

201214505

Bobby Glover

On November 14, 2012, PO Glover, patrolling with auxiliary officers, saw a van that was double-parked in Brooklyn. The van was occupied by a driver two passengers, one in the front passenger seat and one in the rear of the van. The officers approached and spoke to the occupants, then PO Glover wrote a ticket for double parking and left it on the windshield.

At some point after the officers walked away, one passenger stepped out of the van. The officers returned and began speaking to the occupants. Eventually, the encounter became confrontational, and the driver was pepper-sprayed and charged with disorderly conduct.

In his CCRB interview and in the criminal court paperwork supporting the arrest, PO Glover testified that when the occupants exited the vehicle, a crowd of seventy-five people gathered, and that the presence of the crowd factored into his decision to pepper spray the people.

Cell-phone video of the incident shows that no crowd gathered. The auxiliary officers testified that at most three or four people observed the incident.

While the CCRB determined that the evidence showed the use of pepper spray was not against department policy, and therefore did not substantiate an allegation of excessive force, it did find that PO Glover had made a false official statement when he testified that a crowd had gathered, and that the statement was material to whether the use of pepper spray was justified.

The NYPD did not issue PO Glover any discipline related to this incident.

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Luke Petrinovic	Team: Team # 1	CCRB Case #: 201214505	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wed, 11/14/2012 7:40 PM	Location of Incident: [REDACTED]	Precinct: 75	18 Mo. SOL 05/14/2014	EO SOL 5/14/2014	
Date/Time CV Reported	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 11/19/2012 11:37 AM		

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

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

Subject Officer(s)	Shield	TaxID	Command
1. POM Bobby Glover	14082	§ 87(2)(b)	PSA 2
2. Officers			PSA2

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Kinte Willis	02500	§ 87(2)(b)	PSA 2
2. POF Michelle Morra	28880	§ 87(2)(b)	PSA 2

Officer(s)	Allegation	Investigator Recommendation
A . POM Bobby Glover	Abuse of Authority: PO Bobby Glover stopped § 87(2)§ 87(2)(b)	A . § 87(2)(g)
B . POM Bobby Glover	Force: PO Bobby Glover used pepper spray against § 87(2)(b)	B . § 87(2)(g)
C . POM Bobby Glover	Force: PO Bobby Glover used physical force against § 87(2)(b)	C . § 87(2)(g)
D . POM Bobby Glover	Force: PO Bobby Glover struck § 87(2)(b) with an asp.	D . § 87(2)(g)
E . POM Bobby Glover	Force: PO Bobby Glover struck § 87(2)(b) with handcuffs.	E . § 87(2)(g)
F . POM Bobby Glover	Discourtesy: PO Bobby Glover spoke discourteously to § 87(2)(b)	F . § 87(2)(g)
G . Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b)	G . § 87(2)(g)
H . POM Bobby Glover	Other: PO Bobby Glover intentionally made a false official statement in violation of Patrol Guide procedure 203-08.	H . § 87(2)(g)

Case Summary

On November 14, 2012, § 87(2)(b) filed this complaint over the phone with the Internal Affairs Bureau on behalf of his employee, § 87(2)(b) and § 87(2)(b)'s wife, § 87(2)(b). It was referred to the CCRB and received on November 19, 2012, under log number 12-59620 (encl. B 1-5).

On November 14, 2012, at approximately 7:40 p.m., § 87(2)(b) was with § 87(2)(b) when they were approached by PO Bobby Glover of PSA2, who wrote § 87(2)(b) a ticket for double parking. The following allegations of misconduct arose from the incident:

- **Allegation A – Abuse of Authority: PO Bobby Glover stopped § 87(2)(b)**
§ 87(2)(g)
[REDACTED]
- **Allegation B – Force: PO Bobby Glover used pepper spray against § 87(2)(b)**
- **Allegation C – Force: PO Bobby Glover used physical force against § 87(2)(b)**
- **Allegation D – Force: PO Bobby Glover struck § 87(2)(b) with an asp.**
§ 87(2)(g)
[REDACTED]
- **Allegation E – Force: PO Bobby Glover struck § 87(2)(b) with handcuffs.**
- **Allegation F – Force: PO Bobby Glover spoke discourteously to § 87(2)(b)**
§ 87(2)(g)
[REDACTED]
- **Allegation G – Discourtesy: Officers spoke discourteously to § 87(2)(b)**
§ 87(2)(g)
[REDACTED]
- **Allegation H – Other Misconduct: PO Bobby Glover intentionally made a false official statement in violation of Patrol Guide procedure 203-08.**
§ 87(2)(g)
[REDACTED]

This case was originally assigned to Inv. Twigg. It was re-assigned to the undersigned investigator on October 25, 2013, after Inv. Twigg's departure from the agency. § 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

Results of Investigation

Civilian Statement(s)

Victim: § 87(2)(b)

- § 87(2)(b)

§ 87(2)(b)

Statements to Medical Providers

§ 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b), for injuries he sustained during the incident. He stated that he had been assaulted by police officers and struck with a stick, and he complained of pain to his knees, eyes, and lower back. He denied losing consciousness or suffering nausea or vomiting.

CCRB Statement

On February 17, 2013, § 87(2)(b) provided a phone statement (encl. B 11-12), and, on February 19, 2013, he was interviewed at the CCRB (encl. B 13-20). § 87(2)(g)

On November 14, 2012, at approximately 7:28 p.m., § 87(2)(b) was double parked in front of § 87(2)(b) in Brooklyn in a § 87(2)(b), with front doors for the driver and passenger, a sliding door on one side, and 2 doors that open at the back. There is only one seat in the back, leaving space for construction materials. The van belonged to his father, and he had just removed it from a nearby parking spot and replaced it with his company vehicle, which was having mechanical problems. He was waiting in the area to drop off some paperwork for his employer at § 87(2)(b). § 87(2)(b) sat in the driver's seat of the vehicle with his wife, § 87(2)(b) sitting in the front passenger seat. At some point, § 87(2)(b) cousin, § 87(2)(b) who lives on that block met them and entered the van, sitting behind § 87(2)(b) in the back seat. The engine of § 87(2)(b) vehicle was off.

Standing outside a short distance away from the van, § 87(2)(b) noticed PO Glover, who later told § 87(2)(b) his name, and who he described as a 38-year-old black male, in uniform, 5'9" tall, 165 lbs, with glasses, and three auxiliary officers identified by the investigation as Rashad Lyston, who § 87(2)(b) described as a § 87(2)(b), Tyree Foskey, who § 87(2)(b) described as a § 87(2)(b), and Jaheen Kizer, who § 87(2)(b) described as a § 87(2)(b). § 87(2)(b) knew they were auxiliary police officers as they all had a patch on the shoulder of their uniforms which read "Auxiliary."

After he had been waiting in the van for about 5-10 minutes, § 87(2)(b) saw APO Lyston approaching him, and he started the car, hoping to avoid a ticket. APO Lyston approached § 87(2)(b) and told him that he looked suspicious, and asked him what he was doing there. § 87(2)(b) opened his door, but did not lower his window, to speak to him. He asked APO Lyston why he thought he was suspicious, explaining that the auxiliary officer had seen him moving the vehicles, and that he was working for § 87(2)(b). APO Lyston said that he hadn't seen anything and then told § 87(2)(b) that he would receive a ticket for double parking. When APO Lyston began speaking to him and told him that he would receive a ticket, § 87(2)(b) turned off the car. § 87(2)(b)

§ 87(2)(b) asked why, explaining that he was sitting inside the vehicle. APO Lyston began writing a ticket that he had been holding in his hand as he approached § 87(2)(b) and § 87(2)(b) continued to ask him why. PO Glover approached, told APO Lyston that he would take over and completed the ticket, just signing the bottom of the ticket. PO Glover offered the ticket to § 87(2)(b) but § 87(2)(b) said, “Don’t give it to me, you can put it on the windshield.” PO Glover put the ticket on the windshield, said “Have a nice day,” and began walking away. This interaction took about 7 minutes. After they walked away, § 87(2)(b) closed his door. While § 87(2)(b) was speaking with PO Glover and APO Lyston at his driver’s side door, APO Kizer and APO Foskey were standing a short distance behind them on the sidewalk. At some point, § 87(2)(b) exited the vehicle and filmed the officers giving § 87(2)(b) a ticket, from outside the vehicle. § 87(2)(b) finished filming.

