

201501745
Fernando Rodriguez

A man and his fiancée parked their car in a legal parking spot near the 40th precinct. The spot was the first legal space outside a no parking zone. PO Rodriguez and another officer pulled up alongside their vehicle in their police car. They asked the couple to move their car so they could have the space. At this point, the couple began recording the incident. On the recording, they could be heard discussing PO Rodriguez's request that they move so that the officer can park.

PO Rodriguez stopped his marked car nearby and approached the car on foot, asking for their license and registration. Another officer measured the tint in their windows. The tint measured 18%, which is legal in New York State (tinted windows are allowable up to 30% tint, *see* N.Y. Vehicle and Traffic Law § 375(12-a)). The officers issued a summons for the 18% tint and walked away.

Upset, the people left their car and walked across the street to the 40th precinct, where they asked to file a complaint. The officers in the waiting room told them to wait for a supervisor to arrive. While they were waiting, PO Rodriguez came back into the precinct and asked the woman (who had been in the passenger seat) for her license and registration. Although she had not been driving and did not know why she was to produce her identification, she complied. As she held her identification in her hand, PO Rodriguez grabbed her arm and handcuffed her. Other officers grabbed the man who had been driving and handcuffed him and took him to the floor.

The two people were then brought to the holding cell in the back of the precinct. Upon searching the man's wallet, PO Rodriguez found a PBA card. He called the name on the card and discovered that the man's relative was a police officer. He then issued the pair summonses.

During his CCRB interview, PO Rodriguez made multiple statements that were contradicted by the recording. For example, he consistently stated that the pair had been cursing at him and abusive throughout the encounter, but the recording showed them to be calm. He consistently attributed statements to them that they did not make. He stated that he had not asked them to move in order to park his police vehicle in their space, but on the recording the civilians and the officer discussed moving the car so that he could park.

He also stated that the woman had made threatening gestures and was creating a hazardous condition before he handcuffed her, which the video showed was not true.

The CCRB found that PO Rodriguez had engaged in multiple acts of misconduct (including arresting the couple in retaliation for coming to the precinct to file a complaint) and had made false official statements in his interview.

The NYPD disciplined PO Rodriguez by giving him a Command Discipline B. He has since been promoted to detective.

Interview Details

Complainant/Victim:

- *At the time of her interview, [REDACTED] was a [REDACTED]-year-old black male who stood 6'1" tall, and had black hair and brown eyes.*
- [REDACTED] was employed as [REDACTED].

CCRB Statement

[REDACTED] was interviewed at the CCRB on March 18, 2015. The following is a detailed summary of his statement.

At approximately 1:30 a.m. on March 8, 2015, [REDACTED] parked his black 2000 Nissan Maxima on the south side of [REDACTED] near [REDACTED] in the Bronx. As there was a sign that prohibited parking for several car lengths from the intersection, [REDACTED] parked in the first space beyond the sign, directly across from the 40th Precinct stationhouse. In the front passenger's seat at the time was his girlfriend, [REDACTED]. The windows on [REDACTED] car had 18% tints.

Having been stopped with the car off for no more than one minute, a marked police car containing two officers—PO Rodriguez and PO2—stopped on his direct left. The driver, PO Rodriguez, shined a flashlight into his driver's side window, so [REDACTED] turned the car back on to lower his window. As he did PO Rodriguez verbally instructed him to move his car. When [REDACTED] subsequently asked why, PO Rodriguez merely reiterated that he needed to move immediately. When [REDACTED] replied that he would not, PO Rodriguez stated that he had a situation to deal with and needed the spot. [REDACTED] again refused to move.

PO Rodriguez then exited his car, walked to [REDACTED] window, and asked for his license and registration. [REDACTED] asked why he needed to provide this, as he was not operating the car. PO Rodriguez repeated his request, stating that if he did not comply he would drag him out of the car. When [REDACTED] became angry and demanded to know why he would threaten to do that, PO Rodriguez replied that that's just what they do. In order to avoid further argument, [REDACTED] provided the documents and PO Rodriguez returned to his vehicle. [REDACTED] believed that [REDACTED] was recording part of the interaction.

