

201500461

Angel Gonzalez

A group of friends who had been spending time together in one friend's apartment went downstairs to the lobby of the building to wait for others, whom they believed to be on their way. There were others in the lobby of the building when the men reached the lobby.

Unbeknownst to the men, police were responding to an alleged robbery at a bodega across the street from the building. The officers who took the complaint from the bodega went to the apartment building. One responding officer said no one in the lobby matched the description of the bodega robbery. The officers then canvased the hallways and stairs of the building looking for an alleged robber.

Meanwhile, other NYPD officers, led by Sergeant Angel Gonzalez, who led an anti-crime task force, entered the lobby. These officers asked the people in the lobby for identification and searched them, including searching the pockets of their clothing. After obtaining identification, the officers told some of the men they had to go to the precinct because they had open warrants. At the precinct, the men were held for between 30 and 45 minutes and then told they could leave. Neither had an open warrant. One of the men had recently sued officers in the 46th precinct and thought he had been targeted in retaliation for that suit.

Security video showed that Sergeant Gonzalez had supervised the search of the men in the lobby and that he had removed one man's jacket and searched the sleeves. But while every other police officer involved in the incident could recall it, Sergeant Gonzalez stated that he had no memory of the incident at all. The men who were taken to the precinct stated that Sergeant Gonzalez had informed them that they had open warrants after checking on his cell phone, and the video showed Sergeant Gonzalez checking his cell phone shortly before the men were taken away in handcuffs. At no point did he provide any statement that would have justified stopping and searching the men in the lobby, let alone handcuffing them and taking them to the precinct. He had no entries in his memo book, and neither he nor anyone else filled out a stop-and-frisk form.

The CCRB substantiated allegations of improper stop, frisk, and search by Sergeant Gonzalez. It found that numerous officers had failed to complete required paperwork and that Sergeant Gonzalez had made a false statement in his CCRB interview.

Sergeant Gonzalez was tried by the administrative prosecution unit and forced to give up 12 vacation days.

Interview Details

Victim: [REDACTED]

- [REDACTED] is a 20-year-old black male who stands 5'9" tall, weighs 210 pounds, and has brown hair and brown eyes.
- At the time of [REDACTED] interview, he was unemployed.

CCRB Testimony

On February 10, 2015, [REDACTED] was interviewed at the CCRB.

On January 21, 2015, at approximately 8:00 p.m., [REDACTED] stood in the lobby of [REDACTED] where he lives. He had been upstairs in his apartment on the [REDACTED] for a few hours. He was "chilling" with his friends, [REDACTED] who was visiting, and [REDACTED] who also lives in the building. No one came in or out of the apartment during this time. When asked who else was there, [REDACTED] only mentioned [REDACTED] who lives in the building next door. The group went down to the lobby via the elevator to wait for females to arrive, but the group would never see them. Once in the lobby, [REDACTED] went to the store to pick up something for his mother and the others remained. A security guard (named unknown; described only as a Hispanic male in his early 20s) was in the building and works from 4:00 p.m. to 12:00 a.m. No one else was in the lobby. Initially, [REDACTED] thought he wore a sweat suit, but then immediately clarified that he wore black jeans, a gray, white and black hoodie, a black "NY" hat, and a black jacket. In his pockets, he had his cellphone, keys and money, but nothing else.

While the group waited by the glass doors of the front entrance, they talked amongst each other at a normal conversational level. Some sat down and some stood. No one was on their phones. People came in and out of the building, but [REDACTED] did not shake any of their hands. No one in the group was smoking. No one approached the group about being in the lobby. The lobby is large and contains a desk, mailboxes, and the door to the laundry room.

Ten to twenty minutes later, [REDACTED] saw officers driving north outside the building. Approximately ten officers swarmed the building. [REDACTED] thought the officers would run past the building, but they instead ran inside. They zoomed in the front entrance and [REDACTED] saw their approach through the windows of the entrance. Two female officers were on the scene. A plainclothes officer, PO1, and a uniformed officer, PO2, interacted with [REDACTED] and [REDACTED]. PO1 asked, "Do y'all live here?" [REDACTED] said that they did. Initially, [REDACTED] said the officers said nothing before they searched them. PO1 patted down [REDACTED] and [REDACTED] and searched their pockets. PO1 patted down [REDACTED] chest and pants, and reached into the inside pockets of his jacket. PO1 also reached into his pants pockets. [REDACTED] asked, "What's the reason y'all swarming and searching us?" PO1 responded, "Something happened in the area and y'all fit the description." PO1 never said what happened and none of the other officers mentioned this. The officers asked [REDACTED] and [REDACTED] if they had anything and they answered that they did not. The officers told [REDACTED] and [REDACTED] to take off their jackets. After they did so, the officers searched them again and searched their jackets. PO1 reached into all the pockets of [REDACTED] jacket and put it down. PO1 then searched [REDACTED] jacket. During the searches, nothing was found. PO1 told the group to sit down.

Initially, [REDACTED] said the officers did not collect his identification, but then immediately clarified that they did and verified that he lived in the building. [REDACTED] and [REDACTED] identifications were also collected by PO1. For twenty to thirty minutes, PO1 walked around with the identifications, speaking to other officers and looking at the backs of the identifications. PO1 did not leave the building with the identifications.

Ten more officers then arrived inside the building, about five minutes after the first group. Four plainclothes officers (the rest were dressed in uniform) searched the lobby in the back, in trashcans, in the elevators and the stairs. Offices also searched outside around the premises. The officers did not interact with anyone else besides [REDACTED] and [REDACTED]. No officer was talking on their radios.

PO1 said [REDACTED] and [REDACTED] s both had warrants, and said to [REDACTED] " [REDACTED] you're good." [REDACTED] came back to the building, walked by and looked at what was happening. [REDACTED] and [REDACTED] were the only ones arrested. After twenty minutes, PO1 told the uniformed officers to handcuff [REDACTED] and [REDACTED] and one of them, PO3, did so. The officers said to them, "Turn around. You're going to be arrested because you have warrants. You have warrants in your name." [REDACTED] knew he did not have a warrant. The

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officers never said for what the warrants were and they never went over the phone to confirm this information. When [REDACTED] put his hands behind his back, his shoulders, which are very delicate, caused him pain. He tried to tell PO1 and PO3, who handled him, that he has shoulder problems, but they did not seem to understand this.

[REDACTED] said, "It's impossible that I got a warrant because I drive. When a cop pulls me over, and they ask for ID and stuff, it don't pop up that I have a warrant. I just got pulled over, so it's impossible that I got a warrant." PO1 and PO2 said, "Oh, you have a warrant. Trust me. You're going in." [REDACTED] said, "Alright." PO2 was laughing as if he thought the situation was a joke. Another uniformed officer, PO4, escorted [REDACTED] in a group of officers to an unmarked black van. [REDACTED] was also escorted to the van. The officers touched [REDACTED] shoulders to escort him and he said, "You're hurting my shoulders," but the officers did not listen. The officers did nothing else to his shoulders but touch them. The officers said, "Don't worry, you're gonna be good when you get to the precinct." In the van, [REDACTED] and [REDACTED] were placed all the way in the back and there was a divider between the front seats and the backseats. Two officers, PO5 and PO6, got inside the van.