When the officers were about 200 feet away from § 87(2)(b) vehicle, § 87(2)(b) opened the front passenger’s side door, but did not exit the vehicle. § 87(2)(b) did not open his door, retrieve the ticket, or turn on his vehicle. PO Glover screamed “Close the door!” § 87(2)(b) shouted to § 87(2)(b) that she didn’t have to close the door. § 87(2)(b) did not close the door. § 87(2)(b) believed that the officers heard § 87(2)(b) say this. PO Glover, followed by APO Lyston, APO Kizer, and APO Foskey, ran back towards § 87(2)(b) vehicle. § 87(2)(b) was standing on the sidewalk and began filming again. PO Glover asked § 87(2)(b) what he said and § 87(2)(b) repeated that § 87(2)(b) did not have to close the door. PO Glover opened the driver’s side door and told § 87(2)(b) to step out of the vehicle. § 87(2)(b) asked why, saying he hadn’t done anything. PO Glover repeated the instruction and § 87(2)(b) asked why again. During his phone statement, § 87(2)(b) stated that he verbally refused to exit the car at this time. PO Glover reached for his waist, grabbed his pepper spray and, holding the canister about an inch away from his face, sprayed § 87(2)(b) in his eyes. In his phone statement, § 87(2)(b) stated that PO Glover physically tried to pull him out of the car before using his pepper spray, by pulling on his collar, and he refused to move. § 87(2)(b) shook his head to the left and right, trying to avoid the spray, and PO Glover followed his movement, moving the Pepper spray left and right with him. § 87(2)(b) began screaming, “Oh my eyes! He Pepper sprayed me!” § 87(2)(b) touched his eyes, but this made his eyes hurt more and put his hands on his head, linking his fingers together at the back of his head, with his elbows out towards the sides, but slightly forward.

PO Glover grabbed the left collar of § 87(2)(b) clothing with his left hand and pulled. PO Glover then grabbed § 87(2)(b) by the back of the neck with his right hand and pulled him out of the vehicle, taking him to the back of his vehicle. § 87(2)(b) was nervous after he had been pulled out of the vehicle, he was standing, but his feet were shaking and he was not in control of his body. § 87(2)(b) could not describe exactly what he did with his hands, stating that he lost control of them, but may have kept them up in the air, with his palms open at the height of his head. § 87(2)(b) did not hold his hands away from the officers or attempt to stay in the car. § 87(2)(b) heard screaming all around him, and believed that the people who lived on that street had come out of their buildings, although he could not see them. § 87(2)(b) was saying “They maced me, they maced me.” At some point after he was out of the car, § 87(2)(b) exited the car and came over to § 87(2)(b) screaming “No, no, no.”

§ 87(2)(b) was hit with what felt like a stick on his right knee five times and his left knee once, but he could not see the object or which officer did this because of the Pepper spray in his eyes. § 87(2)(b) thought it was one of the auxiliary officers because PO Glover was holding § 87(2)(b) with one hand on his chest and the other hand high on his back or on his neck. § 87(2)(b) could not see PO Glover, but could hear him at his ear and recognized his voice. PO Glover was

holding handcuffs in his hand and used them to hit § 87(2)(b) in the top, back center of his head. The sharp, chain part of the handcuffs struck § 87(2)(b) head. While the officers were hitting him, PO Glover was saying “Get the fuck to the floor, get the fuck to the floor.” § 87(2)(b) continued screaming that his eyes were hurting him and his arms were up in the air, with his hands close to his face and his palms open. § 87(2)(b) felt § 87(2)(b) hug him around his stomach and chest, and then she was pulled away. § 87(2)(b) could not hear or see what happened with her. The fifth hit to § 87(2)(b) right knee cap caused him to fall to the ground. § 87(2)(b) fell forwards, landing on his hands to protect his face and lying on his stomach.

On the ground, § 87(2)(b) felt knees on his back, neck, and legs. § 87(2)(b) did not hear the officers say anything, including giving him any instructions. § 87(2)(b) was giving the officers his hands and they placed handcuffs on him. This was about two minutes after § 87(2)(b) was pulled out of the car. § 87(2)(b) did not ever fight back against the officers, did not push them away, and hold his arms or body away from the officers.

§ 87(2)(b) was later informed by someone that, at some point, § 87(2)§ 87(2)(b) § 87(2)(b) manager, arrived at the scene, but § 87(2)(b) did not know when this was and could not recall actually seeing him there. Additional officers and police vehicles had arrived at the scene, but § 87(2)(b) did not know when they arrived. During his phone statement, § 87(2)(b) mentioned that two more officers, PO Kinte Willis, identified by the investigation and described as a 42-year-old white male, in uniform, 5'11" tall, 220 lbs, and PO Michelle Morra, identified by the investigation and described as a 32-year-old white female, in uniform, standing 5'6" tall, 180-190 lbs, both arrived towards the end of the incident, and were not involved in the physical struggle. § 87(2)(b) was placed in a marked patrol car and transported to PSA2.

§ 87(2)(b) was taken to PSA2, where he was placed in a holding cell with two other people. § 87(2)(b) was in the next cell, where they could not see, but could hear each other. § 87(2)(b) requested medical attention, and EMTs came a short time later with PO Glover. The EMTs washed § 87(2)(b) eyes, and looked at his knee.

§ 87(2)(b) was taken to Brooklyn Central Booking and charged with resisting arrest, disorderly conduct and assault. § 87(2)(b) was released and went to § 87(2)(b) on § 87(2)(b). § 87(2)(b) had a bruised knee and a bruise on his head, with pain in his knee and head. § 87(2)(b) right knee was x-rayed. There were no broken bones, but it was badly bruised. § 87(2)(b) was given an ice pack.

Victim: § 87(2)(b)

- § 87(2)(b)
§ 87(2)(b)

Statements made to Medical Providers

§ 87(2)(b) was treated in the § 87(2)(b) on § 87(2)(b), for injuries she sustained during the incident. There, she stated that she had been pushed away from § 87(2)(b) by police officers, and complained of pain to her lower back and abdomen.

CCRB Statement

On February 19, 2013, § 87(2)(b) was interviewed at the CCRB (encl. B 21-27). § 87(2)(g)
§ 87(2)(b)

When § 87(2)(b) opened the van's door to exit after they had received the parking ticket and the officers were walking away, one of the officers said "Close the door, don't you see there are cars behind you?" § 87(2)(b) told § 87(2)(b) that she did not need to close the door. § 87(2)(b) did not close the door, but did not exit the vehicle. PO Glover and the auxiliary officers returned and asked § 87(2)(b) what he had said and they began arguing. PO Glover and the auxiliary officers said, "Get out of the car," at least once, but § 87(2)(b) could not remember how many times. § 87(2)(b) said "For what?" The officers opened § 87(2)(b) door and PO Glover pulled on § 87(2)(b) trying to get him out of the car. § 87(2)(b) was pulling away from PO Glover. § 87(2)(b) was saying "No" and "For what?" At some point, § 87(2)(b) cursed, saying "Fuck," but § 87(2)(b) could not remember the whole statement.

After less than a minute of arguing, PO Glover pepper sprayed § 87(2)(b) while § 87(2)(b) was in the car. PO Glover held the pepper spray about 12 inches away from § 87(2)(b) face. § 87(2)(b) could not recall what § 87(2)(b) did in response to the pepper spray. The officers then pulled § 87(2)(b) out and brought him to the back of his vehicle. § 87(2)(b) initially stayed in the car, then exited when she heard § 87(2)(b) screaming. § 87(2)(b) could hear screaming from all around, but could not describe what anyone was saying. § 87(2)(b) approached § 87(2)(b) who was still standing, and hugged him, with her eyes closed. § 87(2)(b) could not remember what was happening with § 87(2)(b) when she approached. By this time, two more marked NYPD cars had arrived, including PO Willis and PO Morra. PO Morra was trying to help the officers with § 87(2)(b)

APO Kizer grabbed § 87(2)(b) around her stomach and began trying to pull her away. § 87(2)(b) felt about one hit on her stomach, one hit on her back, and one hit on her arm, but could not recall which arm or where on the arm. She described the struggle as hands flying everywhere. She could not tell who hit her, and did not know if they intended to hit her or if she was in the way. As § 87(2)(b) was pulled away, § 87(2)(b) saw § 87(2)(b) hit on the top of the head with something silver, but did not see which officer did this or what it was. § 87(2)(b) heard § 87(2)(b) being hit with sticks, which sounded like a thick object hitting something and did not sound like a punch. § 87(2)(b) saw § 87(2)(b) fall to his knees at some point. § 87(2)(b) heard cursing, but could not tell who it was coming from.

