



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

May 6, 2024

POLICE COMMISSIONER'S PENALTY DEPARTURE

Re: CCRB Case No. 202207933 (Incident Date: November 10, 2022) regarding Police Officer Rodney Hale, Tax No. 933826 (DADS No. 2024-29981), and Detective Paul Ragone, Tax No. 949521 (DADS No. 2024-29982)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts and circumstances in connection with CCRB Case No. 202207933, pertaining to Police Officer Rodney Hale and Detective Paul Ragone. Having analyzed the facts and circumstances of this matter, the Police Commissioner has determined that no disciplinary action is warranted in connection with some of the substantiated allegations against said members of the service.

In this case, Officer Hale responded to a call of an emotionally disturbed person. Having been to the location and dealt with the individual on several previous occasions, Officer Hale attempted to build on that prior relationship and convince the individual to go to the hospital for psychiatric evaluation, voluntarily. During this encounter, Officer Hale told the individual that officers and EMTs were there because "people said you're going crazy," used the word "shit" when speaking with EMTs, and said to the EMTs that the individual was "off her damn rails."

Officer Hale's actions and statements were captured on his body-worn camera. It is clear that his statement to the individual was made in an attempt to gain voluntary compliance and not meant to ridicule or offend the individual. Additionally, his comments to EMTs, although stemming from

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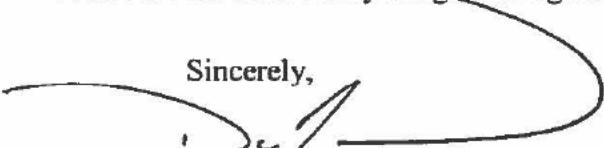
his frustration, were not made within earshot of the individual. In fact, the individual did not allege that Officer Hale used offensive language or was discourteous.

The same is true for Detective Ragone. Towards the end of the encounter, Detective Ragone, a member of the Emergency Services Unit, was escorting the individual to the ambulance when the individual turned her head towards Detective Ragone and spat at another member of the service. Detective Ragone can be heard on body-worn camera saying, "come on, are you fucking kidding me" in response to the individual's spitting.

These allegations of courtesy and offensive language against Officer Hale and Detective Ragone were added after CCRB investigated the actual allegations made by the individual, all of which were found to be within NYPD Guidelines. Based on the totality of the circumstances, the Police Commissioner finds that Officer Hale's comments were discourteous rather than offensive language based on the individual's perceived or actual disability. The Police Commissioner also finds that Detective Ragone's use of a profanity in this situation does not constitute actionable misconduct in that it was an excited utterance that was not meant to belittle, disparage, or offend.

Therefore, the Police Commissioner directs that Officer Hale receive no disciplinary action for the offensive language allegations and Detective Ragone receive no disciplinary action for the sole courtesy allegation against him. Furthermore, the Police Commissioner directs the issuance of a Schedule "A" Command Discipline to Officer Hale for the courtesy allegations against him.

Sincerely,



Anthony S. Marino
Deputy Chief
Commanding Officer
Police Commissioner's Office