201200567
John Eagan

On the morning of January 12, 2012, a woman was asleep in her apartment when she was woken by five officers from the 46th Precinct. The officers stated they were looking for the woman's adult son, against whom she had pressed domestic violence charges months earlier, whom they claimed had missed a court date. She told them that her son was not there; they asked if they could speak with her and she said she would speak after she got dressed. When she went to her bedroom to get dressed, the officers entered the apartment with their guns drawn. Before she was finished dressing, an officer pushed open the bedroom door and entered with a gun drawn. The officer asked who was in a back bedroom, and the woman said it was her young daughter and granddaughter. She showed the officer the sleeping children, then she and the officers returned to the living room, where the officers asked her if she was still pressing charges against her son. She explained that she was trying to have the charges dropped and that her son no longer lived with her. The officers left.

The incident was part of a "housing surge" conducted by the 46th precinct in which, among other activities, officers attempt to find individuals who have open bench warrants associated with addresses in New York City Housing Authority properties. The operation was supervised by Lieutenant John Eagan, who was accurately described by the woman as the lead officer in her apartment, who had initially had his gun drawn but eventually holstered it (another officer kept her gun drawn the entire time).

In his testimony Lieutenant Eagan stated that while he supervised the operation, he did not participate, and that when officers went to the NYCHA buildings he was on patrol elsewhere in the precinct. He further stated that at the end of the operation, he prepared two Incident Reports (which he identified as UF-49s, a form that can serve multiple purposes in the NYPD) that summarized "all the activity from 6 a.m. to midnight."

No officers had any memo book entries regarding the incident. Each of the officers that the CCRB determined had taken part in the search had only an entry at the start of the day stating they were doing warrant sweeps.

The CCRB requested the records that Lieutenant Eagan stated that he prepared. The NYPD stated that no such records existed. Lieutenant Eagan was re-interviewed and once again stated that he prepared two documents summarizing the day's activity. But when told that the command could find no such reports, Lieutenant Eagan changed his story, stating that he knew two reports were prepared, but that they had been prepared by someone else, and he had never seen them. He then stated that he did not know what information would have been in the two reports (which he twice had testified he had personally prepared). No records of the incidents were provided, and no officer had any memo book entries regarding it.

The CCRB was unable to determine whether the entry was improper and whether the drawing of guns was within department policy because of the lack of documentation regarding the incident. It found that Lieutenant Eagan had made a false official statement when he testified that he had prepared two reports on the activity conducted that day when he had not.

The NYPD issued no discipline to Lieutenant Eagan, who has since retired from the NYPD.

CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	Team:	CCRB Case #:	☐ Force ☐ Discourt. ☐ U.S.
Patrick Harrison	Team # 2	201200567	☑ Abuse ☐ O.L. ☐ Injury

Incident Date(s)	Location of Incident:	Precinct:	18 Mo. SOL	EO SOL
Thu, 01/12/2012 10:40 AM	[redacted]	46	07/12/2013	7/12/2013

Date/Time CV Reported	CV Reported At:	How CV Reported:	Date/Time Received at CCRB
Thu, 01/12/2012 2:18 PM	CCRB	Phone	Thu, 01/12/2012 2:18 PM

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

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

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POF Julissa Goris	03444	§ 87(2)(b)	046 PCT
3. POM Bienvenido Mena	07584	§ 87(2)(b)	046 PCT
4. POF Jacquelin Febres	29708	§ 87(2)(b)	046 PCT
5. POF Stephanie Donohue	08935	§ 87(2)(b)	046 PCT
6. LT John Eagan	00000	§ 87(2)(b)	046 PCT
7. POM Christophe Canelliz	20260	§ 87(2)(b)	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A . LT John Eagan	Abuse of Authority: Lt. John Eagan supervised the entry and search of § 87(2)(b) in the Bronx.	A . § 87(2)(g)
B . LT John Eagan	Abuse of Authority: Lt. John Eagan drew his gun.	B . § 87(2)(g)
C . Officers	Abuse of Authority: Officers drew their guns.	C . § 87(2)(g)
D . LT John Eagan	Other: Lt. John Eagan intentionally made false official statements in violation of Patrol Guide Procedure 203-08.	D . § 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]
§ 87(4-b), § 87(2)(g)	[redacted]	
§ 87(4-b), § 87(2)(g)	[redacted]	[redacted]

Case Summary

On January 12, 2012, at 2:18 p.m., § 87(2)(b) filed this complaint with the CCRB via telephone (encl. 4.0-4.1). On January 12, 2012, at approximately 10:40 a.m., officers went to § 87(2) s home at § 87(2)(b) in the Bronx to attempt to enforce a bench warrant for § 87(2)(b) s son, § 87(2)(b) The following allegations resulted:

- **Allegation A – Abuse of Authority: Lt. John Eagan supervised the entry and search of § 87(2)(b) in the Bronx.**
- **Allegation B – Abuse of Authority: Lt. John Eagan drew his gun.**
§ 87(2)(g)
- **Allegation C – Abuse of Authority: Officers drew their guns.**
§ 87(2)(g)
- **Allegation D – Other Misconduct: Lt. John Eagan intentionally made false official statements in violation of Patrol Guide Procedure 203-08.**
- § 87(4-b), § 87(2)(g)

Results of Investigation

Civilian Statements

Complainant: § 87(2)(b)

- § 87(2)(b)

CCRB Statement

On January 12, 2012, § 87(2)(b) filed this complaint with the CCRB via telephone (encl. 4.0-4.1). On January 13, 2012, § 87(2)(b) gave a phone statement (encl. 4.2). On January 23, 2012, § 87(2)(b) was interviewed at the CCRB (encl. 4.3-4.6). § 87(2)(g)

In 2011, § 87(2)(b) pressed domestic violence charges against her son, § 87(2)(b) In the second half of 2011, two letters for § 87(2)(b) arrived at § 87(2)(b) s home at § 87(2)(b) in the Bronx, stating that § 87(2)(b) had missed his court dates and that a warrant would be issued for his arrest if he did not appear at court.

