

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BRODIE, J.

JAMELL COPIEL
BIN#18r23933

PO BOX 51
COMSTOCK NEW YORK 12821-0051

PLAINTIFF,

BLOOM, M.J.

CIVIL RIGHTS COMPLAINT
42 U.S.C 1983

JURY DEMAND
YESX

-against-
KEVIN PUGLIESSE#21383
JOHN QUINN#???
CITY OF NEW YORK -----
DEFENDANTS.

CV19-4231

RECEIVED
JUL 24 2019
PRO SE OFFICE

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUL 24 2019 ★

BROOKLYN OFFICE

1. PARTIES JAMELL COPIEL

GREAT MEADOW CORRECTIONAL FACILITY
POBOX 5.1
COMSTOCK, NEWYORK 12821-0051
prison id #18-R-2393

B.
Defendant No.1 KEVIN PUGLIESSE #21383

Police Officer
103rd PRECINT

Defendant No.2 JOHN QUINN#????
103rd Precint

Defendant No.3 THE CITY OF NEW YORK

2. Statement of Claim

1. On February, 22nd, 2018 at approximately 12:30pm, in the County of Queens, I the plaintiff Jamell Copiel was being subjected to A N.Y.P.D. 103RD Precint pursuit chase by P.O Kevin Pugliesse #21383 who was chasing me with his assign patrol vehicle while I was on foot. The vehicle was A unmarked car.

2. As the chase was in commission the pursuit was pursued on 109th avenue and 160th streets cross way area. The p.o. Kevin pugliesse #21383 never Announced his presence as A law enforcement agent or police officer during his initial encounter by alerting his self on a patrol loud speaker or via siren announcement he chose to do neither. He proceeded to disregard my safety and accelerated the speed as A way of demonstrating A unauth-

orized Use of Force.

3. P.O. Kevin Pugliese#21383 completely disregarded the N.Y.P.D Patrol Guide Directive#221-15 Protocol Guideline,of P.D.371-153 Vehicle Pursuit Report he never made A verbal Order or request to stop he remained silent in the pursuit the entire time span he used the vehicle to commence the Assault upon my body.
4. As I was running away from this unmarked mystery vehicle towards 159th street and 160th I could hear the vehicle acceleration adjusting ~~ITS~~ ^{ITS} ~~SPEED~~ ^{SPEED} ~~TOWARDS~~ me, in A manner adjustment- next he adjusted the speed A third time this time he made direct contact upon me, by hitting me upon my right leg causing substantial pain and as A result I was subjected to the use of ~~A~~ ^A MEDICAL walking cane to move about.
5. I was being pursued due to A alleged criminal complaint filed against A person accused of violating A penal law code. After the vehicle hit me violently at approximately 40 miles per hour, I had to make A split second decision on my survival in tent, prior to the vehicle hitting me which I HAD TO JUMP UPON A PARKED CAR TO AVOID BEING HIT, but I never made it he hit me upon my right leg and I then forced myself to jump onto A parked vehicle.
6. Upon arriving to the 103rd Pct. I had requested for medical assistance for my injury to my right leg to some officer who hit me. He alerted medical assistance from Jamaica Hospital- whom in return sent over E.M.T. technicians who had effected A examination and had determine there was no injury. soon thereafter I was transported over to Criminal Court where I informed my attorney Kevin Michaels, Esq. who took notes of my

grievance. I was subsequently sent to corrections at the Vernon C. Bain center.

Upon entering the V.C.B.C facility I immediately received medical treatment for right leg. I was issued A prescription of painkillers [Ibruprofen\$00] and walking cane. [See medical report EXHIBITS.

8. Soon thereafter I filed A Grievance Complaint to the Civilian Complaint Reviewed Board on September, 7th, 2018 regarding this incident and P.O. misconduct and Brutality.

9. AS A result of this incident I have suffered severe excruciating pain in my right leg. I am experiencing difficulty in my mobility Adjustments in terms of walking. I am still to keep and use A walking cane due to my stumbling and immobile imbalance. I suffer from mental distress, emotional distress, paranoia of uniform officers and re-occurring flashbacks and anxiety attacks and night mares.

