



# 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: April 11, 2016**

**Re: PO Artola MVA w/ Car # 5. 16-9759**

I am in receipt of a Supervisor's Investigation from Lieutenant Booth and Sergeant Jennings, pertaining Police Officer Artola's involvement in an on duty MVA, with marked patrol car # 5.

On Saturday April 2nd, 2016, at approximately 2:28am, Officer Artola who was working a 12X8 patrol shift, assigned to marked patrol car # 5 was involved in a minor MVA. As Officer Artola was patrolling the area of Perla Escondida, 133 Wickham Ave., he observed one of the bar's security staff being assaulted by a male subject. After stopping his patrol car, and believing that he placed said vehicle in park, Officer Artola exited his patrol car to address the situation. While Officer Artola was effecting the arrest of the assailant, he observed his patrol car slowly roll forward, striking the side of Perla Escondida. At the time of this incident Brian Hurley, one of the Departments interns, from OCCC, was participating in a ride along, and was seated in the front passenger's seat of car # 5. Hurley did not report any injuries.

As a result of this incident car # 5 sustained minor damage to its front passenger's side fender area, consisting of scratches. Said damage does not require immediate repair and does not affect the operation/usability of the vehicle. The building at 133 Wickham Ave., did not sustain any damage.

In review of this incident, I believe that it is evident that Officer Artola did not secure his vehicle in park prior to exiting it, resulting in his vehicle rolling into the building. Fortunately no was hurt as a result of this incident, which I believe was avoidable. To my knowledge this is the first preventable accident Officer Artola has been involved in as a member of MPD, nonetheless it is still a violation of Departmental Policy, specifically OGO-005-11A/Police Vehicles - General Police Vehicle Operation: section A-2.

Respectfully Submitted

  
Lieutenant John Ewanciw

Bureau Commander of Operations



## CITY OF MIDDLETOWN POLICE DEPARTMENT

# Memo

**To: Lt. E. Ewanciw**

**From: Lt. G. Booth**

**Date: 4/4/16**

**Re: E# 16-9759**

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Sgt. Jennings submitted to me a supervisor's investigation regarding damage to patrol unit 5. I have reviewed the incident and feel that Sgt. Jennings completed a thorough investigation. The only additional item I recommended to Sgt. Jennings was to have secured a statement from Brian Hurley, the ride along.

I agree with Sgt. Jennings assessment that this accident was preventable and avoidable in that it is our duty to assure that public safety is given top priority and an unmanned rolling police vehicle is capable of causing a great deal of damage to persons and property. Fortunately that was not the case in this incident. Officer Artola is one of the most proactive members of this department, working in several capacities and assignments and his mistakes are rare. Officer Artola is aware of the mistake that he had made and I do not see any further training that needs to be addressed.

Respectfully submitted,  
Lt. George Booth / 974

*Lt. G. Booth*

# CITY OF MIDDLETOWN POLICE DEPARTMENT

## Memo

**Date:** April 2, 2016  
**To:** Lt. G. Booth  
**From:** Sgt. J. C. Jennings  
**Subject:** 16-9759

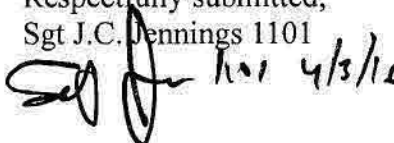
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On April 2, 2016, Officer Artola was operating marked patrol unit #5 and was accompanied by a department approved ride along, Brian Hurley. At approximately 0228 hrs, Officer Artola was patrolling Low Avenue near the Perla Escandida. While performing his patrol duties Officer Artola observed a male subject later identified as Michael Parkes, physically assaulting a uniformed security officer outside of the establishment. Officer Artola stopped, exited unit #5 and placed Parkes under arrest. Officer Artola did not realize that when he exited unit #5, he did not fully engage the transmission into the "park" position. This caused unit #5 to slowly roll and make contact with the Low Avenue side of La Perla Escandida. A security officer identified as Froilan Rodriguez was able to place unit #5 into "park" after the contact was made. No injuries were reported and unit #5 sustained some scuffing to the right, front quarter panel area. Due to the poor condition of the siding on the Perla Escandida, it is difficult to ascertain what damage occurred from the contact. The staff from the Perla Escandida have no complaints.