On January 12, 2012, at 10:40 a.m., § 87(2)(b) was in her bed asleep with her boyfriend, § 87(2)(b) when she was awoken by officers knocking on her apartment door. At the time that this occurred, § 87(2)(b) s young daughter and § 87(2)(b) granddaughter were sleeping in a back bedroom.

§ 87(2)(b) put on a coat, went to the apartment door, and opened it a few inches such that the officers would have been able to see her eyes and forehead. There were six or seven uniformed officers outside her door, including Lt. Eagan (identified by investigation, described by § 87(2) as a white man in his 30's who stood 6' to 6'1" tall and had sandy or blonde-colored hair), PO Bienvenido Mena (identified by investigation, described by § 87(2)(b) as a white or Hispanic man in his 30's man who stood 5'7" to 5'8" tall and had dark hair), PO1 (described by § 87(2)(b) as a white woman in her early 30's who stood 5'5" tall and had a medium build with a dark brown or black ponytail), PO2 (who was described by § 87(2)(b) as having the same pedigree as PO1 but with slightly lighter colored hair), and PO3 (described by § 87(2)(b) as a white man in his 30's who stood 5'7" to 5'8" tall and had a medium build and dark hair). § 87(2) could not describe any remaining officers.

Either PO1, PO2, or both had a conversation with § 87(2)(b) lasting less than one minute. The officer(s) stated that they were looking for § 87(2) § 87(2)(b) (According to § 87(2)(b) s phone statements on January 12, 2012, and January 13, 2012, the officers further stated that they had a warrant for the arrest of § 87(2) § 87(2)(b) § 87(2)(b) omitted this detail in her January 23, 2012 CCRB interview.) § 87(2)(b) told the officers that § 87(2) § 87(2) no longer lived with her. (In her January 12, 2012 phone statement, § 87(2)(b) stated that she told the officers § 87(2) § 87(2) had not lived with her for a long time. In her January 12, 2012 phone statement, § 87(2)(b) stated that she told the officers § 87(2) § 87(2) had not lived with her for three years. § 87(2)(b) did not specify in her January 23, 2012.) The officers asked § 87(2)(b) if they could speak with her. § 87(2)(b) asked the officers to wait a moment while she got dressed. An officer said okay. § 87(2)(b) then fully closed the door but did not lock it. At no point did any officer request permission to enter the apartment, and at no point did § 87(2)(b) give any officer permission to enter or gesture to the officers to enter.

§ 87(2)(b) went to her room and began dressing herself. § 87(2)(b) woke up and asked § 87(2) what was going on. § 87(2)(b) told § 87(2)(b) that the police were at the door. § 87(2) then heard her front door open and heard the two sliding doors of the closet located near the front door being opened. PO1 then opened § 87(2)(b) s bedroom door and asked § 87(2) who she was talking to. PO1 opened the door less than two feet before § 87(2)(b) who was standing in front of the door, pulling on her pants, stuck out an arm and stopped the door from opening further. § 87(2)(b) did not try to close the door, and PO1 did not struggle to open the door further. § 87(2)(b) told PO1 that she was talking to her boyfriend. § 87(2)(b) let go of the door to grab herself a shirt, and PO1 then opened the door wider and entered the room with her gun drawn. PO1 observed that § 87(2)(b) was in the room but did not have any interaction with him.

PO1 asked § 87(2)(b) who was in the back bedroom, and § 87(2)(b) said it was her children. § 87(2)(b) then led PO1 to the back bedroom. PO1 entered the room, observed that § 87(2) s young children were asleep in the room, and left the room. PO1 and § 87(2)(b) then went to the living room. On the way to the living room, § 87(2)(b) observed PO2 and Lt. Eagan inside the apartment with their guns drawn. § 87(2)(b) observed that the bathroom door, which is usually left closed, was open, but she did not see any officers go inside the bathroom.

All of the officers were present in § 87(2)(b) s living room. § 87(2)(b) talked with PO1 in the living room for one minute or less. During this conversation, PO2 and Lt. Eagan holstered their guns. PO1 did not holster her gun. Lt. Eagan stood by the living room wall. PO4 wrote on a clipboard or notebook. PO Mena stood nearest the front door.

PO1 stated that the officers were from a domestic violence unit and told § 87(2)(b) that they were looking for § 87(2) § 87(2)(b) because he had missed his court date. § 87(2)(b) knew from a prior conversation with an assistant district attorney that § 87(2)(b) had been to court in the past two weeks. PO1 asked § 87(2)(b) if she was still pressing charges against § 87(2) § 87(2)(b) § 87(2)(b) did not answer PO1's question directly but instead tried to explain that she was trying to have the charges dropped. PO1 repeated her question twice to § 87(2)(b) in a raised voice, and § 87(2) told PO1 that she was still pressing charges against § 87(2) § 87(2)(b) The officers then left. § 87(2) s children slept through the entire incident, and § 87(2)(b) stayed in the bedroom throughout the entire incident.

Attempts to Schedule Photo Viewing

Four voicemail messages were left for § 87(2)(b) between April 17, 2012 and May 8, 2012, requesting that she schedule a photo array viewing to identify the officers who participated in the incident. Additionally, letters were sent to § 87(2)(b) on April 17, 2012 and May 8, 2012. § 87(2) has not contacted the CCRB since her interview on January 23, 2012, and the letters sent to her have not been returned. According to the New York City Department of Correction and the New York State Department of Corrections and Community Supervision, § 87(2)(b) was not incarcerated as of March 8, 2013 (encl. 6.48-6.49).

