

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Griffin Sherbert	Team: Squad #10	CCRB Case #: 202004861	<input type="checkbox"/> Force <input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> Discourt. <input type="checkbox"/> O.L.	<input type="checkbox"/> U.S. <input type="checkbox"/> Injury
Incident Date(s) Sunday, 06/21/2020 8:00 PM, Sunday, 06/21/2020 9:30 PM	Location of Incident: § 87(2)(b) 121st Precinct stationhouse		Precinct: 121	18 Mo. SOL 12/21/2021	EO SOL 5/4/2022
Date/Time CV Reported Mon, 07/06/2020 6:36 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 07/06/2020 6:36 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM James Barbee	22173	952441	121 PCT
2. POM James Moussa	31415	963664	121 PCT
3. PO Nicole Latona	00708	960786	121 PCT
4. PO Michael Galluccio	27150	965118	121 PCT

Officer(s)	Allegation	Investigator Recommendation
A.PO Nicole Latona	Abuse: At § 87(2)(b) in Staten Island, Police Officer Nicole Latona forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
B.PO Michael Galluccio	Abuse: At § 87(2)(b) in Staten Island, Police Officer Michael Galluccio forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
C.POM James Barbee	Abuse: At § 87(2)(b) in Staten Island, Police Officer James Barbee forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
D.POM James Moussa	Abuse: At § 87(2)(b) in Staten Island, Police Officer James Moussa forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
E.PO Nicole Latona	Abuse: Police Officer Nicole Latona entered § 87(2)(b) in Staten Island.	§ 87(2)(b)
F.PO Michael Galluccio	Abuse: Police Officer Michael Galluccio entered § 87(2)(b) in Staten Island.	§ 87(2)(b)
G.PO Nicole Latona	Abuse: Police Officer Nicole Latona searched § 87(2)(b) in Staten Island.	§ 87(2)(b)
H.PO Michael Galluccio	Abuse: Police Officer Michael Galluccio searched § 87(2)(b) in Staten Island.	§ 87(2)(b)
I.POM James Moussa	Abuse: At the 121st Precinct stationhouse, Police Officer James Moussa did not process § 87(2)(b)'s complaint regarding officers.	§ 87(2)(b)
J.POM James Barbee	Abuse: At the 121st Precinct stationhouse, Police Officer James Barbee did not process § 87(2)(b)'s complaint regarding officers.	§ 87(2)(b)
K.POM James Moussa	Abuse: At the 121st Precinct stationhouse, Police Officer James Moussa threatened to arrest § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
L.POM James Moussa	Abuse: At the 121st Precinct stationhouse, Police Officer James Moussa interfered with § 87(2)(b)'s use of a recording device.	

## Case Summary

On July 6, 2020, § 87(2)(b) filed the following complaint on behalf of his brother, § 87(2)(b) and himself, via the CCRB's online complaint form (**BR01**).

On June 21, 2020, at approximately 8:00 p.m., § 87(2)(b) was outside of his family residence at § 87(2)(b) in Staten Island, when he became involved in a verbal altercation with a few unidentified neighbors, that resulted in the neighbors calling 911. Approximately 10 minutes later, Police Officer Nicole Latona and Police Officer Michael Galluccio, of the 121<sup>st</sup> Precinct responded, and a few minutes later, Police Officer James Moussa and Police Officer James Barbee, of the 121<sup>st</sup> Precinct, responded along with EMS. After speaking with the EMTs, PO Latona, PO Galluccio, PO Moussa, and PO Barbee forcibly removed § 87(2)(b) to § 87(2)(b)

(**Allegations A, B, C, and D: Abuse of Authority—Forcible Removal to Hospital, § 87(2)(g)**). As § 87(2)(b) was being escorted to the waiting ambulance by PO Moussa and PO Barbee, PO Latona and PO Galluccio entered § 87(2)(b)'s family residence (**Allegations E and F: Abuse of Authority—Entry of Premises, § 87(2)(g)**), and searched therein (**Allegations G and H: Abuse of Authority—Search of Premises, § 87(2)(g)**).