At the stationhouse, [REDACTED] interacted with PO1, who drove there separately in a different car. He did not interact with PO5 and PO6, although they and all the officers who were at the building were present at the stationhouse. PO1 told [REDACTED] to remove everything from his pockets. At the front desk, [REDACTED] was asked for his name. His property which included his cellphone, keys and money was collected. [REDACTED] did not mention the warrant at this time. PO1 said, "You got to go upstairs and stuff." Officers said, "[REDACTED] you have to go to the back. [REDACTED] gonna go to the cells and you [REDACTED] gonna go upstairs." [REDACTED] did not know why [REDACTED] was taken to the cells without him, except that the officers wanted to divide them. [REDACTED] said, "I thought I had a warrant. Why you taking me upstairs? If I have a warrant, I should be taken to the cells." PO1 said, "Nah, don't worry. We're going to ask you a few questions. You're good. You're good."

An officer, PO8, took [REDACTED] upstairs. A detective, PO9, who had his office up there said, "Oh, yeah. Bring him in. Bring him in." PO8 placed him in a questioning room with one seat with closed-in walls. [REDACTED] who was handcuffed, said, "My shoulders. My shoulders. If I'm in a room, I don't need to be handcuffed. There's a door you can't get out of." PO8 said, "You have to be handcuffed." [REDACTED] said, "My shoulders. My shoulders." PO8 said, "You know what?" and handcuffed one arm to the chair so he could not move anywhere. PO8 said, "Hold on. Somebody will be with you shortly." PO8 left and closed the door, and [REDACTED] heard it lock. Only the officers could open and lock the door. [REDACTED] was there alone for twenty to thirty minutes.

PO9 came into the room and said, "You good. You good," meaning that [REDACTED] did not have a warrant. [REDACTED] said, "So what did I come up here for?" PO9 said, "Don't worry. We're gonna let you go. We're gonna let you go." [REDACTED] said, "You locked me up for nothing? I thought I had a warrant?" PO9 said, "Don't worry. Don't worry. You're gonna be good." PO9 never gave further details about the warrant. PO9 then left, leaving [REDACTED] handcuffed to the chair so he could not move.

After a few minutes, another officer, PO10, arrived and brought [REDACTED] downstairs. [REDACTED] was not questioned in the room or anywhere. At the front desk, [REDACTED] who was still in handcuffs, was asked for his name and he collected his property. The handcuffs were then taken off. [REDACTED] had his property, but was missing his identification. [REDACTED] said, "Where's my ID at?" An officer said, "Hold on. We're looking for it. We're looking for it." The officers pretended to look for and not find it. [REDACTED] mentioned that he always goes through this and tries to keep his identification, but officers always try to keep it. [REDACTED] did not believe that his identification was lost that quickly. PO1 said, "I know I just had your ID. I'm trying to find it." PO1 looked around and then suddenly found it and returned it to him. [REDACTED] was then released before [REDACTED] who he never interacted with at the stationhouse. [REDACTED] did not receive a summons. PO1 never mentioned anything more about a warrant. [REDACTED] walked down the block back to his residence.

PO1 is a brown-skinned Hispanic male, 5'9" tall, 180 to 190 pounds, muscular body build, short haircut, in his 40s, unaccented speech. He wore a hoodie, jeans and boots.

PO2 is a white male, in his late 50s to 60s, wearing a white shirt.

PO3 is a male. [REDACTED] could not describe this officer any further.

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PO4 is a male.

PO7 is a white male, tall in stature, in his 30s.

██████████ mentioned that his brother is ██████████ and probably has seen the security guard a few times to know his name.

██████████ is not known to the 46th Precinct and he knows no officers assigned to the command.

██████████ sees PO1 every day with a partner patrolling the neighborhood in different unmarked cars. He does not see PO1 usually interacting with other people.

██████████ did not seek medical attention after the incident.

Victim: [REDACTED]

- [REDACTED] is a [REDACTED]-year-old black male who stands 5'10" tall, weighs 180 pounds, and has brown hair and brown eyes.
- At the time of [REDACTED] interview, he was unemployed.

CCRB Testimony

On February 10, 2015, [REDACTED] was interviewed at the CCRB.

On January 21, 2014, at approximately 8:00 p.m., [REDACTED] was at [REDACTED] in the Bronx, where his friend [REDACTED] lives, but he does not. This building has 18 or 19 floors, and was not part of a NYCHA complex. [REDACTED] had come from his residence, located at [REDACTED], to the residence. [REDACTED] took a taxi to the location, which took about ten minutes and during which time no stops were made. He said, "What's up?" to people outside the building, but did not exchange anything with anyone. [REDACTED] had five other people at his residence. [REDACTED] was unaware of anyone coming in and out of the apartment while he was there. [REDACTED] wore a green jacket (he mentioned the fur was off the hood), a green sweater with a hood, pants and boots. He wore no hat.

After four or five hours of "chilling" and playing games, [REDACTED] and his friend [REDACTED] came down in the elevator from the 15th floor to go to the store. There were other people in the elevator, but [REDACTED] did not speak to them. People, who included a female and child, were coming and going in the lobby. [REDACTED] and [REDACTED] sat on the side of the lobby and waited for another friend, who was coming from a store, for about two minutes. [REDACTED] saw officers travelling the wrong way on a street in a marked car. [REDACTED] asked, "Oh, why are they coming down here? They're probably looking for someone or something."

Three officers, PO1-PO3, entered the lobby, where [REDACTED] mentioned there are cameras that probably caught exactly what happened. They approached [REDACTED] and [REDACTED] directly and asked [REDACTED] questions regarding where he was coming from and what he was doing. PO1 was dressed in plainclothes and the other two, who stood behind PO1, were dressed in uniform. [REDACTED] told the officers that he had come from his friend's residence. [REDACTED] recognized PO1 from around the neighborhood and mentioned that he always thinks everyone is up to no good for some reason, but [REDACTED] had never before interacted with him.

PO1 searched [REDACTED] by telling him to remove his jacket, and looking inside all the pockets. PO1 also looked inside all his pants pockets. [REDACTED] had a credit card and New York State identification in his front left pants pocket, and a cellphone, keys and money in his front right pants pocket. The card and money were loose, as he does not own a wallet. PO1 found nothing during the search. During the search, [REDACTED] asked, "What happened? What I did?" The questions seemed to bother PO1, who said, "Oh, I gotta search you." While [REDACTED] spoke, his voice was at a low volume, as he knew he would not win by speaking crazily to PO1 and did not want to accidentally get shot. [REDACTED] did nothing with his body during the search except stand there. PO2 searched [REDACTED] but [REDACTED] did not pay attention to this as he was focused on why he was getting harassed. PO1 asked [REDACTED] from where he came. [REDACTED] said that he already told him that he was at his friend's residence. [REDACTED] thought the officers were upset and taking it out on him because of prior incidents that happened in the area involving officers. [REDACTED] said, "Y'all can't be doing this." He tried to talk to PO1, who said, "Sit the fuck down." [REDACTED] complied. PO1 collected [REDACTED] identification and acted like he was having a phone conversation, during which time he kept looking at [REDACTED] who asked, "Why do you keep looking at me?" While on the phone, PO1 was speaking, but [REDACTED] did not know about what. [REDACTED] asked PO1 why he was harassing him. PO1 then harassed [REDACTED] by saying, "Oh, you got a warrant." PO1 then pointed at [REDACTED] and said, "Oh, you got a warrant, too." [REDACTED] asked, "What I got a warrant for?" PO1 said, "Oh, you gonna find out." [REDACTED] said, "Alright. Whatever."

