

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Dane Buchanan	Team: Team # 2	CCRB Case #: 201016396	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sat, 08/21/2010 7:30 AM	Location of Incident: [REDACTED]	Precinct: 46	18 Mo. SOL 02/21/2012	EO SOL 2/21/2012	
Date/Time CV Reported Tue, 11/30/2010 10:27 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 11/30/2010 10:27 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POF Angela Polancobrito	04956	§ 87(2)(b)	046 PCT
2. POM Rafael Colon	09125	§ 87(2)(b)	046 PCT
3. POM Steven Eromenok	15515	§ 87(2)(b)	046 PCT
4. POM Ronald Hobson	17689	§ 87(2)(b)	046 PCT
5. POM Sabino Guzman	07622	§ 87(2)(b)	046 PCT
6. POM Gypsy Pichardo	00861	§ 87(2)(b)	046 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Joyce Williams	00000	§ 87(2)(b)	DB BX
2. SGT Nicole Mcfarlane	01980	§ 87(2)(b)	046 PCT
3. POM Lawrence Dunlay	05380	§ 87(2)(b)	046 PCT
4. POM Christophe Vega	30311	§ 87(2)(b)	046 PCT
5. POM Mark Lopez	24420	§ 87(2)(b)	046 PCT
6. POM Ajish Joy	03562	§ 87(2)(b)	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POF Angela Polancobrito	Discourtesy: PO Angela Polancobrito spoke obscenely to § 87(2)(b) at East 188th Street and Webster Avenue and at the 46th Precinct Stationhouse in the Bronx.	A . § 87(2)(g)
B . POF Angela Polancobrito	Force: PO Angela Polancobrito used physical force against § 87(2)(b) at East 188th Street and Webster Avenue in the Bronx.	B . § 87(2)(g)
C . POF Angela Polancobrito	Force: PO Angela Polancobrito struck § 87(2)(b) with an asp at East 188th Street and Webster Avenue in the Bronx.	C . § 87(2)(g)
D . POM Steven Eromenok	Force: PO Steven Eromenok used physical force against § 87(2)(b) at East 188th Street and Webster Avenue in the Bronx.	D . § 87(2)(g)

Officer(s)	Allegation	Investigator Recommendation
E . POM Gypsy Pichardo	Force: PO Gypsy Pichardo used physical force against § 87(2)(b) at East 188th Street and Webster Avenue in the Bronx.	E . § 87(2)(g)
F . POF Angela Polancobrito	Abuse of Authority: PO Angela Polancobrito refused to provide her name and shield number to § 87(2)(b) at the 46th Precinct Stationhouse.	F . § 87(2)(g)
G . POF Angela Polancobrito	Abuse of Authority: PO Angela Polancobrito threatened to arrest § 87(2)(b) at the 46th Precinct Stationhouse.	G . § 87(2)(g)
H . POF Angela Polancobrito	Abuse of Authority: PO Angela Polancobrito issued a summons to § 87(2)(b).	H . § 87(2)(g)
I . POF Angela Polancobrito	Other: PO Angela Polancobrito intentionally made a false official statement in violation of Patrol Guide Procedure 203-08.	I . § 87(2)(g)
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

§ 87(2)(b) called the CCRB on November 30, 2010 to file the following complaint (encl. 4A – 4C).

On August 21, 2010 at approximately 7:30 a.m., § 87(2)(b) was arrested at East 188th Street and Webster Avenue in the Bronx by PO Angela Polancobrito of the 46th Precinct. The following allegations resulted:

- **Allegation A – Discourtesy:** PO Angela Polancobrito spoke obscenely to § 87(2)(b) at East 188th Street and Webster Avenue and at the 46th Precinct Stationhouse in the Bronx.
- **Allegation B – Force:** PO Angela Polancobrito used physical force against § 87(2)(b) at East 188th Street and Webster Avenue in the Bronx. § 87(2)(g)
- **Allegation C – Force:** PO Angela Polancobrito struck § 87(2)(b) with an asp at East 188th Street and Webster Avenue in the Bronx. § 87(2)(g)
- **Allegation D – Force:** PO Steven Eromenok used physical force against § 87(2)(b) at East 188th Street and Webster Avenue in the Bronx. § 87(2)(g)
- **Allegation E – Force:** PO Gypsy Pichardo used physical force against § 87(2)(b) at East 188th Street and Webster Avenue in the Bronx.
- **Allegation F – Abuse of Authority:** PO Angela Polancobrito refused to provide her name and shield number to § 87(2)(b) at the 46th Precinct Stationhouse.
- **Allegation G – Abuse of Authority:** PO Angela Polancobrito threatened to arrest § 87(2)(b) at the 46th Precinct Stationhouse. § 87(2)(g)
- **Allegation H – Abuse of Authority:** PO Angela Polancobrito issued a summons to § 87(2)(b) § 87(2)(g)
- **Allegation I – Other Misconduct:** PO Angela Polancobrito intentionally made a false official statement in violation of Patrol Guide Procedure 203-08. § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Results of Investigation

Civilian Statement(s)

Complainant/Victim: § 87(2)(b)

§ 87(2)(b)

CCRB Testimony

§ 87(2)(b) provided a telephone statement when she filed her complaint. She provided another telephone statement on December 2, 2010. § 87(2)(b) was interviewed at the CCRB on December 16, 2010 (encl. 5A – 5D). § 87(2)(g)

On August 21, 2010 at approximately 7:30 a.m., § 87(2)(b) was walking home from a friend's house while wearing a pink tank top. She had recent leg surgery and was wearing an immobilizer underneath her pants on her right leg, causing her to walk slowly. As § 87(2)(b) reached East 188th Street and Webster Avenue she noticed a lot of police officers and civilians in the street. She did not know what was going on but since the commotion seemed to be in the street § 87(2)(b) assumed that the sidewalk was free to walk on.

