

CCRB INVESTIGATIVE RECOMMENDATION

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|--|--|---------------------------|---|------------------------------------|---------------------------------|
| Investigator: Kevin Nicholas | Team: Team # 8 | CCRB Case #: 200805005 | <input checked="" type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Saturday, 03/22/2008 4:45 PM | Location of Incident: Seventh Avenue and 9th Street Train Station | Precinct: 78 | 18 Mo. SOL 9/22/2009 | EO SOL 9/22/2009 | |
| Date/Time CV Reported Sat, 03/22/2008 4:55 PM | CV Reported At: IAB | How CV Reported: Phone | Date/Time Received at CCRB Mon, 04/07/2008 2:40 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |
| | | |

| Witness(es) | Home Address |
|-------------|--------------|
| | |

| Subject Officer(s) | Shield | TaxID | Command |
|---------------------------|--------|--------|---------|
| 1. POM Billy Randolphe | 19719 | 937341 | TB DT30 |
| 2. POM Joseph Abdelmessih | 01319 | 939839 | TB DT30 |
| 3. POM Junior Walters | 14810 | 943937 | TB DT33 |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|-------------------------|-----------|--------|----------|
| 1. SGT David Osbourne | 05034 | 930889 | TB DT30 |
| 2. POM James Garcia | 31355 | 936642 | TB DT30 |
| 3. SGT Lanier Glenn | 02778 | 923891 | TB DT30 |
| 4. POM Jeffrey Winfield | 14113 | 910708 | TB DT30 |
| 5. POF Suzanne Ransome | 21085 | 927394 | TB DT30 |
| 6. SGT Ronald Griffin | 02590 | 925393 | TB DT30 |
| 7. POF Francisca Pena | 00965 | 940560 | TB DT30 |
| 8. POF Carvel Alexander | 11516 | 939773 | TB DT30 |
| 9. POF Denise Marshall | 00893 | 943523 | TB DT33 |

| Officer(s) | Allegation | Investigator Recommendation |
|--------------------------|---|-----------------------------|
| A.POM Junior Walters | Force: PO Junior Walters used physical force against § 87(2)(b) | |
| B.POM Joseph Abdelmessih | Force: PO Joseph Abdelmessih used physical force against § 87(2)(b) | |
| C.POM Billy Randolphe | Force: PO Billy Randolphe used physical force against § 87(2)(b) | |

Synopsis

On March 22, 2008, witness § 87(2)(b) phoned in this complaint to IAB on behalf of § 87(2)(b) whom she did not know personally. On that same date at approximately 4:45 PM, § 87(2)(b) who is mentally challenged, was exiting the Seventh Avenue subway station in Brooklyn. § 87(2)(b) was feeling ill at the time because he is diabetic and had forgotten to take his medication. Because he was not feeling well, § 87(2)(b) admittedly acted out and pushed a nearby unknown female. She was subsequently identified as § 87(2)(b). Shortly thereafter, a few nearby uniformed police officers, including PO Billy Randolphe and PO Joseph Abdelmessih of Transit District 30, as well as PO Junior Walters of Transit Impact, began chasing § 87(2)(b). § 87(2)(b) ran up the station stairs and down the street. The officers caught up to § 87(2)(b) on the street and physically stopped him by holding onto him (**Allegations A, B and C**). According to § 87(2)(b) the officers also dragged § 87(2)(b) across the street, put him against a wall, and then put him on the ground (**Allegations A, B and C**). The officers handcuffed § 87(2)(b) and he was brought to the Transit District 30 stationhouse. Some time later, § 87(2)(b) was transported from the stationhouse to § 87(2)(b) where he was diagnosed with hyperglycemia and mental retardation.

§ 87(2)(g)
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§ 87(2)(g)

Summary of Complaint

§ 87(2)(b) He is mentally challenged, physically challenged and suffers from diabetes. § 87(2)(b) § 87(2)(b) made a statement to EMTs at the Transit District 30 stationhouse on March 22, 2008 (encl. 25 E), provided a brief phone statement to the CCRB on April 10, 2008 (encl. 5 A) and was interviewed at the CCRB on April 16, 2008 (encl. 6 A-M). Due to § 87(2)(b) speech impediment, his mother, § 87(2)(b) who did not witness the incident, was present during his phone statement and his interview and helped clarify some of what § 87(2)(b) said.

According to his ambulance call report (ACR) (encl. 25 E), § 87(2)(b) told EMTs that his “sugar is high” and he “last took meds this morning.”

On March 22, 2008 at 4:45 PM, § 87(2)(b) was walking through the Seventh Avenue subway station in Brooklyn. He was on his way to visit his father’s nearby workplace. Given his diabetic condition, § 87(2)(b) wasn’t feeling well because his blood sugar had gotten very high (“858”). In his phone statement, § 87(2)(b) explained that this happened because he did not take his insulin. While near the station booth, § 87(2)(b) interacted with a white Hispanic female (5’2”, heavy build) who spoke Spanish. § 87(2)(b) explained that the police later stopped him because of this interaction. § 87(2)(b) described this interaction, and the reason why the police stopped him, as follows: “Because I... the girl’s hair and I pushed and knocked the [glasses?] down by shake and I don’t mean to do that.” When § 87(2)(b) was asked in his interview why he did this to the woman, he replied, “Because my sugar was so high on that day.”

Some time later, two officers wearing black uniforms, a heavy black male officer and a heavy white male officer, began chasing after § 87(2)(b). These officers were identified respectively as being PO Junior Walters of Transit Impact and PO Joseph Abdelmessih of Transit District 30. These officers “tried to catch me and I tried to go to my father’s shop. [It was] my mom’s birthday. I wanted to go back... to my own house.” § 87(2)(b) went up the station’s stairs and exited onto the street, where he continued running on the sidewalk for about one block. PO Walters and PO Abdelmessih, caught up to him and “tried to hold me down” (**Allegations A and B**). Another officer, who § 87(2)(b) described only as a white male officer taller than himself, joined these officers and helped them (**Allegation C**). The investigation subsequently identified this officer as PO Billy Randolphe of Transit District 30, who is a black male. PO Walters tried to bring § 87(2)(b) arms behind his back in order to handcuff him. However, at one point, § 87(2)(b)

“tried to kick them and [say], ‘Leave me alone because I need to be somewhere’ ... I tried to kick them hard.” When § 87(2)(b) was asked in his interview if he understood at that point that they were the police, he said yes. § 87(2)(b) told the officers that he was not feeling well and that his sugar was very high. At some point, PO Walters and PO Abdelmessih pushed § 87(2)(b) against a nearby wall (**Allegations A and B**). Additional officers appeared at the scene. Ultimately, § 87(2)(b) was handcuffed at some point and the officers brought § 87(2)(b) to the transit stationhouse at Schermerhorn Station; § 87(2)(b) believed that it was Transit District 30.