Shortly thereafter, PO2 approached the car and used a tint meter to measure [REDACTED] windows. He then returned to the police car, after which PO Rodriguez returned and handed [REDACTED] a summons for tinted windows. PO Rodriguez extended the summons, license, and registration towards [REDACTED] who did not immediately take them but instead asked for his shield number. PO Rodriguez mumbled something that [REDACTED] could not understand tossed the documents into the car so that the summons and registration landed on [REDACTED] lap and the license landed on the floor, forcing [REDACTED] to search the ground for it. PO Rodriguez then got back into his car and drove away.

Feeling disrespected, [REDACTED] and [REDACTED] exited their car and walked into the 40th Precinct stationhouse. After they entered but before they reached the front desk, they encountered two officers: PO3, PO4, and PO5. [REDACTED] recounted the above interaction and told the officers that he wanted to make a complaint. PO5 told [REDACTED] that he should wait for the desk sergeant to return and speak to him.

As they quietly stood in the lobby, PO Rodriguez entered the stationhouse, approached [REDACTED] and requested her license and registration. [REDACTED] appeared confused and asked PO Rodriguez what he was talking about. PO Rodriguez reiterated his request, adding that if she did not provide the documents, he would lock her up. In order to avoid conflict, [REDACTED] instructed [REDACTED] to provide her identification as instructed. Neither [REDACTED] nor [REDACTED] was loud or disorderly. [REDACTED] complied and retrieved her identification. However, as she reached out to hand it to PO Rodriguez, he removed his handcuffs, grabbed her arm, and attempted to handcuff her. As a result of this, [REDACTED] identification fell to the floor.

[REDACTED] asked PO Rodriguez what he was doing and why he was handcuffing her. Within only seconds, [REDACTED] felt someone, who may have been PO2, grab his arms and shoulders from behind and attempt to force him backwards to the ground. [REDACTED] did not want to fall, so he used muscular force to pull forward. Three to four additional officers, none of whom he could identify, also grabbed him and guided him to the ground onto his back. Without resisting, [REDACTED] was subsequently turned onto his stomach and rear-cuffed using two pairs of handcuffs, which [REDACTED] stated was necessary due to his large body. From the time [REDACTED] was being handcuff to after [REDACTED] was taken to the ground, he recorded the incident using his cell phone. However, once on the ground, an unidentified officer grabbed it and stopped recording.

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Although he saw that [REDACTED] was also handcuffed, he did not see her apprehension or interaction with the officers after he was taken to the ground. However, he did see her handbag fall to the ground as she was trying to let it go while being handcuffed. [REDACTED] remained on the ground for five to ten minutes, during which time he requested to be stood up but was told that he had to stay where he was. One of the officers also stated that he should not have made a complaint at the stationhouse, but instead should have called 311. PO Rodriguez eventually approached and took his identification. When [REDACTED] asked why he was doing this, PO Rodriguez stated, "Shut the fuck up." [REDACTED] did not recall if PO Rodriguez entered his pocket to retrieve the identification or if he was already holding it in his hand.

Shortly thereafter, PO Rodriguez and PO2 stood [REDACTED] up and escorted him into a bathroom. PO Rodriguez removed his baton and placed it on the sink, stating to [REDACTED] that he had no rights right now. PO Rodriguez then stated that if he did something he did not like, he would beat him with the baton and pepper spray him. PO Rodriguez then instructed [REDACTED] to remove his jacket, belt, shoelaces, and shoes, as well as to empty his pockets. Without saying anything, [REDACTED] complied. PO Rodriguez subsequently frisked [REDACTED] entire body. [REDACTED] did not recall if PO Rodriguez entered his pockets. PO Rodriguez also removed [REDACTED] PBA card from his wallet, which belong to a friend of his, and declared that that officer was going to get in trouble now because [REDACTED] wanted to file a complaint. [REDACTED] pleaded that he had not done anything and that PO Rodriguez' behavior was unwarranted.