While in front of the § 87(2)(b) at the intersection of East 188th Street and Webster Avenue, an officer, identified through investigation as PO Angela Polancobrito of the 46th Precinct, told § 87(2)(b) “Get the fuck out of the way” and pushed her from behind. § 87(2)(b) braced herself against the door of the restaurant and PO Polancobrito told her multiple times to, “Hurry the fuck up.” When § 87(2)(b) tried to explain that she was wearing a leg brace, PO Polancobrito asked, “What did you say?” and took out her baton and struck § 87(2)(b) three or four times. § 87(2)(b) backed up and blocked the blows with her right forearm, where most of them hit.

An officer, identified through investigation as PO Gypsy Pichardo of the 46th Precinct, grabbed § 87(2)(b)'s shoulders from behind, causing her to fall onto her back. PO Polancobrito grabbed her right leg and another officer, identified through investigation as PO Steven Eromenok of the 46th Precinct, grabbed her left leg and the three officers dragged her from the corner to an RMP in the middle of the street where they sat her up and handcuffed her. When the officers told her to get into the vehicle she told them that she had an immobilizer on which prevented her leg from bending. PO Polancobrito told her to shut up and PO Pichardo pushed her into the RMP.

§ 87(2)(b) was transported to the 46th Precinct Stationhouse. PO Polancobrito took her to the back of the precinct, searched her and told her that she would let § 87(2)(b) leave with no § 87(2)(b). § 87(2)(b) asked PO Polancobrito for her name and badge number and told her that she was going to make a complaint against her. PO Polancobrito responded, “Since you’re going to make a complaint you can get your ass back in the cage.” § 87(2)(b) was placed in the cells where she was kept for approximately two hours. When § 87(2)(b) was removed from the cell and taken to the front desk, the desk officer, identified through investigation as Sergeant Nicole McFarlane of the 46th Precinct, noticed § 87(2)(b) trying to see PO Polancobrito’s badge number as PO Polancobrito was writing her two summonses. Sergeant McFarlane asked her if she wanted the officer’s name and badge number and when § 87(2)(b) replied that she did Sergeant McFarlane wrote it down on a piece of paper. The handcuffs were taken off of § 87(2)(b) and Sergeant McFarlane gave her the piece of paper and PO Polancobrito gave her the two summonses. As § 87(2)(b) exited the precinct, PO Polancobrito grabbed the piece of paper from

her hand and when § 87(2)(b) objected, PO Polancobrito told her to leave or she could get right back into the cells. § 87(2)(b) then left the precinct. § 87(2)(b) then went to § 87(2)(b). Her right forearm was bruised and swollen from being struck with the baton and she had scrapes and bruises to her back and her buttocks from being dragged. § 87(2)(b) also indicated her leg injury was aggravated when she was pushed into the RMP. She did not know the names of any witnesses but indicated that several people who knew her family ran to her mother's house and told her what happened. One of these unknown individuals recorded the incident on a cell phone. This video was provided to the CCRB by § 87(2)(b)'s civil attorney.

Attempts to Contact Civilians

Field work was conducted on January 11, 2011. The undersigned investigator spoke to the manager of § 87(2)(b), who indicated that they only store their security footage for three days. Letters posted in the area of the incident failed to yield any witnesses.

The 46th Precinct Command log indicated that there were five other arrests stemming from the incident: § 87(2)(b), § 87(2)(b) and § 87(2)(b). Their addresses were obtained from the Command Log and letters were sent to all of them on January 24, 2011 and February 1, 2011. Both letters sent to § 87(2)(b) were returned by the United States Postal Service. A Lexis-Nexis search for § 87(2)(b) found one additional address for him and letters were sent to the new address on February 10, 2011 and February 14, 2011. These letters were also returned by the United States Postal Service. The letters sent to § 87(2)(b) and § 87(2)(b) were not returned by the United States Postal Service. A search of the Cole's Directory failed to find any possible phone numbers for § 87(2)(b) or § 87(2)(b). One phone number was found for § 87(2)(b) and calls were made to that number on February 2, 2011, February 7, 2011, February 10, 2011, February 14, 2011 and February 16, 2011. These calls revealed that the number was not in service. To date, none of these individuals have responded to these contact attempts.

NYPD Statement(s):

Subject Officer: PO ANGELA POLANCOBRITO

- *She is a Hispanic female who was § 87(2)(b) years old at the time of the incident. She is 5'7" tall, weighs 130 pounds and has black hair and brown eyes.*
- *She is assigned to the 46th Precinct. She worked, in uniform, from 11:15 p.m. on August 20, 2010 until 7:50 a.m. on August 21, 2010. She was assigned to patrol sectors I and J with PO Rafael Colon in a marked RMP.*

Memo Book

At 7:00 a.m., PO Polancobrito responded to a call for additional units made by Sector C/D at East 188th Street and Webster Avenue. At 7:20 a.m., PO Polancobrito had two under for disorderly conduct for engaging in fighting and violent behavior against PO Polancobrito, placing her in fear for her safety. § 87(2)(b) threatened to sue the NYPD and was apparently intoxicated and got an earlier summons for drinking in public with an open container. § 87(2)(b) swung at PO Polancobrito and PO Polancobrito had to display the baton but just used the minimum amount of force. § 87(2)(b) refused to move and swung at PO Polancobrito and other officers at the scene on more than one occasion. § 87(2)(b) told PO Polancobrito not to touch her because she

would sue her and repeated in an attempt to intimidate the officers from doing their job. She was handcuffed by other officers at the scene. At 8:42 a.m., § 87(2)(b) was given another summons for refusing orders and using obscene language in front of people inside of the precinct. § 87(2)(b) also indicated that her father was a sergeant and said, "You can not do shit to me bitch, I am untouchable. Fuck everybody." At 9:45 a.m., § 87(2)(b) was released (encl. 7A – 7F).