PO1 got crazy and cursed at [REDACTED] PO1 said, "Shut the fuck up," and "I can do whatever the fuck I want." [REDACTED] did not want to argue with PO1 because he did not know what he would do. [REDACTED] told [REDACTED] "We need to just stop talking, because we're not going to win. [REDACTED] said, "Alright." To [REDACTED] knowledge, he did not have a warrant and was never in trouble. He decided to just go to the precinct and sue the officers for

harassing him "again." [REDACTED] asked PO1 why he was getting arrested and PO1 made statements that included, "Shut up. You're harassing me." PO1 never said for what the warrant was. [REDACTED] asked other officers what he had a warrant for, and they responded, "Oh, we don't know. We're going to see." [REDACTED] did not understand why the officers lied about him having a warrant.

PO1 called for backup and in one to two minutes, more officers, approximately ten, who included uniformed and plainclothes officers (he could not say how many of each) and a captain (identifiable by his white shirt), PO4, arrived to the scene. All of the officers at the scene were from the 46th Precinct, and not from Housing. These officers talked to others in the lobby and asked what they were doing, but everyone else was released except [REDACTED] who felt singled out. [REDACTED] did not know if others were searched. Eventually, [REDACTED] came downstairs, but [REDACTED] did not think he was searched. Of the people in the lobby, [REDACTED] only knew the name of [REDACTED] although he recognized others. [REDACTED] did not "really" interact with the other officers. He mentioned he was already angry because he was being harassed, so he would not speak to the officers. Additionally, he did not want to get into more trouble by talking.

PO1 handcuffed [REDACTED] and handed him off to PO2 and PO3. [REDACTED] was also handcuffed, but [REDACTED] did not know by whom. No other person besides [REDACTED] and [REDACTED] were arrested from the building. These officers transported [REDACTED] and [REDACTED] in a marked van with a gate on the window between the front and back seats to the precinct stationhouse. PO2 was the driver and PO3 was the front passenger. [REDACTED] was placed all the way in the back. Nothing happened in the van, and [REDACTED] did not speak because he was angry. [REDACTED] did not say anything. PO1 and PO2 spoke to each other and said, "They got warrants."

The ride to the stationhouse took about five seconds. PO2 and PO3 took [REDACTED] to the front desk, where an officer, PO5, sat and where [REDACTED] cellphone, identification and credit card were taken. [REDACTED] asked, "Why I got a warrant? You said I got a warrant, right?" PO5 said, "Just wait. They say you got a warrant. We'll come back to you." Officers then asked someone ([REDACTED] did not know who), "Oh, where do we put [REDACTED] They were told to "put him in the back."

Officers took [REDACTED] who was still handcuffed, to a bathroom behind the front desk and near two cells. [REDACTED] was taken to another room. PO2 was in the bathroom (no other officer was present) and he removed [REDACTED] handcuffs. PO2 said, "Take off your boots." [REDACTED] said, "Take off my boots? I didn't do nothing." PO2 said, "You gotta take them off." [REDACTED] took off his boots and was made to remove the laces. PO2 told [REDACTED] to take off his hoodie and he did so. [REDACTED] wore a shirt underneath his hoodie which he did not remove. PO1 told [REDACTED] to remove his pants and squat, but [REDACTED] said, "I'm not doing that," and would not do it. PO2 said, "Alright. Just get in the cell." [REDACTED] said, "You ain't finding no drugs on me or nothing. How you stripping me, you ain't got no warrant, no drugs, no nothing."

PO2 took [REDACTED] to the cell area, where there were two other people. After a half hour of waiting and waiting, during which time nothing happened, a uniformed officer, PO6, came. This was the first time [REDACTED] saw PO6. [REDACTED] asked, "So, you find out what I'm here for now?" PO6, "Oh, nah, nah. You're good. You can go. You can go home." [REDACTED] said, "What you mean? I can go home. I went through all that for nothing." PO6 said, "You [REDACTED] [REDACTED] said, "Yeah." PO6 said, "Oh, yeah. You can go home."

[REDACTED] went to the front and officers said, "Oh, yeah, we got your property. It's in the back." They acted as if they were going to voucher it. PO5 then gave [REDACTED] his property and he was released without summons or any paperwork. [REDACTED] noted that if he had a warrant, they would have taken him to Central Booking, but they did not. [REDACTED] took a taxi back home. [REDACTED] was released after [REDACTED] and they did not leave together. [REDACTED] noted that [REDACTED] lives down the street from the stationhouse.

[REDACTED] mentioned that a possible reason why the officers harassed him was because he sued them, but he did not know for certain. In that incident, four years prior (he could not recall the date), officers (he did not know who) from the 46th Precinct saw [REDACTED] enter his friend's house and they knocked on the door. The officers told his friend that they were looking for [REDACTED]. At the stationhouse, they accused him of trespassing and said he was outside doing what he was not supposed to do and not at his friend's house. His friend came and vouched for him, and he won money from the lawsuit in July of 2014. No one mentioned this lawsuit during the current incident.

PO1 is a medium-skinned Hispanic male, 6'1" tall, black hair, in his 40s, slightly accented speech.

PO2 is a white male, 5'9" tall, 190 to 199 pounds, short hair, in his 20s.

PO3 is a white or Hispanic female, average height and body build, black hair in a ponytail, in her 20s or 30s.

PO4 is a white male, 6'1" to 6'2" tall, almost 200 pounds.

PO5 is a white male, tall in stature, skinny body build, longer black hair.

PO6 is a white male, 5'10" tall, short blondish hair (longer than [REDACTED] hair), in his 20s.

[REDACTED] did not collect the names of any of the officers, but said he would try if he was able to do so in the future.

[REDACTED] mentioned that he just had a daughter, and was trying to stay out of trouble. He did not understand why officers kept harassing him. He does not want to cause trouble and get shot on accident because they think he has a gun.

Interview Details

Subject Officer: PO LUIS CRUZ

See coversheet for pedigree and assignment information.

Memo Book

PO Cruz made the following entries in his memo book: At 7:32 p.m., PO Cruz responded to a larceny in progress at [REDACTED]. At 8:00 p.m., a vertical visibility patrol was conducted at [REDACTED]. At 8:20 p.m., the job was marked as a non-crime corrected, no larceny in progress, gone on arrival.

CCRB Testimony

On April 23, 2015, PO Cruz was interviewed at the CCRB.

On January 21, 2015, a radio run was received of a larceny/robbery of a bodega by black males with firearms. PO Cruz could not recall any further description put over the radio. PO Cruz and PO Storer (Hispanic male) were nearby the bodega when the call was received and they arrived quickly. PO Cruz's supervisor, a sergeant, responded to the bodega to ensure the situation was not a robbery. PO Cruz could not recall who the sergeant was and clarified that it was a supervisor, but he could not recall if this person was his direct supervisor. He could not recall the sergeant's partner/driver.