APO Kizer pulled § 87(2)(b) away from § 87(2)(b) and slammed her against a police car on her stomach very hard. During the incident, a crowd had gathered, including residents from the buildings on the street.

After being released, § 87(2)(b) went with § 87(2)(b) to § 87(2)(b), because she felt pain all over her body. § 87(2)(b) stated that she had a bruise on her arm, but could not recall where. § 87(2)(b) also had a headache. The hospital took pictures of her, but did not give her any treatment.

Witness: § 87(2)(b)

- § 87(2)(b)

CCRB Statement

On February 25, 2013, § 87(2)(b) provided a phone statement (encl. B 28), and, on February 28, 2013, he was interviewed by the CCRB (encl. B 29-34). § 87(2)(g)

After receiving the parking ticket, § 87(2)(b) was talking to § 87(2)(b) saying that the company would pay for the ticket. They were talking about the officers not having anything better to do. § 87(2)(b) said something like “It’s because we’re white,” but did not say this loudly enough for the officers to hear. § 87(2)(b) began walking northbound on the sidewalk on the west side of the street. After about two feet, § 87(2)(b) saw the officers returning towards § 87(2)(b). As they came back, PO Glover and § 87(2)(b) were arguing. § 87(2)(b) stated that he thought that § 87(2)(b) said something, but was not sure what he said. § 87(2)(b) stated that § 87(2)(b) door was open and he was directing his comments towards the officers. He could not hear what § 87(2)(b) was saying.

§ 87(2)(b) walked back to the vehicle. PO Glover asked § 87(2)(b) to step out of the vehicle. § 87(2)(b) said no, saying that he hadn’t done anything. PO Glover repeated the instruction once more and § 87(2)(b) continued refusing to exit the vehicle. PO Glover tried to grab § 87(2)(b) arms, with the help of one of the auxiliary officers. § 87(2)(b) pushed his elbows out to the sides to keep his arms away from the officers. PO Glover kept repeating the instruction to get out of the vehicle. At this time, APO Foskey told § 87(2)(b) to step away, which he did. Suddenly, § 87(2)(b) began screaming that he had been pepper sprayed. At this time, APO Foskey was standing in front of § 87(2)(b) so § 87(2)(b) did not see § 87(2)(b) sprayed with pepper spray. § 87(2)(b) did not hear anything at this time. PO Glover, APO Foskey, APO Lyston, and APO Kizer pulled § 87(2)(b) out of his vehicle. § 87(2)(b) appeared to be cooperating with the officers in exiting the vehicle.

§ 87(2)(b) was standing about two feet away from his vehicle, leaning his left side on the vehicle, and pushed his elbows out to the sides, apparently trying to move the officers away from him. § 87(2)(b) did not strike any officer. § 87(2)(b) was screaming loudly, “Help me, Jesus.” PO Glover, APO Lyston, APO Kizer, and APO Foskey were all holding § 87(2)(b). § 87(2)(b) came around the front of the vehicle and approached § 87(2)(b) and wrapped her arms around him from his left side in a hug and screamed at the officers to let § 87(2)(b) go. After less than 5 seconds, APO Foskey grabbed § 87(2)(b) around her stomach, pulled her away and held her against the back of the van, with her left side against the van. § 87(2)(b) continued screaming loudly, saying “Let him go,” and crying. After § 87(2)(b) was pulled away, § 87(2)(b) began screaming, “I want to see my baby!” PO Glover pulled out his nightstick and hit § 87(2)(b) on the back of both his knees at the same time once. None of the auxiliary officers had their batons out. APO Lyston pulled his handcuffs off his belt, wrapped his four fingers through one handcuff and made a fist. APO Lyston punched § 87(2)(b) on the right back of his head twice, close to his ear. APO Foskey and APO Kizer were pulling § 87(2)(b) trying to get him to the ground. PO Glover hit § 87(2)(b) a second time in the back of the knees, causing § 87(2)(b) to fall to the ground. § 87(2)(b) fell forwards onto his stomach. During this process, none of the officers gave § 87(2)(b) any instructions, including asking for his hands, telling him to stop resisting or to get on the ground. APO Lyston was the only officer speaking; he said, “Who the fuck do you think you are?” and “What the fuck are you doing?” § 87(2)(b) who § 87(2)(b) knows as § 87(2)(b) manager, did not arrive during the incident. § 87(2)(b) was handcuffed soon after falling to the ground. After that, § 87(2)(b) could not see the struggle, as other officers appeared and blocked his view.

Witness: APO TYREE FOSKEY

- § 87(2)(b) [redacted] an auxiliary officer with the NYPD.

Memorandum Pad

APO Foskey made entries in his Memorandum Pad, documenting his actions as an auxiliary officer, regarding the incident. They note two arrests in front of § 87(2)(b) [redacted] at 7:40 p.m. (encl. B 35-37).

CCRB Statement

On January 28, 2014, APO Foskey was interviewed at the CCRB (encl. B 38-42). His supervisor, PO Gairy James, was present for the interview, upon APO Foskey's request. § 87(2)(g) [redacted]

§ 87(2)(b) [redacted]

APO Foskey was on the street in the vicinity of § 87(2)(b) [redacted] in Brooklyn. At the time he was working as an auxiliary police officer. He was with two other auxiliary police officers: Jaheen Kizer and Rashad Lyston, and their supervisor, PO Bobby Glover. They were all patrolling the area, on foot.

They observed § 87(2)(b) [redacted] double parked. APO Foskey could not recall who first observed the car, or who first approached it.

Either PO Glover, APO Lyston or APO Kizer asked § 87(2)(b) [redacted] to move the car. APO Foskey stood in front of the car, roughly ten feet away. APO Foskey did not see anyone else in the car. § 87(2)(b) [redacted] did not move the car, and he was asked for his license and registration. APO Foskey could not recall who was speaking with § 87(2)(b) [redacted] at the time. § 87(2)(b) [redacted] did not provide his license, and got very angry and said, "I'm not going to fucking move my car. Why should I have to move?" He also cursed at PO Glover and the auxiliary officers and said, "I'm not going to fucking move. Get the fuck out of my face. Do what you have to do." APO Foskey could not recall anything else that § 87(2)(b) [redacted] said.

§ 87(2)(b) [redacted] shouting caused a crowd of three to four people to form around them. At this point, APO Foskey turned toward a member of the crowd to instruct them to step back. They did, and he stayed facing them. When he turned back around, § 87(2)(b) [redacted] was already in handcuffs, being placed in a car by an unidentified officer. APO Foskey could not recall if he saw how § 87(2)(b) [redacted] was removed from the car. He estimated that approximately three to four minutes had passed as he was facing away from the car.

APO Foskey could not recall seeing any officer use pepper spray on § 87(2)(b) [redacted] strike him with an asp or other impact weapon, or strike him with handcuffs. APO Foskey stated that auxiliary officers carry long wooden batons, however he could not recall if any were used during the incident. He did not know if there was a struggle to get § 87(2)(b) [redacted] handcuffed, and did not know if anyone struck § 87(2)(b) [redacted] during the incident. He could not recall if § 87(2)(b) [redacted] was resisting during the incident. Many officers were shouting at § 87(2)(b) [redacted] during the incident; however, APO Foskey could not recall any of them using profanity during the incident. APO Foskey recalled that there was an additional arrest during the incident; however, he was unable to recall any details of the other arrest. When he was told that § 87(2)(b) [redacted] was also arrested during the incident, and provided with a few details of her arrest, APO Foskey still could not recall any details about the arrest.

