

20135780

Garey Gordon

PO Gordon, working a paid detail as security at a membership wholesale store, confronted two teenage boys who entered the store carrying bags and boxes of candy, and without memberships. The officer stated that recently people carrying boxes of candy bars had entered the store and added candy bars to their boxes, so carrying boxes of candy bars into the store was forbidden. He also stated that people without memberships would enter the store, then ask others in line to use their memberships to buy goods. The boys stated that they regularly went to the store and that you could shop without a membership but you had to pay a premium to do so.

Regardless, PO Gordon told the boys to leave the store. According to the boys, he was verbally discourteous and threatened them with force. According to Officer Gordon, he was polite and courteous and the boys were rude. The boys stated that Officer Gordon had thrown their bags out of the store after them, while Officer Gordon stated that he had set the bags down outside the store.

Confronted with security camera video from the store showing him throw the bags after the boys, PO Gordon stated that he had thrown the bags because he was tired of talking to the boys, though he had previously testified under oath that he had not thrown the bags at all.

Relying on the fact that the officer's testimony was not credible on other matters because he had lied about throwing the bags, the CCRB substantiated allegations that PO Gordon had used discourteous language, threatened force, and made a discourteous gesture. It also found that he had made a false official statement in his interview when he lied about throwing the bags.

The NYPD forced PO Gordon to forfeit two vacation days based on the incident. He now works in the Patrol Bureau Bronx Task Force.

On July 25, 2013, [REDACTED] provided the following statement at the CCRB.

On June 21, 2013, at approximately 9:55 AM, [REDACTED] went to BJ's Wholesale with his friend [REDACTED]. They entered through the outermost front door, through a vestibule, and then through another set of doors into the main store. [REDACTED] was wearing a white t-shirt and blue sweatpants. He was carrying a black North Face book bag and an opaque white plastic bag that had boxes of candy in it. [REDACTED] was wearing a black do-rag, a black shirt, khaki pants, and white sneakers.

When [REDACTED] entered, he saw Officer Gordon, shield 16187, and a female employee working as a greeter. PO Gordon was described as dark-skinned, black, uniformed, bald, approximately 5'11", medium build, and had some extra weight around his midsection. The greeter was described as a Hispanic female, light-skinned, short black hair, medium build, late 20's or early 30s, and she might have been wearing glasses.

[REDACTED] put his book bag and the plastic bag into a shopping cart designed for handicapped people that was by the entrance. There were a bunch of the carts there and he left his belongings there so that he would not have to have his bags inspected by the BJ's employees when he left the store. [REDACTED] made a left and walked towards the customer service line. [REDACTED] walked straight into the store to go get the candy they intended to buy. Usually they both go to the customer service desk first because they do not have BJ's membership cards and elect to pay the extra fee when they shop there.

[REDACTED] approached the customer service line, looked over his shoulder, and saw that [REDACTED] was stopped by PO Gordon. He did not hear their exchange, but later learned that PO Gordon told [REDACTED] that he could not enter the store without a BJ's card. PO Gordon walked past [REDACTED] while saying to him, "My man, there's a way to do shit." PO Gordon spoke with the employee working at the cash register of the customer service desk. [REDACTED] originally said that the employee was female, but when later asked to describe them he said that the employee was an Asian male, maybe Chinese, had black hair with some graying, and might have had a moustache. PO Gordon told the employee not to let [REDACTED] buy anything. [REDACTED] did not want to deal with the difficult situation PO Gordon was creating so he left the line and went to get his belongings by the front entrance.

PO Gordon caught up with [REDACTED] by the front doors. [REDACTED] asked the officer why they could not go to the customer service to get a pass or to pay the surcharge for whatever they bought that day. PO Gordon told them that they had to get out of the store because they did not have a membership card. [REDACTED] told PO Gordon that they came to the store every day and never had a problem. PO Gordon repeated to them that they had to leave because they did not have a card. While the incident was occurring, [REDACTED] and [REDACTED] made their way into the vestibule. [REDACTED] said that there were two male employees nearby that check bags of people exiting the store. He said that they may have observed the encounter.

[REDACTED] asked PO Gordon, "Why are you acting like that, mister?" PO Gordon told him, "My man, you don't know me," "Get out. You don't know me. I will take you out," and "I will destroy you." PO Gordon stepped towards [REDACTED] and started pushing him backwards with his chest. PO Gordon stepped towards [REDACTED] and started pushing him backwards with his chest. PO Gordon also told [REDACTED] "Get out, Get out," while pulling out his baton.