Witness: § 87(2)(b)

- § 87(2)(b)

On February 3, 2012, § 87(2)(b) provided a phone statement (encl. 4.7). § 87(2)(g)

§ 87(2)(b) did not see any officers other than PO1 and did not see any officer with a gun drawn. The lights in the room were off at the time, and § 87(2)(b) saw what he perceived to be light coming into the room from a flashlight when PO1 opened the door. § 87(2)(b) did not recall whether PO1's hands were visible or whether he saw any objects in the PO1's hands. § 87(2)(b) did not recall whether PO1 crossed the threshold of the door to § 87(2)(b) s bedroom, but did recall that the officer did not enter far into the room or walk around in the room.

Because § 87(2)(b) did not witness any alleged misconduct, he was not asked to provide a verified statement.

NYPD Statements:

Subject Officer: **LT. JOHN EAGAN**

- *Lt. Eagan, a white man who stands 5'8" tall, weighs 185 lbs., and has graying, red hair and brown eyes, was* § 87(2)(b) *old at the time of the incident.*
- *Worked from 4:45 a.m. on January 12, 2012 to 2:45 a.m. on January 13, 2012 as the 46th Precinct special operations supervisor, in uniform, in unmarked, black Ford car, RMP #* § 87(2)(b)

Memo Book Entries

Lt. Eagan did not have any memo book entries regarding the incident. Lt. Eagan had the following memo book entries regarding his activity for his tour beginning January 12, 2012: At 4:45 a.m., present for duty. At 6 a.m., directed patrol: housing surge. At 3 p.m., out of service for administrative duty. At 11 p.m., loading property. At 1:30 a.m., out of service for administrative duty – new arrest. At 2:45 a.m., end of tour. (encl. 5.26-5.27)

CCRB Statements

Lt. Eagan was interviewed on August 15, 2012 and February 14, 2013 (encl. 5.28-5.33). In his first interview, Lt. Eagan claimed to have prepared two UF-49's regarding the activity he supervised on January 12, 2012. (Lt. Eagan stated that a UF-49 is a miscellaneous report that can be created to document any number of activities and are not exclusively used as Unusual Occurrence Reports.) Lt. Eagan was re-interviewed because these documents could not be found (see the **Police Documents** section of this report). A brief break was called during the second interview at the request of Lt. Eagan's legal representative, and therefore the second interview was recorded on two audio recordings. § 87(2)(g)

Approximately one week before the incident, the office of Chief of Patrol James Hall sent instructions to the 46th Precinct to conduct a "housing surge" operation. Lt. Eagan supervised the operation, which was conducted on January 12, 2012. The housing surge operation consisted of a "warrant sweep" operation, directed patrol, and other enforcement activities and primarily targeted New York City Housing Authority buildings and ancillary city-owned residential buildings. No commands other than the 46th Precinct participated in the operation.

Approximately 20 officers participated in the housing surge operation, and the officers were divided into four or five teams. Domestic Violence Unit (DVU) officers PO Stephanie Donohue, PO Jacqueline Febres, PO Julissa Goris, and PO Bienvenido Mena participated in the warrant sweep as part of the housing surge operation. Lt. Eagan did not recall what other specific officers participated in the housing surge operation, and did not recall whether any supervisors other than himself participated in the operation. Officers from the Conditions Unit participated in the housing surge operation, but Lt. Eagan did not recall which specific officers from the Conditions Unit did so. It is possible that officers who normally worked in separate units would have worked together in mixed teams during the housing surge operation but that this did not apply to the DVU, who would have worked by themselves. (Lt. Eagan did not recall if any officer from other units actually did work with DVU on the date of the incident.) Lt. Eagan did not recall how many of the teams participating in the housing surge operation were assigned to warrant sweep part of the operation.

In preparation for the warrant sweep part of the housing surge operation, an officer or officers searched for any warrants associated with building addresses targeted by the operation, obtained copies of all warrants found, divided the warrants into separate folders, and distributed the folders to each team that was assigned to conduct warrants, with the exception of DVU, who was assigned to look up and obtain their own warrants. Lt. Eagan did not recall whether he or another officer performed these tasks.

DVU was the only team assigned to look up and obtain their own warrants. DVU was assigned to look up and enforce any and all warrants for any individuals in housing locations connected to any domestic violence cases, regardless of whether the warrants themselves were connected to the domestic violence cases or were connected to non-domestic violence cases. DVU was not required to provide to Lt. Eagan any tactical plan, agenda, itinerary, or other document listing what locations they intended to visit or what warrants they intended to enforce on January 12, 2012. Typically, when DVU goes out to enforce warrants, DVU officers just tell Lt. Eagan that they are going out into the field to conduct warrant enforcement, and Lt. Eagan is only made aware of what specific locations DVU visited and what warrants they attempted to enforce when they either call for his assistance or makes a successful arrest.

On January 12, 2012, approximately 10 to 15 buildings total were visited by officers during the course of the housing surge operation, and between approximately one and five apartments were visited in each building. Lt. Eagan did not recall any specific locations that any officers went to during the housing surge operation.

Throughout the housing surge operation, Lt. Eagan drove around on patrol in the confines of the precinct and would only have responded to specific locations when he was called to them by the officers under his supervision requesting assistance. At 6 a.m., Lt. Eagan went out on patrol for this operation, and at 3 p.m. he went back to the 46th Precinct stationhouse for administrative duty. Lt. Eagan did not recall whether he had an operator, and reviewing the roll call did not refresh his memory.