During his CCRB interview, APO Foskey reviewed both the cell phone videos filmed by § 87(2)(b) during the incident. During the video located in IA# 66 of the case file, APO Foskey recognized PO Glover and APO Lyston at 00:26 seconds into the video. APO Lyston was writing in a note pad, and PO Glover was standing next to him. He could not recognize anyone else in the video. During the video located in IA# 59 of the case file, APO Foskey recognized APO Kizer at 00:33 seconds into the video, grabbing onto § 87(2)(b) as he was being taken out of the car. APO Foskey could not identify anyone else in either video. APO Foskey stated that neither video refreshed his memory about what had happened.

Complainant/Witness: § 87(2)(b)

- § 87(2)(b)

CCRB Statement

On January 28, 2012, § 87(2)(b) provided a phone statement to the CCRB (encl. B 7), and, on January 30, 2012, § 87(2)(b) was interviewed over the phone (encl. B 8-10). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) arrived after § 87(2)(b) had been removed from the van, and was standing behind it. There were four auxiliary officers, and all of them were striking § 87(2)(b) with batons in addition to PO Glover. During his phone statement, § 87(2)(b) stated that there were only three auxiliary officers. They struck § 87(2)(b) in the head as well as the back of the legs. During his phone statement, § 87(2)(b) stated that he saw PO Glover use pepper spray on § 87(2)(b) at this time, but stated in his verified interview that he only heard about it later. § 87(2)(b) was never brought to the ground, but rather was handcuffed standing up.

Additional officers arrived in two marked police cars. One of them was PO1, unidentified by the investigation and described as a white male, in uniform, in his 40s or 50s, 5'11" tall, 250-260 lbs, with grey and white hair, and another was PO2, unidentified by the investigation and described as a white male, in uniform, 5'11" tall, 225 lbs, with red hair that appeared to be turning white.

A large crowd gathered on the block, including ten people on the sidewalk and at least ten people at the windows of § 87(2)(b) and ten people at the windows of § 87(2)(b), which is on the opposite side of the street. § 87(2)(b) did not know any of them. Many people were yelling. PO2 said to the crowd, "Get the fuck back in your houses and mind your business." The officers instructed people to return to their cars and houses.

PO1 stated to the crowd, "Back the fuck up or you'll be locked up for disorderly conduct," and "This is why Bloomberg passed a law for us to do overtime, to deal with people like this." § 87(2)(b) later stated that he said "This is why Bloomberg passed a law for us to do overtime, to fuck with people like you." Shortly thereafter, § 87(2)(b) was placed under arrest across the street from where § 87(2)(b) was arrested. She was arrested by APO Kizer, and PO1. § 87(2)(b) made no reference of this part of the incident in his phone statement.

During § 87(2)(b) statement to the Internal Affairs Bureau when he filed this complaint, he stated that he did not witness the incident.

On February 6, 2013, after § 87(2)(b) was interviewed over the phone, an affidavit was sent to his address as certified mail and emailed to him for him to sign, get notarized, and return to the CCRB to verify his statements (encl. F 34-35). § 87(2)(b) was called the same day and informed of the affidavit, and told it must be signed, notarized, and returned when he receives it. § 87(2)(b) was called on February 12, 2013, and he stated that he had not received the affidavit or checked his email. On March 12, 2013, Inv. Twigg called § 87(2)(b) and he agreed to meet Inv. Twigg at his apartment to sign the affidavit, when she conducted fieldwork on March 14, 2013. § 87(2)(b) did not answer his door when Inv. Twigg knocked on it during her fieldwork. On March 18, 2013, the affidavit sent to § 87(2)(b) was returned by USPS as unclaimed mail. On February 18, 2014, a search of the Department of Corrections showed that § 87(2)(b) has not been incarcerated during the investigation. As of February 18, 2014, § 87(2)(b) has not contacted the CCRB and the CCRB has not received his signed affidavit.

Attempts to Contact Civilians

On March 14, 2013, Inv. Twigg conducted fieldwork at § 87(2)(b) § 87(2)(b) § 87(2)(b), and § 87(2)(b), in Brooklyn. Multiple individuals inside each building were spoken to. Several individuals recalled witnessing parts of the incident, however no one who recalled the incident was willing to provide a statement about the incident or provide their contact information. Letters were left in the lobbies of the buildings, and under the front doors of multiple apartments, requesting that any witnesses to the incident contact the CCRB (encl. E 10). As of February 18, 2014, no witnesses have contacted the CCRB.

Multiple attempts were made to contact and interview APO Lyston and APO Kizer. Lt Albano, the CCRB's liaison to the NYPD, was conferred in regards to scheduling the auxiliary officers, and he directed the CCRB to contact the ICO PSA2. On April 30, 2013, the investigation contacted the ICO of PSA2, Lt O'Hare. Lt O'Hare stated that in order to speak with the auxiliary officers, the CCRB had to liaise with their supervisor, who at the time was PO Glover. It was explained to Lt O'Hare that PO Glover was the subject of the investigation, yet he maintained that the CCRB must make arraignments through him.

On April 30, 2013, PO Glover was called and asked to bring in the auxiliary officers for an interview. PO Glover stated that they could not be interviewed, as they were all suspended from the program, and declined to provide contact information for them. On May 1, 2013, a Lexis Nexis search located one address for APO Kizer, and one address and one phone number for APO Lyston. On July 22, 2013, subpoenas for the testimony of APO Kizer and APO Lyston were sent to their home addresses. On July 25, 2013, PO Glover, who at the time was the supervisor of all three auxiliary officers, called the CCRB to inquire about the subpoenas, and said that a formal request had to be made through Auxiliary command. He was told that the auxiliary officers should comply with the CCRB's subpoenas. The auxiliary officers ignored the subpoenas, and did not appear at the CCRB on the date and time specified.

Multiple attempts were made to reschedule the auxiliary officers through PO Gairy James of PSA2, who became the supervisor of all three auxiliary officers after PO Glover left the post. On November 11, 2013, PO James was called and he stated that he would reach out to APO Foskey and APO Lyston about coming in to the CCRB; however, APO Kizer was no longer an auxiliary officer and APO Lyston was suspended and could not be compelled to testify. Follow up calls were made to PO James five times between November 11, 2013, and December 5, 2013.

On December 5, 2013, PO James provided an additional phone number for both of them. However, when the number PO James provided for APO Lyston was called on December 11, 2013, it was found to belong to a different individual, who did not know APO Lyston. On January 9, 2014, the undersigned investigator contacted DT Sheedy at the auxiliary command, and she confirmed that § 87(2)(b)

APO Lyston and APO Kizer were each called five times between December 11, 2013, and February 4, 2014. On each of these calls, voicemail messages were left on automated answering machines requesting that they call the CCRB. They were each sent two letters on January 2, 2014, and February 4, 2014, requesting that they call the CCRB (encl. F 27-30). On February 18, 2014, a search of the Department of Corrections showed that neither APO Kizer nor APO Lyston is incarcerated. As of February 18, 2014, neither of the letters sent to APO Kizer and APO Lyston has been returned by USPS as undeliverable and neither individual has contacted the CCRB.

Video Footage Taken by § 87(2)(b)

§ 87(2)(b) filmed two videos of the incident on his cell phone, at different times (encl. E 11).

Video #1

The first video is 54 seconds long. It is filmed from outside § 87(2)(b) vehicle, and shows PO Glover and APO Lyston writing § 87(2)(b) parking ticket. The voices of § 87(2)(b) and § 87(2)(b) can be heard in the background talking about the officers. At one point, § 87(2)(b) states, "It's because we're white, right?" At one point, PO Glover states his name and shield number into the camera. There is no further conversation on the video. The surrounding street is empty throughout the video, and there is no crowd gathered around the officers, as can be seen at time stamps 00:02, as well as 00:40 in the video.

