



# 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: January 17, 2011**

**Re: Supervisor's Inv. Ref. Injury to Defendant Samuel Hampton 11-580**

I received a supervisor's investigation from Lt. Booth and Sgt Welch, in reference to an incident which occurred on Saturday January 8, 2011, in the area of 120 North St, at approximately 1:09am, involving the arrest of a Samuel Hampton (11-580).

Officer Artola observed Defendant Hampton walking in the middle of North Street, obstructing vehicular traffic, at which time Officer Artola conducted a field interview with Hampton. While attempting to interview Hampton, Officer Artola advised him several times that he needed to utilize the sidewalks and to refrain from walking in the street, obstructing vehicle traffic. Hampton did not comprehend Officer Artola, possibly due to his (Hampton's) intoxication and continued to ask "what did I do". During the field interview Officer Artola requested identification from Hampton, although he refused to produce it. Officer Artola then advised Hampton that he was under arrest for Disorderly Conduct and to put his hands behind his back, which he refused. Due to Hampton's size and unwillingness to cooperate with the arrest, Officer Artola physically pulled Hampton to ground, where he landed on his buttocks. Hampton then tensed up his arms and body refusing to allow Officer Artola and other assisting officers to secure him in handcuffs. With the assistance of the other officers and the use of an arm bar technique executed by Officer Andre, the Officers were able to physically secure Hampton in handcuffs. During this incident and as a result of Hampton's efforts to resist arrest he sustained a minor bump above his left eye, which was evaluated by Mobile Life personnel.

As a result of this incident Hampton was charged with Disorderly conduct and resisting arrest.

Upon reviewing the reports related to this incident, I believe that officer Artola possessed probable cause, based on his observations, to conduct the field interview and to make the arrest of Hampton for Disorderly Conduct. I also believe that the use of physical force was necessary in taking Hampton into custody, due to his unwillingness to cooperate with Officers commands, his efforts to resist arrest by tensing his body as well as his physical size. The use of the expandable baton in the form of an arm bar, was very practical and was justified as well as a good use of resources, as it most likely prevented injury to Hampton and/or the Officers. In addition I do not find any evidence of excessive force being used against Hampton, nor do I find that the officers violated any departmental policies. In conclusion I do not believe this incident was preventable due to Hampton's actions and his intoxication as reported by Sgt. Welch, therefore I am classifying this investigation as "Closed".

 Respectfully Submitted  
Lt. John Ewanciw

01/20/11  
RB

# **SUPERVISOR INVESTIGATION REPORT**

## **EVENT # 580-11**

Sergeant Welch submitted to me a supervisor investigation report regarding an injury to defendant, Samuel Hampton. Upon review of this report I determined that this incident could not be prevented and that Sergeant Welch's investigation was both complete and accurate

In closing I feel that the Sergeant and all Officers involved in dealing with Mr. Hampton acted professionally and in accordance with department policy.

