#### 201211316 David Rojas

Officers observed a teenager engage with someone they knew to sell drugs. Believing they had observed a drug sale, the officers followed the teens to a building where they stopped them and searched them. The officers asked one teen if he lived in the building, and he stated he did and provided his apartment number. The officers went up to the apartment and spoke to the teen's mother. The teen stated that while his mother had not given the officers permission to search his room in the apartment, they had done so anyway. One officer stated that the mother had given them permission and they had searched the apartment, including the teen's room. No contraband was found. In his CCRB interview, PO Rojas stated that the officers did not go beyond the living room entryway of the apartment and did not search the boy's room, even though other officers testified that they had.

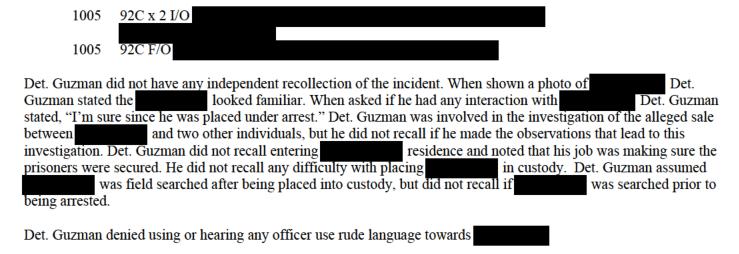
The CCRB found that the officer who searched the boy's room had done so without probable cause, and substantiated an allegation that he had abused his authority when he searched the boy's bedroom. It also found that PO Rojas had made a false statement when he said that the officers had not searched the bedroom at all, despite testimony from the other officer that they had. The NYPD did not penalize either officer. The officer who illegally searched the boy's room was promoted to Lieutenant and works for the Internal Affairs Bureau, while Detective Rojas has subsequently left the NYPD.

On October 4, 2012, was interviewed over the phone. who is 5'6" tall and weighs 140 pounds. He has brown hair and brown eyes.
On August 15, 2012, at approximately 10:00 am,  Bronx and went to a store on  gave him her debit card to take out money for the phone bill.  When he exited the store,  encountered a friend, who was standing outside of the store.  wanted to buy marijuana and asked if he knew where to buy some.  walked two blocks from the store and entered the courtyard of a building complex, where a dealer introduced and the drug dealer, who could not identify, and then continued home.  did not observe or participate in any drug transaction while inside the courtyard.
When entered his building, he was stopped by two plainclothes officers, Det. Gomez and PO2. The officers accused of selling drugs and began searching the officers searched in pockets and his grocery bags. There was nothing recovered. After five to ten minutes, the officers allowed to leave.
After returning to his apartment, in the back of the building. In the lobby, stated, "Get the fuck against the wall." was approached by Det. Gomez and another officer, PO3. PO3 was placed against a wall in the lobby. In the lobby was also placed against the wall. Both officers searched inside their pockets. Nothing was recovered. Where's it at? Don't make me make the phone call." The officers informed was selling marijuana and that they had caught but not the dealer. In the dealer was explained that he took the money out to pay the phone bill and could show them the ATM receipt. Was soon placed in handcuffs.
Det. Gomez then went upstairs to apartment while remained in the lobby. According to however, did not witness this portion of the incident. § 87(2)(a) 160.50
Officer Descriptions

Officer Descriptions
Det. Gomez: Hispanic, 5'5", glasses, "Dominican"
PO2: Hispanic male, 5'10 – 6'0",
PO3: Hispanic male, 5'5", glasses, 40-45

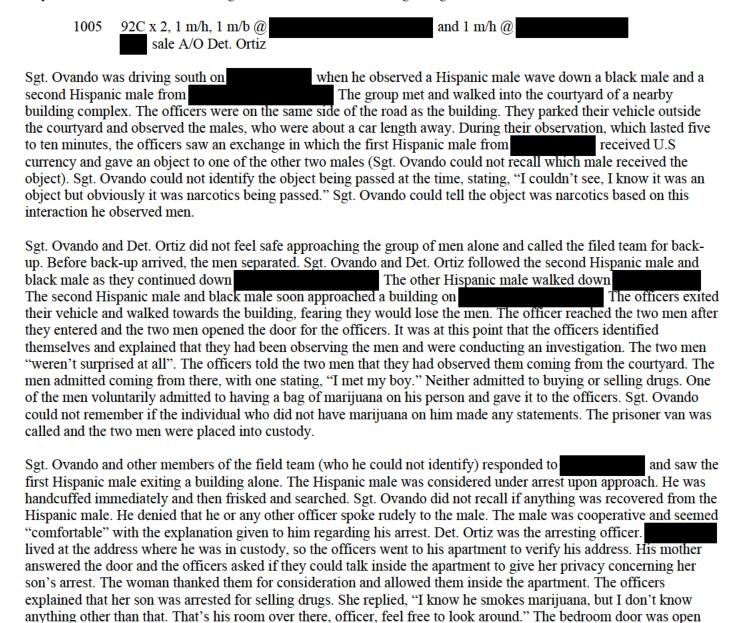
On April 17, 2013, Det. Jesus Guzman was interviewed at the CCRB. Det. Guzman is a 36-year-old Hispanic male who is 5'5" tall and weighs 180 pounds. He has brown hair and brown eyes.