Video #2

The second video is 54 seconds long. It is filmed from outside § 87(2)(b) vehicle, facing towards the front of the car and covering the back of the van, and the sidewalk on either side of the van and in front of it, at different times. The video is dark, and it is unclear what is going on. Several uniformed officers can be seen standing by the driver's side door which is open. § 87(2)(b) can be heard screaming, "Don't touch me. I did not do anything." At 26 seconds into the video, § 87(2)(b) exits the car, and is walked to the back of the vehicle by several uniformed officers. Some of these officers can be seen grabbing § 87(2)(b) by the shoulders, and pulling on his arms, but not striking him. § 87(2)(b) screams, "They pepper sprayed me." At 36 seconds into the video, PO Morra can be seen standing outside the group of officers that had surrounded § 87(2)(b). § 87(2)(b) begins to scream at the officers to stop. At 47 seconds into the video, § 87(2)(b) starts to scream, "You better not touch her. She's pregnant," repeatedly. The struggle between § 87(2)(b) § 87(2)(b) and the officers is not in the frame at this time. Then the video ends. Throughout the video, § 87(2)(b) § 87(2)(b) § 87(2)(b) and two to three of the officers can be heard speaking or shouting, and no additional voices can be heard in the background. The surrounding street is empty throughout the video, and there is no crowd gathered around the officers, as can be seen at time stamps 00:05, 00:20, and 00:40 in the video.

NYPD Statement(s):

Subject Officer: PO BOBBY GLOVER

- *PO Bobby Glover is a black male, standing 5'10" tall, weighing 190 pounds, with black hair and brown eyes.*
- *On November 14, 2012, PO Glover worked from 12:00 p.m. to 2:35 a.m. the following day, and was assigned to Footpost § 87(2)(b) patrolling the § 87(2)(b). He was working with Auxiliary officers Foskey, Lyston, and Kizer. PO Glover was dressed in uniform, working on foot.*

Memo Book

PO Glover had the following entries in his memo book regarding the incident: At 7:28 p.m., PO Glover issued parking summons § 87(2)(b) to a grey vehicle with § 87(2)(b) license plate § 87(2)(b) in front of § 87(2)(b) for double parking. At 7:30 p.m., one male was stopped in regards to the vehicle, § 87(2)(b). When asked to move his vehicle, § 87(2)(b) became belligerent and started to curse at PO Glover, drawing a large crowd. As he was asked to step out of his vehicle, he started to yell and scream, stated that he wasn't exiting the vehicle and told PO Glover not to touch him. § 87(2)(b) flailed his arms at the officer. § 87(2)(b) was maced and removed from his vehicle. § 87(2)(b) flailed his arms preventing arrest. His wife jumped on him, trying to prevent officers from arresting § 87(2)(b) after being told numerous times to remove her arms from around him. At 7:40 p.m., two people were placed under arrest. At 7:43, they arrived back at the PSA2 stationhouse (encl. C 1-3).

Summons, Arrest reports and Compliant reports

PO Glover issued § 87(2)(b) a summons for being double parked outside § 87(2)(b). PO Glover completed the arrest reports and associated complaint reports for the arrests of § 87(2)(b) and § 87(2)(b). § 87(2)(b) was arrested for subsection one of the disorderly conduct statute for violent behavior, and for resisting arrest. The reports state that he shouted obscenities and became violent, and then flailed his arms to prevent his arrest. § 87(2)(b) was arrested for § 87(2)(b), § 87(2)(a) CPL 160.50 § 87(2)(b) (encl. C 4, C 13-20).

Criminal Court Complaints

PO Glover also served as the informant for the Criminal Court Complaint related to the arrests of § 87(2)(b) and § 87(2)(b) and was interviewed about the incident by a Kings County DA's office paralegal, who was deposed for the complaint, and signed it. In the complaint, PO Glover stated that § 87(2)(b) had illegally parked his car and was blocking the street. He then refused to move the car when PO Glover asked him to, and began to shout and curse at him. PO Glover issued him a summons, and § 87(2)(b) continued to shout and curse at him, drawing a crowd of approximately 75 people. When PO Glover asked him to exit the car, § 87(2)(b) refused and continued to curse. When PO Glover attempted to physically remove § 87(2)(b) he pulled his arm away from PO Glover and raised it as if to strike him. It took PO Glover, two other officers, and three auxiliary officers to get § 87(2)(b) handcuffed, as he resisted by swinging his arms and holding them against his body. § 87(2)(b) (a) CPL 160.50 § 87(2)(b) (encl. C 21-25).

AIDED report

PO Glover filled out an AIDED report for injuries he sustained during the incident. In it he stated that he injured fingers in his right hand while subduing a perpetrator, and that he had to use O.C. Spray during the incident (encl. C 5-11).

Medical Treatment of Prisoner Form for § 87(2)(b)

PO Glover filled out the medical treatment of prisoner form for § 87(2)(b). In it he states that § 87(2)(b) was maced and has an abrasion to his right calf (encl. C 12).

CCRB Statement

On July 3, 2013, PO Glover was interviewed at the CCRB (encl. C 26-29). He was interviewed again on April 7, 2014, and asked additional questions (encl. C 29a-29b).

On November 14, 2012, at about 7:23 p.m., PO Glover was walking northbound on Williams Avenue, and stood with APO Foskey, APO Lyston, and APO Kizer, who he supervised, in front of § 87(2)(b) in Brooklyn. The officers observed a § 87(2)(b) vehicle, double-parked in front of § 87(2)(b) located towards the middle of the street, where it was obstructing traffic. PO Glover observed the vehicle in this position for about 5 minutes before approaching to issue a double parking summons, but did not see the vehicle arrive at the location or know how long it had been there. PO Glover did not see § 87(2)(b) at his vehicle during this time.

At 7:28 p.m., PO Glover approached and wrote a parking summons to the vehicle. PO Glover didn't look inside the vehicle while writing the summons and did not notice whether there was anyone in the vehicle, which was parked and turned off. PO Glover placed the summons on the vehicle without interacting with anyone at this time. PO Glover could not recall if there was anyone watching or filming at this time. At this time, § 87(2)(b) walked over to his vehicle and began cursing loudly in the middle of the street, including shouting, "Fuck you," as he entered his vehicle. PO Glover could not recall if § 87(2)(b) was alone or came back to the vehicle with anyone else. PO Glover recalled that § 87(2)(b) whose name he did not know, was with § 87(2)(b) at some point, but could not recall when he arrived. There were pedestrians in the area, on both sides of the street. PO Glover stated that a crowd began to gather, but he could not tell how many people, besides § 87(2)(b) friend, had stopped to watch at this time. In total, about 75 people gathered in a crowd.

PO Glover, who had walked about 30 or 40 feet away from § 87(2)(b) vehicle, walked back over to § 87(2)(b) who was now sitting in his vehicle. PO Glover requested § 87(2)(b) identification, intending to issue § 87(2)(b) a summons for disorderly conduct, subsection three, for using abusive or obscene language. The auxiliary officers were with PO Glover. A crowd began to gather in the street when PO Glover returned to § 87(2)(b) asked why and PO Glover explained that he was going to issue him a summons for disorderly conduct. § 87(2)(b) said, "Fuck you, I'm not giving you shit." PO Glover requested § 87(2)(b) identification a total of three times. PO Glover asked § 87(2)(b) to step out of the vehicle. § 87(2)(b) refused. PO Glover opened § 87(2)(b) door and tried to grab his arm. § 87(2)(b) said either, "Get the fuck off of me, don't touch me," or "Don't fucking touch me, I'm not giving you shit." § 87(2)(b) leaned towards the passenger side of the car, pulling his left arm across in front of his body and away from PO Glover. PO Glover instructed § 87(2)(b) to exit again and § 87(2)(b) refused. APO Foskey, APO Lyston, and APO Kizer were not giving § 87(2)(b) any instructions and none of them made any physical contact with § 87(2)(b) at this time.

PO Glover decided to use his pepper spray at this time, because physical force had not worked and § 87(2)(b) was a large individual, weighing about 350 pounds. PO Glover stood about two to three feet away from § 87(2)(b) and sprayed his pepper spray once, quickly. § 87(2)(b) exited the vehicle independently. As he exited, the officers stepped back and PO Glover watched his hands to make sure he didn't have anything that could be used as a weapon. Although PO Glover had not seen anything which indicated to him that § 87(2)(b) might have a weapon, he thought that § 87(2)(b) might have tools because he was driving a vehicle used to repair and open locks. No officers were making physical contact with § 87(2)(b) as he exited the vehicle; PO Glover denied pulling on § 87(2)(b) at this time. § 87(2)(b) was screaming, shouting and cursing.