I took photos of the damage sustained to unit #5 as well as several photographs of the siding to the Perla Escandida. A photo log was completed and the memory card was placed into evidence. I directed Officer Artola to complete and submit a memo in regards to what had occurred. It is possible that the incident was captured on the city owned camera system. I completed a request for Digital/Analog Data Processing. Both, an MVA report and a City Involved Accident report as well.

As a result of this investigation, I believe that this accident was preventable and could have been avoided had the vehicle been placed fully into the "park" position. I verbally counseled Officer Artola on the importance of making sure that all department vehicles are operated in a safe manner, at all times with no exceptions. Officer Artola indicated that he understood the purpose of the counseling received and I do not believe that there are any training issues that need to be addressed at this time.

Respectfully submitted,  
Sgt J.C. Jennings 1101

 4/3/16

**CITY OF MIDDLETOWN POLICE DEPARTMENT**

**MEMO**

**TO: LT BOOTH**

**FROM: PO ARTOLA #1249**

**RE: Car #5 MVA**

**DATE: 04/02/2016**

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ON 04/01/2016 AT 2:28 AM, I WAS ON PATROL TRAVELING SOUTH BOUND ON LOW AVENUE WHEN I OBSERVED A MALE FIGHTING WITH SECURITY OUTSIDE OF THE FRONT DOOR TO PERLA ESCONDIDA. I OBSERVED THE MALE, IDENTIFIED AS MICHAEL PARKES, PUNCH A SECURITY GUARD. I THEN OBSERVED ANOTHER SECURITY GUARD PEPPER SPRAY PARKES. PARKES BACKED UP AND TOOK A FIGHTING STANCE WITH HIS FISTS CLENCHED AND HIS ARMS IN FRONT OF HIS UPPER CHEST AND FACE AREA. I INTENDED TO PARK PATROL VEHICLE 5 IN ORDER TO ASSIST SECURITY AND PLACE PARKES UNDER ARREST. I BELIEVED THE VEHICLE WAS IN PARK AS I EXITED THE VEHICLE AND APPROACHED PARKES.

AS R/O WAS PLACING PARKES UNDER ARREST R/O OBSERVED PATROL VEHICLE 5 SLOWLY ROLLING FORWARD AND REALIZED THE VEHICLE WAS NOT PROPERLY PARKED. SECURITY GUARD FROILAN RODRIGUEZ PARKED THE VEHICLE FOR ME AFTER IT HAD COME TO A STOP AGAINST THE SIDING OF PERLA ESCONDIDA. I HAD A RIDE-ALONG IN PATROL VEHICLE 5 DURING THIS TIME. THE RIDE-ALONG, BRIAN HURLEY, DID NOT REPORT ANY INJURIES.

I TRANSPORTED PARKES BACK TO MPD AND SPOKE WITH SGT JENNINGS REGARDING THE INCIDENT THERE.