On August 15, 2012, Det. Ortiz worked a tour that began at 5:27 a.m. and ended at 2:00 p.m. He and his partner, Det. Gregory Larson, were dressed in plainclothes and assigned to a buy and bust team in a maroon Ford van. He had the following memo books entries regarding the incident:



On April 17, 2013, Sgt. Patricio Ovando was interviewed at the CCRB. Sgt. Ovando is a 37-year-old Hispanic male who is 5'8" tall and weighs 200 pounds. He has black hair and brown eyes.

On August 15, 2012, Sgt. Ovando worked a tour that began at 5:30 a.m. and ended at 2:05 a.m. He and his partner, Det. Ariel Ortiz, were assigned to a buy and bust team. They were dressed in plainclothes and assigned to a blue Toyota sedan. He had the following entries in his memo book regarding the incident:

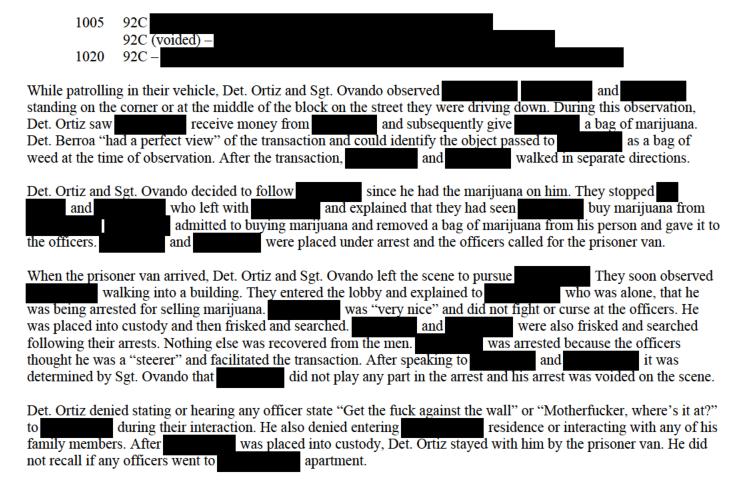


Back on scene, Sgt. Ovando decided to void the arrest of one of the males arrested on because he determined that this third individual was not the buyer or seller in the transaction. His record was checked and he was let go.

and the officers entered. They searched around the room, but did not recover any contraband.

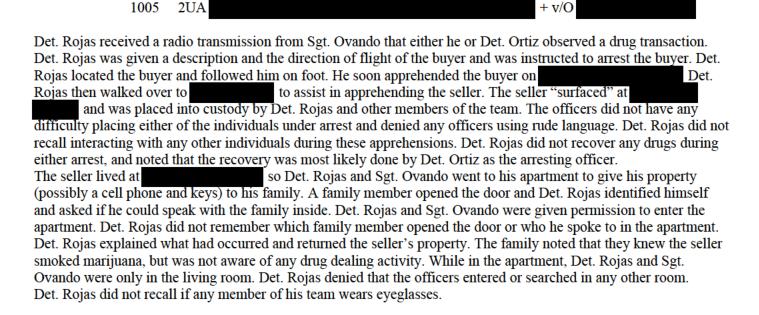
On May 9, 2013, Det. Ariel Ortiz was interviewed at the CCRB. Det. Ortiz is a 33-year-old Hispanic male who is 5'11" tall and weighs 225 pounds. He has brown hair and brown eyes.

On August 15, 2013, Det. Ortiz worked a tour that started at 5:27 a.m. and ended at 2:00 p.m. He and his partner, Sgt. Patricio Ovando, were dressed in plainclothes and assigned to a Buy and Bust team in an unmarked vehicle. Det. Ortiz was assigned as the arresting officer. He had the following entries in his memo book regarding the incident:



On May 29, 2013, Detective David Rojas was interviewed at the CCRB. Det. Rojas is a 41-year-old Hispanic male who is 5'7" tall and weighs 180 pounds. He has brown eyes and is bald.

On August 15, 2012, Det. Rojas worked a tour that began at 5:27 a.m. and ended at 2 p.m. He was dressed in plainclothes and assigned as the ghost officer. He worked on foot. Det Rojas had the following entries in his memo book regarding the incident:



On May 22, 2013, Det. Josue Perez was interviewed at the CCRB. Det. Perez is a 32-year-old Hispanic man who is 6'3" tall and weighs 270 pounds. He has black hair and brown eyes.

On August 15, 2012, Det. Perez worked a tour that began at 5:27 a.m. and ended at 2 p.m. He and his partner, Det. Jesus Guzman, were dressed in plainclothes and assigned to the prisoner van. He had the following entries in his memo book:



Det. Perez and his partner were watching three prisoners in the van when they were radioed over to the location. When he arrived, there were two individuals already in handcuffs. Det. Perez was not present for the circumstances that lead to these individuals' arrest and could not identify them. He did not recognize when shown their photo.

Det. Perez conducted a field search of the men and placed them into the prisoner van. Following this, he left the scene to participate in a buy and bust. Det. Perez denied entering and did not enter any apartments in regards to these arrests. He denied the discourtesy allegation. He noted that Sgt. Ovando wears eyeglasses, but not usually in the field. He, Det. Ortiz, Det. Rojas, and Det. Guzman did not wear eyeglasses.