PO Glover then grabbed § 87(2)(b) right arm, attempting to pull it behind his back, but § 87(2)(b) held his arms stiff, out in front of his body at chest height, with his fists clenched. APO Foskey helped PO Glover pull on § 87(2)(b) he may have been pulling § 87(2)(b) left arm, but he did not use any additional force at this time. No other auxiliary officers were helping with § 87(2)(b). PO Glover repeatedly instructed him to place his hands behind his back and stop resisting. Because his arms were still, the officers were able to attach PO Glover's handcuff to § 87(2)(b) right wrist, but could not get the left handcuff on. § 87(2)(b) continued shouting, saying, "Help me Jesus, help me Lord." After § 87(2)(b) was out of his vehicle, a marked NYPD vehicle arrived, but PO Glover could not recall which officers came, or how many arrived at this time. The additional officer assisted with the arrest, but PO Glover could not recall when they became involved.

Within less than a minute, § 87(2)(b) stepped out of the vehicle, and PO Glover observed her for the first time at this point. § 87(2)(b) ran over to § 87(2)(b) and jumped on him, wrapping her arms around his neck, attempting to stop the officers from placing § 87(2)(b) under arrest. § 87(2)(b) was instructed numerous times to let go of § 87(2)(b). APO Lyston and APO Kizer came over to § 87(2)(b) and pulled § 87(2)(b) away, removing her from § 87(2)(b). PO Glover did not recall any additional force being used against § 87(2)(b) or § 87(2)(b) before they were pulled apart. PO Glover did not recall whether he punched § 87(2)(b) and denied making any physical contact with § 87(2)(b) at all. PO Glover thought that APO Lyston and APO Kizer placed § 87(2)(b) in handcuffs, but did not see them do this. People in the crowd were screaming, "Don't touch her, don't fucking touch her. She's pregnant. This is fucked up."

After § 87(2)(b) had been moved, § 87(2)(b) was still refusing to give the officers his hands. PO Glover took out his asp, which he had not taken out before, and struck § 87(2)(b) in the lower right calf. § 87(2)(b) fell to the ground. PO Glover did not strike § 87(2)(b) anywhere else on his body. PO Glover did not recall whether he told § 87(2)(b) to get on the ground. PO Glover did not recall using any discourteous language. PO Glover did not say, or hear any other officer say, "Get the fuck to the floor." § 87(2)(b) fell forwards, but PO Glover was not sure which part of his body hit the ground. When he was on the ground, the officers were able to grab both of his arms and pull them behind his back within 10-15 seconds. § 87(2)(b) was still holding his left arm stiff and away from officers. The auxiliary officers have handcuffs and batons with them. PO Glover did not see any of the auxiliary officers remove their batons or the other police officers have their asps out. PO Glover did not see any of the auxiliary officers with their handcuffs out. PO Glover had his handcuffs out, but did not strike § 87(2)(b) with his handcuffs, nor did he see any auxiliary officer or police officer strike § 87(2)(b) with the handcuffs.

PO Glover did not recall sustaining any injuries during the incident, despite being presented with the AIDED paperwork documenting his injury. PO Glover did not recall how the injury happened. PO Glover stated that § 87(2)(b) resistance was holding his arms stiff and leaning away from the officers. PO Glover denied that § 87(2)(b) ever acted aggressively or threatening towards any officers, including assaulting or attempting to assault any officers. After reviewing the criminal court complaint which stated that § 87(2)(b) swung wildly, PO Glover still could not recall this. After being presented with the arrest report which noted that § 87(2)(b) was under arrest for disorderly conduct, subsection 1, PO Glover did not recall what aspect of § 87(2)(b) behavior warranted this charge.

§ 87(2)(b) was placed in a car to be transported to the PSA2 stationhouse. PO Glover went in this vehicle to the stationhouse. PO Glover did not interact with the crowd or see if any other officer was dealing with the crowd. PO Glover did not recall saying, or hearing any other officer say, “Who the fuck do you think you are?” or “What the fuck are you doing?” PO Glover did not say, or hear any other officer say, “Get the fuck back in your houses and mind your business!” “Back the fuck up or you’ll be locked up for disorderly conduct,” or “This is why Bloomberg passed a law for us to do overtime, to fuck around with people like you.” § 87(2)(b) was charged with obstructing governmental administration.

PO Glover was shown two videos during his CCRB interview. In the first video, PO Glover identified himself as the officer standing to the right of the screen, holding a flashlight, which he is shining on APO Lyston, who appears to be writing in a booklet, at 00:07. At 00:18, a male and female voice can be heard disputing the ticket with the officers, PO Glover stated that this did not refresh his memory about talking to anyone at that time and he could not identify the voices. In the second video, PO Glover was unable to identify any officers, including himself.

PO Glover was asked during his interview on April 7, 2014, to describe where the crowd that had formed could be seen in the videos. He stated that he could not see the crowd in the first video, and he could not recall where it was at the time or whether it had formed. The crowd was still not visible in the second video, but had formed and was standing on the sidewalk, on both sides of the street, behind the individual filming the incident, and out of the camera’s frame. PO Glover could not recall any additional details about the crowd or when it formed.

Witness Officer: PO MICHELLE MORRA

- *PO Michelle Morra is a white female, 5’7” tall, 150 lbs, with black hair and brown eyes. At the time of the incident, she was § 87(2)(b) old.*
- *On November 14, 2012, PO Morra worked from 2:00 p.m. to 10:35 p.m., and was assigned to Domestic Violence detail, working with PO Kinte Willis. PO Morra was dressed in uniform and assigned to a marked patrol car, #9066.*

Memo Book

PO Morra had the following entries in her memo book regarding the incident: At 7:40 p.m., PO Morra responded to a call for backup by PSA 2 Auxiliary at § 87(2)(b) for 2 arrests. At 7:55 p.m., PO Morra transported one person to PSA 2 (encl. C 30-32).

CCRB Statement

On July 25, 2013, PO Morra was interviewed at the CCRB (encl. C 33-35). § 87(2)(g)

PO Morra was with PO Willis when they received a call for backup at § 87(2)(b). When they responded, PO Morra saw a vehicle, the auxiliary vehicle, PO Bobby Glover, and 2-3 male auxiliary officers. PO Morra did not know the names of the auxiliary officers. At some point during the incident, an additional marked car responded to the call, but PO Morra waved them away because they were taking care of the transport. PO Morra did not recall which officers were in this unit and did not see if there was a supervisor in the vehicle. No other units responded.

When she arrived, a male and a female, § 87(2)(b) and § 87(2)(b) had already been handcuffed and PO Glover was asking if PO Morra could transport them back to the stationhouse. PO Morra could not recall where the individuals were, or where they were standing when she arrived. PO Morra did not recall anything specific about the behavior of the individuals, except that the male was exchanging words with PO Glover because he was upset about being arrested, although PO Morra stated that he was not shouting and was not fighting. PO Morra did not remember if the male was cursing. A crowd did not appear to have gathered, although there may have been about five people around. PO Morra transported one of them, but did not recall which one.

PO Morra was showed the second video of the arrest of § 87(2)(b). At [00:36-00:37], PO Morra identified herself on the video. However, PO Morra did not have an independent recollection of being present at that time. PO Morra recognized that the auxiliary officers were visible on the video, including one visible at [00:23] who appears to have lighter skin. PO Morra could not identify or distinguish between the auxiliary officers as she does not know their names.

After viewing the video, which shows that she was present during the arrest, PO Morra still did not recall what was happening when she arrived. PO Morra was not physically involved in effecting the arrests. PO Morra did not use and did not see any other officer use pepper spray, and did not recall being affected by it. PO Morra did not recall whether any auxiliary or police officers had an asp or a baton out during this incident. PO Morra did not remember having her handcuffs out during the incident. PO Morra did not remember seeing any officer strike § 87(2)(b) with a baton or with handcuffs.