Summonses

The summonses issued to § 87(2)(b) were unable to be obtained by the IAB Liaison unit.

CCRB Testimony

PO Angela Polancobrito was interviewed at the CCRB on March 22, 2011 (encl. 7G – 7I). PO Polancobrito responded to a call for additional units and when she arrived there were a lot of people who were very irritated and acted as if they were drunk. The crowd acted out of control, jumping, swinging and pushing the officers and refusing to leave. PO Polancobrito displayed her baton and, grabbing it with two hands on either end, used it to push people back to prevent herself from getting hurt. PO Polancobrito did not strike anyone with her baton.

One female, identified through investigation as § 87(2)(b) refused to leave when an unknown officer and PO Polancobrito told her to disperse. The unknown officer had his back to § 87(2)(b) and she jumped on his back, hanging onto the officer by his shoulders. PO Polancobrito grabbed § 87(2)(b) and put her against the wall. Lieutenant Williams also ordered PO Polancobrito to arrest § 87(2)(b) after she had jumped on the officer's back. § 87(2)(b) flailed her arms, swung at PO Polancobrito and pushed her. § 87(2)(b) had a very strong odor of alcohol on her breath and was acting like an EDP. PO Polancobrito indicated that she had her baton displayed before but did not recall using it against § 87(2)(b). Another officer assisted PO Polancobrito in handcuffing her.

At the stationhouse, PO Polancobrito placed her in the cells and searched her. She discovered that § 87(2)(b) had received a summons for an open container the previous night at approximately 9:00 p.m. § 87(2)(b) told her that that she better let her out of the cells and that her father was § 87(2)(b) and if she did not release her he would get her fired. PO Polancobrito ignored her and gave her the summons and told § 87(2)(b) that she was ready to go. § 87(2)(b) refused to leave and told PO Polancobrito that she would not get away with this and that she would regret it. § 87(2)(b) sat on the steps of the stationhouse and blocked the door and refused to move while yelling and cursing at the officers around her. PO Polancobrito and other unidentified officers told her a couple of times to move but § 87(2)(b) refused and Lieutenant Williams ordered PO Polancobrito to place her back in the cells and issue her another summons. PO Polancobrito also called § 87(2)(b)'s father to see if § 87(2)(b) was telling the truth. § 87(2)(b) § 87(2)(b) told PO Polancobrito to give her a summons because his daughter was out of control and he was tired of her bad behavior. § 87(2)(b) was held in the cells for about 10 minutes before she was released with a second summons for disorderly conduct. § 87(2)(b) was still saying things after receiving this summons but left.

PO Polancobrito did not recall telling § 87(2)(b) to get the "fuck" out of her way or using any profanity against her. She did not recall pushing § 87(2)(b) or hitting her with her baton. She did not recall § 87(2)(b) being dragged to the RMP after she was handcuffed. She did not recall her asking for her name and badge number. She did not recall telling § 87(2)(b) that since she was going to make a complaint she could get her "ass" back in the cage. She did not recall if another officer ever provided § 87(2)(b) with her name and shield number on a piece of paper.

At the end of her interview, PO Polancobrito was shown the video of the incident. When asked if the officer using the baton in the video was her, PO Polancobrito replied, "I can't even see my face... if that's me." She did not recall if that was her and did not recall if the civilian was § 87(2)(b). The video did not help her recall anything more about the incident.

Subject Officer: PO STEVEN EROMENOK

- *He is a white male who was § 87(2)(b) years old at the time of the incident. He is 6'2" tall, weighs 275 pounds and has brown hair and brown eyes.*
- *He is assigned to the 46th Precinct. He worked, in uniform, from 11:15 p.m. on August 20, 2010 until 7:50 a.m. on August 21, 2010. He was assigned to patrol sectors K and P with PO Lawrence Dunlay in a marked RMP.*

Memo Book

PO Eromenok had no memo book entries regarding the incident (encl. 11A – 11D).

CCRB Testimony

PO Steven Eromenok was interviewed at the CCRB on April 20, 2011 (encl. 11E – 11F). On August 21, 2010 at approximately 7:30 a.m., PO Eromenok and PO Dunlay responded to a call for additional units and upon arriving there were already a lot of officers there. There were patches of people in the area who attempted to interfere with the arrests and refused to move away from the scene. PO Eromenok could not recall the incident that well and did not recall assisting in arresting anyone. PO Eromenok was shown the video clip of the incident but it did not refresh his memory. He could not recognize if he was one of the officers in the video.

Subject Officer: PO GYPSY PICHARDO

- *He is a Hispanic male who was § 87(2)(b) years old at the time of the incident. He is 6'4" tall, weighs 240 pounds and is bald and has green eyes.*
- *He is assigned to the 46th Precinct. He worked, in uniform, from 11:15 p.m. on August 20, 2010 until 7:50 a.m. on August 21, 2010. He was assigned to patrol sector H with PO Hobson in a marked RMP.*

Memo Book

At 7:18 a.m. he responded to a call for additional units to East 188th Street and Webster Avenue. At 7:28 a.m. he arrived back at the precinct (encl. 15A – 15C).