At approximately 9:30 p.m. that evening, after § 87(2)(b) picked up § 87(2)(b) from § 87(2)(b) they went to the 121<sup>st</sup> Precinct stationhouse, wherein § 87(2)(b) attempted to file a complaint with regard to the earlier incident. PO Moussa and PO Barbee allegedly refused to process § 87(2)(b)'s complaint (**Allegations I and J: Abuse of Authority—Refusal to Process Civilian Complaint, § 87(2)(g)**), and directed him toward a CCRB flyer within the stationhouse. § 87(2)(b) took out his cell phone to take a photograph of the flyer, wherein PO Moussa informed § 87(2)(b) that he was not allowed to record within the stationhouse, and warned that if he continued recording, he would be arrested (**Allegation K: Abuse of Authority—Threat of Arrest, § 87(2)(g)**). When § 87(2)(b) refused, and continued attempting to take a photo of the flyer with his cell phone, PO Moussa approached § 87(2)(b) causing him to put his cell phone away, and leave the stationhouse with § 87(2)(b) out of fear of being arrested (**Allegation L: Abuse of Authority—Interference with Recording, § 87(2)(g)**).

The investigation obtained (4) Body-Worn Camera ("BWC") videos from the officers involved (**BR02-BR05**), which captured relevant footage with regard to **Allegations A-H**, but did not capture any footage pertaining to the later incident at the 121<sup>st</sup> Precinct stationhouse.

## Findings and Recommendations

**Allegation A—Abuse of Authority: At § 87(2)(b) in Staten Island, Police Officer Nicole Latona forcibly removed § 87(2)(b) to the hospital.**

**Allegation B—Abuse of Authority: At § 87(2)(b) in Staten Island, Police Officer Michael Galluccio forcibly removed § 87(2)(b) to the hospital.**

**Allegation C—Abuse of Authority: At § 87(2)(b) in Staten Island, Police Officer James Barbee forcibly removed § 87(2)(b) to the hospital.**

**Allegation D—Abuse of Authority: At § 87(2)(b) in Staten Island, Police Officer James Moussa forcibly removed § 87(2)(b) to the hospital.**

§ 87(2)(b) stated (**BR06**) that on June 21, 2020, at approximately 7:30 p.m., § 87(2)(b) was alone in their family residence at § 87(2)(b) in Staten Island. § 87(2)(b) went outside, and got into a verbal altercation with some unidentified neighbors, wherein the neighbors allegedly threatened to kill § 87(2)(b). § 87(2)(b) did not know why the neighbors threatened to kill § 87(2)(b) nor knew the context of the altercation that led to the threat. § 87(2)(b) then repeatedly told the neighbors that if they are going to kill him to "do it now," and the neighbors in turn called 911.

Approximately 10 minutes later, several officers responded and spoke with § 87(2)(b) outside of § 87(2)(b). A few minutes later, an ambulance responded and two EMTs began speaking with § 87(2)(b). After briefly speaking with § 87(2)(b) the officers and EMTs escorted § 87(2)(b) to the ambulance and transported him to § 87(2)(b).

§ 87(2)(b) stated that he first learned § 87(2)(b) had been removed to the hospital at approximately 8:00 p.m. that evening, when either an officer or EMT called § 87(2)(b) and told him § 87(2)(b) was being transported to § 87(2)(b). § 87(2)(b) drove to § 87(2)(b) and arrived at the same time § 87(2)(b) arrived by ambulance. § 87(2)(b) stated that ten minutes after arriving, § 87(2)(b) was discharged from § 87(2)(b) after the medical staff "saw there was nothing wrong," and told § 87(2)(b) that they had to bring § 87(2)(b) to the hospital "for some reason." § 87(2)(b) could not recall what the specific reason was, but stated that § 87(2)(b)'s hospital paperwork said he was brought to § 87(2)(b) for intoxication, although § 87(2)(b) denied that § 87(2)(b) was intoxicated when he picked him up.

Despite numerous attempts to establish contact with § 87(2)(b) via phone numbers, and messages passed through family members, § 87(2)(b) did not return the undersigned's phone calls, nor contact the CCRB otherwise, and ultimately, did not provide a statement regarding this incident. Additionally, as § 87(2)(b) did not cooperate with the investigation, his medical records were not obtained.