PO Morra did not see any officer hit, pull or slam § 87(2)(b) against a vehicle. PO Morra did not recall using or hearing any officer use discourteous language during this incident. PO Morra did not say or hear any officer say, “Get the fuck to the floor,” “Who the fuck do you think you are?” or “What the fuck are you doing?” PO Morra did not say or hear any officer say, “Get the fuck back in your houses and mind your business,” “Back the fuck up or you’ll be locked up for disorderly conduct,” or “This is why Bloomberg passed a law for us to do overtime, to fuck around with people like you.”

Witness Officer: PO KINTE WILLIS

- *PO Kinte Willis is a § 87(2)(b)-old black male, 5’11” tall, 205 lbs, with black hair and brown eyes.*
- *On November 14, 2012, PO Willis worked from 2:00 p.m. until 10:35 p.m. PO Willis was dressed in uniform, assigned to a marked police car, #9066, working with PO Morra, assigned to domestic violence.*

Memo Book

PO Willis had the following entries in his memo book regarding the incident: At 7:40 p.m., PO Willis responded to a 10-85 from PSA 2 auxiliary officers in front of § 87(2)(b). At 7:55 p.m., he transported one male in his vehicle back to the precinct (encl. C 36-38).

Witness statement for AIDED report

PO Willis provided a witness statement about PO Glover’s injuries related to the incident. In it, PO Willis stated that he saw PO Glover injure his hand while executing an arrest (encl. C 39).

CCRB Statement

On August 22, 2013, PO Willis was interviewed at the CCRB (encl. C 40-41). § 87(2)(g)

PO Willis and PO Morra drove by the incident by chance and stopped. He saw PO Glover and two African American male auxiliary officers, whose names he did not know, attempting to affect an arrest. No other officers were present, and no other officers arrived during the incident. The officers were pulling § 87(2)(b) out of the vehicle. PO Willis stated that he did not recall who was pulling on § 87(2)(b) and did not know who was in front of the group of officers. § 87(2)(b) was preventing the officers from handcuffing by stiffening his body, including his arms, but was not acting violently or swinging at officers.

PO Willis stopped and came over to assist the officers. PO Willis did not see anything that happened before § 87(2)(b) was removed from the vehicle, and did not see any officer use Pepper spray against § 87(2)(b). When § 87(2)(b) was outside the vehicle, the officers used physical force, including pulling on § 87(2)(b) arms in an effort to handcuff him. PO Glover, PO Willis and one or two of the auxiliary officers were pulling. PO Morra was not physically involved.

At one point, one handcuff was placed on § 87(2)(b) but he continued to stiffen his arm towards his right side. PO Willis did not recall when during the incident this happened, and did not see the handcuff placed on § 87(2)(b). PO Willis did not see any NYPD officer or auxiliary officer have an asp or a baton out, and no officer used an asp or a baton against § 87(2)(b). No officer punched § 87(2)(b). PO Willis did not know how § 87(2)(b) went to the ground, although PO Willis did not bring § 87(2)(b) to the ground, and did not see which officer brought him to the ground. PO Willis did not see any officer strike § 87(2)(b) in the legs or swipe his legs out causing him to fall to the ground. PO Willis did not see any officer hit § 87(2)(b) with handcuffs. § 87(2)(b) was not doing anything else to resist the officers. PO Willis did not recall whether § 87(2)(b) was shouting or cursing during the incident.

PO Willis did not recall § 87(2)(b) being involved in the arrest of § 87(2)(b). PO Willis did not see any officers removing § 87(2)(b) and did not see any officers punch or hit § 87(2)(b) or slam her against a car. PO Willis did not recall whether any officer used discourteous language during this incident. PO Willis did not say or hear any officer say, “Get the fuck to the floor,” “Who the fuck do you think you are?” or “What the fuck are you doing?” PO Willis did not say or hear any officer say, “Get the fuck back in your houses and mind your business,” “Back the fuck up or you’ll be locked up for disorderly conduct,” or “This is why Bloomberg passed a law for us to do overtime, to fuck around with people like you.” PO Willis did not observe any injuries on § 87(2)(b) and did not recall § 87(2)(b) saying anything about pepper spray or being in pain.

PO Willis transported § 87(2)(b) back to the stationhouse, and did not transport anyone else. PO Willis took § 87(2)(b) into the stationhouse, but PO Glover placed him in the holding cell.

Medical Records

§ 87(2)(b) and § 87(2)(b) were treated in the § 87(2)(b) § 87(2)(b) on § 87(2)(b), for injuries they sustained during the incident. § 87(2)(b) received an x-ray, and was diagnosed with a contusion on his right knee. § 87(2)(b) was treated in the Emergency Room and was diagnosed with a scratch on the left wrist, and small bruises on the right wrist. She was also diagnosed with back pain. § 87(2)(b) urine was tested, and the results showed that she was not pregnant.

NYPD Document(s)

Memorandum Pads for APO Lyston and APO Kizer

APO Lyston and APO Kizer made entries in their memorandum pads regarding the incident. APO Lyston's entries state that two individuals were arrested at 7:40 p.m., in front of § 87(2)(b) § 87(2)(b) for disorderly conduct, obstructing governmental administration, and resisting arrest. APO Kizer's entries state that two individuals were arrested in front of § 87(2)(b) § 87(2)(b) at 7:40 p.m. (encl. D 1-5).

Command Log

The PSA2 command log from November 14, 2012, has entries for the arrests of § 87(2)(b) and § 87(2)(b) both marked at 7:45 p.m. PO Glover is listed as the arresting officer for both, and they note that both were taken to Brooklyn Central Booking at 7:55 a.m. the following morning. § 87(2)(b) charges are disorderly conduct and resisting arrest, and notes that pepper spray was used. The entry further notes that he requested medical attention. § 87(2)(b) charges are § 87(2)(b), § 87(2)(a) CPL 160.50. The condition of both is listed as "apparently normal" (encl. D 7-8).

Other Evidence

Arrest for Incident and Disposition

- On February 21, 2013, § 87(2)(b) pled guilty to disorderly conduct, subsection one, and was sentenced to time served (encl. E 1).
- All criminal charges in connection with § 87(2)(b) arrest on November 14, 2012, have been dismissed. (encl. E 6)

Status of Civil Proceedings

- Neither § 87(2)(b) § 87(2)(b) nor § 87(2)(b) have filed a Notice of Claim with the City of New York as of February 24, 2014, with regard to the incident (encl. F 12).

Civilian(s) Criminal History

- As of February 18, 2014, Office of Court Administration records reveal no criminal convictions for § 87(2)(b) and no additional convictions for § 87(2)(b) (encl. E 1-9).

Civilian(s) CCRB History

- Neither § 87(2)(b) nor § 87(2)(b) have filed any previous CCRB complaints (encl. A 10-11).
- § 87(2)(b) § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)

- § 87(2)(b) § 87(2)(b)
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§ 87(2)(b)
■ § 87(2)(b)
§ 87(2)(b)

Subject Officer(s) CCRB History

- PO Glover has been a member of the service for nine years and there are no substantiated CCRB allegations against him (encl. A 8).

Conclusion

Identification of Subject Officer(s)

PO Glover confirmed that he interacted with § 87(2)(b). The use of the asp on § 87(2)(b) is being pled against PO Glover, as both he and § 87(2)(b) stated that he used his asp on § 87(2)(b).

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: PO Bobby Glover stopped § 87(2)(b)

§ 87(2)(b) stated that after he received a parking ticket, PO Glover walked away, but then returned after § 87(2)(b) opened her door, and directed him to step out of his van. This action constitutes, in effect, a seizure of § 87(2)(b) as he would not feel free to leave the interaction after being ordered by PO Glover to exit his vehicle. § 87(2)(b) who as § 87(2)(b) wife is not an independent witness, stated that the officers instructed her to close her door, as there were cars behind them, and then returned after she did not. PO Glover then directed § 87(2)(b) to exit the vehicle. § 87(2)(b) stated that PO Glover returned to § 87(2)(b) vehicle, but he could not say why and could not hear what § 87(2)(b) had been saying. APO Foskey stated that § 87(2)(b) became angry and began to curse as soon as the officers approached him, and that it caused a crowd of three to four people to gather around them. § 87(2)(b) did not witness this interaction. Furthermore, § 87(2)(b) testimony varies so widely from all other accounts of the incident, including his own previous statements, that it is not being credited by the investigation.

