CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	Team:	CCRB Case #:	☑ Force ☐ Discourt. ☐ U.S.
StaceyAnn McFarlane-Ross	Squad #01	201805182	☑ Abuse ☐ O.L. ☐ Injury

Incident Date(s)	Location of Incident:	18 Mo. SOL	Precinct:
Thursday, 06/28/2018 1:52 AM	Inside of § 87(2)(b) ; Outside of § 87(2)	12/28/2019	105

Date/Time CV Reported	CV Reported At:	How CV Reported:	Date/Time Received at CCRB
Thu, 06/28/2018 11:07 AM	CCRB	Phone	Thu, 06/28/2018 11:07 AM

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Annmarie Haines	08133	930305	105 PCT
2. POM Joseph Palmese	15334	957933	105 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Joseph Palmese	Force: Inside of § 87(2)(b) , in Queens, Police Officer Joseph Palmese used physical force against § 87(2)(b)	A . Unfounded
B . POF Annmarie Haines	Abuse: Inside of § 87(2)(b) , in Queens, Police Officer Annmarie Haines forcibly removed § 87(2)(b) to the hospital.	B . Exonerated
C . POM Joseph Palmese	Abuse: Inside of § 87(2)(b) , in Queens, Police Officer Joseph Palmese forcibly removed § 87(2)(b) to the hospital.	C . Exonerated
D . POF Annmarie Haines	Abuse: Outside of § 87(2)(b) , Police Officer Annmarie Haines refused to provide her shield number to	D . Unsubstantiated
E . POM Joseph Palmese	Abuse: Outside of § 87(2)(b) , Police Officer Joseph Palmese refused to provide his shield number to § 87(2)(b)	E . Unsubstantiated

Case Summary

On June 28, 2018, § 87(2)(b) filed this complaint via telephone with the CCRB.

On June 28, 2018, at approximately 1:52 a.m., § 87(2)(b) called 911 to her home at § 87(2)(b) in Queens, after becoming ill. EMT § 87(2)(b) and EMT § 87(2)(b) responded to § 87(2)(b) s home and attempted to provide medical treatment to her. § 87(2) became uncooperative and the EMTs called the police for assistance. PO Annmarie Haines and PO Joseph Palmese, from the 105th Precinct responded to § 87(2)(b) s home.

PO Haines and PO Palmese both explained to § 87(2)(b) that they were called by the EMTs to assist in taking her to the hospital, and § 87(2)(b) refused to go with them to the hospital. PO Palmese allegedly pushed § 87(2)(b) into the wall before placing § 87(2)(b) s arms behind her and handcuffing her **(Allegation A: Force, exonerated).** § 87(2)(b) was transported to § 87(2)(b) **(Allegations B and C: Abuse of Authority, exonerated)**. Once § 87(2)(b) arrived at the hospital, she asked both PO Haines and PO Palmese for their shield numbers. PO Haines told § 87(2)(b) that it would be written down for her, but it was not. § 87(2) § 87(2)(b) later asked PO Haines and PO Palmese again for their shield numbers and PO Palmese allegedly responded, "We're not giving you anything" (**Allegations D and E: Abuse of Authority, unsubstantiated).** § 87(2)(b) left the hospital before receiving treatment.

During the course of the investigation, BWC footage from PO Haines and PO Palmese were obtained, which captured part of the incident (Board Review 03, 04).

Findings and Recommendations

Allegation (A) Force: Inside of § 87(2)(b) in Queens Police Officer Joseph Palmese used physical force against § 87(2)(b)
Allegation (B) Abuse of Authority: Inside of § 87(2)(b) in Queens, Police Officer Annmarie Haines forcibly removed § 87(2)(b) to the hospital.
Allegation (C) Abuse of Authority: Inside of § 87(2)(c) in Queens, Police Officer Joseph Palmese forcibly removed § 87(2)(b) to the hospital.

§ 87(2)(b) (Board Review 01, 02) testified that she was not feeling well and called an ambulance as she felt weak and lived alone. When the ambulance arrived, § 87(2)(b) refused to go to the hospital with the EMTs as she was feeling better. A few minutes later, PO Palmese and PO Haines arrived at § 87(2)(b) s home. § 87(2)(b) refused to go to the hospital with PO Palmese and PO Haines, and asked numerous times to go upstairs to change her clothes as she was in her pajamas. PO Haines would not allow her to go upstairs. At that moment, PO Palmese put his hands on § 87(2)(b) s back and pushed her chest first into the wall. § 87(2)(b) used her arms to brace herself. § 87(2)(b) moved her arm around when PO Palmese was rear-cuffing her. § 87(2) § 87(2)(b) sustained bruises along her arms, shoulders and wrists.

EMT § 87(2)(b) (Board Review 05) testified that he called the police for assistance because § 87(2) § 87(2)(b) was intoxicated, combative and uncooperative. EMT § 87(2)(b) explained that § 87(2)(b) continuously refused to go with PO Palmese and PO Haines and became verbally abusive. EMT § 87(2)(b) asked the officers to handcuff § 87(2)(b) to avoid any delay in medical care. EMT

§ 87(2)(b) explained that § 87(2)(b) was standing next to a wall and PO Haines turned her around while PO Palmese rear-cuffed. EMT § 87(2)(b) described it as a guide to the wall rather than a push.