PO Rodriguez subsequently escorted [REDACTED] to a holding cell, where he saw [REDACTED] in an adjacent cell and asked if she was okay, which she confirmed she was. PO Rodriguez returned after approximately forty-five minutes and escorted [REDACTED] back to the bathroom, stating that none of it would have had to happen if [REDACTED] had not mouthed off to him. [REDACTED] stated that that did not involve him and was no reason to be detained. PO Rodriguez then stated that he had spoken to the officer who gave him the PBA card and learned that [REDACTED] was a good guy. Therefore, he informed [REDACTED] that he had the choice of either getting a summons or going to central booking. [REDACTED] did not want to go to central booking, but he stated that PO Rodriguez should give him whatever he thought he deserved. PO Rodriguez told him that he currently had four counts against him. [REDACTED] asked what the counts were, but PO Rodriguez merely reiterated that he had four counts. [REDACTED] selected the summons.

PO Rodriguez escorted [REDACTED] back to the holding cell, where he stayed for approximately one hour more before being released with a summons for disorderly conduct in the form of violent and threatening behavior, which was given to him by the desk sergeant along with his belongings. [REDACTED] was released five minutes later and also received a summons. [REDACTED] provided the summons to the CCRB, though he had already submitted the summons for tinted windows. [REDACTED] returned home at approximately 5:20 a.m., though he believed it was the night of the time shift, so it would have originally been 4:20 a.m.

Prior to his interview, a more in-depth explanation of mediation and investigation were explained to [REDACTED]. Although he reluctantly had accepted mediation over the phone, his better understanding of the processes caused him to choose investigation because he had no desire to see the officers again.

PO Rodriguez: Uniformed Hispanic male, 31, 6'0", average build, mid-length black hair, saw the name "Rodriguez" on his shield
PO2: Uniformed white male, possibly bald
PO3: Uniformed Hispanic male, over 40, 5'6"-5'8", 180-200 lbs., wore a hat with ear coverings
PO4: Uniformed white male, wore hat
PO5: Uniformed Asian or Hispanic male, 27-35, shorter than 5'6", slim build, mid-length black hair

Interview Details

Victim:

- *At the time of her interview, [REDACTED] was a [REDACTED]-year-old black female who stood 5'7" tall, weighed 198 pounds, and had black hair and brown eyes.*
- *[REDACTED] was employed as a [REDACTED].*

CCRB Statement

[REDACTED] was interviewed at [REDACTED] on March 24, 2015. The following is a detailed summary of her statement.

At approximately 1:30 a.m. on March 8, 2015, [REDACTED] and her fiancé, [REDACTED] had parked near the corner of [REDACTED] and [REDACTED] in the Bronx when a marked police car containing two officers—PO Rodriguez and PO1—stopped alongside them. Prior to this, the car had been stopped with the engine off for a couple of minutes and they were preparing to exit, though [REDACTED] had several bags and was organizing herself. The vehicle was not illegally parked. [REDACTED] had not consumed any alcohol or drugs that day.

With his passenger's side window down, the driver of the police car, PO Rodriguez, called across his partner, PO1, and told [REDACTED] to move his car. [REDACTED] was confused and asked why he should do so. PO Rodriguez replied that he needed to park there himself. [REDACTED] stated that he was legitimately parked and would not move his vehicle. A brief dispute ensued in which [REDACTED] asked multiple times why he had to move his vehicle. However, PO Rodriguez gave no other explanation.

As a result, PO Rodriguez exited his car and approached [REDACTED] at his driver's side window while PO1 remained inside. PO Rodriguez immediately asked [REDACTED] for his license and registration. Though he asked the officer what he had done wrong, [REDACTED] immediately provided the requested documents. As PO Rodriguez took the documents and returned to his vehicle, he asked PO1 to get a meter and test the tints on the windows. One minute later, PO1 followed his instructions, approached the car, and measured only the driver's side window.

PO Rodriguez returned to the vehicle and presented [REDACTED] with a summons for the tinted windows. [REDACTED] demanded two times to know what the summons was for, prompting PO Rodriguez to say that he could pull him out of the car. [REDACTED] did not recall the specific context of this statement, but she became upset and yelled at PO Rodriguez by asking him why he would say something like that. At no point did [REDACTED] raise his voice or curse at either officer and although [REDACTED] voice was loud, she never cursed at or threatened PO Rodriguez. Nevertheless, PO Rodriguez responded by tossing [REDACTED] license and registration into the car so that the registration landed on the floor and his license landed under the seat. [REDACTED] did not know if the documents ever made contact with [REDACTED] body. The officers then departed.