3. RELIEF SOUGHT

I would like to have this POLICE OFFICER held accountable for my injuries. And if I am granted A Civil Trial and I successfully prove this incident and allegations I would like to be reasonably and fairly compensated for my injuries that i,ve received unnecessarily 500,000 DOLLARS FOR PAIN & SUFFERING.

I declare under penalty of perjury that on 9th DAY OF MAY 2018- I delivered this complaint to prison authorities at Great-Meadow Correctional Facility P.O.Box 51 Comstock, New York-

To be mailed to the United States District Court for the Eastern District of New York.

I declare under penalty that the foregoing is true and correct

continued:

Dated: MAY 9, 2019

x JAMELL COPIEL#18-R-2393

P.O.Box 51

Comstock, New york 12821-0051



PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-15	
VEHICLE PURSUITS			
DATE ISSUED: 06/01/16	DATE EFFECTIVE: 06/01/16	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE

To determine the necessity of commencing a vehicle pursuit and the method to be employed in conducting such a pursuit.

DEFINITIONS

PRIMARY VEHICLE - vehicle initiating pursuit.
SECONDARY VEHICLE - first additional unit assisting in pursuit.

PROCEDURE

Upon observing a vehicle which is to be stopped or there is a likelihood that vehicle pursuit may be imminent:

UNIFORMED MEMBER OF THE SERVICE, PRIMARY VEHICLE

1. Initiate vehicle stop when feasible.
2. Determine the necessity for commencing and continuing a vehicle pursuit by considering the following:
 - a. Nature of offense
 - b. Time of day
 - c. Weather condition
 - d. Location and population density
 - e. Capability of Department vehicle
 - f. Familiarity with area.

NOTE

Department policy requires that a vehicle pursuit be terminated whenever the risks to uniformed members of the service and the public outweigh the danger to the community if suspect is not immediately apprehended. If chase is terminated, members will attempt to obtain sufficient information to effect apprehension.

3. Notify radio dispatcher at start of pursuit and provide the following information:
 - a. Your location
 - b. Type of vehicle, color and direction of travel
 - c. Nature of offense
 - d. Registration number and state of registration
 - e. Occupants
 - f. Any other pertinent information.
4. Maintain contact with radio dispatcher but do not depress transmitter key ✖ unnecessarily.
 - a. Keep radio transmissions brief and speak in normal tones.
5. Utilize vehicle's emergency signaling devices intelligently.
 - a. Do not use the "constant" position on siren, since it tends to distort ✖ transmissions and blot out the sound of approaching vehicles.
6. Inform radio dispatcher if vehicle changes direction.
 - a. Give last location of vehicle, speed, and direction of travel.
7. Notify radio dispatcher if pursued vehicle is lost or pursuit is terminated.

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PATROL SUPERVISOR, PRECINCT OF OCCURRENCE

8. DIRECT AND CONTROL THE PURSUIT AND THE APPREHENSION EFFORT.
 - a. Monitor radio transmissions
 - b. Keep radio dispatcher informed of location
 - c. Limit involvement and control radio use of other units.

NOTE

Units other than the primary vehicle, secondary vehicle and supervisor's unit shall stay off the air except in extreme emergencies and stay clear of the pursuit but remain alert to its progress. They will not join in or interfere with the pursuit vehicles.

9. Request other units to respond to strategic locations to apprehend the vehicle.
 - a. Primary and secondary units will be the only units to operate in close pursuit of the pursued vehicle.
 - b. Additional units may be requested by the officers in the primary unit or by a supervisor, if it appears that the officers in the vehicle involved would not be able to safely effect the apprehension of the suspects. Vehicles shall not caravan behind pursuing vehicles.
10. Terminate the pursuit, if necessary.
11. Coordinate a search of the vicinity where pursued vehicle last observed.

RADIO DISPATCHER, COMMUNICATIONS SECTION

12. Notify Communications Section platoon commander/uniformed supervisor of pursuit.
13. Direct other units to assist and support the pursuing vehicles, as directed by the patrol supervisor.
 - a. If the registration plate number is known, inform members concerned whether the vehicle is wanted on an alarm or not.

NOTE

When a vehicle pursuit results from another assignment, status code 10-88 will be utilized in ICAD. Pick-up vehicle pursuits will be entered as 10-60I.

PLATOON COMMANDER/ UNIFORMED SUPERVISOR, COMMUNICATIONS SECTION

14. Monitor pursuit.
 - a. Control and direct the apprehension effort, in the absence of active patrol supervisor. Terminate pursuit if warranted.