The investigation obtained (4) BWC videos (**BR02-BR05**) from the officers involved in this incident, that captured relevant footage as pertains to allegations above. PO Latona's BWC (**BR04**) and PO Barbee's BWC (**BR02**) were the most comprehensive, as described below.

PO Latona's BWC (**BR04**) begins without audio, and shows her and PO Galluccio apparently speaking with a male individual, identified as § 87(2)(b) seated on the front steps of § 87(2)(b).

At 00:30, the audio begins, wherein PO Latona tells § 87(2)(b) "Alright, well EMS is just going to come and check you out." PO Latona asks § 87(2)(b) for his name and age, which he provides, and then asks § 87(2)(b) if he takes any "psych medication," to which he replies no. § 87(2)(b) then tells PO Latona that she should ask these questions to his neighbors that live in the adjacent houses "because they've been calling my name, all day."

At 01:30, § 87(2)(b) tells PO Latona that he lives at the house at the location, and that it belongs to his parents. PO Latona asks if his parents are home, and § 87(2)(b) replies that he does not know as he does not "keep tabs on them." At 02:56, the officers tell § 87(2)(b) that they are waiting for EMS to respond, and once he speaks with them, and they determine "everything's ok," the officers will leave.

At 06:00, the requested ambulance arrives, and PO Latona walks over and tells the EMT that 911 was generated by the neighbors, who observed § 87(2)(b) walking around the neighborhood in his socks. PO Latona further states that § 87(2)(b) said that he lives at the location with his parent, and speculates to the EMT that § 87(2)(b) "might be schizophrenic" based on the substance of their conversation which "seemed a little off."

At 06:45 of PO Galluccio's BWC (**BR05**), an EMT walks over to § 87(2)(b) and the officers and begins speaking with § 87(2)(b). § 87(2)(b) confirms that he lives at the location, and says his key and identification are inside. When asked if he is experiencing any medical issues, § 87(2)(b) says an "off-and-on-again" migraine, and denies that he takes any "psych meds." At 07:10, after an EMT asks if he is supposed to take any "psych meds," § 87(2)(b) looks over his shoulder at PO Latona approaching his residence, and asks generally if what PO Latona is doing is legal. The EMT says, "I'm sorry?" and § 87(2)(b) tells him that he was not asking him as he is not a police officer. The EMT says, "Right. I'm asking to assess whether or not you need to see a psychiatrist-" and § 87(2)(b) interjects, "Assess me. Assess me." The EMT replies, "I am assessing you." At 08:04, the EMT asks § 87(2)(b) if he is sick or injured, and he replies, "Mentally ill... any ill in my mental?" EMT clarifies to § 87(2)(b) that he is asking whether he is feeling sick or has any injuries, and § 87(2)(b) replies, "Then you clarify. You're the trained professional." PO Galluccio interjects and tells him that the EMT wants to know if he takes any medication, and § 87(2)(b) says that he already told them, and then questions the competence of the officers and EMTs.

At 08:15 (**BR04**), an EMT approaches PO Latona at the open front door, and she tells him that the door was open, she does not know if § 87(2)(b) lives at the residence as he refused to

show his identification, that the 911 callers said § 87(2)(b) had been walking up and down the street with only his socks on, and that § 87(2)(b) told the officers that his neighbors "have been calling [his] name all day." The EMT says that "something is off," and informs her that he and the other EMT will take § 87(2)(b) to the hospital for a psychiatric evaluation.

PO Barbee's BWC (**BR02**), at 01:50, captures an EMT telling § 87(2)(b) that they are going to take him to the hospital for a medical evaluation, and he says ok. At 02:05, the EMTs asks § 87(2)(b) if he wants to retrieve his identification and put on some shoes before being taken to the hospital, and he replies that he does not have identification and does not need his shoes.