Angry at PO Rodriguez' behavior, [REDACTED] and [REDACTED] both exited the car and headed across the street to the 40th Precinct stationhouse, directly in front of which PO Rodriguez had subsequently parked his vehicle. As they did, [REDACTED] called out that she was sure PO Rodriguez' captain would love to hear about the incident, which she believed angered PO Rodriguez. Nevertheless, immediately upon entering the stationhouse, they encountered two officers—PO2 and PO3. PO2 initiated conversation by stating that they had heard about them. [REDACTED] was annoyed and asked what they meant by that, but [REDACTED] instructed her to stay calm and explained what had happened outside. The officers allowed them to enter further into the lobby while PO3 took the summons to the back to inquire. Their conversation was civil and neither party raised his voice. At no point did either civilian try to enter further into the stationhouse and at no point were they asked to leave. Sitting in the back but viewable to their location sat approximately five either officers or civilian NYPD employees.

After [REDACTED] and [REDACTED] spoke to PO2 in the lobby for ten to twelve minutes, PO Rodriguez rushed through the front entrance and immediately demanded [REDACTED] license and registration. [REDACTED] stated that she did not have license and registration because she was not operating a motor vehicle. PO Rodriguez did not care and reiterated his request. [REDACTED] was upset, so [REDACTED] told her to be calm and do as she was told. Although she acknowledged that her voice was pointed and raised, she maintained that she never made any threatening physical movements or statements. Following [REDACTED] advice, [REDACTED] retrieved her license and extended it for PO Rodriguez to take.

Instead of taking it, PO Rodriguez took out a pair of handcuffs, grabbed [REDACTED] right wrist, and secured a cuff around it while stating, "You know what, forget it." Because [REDACTED] was carrying her identification in that hand, the identification fell to the

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floor. Additionally, [REDACTED] was carrying her purse and other bags in her left hand, so despite PO Rodriguez' instructions to give him her arm as well as his physical attempts to pull the arm behind her back, she struggled to hold on to the bags. Within seconds, PO Rodriguez called out that she was resisting arrest, so four additional officers—PO4, PO5, PO6, and PO7—rushed towards her and grabbed her from behind in an attempt to remove the bags from her.

PO4 approached from the front, reached over her, and struck her one time in the upper middle of her back using his closed left fist. This caused [REDACTED] to arch her back, at which point the second handcuff was finally secured. At no point did [REDACTED] purposefully pull her arm away from the officers, though throughout the two to three minute interaction, officers repeatedly told her to place her hands behind her back. Though she felt pain, [REDACTED] did not sustain any injuries as a result of the punch, nor did she ever seek any medical treatment following the incident.

While this was taking place, [REDACTED] saw [REDACTED] lying face down on the ground with two officers whom she could not describe on top of him. One was kneeling on his back while the other pressed his head down against the ground. However, [REDACTED] did not see the interaction that preceded it or witness any further physical interaction between them. Three female officers—PO8, PO9, and PO10—then arrived and escorted [REDACTED] upstairs into a bathroom. The officers instructed [REDACTED] to remove her shoes and socks, as well as cut the drawstring off of her sweatpants. The officers also asked her if she was carrying anything that she was not supposed to have. [REDACTED] replied that she did not. The officers then confiscated her shoelaces, coat, and cellphone before escorting her to a holding cell. About fifteen minutes later, [REDACTED] was placed to an adjacent cell.

Approximately three hours later, PO Rodriguez came to the cells and stated to [REDACTED] that he was going to release [REDACTED] because his record was clean, though he added that [REDACTED] had previously been arrested twice and that he did not want to speak to her. PO Rodriguez subsequently issued [REDACTED] a summons and released him. Within three minutes, PO Rodriguez returned to the cells, approached [REDACTED] and asked her what her name and address was. After [REDACTED] provided it, PO Rodriguez gave her back her identification and signed a summons, which he then handed to her. The summons was for disorderly conduct in the form of violent and threatening behavior. [REDACTED] subsequently departed the stationhouse.