When asked in his interview if he was complaining about anything else related to this incident, § 87(2)(b) said no. When asked whether any officers cursed at him or used bad language, § 87(2)(b) said no. When asked whether any officer said anything about kicking him or about trying to beat him up, § 87(2)(b) said no.

§ 87(2)(b) did not understand why he was arrested. The officers never said anything to him about the female inside the subway station. At some point, § 87(2)(b) father’s workers came to the arrest location and asked the officers why § 87(2)(b) had been arrested. In his phone statement, § 87(2)(b) specified that his father did not appear at the scene until after he was arrested. § 87(2)(b) did not know anyone who witnessed the incident.

In his interview, § 87(2)(b) denied requesting to see a doctor and initially denied having any injuries. § 87(2)(b) then pointed out, however, that after the incident, she noticed that § 87(2)(b) had scrapes, a contusion and a laceration on his right shoulder. During the interview, § 87(2)(b) pointed out the injury, which appeared to be a slightly visible bruise on § 87(2)(b) right shoulder.

§ 87(2)(b) explained that § 87(2)(b) was taken to § 87(2)(b) at some point while he was still in custody. Medical personnel determined that his blood sugar “was in excess of 800,” a level at which he could have possibly gone into a coma. When § 87(2)(b) was asked why the officers brought him to the hospital, his mother explained that “it was obvious he wasn’t well. He was disoriented, he was babbling and you could tell he wasn’t himself. He was frequently urinating.” § 87(2)(b) explained that § 87(2)(b) was also seen by a psychiatrist at the hospital while still in police custody.

When asked about the status of his court case, § 87(2)(b) stated that the authorities wanted him to go to jail for “seven years.”

§ 87(2)(b) feels that the officers could get better training in terms of dealing with someone with § 87(2)(b) disabilities. She feels that they should have gotten him medical attention rather than arresting him.

Results of Investigation

Complainant/Witness Statements – § 87(2)(b)

§ 87(2)(b) indicated that she has had extensive experience in working with developmentally-disabled individuals: she majored in special education as an undergraduate student, worked at residences for the developmentally-disabled in the past, and has a son who is developmentally-disabled. She phoned in a complaint to the IAB Command Center on March 22, 2008 (encl. 8 A and IAB Intake CD), provided a phone statement on June 9, 2008 (encl. 9 A-B) and was interviewed at the CCRB on July 1, 2008 (encl. 10 A-G). § 87(2)(g)

On Saturday, March 22, 2008 at approximately 4:45 PM, § 87(2)(b) was out shopping by herself and walking south along the eastside of Seventh Avenue in Brooklyn. Before she reached the corner of 9th Street, she heard someone loudly screaming, “I didn’t do it! I didn’t do it! Please call my daddy! Please call my daddy!” From the voice alone, it sounded as though the person had a speech impediment or was developmentally-disabled. Upon reaching the 9th Street corner, she saw a black male officer in blue

uniform, PO1 (medium build, average height, 20s-mid 30s). From the description she provided, it was not possible to determine which black male officer § 87(2)(b) saw at the scene, whether it was PO Walters or PO Randolphe. She also saw a Hispanic male officer in blue uniform (medium build, average height, 20s-mid 30s), subsequently identified as PO Abdelmessih. In her IAB intake call, § 87(2)(b) described both officers at the scene as black males. Both PO1 and PO Abdelmessih were dragging a somewhat-small-sized unknown young male, later identified during the investigation as § 87(2)(b) on the sidewalk at the same corner (**Allegations A, B and C**). § 87(2)(b) stated in her interview that she did not get a good enough look at the officers to provide detailed descriptions. She did not know whether they were transit or precinct officers and did not get any of their names or shield numbers.

The officers and § 87(2)(b) were about 20 feet away from the subway entrance. PO1 and PO Abdelmessih each held one of § 87(2)(b) arms and pulled him across Seventh Avenue so that his body was completely horizontal to the ground and dragging along the street (**Allegations A, B and C**). In her phone statement, § 87(2)(b) said that the officers held § 87(2)(b) underneath his arms while moving him. It seemed to § 87(2)(b) that § 87(2)(b) could have sustained injuries from the manner in which he was dragged across the ground. Furthermore, § 87(2)(b) could not understand why the officers brought § 87(2)(b) across Seventh Avenue in the first place because there did not appear to be any advantage in doing this; there was no police car over there and there were just as many people on that side of the street.

The officers dragged § 87(2)(b) up onto the sidewalk at the west side of Seventh Avenue. They then put him upright, likely face-first (she was not sure), against a pizzeria's large glass window next to another subway entrance. § 87(2)(b) did not notice whether the police just placed him against the window or pushed him against it. In her call to IAB, § 87(2)(b) specifically said that the officers pushed § 87(2)(b) against the wall. § 87(2)(b) was flailing his body and "screaming and struggling."

§ 87(2)(b) was screaming so much that a crowd immediately gathered. Other people nearby screamed that § 87(2)(b) should be moved away from the window because he might break it. Immediately thereafter, PO1 and PO Abdelmessih flipped § 87(2)(b) onto the ground (**Allegations A, B and C**). § 87(2)(b) did not see how exactly the officers did this but, while still across the street, she heard what sounded like "some body part hitting concrete." In her call to IAB, § 87(2)(b) alleged that the officers threw § 87(2)(b) to the ground. She never actually figured out which area of § 87(2)(b) body made contact with the ground when he fell. § 87(2)(b) did not know whether § 87(2)(b) was handcuffed at this point. § 87(2)(b) moved away from the scene by crossing to the far street corner. § 87(2)(b) explained in her interview that she would have preferred to leave the scene altogether, but her conscience was bothering her at this point because she was concerned about § 87(2)(b) safety.