EMT § 87(2)(b) (Board Review 06) testified that he did not recall seeing § 87(2)(b) pushed into the wall as PO Palmese and PO Haines handcuffed her.

PO Palmese (Board Review 08) testified that he informed § 87(2)(b) that she would be handcuffed if she did not cooperate. § 87(2)(b) began flailing her arms, by pushing and twisting her arms before PO Palmese handcuffed her. PO Palmese stated that he got a hold of § 87(2)(b) s arms despite her continuous movements and rear cuffed her. PO Palmese did not push § 87(2)(b) into the wall, thought it was possible § 87(2)(b) hit her arms against the walls as she was moving her arms and the area that they were standing in was narrow. PO Palmese did not observe any bruises on her arms or any visible injuries. He did not hear her complain of any pain or injuries to her arms.

PO Haines (Board Review 07) testified that she responded to the scene because § 87(2)(b) was combative and uncooperative. As she spoke with § 87(2)(b) § 87(2)(b) began spitting at her and PO Palmese and attempted to go upstairs. PO Haines and PO Palmese instructed § 87(2)(b) to turn around and after complying PO Palmese handcuffed her. PO Haines explained that they all stood next to a wall at the bottom of the stairs, but § 87(2)(b) was not pushed against the wall.

BWC footage from PO Palmese and PO Haines (Board Review 10, 11), captured § 87(2)(b) being handcuffed. The quality of the video is poor, as the video is covered up at times and the lighting is dark. The video does not capture the conversation leading up to § 87(2)(b) being handcuffed, however, the videos open with § 87(2)(b) leaning against the wall at the bottom of the stairs. She is seen holding her arms in front of her chest as she is instructed four times to put her hands behind her back. § 87(2)(b) says, “You’re abusing me” and/or “that’s abuse” as she is handcuffed. While there seems to be some struggle to handcuff, the video does not show § 87(2)(b) being pushed against the wall. The officers remain verbally calm throughout.

201805182_20181212_1536_DM.mp4 201805182_20181212_1538_DM.mp4

§ 87(2)(a) PHL § 18(6), § 87(2)(b)

As per Patrol Guide Procedure 221-01, officers are to use reasonable force as is necessary to gain control of a subject (Board Review 16).

§ 87(2)(g) . Therefore, it is recommended that **Allegation A** be closed as **exonerated.**

According to the NYPD Patrol Guide 216-01, officers shall cooperate with ambulance and hospital personnel in every reasonable manner (Board Review 15).
§ 87(2)(g)
. It is therefore recommended that **Allegations B** and **C** be **exonerated**.

Allegation (D) Abuse of Authority: Outside of § 87(2)(b) Police Officer Annmarie Haines refused to provide her shield number to § 87(2)(b)
Allegation (E) Abuse of Authority: Outside of § 87(2)(b) Police Officer Joseph Palmese refused to provide his shield number to § 87(2)(b)

testified that as she arrived at § 87(2)(b) and while she was still on the gurney outside of the ambulance, she asked PO Palmese and PO Haines for their shield numbers. PO Haines told her that she would write it down for her. § 87(2)(b) later asked PO Palmese and PO Haines again for their shield numbers, and PO Palmese responded, "We're not giving you anything." § 87(2)(b) was not provided with either officer's shield number.

EMT § 87(2)(b) testified that once § 87(2)(b) exited the ambulance PO Palmese and PO Haines were standing next to her, but he did not hear anything said between them. EMT § 87(2)(b) testified he did not remember hearing § 87(2)(b) ask PO Palmese or PO Haines for their shield numbers.

PO Haines testified that she travelled in the ambulance with § 87(2)(b) She verbally provided her shield number to § 87(2)(b) and might have told her that she would write down her name and shield number for her. PO Haines did not remember if she was able to write the information down for § 87(2)(b) She did not hear § 87(2)(b) ask PO Palmese for his shield number. PO Haines did not hear PO Palmese inform § 87(2)(b) that she was not getting their shield numbers.

PO Palmese testified that § 87(2)(b) did not ask him for his shield number. He did not refuse to provide his shield number to § 87(2)(b) To his knowledge, § 87(2)(b) did not ask PO Haines for her shield number.

PO Haines' BWC footage (Board Review 14) shows § 87(2)(b) ask PO Haines, inside of the ambulance, for her name and PO Haines verbally provided her name. At the same time, § 87(2)(b) read aloud PO Haines's shield number. The video did not show any conversations about writing down PO Haines' shield number for § 87(2)(b) The footage ceases while they are still in the ambulance, and does not capture any interactions outside of the ambulance once § 87(2)(b) arrived at the hospital.

201805182_20181213_1654_DM.mp4

PO Palmese's BWC footage only captured his interaction with § 87(2)(b) at her home and did not capture any other interactions as he did not travel with § 87(2)(b) to the hospital.

§ 87(2)(g) [redacted] It is therefore recommended that **Allegations D and E** be closed as **unsubstantiated.**

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 13).
- PO Joseph Palmese has been a member of service for three years and this is the first CCRB complaint to which he has been a subject.
- PO Annmarie Haines has been a member of service for 16 years and has been a subject in five CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g) [redacted]

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [redacted].
- As of November 27, 2018, the New York City of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 09).

Squad No.: _____

Investigator: _____ _____ _____
Signature Print Title & Name Date

Squad Leader: _____ _____ _____
Signature Print Title & Name Date

Reviewer: _____ _____ _____
Signature Print Title & Name Date