PO Rodriguez: Uniformed light-skinned Hispanic male, early 40's, 6'0", thicker build, short black hair

PO1: Uniformed white male

PO2: Uniformed white male, late 50's, 5'9", slim build, wore a hat and coat

PO3: Uniformed white male, 30's, 5'6", average build

PO4: Plainclothes white male, 40's, 6'0", average build, short hair, wore a grey t-shirt

PO5: White/Hispanic male

PO6: White/Hispanic male

PO7: White/Hispanic male

PO8: White female

PO9: Hispanic female

PO10: Black female

Interview Details

Subject Officer: PO FERNANDO RODRIGUEZ

- *At the time of his interview, PO Rodriguez was a 26 year-old Hispanic male who stood 6'1" tall, weighed 225 pounds, and had black hair and brown eyes.*
- *PO Rodriguez was assigned to Impact in the 40th Precinct, working from 7:30 p.m. on March 7, 2015 to 6:38 a.m. on March 8, 2015. He was partnered with PO Nicholas Galimi and PO Derek Hernandez, was dressed in uniform, and was assigned to a marked sedan (# [REDACTED]).*

Memo Book

PO Rodriguez recorded in his memo book that at 2:00 a.m. on March 8, 2015, he issued B summons # [REDACTED] to [REDACTED] (ID # [REDACTED] DOB: [REDACTED]) in a 2000 Nissan Acura (NYS Plate # [REDACTED]) for a tinted front driver's side window (18%) in the eastbound side of [REDACTED] and [REDACTED]. At 2:20 a.m., C summons # [REDACTED] was issued to [REDACTED] (Address: [REDACTED]; ID # [REDACTED] DOB [REDACTED]) inside of the 40th Precinct at [REDACTED] and [REDACTED]. Also at 2:20 a.m., C summons # [REDACTED] was issued to [REDACTED] (Address: [REDACTED] NYS Class D License # [REDACTED] DOB: [REDACTED]) inside of the 40th Precinct at [REDACTED].

The two above C summonses were issued for the same offense: PL 240.20(1) (Disorderly conduct in the form of violent and threatening behavior). At t/p/o, the above defendants were stopped inside the 40th Precinct for being very disorderly. Defendant [REDACTED] was previously served a B summons for tinted windows a few minutes before this stop. Both of the defendants were together and entered the 40th Precinct and after I asked the defendant [REDACTED] for her ID, she refused and used profanity towards me and told me your captain is going to love this shit. Before this incident outside the 40th Precinct on [REDACTED] and [REDACTED] the defendants were stating, "You a fucking NYPD cop. This is why I hate you. All you fucking assholes go fuck yourself. I fucking hate you. Fuck you." This happened after I served her partner with a B summons. Defendant [REDACTED] did not follow any lawful order, started to create a big crowd to gather inside the precinct, was flailing her arms, preventing PO Rodriguez from putting handcuffs on her and was telling PO Rodriguez not to touch her and that he could not do that. After seeing PO Rodriguez trying to get her ID, defendant [REDACTED] then started to get very close with his phone at a very close distance from PO Rodriguez' gun and personal space. Defendant refused to cooperate with the stop and started to refuse a lawful order and when asked for his ID, [REDACTED] refused and started to make fists and flail his arms towards me and the officers. The defendant prevented being placed in handcuffs. Both of the defendants were placed in handcuffs after both resisted and were issued C summonses for disorderly conduct.

CCRB Statement

PO Rodriguez was interviewed at the CCRB on April 14, 2015. At <27:48> and <38:20>, respectively, PO Rodriguez was shown two video clips of the incident. The following is a detailed summary of his statement with any inconsistencies or alterations noted.