CCRB Testimony

PO Gypsy Pichardo was interviewed at the CCRB on May 24, 2011 (encl. 15D – 15E). On August 21, 2010, PO Pichardo responded to a call for additional units for a disorderly group. Upon arriving to the scene, there was about 10 – 20 people on the street and sidewalk who were mostly intoxicated. PO Pichardo could tell they were intoxicated because they smelled of alcohol. The crowd refused to move and yelled at the officers who tried to get them to disperse.

One heavyset Hispanic female, identified through investigation as § 87(2)(b) was told to move and refused and cursed and yelled back at the male and female officers around her. PO Pichardo could not recall the identities of these officers. § 87(2)(b) pushed an officer, PO Pichardo could not recall who, and then the officers attempted to arrest her. She resisted arrest by

refusing to put her hands behind her back and pushing the officers. PO Pichardo could not recall if an officer used an asp against her. PO Pichardo could not recall if he assisted in handcuffing § 87(2)(b) but recalled that he assisted in putting her into an RMP. § 87(2)(b) resisted being placed into the RMP by pushing back away from the car. § 87(2)(b) told the officers that she had a leg brace on and that it caused her to have a hard time walking. Before being placed into the vehicle, § 87(2)(b) fell on the ground on her own and PO Pichardo had to pick her up and put her in the car. PO Pichardo could not recall if she was pushed in or placed into the vehicle. He did not see her at the precinct after the incident.

PO Pichardo never heard an officer yell, “Get the fuck out of my way” or use any profanity against her. He never saw an officer push § 87(2)(b) or strike her with an asp. He never dragged her to the RMP. After seeing the video, PO Pichardo indicated that he did not think that was § 87(2)(b) was the female he had helped to arrest and he did not think he was any of the officers pictured in the video. He did not recall the scene in the video happening at the incident.

Witness Officer: LIEUTENANT JOYCE WILLIAMS

- *She is a black female who was § 87(2)(b) years old at the time of the incident. She is 5’4” tall, weighs 140 pounds and has black hair and brown eyes.*
- *She is assigned to the Detective Borough Bronx. On August 21, 2010, she was assigned to the 46th Precinct. She worked, in uniform, from 11:00 p.m. on August 20, 2010 until 7:45 a.m. on August 21, 2010. She was assigned as the platoon commander and worked alone. She was assigned to marked RMP 3247.*

Memo Book

At 7:15 a.m., Lieutenant Williams arrived at East 188th Street and Webster Avenue in response to a call for additional units made by sector CD of the 46th Precinct. Upon her arrival she saw the officers struggling with the perp who refused to put his hands behind his back and continued to struggle with MOS. Lieutenant Williams maced him and he was handcuffed. The 46th PCT sector CD unit identified another person at the scene to be arrested and he ran. They chased him to § 87(2)(b) where PO Hobson and PO Guzman placed him under arrest § 87(2)(b). Two females were also placed under arrest for § 87(2)(b) for yelling and screaming at the scene and failing to disperse when told to. At 7:20 a.m. they had 6 arrests and they were removed to the precinct. At 7:45 a.m., Lieutenant Williams arrived at the precinct. At 8:30 a.m., while 1 female was being released she started cursing and harassing PO Polancobrito by putting her face towards PO Polancobrito’s face. She had to be told to keep her hands behind her back while being brought to the desk to be released. Lieutenant Williams told PO Polancobrito to put her back in the cell and give her another summons (encl. 8A – 8K).

CCRB Testimony

Lieutenant Joyce Williams was interviewed at the CCRB on April 4, 2011 (encl. 8L – 8N). On August 21, 2010, Lieutenant Williams recalled hearing PO Ajish Joy and PO Christopher Vega call for additional units. Lieutenant Williams was the first to arrive and assisted them in arresting a struggling perpetrator. Another perpetrator was chased into § 87(2)(b) where he was arrested by PO Hobson and PO Guzman. A large crowd of 10 – 20 people formed on East 188th Street between Webster Avenue and Marion Avenue and argued with the officers, who tried to get them to disperse.

Lieutenant Williams vaguely remembered two females being arrested on the corner of East 188th Street and Webster Avenue. There were too many people on the corner so Lieutenant Williams made a general order to nearby officers to get them to disperse. She did not specifically order any officers to do so. She did not indicate that she saw any civilians jumping on any officer's back. PO Polancobrito went to the corner where she argued with a heavyset Hispanic female, who Lieutenant Williams identified as § 87(2)(b). PO Polancobrito told § 87(2)(b) to move and § 87(2)(b) argued that she did not have to go. Lieutenant Williams did not recall seeing how § 87(2)(b) was arrested or if an asp was used against her. Lieutenant Williams never heard PO Polancobrito say, "Get the fuck out of my way" or use any other profanity. § 87(2)(b) was uncooperative after she was handcuffed and threw herself to the floor. Two officers had to pick her up and place her in the RMP. They did not drag her on the floor. Lieutenant Williams did not recall if § 87(2)(b) ever complained about having a leg brace on.

While at the 46th Precinct Stationhouse, Lieutenant Williams was near the front desk when PO Polancobrito brought out § 87(2)(b) to release her with a summons. When § 87(2)(b) was brought to the desk she would not listen to PO Polancobrito and they yelled back and forth at each other. Lieutenant Williams did not know what they were arguing about. When § 87(2)(b) got to the desk, Lieutenant Williams told her that she was getting released with a summons and that she needed to keep her hands behind her back and be quiet. § 87(2)(b) refused and called PO Polancobrito a "bitch" and cursed at her while getting very close to the officer's face. Lieutenant Williams did not recall if § 87(2)(b) flailed her arms but remembered that they were not behind her back. Lieutenant Williams told PO Polancobrito that she could not release her the way she was and to put her back in the cell. Lieutenant Williams could not recall if § 87(2)(b) ever spoke to the desk sergeant or if any officer gave § 87(2)(b) a piece of paper.