PO Gordon repeated his orders to [REDACTED] while threatening him with the baton. [REDACTED] described the baton as a stick as opposed to retractable asp. [REDACTED] said that PO Gordon kept the baton at waist level, but at one point raised the baton shoulder high and flinched his arm back in a threatening manner while telling [REDACTED] to get out of the store. He was also telling [REDACTED] "You're a dick. A dickhead." PO Gordon stopped and grabbed [REDACTED] book bag from the cart and one of [REDACTED] bags. He threw them from the vestibule out of the building.

[REDACTED] later reentered the store to get his plastic bag. PO Gordon saw him and tried to say something but [REDACTED] told him, "Mister, I left my bag here," grabbed the bag, and left the store.

[REDACTED] said that while he was interacting with the officer, there was no crowd gathering, nor was civilian traffic impeded. He also said that he never pushed back against PO Gordon while being chest bumped, nor did he put his hands on PO Gordon. [REDACTED] said that PO Gordon was trying to provoke [REDACTED] decided to record the incident in case it escalated.

Interview Details

Subject Officer: PO GAREY GORDON

- *PO Garey Gordon is 45 years old. He is a black male, 5'10", 220 lbs., has black hair kept shaved, and brown eyes.*
- *On June 21, 2013, PO Gordon worked a paid detail at BJ's Wholesale from 8:30 AM to 3:30 PM. PO Gordon was working on foot and alone.*

Memo Book

At 9:50 AM, two black males were escorted out of the store because they did not have a membership card and were asking customers to use theirs. PO Gordon resumed his post at 9:53 AM because no police action was necessary. At 10:10 AM, black males outside of the store were being disorderly and knocked over a garbage can before leaving. PO Gordon informed the manager of the incident.

CCRB Statement

On August 23, 2013, PO Gordon provided the following statement at the CCRB.

PO Gordon explained that the BJ's Wholesale store utilized a photo ID membership card that has to be presented whenever shopping at that chain. What had been happening is that people that do not have a card would go shopping, then while they were in line they would ask club members if they could use their cards. Individuals without a card can go to the customer service line and apply for one if they want to go shopping. PO Gordon also explained that kids bring boxes containing candy into the store and then add the store's candy into the boxes. The paid detail has been instructed by management that customers can't bring the boxes, bags, or backpacks into the store.

On June 21, 2013, at 9:50 AM, PO Gordon observed two young, approximately 17 to 19 year old, slim, black males entering the BJ's Wholesale. They were carrying a box containing candy or fruit snacks. Security told them that they couldn't bring the box into the store. They walked past the security guard posted at the door. PO Gordon could not remember the BJ's security guard's name, but said that he was short and either black or Hispanic. The security guard asked them for their BJ's card but they ignored him.

PO Gordon went after them and stopped them ten feet from the door. He told the two males that the security guard was asking for their BJ's card, that they were being rude, and asked them if they had one. The two males said that they did not. PO Gordon told them that they could go to customer service, get a card, and then go shopping. PO Gordon asked them if they wanted to apply for one. They said they did not want to. PO Gordon told them that they had to leave if they were not going to get a card. When he had stopped them, he also asked them to check their boxes in at the security checkpoint and then go to customer service and get a card. They were reluctant to, even when PO Gordon told them that he would keep an eye on their boxes. Ultimately they complied with leaving their things at the front checkpoint by some chairs and elderly seating.

PO Gordon stopped them while they were walking back to the customer service line because one of them had said, "Fuck you," to him. After he stopped them, the males started sucking their teeth and sizing up PO Gordon. They called him a dickhead, told him he was full of shit, that they were not doing anything, and that the situation was bullshit. PO Gordon asked the security guard if he wanted them to leave. The security guard said that he did. PO Gordon told the men, "Gentleman, you have to leave now." The two males continued to carry on until PO Gordon told them a third time that they had to leave, otherwise he would take them to the precinct where they would be issued summonses for disorderly conduct. PO Gordon also stated that when one of the men told him, "Fuck you," that he told them that they had to leave because they were causing a scene in front of the other customers.

The two men continued to carry on while PO Gordon escorted them out of the door by the security checkpoint, stating, "This is bullshit," and, "Why are they making us leave." PO Gordon said he is not allowed to walk out of the BJ's, that he has to stay with the security. As the two males were walking towards the vestibule, they stopped to get their boxes of candy and took them into the vestibule. When allegations were raised, PO Gordon stated that he picked the box up and placed it on the ground outside, never throwing it.