At approximately 2:00 a.m. on March 8, 2015, PO Rodriguez, PO Galimi, and PO Hernandez were conducting routine Impact patrol, traveling westbound on [REDACTED] near [REDACTED] in the Bronx. On the south side of the street, across from the 40th Precinct stationhouse, PO Rodriguez observed [REDACTED] vehicle with tinted windows pulling into a parking spot. As the vehicle was facing eastbound, PO Rodriguez, who was driving, made a U-turn, flashed his turret lights, and pulled beside it with the intention of issuing a summons for the illegally tinted windows. [REDACTED] car was still on at the time.

PO Rodriguez then exited his car and approached [REDACTED] at the driver's side. Both PO Galimi and PO Hernandez also exited, though he did not recall where they were seated in the police car. PO Galimi walked to the other side of the car, though PO Rodriguez did not state where PO Hernandez stood. Regardless, PO Rodriguez denied having any conversation with [REDACTED] through their windows while still in the police car, as well as denied ever asking [REDACTED] to move his vehicle for any reason, such as because he needed the spot. Even after viewing video footage of [REDACTED] and [REDACTED] speaking about the alleged request for the parking space, PO Rodriguez continued to deny any such conversation or request. Furthermore, when asked by his legal representation as to whether he was still on patrol or intended to stop at the stationhouse, PO Rodriguez confirmed that he did not intend to stop there. Separately, PO Rodriguez explained that the police vehicles park on both sides of the street, including the side that [REDACTED] was on.

Although PO Rodriguez initially stated that [REDACTED] was parked in a "no parking" zone, when shown a Google Street photograph of the alleged parking location, he identified the spot just before the "no parking" sign as the position of [REDACTED] vehicle. However, upon seeing the location of the sign, he quickly altered his statement, claiming that [REDACTED]

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was in the spot just after the sign. When asked why he did not issue [REDACTED] a summons for parking in a “no parking” zone, PO Rodriguez stated that it was because it was not the first violation he observed or for which he stopped him.

Upon approach, PO Rodriguez immediately asked [REDACTED] for his license and registration. [REDACTED] refused two to three times and instead asked why he needed it. PO Rodriguez replied that he was being stopped for tinted windows and was required to provide his license and registration. [REDACTED] complied and handed the requested documents over, at which point PO Rodriguez returned to his vehicle to complete the summons. PO Rodriguez did not recall if [REDACTED] who was seated on [REDACTED] passenger’s side, ever spoke during this initial exchange. He also initially stated that he did not recall ever telling [REDACTED] that he would push him out of the car. However, upon viewing the video footage, he acknowledged that he did state that to notify him that if he did not provide his identification, he would make him exit the car and take him into custody.

Before issuing the summons to [REDACTED] PO Rodriguez used a tint meter to test [REDACTED] window. Although he stated that he personally did so, after watching the video footage, he acknowledged that PO Galimi actually tested the window. PO Rodriguez did not recall what the other officers were doing throughout the incident. Nevertheless, he returned to [REDACTED] window after approximately ten to fifteen minutes and extended [REDACTED] documents and the summons through the window, though [REDACTED] refused to take them. In the midst of this exchange, [REDACTED] became angry and cursed at him repeatedly by stating, “You’re a fucking NYPD cop,” “Go fuck yourself,” “Fuck you,” “You’re fucking captain is gonna love this shit,” and “Fucking asshole,” among other profanities and comments. PO Rodriguez maintained that [REDACTED] and [REDACTED] used the word “fuck” approximately fifteen times.

As they were cursing and while [REDACTED] was refusing to take the summons, he requested PO Rodriguez’ name and shield number. PO Rodriguez provided both his name and shield number verbally and again drew [REDACTED] attention to the summons multiple times. However, [REDACTED] still refused to take it, so after approximately twenty seconds, PO Rodriguez gently placed the documents on [REDACTED] upper left area, returned to his vehicle, and departed with the other officers. He denied ever tossing the documents into the car or seeing any document land on the floor, and he maintained that he only left them there due to [REDACTED] refusal to take them. When shown the video footage of the exchange in which [REDACTED] did not make any of the aforementioned statements and neither civilian ever used the word “fuck” even after exiting the car, PO Rodriguez altered his statement and claimed that she made them before the recording began and after it ended. PO Rodriguez then stated that after returning to his vehicle, he remained at the scene for approximately one minute before departing.