To Lieutenant Williams's knowledge, § 87(2)(b) never claimed that her father was § 87(2)(b). She did not know if PO Polancobrito had called her father to confirm that information and thought that if either were the case PO Polancobrito would have said something to her. She did not recall hearing § 87(2)(b) ask PO Polancobrito for her name and badge number. She did not hear PO Polancobrito tell § 87(2)(b) that since she wanted to make a complaint she could get her "ass" back into the cage. § 87(2)(b) never went outside prior to being placed back into the cells. She never sat on the front steps of the stationhouse yelling or cursing.

Lieutenant Williams was shown the video clip of the incident at the end of her interview. She recognized the female officer using the asp as PO Polancobrito. Lieutenant Williams indicated that she did not recall seeing this happen during the incident. She identified one of the male officers assisting PO Polancobrito as PO Steven Eromenok of the 46th Precinct. She could not identify any other officers. She did not recall if the unidentified black female in a white shirt was arrested.

Witness Officer: SERGEANT NICOLE MCFARLANE

- *She is a black female who was § 87(2)(b) years old at the time of the incident. She is 5'4" tall, weighs 145 pounds and has dark brown hair and brown eyes.*
- *She is assigned to the 46th Precinct. On August 21, 2010, she worked, in uniform, from 6:55 a.m. until 3:52 p.m. She was assigned as the desk officer.*

Memo Book

As the desk officer, Sergeant McFarlane did not create any memo book entries.

CCRB Testimony

Sergeant Nicole McFarlane was interviewed at the CCRB on April 6, 2011 (encl. 10C – 10D). Sergeant McFarlane recalled that when she came onto the desk § 87(2)(b) and § 87(2)(b) were in the holding cells. Lieutenant Williams was near the desk as well and while Sergeant McFarlane was doing entries, Lieutenant Williams told her that the two female prisoners would be released shortly. Sergeant McFarlane was busy with paperwork when suddenly Lieutenant Williams told her that § 87(2)(b) was not leaving because she had been mouthing off. Sergeant McFarlane did not see or hear § 87(2)(b) mouthing off. § 87(2)(b) was released later on and Sergeant McFarlane did not recall anything being wrong when she left or her saying much.

Sergeant McFarlane never spoke with § 87(2)(b) and never heard her ask for PO Polancobrito's name and shield number. Sergeant McFarlane did not think she gave § 87(2)(b) a piece of paper with PO Polancobrito's name and shield number on it. She never heard PO Polancobrito tell § 87(2)(b) that she could get her "ass" back in the cage. Sergeant McFarlane did not recall § 87(2)(b) sitting on the precinct steps while yelling and screaming.

Witness Officer: PO RAFAEL COLON

- *He is a Hispanic male who was § 87(2)(b) years old at the time of the incident. He is 5'4" tall, weighs 170 pounds and has black hair and brown eyes.*
- *He is assigned to the 46th Precinct. He worked, in uniform, from 11:15 p.m. on August 20, 2010 until 7:50 a.m. on August 21, 2010. He was assigned to patrol sectors I and J with PO Angela Polancobrito in marked RMP 1829.*

Memo Book

PO Colon had no memo book entries regarding the incident (encl. 9A – 9C).

CCRB Testimony

PO Rafael Colon was interviewed at the CCRB on April 5, 2011 (encl. 9D – 9E). When PO Colon and PO Polancobrito arrived at the scene they split up and he did not see her again until they left the scene. He did not see her arrest anyone and did not recall her issuing any summonses that day.

Witness Officer: PO LAWRENCE DUNLAY

- *He is a white male who was § 87(2)(b) years old at the time of the incident. He is 6'1" tall, weighs 215 pounds and has grey hair and blue eyes.*
- *He is assigned to the 46th Precinct. He worked, in uniform, from 11:15 p.m. on August 20, 2010 until 7:50 a.m. on August 21, 2010. He was assigned to sectors K and P with PO Steven Eromenok in a marked RMP.*

Memo Book

At 7:20 a.m. he responded to a call for additional units at 188th and Webster Avenue (encl. 12A – 12D).

CCRB Testimony

PO Lawrence Dunlay was interviewed at the CCRB on April 20, 2011 (encl. 12E – 12F). On August 21, 2010 at approximately 7:30 a.m., PO Dunlay and PO Eromenok responded to an 85 at 188th and Webster. When they arrived there was a hostile crowd that was yelling and screaming at the officers. PO Dunlay saw someone get arrested but he could not recall what the person looked like or whether the person was a male or female. He did not assist in handcuffing any civilians and did not see any officer use their asp. PO Dunlay was shown the video clip but it did not refresh his memory regarding the incident.

Witness Officer: PO RONALD HOBSON

- *He is a black male who was § 87(1) years old at the time of the incident. He is 5'11" tall, weighs 215 pounds and has black hair and brown eyes.*
- *He is assigned to the 46th Precinct. He worked, in uniform, from 11:15 p.m. on August 20, 2010 until 7:50 a.m. on August 21, 2010. He was assigned to patrol with PO Gypsy Pichardo in a marked RMP.*

Memo Book

PO Hobson had no memo book entries regarding the incident (encl. 13A – 13C).