PO Glover stated that he approached § 87(2)(b) a second time and requested his identification in order to write him a summons for subsection three of disorderly conduct after he began to shout and curse at the officers, causing a crowd of people to form around him. Neither PO Morra nor PO Willis witnessed this part of the incident.

§240.20 (3) of the New York State Penal Code states that a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance, or alarm, or recklessly create risk thereof, he uses obscene language or makes an obscene gesture in a public place (encl. A 1). § 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)

Allegation B – Force: PO Bobby Glover used pepper spray against § 87(2)(b)

§ 87(2)(b) stated that PO Glover told him to exit his vehicle, and he asked why. After they both repeated themselves several times, PO Glover sprayed pepper spray in his face. During his phone statement, § 87(2)(b) stated that he verbally refused to exit the vehicle, and also resisted PO Glover’s attempts to physically pull him out. § 87(2)(b) stated that PO Glover tried to pull § 87(2)(b) out of the car while instructing him to exit the vehicle. § 87(2)(b) pulled away from PO Glover, and also verbally refused to exit. At one point, § 87(2)(b) used profanity. Then PO Glover sprayed him with pepper spray. None of the other civilians interviewed witnessed § 87(2)(b) get sprayed with pepper spray, however § 87(2)(b) witnessed § 87(2)(b) verbally refuse to exit his car, and physically resist PO Glover’s attempts to pull him out.

PO Glover stated that he approached § 87(2)(b) and requested his identification, intending to issue him a summons for disorderly conduct. PO Glover requested § 87(2)(b) identification multiple times, and each time § 87(2)(b) refused and cursed at him. At that point, PO Glover asked § 87(2)(b) to exit the vehicle, and opened the door and grabbed his arm to pull him out. § 87(2)(b) cursed at him again, and pulled away from him. Then PO Glover asked him to exit the vehicle again, and § 87(2)(b) refused again. At this point, PO Glover decided to use pepper spray to get § 87(2)(b) to exit the vehicle, as he was refusing, pulling him out had not worked, and because of § 87(2)(b) large size. Neither PO Morra nor PO Willis witnessed PO Glover use pepper spray.

As § 87(2)(b) § 87(2)(b) and § 87(2)(b) in his initial statement all said that § 87(2)(b) both verbally and physically resisted PO Glover’s attempts to remove him from the van; the investigation was crediting that § 87(2)(b) was resisting at this time.

Under the provisions of Patrol Guide procedure 212-95, officers are permitted to use pepper spray in order to affect an arrest or establish physical control over a subject resisting arrest (encl. A 4-7). § 87(2)(g)

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(g) § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Allegation C – Force: PO Bobby Glover used physical force against § 87(2)(b)

Allegation D – Force: PO Bobby Glover struck § 87(2)(b) with an asp.

§ 87(2)(b) stated that PO Glover and the auxiliary officers pulled him out of his van, and then he was repeatedly struck in the legs with what felt like sticks. He could not recall what he was doing with his hands, and stated that he may have had them held up at the level of his head. He denied resisting the officers. After approximately two minutes, he was taken to the ground and handcuffed. § 87(2)(b) could not describe the struggle between § 87(2)(b) and the officers, because of the commotion, and she did not see officers striking § 87(2)(b) with sticks. § 87(2)(b) stated that § 87(2)(b) appeared to be getting out of the vehicle voluntarily. He saw him standing outside the vehicle with his elbows out, and he appeared to be trying to push the officers back, although he did not strike anyone. He saw PO Glover strike § 87(2)(b) with his asp twice behind his knees, and then § 87(2)(b) fell to the ground. APO Tyree Foskey did not witness this part of the incident. § 87(2)(b) gave a very different account of the force used against § 87(2)(b)

§ 87(2)(g) [REDACTED]

PO Glover stated that § 87(2)(b) got out of the car on his own after being pepper sprayed, and then stood with his arms out and refused to place them behind his back. § 87(2)(b) was screaming, and a crowd was forming and screaming as well. At one point, § 87(2)(b) intervened in the arrest, and had to be removed by auxiliary officers. PO Glover could not pull § 87(2)(b) arms behind his back, even though APO Foskey assisted him, and § 87(2)(b) did not respond to commands to place them behind his back. PO Glover eventually removed his asp and struck § 87(2)(b) once in the right calf, causing him to fall to the ground. After that, § 87(2)(b) was handcuffed.

PO Willis stated that other officers pulled § 87(2)(b) out of the car, and that § 87(2)(b) resisted arrest by stiffening his arms. He did not recall any officer using an asp or baton. PO Morra could not recall seeing § 87(2)(b) get removed from the van, and could not recall seeing any officer using an asp.

§ 87(2)(g) § 87(2)(b) [REDACTED]

Under the provisions of Patrol Guide procedure 203-11, officers are authorized to use the minimal amount of force necessary to overcome resisting and effect an arrest (encl. A 2-3). § 87(2)(b) [REDACTED]

§ 87(2)(g) § 87(2)(b) [REDACTED]

Allegation E – Force: PO Bobby Glover struck § 87(2)(b) with handcuffs.

Allegation F – Discourtesy: PO Bobby Glover spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that, after he was removed from the van and was struggling with PO Glover and the auxiliary officers, PO Glover struck him in the back of the head with his handcuffs. § 87(2)(b) did not see PO Glover do so, but felt PO Glover hit him, and heard his voice behind him. PO Glover also said, “Get the fuck to the floor, get the fuck to the floor.” § 87(2)(b) did not see § 87(2)(b) get struck with handcuffs, and also heard screaming during the struggle but could not recall what anyone was saying. § 87(2)(b) stated that APO Lyston struck § 87(2)(b) with handcuffs, and that he was the only officer speaking during the incident. He was saying, “What the fuck are you doing?” APO Foskey could not recall any officers using profanity and did not see the physical struggle, and § 87(2)(b) as stated above, is not being credited by the investigation.

PO Glover denied using profanity during the incident or striking § 87(2)(b) with handcuffs, and PO Morra and PO Willis denied ever seeing the alleged force or hearing the statement during the incident.

The video footage taken by § 87(2)(b) during the incident shows neither of these allegations, and § 87(2)(b) medical records show no head injury corresponding with the alleged force.

§ 87(2)(g) § 87(2)(b) § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Allegation G – Discourtesy: Officers spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that unidentified officers shouted to him and other unidentified individuals, “Get the fuck back in your houses and mind your business,” and “This is why Bloomberg passed a law for us to do overtime, to deal with people like this.” § 87(2)(g)

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Allegation H – Other Misconduct: PO Bobby Glover intentionally made a false official statement in violation of Patrol Guide procedure 203-08.

In his CCRB statement, PO Glover testified that § 87(2)(b) shouting caused a crowd of approximately 75 people to gather on the street around them. This is corroborated in the Criminal Court Complaint related to § 87(2)(b) arrest, which was written by a Kings County District Attorney paralegal after being informed about the incident by PO Glover, which also states there were “approximately seventy five (75)” people in the crowd.

From the video evidence as well as the testimony of the other officers and civilians, it is clear that no such crowd gathered around the incident, and that, if people did gather around the struggle, they were in numbers significantly lower than 75. APO Foskey stated that § 87(2)(b) shouting caused a crowd of three to four people to gather around, and PO Morra stated that no crowd had gathered. The video footage taken by § 87(2)(b) at both the beginning and end of the incident clearly shows that no crowd had formed on the street surrounding § 87(2)(b) vehicle, as no groups of people can be seen or heard yelling in the background. Instead, the video shows that the surrounding sidewalks were quiet and empty. When PO Glover was asked to explain where the crowd was in the video footage, he stated that it was out of view of the camera.

§ 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

crowd of 75 people would have been visible in the areas shown in the footage, which shows the sidewalk adjacent to the arrest, and to the north, and as no other witness to the incident stated that a crowd of this size existed.

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

§ 87(2)(g) [Redacted]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date