When PO Cruz and PO Storer arrived to the location, they quickly collected details. The bodega owner (name unknown) said a group of guys tried to rob the store. He provided pretty much the same description that was put over the radio, except that the individuals were a mix of black and Hispanic males, one of whom had a firearm that the owner saw and one of whom had a red hoodie. PO Cruz could not recall how many males were said over the radio and by the bodega employee to be involved, but approximated between four and five. PO Cruz could recall no further clothing description besides the red hoodie that was given. The owner said that when the group left the store, they ran to the left. The only building to the left upon exiting the store is [REDACTED] which is across the street from the bodega, and a school. The owner was not entirely certain that the group ran into the building. The new description was probably put over the radio and the intention of the officers to enter the building.

PO Cruz and PO Storer entered [REDACTED]. PO Cruz described the layout in the following way: Upon entering the front door, there is a security desk with two elevators to the right. People were going in and out of the building during this time. PO Cruz saw no one who matched the description of the perpetrators of the larceny.

The officers first asked the security guard (only one was on duty) if they saw anyone run into the building. The security guard (no name collected; described as a black male in his 20s) stated that he was unsure as it was about a 24-story building. The security guard did not mention that he spoke to other officers before PO Cruz and PO Storer. The sergeant did not go with PO Cruz and PO Storer, and this was the only building entered in regard to the larceny. PO Cruz and PO Storer were the first to arrive.

PO Cruz and PO Storer took the elevator to the top floor and conducted a search of the building by going down the stairs and looking in every single hallway to the bottom floor. They were the only officers to do so. PO Storer was with PO Cruz the entire time. The officers did not find anything and did not stop anyone. This took fifteen to twenty minutes, during which time the officers did not knock on any doors.

When PO Cruz and PO Storer came downstairs, additional officers had arrived. At least two officers from the Anti-Crime Team, PO Accomando and PO Concannon, responded to the building. PO Cruz did not have an independent recollection of PO Zerbo or PO Quatrala responding to the building. PO Cruz initially said that other officers arrived at different times, and while he could not recall how many officers, he thought about three cars responded. When asked if that could be about six officers, PO Cruz agreed. He could not recall if any of these officers were also at the bodega, but were sure that they went to the bodega at some point. A significant number of officers responded because of the severity of the call, being a robbery of the bodega with a firearm. He then later said that he was uncertain if other officers arrived.

PO Cruz and PO Storer told PO Accomando and PO Concannon that the building was clear. PO Cruz and PO Storer said the rear of the building was clear. PO Cruz did not see PO Accomando or PO Concannon speaking to any

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civilian. PO Cruz did not see PO Accomando or PO Cruz stop or question anyone in regard to the larceny. PO Cruz did not see PO Accomando or PO Cruz pat down or search anyone in regard.

PO Cruz did not see anyone in the building who matched the description of the perpetrator of the larceny. He did not approach anyone to ask questions about what happened neither in the lobby nor in the hallways of the upper floors. He did not pat down or search anyone in regard, nor did he see PO Storer do this.

PO Cruz exited the building and returned to the bodega to speak to the bodega owner again to get the full story. Other officers, including uniformed officers, from PO Cruz's command were present, but he could not recall who. He could not recall how many officers were there, but said there were about two patrol cars parked in front of the bodega. He could not recall if a supervisor was on scene at this point. PO Cruz was still with PO Storer, but he could not recall if PO Accomando and PO Concannon were there. The officers learned that the situation was not a robbery, but a dispute. The bodega owner provided the following new information: The group was hanging around in the store and an argument ensued. The bodega owner told the group to leave and they refused. The group began cursing at the owner. One individual in the group made a motion as if he had a firearm, but he did not point a firearm and did not take anything from the store. From this information, PO Cruz marked the job over the radio as a non-crime corrected and no larceny in progress, and as a dispute. He did not think anyone was arrested in regard.

PO Cruz and PO Storer entered their patrol car and resumed patrol. PO Cruz did not return to the stationhouse before his tour ended for any reason. PO Cruz knew of no one being detained or taken back to the stationhouse in regard to the larceny or for any other reason. PO Cruz did not conduct a strip-search of any individual.

PO Cruz viewed CCRB photographs of [REDACTED] and Mr. [REDACTED] but he did not recognize them. He was told the following information: [REDACTED] and [REDACTED] were with another friend in the lobby of [REDACTED] waiting for others. Officers entered and immediately approached them. The officers asked where they had been and if they lived in the building. The group was patted down and searched. Only [REDACTED] and [REDACTED] were taken back to the stationhouse and told they had warrants. They were released from the stationhouse without any summons and were not told why they were there.

At 20:35 in the interview, the video from IA 48 was shown to PO Cruz. He recognized the location as the same for which he provided testimony. Just before the video ended, before the first officers enter, the video was paused. PO Cruz did not recognize the officers. The video from IA 49 was shown to PO Cruz. He recognized the officers as ones from his command, but did not know their names as he did not frequently work with them. He did not know who the first officer was who is first seen speaking to the security guard. At 00:30 seconds, it was noted that a black male uniformed officer and white or Hispanic uniformed officer enter the building. PO Cruz recognized them as officers from his command, but he did not know their names. When asked if the events on the video were familiar to PO Cruz, he said at this point, he was probably in the stairwell. When two officers in the video go to where the elevators are, PO Cruz said that he saw no additional officer when he conducted the vertical patrol. He restated that when he came downstairs, he saw that backup had arrived. The plainclothes officer who remains in the lobby and takes the most action was noted as taking the lead in the situation. PO Cruz, who could not initially recognize him from the brevity of what was shown in the video, said he looked like Sgt. Gonzalez, the supervisor of the second Anti-Crime Team who does the day tour. PO Cruz had no independent recollection of Sgt. Gonzalez being present. He could not recall what he or PO Storer wore as they were not in uniform. At 03:38, PO Cruz recognized the individual who walked to the side wall on the left as the security guard. PO Cruz mentioned that the building changes security guards all the time. He did not have an independent recollection of the group of civilians including [REDACTED] and [REDACTED] on the right. At 04:32, PO Cruz still thought he was searching the upstairs floors. No one in the building made PO Cruz feel unsafe and he did not notify an officer of any civilian's presence.

At 33:42, the third video in IA 49 was shown to PO Cruz. At 00:54, PO Cruz recognized himself and PO Storer. At 01:15, he identified PO Concannon and PO Accomando. At 02:53, he identified the officer in the white shirt who he speaks to as Lt. Agresta. At 03:21, it was noted that PO Cruz disappears from frame to the location of the elevators. He could recall Lt. Agresta giving him no information about the stopped individuals. PO Cruz was informing him of his intention to search the building. It was noted that at 3:20, PO Cruz left frame to the elevator area and exited the building at around 08:00, and he said this was an accurate representation of what happened, thus

Interview Details

amending his earlier statement that he searched the upstairs hallway for fifteen minutes. At 07:38, it was noted the [REDACTED] and [REDACTED] were being stood up. At 07:58, PO Cruz identified himself at the moment they were being walked out of the building in handcuffs. He did not think he asked why they were handcuffed. He did not escort them to vehicles or transport anyone to the stationhouse. He could not recall ever learning why [REDACTED] and [REDACTED] were detained, but did not think he ever learned.

After viewing the videos, PO Cruz still had no recollection of the individuals stopped and did not know why they were. He could provide no information about them. He could recall no conversation he had with the other officers regarding the individuals. He did not think he knew the individuals were stopped. He could not identify after watching the videos the officers who were at the bodega with him the first time he went. He never conducted any warrant checks of anyone. After he left, he did not think he ever went back inside the building.