To get closer to the scene, § 87(2)(b) walked back to the original corner where she had initially seen § 87(2)(b) and the officers. From across the street, she observed that § 87(2)(b) was on the ground on his stomach and handcuffed. At this point, "the [the officers] had him securely down" but § 87(2)(b) could not describe in her interview how exactly they were holding him down. The officers repeatedly told § 87(2)(b) to calm down and take it easy. However, it was apparent that § 87(2)(b) was incapable of calming down; he continued squirming around and screaming loudly. § 87(2)(b) never saw § 87(2)(b) actually kick an officer "but I could imagine that he would have tried to because he was kicking his feet the entire time he was on the ground."

§ 87(2)(b) screams became increasingly loud. Out of growing concern, § 87(2)(b) crossed the street again, this time to the same corner where the officers currently had § 87(2)(b). A crowd of at least 50-60 people gathered. § 87(2)(b) could not identify any other witnesses at the scene. § 87(2)(b) began walking away, but given to the loudness of § 87(2)(b) cries, the manner in which he was speaking, and the fact that the officers had dragged him, she remained concerned. She approached PO1 and PO Abdelmessih and asked them if they had called for an ambulance or sought medical attention. § 87(2)(b) was uncertain at the time of her interview which officer responded, but believed it was likely PO1, who "was very polite," and answered yes. This officer was still holding § 87(2)(b) down.

It was at this time that § 87(2)(b) got a better look at § 87(2)(b). It was evident to her that § 87(2)(b) was either significantly mentally ill or developmentally disabled. The tone of his voice and affect were not

normal, he “was much more agitated than the average person would have been if they were getting arrested,” he was dressed in an atypical manner for his age, and it appeared he might be crying.

§ 87(2)(b) remained at the scene and about five minutes later, two patrol cars appeared. She managed to get the vehicle number for one of them and believed it was from the 78th Precinct. In her IAB intake call, § 87(2)(b) provided the car number as 1559. The officers in this vehicle did not exit and § 87(2)(b) had no idea what they looked like. Plainclothes officers also appeared. § 87(2)(b) spoke to one of these officers who appeared to be a detective, PO2 (Italian or Hispanic male, wearing a brown suit with tie).

PO2 was telling PO1 and PO Abdelmessih what to do and it seemed like PO2 was in charge. These were the only three officers § 87(2)(b) saw at the scene. § 87(2)(b) asked PO2 if the officers had called for medical attention for § 87(2)(b). PO2 responded, “Well, you know he punched somebody, don’t you?” In her IAB intake call, § 87(2)(b) said that PO2 screamed this at her. § 87(2)(b) replied that she had no idea what § 87(2)(b) had done, but it was irrelevant to the fact that he now required medical attention. § 87(2)(b) explained to PO2 that she has a developmentally-disabled son and it was obvious to her that § 87(2)(b) was out of control and needed medical attention.

§ 87(2)(b) waited for a few minutes but no ambulance arrived. At that point, she called 311. Two male onlookers approached § 87(2)(b) and began yelling at her. They told her that she should not complain about the police because she had not seen what had happened. In order to get away from these individuals, § 87(2)(b) crossed over to the far street corner. The 311 operator then transferred § 87(2)(b) to the Police Department, possibly to Internal Affairs. § 87(2)(b) provided a statement to a female officer. At some point during her call, about five minutes after the first patrol car appeared, § 87(2)(b) saw an ambulance arrive. § 87(2)(b) felt better now that medical personnel were present. § 87(2)(b) ended her phone call with Internal Affairs and left the scene. She did not see whether the officers put § 87(2)(b) inside the ambulance or a police car. She had been at the scene for about 15 minutes total; during that entire time, § 87(2)(b) had been screaming at the top of his lungs.

§ 87(2)(b) never saw any visible injuries on § 87(2)(b) but added that she did not look that closely. She believed that § 87(2)(b) continuous screaming was due to his mental state.

In her call to IAB, § 87(2)(b) reported that a male witness had claimed to hear an officer saying at one point to § 87(2)(b) “If you don’t stop, I’m going to kick the shit out of you;” § 87(2)(b) did not actually hear this. In her interview, however, § 87(2)(b) made no mention of this. When she was asked in her interview whether another person at the scene claimed to have heard an officer say anything rude to § 87(2)(b) or threaten him with force, she answered no.

§ 87(2)(b) emphasized towards the end of her interview that she believes the officers at the scene could have used more training in learning how to deal appropriately with people who are developmentally-disabled. She agreed that it was appropriate to handcuff § 87(2)(b) given the circumstances, but it seemed to her that PO1 and PO Abdelmessih had no idea what they were doing when it came to restraining and transporting § 87(2)(b). In her phone statement, § 87(2)(b) said the following: “It looked clearly to me like a lack of training - it did not look to me like any mal-intent on their part. They just did not know what to do with this guy.” § 87(2)(b) does not believe that these officers should be brought up on charges but believes that they should receive more training.

Officer Statements – PO Billy Randolphe

PO Billy Randolphe is a 6’2”, 160-pound, § 87(2)(b)-old black male with black hair. On March 22, 2008, he worked an 11:30 AM by 8:05 PM tour and was patrolling the F line. He was working with PO Abdelmessih. He was in uniform and was on foot.

PO Randolphe had the following memo book entries (encl. 11 A-D): “*1645: 10-12 x 1 (‘police officer/security holding suspect’) for Assault 3 @ 7th Ave train station mezzanine 9th St. exit, § 87(2)(b) D.O.B. § 87(2)(b) Age § 87(2)(b) punched § 87(2)(b) D.O.B. § 87(2)(b) w/ a closed fist causing bruising, swelling, and redness to the left side of her face then deft. picked her up and threw C/V

(complainant/victim) to the ground causing a bruise & redness to her left elbow & forearm. *1751: gave § 87(2)(b) property to his mother § 87(2)(b) which consist[s] of his house key & change purse (black), 5 metro cards and 1 library card [and] 3 lottery tickets. [§ 87(2)(b) signature]. 2010: Arrest # § 87(2)(b) and the photos of the bodily injuries are vouchered in security envelope #§ 87(2)(b) & invoice #§ 87(2)(b) 2357: just spoke to ADA Jessica Hon. Told to standby for release time. 0100: E.O.T. (end of tour).”

PO Randolphe prepared the complaint report (UF-61) (encl. 12 A-B) in regards to this incident. It indicates that the incident happened in the subway station’s ‘walkways’ and that the complaint was received as a pick-up. It indicates that Sgt. Osbourne was the ‘supervisor on scene.’ It contains the following narrative:

“§ 87(2)(b), § 87(2)(a) 160.50
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(b) The report identifies the victim/reporter as § 87(2)(b) a § 87(2)(b) -old white female.