Respectfully submitted,

*Lt. G. Booth*

Lt. G. Booth / 974

## CITY OF MIDDLETOWN POLICE DEPARTMENT

# Memo

**To:** LT. J. Ewanciw

**From:** Sgt. A. Welch

**Date:** 1/8/11

**Re:** Arrest- Samuel Hampton- E#580-11- Disorderly Conduct/Resisting Arrest

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On 1/8/11 at approximately 1:09am, PO Artola while conducting marked patrol in the area of 120 North St., observed a black male to be walking down the middle of the roadway, causing traffic to be obstructed. At that time PO Artola exited his patrol vehicle and began to conduct a field interview with the male subject. PO Artola states that he repeatedly asked the subject to move out of the roadway and onto the sidewalk, to which he refused to comply. At this time PO Artola radioed for an additional unit due to the subject being uncooperative. PO Artola states that after numerous request the subject finally exited the roadway and walked over to the sidewalk. Once on the Sidewalk, PO Artola states that he asked the subject numerous times to identify himself and to provide identification, to which the subject refused to comply. At that time PO Artola advised the subject that he was under arrest and to place his hands behind his back for handcuffing. The subject failed to do this at which time PO Artola states that he grabbed a hold of the subject in an attempt to complete the arrest process. The subject then immediately tensed his arms and began to pull them up and away from officers in an attempt to keep from being handcuffed. At that time PO Artola was assisted by PO's Andre, Nuzzo Schoenleber and Rosen in bringing the defendant to the ground in an attempt to effect his arrest. Once on the ground the subject refused numerous verbal commands to stop resisting arrest and to place his hands behind his back for handcuffing. The subject continued to flail his arms and attempted to curl his arms under his body in an attempt to keep from being handcuffed. At that time PO Andre used his department issued expandable baton to perform an arm bar/mechanical leverage on the subjects left arm in an effort to get it behind the subjects back for handcuffing. At no time did PO Andre strike the subject with the expandable baton. After a brief struggle the subject was successfully handcuffed and picked up from the ground and placed on his feet. It was a this time that the Officers noted that the subject had a small lump forming above

his left eye. The subject was then transported to 370 without further incident and both myself and Lt. Booth were advised of the minor injury.


At 370 the subject was identified as Samuel L. Hampton, who is known to this Sergeant to have a history of being uncooperative and Resisting arrest. I attempted to interview Mr. Hampton in regards to his injury, which consisted of a small lump on his left eyelid, however he was uncooperative and appeared intoxicated by some type of substance, whether it was alcohol or some type of narcotic is unclear. Mr. Hampton would only state that he was "kicked in the eye", but did not state by whom or when. On speaking with the Officers involved it does not appear that anyone involved struck Mr. Hampton in the eye area. It is possible that during the course of his arrest he may have been inadvertently struck and the Officers were not aware of it, or his eye area may have made contact with the hard frozen sidewalk during the course of his resisting arrest. Mobile Life was contacted and assessed Mr. Hampton at 370, however Mr. Hampton did not cooperate with their assessment

It should be noted that Mr. Hampton is a large individual, being approximately 6 feet 3 inches tall and weighing close to 260lbs, therefore the use of multiple Officers to effect his arrest was not in anyway abnormal.

After conducting this investigation I do not feel that there are any training issues that need to be addressed, nor do I feel that the incident could have been avoided. In dealing with this uncooperative and intoxicated subject I feel that the Officers showed good judgment and restraint and only used the minimum amount of force necessary to complete the authorized arrest of the subject.

A copy of all necessary reports are submitted with this investigation. (2) photos were also taken of Mr. Hamptons' eye area and were placed into evidence.