PO Rodriguez, PO Galimi, and PO Hernandez then all went to take meal but all returned to the stationhouse approximately twenty minutes later. As they entered, the officers encountered [REDACTED] and [REDACTED] standing by the entrance. PO Rodriguez did not recall if there were any other officers in the vicinity at the time. Upon seeing PO Rodriguez, [REDACTED] became irate and again loudly cursed at PO Rodriguez repeatedly, though PO Rodriguez did not recall specifically what she said. Simultaneously, [REDACTED] was shifting her shoulders and torso, though she made no hand movements or gestures. PO Rodriguez maintained that her statements and actions were threatening and created a hazardous condition, so he decided to arrest for disorderly conduct. PO Rodriguez did not recall what [REDACTED] was doing during this exchange.

As such, PO Rodriguez requested [REDACTED] identification. However, she refused to provide it multiple times, though PO Rodriguez did not recall how many times. Ultimately, she provided her license to PO Rodriguez, at which point he attempted to handcuff her. [REDACTED] flailed her arms away and yelled for him not to touch her, stating, “Get the fuck away from me” and “Don’t fucking touch me.” Although PO Rodriguez grabbed one of her arms to secure the handcuffs, [REDACTED] continued to resist by pulling away. When shown video footage of the apprehension, during which she make no such statement as reported, PO Rodriguez claimed that the profanity occurred prior to the video.

In the midst of the struggle, [REDACTED] approached from behind PO Rodriguez, causing him to fear for his safety and suspect that his gun might be grabbed because [REDACTED] hand was close to it. Upon further questioning, PO Rodriguez stated that [REDACTED] did not touch or grab for his gun and when asked if [REDACTED] ever reached around him, he stated that he did not. PO Rodriguez was unable to explain [REDACTED] physical involvement or interference in [REDACTED] arrest any further. Nevertheless, at that point multiple other officers who had convened in the lobby during the argument assisted by grabbing both [REDACTED] and [REDACTED]. Although he knew that [REDACTED] was taken to the ground, PO Rodriguez was focused on [REDACTED] and did not see the physical struggle. Apart from PO Galimi, he did not recall which officers were handling [REDACTED]. After approximately two minutes, PO Rodriguez and another officer—whom PO Rodriguez did not believe to be PO Galimi or

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PO Hernandez—able to secure [REDACTED] in handcuffs. [REDACTED] was handcuffed standing and was not taken to the ground. Apart from pulling her arms behind her, no other force was used against her.

PO Rodriguez was shown photographs taken as stills from the video and initially identified the officer who stood behind [REDACTED] as “Mercado,” though he stated that he could not be certain. He also identified the officer whose face is next to [REDACTED] as he was taken to the ground as PO Galimi. He did not recognize either of the two officers standing in the background behind [REDACTED].

Once both civilians were handcuffed, [REDACTED] stated that PO Rodriguez had no idea who she was and again cursed at him, stating, “Go fuck yourself,” “Fuck you,” among other statements. Simultaneously, she continued to flail her arms and kicking at the officers, though she did not successfully make any contact. PO Rodriguez did not use any profanity while speaking to [REDACTED] or [REDACTED] and denied stating, “Shut the fuck up” or any use of the word “fuck.”

Initially intending to arrest [REDACTED] as well, both civilians were subsequently escorted to the rear of the stationhouse and placed in holding cells. Both [REDACTED] and [REDACTED] were frisked and searched pursuant to being taken into police custody. [REDACTED] was not taken to a separate room for questioning and PO Rodriguez did not threaten him with the use of any kind of force that was not used on him, such as beating or pepper spraying. Similarly, [REDACTED] never told PO Rodriguez that he wanted to file a complaint, and PO Rodriguez maintained that if he had, he would have notified his supervisor. While processing them, PO Rodriguez obtained [REDACTED] PBA card and called his relative, a fellow officer. After PO Rodriguez explained what happened, the relative replied that [REDACTED] and [REDACTED] were good people and did not get into trouble, but if they had committed a crime, they would have to pay for it. After considering the circumstances, PO Rodriguez used his discretion to just issue them summonses for disorderly conduct and they were released accordingly. PO Rodriguez denied issuing them summonses or arresting them in retaliation for them trying to file a complaint against him.