Once in the vestibule, the two men had their cellphones out and were taking pictures of PO Gordon while they called him names and mocked him. PO Gordon was aware that the civilians were taking pictures, and even told them, "Go ahead, you can video tape me." They told him, "Come out here, you're tough because you have a gun," "You're a badass, because you have a shield and a gun, I bet if you take that off I'd beat your ass." PO Gordon told them, "Listen, why don't you guys leave and go

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someplace else. When you calm down and you want to go to customer service, you can come back and get a card.” PO Gordon later said, “Listen guys, you’re causing a scene. Just go. When you calm down, you want to come back? You go through the proper channels, get your BJ’s card, you’re fine.” PO Gordon was standing next to the security guard at the inner sliding door while the two black males stood in the vestibule. The two black males then stood in the outer sliding doors. PO Gordon told them that they were blocking pedestrian traffic. The men went all the way outside and continued to carry on, telling PO Gordon, “Fuck you,” and “This is bullshit.” PO Gordon denied telling either of the men, “I will destroy you.” He also denied calling one of the two civilians a “dick” or “a dickhead.” PO Gordon said he never used the phrase, but the civilians did throughout the incident, calling PO Gordon, “a dick.”

Approximately five minutes later, the two black males returned and stayed outside. PO Gordon stopped them in the vestibule when they were trying to walk back into the store and they said, “This is bullshit. Why are you trying to stop us from coming in here?” PO Gordon told them, “You don’t have a card. You didn’t want to go to customer service. You weren’t compliant. And you had been asked to leave.” They called out to PO Gordon and said, “Why don’t you come out here tough guy. Come out here I’ll beat your ass, I’ll beat your ass.” PO Gordon told them, “Guys, you need to go, I’m not going to talk to you again. Didn’t I tell you, you couldn’t come?” For two minutes PO Gordon had to deal with their bickering, instructing them that they could not enter the store. PO Gordon said that the two men never touched any shopping carts or interacted with them the second time they entered the store.

The males then decided to re-enter the store when PO Gordon was standing next to the security guard. They approached PO Gordon “in a fashion.” PO Gordon thought that they were going to try something so he pulled out his asp and said, “I’m not going to talk to you again.” PO Gordon held the asp at his side, as he was taught to hold it. He later stated that he thought they were going to try and walk right past him. PO Gordon told the men, “You’re not allowed into the store. You need to leave. I told you that before.”

The two men complied and left the store. They continued to curse, telling PO Gordon, “Fuck you,” “You ain’t shit,” and threatening to beat his ass. Gordon said that the two men never touched any shopping carts or interacted with them the second time they entered the store. The two men exited the vestibule and went outside. PO Gordon saw a garbage can being thrown through the air, originating out of view from his left. PO Gordon left the store to check if anyone was hurt, but nobody was. One of the mall security guards told PO Gordon that one of the two black males had thrown the can. PO Gordon went back inside, spoke with the BJ’s manager who had walked from the back of the store, and told him what had happened. PO Gordon said he had spoken with the manager both times the men tried to enter the store. PO Gordon could not remember the manager’s name, but described him as having a European accent, had a bald spot on the front of his head, and was approximately 5’11”.

PO Gordon stated that the only change in tone was when he had to use a commanding tone with the men. PO Gordon said that he never felt threatened despite the threats of the two men. PO Gordon said that the men never touched him, never tried to touch him, and he never touched them. PO Gordon said that he never used profanity during the incident. PO Gordon stated that he was not aware that there was a complaint filed against him until two weeks prior to the interview.

PO Gordon was first shown video file, “201305780_20130729_1453_DM Store,” which came from a BJ’s Wholesale surveillance camera. He viewed the first frame of the video and explained that it was the entrance to the store where he and the security guard would have been standing and where the two men would have entered. He further explained that the entrance is to the right, and is where the vestibule would be. PO Gordon acknowledged the black male in a white shirt and the black male wearing a black shirt with colored writing on it in the frame as looking like the men he interacted with the day of the incident. He stated that this was the first time that the men were in the store. PO Gordon identified himself as the officer in the footage. At six seconds into the footage, PO Gordon was shown a female wearing a blue shirt. He identified her as a security guard for BJ’s that was working with him as well. PO Gordon explained that at this point in the footage, he was telling the two men that they had to leave the store. The footage was paused fourteen seconds in. PO Gordon identified the possessions he was shown to be picking up as the items the men had left before they entered the store. At twenty five seconds into the footage, PO Gordon explained that he had just asked the female security guard if the possessions left behind belonged to the two men. PO Gordon is off-screen until one minute and twenty-five seconds into the footage. He explained that he was in the vestibule, and was telling the two men that they had to leave the property and were blocking the entrance for the pedestrians. At one minute and thirty-six seconds into the video, PO Gordon explained that his gesturing was probably due to the men having had their cameras out. He did not remember

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what he was saying to them. At one minute and fifty two seconds into the video, PO Gordon said he might have been explaining the situation to the manager off frame. At a minute and fourteen seconds into the video, PO Gordon stated that he was telling the two men that they had to leave the store. The man in the white shirt may have been trying to get the manager's attention. PO Gordon was telling the men that they could not be in the store, and that he had previously told them that they had been asked to leave. At two minutes and twenty seconds into the footage, PO Gordon confirmed that this was when he pulled out his asp and that he had kept it down the entire time. At two minutes and forty seconds into the video, PO Gordon confirmed that he had reentered the store and was retracting his asp. PO Gordon said that the garbage can being thrown would have occurred after this video.