Respectfully Submitted,



Sgt. A. Welch #1038

1. Agency Middletown Police Dept		2. Division/Precinct		3. ORI New York State INCIDENT REPORT NY0350100			4. <input type="checkbox"/> Orig <input type="checkbox"/> Supp		5. Case No. CM-00131-11		6. Incident No. CM-000580-11		
7. Report Day Sat	8. Date Jan 8 2011	9. Report Time 01:09	10. Day Sat	11. Date Jan 8 2011	12. Time 01:09	13. Day Sat	14. Date Jan 8 2011	15. Time 01:09					
16. Incident Type FIELD INTERVIEW				17. Business Name				18. Weapon(s) DOES NOT APPLY				A. -	
19. Incident Address(Street No.,Street Name,Bldg. No.,Apt. No.) 120 NORTH ST						20. City,State,Zip( <input checked="" type="checkbox"/> C <input type="checkbox"/> T <input type="checkbox"/> V) MIDDLETOWN			21. Location Code 33			B.	
22. OFF. NO.	LAW	SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE			CTS	23. No. of Victims	C.
1	PL	205.30	-	A	M		O	RESISTING ARREST			1		
2	PL	240.20	-5	U	V		O	DISORDERLY CONDUCT			1	24. No. of Suspects 1	D. 47
3													
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.	
								BUS					
								RES.				G.	
								BUS				H.	
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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 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., Student, Other, Homeless, 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 AR	36. Name(Last, First, Middle) HAMPTON SAMUEL L			37. Alias/Nickname/Maiden Name(Last, First, Middle) SAM			38. Apparent Condition <input type="checkbox"/> Impaired Drugs <input type="checkbox"/> Mental Dis <input type="checkbox"/> Unk. <input checked="" type="checkbox"/> Impaired Alco <input type="checkbox"/> Inj/Ill <input type="checkbox"/> App Norm.						L.
39. Address(Street No., Street Name, Bldg., No., City, State, Zip)						40. Phone Res: Bus.:			41. Social Security No.			M.	
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 type="checkbox"/> Dark <input type="checkbox"/> Unk. <input type="checkbox"/> Medium <input type="checkbox"/> Other	48. Occupation MAINTANENCE						N. -	
49. Height 6 03	50. Weight 260	51. Hair BLK	52. Eyes BRO	53. Glasses <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Contacts. <input type="checkbox"/> No	54. Build <input type="checkbox"/> Small <input checked="" type="checkbox"/> Large <input type="checkbox"/> Medium	55. Employer/School		56. Address					
57. Scars/Marks/Tattoos(Describe) SCARS ON RIGHT ARM					58. Misc.							1	
59. Victim or <input type="checkbox"/> Suspect No.	Property Status	Property Type	Quantity/ Measure	Make or Drug Type	Model	Serial No.	Description			Value		2	
												3	
												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				6	
66. Veh. Yr.	67. Make		68. Model		69. Style		70. VIN.					7	
71. Color(s)		72. Towed By: To:			73. Vehicle Notes							8	
74. 1249:01/08/2011 01:09 -												9	
ON THE ABOVE DATE, TIME, AND LOCATION R/O WAS ON PATROL TRAVELING SOUTHBOUND ON												10	
NORTH ST AT COURTLAND ST WHEN R/O OBSERVED A MALE, LATER LEARNED TO BE SAMUEL												11	
HAMPTON (DEFENDANT) WALKING NORTHBOUND ON NORTH ST ON THE ROADWAY. R/O THEN												12	
OBSERVED TWO VEHICLES HAVE TO MAKE EVASIVE MANEUVERS TO AVOID STRIKING THE												13	
DEFENDANT AS HE WALKED ON NORTH ST. R/O THEN CONTINUED DRIVING AND THE DEFENDANT												0	
DID CROSS INTO THE SOUTHBOUND LANE OF TRAFFIC ON NORTH ST, RIGHT IN FRONT OF													
R/O'S VEHICLE.													
R/O DID CONDUCT A U-TURN AND AT THIS TIME THE DEFENDANT WAS WALKING NORTHBOUND													
75. Inquiries (Check all that apply). <input 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. NYS PIN Message No.		77. Complainant Signature						B use cover sheet	
78. Reporting Officer Signature (Include Rank)			79. ID No 1249 PO ARTOLA		80. Supervisor's Signature (include Rank)			81. ID No			85. 1		
82. Status <input type="checkbox"/> Vict. Refused to Coop. <input checked="" type="checkbox"/> Closed (if Closed, check box below). <input type="checkbox"/> Unfounded <input type="checkbox"/> CBI <input type="checkbox"/> Juv. - No Custody <input type="checkbox"/> Arrest-Juv. <input type="checkbox"/> Pros. Declined <input type="checkbox"/> Warrant Advised <input type="checkbox"/> Arrest. <input type="checkbox"/> Offender Dead. <input type="checkbox"/> Extrad. Declin <input type="checkbox"/> Unknown				83. Status Date Jan 8 2011		84. Notified/TOT					Page of. 2		
Pages													

INCIDENT NUMBER: 1249  
 SUSPECT NAME: SAMUEL L HAMPTON  
 OFFICER: PO ARTOLA  
 DATE/TIME: 01/08/2011 01:09  
 LOCATION: NORTH ST AT COURTLAND ST  
 OFFENSE: RESISTING ARREST, DISORDERLY CONDUCT  
 VEHICLE: MAINTANENCE  
 STATUS: Closed (if Closed, check box below)

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