PO Latona stated (**BR07**) that, as she and PO Galluccio drove down the block to § 87(2)(b) in response to an "EDP job", they were waved down by an unidentified individual, who told them that they had just seen § 87(2)(b) walking "up and down the block, wearing only socks, and talking to himself." Upon arriving to the location, the officers encountered § 87(2)(b) asked for his name, and whether he lived at the location. PO Latona did not recall whether § 87(2)(b) provided his name to the officers, if he ever confirmed that he lived at the location, or if he had or ever presented identification to the officers. While PO Latona acknowledged that § 87(2)(b) did not appear to be a danger to himself or others, she stated that she was concerned about his well-being and thought he should be evaluated, given that § 87(2)(b) was still not wearing shoes, appeared "very incoherent," and claimed that "voices were calling his name...all over the street."

A few minutes after the officers responded, EMS arrived and began to speak with § 87(2)(b) PO Latona explained that neither she nor PO Galluccio called for EMS to respond, as EMS are automatically routed to EDP jobs that are received. Several minutes later, the EMTs determined that § 87(2)(b) needed to be brought to the hospital to be evaluated, and placed him in the waiting ambulance. PO Latona (**BR07**) and PO Galluccio (**BR08**) both denied that they made the decision to remove § 87(2)(b) to the hospital.

While PO Barbee (**BR09**) and PO Moussa (**BR10**) also responded to the incident, they consistently testified that upon arrival, the EMTs had already determined to remove § 87(2)(b) to the hospital for a medical evaluation, and they only escorted him to the waiting ambulance.

When an aided person is placed in care of ambulance or medical personnel at a hospital, the authority and responsibility for the medical care of the aided rests solely with hospital personnel. Uniformed members of the service concerned shall cooperate with ambulance/hospital personnel in every reasonable manner. Patrol Guide, Procedure 216-01 (**BR11**).

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation E—Abuse of Authority: Police Officer Nicole Latona entered § 87(2)(b) in Staten Island.**

**Allegation F—Abuse of Authority: Police Officer Michael Galluccio entered § 87(2)(b) in Staten Island.**

**Allegation G—Abuse of Authority: Police Officer Nicole Latona searched § 87(2)(b) in Staten Island.**

**Allegation H—Abuse of Authority: Police Officer Michael Galluccio searched § 87(2)(b) in Staten Island.**

§ 87(2)(b) relayed (**BR06**), that § 87(2)(b) stated that while two of the officers spoke with § 87(2)(b) outside of § 87(2)(b) the other officers entered their home without asking § 87(2)(b) for permission or consent, or explain the reasoning why they were entering his home. § 87(2)(b) relayed that § 87(2)(b) asked the officers if they had permission to go inside his home, and the officers replied, "Somebody gave us the ok. Someone is home." § 87(2)(b) reiterated that § 87(2)(b) was the only person who was at their home at the time, § 87(2)(b)

said he did not give them permission to enter, and no other occupant was present to give the officers permission to enter.

PO Latona's BWC (**BR04**), at the 7:25 minute mark, shows her approaching the front door of § 87(2)(b) wherein she partially opens the front door, rings the doorbell, and says hello. A dog is heard barking inside, but no one answers. PO Latona then steps up onto the threshold of the door, again says hello and rings the doorbell.

At the 8:40 minute mark, PO Latona steps back over the threshold of § 87(2)(b)'s front door, and tells her partner, PO Galluccio, that she is going to check within the home to make sure § 87(2)(b)'s parents are not present as he had said. PO Latona and PO Galluccio then proceed to enter and then walk through § 87(2)(b)'s home, going first into the kitchen, then going downstairs to the basement where two apparent bedrooms are looked into from the open doorways, and the officers say, "Hello," without receiving any responses.

At the 10:00 minute mark, PO Latona and PO Galluccio finish checking the basement and first floor for any occupants, and then walk upstairs to check if any occupants are present. PO Latona and PO Galluccio open and briefly look into a bedroom each, and remark that there are "no photos of § 87(2)(b) he did not have keys to the location or ID, and the front door was open.

§ 87(2)(g) PO Latona stated (**BR07**), that when she checked the front door of § 87(2)(b) it was unlocked. PO Latona opened the door, and called out, "Police," several times but did not hear or receive a response, and noted that there was "a shirt on floor, which seemed strange." PO Latona stated that both she and PO Galluccio decided to enter the residence. PO Latona did not recall § 87(2)(b) tell her or the other officers she was not allowed to enter, but also acknowledged that neither she nor the other officers did not request permission to enter.