PO Gordon was then shown video file, "201305780_20130729_1454_DM Vestibule," which came from a BJ's Wholesale surveillance camera. PO Gordon explained that this video was showing the entrance into the BJ's. The doors to the left was the customer entrance and the doors to the right went into the BJ's Wholesale. Fourteen seconds into the footage, PO Gordon confirmed the two black males that he had interacted with that day. At twenty two seconds into the video, PO Gordon stated that those were the bags that the men had left prior to entering the store. He stated that he had placed them in the vestibule so that the two men would not come back into the store. When asked why he had not placed them on the ground as opposed to throwing them, PO Gordon said that he had been trying to give the bags to the men, telling them, "Here take your bags." The men did not come to PO Gordon, one of them saying, "No, you come to me." PO Gordon replied by saying, "No, I'll give you your bags, here they are, and you have to go." At thirty one seconds into the video, PO Gordon was telling the black male in the white shirt, "You need to leave, now." The male in the white shirt continued to run his mouth. Pedestrian traffic was also being impeded by the two men because a woman pushing a shopping card was unable to enter the store while the men were standing there.. PO Gordon also told him, "You cannot be here. You have to be outside on the other side. You cannot be in the store. You're trespassing." PO Gordon was unsure if the male in the white shirt was asking the woman with the cart if he could use her BJ's card. At thirty-eight seconds into the video, PO Gordon was telling the men, "Get your bags, and leave." At forty-four seconds into the video, PO Gordon explained that he threw the bags outside because he had been telling them to please leave the store, that they were prohibiting people from coming into the store, they were causing a scene, and he was tired of talking to them. PO Gordon also told the two men that he was going to take it a step further by taking them to the precinct and charge them with disorderly conduct. He also threw the bags outside because the men were using the bags as a reason to remain within the store. PO Gordon was unable to recall where the boxes of candy he had previously mentioned where. PO Gordon stated that the male in the white shirt was starting to pull his cellphone out, but was not utilizing it until he were outside. When the two men were outside, they told PO Gordon, "You think you're bad because you got a gun and a badge, come out here and I'll kick your ass. Take that off and we'll see how bad you are." At fifty-seven seconds into the footage, PO Gordon said that the male in the white shirt said, "Oh, I got your picture." PO Gordon verbally gave his name, tax ID, and badge number to the man while showing off his badge. PO Gordon believed the man was recording the information because he had his cellphone up. At one minute and ten seconds in, PO Gordon did not recall what he was saying to the men. At one minute and twenty-six seconds, the youths were reiterating that PO Gordon thought he was bad because he has a badge and a gun and that he should come outside so that they could kick his ass. PO Gordon told them that he does not have to come out there. At one minute and forty-two seconds into the video, the men were standing outside of the vestibule daring PO Gordon to come back outside. At one minute fifty-eight seconds the males reentered the BJ's. At one minute and fifty eight seconds into the video, PO Gordon had told the men they had to leave the store, in response the men came towards PO Gordon while shouting to the manager. PO Gordon told the men, "Guys, I told you to leave the store. I don't know how many times I need to keep playing this game." PO Gordon had kept the asp to his side and warned the men, "You guys need to cut this out or you'll end up at the 44 Precinct." PO Gordon said the garbage can was tossed after the men walked away from the store.

PO Gordon was then shown video file, "201305780_20130725_1648_DM Cellphone." PO Gordon verified that he told the men, "You ain't that bad kid, trust me." PO Gordon explained it by saying that this was after the men had tried to get past him, told PO Gordon that they would kick his ass, that he "wasn't shit," and called him a "mother fucker." PO Gordon verified that he said, "I will destroy you, I will destroy you, kid. You don't know who you're playing with. Get out. Get out." PO Gordon explained the comment by stating it was in response to being verbally threatened by the two men. PO Gordon verified that he said, "You want my name and my shield too? Dickhead. Gordon. Gordon. Gordon. Dick. Remember that. Dick. You're a dick. You're a dick." PO Gordon explained that the male in the white shirt had been calling him a dick and had decided to stop being pleasant with the young men because they kept acting rude. PO Gordon was able to hear a voice repeatedly saying, "Come in here," but did not attribute it to himself.

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PO Gordon did not issue summonses or arrest the men because he did not want to leave the BJ's without coverage over some guys blowing off steam and acting "like idiots." He attributed his behavior to having to take his behavior to another level to get the men to leave, after his first attempts at being patient had failed.