CCRB Testimony

PO Ronald Hobson was interviewed at the CCRB on May 3, 2011 (encl. 13D – 13E). PO Hobson and PO Pichardo responded to a call for additional units and when they arrived, PO Hobson was instructed by Lieutenant Joyce Williams to arrest a male. He and PO Sabino Guzman chased the male and eventually handcuffed him. There was a crowd of about 50 people at the scene. Some of these people were just people walking to work and had stopped to see what was going on while others were yelling and cursing at the police. PO Hobson did not see any civilians jumping on officers. PO Hobson did not assist in any other arrests and did not see anyone else get arrested. PO Hobson was shown the video clip but it did not refresh his memory regarding the incident.

Witness Officer: PO AJISH JOY

- *He is an Asian male who was § 87(1) years old at the time of the incident. He is 5'10" tall, weighs 190 pounds and has black hair and brown eyes.*
- *He is assigned to the 46th Precinct. He worked, in uniform, from 11:15 p.m. on August 20, 2010 until 7:50 a.m. on August 21, 2010. He was assigned to patrol sectors C and D with PO Christopher Vega in a marked RMP.*

Memo Book

At 7:15 a.m. he had a pick up of an assault at 188th Street and Webster Avenue. At 7:20 a.m. he had four arrests and two juvenile arrests. At 7:25 a.m. he transported two juveniles to the precinct (encl. 16A – 16E).

CCRB Testimony

PO Ajish Joy was interviewed at the CCRB on May 26, 2011 (encl. 16F – 16G). On August 21, 2010, PO Joy and PO Vega noticed a fight between two young boys at the corner of East 188th Street and Webster Avenue. He and PO Vega exited the car and arrested them. Another individual, § 87(2)(b) attempted to grab one of the individuals and they struggled to

arrest him, causing them to call for additional units. After additional units arrived they were able to handcuff him. PO Joy did not assist in any other arrests and did not see a Hispanic female get arrested.

Witness Officer: PO MARK LOPEZ

- *He is a Hispanic male who was § 87(1) years old at the time of the incident. He is 6' tall, weighs 225 pounds and has black hair and brown eyes.*
- *He is assigned to the 46th Precinct. On August 21, 2010, he worked, in uniform, from 8:05 a.m. until 4:40 p.m. He was assigned to stationhouse security.*

Memo Book

PO Lopez had no memo book entries regarding the incident (encl. 14A – 14C).

CCRB Testimony

PO Mark Lopez was interviewed at the CCRB on May 10, 2011 (encl. 14D – 14E). PO Lopez did not recall the incident.

Witness Officer: PO SABINO GUZMAN

- *He is a Hispanic male who was § 87(1) years old at the time of the incident. He is 5'8" tall, weighs 210 pounds and is bald and has brown eyes.*
- *He is assigned to the 46th Precinct. He worked, in uniform, from 11:15 p.m. on August 20, 2010 until 7:50 a.m. on August 21, 2010. He was assigned to patrol sectors M and N with PO Alberto Cruz in a marked RMP.*

Memo Book

PO Guzman had no memo book entries regarding the incident (encl. 17A – 17C).

CCRB Testimony

PO Sabino Guzman was interviewed at the CCRB on June 2, 2011 (encl. 17D – 17E). PO Guzman did not recall the incident and did not believe he responded to it.

Medical Records

§ 87(2)(b)



NYPD Document(s)

SPRINT S04773

A male officer identifying himself as the 46th Precinct conditions sergeant indicated that he had arrived at the scene and asked the dispatcher to find the lieutenant. The dispatcher raised the 46th Precinct lieutenant, who indicated that her location was § 87(2)(b) and that they had 1 under at that location. She indicated that no further units were needed and that sector C had another person under arrest at 188th and Webster Avenue. The dispatcher reiterated the call for no further units (encl. 19A – 19B).

Other Evidence

Video of the Incident

The video was provided to the CCRB by § 87(2)(b)'s civil attorney (encl. 6A – 6G). When the clip begins, there are approximately eight people on the corner of East 188th Street and Webster Avenue. The people are virtually quiet and are standing around watching what is occurring down the block, where at least four RMPs are parked in the middle of the street (Video Screen Shot 1).

- 0:02 – An unidentifiable female shouts something unintelligible.
- 0:04 – An officer, identified through investigation as PO Angela Polancobrito, yells, "Shut up? Did you tell me to shut up?" while walking towards the group of people on the corner (Video Screen Shot 2).
- 0:06 – § 87(2)(b) who is wearing a pink shirt, comes into view. She is facing PO Polancobrito and it becomes apparent that PO Polancobrito is directing her attention at her. § 87(2)(b)'s hands are not raised. There are no other officers in the vicinity.
- 0:07 – § 87(2)(b) moves backwards a couple of steps, although you can not tell if it is because PO Polancobrito pushed her or because § 87(2)(b) moved back on her own. As § 87(2)(b) moves back, PO Polancobrito reaches for her asp (Video Screen Shot 3). In one fluid motion, PO Polancobrito takes out her asp and strikes § 87(2)(b) once in the right arm, which § 87(2)(b) has raised to deflect the strike (Video Screen Shot 4). PO Polancobrito continues to go after § 87(2)(b) swinging her baton two or three more times. It sounds as if at least one of these swings connects with § 87(2)(b) who is backing up against a wall in an attempt to get away from the attack.
- 0:13 – Two officers, determined through investigation to be PO Gypsy Pichardo and PO Steven Eromenok, pull § 87(2)(b) away from PO Polancobrito, who is still going after § 87(2)(b) (Video screen Shot 5). An unidentified black female in a white t-shirt has her arm outstretched towards them, but does not touch them and does not appear to be saying anything.
- 0:14 – After § 87(2)(b) is pulled away, PO Polancobrito attacks the unidentified black female, raising her baton to strike her (Video Screen Shot 6). Although you can not see if PO Polancobrito strikes the black female, you hear someone being struck with an asp off camera. § 87(2)(b) is surrounded by several officers and is against the building, presumably being handcuffed. The rest of the video does not show what happens with § 87(2)(b) or PO Polancobrito.