PO Latona stated that she entered the residence to check and see if anyone related to § 87(2)(b) was inside, in order to learn more about his condition, as well as inform any family members therein that § 87(2)(b) was going to be removed to the hospital. PO Latona further stated that her want to notify a relative of § 87(2)(b) that he was being brought to the hospital, and her hope to obtain more information with regard to § 87(2)(b)'s condition to fully apprise the EMTs of his medical needs, were the sole reasons she and PO Galluccio entered the home. § 87(2)(g)

§ 87(2)(b) PO Latona stated (**BR07**) that their search comprised of briefly looking into each room within the residence, and denied that she or PO Galluccio forced open any doors, or any closed containers, therein. After searching the entire location, without locating any additional individuals therein, PO Latona and PO Galluccio left the location, and resumed patrol.

PO Galluccio stated (**BR08**) that while waiting for EMS to respond, he and PO Latona asked § 87(2)(b) if he had any identification with him, in order to verify that he in fact lived at § 87(2)(b). While § 87(2)(b) did not present any form of identification or otherwise confirm for the officers that he resided at the incident location, PO Galluccio also acknowledged that § 87(2)(b) told them that he lived at the location, and he did not have any reason to believe § 87(2)(b) did not live at the location.

PO Galluccio stated that after the EMTs arrived and began speaking with § 87(2)(b) PO Latona walked up the stairs to the front door of the incident location to "check and see whether it was locked." PO Latona found the front door to be unlocked, opened the door of the location, and entered. PO Galluccio accompanied PO Latona in entering and searching the location, which he confirmed that they did on their own volition, and denied that a sergeant or other supervisor was present during the incident. PO Galluccio stated that there were no lights on within the residence, no weapons or contraband in plain view, and no apparent indication that anyone was inside. PO Galluccio acknowledged that § 87(2)(b) neither gave his permission, nor did the officers obtain his consent, before entering the location.

PO Galluccio stated that he and PO Latona entered § 87(2)(b) and searched all of the "common areas," because § 87(2)(b) did not have identification with him, because the officers were unable to verify his identity or if he in fact lived at the incident location, and also to make sure

no one was “dead, or asleep” inside. PO Galluccio denied that he or his partners searched any closets or closed containers, as they were only checking the common areas for any relatives of § 87(2)(b)

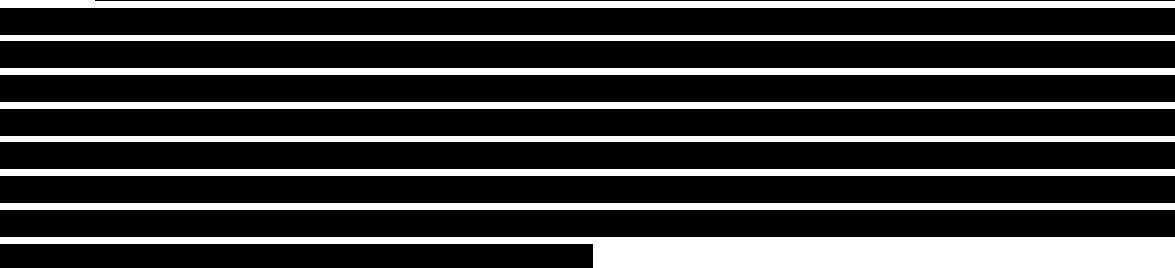
PO Galluccio stated (**BR08**) that the reason he and PO Latona searched the entire house was to “see if maybe § 87(2)(b)’s parents were home,” and to remove his concern that there was “no one dead inside [the house].” When asked to explain what led him to believe an individual might have been “dead inside [the house],” PO Galluccio stated that § 87(2)(b) did not have identification, preventing them from verifying that he lived at the location. PO Galluccio denied that there seemed to be any kind of emergency at or within the location, and denied there was any other reason, besides checking for any other individual present, for entering the location. PO Galluccio added that his BWC footage (**BR05**) shows him pointing his flashlight at various photographs in the residence, during the search, none of which contained § 87(2)(b). PO Galluccio acknowledged that ultimately, they did not know nor later learn if, in fact, § 87(2)(b) lived at § 87(2)(b)

In People v Rodriguez, officers may enter a premises when they have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property and there is some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched. People v Rodriguez, 77 A.D.3d 280 (**BR12**).