PO Randolphe prepared the AIDED report for § 87(2)(b) (encl. 13 A-E). It indicates that she refused medical aid. The narrative mirrors that which appears in the UF-61, but specifies that § 87(2)(b) “punched” § 87(2)(b) on the left side of her face.

PO Randolphe prepared the arrest report for § 87(2)(b) (encl. 14 A-C). It contains the same narrative as the UF-61. It indicates that § 87(2)(b) ‘physical condition’ was ‘unknown.’ Under ‘characteristics,’ PO Randolphe noted that § 87(2)(b) had a ‘speech impairment/stutter.’ The report also specifies that his ‘relation to victim’ was ‘stranger.’ The report states that § 87(2)(b) used physical force during his arrest and that his ‘method of flight’ was listed as the ‘subway stairs.’ PO Randolphe recorded that he himself used physical force to affect the arrest in order to ‘restrain/control/remove’ § 87(2)(b) PO Randolphe charged § 87(2)(b) with one count of § 87(2)(b), § 87(2)(a) 160.50

PO Randolphe prepared the arrest evidence property voucher (encl. 15 A) for three photos of § 87(2)(b) s injuries.

PO Randolphe was interviewed at the CCRB on July 22, 2008 (encl. 16 A-C).

On March 22, 2008 at approximately 4:45 PM, PO Randolphe was inside the Seventh Avenue station. Also present with him were PO Abdelmessih and two unknown rookie impact officers, whom he described as a black male and a black female. These officers were subsequently identified respectively as PO Junior Walters and PO Denise Marshall of Transit Impact. Suddenly, PO Randolphe heard a woman screaming. PO Randolphe looked in the direction of the screaming and saw a female victim lying on the ground near the MTA ticket machines (right near the turnstiles). The officers immediately ran to her aid. PO Randolphe did not actually see what caused her to scream. The woman was holding her face and crying. She had visible injuries, including bruising, swelling and scratches on her face, arms and elbow. She was subsequently identified by the officers as § 87(2)(b) § 87(2)(b) told the officers that she had just been punched in the face for no reason and slammed to the ground. She told them that the suspect had fled the station, and at that point, other people present in the station pointed towards the exit on the 9th Street side, indicating the direction in which the suspect had fled.

PO Randolphe, PO Abdelmessih and PO Walters ran upstairs. PO Marshall remained with § 87(2)(b) § 87(2)(b) inside the station. Once they got to the street level, a few pedestrian witnesses pointed out the suspect to them. The suspect, who was later identified as § 87(2)(b) was already across the street. The officers caught up to him pretty quickly. PO Randolphe and PO Walters went to opposite sides of him and held onto him by his arms. § 87(2)(b) physically resisted by kicking his legs and flailing his arms. PO Randolphe never alleged that § 87(2)(b) struck the officers at any point. Nevertheless, the officers had difficulty handcuffing him.

PO Randolphe and PO Walters continued holding onto § 87(2)(b) arms and brought him across the street. The officers did this because they wanted to bring § 87(2)(b) back to the vicinity of the crime

location and have § 87(2)(b) do a confirmatory show-up. PO Randolphe and PO Walters encountered difficulty when bringing § 87(2)(b) across the street. At different points they would have to literally carry him because he did not want to walk. § 87(2)(b) was staggering and dragging across the ground “a little bit.” At no point was § 87(2)(b) body completely horizontal with the ground and at no point was he dragged across the ground in such a manner. The officers brought § 87(2)(b) over to the subway staircase and a nearby pizzeria. PO Randolphe denied that the officers ever put § 87(2)(b) against a wall. There was no wall in the immediate vicinity because they were situated right near the subway staircase. Due to the fact that § 87(2)(b) continued kicking, the officers had to bring him to the ground in order to handcuff him. The officers did this by holding him, “[taking] him off his feet” and placing him on the ground with minimal force used. PO Randolphe later clarified that the officers simply pulled § 87(2)(b) to the ground while holding onto his arms. PO Randolphe denied that § 87(2)(b) made hard impact with the ground.

§ 87(2)(b) continued kicking and being loud and boisterous. The officers used minimal force to restrain him. § 87(2)(b) repeatedly screamed that he had not done anything and asked to be allowed to leave. A crowd of people gathered. PO Abdelmessih quickly helped PO Randolphe and PO Walters handcuff § 87(2)(b). PO Abdelmessih then left to help PO Marshall with § 87(2)(b).

The officers called for backup, which soon appeared in vehicles. Sgt. Osborne and Sgt. Griffin (who was in charge of the impact unit that day) appeared at the scene. Both these officers were in uniform. An unknown off-duty officer in street attire also appeared at the scene. The off-duty officer happened to be in the vicinity at the time and informed PO Randolphe that he was off-duty. At some point, an ambulance arrived for § 87(2)(b).

PO Randolphe did not remember a white female ever approaching and asking if they had gotten medical attention for § 87(2)(b). PO Randolphe never saw Sgt. Osborne, Sgt. Griffin or the off-duty officer having any conversation with any civilians at the scene.

§ 87(2)(b) did not have any visible injuries. No officers sustained injuries. The officers brought § 87(2)(b) back to the stationhouse where § 87(2)(b) positively identified him as the individual who assaulted her. No ambulance was ever called for § 87(2)(b) because he did not need any medical attention. He was put inside a cell and PO Randolphe proceeded to complete his arrest paperwork. § 87(2)(b) continued to be irate while inside the cell.

When PO Randolphe was asked in his interview if he ever got the impression that § 87(2)(b) might have some type of mental illness, he said that “in the heat of the moment,” when he was arresting § 87(2)(b) he did not. It was only after everything calmed down and the officers brought § 87(2)(b) back to the stationhouse that PO Randolphe got the impression that § 87(2)(b) might be mentally disabled. This was because, even after PO Randolphe would explain something to § 87(2)(b) he would repeatedly ask PO Randolphe the same questions.

When PO Randolphe was asked if he or any officer told § 87(2)(b) “If you don’t stop I’m going to kick the shit out of you,” PO Randolphe said that he did not recall that. PO Randolphe denied that any officer used profanity when speaking to § 87(2)(b).