Lt. Eagan was not present for and did not participate in the incident that occurred at approximately 10:40 a.m. on January 12, 2012, at § 87(2)(b) in the Bronx. Lt. Eagan did not go to § 87(2)(b) in the Bronx on January 12, 2012. On January 12, 2012, at 10:40 a.m., Lt. Eagan was out on patrol in the confines of the 46th Precinct. PO Mena, PO Febres, PO Goris, PO Donohue, and PO Christopher Canneliz did not call Lt. Eagan for assistance on January 12, 2012. Lt. Eagan did go to any locations to enforce any warrants with PO Mena, PO Febres, PO Goris, or PO Donohue on January 12, 2012. Lt. Eagan did not draw his firearm on January 12, 2012, and did not witness PO Mena, PO Febres, PO Goris, PO Donohue, or PO Canneliz do so. Lt. Eagan examined photographs of § 87(2)(b) and § 87(2)(b) and did not recognize them, and he did not recognize the warrants for § 87(2)(b) arrest ordered in connection with court docket numbers § 87(2)(b) and § 87(2)(b)

During Lt. Eagan's August 15, 2012 interview, at 3:43 in the audio recording of the interview, the following questions (Q) were asked of Lt. Eagan, and Lt. Eagan provided the following responses:

Q: Did you prepare any kind of documentation of the warrants that you supervised the investigation of? Like, did you have a tac plan, or an itinerary, or an agenda—a list of some kind of what warrants?

Lt. Eagan: No. At the end, at the end there was a summary re-cap of everything that was done. There was two: there was a 49—there was two 49's done about all the activity from 6 a.m. to midnight.
Q: Okay, so you prepared two 49's about your activity that day.
Lt. Eagan: Yes.

During Lt. Eagan's February 14, 2013 interview, at 12:30 in the first audio recording of the interview, the following questions were asked of Lt. Eagan, and Lt. Eagan provided the following responses:
Q: Did you create any documentation of which buildings you assigned to which teams.
Lt. Eagan: Just the activity re-cap at the end.

During Lt. Eagan's February 14, 2013 interview, at 1:09 in the second audio recording of the interview, the following questions were asked of Lt. Eagan, and Lt. Eagan provided the following responses:
Q: In your previous CCRB interview, you stated that you prepared two UF-49's, before and after, regarding this incident. I've made requests to your command to try and obtain copies of those. As of January 9, 2013, your command was unable to find copies of those documents. I want to give you the opportunity to clarify: are you certain that you prepared those two UF-49's that you mentioned in your last CCRB interview?
Lt. Eagan: There was two—there was two prepared, and—there was two prepared, yeah.
Q: And, yes, they were prepared by you?
Lt. Eagan: No.
Q: Who were they prepared by?
Lt. Eagan: I think one was prepared by the commanding officer. I don't, I don't really remember. I don't recall. I don't—I can't guess.

Lt. Eagan stated that the "commanding officer" to whom he referred was DI Timothy Bugge. However, Lt. Eagan later stated the he did not recall with certainty who prepared either UF-49.

During his February 14, 2013 interview, Lt. Eagan stated that he did not recall having ever seen or reviewed either of the two UF-49s. Lt. Eagan did not know what the documents were titled or whether either of them was an Unusual Occurrence Report. Lt. Eagan stated that he would not necessarily have been required to sign off on either of the UF-49's in his capacity as the supervisor of the housing surge operation. Lt. Eagan did not recall how he obtained the knowledge that the two UF-49's regarding the housing surge operation had been prepared at all. Lt. Eagan did not know what the contents of the UF-49's would have been, including whether they would have listed the locations to be visited during the operation or the officers who participated in the operation. Lt. Eagan did not know with whom or with what office the documents would have been filed or whether the documents would have been handwritten, typewritten, or digital. Lt. Eagan had not been required, in his capacity as the supervisor of the housing surge operation, to prepare any documents before or after the housing surge operation outlining the plan for or results of the operation.

Subject Officer: PO JACQUELINE FEBRES

- *PO Febres, a Hispanic woman who stands 5'2" tall, weighs 160 lbs., and has brown hair and brown eyes, was* § 87(2)(b) *old at the time of the incident.*
- *Worked on January 12, 2012, from 5 a.m. to 7:10 p.m., assigned to the 46th Precinct Domestic Violence Unit with PO Donohue, PO Mena, PO Goris in marked van RMP #*§ 87(2)(b) *in uniform.*

Memo Book Entries

PO Febres had no memo book entries regarding the incident. PO Febres had the following entries regarding her activity that tour: At 5 a.m., present for duty, warrants. At 12:50 p.m., going to hospital with PO Goris, PO Donohue, and PO Mena in RMP § 87(2)(b) with emotionally disturbed person. PO Donohue being treated. At 6:08 p.m., leaving hospital. At 6:20 p.m., arrived at stationhouse. At 7:10 p.m., end of tour. (encl. 5.00-5.02)

CCRB Statement

PO Febres was interviewed at the CCRB on June 12, 2012 (encl. 5.03-5.04). PO Febres did not recall the incident and did not recall going to § 87(2)(b) in the Bronx on January 12, 2012. PO Febres examined photographs of § 87(2)(b) and § 87(2)(b) and § 87(2)(b) and did not recognize them, and she did not recognize the warrants for § 87(2)(b) arrest ordered in connection with court docket numbers § 87(2)(b) and § 87(2)(b) PO Febres did not draw her gun on January 12, 2012, and did not witness any other officer do so.

On January 12, 2012, PO Febres, PO Mena, and PO Goris (she did not recall working with PO Donohue) were assigned to a warrant sweep team supervised by Lt. Eagan. Several other cars of unidentified, uniformed officers and at least one additional van were also assigned to the warrant sweep team. PO Febres and her warrant sweep team went to at least five or six locations during the warrant sweep. DVU assembled their own folder of domestic-violence-related warrants to enforce during the warrant sweep.

PO Febres did not recall whether any other supervisors worked with her warrant sweep team. The warrant sweep on January 12, 2012 was the second or third such operation she had participated in. PO Febres recalled having worked with her former supervisor, Sgt. Guillermina Tavares, on a warrant sweep, but did not recall if Sgt. Tavares worked on the January 12, 2012 warrant sweep. PO Febres had no memory of ever participating in a warrant sweep with her current supervisor at the time of her CCRB interview, Sgt. Nicole McFarlane.