Subject Officer: PO ANDREW STORER

See coversheet for pedigree and assignment information.

Memo Book

PO Storer made the following entries in his memo book: At 7:45 p.m., an investigation was conducted for a possible crime of a larceny in progress with a gun at [REDACTED]. At 7:47 p.m., he arrived at the scene and a canvass was conducted with the complainant/victim. AT 8:00 p.m., it was determined that there were negative results and no actual gun. A vertical visibility patrol was conducted at [REDACTED] At 8:20 p.m., the final disposition was gone on arrival and non-crime corrected. Patrol was then resumed.

CCRB Testimony

On April 24, 2015, PO Storer was interviewed at the CCRB.

On January 21, 2015, at 7:45 p.m., a radio run was received regarding the bodega located at [REDACTED] and PO Storer could not recall what information was received or if descriptions were provided over the radio. He then said that the radio dispatcher said the job was a larceny in progress with a possible firearm, which he did not have an independent recollection of, but knew to be accurate because it was recorded in his memo book. PO Storer was with PO Cruz for his entire tour. He could not recall who drove the patrol car.

Other officers besides PO Storer and PO Cruz were at the bodega and PO Storer could not recall who. PO Storer could not recall how many officers were present, if they were all from his command or if they were dressed in uniform or plainclothes. The cashier of the bodega (described as a Middle Eastern male, over 35 years old; name not collected) located at [REDACTED] stated to PO Storer that an individual (the cashier described him as a black male) in a group of three to five males (PO Storer could not recall the descriptions that the cashier provided of them or if clothing descriptions were collected) entered the bodega and threatened him with a handgun. PO Storer first referred to the cashier as the owner and cashier, but later said he was not privy to the information of whether or not the individual owned the bodega. PO Storer could not recall the descriptions that the cashier provided. PO Storer and PO Cruz instructed the cashier to get inside their patrol car and to point out the individual with the gun if he saw him while the officers drove around. At 8:00 p.m., the canvass that covered a three-block radius around the bodega and took approximately thirteen minutes, ended and yielded negative results.

PO Storer could not recall if a UF 61 was prepared. When asked if it was protocol that one would be completed, PO Storer said one would have been completed if the cashier wanted to go through with the complaint. When asked how it was determined whether or not a C/V wanted a report, PO Storer said that in an effort to arrest the alleged perpetrator, the officers would put the C/V in their vehicle in attempt to locate the perpetrator or investigate the allegations once given the job. When asked if it was most likely that a UF 61 was prepared given that the cashier was in the patrol car, PO Storer said he did not know because he did not prepare one. He did not know who would have been responsible for generating a UF 61. He could not recall who was assigned the job. It was "absolutely" possible that the responsibility for generating a UF 61 would not be that of PO Storer and PO Cruz even though they conducted the canvass with the C/V. No other officer was in the patrol car during the canvass. PO Storer could not recall who his supervisor was for the date of the incident. Supervisors do sign off on UF 61 reports. Sometimes, Anti-Crime supervisors do change who they work with. Two Anti-Crime supervisors, Sgt. Ching and Sgt. Gonzalez are assigned to the command and PO Storer had no independent recollection of working with either of them on the date of the incident.

The cashier said at the end of the canvass that he thought the individual with the gun lived at [REDACTED] a building with which PO Storer is familiar. The cashier said that he thought this because the people with whom the individual was with who frequent the bodega also frequently hang out in front of the building. He said he has had problems with the group before. PO Storer could not recall if he or PO Cruz put the information from the cashier over the radio. After the canvass, PO Storer and PO Cruz dropped the cashier off at the bodega. Officers were in the vicinity that may have spoken to him about the information regarding where the individual with the gun may live.

The officers conducted a vertical of [REDACTED] without the cashier because of the allegations he made. PO Storer entered the building for no other reason. They did not take the cashier with them because it was not procedure. Had the officers found someone who fit the descriptions that the cashier provided, a show up with the cashier would have been conducted. PO Storer initially said that he could not recall what happened during the vertical or if they encountered anyone fitting the description provided by the cashier, but later said no show up was conducted.

There were other officers already present inside the building in response to the job, but PO Storer could not recall who. He could not recall if a supervisor was present. He did not know what the other officers were doing as he was doing his own thing. No one instructed him to do a vertical, but he did this of his own accord.

PO Storer spoke to the security guard, but he could not recall what he said. He asked the security guard if he had seen anyone run into the building in a hasty manner, but could not recall his response. The security guard did not tell him that he spoke to other officers and he could not recall seeing him do so. He did not stop anyone upon walking into the building and could not recall anyone was stopped by other officers.

PO Storer and PO Cruz took the elevator to the top floor and walked down the stairs, checking all the stairwells. PO Storer could not recall if any other officer went with them. He could not recall how many floors the building has, but it is quite tall and has more than six flights. He could not recall how long he was inside the stairwells. He could not recall if he approached or questioned anyone in the stairwells.

PO Storer made no arrests and he could not recall if any officer made an arrest at the location. He could not recall seeing anyone in the building apprehended by officers.

PO Storer left the location with PO Cruz after about twenty minutes and resumed patrol. When asked if police officers were still present at the building when PO Storer left, he said that there were officers in the vicinity. When asked if they stayed in the building, PO Storer said that he did not know what they did. When asked if this meant that he could not recall, he said he answered this way because he did not know what they did. When asked why PO Storer did not know what the other officers did, PO Storer said he does not supervise other officers and only worked with PO Cruz. When asked if PO Storer observed officers walk out of the building, he asked the investigator what she was trying to ask. The investigator answered that she wanted to know if PO Storer left with other officers. PO Storer asked again if officers remained in the building when he left and said he did not know because he left. When asked if there were officers in the lobby when PO Storer left, he said he did not know. The investigator again asked why he did not know and PO Storer argued with the investigator and said he could not recall.

The investigator explained there is a difference between one not knowing and one not remembering, and PO Storer said he believed this to be synonymous. The investigator disagreed and said if something happened behind someone, that person does not know what happened because they could not see it because their back was turned. The person does not know not because they cannot recall the information, but because they never observed it. Alternatively, if something happens in front of the person and that person is asked about it two months later, this is different. The investigator said she understood it was a fine distinction, and she realized it was frustrating and it was frustrating for her as well, but was part of her investigation and it was not personal.

PO Storer viewed a photograph of [REDACTED] and said he could not really recognize him. When the investigator began to ask him why he said not really, he clarified and said he did not recognize [REDACTED] PO Storer viewed a photograph of [REDACTED] and did not recognize him.

PO Storer was given the following details about the incident: [REDACTED] and [REDACTED] were with other males in the lobby of [REDACTED]. They had been standing in the lobby for a while waiting for a friend. Many officers enter the building. [REDACTED] and company are almost immediately approached. The officers ask where they group had been and if they live in the building. The group answers the questions. They are patted down, frisked and detained in handcuffs. An officer gets on his phone and says that [REDACTED] and [REDACTED] have an open warrant. [REDACTED] and [REDACTED] have no knowledge of the warrant, and have no idea to which the officers are referring. They are taken to the stationhouse in handcuffs as if they are under arrest. After about 45 minutes, they are released without any explanation. They are told there are no warrants and they are free to go. They are not told about any robbery. These details did not sound familiar "at all" to PO Storer as anything he witnessed.