§ 87(2)(g)



§ 87(2)(g)



**Allegation I—Abuse of Authority: At the 121st Precinct stationhouse, Police Officer James Moussa did not process § 87(2)(b)’s complaint regarding officers.**

**Allegation J—Abuse of Authority: At the 121st Precinct stationhouse, Police Officer James Barbee did not process § 87(2)(b)’s complaint regarding officers.**

**Allegation K—Abuse of Authority: At the 121st Precinct stationhouse, Police Officer James Moussa threatened to arrest § 87(2)(b).**

**Allegation L—Abuse of Authority: At the 121st Precinct stationhouse, Police Officer James Moussa interfered with § 87(2)(b)’s use of a recording device.**

§ 87(2)(b) stated (**BR06**) that, later that evening, after picking up § 87(2)(b) from the hospital and returning home, he and § 87(2)(b) walked to the 121<sup>st</sup> Precinct stationhouse to file a complaint about the earlier incident. Upon entering the stationhouse, § 87(2)(b) said that “all of the officers” that had responded to their home earlier were standing at the front desk, albeit with the acknowledgement that that was based on § 87(2)(b)’s account. § 87(2)(b) and § 87(2)(b) approached the front desk, and told the officers that they wanted to file a complaint. In response, PO Moussa and PO Barbee, “became very hostile,” asked § 87(2)(b) why he wanted to file a

complaint, and then questioned why he and § 87(2)(b) wanted to file a complaint if they “knew exactly why” the officers were required to respond to his home and remove his brother to the hospital. § 87(2)(b) told the officers that they were there to file a complaint because they entered his home without permission, and then lied to him when he had asked them about it.

§ 87(2)(b) told the officers that he still wanted to file a complaint. PO Moussa then pointed toward a flyer with a phone number and instructions on how to file a complaint with CCRB, and told § 87(2)(b) that if he wanted to file a complaint, he would have to call the number on the flyer. § 87(2)(b) took out his cell phone and told the officers that he would need to take a photo of the flyer because he was having trouble reading it. § 87(2)(b) said that he neither asked for nor attempted to photograph the officers’ names or shield numbers, and insisted that he only wanted to take a photograph of the complaint instructions on the flyer. § 87(2)(b)’s original complaint was generally consistent with his CCRB interview, however, he in his initial complaint he said an officer threatened to arrest him and § 87(2)(b) for asking for information and recording (BR01).

PO Moussa told § 87(2)(b) to put his phone away, and informed him that he was not allowed to take photos or record video in the stationhouse, or he would be arrested. § 87(2)(b) refused, and continued attempting and take a photo of the flyer with his cell phone, wherein he overheard PO Moussa ask PO Barbee, “Is § 87(2)(b) trying to take a photo of me?” § 87(2)(b) replied that he was not trying to take a photo of PO Moussa, but of the complaint information flyer. PO Moussa said ok, got up from the desk, and began to approach them. § 87(2)(b) and § 87(2)(b) exited the 121<sup>st</sup> Precinct stationhouse to avoid any further escalation.

Neither the 121<sup>st</sup> Precinct Command Log from the incident date (BR13), PO Moussa’s memo book (BR14), nor PO Barbee’s memo book (BR015), contain any entries documenting § 87(2)(b)’s and § 87(2)(b)’s arrival or their attempt to file a complaint.