Summons for Incident and Disposition

- According to the Bronx Criminal Court, as of June 6, 2011, PO Polancobrito has not filed summons # § 87(2)(b). Bronx Criminal Court also indicated that summons # § 87(2)(b) is

an invalid number; no information could be gained regarding the disposition of § 87(2)(b)s second summons.

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on October 26, 2010, claiming false arrest, false imprisonment, assault and battery at the hands of the NYPD and is seeking \$3,000,000 as redress (encl. 22A – 22B).

Civilian(s) Criminal History

- As of June 6, 2011, Office of Court Administration records reveal the following criminal convictions for § 87(2)(b) (encl. 23A – 23D).

○ § 87(2)(b)

Civilian(s) CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 3).

Subject Officer(s) CCRB History

- PO Polancobrito has been a member of the service for five years and there are two substantiated CCRB allegations against her (encl. 2A – 2C).
 - In CCRB case 200614102, an allegation of pepper spray was substantiated against PO Polancobrito. The NYPD imposed a command B discipline against her.
 - In CCRB case 200818612, an allegation of discourtesy was substantiated against PO Polancobrito. The NYPD imposed a command B discipline against her.
- PO Eromenok has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. 2D).
- PO Pichardo has been a member of the service for four years and there are no substantiated CCRB allegations against him (encl. 2E).
- PO Hobson has been a member of the service for four years and there are no substantiated CCRB allegations against him (encl. 2F).
- PO Colon has been a member of the service for four years and there are no substantiated CCRB allegations against him (encl. 2G).
- PO Guzman has been a member of the service for four years and there are no substantiated CCRB allegations against him (encl. 2H).

Conclusion

Identification of Subject Officer(s)

- PO Polancobrito acknowledged interacting with § 87(2)(b)
- PO Eromenok was identified by Lieutenant Williams from the video.
- Although PO Pichardo did not think that the woman he helped arrest was § 87(2)(b) the investigation determined through his testimony that § 87(2)(b) is who he arrested and that he is a subject officer.

Investigative Findings and Recommendations

Allegation A – Discourtesy: PO Angela Polancobrito spoke obscenely to § 87(2)(b) at East 188th Street and Webster Avenue and at the 46th Precinct Stationhouse in the Bronx.

Allegation B – Force: PO Angela Polancobrito used physical force against § 87(2)(b) at East 188th Street and Webster Avenue in the Bronx.

Allegation D – Force: PO Steven Eromenok used physical force against § 87(2)(b) at East 188th Street and Webster Avenue in the Bronx.

Allegation E – Force: PO Gypsy Pichardo used physical force against § 87(2)(b) at East 188th Street and Webster Avenue in the Bronx.

§ 87(2)(b) alleged that PO Polancobrito cursed at her throughout the incident. She also alleged that PO Polancobrito pushed her from behind and that after she was in custody, PO Polancobrito, PO Eromenok and PO Pichardo dragged her from the corner to the RMP. § 87(2)(b) also alleged that after indicating that she could not bend her knee due to her leg brace, PO Pichardo pushed her into the RMP.

PO Polancobrito denied that she ever cursed at § 87(2)(b) or pushed her. PO Polancobrito and PO Pichardo denied that they dragged § 87(2)(b) on the floor and PO Eromenok did not recall assisting in the arrest of § 87(2)(b). PO Pichardo did not recall if § 87(2)(b) was pushed into the RMP. The officers' had poor recollections of the incident § 87(2)(g). Additionally, the video did not capture the period when these allegations would have occurred. § 87(2)(g)

Allegation C – Force: PO Angela Polancobrito struck § 87(2)(b) with an asp at East 188th Street and Webster Avenue in the Bronx.

§ 87(2)(b) alleged that when she tried to explain to PO Polancobrito that she was wearing a leg brace, PO Polancobrito asked her what she had said and took out her asp and hit her three or four times in her arm. PO Polancobrito denied that she used her asp against § 87(2)(b). After reviewing the video of the incident PO Polancobrito indicated that she could not recall if that was her in the video using the asp against § 87(2)(b). However, Lieutenant Williams was able to identify the officer in the video as PO Polancobrito.

PO Polancobrito claimed that § 87(2)(b) was cursing, screaming and jumping on an officer, which caused Lieutenant Williams to order her to arrest § 87(2)(b). Lieutenant Williams and PO Hobson denied seeing any civilians jumping on any officer's back at the scene. PO Polancobrito claimed that as she tried to arrest § 87(2)(b) used force against her, pushed her and attempted to swing at her. PO Polancobrito characterized § 87(2)(b) as drunk and indicated that she was acting like an emotionally disturbed person.

Video footage of the incident does not show § 87(2)(b) screaming, jumping on any officer's back or acting like an emotionally disturbed person. § 87(2)(b) is part of a small group of relatively quiet people who are just watching what is going on in the middle of the block. The video shows that PO Polancobrito is actually the aggressor, advancing towards § 87(2)(b) from a good distance away while yelling at her, "Did you tell me to shut up?" § 87(2)(b) then moved away from the officer, either from a push or voluntarily, before PO Polancobrito took out her asp and attacked § 87(2)(b) hitting her at least twice. PO Polancobrito continued to attack § 87(2)(b) while PO Eromenok and PO Pichardo attempted to pull § 87(2)(b) away from PO § 87(2)(b).