Officer Statements – PO Joseph Abdelmessih

PO Joseph Abdelmessih is a 5’9”, 175-pound, § 87(2)(b)-old white male with black hair. On March 22, 2008, he was working with the fifth platoon, 11:30 AM till 8:05 PM. He was assigned to the F line, from the York Street station in Brooklyn to the Church Avenue station in Brooklyn. He was working a solo foot post and was in uniform. He had the following memo book entries (encl. 17 A-C): “1639: Assist 10-12 (police officer/security holding suspect) x 1 Assault. 7th Ave. Perp fled top side. 1716: 10-84 (arrived at scene) @ TD30. 1800: Transport perp to LICH (§ 87(2)(b)) 1816: 10-84 @ § 87(2)(b) 1900: Called to TD30 for relief. 2000: Relieved by PO Gil 5363”

PO Abdelmessih was interviewed at the CCRB on November 26, 2008 (encl. 18 A-C) § 87(2)(g)

On March 22, 2008 at approximately 4:45 PM, PO Abdelmessih, PO Randolphe and other units were inspecting the Seventh Avenue station when they heard screaming. PO Abdelmessih did not actually see § 87(2)(b) being assaulted. Later in his interview, PO Abdelmessih said that PO Randolphe was the only other officer with him at the beginning of this incident.

PO Abdelmessih did not actually see § 87(2)(b) at this point, but PO Abdelmessih and PO Randolphe proceeded up the stairs in the direction a witness had indicated. The officers called the job over the radio and additional unknown officers went with them. PO Abdelmessih did not know whether any officer stayed with § 87(2)(b) at this time. Once PO Abdelmessih and PO Randolphe got to street level, a second witness, who also ran up the stairs, pointed out § 87(2)(b) who was already across the street.

PO Abdelmessih and PO Randolphe caught up to § 87(2)(b) at almost the same time. PO Abdelmessih grabbed § 87(2)(b) by his clothing near the back of his neck. PO Abdelmessih put one cuff on § 87(2)(b) but was unable to cuff the other hand because § 87(2)(b) moved his hand up and away from his body. At this point, PO Randolphe helped PO Abdelmessih cuff § 87(2)(b) other hand. PO Abdelmessih, PO Randolphe and other unknown officers brought § 87(2)(b) across the street by just walking him on his two feet; § 87(2)(b) was never dragged across the street.

When the officers attempted to bring § 87(2)(b) into the train station, he began acting up; while near a pizzeria, § 87(2)(b) went to the ground on his own and began kicking. No officer physically brought him to the ground. Because the incident unfolded so quickly, PO Abdelmessih could not recall whether § 87(2)(b) fell hard to the ground. PO Abdelmessih believed that § 87(2)(b) may have struck another officer when kicking. All of the officers attempted to pick § 87(2)(b) up and get him to stand, but he refused. PO Abdelmessih did not know whether § 87(2)(b) was ever put against a wall. Because § 87(2)(b) soon began crying and calling for his mother, it became apparent to PO Abdelmessih that § 87(2)(b) was emotionally disturbed and mentally ill. No officer at the scene used any profanity or any discourteous language when addressing § 87(2)(b). No officer threatened § 87(2)(b) with the use of force.

While § 87(2)(b) was still on the ground, PO Abdelmessih went back downstairs to the station to find out whether § 87(2)(b) wanted to go to the hospital. PO Randolphe and other unknown officers remained on the street level with § 87(2)(b). Because the job involved an assault, numerous units appeared. All of these units were in uniform and included a few transit impact units and some 78th Precinct units. PO Abdelmessih did not know the names of the impact officers. PO Abdelmessih could not remember a black male officer or a black female officer being present at any point. Both Sgt. Osbourne and Sgt. Griffin from Transit District 30 arrived at the scene. Sgt. Griffin arrived in a marked van and conducted the prisoner transport. PO Abdelmessih could not remember an off-duty plainclothes officer appearing.

It took some time for the ambulance to respond, so the officers kept § 87(2)(b) at one staircase and § 87(2)(b) at the other. PO Abdelmessih remembered a lot of people being at the scene; he specifically remembered a white female telling the officers that they should get § 87(2)(b) to the hospital. However, PO Abdelmessih was far away when he heard this because he was standing with § 87(2)(b). § 87(2)(b) later told the officers that § 87(2)(b) who she did not know personally, had pushed her and punched her in the face, causing her to fall to the ground.

§ 87(2)(b) was transported back to the transit district stationhouse. § 87(2)(b) mother, § 87(2)(b) later appeared at the stationhouse, explained who she was, and confirmed that § 87(2)(b) was mentally ill. The officers then took § 87(2)(b) to the hospital per procedure. At the hospital, he was found to have no physical injury. The main issue was that § 87(2)(b) blood sugar was around 800, which had made § 87(2)(b) hyperactive. PO Abdelmessih believed that § 87(2)(b) stayed in the hospital for about two days so that medical personnel could get his blood sugar under control.

Officer Statements – PO Junior Walters

PO Junior Walters is a 6'2", 230-pound, § 87(2)(b) -old black male with black hair. He is currently assigned to Transit District 33 but at the time of the incident he was assigned to Transit Impact. On March 22, 2008, he worked an 11:30 AM by 8:05 PM tour. He was assigned to transit patrol on the F line from Jay Street to Kings Highway. He was working with PO Marshall. He was in uniform. They were on foot. His supervisor was Sgt. Jesse.

He had the following memo book entries (encl. 22 A-B): "1701: Omitted entry. Assisted P.O. Randolphe from TD30 for 12x1 (police officer/security holding one suspect) for Assault 3. Complaint states male did punch, push her to the ground. [They're] strangers. TD30 Sgt. 10-84 (arrived at scene) @ scene. Complaint was escorted back to TD30. Perp was calling out for his father."

PO Walters was interviewed at the CCRB on March 3, 2009 (encl. 23 A-C). § 87(2)(g)

On March 22, 2008, PO Walters and PO Marshall heard someone screaming inside the train station. When they responded, they found § 87(2)(b) lying on the floor. Another officer, who PO Walters identified by name as PO Randolphe of TD-30, also appeared. PO Walters could not remember whether there were any other officers present. § 87(2)(b) told the officers that someone had pushed and hit her and pointed in a certain direction; PO Walters could not tell what she was pointing at because PO Randolphe was blocking his view.