UNIFORMED MEMBER OF THE SERVICE, SECONDARY VEHICLE

15. Acknowledge assignment as secondary vehicle.
 - a. Allow at least five car lengths distance from primary pursuit vehicle. ✖
 - b. Do not pass primary vehicle unless requested by that unit, or if other circumstances exist such as a collision, mechanical malfunction, etc.

PATROL SUPERVISOR, PRECINCT ORIGINATING PURSUIT

16. Immediately after pursuit, prepare **VEHICLE PURSUIT REPORT (PD371-153).**
17. Forward report to commanding officer, precinct originating pursuit.

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NOTE *If pursuit is initiated by other than Patrol Services Bureau personnel, the immediate supervisor of those officers will perform the duties of the patrol supervisor.*

COMMANDING OFFICER, PRECINCT ORIGINATING PURSUIT 18. Review and endorse patrol supervisor's report (include statement regarding disciplinary action) and have copies forwarded, as follows:

- a. Commanding Officer, Personnel Safety Desk (original and copy through channels)
- b. Borough Safety Officer
- c. Commanding officers of members involved in pursuit (attach **SUPERVISOR'S COMPLAINT REPORT (PD468-123)**, if prepared).

COMMANDING OFFICER OF MEMBER INVOLVED IN PURSUIT 19. Determine and take appropriate disciplinary action (command discipline, charges and specifications, etc.) and notify Borough Safety Officer.

20. Have a copy of all reports prepared placed in personal folder of members involved.

PERSONNEL SAFETY DESK 21. Have a number assigned to report, upon receipt.

- a. Numbers will start with 0001 for the first incident reported each year.

NOTE *The Personnel Safety Desk will maintain a chronological file of all reported vehicle pursuits.*

22. Have a copy of report forwarded to:

- a. Commanding Officer, Driver Education and Training Unit
- b. Commanding Officer, Personnel Records Section.

C.O., PERSONNEL RECORDS SECTION 23. Have report placed in the personal folder of officers involved.

DIRECTOR, INFORMATION TECHNOLOGY SERVICES DIVISION 24. Prepare and forward a monthly report of all vehicle pursuits to the appropriate Borough Safety Officer.

BOROUGH SAFETY OFFICER 25. Insure that a vehicle pursuit report has been prepared for all pursuits identified by Communications Section.

26. Review and report data regarding vehicle pursuits to patrol borough commanding officer.

ADDITIONAL DATA *The following tactics are prohibited and will not be used in an attempt to stop a vehicle:*

- a. *Ramming*
- b. *Placing moving Department vehicle in a position to be struck by the pursued vehicle **
- c. *Driving alongside the pursued vehicle*
- d. *Roadblocks (unless specifically directed by supervisory personnel).*

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**ADDITIONAL
DATA
(continued)**

Unmarked Department vehicles will limit pursuits.

Department vans and scooters (2 and 3 wheel) will not be used in pursuits.

Two wheel motorcycles will limit pursuits and terminate pursuit when a four wheel Department vehicle has joined pursuit.

**RELATED
PROCEDURES**

Vehicle Collisions - General Procedure (P.G. 217-01)

Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)

**FORMS AND
REPORTS**

SUPERVISOR'S COMPLAINT REPORT (PD468-123)

VEHICLE PURSUIT REPORT (PD371-153)

MEDICAL TREATMENT OF PRISONER
PD 244-150 (Rev. 12-89)-Pont-RMU

SECTION I - TO BE COMPLETED BY N.Y.P.D.						Date
Prisoner's Name (Last, First, M.I.) (Print)						Age
19						Sex
M						
Address						Street
6441 Gibson street Far Rockaway NY						Zip Code
Apt.						Telephone No.
Arresting Officer: Rank (Print) Name (Last, First, M.I.)						Shield No.
101 Koshko						21383
Tax Reg. No.						Command
95103						185
Arrest No.						Charge
Q1900787						103 Robbery 2
Escort Officer: Rank (Print) Name (Last, First, M.I.)						Shield No.
101 Koshko						21383
Tax Reg. No.						Command
95103						185
Prisoner Requests/Requires Medical Aid		Prisoner Refused Medical Aid		Date		Time
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		07/22/18		0300
Transported To Hospital (Name)		Via Patrol		RMP #		ACR #
Returned From Hospital		Attempted Suicide		Nature Of Illness/Injury		
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Pain to Right Leg		
Restraining Devices Used		E. S. U. Responded		If Yes: Respondent's Rank (Print) Name (Last, First, M.I.)		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Prescription Medication		Prescription Number And Name Of Physician		Pharmacy / Phone No.		Property Clerk Invoice No./Cmd.
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						