After PO Storer resumed patrol, he did return to the stationhouse to use the restroom. He could not recall how many times he returned to the stationhouse, but knew he did at least once. PO Storer ended his tour at 2:05 a.m. the next morning and completed no overtime.

PO Storer was not involved in either [REDACTED] or [REDACTED] apprehension. He was not asked to question them and was not asked to do a warrant check. He was never handed identification for anyone in the building. He received no information about anyone being apprehended. He did not know if there was an arrest or apprehension made in regard to the incident at the bodega that was being investigated.

PO Storer viewed the third out of three videos and recognized the location as the lobby of [REDACTED]. The investigator paused the video at the 00:31 minute mark and pointed out the group of people standing by the door. She said that to her knowledge, they were officers. When she restarted it, PO Storer said that he did not recognize any of the officers. The video was paused at 00:42, and PO Storer recognized himself (officer in the gray sweater) and PO Cruz in the video when he approached a desk, which he identified as that to which the security guard is stationed. He could not recall how many security guards were on duty at the time. PO Storer also identified PO Concannon and PO Accomando in the video at 01:46. PO Accomando is the one with the armband to the left of frame. When the officers are near the elevator, PO Storer said he could not recall what was being discussed but thought it was about them going upstairs. He could not recall what was occurring with the group of individuals detained. PO Storer recognized the officer of a higher rank as indicated by the white shirt as Lt. Lagrasta. When Lt. Lagrasta moves out of frame to where PO Storer and PO Cruz had earlier gone, PO Storer said he could not recall if he spoke to Lt. Lagrasta at that time. The investigator pointed out an officer with an armband on his phone and identified him as one in the previous two videos who was taking the lead with the detained individuals. PO Storer could not identify him. At 07:54, officers emerged from the elevator area and the individuals are stood up and handcuffed. At 08:38, it is noted that PO Storer reenters frame and watches the individuals being stood up and led out of the building. At 09:05, PO Storer holds the door as the individuals are led out in handcuffs. Lt. Lagrasta is the last officer to leave the building before PO Storer. PO Storer's memory was not prompted as to why the individuals were arrested and he noted that he was not present when they were handcuffed. He had no information about why the individuals were being arrested.

PO Storer had no information about any stop and frisk reports generated. He generated none for anyone stopped in the building.

PO Storer never heard an officer say to the individuals detained, "Sit the fuck down," "Shut the fuck up," or "I can do whatever the fuck I want." He was never instructed or asked to conduct a strip-search either of the individuals. He did not pat down or search the individuals that were handcuffed, and he saw no officer do this.

Interview Details

Subject Officer: SGT ANGEL GONZALEZ

See coversheet for pedigree and assignment information.

Memo Book

Sgt. Gonzalez made no entries in his memo book regarding the incident, but made the following notations. At 6:00 p.m., a roll call was conducted with the crime team who included PO Storer and PO Cruz in RMP [REDACTED] and PO Concannon and PO Accomando in RMP [REDACTED]. At 2:00 a.m., he ended his tour.

CCRB Testimony

On May 11, 2015, Sgt. Gonzalez was interviewed at the CCRB. He originally said that he did not note who was on the Anti-Crime Team for the day, but noted them in the abovementioned entry when asked to read from his memo book. He denied having an independent recollection of the incident. He viewed the CCRB photographs of [REDACTED] and [REDACTED] but did not recognize them.

Sgt. Gonzalez received the following details about the incident, with the distinctions made between those received by officers and those received by civilians. At the bodega located at the corner, practically across the street from the incident location, a bodega owner reported a dispute in which group who included an individual with a gun entered the store. Many officers responded to the location and went looking for the individual with the gun. It was thought that the group went into [REDACTED] as there was nowhere else to go. Officers entered, and [REDACTED] and [REDACTED] were standing there with another individual. The officers approached them almost immediately and question, frisk and search them. [REDACTED] and [REDACTED] were told they had warrants and were handcuffed and taken to the stationhouse, where nothing further happens. After approximately a half hour, they are released without being told what happened. Sgt. Gonzalez's memory was not prompted from these details.

Sgt. Gonzalez reviewed the command log entries for [REDACTED] and [REDACTED]. It was noted that his name was written as the supervisor authorizing the arrests. Sgt. Gonzalez said it was not his handwriting and the desk officer would have made the entries. He could not recall verifying the arrests. No other officer besides Sgt. Gonzalez was supervising the Anti-Crime Team. PO Quatrala and PO Zerbo are not on the Anti-Crime Team. Sgt. Gonzalez viewed the Witness I-Cards for [REDACTED] and [REDACTED] but his memory of the incident was not prompted.

Sgt. Gonzalez viewed the three videos of the lobby of [REDACTED]. The investigator began the first video and paused it at 00:48. Sgt. Gonzalez could not immediately identify the officer that was first pointed out, but eventually recognized the officer as himself. He could not identify the three uniformed officers with him. It was noted when Sgt. Gonzalez approached the security guard's desk and the group, and while he spoke to them. At 01:29, it was noted when Sgt. Gonzalez seemed to instruct an officer to pat down an individual in red. At 01:41, it was noted when the individual sat down. It was noted when the second individual stood up and Sgt. Gonzalez patted him down and reached into his pockets. Sgt. Gonzalez's legal representatives, Sgt. John Quinn and Mr. John Patton, Esq., said that reaching into the pockets could not be seen for certain. The investigator said that the video would show the individual removing the coat and Sgt. Gonzalez reaching his arms through the sleeves. At 03:12, it was noted that the individual's coat was removed and Sgt. Gonzalez held it in his hand and put his arm through both sleeves. It was noted when Sgt. Gonzalez patted down the third individual. Sgt. Gonzalez denied being able to recall the incident after watching the video or of why he was even present at the building. He denied being able to recall anything about the date of the incident.

Sgt. Gonzalez viewed the second video. He was informed that when he is seen on his cellphone, the civilians said that he was checking for open warrants at the time, and they were told that they did have warrants.

Sgt. Gonzalez viewed the third video. He identified Lt. Lagrasta in the video and had no recollection of working with him on the date of the incident. At 07:49, it was noted that two of the individuals were handcuffed as Sgt. Gonzalez stood by. It was noted when the handcuffed individuals were led out of the building. Sgt. Gonzalez again denied being able to recall the incident. He could offer no explanation for why they were stopped and detained. He could offer no explanation for why he patted down and searched the individuals.

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Sgt. Gonzalez denied telling the individuals to “sit the fuck down” or “shut the fuck up,” or saying, “I can do whatever the fuck I want,” on the basis that he does not do that. He could not recall any other officer saying this. He was informed that [REDACTED] alleged that at the stationhouse, he was taken into a bathroom and asked to remove his clothing, which he refused to do. He denied issuing any instruction for them to be strip-searched and had no recollection of this. Sgt. Gonzalez could offer no explanation to why no stop and frisk reports were produced.

Sgt. Gonzalez said that when people are listed on i-cards as witnesses, the protocol is to talk to them about going to the stationhouse so the detective on the case can speak with them. This would be their choice.

Subject Officer: LT CHRISTOPHER LAGRASTA

See coversheet for pedigree and assignment information.

Memo Book

Lt. Lagrasta did not bring his memo book to the CCRB and stated that he had no memo book entries for the entire day because he did not make any. He agreed to fax the memo book to the investigator. He could not recall the hours he worked.