PO Walters and PO Randolphe went up the stairs and saw § 87(2)(b) running out of the train station exit. PO Walters did not remember whether an officer stayed with § 87(2)(b) at this time. PO Randolphe chased after § 87(2)(b) and PO Walters followed. PO Randolphe first caught up to § 87(2)(b) PO Walters did not see how PO Randolphe physically stopped him. § 87(2)(b) resisted by throwing his body around and screaming out for his father. Due to his behavior, it appeared that § 87(2)(b) was emotionally disturbed. As a result, PO Randolphe had difficulty handcuffing him. PO Walters caught up to them a couple of seconds later. PO Walters helped PO Randolphe and they were able to successfully handcuff § 87(2)(b)

PO Walters and PO Randolphe wanted to bring § 87(2)(b) back to the subway so that they could call for a sergeant. They began escorting § 87(2)(b) by holding onto either side of him. PO Walters was not sure, but did not think that any other officers were involved. PO Walters did not remember whether they had to cross a street to do this. § 87(2)(b) acted belligerent and remained uncooperative by throwing his body around. PO Walters could not remember whether § 87(2)(b) willingly walked or whether he refused to walk. PO Walters denied that the officers ever lifted § 87(2)(b) up off the ground while escorting him. PO Walters did not remember dragging § 87(2)(b) on the ground, or § 87(2)(b) being completely horizontal with the ground.

PO Walters did not remember whether the officers put § 87(2)(b) against the wall or the window. The officers tried to use the minimal amount of force necessary to prevent § 87(2)(b) from hurting himself since he continued to throw his body around and kick. The officers waited for a sergeant to appear. PO Walters could not recall at what point the first sergeant arrived.

§ 87(2)(b) went to the ground around this time and was lying on his side. PO Walter did not recall how § 87(2)(b) went to the ground – whether he was brought to the ground by officers or whether he fell. He did not believe that § 87(2)(b) went hard to the ground. The officers tried to restrain § 87(2)(b) on the ground because he "was kicking everybody" and moving his legs around. PO Walters believed that § 87(2)(b) may have kicked PO Randolphe. The officers restrained § 87(2)(b) by holding him down. PO Walters helped to restrain § 87(2)(b) by placing one hand on him. PO Marshall was present but she was not physically involved. At some point, other officers arrived at the scene. PO Walters could not remember which supervisors responded. PO Walters did not accompany § 87(2)(b) to the district stationhouse.

§ 87(2)(b) screamed through a large part of the interaction. PO Walters never saw any visible injuries on § 87(2)(b) PO Walters recalled a female at the scene approaching and addressing the officers. However,

PO Walters was not really focused on what she was saying because his attention was focused on § 87(2)(b). He could not recall having any conversation with the female.

PO Walters denied that any officers used profanity at the scene. No officer said to § 87(2)(b) “If you don’t stop, I’m going to kick the shit out of you.”

Officer Statements – Sgt. David Osbourne

Sgt. David Osbourne is a 5’10”, 185-pound, § 87(2)(b)-old black male with black hair. On March 22, 2008, he worked a 2:50 PM by 11:47 PM tour and was the patrol supervisor. He was working solo that day – he did not have an operator. He was in uniform and traveling in RMP #1559, a marked patrol car. He had the following memo book entries (encl. 19 A-B) regarding the incident: “1649 – 7th Ave – 9th – 1 Arrest. 1710 – 98 (‘resuming patrol’). 1730 – PO Fernandez Log #0812048.”

Sgt. Osbourne provided a statement to IAB on March 22, 2008 (encl. 20 A and IAB Intake CD) and was interviewed at the CCRB on December 3, 2008 (encl. 21 A-B). His statement generally corroborated the later aspects of the other officers’ statements.

On March 22, 2008 at approximately 4:45 PM, Sgt. Osbourne heard a job come over the radio for a 10-12 (police officer/security holding suspect) from one of his officers who had just made an arrest. In his statement to IAB, Sgt. Osbourne said that he heard screaming over the radio at this time. Sgt. Osbourne responded in order to verify the arrest and upon arrival, he observed PO Randolphe and PO Abdelmessih on the street level with § 87(2)(b) in handcuffs. § 87(2)(b) was standing still and not doing much. At some point, Sgt. Osbourne saw § 87(2)(b) and she had a big bruise to the side of her face. She also had an expensive pair of glasses which had been broken on the floor when § 87(2)(b) stomped on them. Sgt. Osbourne spoke to PO Randolphe and PO Abdelmessih. They told him that they had witnessed § 87(2)(b) push § 87(2)(b) down the stairs. They then handcuffed him and radioed for a sergeant. Sgt. Osbourne requested EMS for § 87(2)(b). Sgt. Osbourne could not remember what other units, if any, were present.

Sgt. Osbourne did not recall speaking to any female civilians at the scene. Sgt. Osbourne never saw the officers at the scene use any physical force against § 87(2)(b). Sgt. Osbourne never saw the officers at the scene bringing § 87(2)(b) across Seventh Avenue. Sgt. Osbourne never heard any officers use profanity.

In his CCRB interview, Sgt. Osbourne denied that § 87(2)(b) ever went to the hospital. In his statement to IAB, however, he reported that § 87(2)(b) was on his way to the hospital. § 87(2)(b) did not have any visible injuries and did not ask to go to the hospital. Sgt. Osbourne asked him several times if he was OK and § 87(2)(b) said he was alright. § 87(2)(b) father appeared and confirmed that § 87(2)(b) was alright. When asked in his interview if there was anything that stood out regarding § 87(2)(b) mental status, Sgt. Osbourne answered yes – his father had said that § 87(2)(b) was on psychiatric medication, and that this may have caused him to randomly attack § 87(2)(b). In his statement to IAB, Sgt. Osbourne reported that it appeared to him that § 87(2)(b) might be mentally retarded.

After Sgt. Osbourne resumed patrol, he received a call to 10-01 (call your command). Upon calling his command, he was told to call IAB. He spoke to PO Fernandez at IAB who said that she had just received a complaint. Sgt. Osbourne provided her with the details of the incident.

In his statement to IAB, Sgt. Osbourne specified that no officers touched § 87(2)(b) while he was present. He also told IAB that § 87(2)(b) was acting in an EDP manner.

Officer Statements – Sgt. Ronald Griffin

Sgt. Ronald Griffin is a 6’1”, 210-pound, § 87(2)(b)-old black male with black hair. His memo book entries (encl. 24 A-C) contain no reference to the above incident. However, he had the following entries around the time of the incident: “1650: Visited P.O.s Walters + Marshall at 7th Ave.”