Subject Officer: PO JULISSA GORIS

- *PO Goris, a Hispanic woman who stands 5'1" tall, weighs 160 lbs., and has black hair and brown eyes, was* § 87(2)(b) *old at the time of the incident.*
- *Worked on January 12, 2012, from 5 a.m. to 3:40 p.m., assigned to the 46th Precinct Domestic Violence Unit in a marked car, in uniform, with PO Donohue, PO Febres, and PO Mena supervised by Lt. Eagan.*

Memo Book Entries

PO Goris did not have any memo book entries regarding this incident. PO Goris had the following memo book entries regarding her activity on January 12, 2012: At 5 a.m., present for duty – warrant sweep. At 6:15 a.m., warrant sweep – § 87(2)(b) . At 12 p.m., arrived at 46th Precinct stationhouse. At 12: 50 p.m., to hospital. At 1 p.m., arrived at hospital. At 3:40 p.m., end of tour. (encl. 5.06-5.07)

CCRB Statement

PO Goris was interviewed at the CCRB on June 13, 2012 (encl. 5.08-5.09). PO Goris did not recall the incident and did not recall going to § 87(2)(b) in the Bronx on January 12, 2012. PO Goris examined photographs of § 87(2)(b) and § 87(2)(b) and did not recognize them, and she did not recognize the warrants for § 87(2)(b) arrest ordered in connection with court docket numbers § 87(2)(b) and § 87(2)(b) PO Goris did not recall ever attempting to enforce any warrants for the arrest of § 87(2)(b) and did not know of any investigations or arrests of § 87(2)(b) for domestic violence. PO Goris did not draw her gun on January 12, 2012, and did not witness any other officer do so.

PO Goris examined a copy of arrest report § 87(2)(b) regarding the arrest of § 87(2)(b) on March 25, 2011, for assaulting § 87(2)(b) Examining this document did not stimulate in PO Goris any memory of attempting to enforce any warrants for the arrest of § 87(2)(b) on January 12, 2012. On January 12, 2012, PO Goris, PO Mena, PO Febres, PO Donahue, PO Christopher Canelliz, and another three or four unidentified officers participated in a warrant sweep supervised by Lt. Eagan. PO Canelliz rode in a separate car from PO Goris. PO Goris did not recall officers from DVU splitting up and going to separate locations at any time during the operation. PO Goris went to 10 to 15 locations during the warrant sweep on January 12, 2012.

Subject Officer: **PO BIENVENIDO MENA**

- *PO Mena, a Hispanic man who stands 5'7" tall, weighs 176 lbs., is bald, and has brown eyes, was § 87(2)(b) old at the time of the incident.*
- *Worked on January 12, 2012, from 5 a.m. to 7:10 p.m., assigned to the 46th Precinct Domestic Violence Unit in a marked car, in uniform, with PO Goris, PO Febres, and PO Goris supervised by Lt. Eagan.*

Memo Book Entries

PO Mena had no memo book entries regarding the incident. PO Mena had the following entries regarding his whereabouts at 10:40 a.m. on January 12, 2012: At 5 a.m., present for duty. At 6:15 a.m., resuming patrol with PO Goris, PO Febres, and PO Donohue. At 12 p.m., arrived at the 46th Precinct stationhouse. At 12:50 p.m., en route to hospital with perpetrator. At 1 p.m., arrived at hospital. At 6:15 p.m., arrived at 46th Precinct. At 7: 10 p.m., end of tour. (encl. 5.11-5.12)

CCRB Statement

PO Mena was interviewed at the CCRB on June 13, 2012 (encl. 5.13-5.14). PO Mena did not recall the incident and did not recall going to § 87(2)(b) in the Bronx on January 12, 2012. PO Mena examined photographs of § 87(2)(b) and § 87(2)(b) and did not recognize them, and he did not recognize the warrants for § 87(2)(b) arrest ordered in connection with court docket numbers § 87(2)(b) and § 87(2)(b) PO Goris did not recall ever attempting to enforce any warrants for the arrest of § 87(2)(b) and did not know of any investigations or arrests of § 87(2)(b) for domestic violence. PO Mena did not draw his gun on January 12, 2012, and did not witness any other officer do so.

PO Mena examined a copy of arrest report § 87(2)(b) regarding the arrest of § 87(2)(b) on March 25, 2011, for assaulting § 87(2)(b) PO Mena did not have any knowledge of said arrest and did not recall ever conducting did not recall ever conducting any domestic violence-related home visits at § 87(2)(b) or attempting to enforce any warrants for the arrest of § 87(2)(b)

On January 12, 2012, PO Mena was assigned to a warrant sweep with PO Donohue, PO Febres, and PO Goris supervised by Lt. Eagan. No other supervisor worked with PO Mena's team. Several other officers also participated in the operation, but PO Mena did not recall who the other officers were or whether any supervisors other than Lt. Eagan participated in the warrant sweep. PO Mena went to over ten locations in the confines of the 46th Precinct during the warrant sweep.

Subject Officer: **PO STEPHANIE DONOHUE**

- *PO Donohue, a Hispanic woman who stands 5'7" tall, weighs 149 lbs., and has brown hair and brown eyes, was* § 87(2)(b) *old at the time of the incident.*
- *Worked on January 12, 2012, from 5 a.m. to 7:35 p.m., assigned to the of the 46th Precinct Domestic Violence Unit in a marked car, in uniform, assigned to a warrant sweep with PO Febres, PO Goris, and PO Mena supervised by Lt. Eagan.*

Memo Book Entries

PO Donohue had no memo book entries regarding the incident. PO Donohue's memo book had the following entries regarding here whereabouts at 10:40 a.m. on January 12, 2012: At 5 a.m., present for duty at the 46th Precinct stationhouse to perform domestic violence warrant sweep. At 12:08 p.m., arrived at 46th Precinct with a warrant for § 87(2)(b). At 12:15 p.m., defendant § 87(2)(b) started fighting in cells. Did get blood from perpetrator on hands. At 12:50 p.m., arrived at hospital. At 6 p.m., dismissed from hospital. At 7:35 p.m., end of tour. (encl. 5.16-5.17)

CCRB Statement

PO Donohue was interviewed at the CCRB on July 11, 2012 (encl. 5.18-5.19). PO Donohue did not recall the incident and did not recall going to § 87(2)(b) in the Bronx on January 12, 2012. PO Donohue examined photographs of § 87(2)(b) and § 87(2)(b) PO Donohue did not recognize § 87(2)(b) and stated that she did recognize § 87(2)(b) but did not know why. PO Donohue examined warrants for § 87(2)(b) arrest ordered in connection with court docket numbers § 87(2)(b) and § 87(2)(b) and she did not recognize these documents. PO Donohue did not draw her gun on January 12, 2012, and did not witness any other officer do so.