Remarks:
Prisoner complained of pain to right leg sustained while resisting Arrest. Prisoner RMA

Prisoner Refused Medical Aid In The Field <input type="checkbox"/> Yes <input type="checkbox"/> No		Prisoner Refused Medical Aid At The Command <input type="checkbox"/> Yes <input type="checkbox"/> No		Prisoner Refused Medical Aid Within The Court Section <input type="checkbox"/> Yes <input type="checkbox"/> No		Recommend Prisoner Be Separated From General Population <input type="checkbox"/> Yes <input type="checkbox"/> No	
E.M.S. Field Personnel		Print Name (Last, First, M.I.)		Shield #		Date	
Herman Michael				1750		2/22/18 0231	
E.M.S. Court Section		Print Name (Last, First, M.I.)		Shield #		Date	
RVM 10				1151			
NYPD Supervisor/Desk Officer		Rank (Print) Name (Last, First, M.I.)		Signature		Cmd. Of Arrest/Court Section	
S. J. Laibefsky		Keith R.				103	

SECTION II - TO BE COMPLETED BY HOSPITAL MEDICAL STAFF										
Admitted To Hospital		Subsidiary Watch Recommended By		Transfer to Psychiatric Hospital Recommended		Medication Prescribed		Medication To Be Taken As		
<input type="checkbox"/> Yes <input type="checkbox"/> No		Hospital Staff <input type="checkbox"/> Yes <input type="checkbox"/> No		By Hospital Medical Staff <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		Prescribed <input type="checkbox"/> Yes <input type="checkbox"/> No		
Medication To Travel With Prisoner			Refer To Psychiatric Hospital							
<input type="checkbox"/> Yes <input type="checkbox"/> No			<input type="checkbox"/> Yes <input type="checkbox"/> No							
Print Name (Last, First, M.I.)			Signature			Title		Date		Time
NYPD Court Section Supervisor		Rank (Print) Name (Last, First, M.I.)		Signature		Court Section		Date		Time
1 Sgt Salke						QCS		7/22/18		0546
Received By Department Of Correction:		Rank (Print) Name (Last, First, M.I.)		Signature		Shield / I. D. #		Date		Time

DISTRIBUTION: 1. WHITE, 2. BLUE, 3. PINK - DEPT. OF CORRECTION, 4. BUFF - CMD. OF ARREST, 5. GREEN - ARRAIGNING JUDGE.
(Receipt will be obtained by Escorting Officer on PINK COPY and returned to COURT SECTION facility. Upon receipt of PINK COPY, COURT SECTION Supervisor will remove BUFF COPY from FILE and forward it to COMMAND OF ARREST FOR FILE.)
NOTE: A PHOTO COPY OF THIS FORM MAY BE PROVIDED UPON REQUEST TO HEALTH AND HOSPITALS CORPORATION (HHC) PERSONNEL.

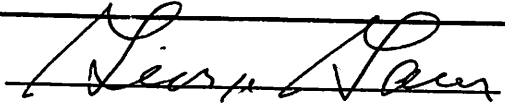
NYC HEALTH + HOSPITALS

Special Needs Form

PATIENT NAME: COPIEL, JAMELL	FACILITY: Vernon C. Bain Center
NYSID: 13102275J	BookCase: 4411801309

I have reviewed the patient's record and I have found that patient will need the following Special Needs/Special Requirements

1. Assistive Device : Cane (02/23/2018 - 02/31/2018)


Signature
Gainor, George 02/23/2018 12:55 PM
Print Name/Date/Time

Jamell Copel 18 R 239B
PO BOX 51
Comstock ny 12821-0051

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BROOKLYN OFFICE

Clerk of Court
225 Adams Plaza East
Brooklyn NY 11201

7/12/19

Please place civil complaint
on calendar ASAP