Ambulance Call report and FDNY SPRINT

The FDNY SPRINT (encl. 25 C) indicates that on March 22, 2008 at approximately 4:54 PM, EMS received the following message from the PD at 141 Schermerhorn Street: "TA (Transit Authority) sts (states) M/unlk age (male with unknown age) violent at loc (location) /// poss EDP (emotionally disturbed person) /// NFI (no further information)."

The ambulance call report (encl. 25 D-E) indicates that EMS was assigned to the job at 4:55 PM and was on the scene at 4:57 PM. EMS found § 87(2)(b) alert and oriented and handcuffed by NYPD. As mentioned above, § 87(2)(b) told EMS that his "sugar is high and last took meds this morning." § 87(2)(b) was "acting out, screaming, and banging on cell doors." § 87(2)(b) was positive for polyuria (excessive urination) and polydipsia (excessive thirst). A review of his medication indicated that § 87(2)(b) was on Humulin (insulin used to control diabetes) and Depakote (used to treat seizure disorders, certain psychiatric conditions, and to prevent migraines). His presumptive diagnosis was hyperglycemia. The report makes no mention of any physical injuries. § 87(2)(b) was taken to the hospital without incident while being restrained by PD.

§ 87(2)(b) Records

The hospital records for § 87(2)(b) (encl. 26 A-III) indicate that he was brought in for strange behavior (this was listed as the chief complaint) and was in NYPD custody. The nursing chart indicates that § 87(2)(b) was brought in by ambulance and suffered from excessive thirst and urination. He was found to have a glucose level of 858 milligrams. According to WebMD (encl. 37 A-B), people with diabetes typically have blood sugar levels between 200 and 350 milligrams (anything over 350 mg. is considered high). All of § 87(2)(b) other blood tests were negative. The physician concluded that § 87(2)(b) had likely not taken his medication as required. According to his mother, § 87(2)(b) was "acting loopy" and "does not typically exhibit violent behavior except when teased." His mother said that § 87(2)(b) typically takes his own insulin. The medical evaluation found that § 87(2)(b) had no acute distress. On the clinical database assessment for the following day (when § 87(2)(b) was discharged from the hospital) it contains the following note: "VICTIM OF VIOLENCE DENIES." The hospital documents contain no mention of physical injuries. Ultimately, § 87(2)(b) was diagnosed with the following: hyperglycemia, epilepsy, history of past noncompliance, mild mental retardation, and attention deficit disorder with hyperactivity.

SPRINT Printout and Communications CD

According to the SPRINT printout (encl. 27 A-E), at 4:45 PM, a foot post unit from Transit District 34 (39PP1) called in that they had one under at the location. At 4:46 PM, a transit foot post from District 30 (30 XP 29) requested EMS and a sergeant at the scene for a violent male EDP. This unit added that they had the complainant at this location. At 4:47 PM, sector D of the 78th Precinct (sect 78 D) called for no further units. At the same time, the District 30 foot post reported that the situation was under control and that they had four units at the scene. A District 30 sergeant who arrived at 4:48 PM also called for no further units. The District 34 foot post unit resumed patrol almost immediately thereafter. EMS and Sector A of District 34 (37A) arrived at 4:49 PM. At 4:51 PM, a District 30 sergeant requested that EMS respond to the District 30 stationhouse at Hoyt and Schermerhorn for the male perpetrator. At 4:55 PM, a District 30 sergeant transported the perpetrator to District 30. At 5:02 PM, a sergeant advised all units to resume patrol. At 5:03 PM, a District 30 sergeant reported via landline that all officers were accounted for and that the perpetrator and complainant were being transported back to District 30. At 5:06 PM, it was reported that the District 30 foot post would take the arrest. At 5:14 PM, a call went out to have a transit sergeant call IAB via landline. At 5:17 PM, the District 30 foot post called in a 10-82 (verification/arrest). At 5:26 PM, the same unit called in a 10-92 C (crime arrest).

The radio messages on the Communications CD are very difficult to understand due to a tremendous amount of loud static (this is perhaps due to the fact that the transit officers were using their radios above

ground). As a result, the voices on the radios are barely audible. That which could be understood does not add anything to the details listed above.

Arrest Photo for § 87(2)(b)

§ 87(2)(b) arrest photo (encl. 7 A) contains no visible injuries.

Fleet Printout

According to the Fleet printout (encl. 28 A), RMP number 1559 (the number provided by § 87(2)(b) to IAB and which Sgt. Osbourne acknowledged operating that day) was a white Ford Crown Victoria licensed to Transit District 30.

UF-250 Log

The UF-250 log (encl. 29 A) contains no mention of § 87(2)(b)

Command Log

According to the District 30 command log (encl. 30 A), § 87(2)(b) was brought into the stationhouse at 5:30 PM. His condition was listed as good, but the following note was added: “ADD (attention deficit disorder?) – medication – Diabetic.” Under notes, it is indicated that § 87(2)(b) father was notified and that the Transit Squad was also notified. A note on the margin states that § 87(2)(b) was removed to § 87(2)(b) by EMS.

Prisoner Holding Pen Roster

The prisoner holding pen roster (encl. 31 A-B) indicates that § 87(2)(b) was lodged in the cells at 5:35 PM and removed to § 87(2)(b) by EMS at 5:50 PM. PO Randolphe was the member guarding the cell. § 87(2)(b) was not again lodged in the cells until 12:50 PM the following day. He was brought to Brooklyn Central Booking at 2:30 PM. PO Randolphe was again the member guarding the cell.

Transit District 30 Roll Calls

The second platoon roll call (encl. 32 A-D) indicates that PO Randolphe was assigned to foot post 29 (Hoyt/Shermerhorn) and PO Abdelmessih was assigned to foot post 33 (A line).

The third platoon roll call (encl. 33 A-C) indicates that Sgt. Osbourne was the patrol supervisor.

Neither of the above roll calls contain any mention of Sgt. Griffin, PO Walters or PO Marshall.

Requests for Other Police Documents

A request sent to District 30 for the criminal court complaint (encl. 39 L) produced negative results. A request sent to District 30 for the medical treatment of prisoner report (encl. 39 O) was returned with a note stating that the report was at Brooklyn Central Booking. A request sent to Brooklyn Court Section for § 87(2)(b) medical treatment of prisoner report (encl. 39 N) was returned with a note indicating that they did not have it on file.