CCRB Testimony

On January 21, 2015, at approximately 8:04 p.m., Lt. Lagrasta received a radio run of a male with a gun at [REDACTED]. Lt. Lagrasta was informed that other officers spoke of responding to a bodega across the street, but he believed the call was regarding a person in [REDACTED]. He did not go to a bodega before or after arriving at [REDACTED]. He could not recall the circumstances communicated including how many people were involved. He could not recall if descriptions of individuals were provided. He received no information over the radio from officers that had arrived before he would.

Lt. Lagrasta walked alone from the stationhouse to the location. He did not think PO Johnson was with him. When he arrived, Sgt. Gonzalez of the Anti-Crime Team, PO Storer and a few other officers, all of whom totaled at least three, were inside the location. The officers had stopped a couple individuals, two of whom were identified as [REDACTED] and [REDACTED] who were sitting to the left by a window upon entering the building and one of them was handcuffed. Lt. Lagrasta did not recognize them from anywhere. He viewed the photographs of [REDACTED] and [REDACTED] and could not positively recognize them as having been on the scene. He could only describe the individual handcuffed as being male and could not recall his race.

Lt. Lagrasta did not see any officer stop [REDACTED] or [REDACTED] as they were already stopped, or ask them questions. Lt. Lagrasta did not ask them any question. Lt. Lagrasta asked Sgt. Gonzalez what was happening. Sgt. Gonzalez informed him that one or two (he leaned more toward one) of the individuals had an open warrant and would be brought to the stationhouse. Lt. Lagrasta said, "Yeah, no problem." He asked no questions about the details of this warrant and did nothing to confirm the warrant. He made no decisions regarding taking anyone to the stationhouse. Sgt. Gonzalez did not tell Lt. Lagrasta why [REDACTED] or [REDACTED] was stopped. He thought it was in regard to incident about a male with a gun because that was the call that came over the radio. No gun was found on either [REDACTED] or [REDACTED]. Lt. Lagrasta was able to get a good look at the individuals who were stopped. Nothing about them made him feel unsafe.

Lt. Lagrasta was informed that when the investigator conducted warrant checks on [REDACTED] and [REDACTED] this yielded witness i-cards for both. Lt. Lagrasta viewed the witness i-cards for [REDACTED] and [REDACTED]. When officers conduct warrant checks on individuals for whom there are open witness i-cards, this information would come up and not only that for i-cards that say probable cause to arrest. When a search for warrants yields the results of a witness i-card, the protocol is to take the individual in question to the stationhouse to speak with the case detective. The individual does not have a choice in this and can be detained to accomplish this.

Lt. Lagrasta did not see Sgt. Gonzalez make physical contact with [REDACTED] or [REDACTED]. Lt. Lagrasta was informed that they alleged that Sgt. Gonzalez patted them down and searched their pockets. Lt. Lagrasta could not recall seeing Sgt. Gonzalez or any officer do this. Lt. Lagrasta did not hear any officer use discourteous language with the stopped individuals. He did not hear Sgt. Gonzalez or any officer say, "Shut the fuck up," "Sit the fuck down" or "I can do whatever the fuck I want."

Lt. Lagrasta could not recall if he looked anywhere in the building. He spoke to the security guard in the building about confidential matters regarding happenings in the building. He could not recall if he and the security spoke about anything regarding the stopped individuals. He could not recall for how long they spoke.

At that time, the individuals were brought to the stationhouse and Lt. Lagrasta resumed patrol. Lt. Lagrasta did not have [REDACTED] or [REDACTED] in the patrol car to which he was assigned. He did not know which patrol car was used to transport them. Lt. Lagrasta did not know how the call about the gun was resolved or if it was. He knew

of no arrest being made in regard. After he left the location, he could not recall where he went or if he went to the stationhouse.

Lt. Lagrasta did not know what happened to the individuals at the stationhouse. He did not know if [REDACTED] or [REDACTED] spoke to any detective. Lt. Lagrasta did not speak to the detective involved in the investigation for which the i-cards were generated. He did not instruct that any officer conduct a strip-search and did not recommend that one be conducted.

Lt. Lagrasta was informed of the following: [REDACTED] and [REDACTED] alleged they were taken to the stationhouse for about 45 minutes, during which time one was taken to a bathroom. He was asked to remove his clothing and he refused. The officer did not insist and he was taken back to a cell. They were released without speaking to anyone or any explanation as to why they were stopped. Lt. Lagrasta did not know why [REDACTED] and [REDACTED] did not speak to anyone and was not informed on any of the circumstances involving their detainment. Lt. Lagrasta made no decisions in the detainment process.

Lt. Lagrasta viewed the video that was obtained from the incident location, beginning with the first. He recognized the location as the lobby of the building. He confirmed that the area to the right of frame where stairs are seen is where the individuals were. He was informed that to the investigator's knowledge, [REDACTED] and [REDACTED] were in the group first seen. The investigator fast forwarded through most of the video, as the officers do not enter until the very end, but said the group was mostly seen doing what they are seen doing in the beginning: speaking and standing around. Lt. Lagrasta was unaware of any officers observing these males before entering the building.

Lt. Lagrasta then viewed the second video. At 00:52, he identified PO Zerbo as the other officer on the left. He recognized the plainclothes officer as Sgt. Gonzalez. At 2:00, it was noted that Sgt. Gonzalez patting down a male after which time he takes his coat and looks through the sleeves. Lt. Lagrasta could not recognize the male in a non-NYPD uniform emerges from the left as the security guard to whom he spoke and could not recall how many were on-duty at the time or if there was more than one. The security guard was stationed behind the desk seen on the left of frame.

Lt. Lagrasta viewed the third and last video. He identified the officer in the gray sweater as PO Storer. When it was noted that he seemed to specifically remember PO Storer, he could not recall why and could recall no specific action PO Storer took. Lt. Lagrasta recognized himself as the officer in the white shirt. It was noted that he arrived at least ten minutes into the incident and he could not recall why he arrived when he did. He could not recall issuing any instructions to the officers. He was informed some officers said they conducted a vertical of the building. He could not recall conducting a vertical. At 6:33, it was noted that Lt. Lagrasta stood very close to the stopped individuals. Lt. Lagrasta could not recall what was happening in the moment or if he was speaking to them. He could not identify the officer standing right in front of the door and facing the camera. At 7:49, it was noted that [REDACTED] and [REDACTED] would soon be handcuffed and led out of the building. After viewing the video, Lt. Lagrasta could recall no further information he received about [REDACTED] and [REDACTED] or what Sgt. Gonzalez said. When Lt. Lagrasta came close to the camera and seemed to look around, he said that he could not recall what was out of view and he was looking for narcotics. He could not recall if [REDACTED] or [REDACTED] were ever suspected of narcotic activity. At 09:21, it was noted that it seemed that Lt. Lagrasta was speaking to the security guard. He could not recall the contents of the conversation but said they usually ask for a name and shield number for a required report. He did provide this information.

Interview Details

Subject Officer: PO RANDY BAUTISTA

See cover page for pedigree and assignment information.

Memo Book

PO Bautista made the following entries in his memo book: At 7:42 p.m., he was present with a sergeant at [REDACTED]

CCRB Testimony

On June 23, 2015, PO Bautista was interviewed at the CCRB.