On January 12, 2012, PO Donohue, PO Febres, PO Goris, and PO Mena went to several locations in the confines of the 46th Precinct supervised by Lt. Eagan to enforce domestic violence-related warrants. This warrant sweep was restricted to DVU, and no other officers from other units were involved. PO Donohue did not note the addresses that she went to during the warrant sweep in her memo book. PO Donohue did not recall how many locations she went to on January 12, 2012, and could not approximate the number.

Subject Officer: **PO CHRISTOPHER CANELLIZ**

- *PO Canelliz , a Hispanic man who stands 5'11" tall, weighs 177 lbs., and has black hair and brown eyes, was* § 87(2)(b) *old at the time of the incident.*
- *Worked on January 12, 2012, from 5 a.m. to 1:35 p.m., in uniform, in marked car RMP #* § 87(2)(b) *assigned to the 47th Precinct in a warrant sweep supervised by Lt. Eagan.*

Memo Book Entries

PO Canelliz had no memo book entries regarding the incident. PO Canelliz had the following memo book entries regarding his whereabouts at the time of the incident: At 5 a.m., present for duty at 46th Precinct stationhouse. At 1:35 p.m., end of tour. (encl. 5.21-5.22)

CCRB Statement

PO Canelliz was interviewed at the CCRB on July 19, 2012 (encl. 5.23-5.24). PO Canelliz did not recall the incident and did not recall going to [redacted] on January 12, 2012. PO Canelliz examined photographs of [redacted] and [redacted] and did not recognize them, and he did not recognize the warrants for [redacted] arrest ordered in connection with court docket numbers [redacted] and [redacted] PO Canelliz did not recall ever attempting to enforce any warrants for the arrest of [redacted] and did not know of any investigations or arrests of [redacted] for domestic violence. PO Goris did not draw her gun on January 12, 2012, and did not witness any other officer do so.

On January 12, 2012, PO Canelliz participated in a warrant sweep supervised by Lt. Eagan in the confines of the 46th Precinct in the Bronx. Approximately 10 to 15 officers were assigned to this operation, and the officers were divided into two teams. PO Canelliz's team was given a folder of warrants by Lt. Eagan, and his team visited approximately 10 buildings to enforce two or three warrants at each location. PO Canelliz did not recall if Lt. Eagan worked with his team or with the other team. PO Canelliz did not recall any supervisors other than Lt. Eagan participating in the warrant sweep. PO Canelliz did not recall what other officers participated in the warrant sweep, and examining the 46th Precinct roll call from Tour 2 on January 12, 2012 did not refresh his memory. PO Canelliz is typically assigned to the 46th Precinct Conditions Unit, but he did not have a regular partner at the time of the incident and did not recall whether he worked with members of the Conditions Unit or DVU during the warrant sweep.

Officers Not Interviewed

Sgt. Tavares was not interviewed because the 46th Precinct roll call from Tour 2 on January 12, 2012 notes that she was on vacation at the time of the incident. On March 9, 2013, Sgt. Tavares of the 46th Precinct Integrity Control Officer's office (ICO) stated via telephone that she was the DVU supervisor during January of 2012.

NYPD Documents

Roll Call

The 46th Precinct roll call from Tour 2 on January 12, 2012 notes that, at the time of the incident, PO Canelliz was on-duty, assigned to the conditions unit, and that PO Febres, PO Goris, and PO Mena were on-duty, assigned to DVU. The roll call notes that Sgt. Tavares was assigned to DVU but was on vacation on January 12, 2012. PO Donohue and Lt. Eagan are not listed on the roll call. The roll call does not note any information whatsoever regarding the housing surge operation or warrant sweep. (encl. 6.00-6.15)

Arrest Reports and Office of Court Administration Records

Arrest report [redacted] and its corresponding UF-61 document that [redacted] was arrested on March 25, 2011for allegedly assaulting [redacted] (encl. 6.33-6.37). On March 26, 2011, [redacted] was charged in Bronx County Criminal Court Docket [redacted] (encl. 6.42-6.43).

Domestic Incident Report

On March 25, 2011, a Domestic Incident Report was prepared regarding arrest [redacted], in which [redacted] was arrested for allegedly assaulting [redacted]

Warrants
A check for active warrants performed by the Department Advocate's Officer/CCRB Liaison MAS unit on February 10, 2012 found two warrants for the arrest of § 87(2)(b) that were active on January 12, 2012 (encl. 6.29-6.32). Both warrants list § 87(2)(b) address as § 87(2)(b) One warrant was issued on § 87(2)(b) for Kings County Criminal Court docket § 87(2)(b) and the other was issued on § 87(2)(b) for Kings County Criminal Court docket. In both cases, § 87(2)(b) was charged with § 87(2)(b) (encl. 6.44-6.47).

There were no active search warrants for § 87(2)(b) at the time of the incident (encl. 7.38).

MISD Records
On November 12, 2012, MISD found no warrant checks for § 87(2)(b) between January 5, 2012 and January 12, 2012, and no searches for any warrants at § 87(2)(b) between December 12, 2011 and February 12, 2012 (encl. 6.16.-6.28).