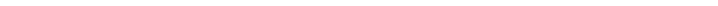
PO Moussa (BR10) and PO Barbee (BR09) were on their meal break at the 121st Precinct stationhouse, and standing behind the desk when § 87(2)(b) and § 87(2)(b) entered the stationhouse. While PO Moussa stated (BR10) that § 87(2)(b) immediately asked him, “Why did you go into my house,” and “Who gave you permission to go into my house;” PO Barbee (BR09) did not recall the content, specific remarks made, or the general demeanor of § 87(2)(b) or § 87(2)(b) when they entered the stationhouse, nor recalled whether § 87(2)(b) or § 87(2)(b) accused them of going in their house earlier. PO Moussa stated that, although he told § 87(2)(b) he did not go into his home, consistent with his BWC footage (BR03), § 87(2)(b) continued to ask why he had entered his home. Neither PO Moussa nor PO Barbee recalled § 87(2)(b) ever expressing or otherwise attempting to file a complaint, regarding the earlier incident, with them or any other officer in the stationhouse.

After a few minutes, PO Moussa ordered § 87(2)(b) and § 87(2)(b) to leave the stationhouse. § 87(2)(b) refused, took out his cell phone, pointed it at PO Moussa, and appeared to begin recording him. PO Moussa did not recall § 87(2)(b) attempting to record or take photos of any CCRB flyers in the stationhouse, and only recalled him pointing his cell phone at him. While PO Moussa stated (BR10) that he informed § 87(2)(b) that he was not allowed to record within the stationhouse, and warned him that if he continued recording, he would be arrested; PO Barbee (BR09) did not recall whether PO Moussa or any other officer threatened to arrest § 87(2)(b) for refusing to stop recording within the stationhouse. After PO Moussa ordered § 87(2)(b) to cease recording, § 87(2)(b) put his cell phone away, and he and § 87(2)(b) left the stationhouse.

PO Latona (BR07) and PO Galluccio (BR08) consistently denied that they were present at the 121st Precinct stationhouse when § 87(2)(b) and § 87(2)(b) appeared, and denied that they witnessed or later learned about any interaction between any officers, § 87(2)(b) and § 87(2)(b) that occurred in the stationhouse that evening.

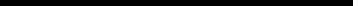
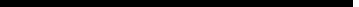
§ 87(2)(b)  
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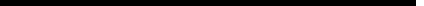
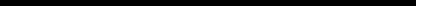
§ 87(2)(g)



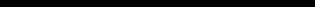
§ 87(2)(g)

#### Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which § 87(2)(b) has been a party (**BR16**).
- This is the first CCRB complaint in which § 87(2)(b) has been a party (**BR17**).
- PO Latona, a six-year-member-of-service, has had one prior CCRB complaint filed against her, with a total of one allegation, which was not substantiated (see Officer History) § 87(2)(g)  

- PO Galluccio, a four-year-member-of-service, has had one prior CCRB complaint filed against him, with a total of one allegation, which was not substantiated (see Officer History) § 87(2)(g)  

- PO Moussa, a four-year-member-of-service, has had four prior CCRB complaint filed against him, with a total of five allegations, one of which was substantiated (see Officer History) § 87(2)(g)  

  - In CCRB #201907825, a refusal to obtain medical treatment allegation was pleaded against PO Moussa, which the CCRB substantiated, recommended Command Level Instructions, and the NYPD concurred and penalized PO Moussa with Formalized Training.
- PO Barbee, a nine-year-member-of-service, has had five prior CCRB complaint filed against him, with a total of eight allegations, one of which was substantiated (see Officer History) § 87(2)(g)  

  - In CCRB #201907825, a refusal to obtain medical treatment allegation was pleaded against PO Barbee, which the CCRB substantiated, recommended Command Level Instructions, and the NYPD concurred and penalized PO Barbee with Formalized Training.

#### Mediation, Civil, and Criminal Histories

- This case was not suitable for mediation.
- On February 3, 2022, a FOIL request was submitted to the NYC Comptroller's office to determine whether § 87(2)(b) or an attorney on either of their behalf has filed a Notice of Claim with regards to this incident, the results of which will be attached to the case file upon receipt (**BR18**).
  - § 87(2)(b)  

  - § 87(2)(b)  


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Squad: \_\_\_\_\_ 10 \_\_\_\_\_

Investigator: Griffin Sherbert Signature Inv. Griffin Sherbert Print Title & Name 02/08/2022 Date

Squad Leader: Eric Rigie \_\_\_\_\_ IM Eric Rigie \_\_\_\_\_ 02/09/2022  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_ Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_