On January 21, 2015, at 7:42 p.m., PO Bautista responded to a call over the open radio at the location for either an additional unit by Sgt. Gonzalez or a gun run (he could not recall which). No more specific information came over the radio. PO Bautista was informed that some officers said this call involved a bodega. PO Bautista said that there is a store right across the street from the location no more than a quarter-block away. He never went to the bodega before going to the location. When the investigator mentioned the bodega, PO Bautista said it may have been involved because of a robbery occurring there, but he was uncertain and had no recollection of this.

PO Bautista responded to the scene and backed Sgt. Gonzalez. PO Bautista entered the lobby of the building and a few males were already stopped there. He never left the lobby. When asked about who was present, he referenced those listed on the CCRB Allegation Sheet. When asked about PO Storer and PO Cruz, he said that he could not recall them there but they may have arrived after he did. Sgt. Gonzalez was with five to ten uniformed MOS, but PO Bautista could not recall who, or whether or not they were new. There were a few patrol cars outside.

The males were not in handcuffs and stood by the wall. PO Bautista only stood around as back up and was uncertain if he interacted with any of the males because he could not recall. He could not recall the demeanors of the males, but could not recall them having a problem and they were compliant. He was shown photographs of [REDACTED] and [REDACTED] and he did not recognize either of them. Sgt. Gonzalez told PO Bautista nothing about the males or why they were stopped. Nothing about the stopped individuals made PO Bautista feel unsafe, however, it was necessary to ensure everything is okay during calls of a gun run before proceeding and extra caution is needed.

Sgt. Gonzalez did not issue PO Bautista any instructions while he was at the location and he was uncertain if Sgt. Gonzalez instructed him to pat down any of the stopped individuals. Sgt. Gonzalez did not instruct him to reach into any of the pockets of any of the stopped individuals. PO Bautista did not search any of the individuals and he did not think he patted down any of them. He could not recall if he saw Sgt. Gonzalez pat down or search any of the individuals. He did not see PO Abadia pat down or search any of the individuals.

PO Bautista originally said that he could not recall what Sgt. Gonzalez did and later said that Sgt. Gonzalez spoke to the males. When asked about Sgt. Gonzalez's demeanor, PO Bautista said it was nothing crazy. He was uncertain if Sgt. Gonzalez spoke to the males about any robbery at the bodega. He did not speak to the males for very long. He could not recall Sgt. Gonzalez cursing at the stopped individuals. PO Bautista did not hear Sgt. Gonzalez say, "Sit the fuck down," and/or "Shut the fuck up," and/or "I can do whatever the fuck I want." PO Bautista did not make these statements and heard no officer do so. He did not overhear any part of the conversation between Sgt. Gonzalez and the males.

There is always a security guard stationed inside the location, which PO Bautista knew because he is very familiar with the location. The building is two blocks away (he originally said one block before immediately clarifying) from the precinct stationhouse. PO Bautista is very familiar with and had of course been to the building before as there is much crime that happens around, in the front and rear of it, and from which many 911 calls come. He did not speak to the security guard while he was present.

After five minutes, PO Bautista left the location before the situation was resolved and was uncertain the outcome with the males. A show up may have occurred after he left but it did not occur while he was present. He did not see the males get arrested. He initially said that after he left the location, he went to the bodega and later said that he did not go to the bodega. He did not speak to any customer or employee of the bodega. He never learned the results

Interview Details

of the incident. After viewing the video footage of the incident, he said the non-crime corrected notation at 8:38 p.m. in his memo book did not refer to this incident, but was the result of a previous job, either the roving band (10-51) or complaint (10-68).

PO Bautista did not return to the stationhouse until the end of the night at 11:35 p.m. and took no break that day. Sgt. Gonzalez did not instruct him to conduct a strip-search of any of the stopped males and he never did that of his own accord.

PO Bautista was informed of the following details regarding the incident: [REDACTED] and [REDACTED] were with one to two other males in the lobby of the incident location. Many officers enter the building and the group is approached almost immediately. Sgt. Gonzalez (identified by the investigator) took the lead with them. He gets on his phone, conducts a warrant check, and tells the individuals that they have warrants. He does not tell the individuals what the warrants are for and they do not know. [REDACTED] and [REDACTED] are taken to the stationhouse. They speak to no one. One is held upstairs in a room supposedly waiting for a detective who he never sees and the other is held in a cell. One is taken to a bathroom and asked to remove all his clothing, and he refuses. The officer did not insist and he is taken back to the cell. They are released without summons, arrest or explanation. They never learned why they were stopped. This did not sound familiar to PO Bautista.

PO Bautista was informed that when the investigator requested warrants for the individuals, witness I-cards were returned for both [REDACTED] and [REDACTED] and both were shown to him. PO Bautista has done a warrant check before. This is done either over the radio, via a computer in the patrol car or by calling the front desk. Information about I-cards does not come up during warrant checks unless a check is done at the precinct stationhouse. I-cards are sometimes indicative of criminality. PO Bautista did not know if it is voluntary for subjects of witness I-cards as to whether or not they want to return to the stationhouse.

PO Bautista was shown the 3 videos obtained from the incident location. He recognized the lobby as the incident location and he pointed out the security guard booth. He could not see the officers who walk in at the end of the first video clearly enough to identify them. During the second video, he identified Sgt. Gonzalez at the 00:26 minute mark and recognized himself and his partner walking in at 00:34. The video did not prompt his memory of any conversation between Sgt. Gonzalez and the males, and he could not identify the other officers present. It was noted that from 01:21 to 01:40, an individual in red was patted down by PO Bautista in the waistband. PO Bautista thought he did this because it was a call for a gun run. He did not reach into the individual's pockets. He could not recall if Sgt. Gonzalez instructed him to do this. This portion of the video was shown again, and it was noted that 01:17, the Sgt. Gonzalez indicated by pointing that the individual in red should go to PO Bautista, who could not recall any statement made during the moment. PO Bautista saw nothing on this individual resembling a weapon. He may have seen a bulge of a cellphone, but he could not recall. He did not recognize this individual from anywhere. At 01:54, it was noted that Sgt. Gonzalez patted down an individual in a black jacket. He could not recall if he saw bulges and noted it was hard to tell because the individuals were wearing jackets and generally everyone has bulges from cellphones. He saw nothing on this individual that resembled a weapon. It was noted that at 3:10, the individual removed his jacket and at 03:20, Sgt. Gonzalez reached into the sleeves. PO Bautista could not recall what Sgt. Gonzalez did during this time and received no indication to inform on why he did this. PO Bautista said the individual who walks into frame from the left at 03:41 looked like a security guard because of his shield. He did not know this individual. It was noted that at 03:52, Sgt. Gonzalez patted down the third individual. PO Bautista could not recall seeing any bulges on this individual and he saw nothing resembling a weapon. It is customary for officers to inquire about weapons, but he could not recall if Sgt. Gonzalez asked them about weapons. He did not speak to the individuals about whether or not they had weapons. It was noted that at 04:52, PO Abadia was still to the left of frame. PO Bautista did not know what Sgt. Gonzalez had in his hand at 05:03, and the investigator noted that he took this item from the third individual's pocket and it may have been identification.

During the third video, at 00:09, it was noted that PO Bautista and PO Abadia left the location. He could not recall Sgt. Gonzalez telling them to leave and it may have been that they just asked to do so, since so many officers were there. He could not identify the officers who entered after he and PO Abadia left.