UF-49's
On July 2, 2012, a request was sent to the 46th Precinct for any and all documentation of the warrant sweep conducted on January 12, 2012, and copies of any warrants for § 87(2)(b) that were used during the sweep were specifically requested (encl. 7.42). On August 22, 2012, a request was sent to the 46th Precinct for any and all documentation of the warrant sweep or housing surge operation, and the two UF-49's allegedly prepared by Lt. Eagan were specifically requested (encl. 7.45). No responses were received from the 46th Precinct regarding these document requests, and calls were made to the IAB/CCRB Liaison Unit on October 10, 2012 and October 22, 2012 for their assistance in getting a response.

On October 25, 2012, the August 22, 2012 document request was returned to CCRB with a note stating that the requested documents could not be found. On the same date, a call was made to the IAB/CCRB Liaison Unit to ask the 46th Precinct to double check whether they had the requested documents. On January 3, 2013, the July 2, 2012 request for documents was returned to the CCRB with an unsigned note stating that the requested documents could not be found. On January 8, 2013, a call was made to the office of the 46th Precinct ICO, and Sgt. Tavares stated that she had previously spoken to Lt. Eagan regarding the CCRB document requests and he had told her that he did not have the requested documents.

On February 14, 2013, a request was sent to Patrol Borough Bronx for a copy of the documents(encl. 7.47). On April 16, 2013, the request was returned from Patrol Borough Bronx with a note stating that the documents could not be found.

Other Evidence
New York City GovMap lists § 87(2)(b) as a NYCHA building (encl. 3.0-3.01).

Status of Civil Proceedings
- § 87(2)(b) had not filed a Notice of Claim regarding the incident with the City of New York as of July 27, 2012, over three months past the 90-day filing deadline (encl. 7.19).

Civilians Criminal History

- As of March 6, 2013, Office of Court Administration records reveal no criminal convictions for in the past ten years for § 87(2)(b)

Civilian CCRB History

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

Subject Officers CCRB History

- PO Canelliz, PO Donohue, and PO Goris have been members of the service for eight years, and there are no substantiated allegations against them. (encl. 1.0, 1.2, 1.6).
- Lt. Eagan has been a member of the service for 22 years and has no substantiated allegations against him (encl. 1.3-1.5). § 87(2)(b), § 87(4-b), § 87(2)(g)
- PO Febres has been a member of the service for seven years and there are no substantiated allegations against her (encl. 1.6).
- PO Mena has been a member of the service for nine years, and there are no substantiated allegations against him (encl. 1.7).

Conclusion

Identification of Subject Officers

§ 87(2)(b) alleged that one of the officers who entered and searched her apartment in § 87(2)(b) on January 12, 2012 identified herself and her fellow officers as members of a domestic violence unit and stated that they were at her apartment to enforce a warrant for the arrest of § 87(2)(b) s son, § 87(2)(b) § 87(2)(b) s apartment is located in a NYCHA building.

It is undisputed that on January 12, 2012, Lt. Eagan supervised a warrant sweep targeting NYCHA buildings and that DVU officers PO Donohue, PO Febres, PO Goris, and PO Mena participated in the warrant sweep. Lt. Eagan stated that he instructed the DVU officers to look up and enforce any and all warrants for any individuals known in connection with any domestic violence cases, regardless of whether the warrants themselves were for domestic violence cases or for unrelated cases. Police records show that § 87(2)(b) was arrested on March 25, 2011 for allegedly assaulting his mother, § 87(2)(b) and that a Domestic Incident Report was prepared regarding this arrest. Police records also show that on January 12, 2012 there were at least two active warrants for the arrest of § 87(2)(b) § 87(2)(b) both of which listed his address as § 87(2)(b)

PO Donohue, PO Febres, PO Goris, and PO Mena did not recall the incident and have no memo book entries regarding the incident. However, none of the officers could account for their whereabouts at the time of the incident. It is undisputed that all four officers visited several different locations during the warrant sweep, yet none of them have any memo book entries regarding their activity between the start of the operation at approximately 6:00 a.m. and an arrest made at approximately 12:50 p.m. PO Mena fits the description of one of the officers who entered § 87(2)(b) s apartment, and § 87(2)(b) s description of two female officers who entered her apartment—one of whom was the officer who identified herself and the others as domestic

violence officers—was consistent with the pedigrees of PO Donohue, PO Febres, and PO Goris. § 87(2)(b), § 87(4-b), § 87(2)(g)

It is undisputed that PO Canelliz also participated in the warrant sweep operation and visited multiple locations as part of the warrant operation. § 87(4-b), § 87(2)(g)

Lt. Eagan denied that he participated in the entry and search of § 87(2)(b) in the Bronx, stating that he was out on patrol at the time. However, Lt. Eagan fit the description of one of the officers who entered § 87(2)(b) s apartment, and PO Febres and PO Mena stated that Lt. Eagan worked with DVU during the warrant sweep. Lt. Eagan was the only officer whom PO Canelliz, PO Donohue, PO Goris, PO Mena, or Lt. Eagan himself recalled supervising the warrant sweep. The regular supervisor for DVU at the time of the incident, Sgt. Tavares, was on vacation on the date of the incident. Lt. Eagan's has memo book entries do not account for his actions between commencing the housing surge operation at 6 a.m. and arriving to the stationhouse at 12 p.m. for administrative duty. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: Lt. John Eagan supervised the entry and search of § 87(2)(b) in the Bronx.

The investigation has determined that Lt. Eagan supervised the entry and search of § 87(2)(b) in the Bronx (see the preceding section of this report, titled **Identification of Subject Officers**).

§ 87(2)(b) alleged that officers entered and searched her apartment without asking or receiving permission to do so and that they did so after she had already told them that the person for whom they were looking, § 87(2) § 87(2)(b) had not lived at the location for a long time. § 87(2)(b) described no exigent circumstances that might have permitted the officers to enter and search her apartment without her consent or a search warrant.