Civil Court Documents

A notice of claim request was emailed to the Comptroller’s Office on December 8, 2008 for any Notice of Claim filed in regards to the above incident. Their office sent a reply the following day indicating that no claim had been filed (encl. 40 A).

OCA Records for Criminal Case

§ 87(2)(b), § 87(2)(a) 160.50, § 87(2)(c)

Order of Protection

When § 87(2)(b) appeared for his interview, his mother provided a copy of the order of protection filed against him (encl. 36 A). It indicates that § 87(2)(b) was ordered by the court to stay away from § 87(2)(b) and to not have any interaction with her.

Civilian Criminal Conviction History

§ 87(2)(b) and § 87(2)(b) have no known criminal convictions in the five counties of New York City.

CCRB History of Substantiated Allegations

PO Randolphe, PO Abdelmessih and PO Walters have never had any allegations substantiated against them at the CCRB (encl. 1 A-C).

Conclusions and Recommendations

Officer Identification

PO Randolphe stated that an unknown black male officer from Transit Impact had helped him physically stop § 87(2)(b) and handcuff him. § 87(2)(b) corroborated that an officer fitting PO Walters general description was one of the officers who initially stopped him. Although PO Randolphe did not know this officer's name, he mentioned in his interview that Sgt. Griffin (who was not on either District 30 roll call) arrived at the scene. A review of Sgt. Griffin's memo book subsequently revealed that he had visited PO Walters and PO Marshall at the scene around the time of the incident. A search of CTS subsequently revealed that PO Junior Walters was the only black male officer with that last name assigned to a transit command. When PO Walters appeared for his interview, he acknowledged helping to physically restrain § 87(2)(b) and in helping PO Randolphe to handcuff him. § 87(2)(g)

Both § 87(2)(b) and § 87(2)(b) said that an officer fitting PO Abdelmessih's general description was one of the officers who stopped § 87(2)(b). PO Abdelmessih acknowledged stopping § 87(2)(b) restraining him, and helping to handcuff him. § 87(2)(g)

PO Randolphe prepared all the documentation in regards to § 87(2)(b) arrest. When he appeared for his interview, PO Randolphe acknowledged stopping § 87(2)(b) and handcuffing him. All of the officers agreed that PO Randolphe was one of the officers who stopped § 87(2)(b) and was one of the main officers who physically interacted with him. § 87(2)(g)

Undisputed Facts

It is undisputed that § 87(2)(b) physically attacked § 87(2)(b) inside the subway station. It is undisputed that § 87(2)(b) then ran away from the scene with the officers following him. It is undisputed that PO Randolphe, PO Abdelmessih and PO Walters physically stopped § 87(2)(b) by grabbing him. It is undisputed that shortly thereafter, the officers physically brought § 87(2)(b) across the street, to the vicinity of the subway entrance. It is undisputed that § 87(2)(b) physically resisted arrest throughout the entire interaction, which included kicking his legs out, and that he was very loud. It is undisputed that at some point, § 87(2)(b) went to the ground. It is undisputed that § 87(2)(b) was eventually transported to the stationhouse and shortly thereafter to the hospital.

Disputed Issues

It is disputed whether, when bringing § 87(2)(b) across the street, the officers pulled him so that his body was actually dragging horizontally along the ground. It is disputed whether the officers ever put § 87(2)(b) against a wall. It is disputed how § 87(2)(b) went to the ground. It is disputed at which point the officers handcuffed § 87(2)(b)

Assessment of Evidence

§ 87(2)(b) alleged that the officers dragged § 87(2)(b) across Seventh Avenue so that his body was completely horizontal with the ground. For his part, § 87(2)(b) never mentioned anything about being dragged or being brought across the street. § 87(2)(g)

§ 87(2)(b) PO Randolphe and PO Abdelmessih confirmed that they brought § 87(2)(b) across Seventh Avenue. They denied, however, that § 87(2)(b) was dragged horizontally at any point. PO Abdelmessih said that § 87(2)(b) just walked across the street on his two feet. PO Randolphe, however, said that the officers had difficulty escorting § 87(2)(b) due to the fact that he physically resisted, and at times they had to physically lift him up to bring him across the street. PO Walters could not remember if the officers had to cross a street with § 87(2)(b) at any point, but corroborated PO Randolphe’s account that § 87(2)(b) was uncooperative while they brought him to the subway entrance; PO Walters did not remember whether § 87(2)(b) was dragged. § 87(2)(g)

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(b) and § 87(2)(b) were consistent that § 87(2)(b) was put against a wall or window at some point. None of the officers mentioned anything about § 87(2)(b) being placed against a wall. § 87(2)(g)

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(b) never mentioned anything about officers bringing him to the ground. However, § 87(2)(b) alleged that the officers brought him hard to the ground in an unknown manner, causing him to make hard impact. PO Randolphe corroborated that the officers brought § 87(2)(b) to the ground, but he said that that this was done by pulling him to the ground and denied that § 87(2)(b) made hard impact. § 87(2)(g) PO Abdelmessih claimed that § 87(2)(b) went to the ground on his own and PO Walters could not remember how § 87(2)(b) went to the ground. § 87(2)(g)

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegations Not Pleaded

§ 87(2)(b) alleged in her IAB statement that than an unknown individual reported than an officer told § 87(2)(b) “If you don’t stop, I’m going to kick the shit out of you.” § 87(2)(g)

§ 87(2)(g)
[Redacted]

- Allegation A.** PO Junior Walters used physical force against § 87(2)(b)
- Allegation B.** PO Joseph Abdelmessih used physical force against § 87(2)(b)
- Allegation C.** PO Billy Randolphe used physical force against § 87(2)(b)

Just prior to his interaction with the police, § 87(2)(b) admittedly physically attacked § 87(2)(b) § 87(2)(b) said that he was not feeling right at the time he did this and did not mean to do it. § 87(2)(b) then further acknowledged running away from the scene and trying to kick the officers, whom he acknowledged knowing were the police. According to Patrol Guide Procedure 203-11 (encl. 0 A-B), “only that amount of force necessary to overcome resistance will be used to effect an arrest or take a mentally ill or emotionally disturbed person into custody.” § 87(2)(g)
[Redacted]

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| Investigator: | Date: |
| Supervisor: | Date: |
| Reviewed by: | Date: |
| Reviewed by: | Date: |