RESPECTFULLY SUBMITTED,

*PO Artola 1249*

PO ARTOLA 1249

I N C I D E N T	1. Agency Middletown Police Dept		2. Division/Precinct New York State <b>INCIDENT REPORT</b>		3. ORI NY0350100		4. <input type="checkbox"/> Orig <input checked="" type="checkbox"/> Supp		5. Case No. CM-01763-16		6. Incident No. CM-009759-16							
	7. Report Day Sat		8. Date Apr 2 2016		9. Report Time 02:28		Occurred On/From: Sat Apr 2 2016 02:28		12. Time 02:28		15. Time 02:28							
	16. Incident Type FIGHT		17. Business Name PERLA ESCONDIDA				18. Weapon(s) DOES NOT APPLY											
A S S E S S I O N S	19. Incident Address(Street No.,Street Name,Bldg. No.,Apt. No.) 133 WICKHAM AVE					20. City,State,Zip( <input checked="" type="checkbox"/> C <input type="checkbox"/> T <input type="checkbox"/> V) MIDDLETOWN				21. Location Code 3601								
	22. OFF. NO.		LAW	SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE			CTS	23. No. of Victims				
	1		PL	240.20	-3				O	DISORDERLY CONDUCT			1	1				
V I C T I M	2		PL	265.02	-1	D	F	3	O	CRIMINAL POSSESSION OF A WEAPON THIRD			1	24. No. of Suspects				
	3		PL	120.00	-1	A	M	3	O	ASSAULT IN THE THIRD DEGREE//INTENT			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						
S U S P E C T	Type/No		NAME(LAST, FIRST, MIDDLE, TITLE)				Date of Birth		STREET NO., STREET NAME, BLDG. NO., APT. NO., CITY, STATE, ZIP				Telephone No.					
	VI		ROJAS, ANTELMO															
	WI		RODRIGUEZ, FROILAN															
V I C T I M	27. Date of Birth		178 Age		29. Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U		30. Race <input type="checkbox"/> White <input type="checkbox"/> Black <input checked="" type="checkbox"/> Other <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Unk.		31. Ethnic <input checked="" type="checkbox"/> Hispanic <input type="checkbox"/> Unk. <input type="checkbox"/> Non-Hispanic		32. Handicap <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		33. Residence Status <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Tourist <input type="checkbox"/> Student <input type="checkbox"/> Other <input type="checkbox"/> Commuter <input type="checkbox"/> Military <input type="checkbox"/> Homeless <input type="checkbox"/> Unk/Not Indicated					
	34. Victim DID receive information on Victim's Rights and Services pursuant to New York State Law <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																	
	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.							
S U S P E C T	AR		MILLIGAN, MICHAEL S				BOSS											
	39. Address(Street No., Street Name, Bldg. No., City, State, Zip)								40. Phone Res: Bus:									
	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 checked="" type="checkbox"/> Hispanic <input type="checkbox"/> Unk. <input type="checkbox"/> Non-Hispanic		47. Skin <input type="checkbox"/> Light <input type="checkbox"/> Dark <input type="checkbox"/> Unk. <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Other		48. Occupation NONE					
49. Height		50. Weight		51. Hair		52. Eyes		53. Glasses <input type="checkbox"/> Yes <input type="checkbox"/> Contacts. <input checked="" type="checkbox"/> No		54. Build <input type="checkbox"/> Small <input type="checkbox"/> Large <input type="checkbox"/> Medium		55. Employer/School NONE		56. Address NONE				
57. Scars/Marks/Tattoos(Describe) REFUSED																		
V E H I C L E	59. Victim or Suspect No.		Property Status		Property Type		Quantity/Measure		Make or Drug Type		Model		Serial No.		Description		Value	
	3		05		40		1.000		KINGSTON						MEMORY CARD		10.00	
			05		13		1.000								MEMORY CARD		10.00	
N A R R A T I V E	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			
	66. Veh. Yr.		67. Make				68. Model		69. Style		70. VIN.							
	71. Color(s)				72. Towed By: To:				73. Vehicle Notes									
A D M I N I S T R A T I V E	74. 1249:04/02/2016 02:28 -																	
	ON THE ABOVE DATE AND TIME R/O WAS ON PATROL ON LOW AVENUE WHEN R/O OBSERVED A MALE PUNCH ONE OF THE SECURITY GUARDS STANDING RIGHT OUTSIDE OF THE FRONT ENTRANCE TO PERLA ESCONDIDA AT 133 WICKHAM AVENUE. R/O THEN OBSERVED THE MALE GET SPRAYED BY ANOTHER SECURITY GUARD, LEARNED TO BE FROILAN RODRIGUEZ. THE MALE, LATER IDENTIFIED AS MICHAEL PARKES (DEFENDANT), THEN BACKED UP IN A FIGHTING STANCE WITH HIS FISTS CLENCHED AND HIS ARMS IN FRONT OF HIS UPPER CHEST AND FACE AREA. R/O INTENDED TO PARK PATROL VEHICLE 5 AND BELIEVED THE VEHICLE'S TRANSMISSION WAS PUT IN PARK. R/O EXITED THE VEHICLE AND IDENTIFIED SELF TO THE DEFENDANT AS THE MIDDLETOWN POLICE AND INSTRUCTED HIM TO PLACE HIS HANDS BEHIND																	
	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. NYSPIN 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 Page of 3 Pages				
82. Status <input type="checkbox"/> Vict. Refused to Coop. <input type="checkbox"/> CBI <input type="checkbox"/> Juv. - No Custody				<input checked="" type="checkbox"/> Closed(if Closed, check box below). <input checked="" type="checkbox"/> Arrest <input type="checkbox"/> Pros. Declined <input type="checkbox"/> Offender Dead. <input type="checkbox"/> Arrest-Juv. <input type="checkbox"/> Unfounded <input type="checkbox"/> Warrant Advised <input type="checkbox"/> Extrad. Declin <input type="checkbox"/> Unknown				83. Status Date Apr 2 2016				84. Notified/TOT						