Lt. Eagan denied participating in the incident, none of the other officers interviewed recalled the incident. Police records listed no search warrants for the location that were active on the date of the incident. § 87(2)(b) the only adult witness to the incident, was not in a position to observe either § 87(2)(b) s interaction with the officers at the apartment entrance or the officers' entry into the apartment. § 87(2)(g)

Allegation B – Abuse of Authority: Lt. John Eagan drew his gun.

§ 87(2)(b) alleged that Lt. Eagan drew his gun upon entering her apartment. Lt. Eagan denied participating in the incident, and none of the other officers interviewed recalled the incident. § 87(2) did not see any officers draw their guns and was not in a position to have observed all of the

officers inside the apartment § 87(2)(g)

Allegation C – Abuse of Authority: Officers drew their guns.

§ 87(2)(b) alleged that two female officers drew their guns upon entering her apartment. § 87(2) failed to schedule a photo viewing to identify the officers. The descriptions of the subject officers that § 87(2)(b) provided—white women in their early 30's who stood 5'5" tall and had medium builds with dark brown or black ponytails—were consistent with the pedigrees of PO Donohue, PO Febres, and PO Goris, but were not sufficiently detailed to determine which of the three officers were the two that drew their guns. No officers interviewed recalled the incident. § 87(2)(b) did not see any officers draw their guns and was not in a position to have observed all of the officers inside the apartment. § 87(2)(g)

Allegation D – Other Misconduct: Lt. John Eagan intentionally made false official statements in violation of Patrol Guide Procedure 203-08.

It is undisputed that Lt. Eagan supervised a housing surge operation and warrant sweep on January 12, 2012. Lt. Eagan did not recall any of the other officers who participated in the operation, who prepared the warrants for the operation, what locations or warrants were involved in the operation, or where he went during the operation, and he did not recall the incident at § 87(2)(b) § 87(2)(g)

Lt. Eagan claimed during both his CCRB interviews that he prepared UF-49's documenting the operations he supervised, but eventually admitted that he had not in fact prepared any such documents.

During Lt. Eagan's August 15, 2012 interview, at 3:43 in the audio recording of the interview, the following questions (Q) were asked of Lt. Eagan, and Lt. Eagan provided the following responses:

Q: Did you prepare any kind of documentation of the warrants that you supervised the investigation of? Like, did you have a tac plan, or an itinerary, or an agenda—a list of some kind of what warrants?
Lt. Eagan: No. At the end, at the end there was a summary re-cap of everything that was done. There was two: there was a 49—there was two 49's done about all the activity from 6 a.m. to midnight.
Q: Okay, so you prepared two 49's about your activity that day?
Lt. Eagan: Yes.

During Lt. Eagan's February 14, 2013 interview, at 12:30 in the first audio recording of the interview, the following questions were asked of Lt. Eagan, and Lt. Eagan provided the following responses:

Q: Did you create any documentation of which buildings you assigned to which teams.
Lt. Eagan: Just the activity re-cap at the end.

During Lt. Eagan's February 14, 2013 interview, at 1:09 in the second audio recording of the interview, the following questions were asked of Lt. Eagan, and Lt. Eagan provided the following responses:

Q: In your previous CCRB interview, you stated that you prepared two UF-49's, before and after, regarding this incident. I've made requests to your command to try and

obtain copies of those. As of January 9, 2013, your command was unable to find copies of those documents. I want to give you the opportunity to clarify: are you certain that you prepared those two UF-49's that you mentioned in your last CCRB interview?

Lt. Eagan: There was two—there was two prepared, and—there was two prepared, yeah.
Q: And, yes, they were prepared by you?
Lt. Eagan: No.
Q: Who were they prepared by?
Lt. Eagan: I think one was prepared by the commanding officer. I don't, I don't really remember. I don't recall. I don't—I can't guess.

Later in his February 14, 2013 interview, Lt. Eagan stated that he did not recall having ever seen or reviewed either of the two UF-49s and that he that did not know what the title or contents of the documents would have been, how they would have been prepared, with whom they would have been filed. Lt. Eagan did not recall how he obtained the knowledge that the two U-49's regarding the housing surge operation had in fact been prepared at all. As of April 16, 2013, no documents whatsoever regarding the housing surge operation and warrant sweep, whether prepared by Lt. Eagan or by another officer, could be found at the 46th Precinct or Patrol Borough Bronx.

Officers are prohibited from intentionally making any false statements to official CCRB investigations absent exceptional circumstances. NYPD v. Ortiz, OATH Index No. 1626/97 (encl. 0.03-0.13)

In this case, Lt. Eagan made inconsistent statements regarding whether he prepared two UF-49's documenting the housing surge operation and warrant sweep he supervised on January 12, 2012. § 87(2)(g) [redacted]

Lt. Eagan repeatedly and unequivocally stated in two different interviews that he prepared the documents in question. Lt. Eagan's claims to have prepared the documents represent one of the few details of the events of January 12, 2012 and of his own conduct on that day that he purported to positively recall, the rest of his statements to the CCRB consisting largely of descriptions of the broad outlines of the housing surge operation and of conditional statements about what would have occurred during the operation.

Only after Lt. Eagan was confronted with the information that the documents he claimed to have prepared could not be found did he admit that he had not actually prepared the documents. [redacted] § 87(2)(g) [redacted]

§ 87(2)(g)

§ 87(2)(g)

Indeed, based on Lt. Eagan's February 14, 2013 statement and on the failure of the 46th Precinct and of Patrol Borough Bronx to find copies of any documentation whatsoever regarding the housing surge or warrant sweep, § 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

[redacted]

Team: _____

Investigator: _____ _____ _____
Signature Print Date

Supervisor: _____ _____ _____
Title/Signature Print Date

Reviewer: _____ _____ _____
Title/Signature Print Date

Reviewer: _____ _____ _____
Title/Signature Print Date