGENE S												M.							
39. Address(Street No., Street Name, Bldg., No., City, State, Zip)								40. Phone Res: Bus.:		41. Social Security No.				N.							
42. Date of Birth		43. Age		44. Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U		45. Race <input type="checkbox"/> White <input checked="" type="checkbox"/> Black <input type="checkbox"/> Other <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Unk.		46. Ethnic <input type="checkbox"/> Hispanic <input type="checkbox"/> Unk. <input checked="" type="checkbox"/> Non-Hispanic		47. Skin <input type="checkbox"/> Light <input checked="" type="checkbox"/> Dark <input type="checkbox"/> Unk. <input type="checkbox"/> Medium <input type="checkbox"/> Other		48. Occupation									
49. Height		50. Weight		51. Hair		52. Eyes		53. Glasses <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Contacts. <input checked="" type="checkbox"/> No		54. Build <input type="checkbox"/> Small <input type="checkbox"/> Large <input checked="" type="checkbox"/> Medium		55. Employer/School		56. Address							
57. Scars/Marks/Tattoos(Describe) LEFT FOREARM- 08/11/1988, "LEO LIV												58. Misc.		1							
59. Victim or Suspect No.		Property Status		Property Type		Quantity/Measure		Make or Drug Type		Model		Serial No.		Description		Value		2			
1		05		16		1.000								MEMORY CARD		1.00		3			
		04		47		1.000								DOOR LOCK		25.00		4			
																		5			
60. Vehicle Status		61. License Plate No				Full <input type="checkbox"/> Partial <input type="checkbox"/>		62. State		63. Exp. Yr.		64. Plate Type		65. Value							
														26.00							
66. Veh. Yr.		67. Make		68. Model		69. Style		70. VIN.				6									
71. Color(s)		72. Towed By: To:				73. Vehicle Notes						7									
74. 1491:01/26/2017 00:55 -												8									
On the above date and time, R/O McCann, PO Gorelick, and PO Artola responded to 92 Cottage Street apartment #3 for a report of a male subject banging on the door (Blotter #3147-17). Officers arrived on scene and spoke with the subject in question, Eugene Rolack. Rolack stated that he was knocking on the door because he wanted to retrieve property from inside the residence. Rolack stated that he was intoxicated. Officers observed several small cuts on Rolack's hand. Rolack stated that he was fine and did not need medical attention. Officers interviewed the caller, Ashley Ross, who stated that there was no issue, and that she wanted Officers to advise Rolack that there was no property in the residence.												9									
												10									
												11									
												12									
												13									
												0									
75. Inquiries(Check all that apply). <input checked="" type="checkbox"/> DMV. <input type="checkbox"/> Want/Warrant. <input type="checkbox"/> Scofflaw <input type="checkbox"/> Crim. History <input type="checkbox"/> Stolen Property <input type="checkbox"/> Other						76. NYSPIN Message No.			77. Complainant Signature			B use cover sheet									
78. Reporting Officer Signature(Include Rank)						79. ID No 1491 PO MCCANN			80. Supervisor's Signature(include Rank)			81. ID No Approved By 1041 SGT KASSEL		85. 1							
82. Status <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed(if Closed, check box below). <input type="checkbox"/> Unfounded <input type="checkbox"/> Vict. Refused to Coop. <input checked="" type="checkbox"/> Arrest <input type="checkbox"/> Pros. Declined <input type="checkbox"/> Warrant Advised <input type="checkbox"/> CBI <input type="checkbox"/> Juv. - No Custody <input type="checkbox"/> Arrest-Juv. <input type="checkbox"/> Offender Dead. <input type="checkbox"/> Extrad. Declin <input type="checkbox"/> Unknown						83. Status Date Jan 26 2017			84. Notified/TOT			Page of: 2 Pages									

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