Polancobrito. Then, once § 87(2)(b) was out of her reach, PO Polancobrito attacked an unidentified female with her asp.

Only that amount of force necessary to overcome resistance will be used to effect an arrest. Excessive force will not be tolerated. Patrol Guide Procedure 203-11 (encl. 1B – 1C).

§ 87(2)(g)
The video clearly shows that § 87(2)(b) was not violent or a physical threat to PO Polancobrito. § 87(2)(b) did not attack PO Polancobrito or any other officers § 87(2)(g)

Allegation F – Abuse of Authority: PO Angela Polancobrito refused to provide her name and shield number to § 87(2)(b) at the 46th Precinct Stationhouse.

Allegation G – Abuse of Authority: PO Angela Polancobrito threatened to arrest § 87(2)(b) at the 46th Precinct Stationhouse.

§ 87(2)(b) alleged that she asked for PO Polancobrito's name and shield number and that PO Polancobrito refused. She also alleged that PO Polancobrito took the piece of paper with her name and shield number on it and that when § 87(2)(b) objected she ordered her to leave the stationhouse or she would be arrested. PO Polancobrito denied that § 87(2)(b) ever asked for her name and badge number and indicated that she only threatened to arrest § 87(2)(b) when she was making a scene on the steps of the stationhouse.

Although Lieutenant Williams and Sergeant McFarlane were in the vicinity of § 87(2)(b) and PO Polancobrito, they were not around them for the totality of their interaction at the stationhouse and did not know what occurred between them before § 87(2)(b) was brought to the desk. Although Lieutenant Williams confirmed that § 87(2)(b) was put back in the cells, she denied that it was ever in reference to her causing a scene in front of the stationhouse. § 87(2)(g)

Allegation H – Abuse of Authority: PO Angela Polancobrito issued a summons to § 87(2)(b)

§ 87(2)(b) was issued two summonses regarding the incident. Although the summonses could not be obtained by the CCRB, § 87(2)(b) and PO Polancobrito indicated that a disorderly conduct summons was issued for § 87(2)(b)'s actions at East 188th Street and Webster Avenue and a second disorderly conduct summons was issued for her actions at the 46th Precinct Stationhouse. The video shows the circumstances surrounding the issuance of the first summons. This is not the case for the second summons, for which there is only PO Polancobrito's testimony, which is not credible, and that of Lieutenant Williams, who only saw a part of the incident that led up to § 87(2)(b)'s second summons. Because of this, only the appropriateness of the first summons can be correctly determined.

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, he engages in violent or threatening behavior, makes unreasonable noise, uses obscene language or gestures, obstructs vehicular or pedestrian traffic, congregates with other persons and refuses to move or creates a hazardous or physically offensive condition. Penal Law section 240.20 (encl. 1G). To meet the jurisdictional requirement to prosecute a defendant for disorderly conduct, there must be evidence that the defendant intended to cause public

inconvenience or alarm. Something more than a mere inconvenience of pedestrians is required to support a charge for disorderly conduct. People v. Jones, 9 N.Y.3d259 (2007) (encl. 1H – 1K).

PO Polancobrito claimed that she was ordered to arrest § 87(2)(b) by Lieutenant Williams because she was refusing to leave the scene and had jumped on an unknown officer's back. PO Polancobrito further claimed that upon approaching § 87(2)(b) pushed PO Polancobrito and attempted to swing at her as she resisted arrest. § 87(2)(g)

Lieutenant Williams denied that she ordered any officer to arrest § 87(2)(b) and indicated that she only made a general order to nearby officers to get a group of people to disperse from the corner of East 188th Street and Webster Avenue. Lieutenant Williams did not indicate that any of these individuals were engaging in tumultuous behavior.

§ 87(2)(g) Although the video does not show the initial encounter between § 87(2)(b) and PO Polancobrito, the video starts with a quiet group of people who are not yelling, jumping on any officer or engaging in violent behavior. PO Polancobrito first appears in the video yelling, "Did you tell me to shut up" while walking towards the group from a distance. When § 87(2)(b) is first seen, she is not screaming, flailing her arms or § 87(2)(g)

Allegation I – Other Misconduct: PO Angela Polancobrito intentionally made a false official statement in violation of Patrol Guide Procedure 203-08.

Patrol Guide 203-08 indicates that an example of a false statement includes lying in an official Department document or report (encl. 1A). Patrol Guide 212-08 indicates that Activity Logs are official accounts of police activities and are frequently needed for purposes of criminal prosecution and civil litigation (encl. 1D – 1F).

PO Polancobrito's memo book entries regarding the incident characterize § 87(2)(b) as a belligerent aggressor who engaged in violent behavior against PO Polancobrito, fighting with her and swinging at her more than once. It also characterized PO Polancobrito's reaction to this assault as merely displaying her baton in self-defense and using the minimum amount of force necessary to arrest her.

§ 87(2)(g) demonstrates that § 87(2)(b) did not attack PO Polancobrito. PO Polancobrito § 87(2)(g) advancing on § 87(2)(b) from a distance away and immediately striking her with her asp. § 87(2)(g) was not belligerent and never swung at PO Polancobrito. § 87(2)(b) s only actions were to back up and raise her arm in self-defense. Furthermore, the fact that PO Eromenok and PO Pichardo had to pull § 87(2)(b) away from PO Polancobrito § 87(2)(g)

§ 87(2)(g) § 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Team: _____

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Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
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Reviewer: _____
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