Interview Details

Subject Officer: PO DEREK HERNANDEZ

- *At the time of his interview, PO Hernandez was a 30-year-old Hispanic male who stood 5'9" tall, weighed 170 pounds, and had black hair and brown eyes.*
- *PO Hernandez was assigned to an Impact foot post #35 in the 40th Precinct, working from 7:30 p.m. on March 7, 2015 to 4:05 a.m. on March 8, 2015. He was partnered with PO Nicholas Galimi, was dressed in uniform and worked on foot, though at the time of this incident, he was also with PO Rodriguez in a marked sedan (# [REDACTED]).*

Memo Book

PO Hernandez recorded in his memo book that at 1:53 a.m. on March 8, 2015, a car stop was made at [REDACTED]. The driver was disobeying a lawful order to move, and PO Rodriguez issued a tint summons. The defendants were being disorderly. The female defendant stated "Fucking NYPD cops, this is why I fucking hate all of you fucking assholes, go fuck yourself." The defendants were then inside the 40th Precinct being disorderly. PO Rodriguez asked the female for ID and she would not cooperate. PO Hernandez then assisted officers in putting male defendant in custody for being disorderly in a violent and threatening manner inside the 40th Precinct.

CCRB Statement

PO Hernandez was interviewed at the CCRB on April 23, 2015. At <26:35> and <31:30>, respectively, PO Hernandez was shown two video clips of the incident. The following is a detailed summary of his statement with any inconsistencies or alterations noted.

At approximately 1:53 a.m. on March 8, 2015, PO Hernandez, PO Rodriguez, and PO Galimi were heading eastbound on [REDACTED] at [REDACTED] in the Bronx when PO Rodriguez and PO Galimi observed [REDACTED] vehicle also travelling eastbound with tinted windows. At the time, PO Hernandez was in the backseat of the car while PO Rodriguez was driving and PO Galimi was in the front passenger's seat. Although PO Hernandez and PO Galimi were previously on a foot post assignment, they had made an arrest and then joined PO Rodriguez in his vehicle for routine patrol, as he did not have a partner.

After alerting PO Hernandez of the observation of tinted windows, PO Rodriguez flashed the police lights to pull [REDACTED] over. PO Hernandez believed that [REDACTED] saw the officers approaching, so began to park on the side of the street. PO Hernandez believed that the park spot was not a legal one. When shown a Google Street image of the alleged parking space, PO Hernandez stated that [REDACTED] was parked just within the no parking zone. PO Rodriguez stopped next to [REDACTED] and ordered him to move his car multiple times. Despite three to four orders, [REDACTED] refused to move his car and asked why he had to move. PO Rodriguez informed him that he was in an illegal parking spot, but [REDACTED] still refused to move. When asked if PO Rodriguez told [REDACTED] to move because he wanted that parking space, PO Hernandez stated that that was not the case and that they were still on patrol. Even after reviewing the first video in which [REDACTED] and [REDACTED] repeatedly complain to one another in private about PO Rodriguez' alleged request for them to move because he needed the parking spot, PO Hernandez stated that he did not recall any such request, as there is ample parking around the stationhouse.

Given the refusals, PO Rodriguez and PO Galimi exited and approached [REDACTED] vehicle while PO Hernandez remained seated. Although PO Hernandez did not hear any specific conversation between PO Rodriguez and [REDACTED] he believed that when PO Rodriguez requested his license, registration, and insurance, [REDACTED] asked why he should provide those documents. However, after multiple requests, PO Hernandez saw [REDACTED] ultimately provide them. PO Hernandez did not recall where PO Galimi stood throughout the conversation. After two to three minutes, the officers returned to the police vehicle. When shown video footage of PO Rodriguez' initial request for [REDACTED] documents, PO Hernandez stated that he did not hear that conversation at the time.

At some point, though PO Hernandez did not recall exactly when, either PO Rodriguez or PO Galimi tested the window tints. Regardless, after three to four minutes in the car, PO Rodriguez completed the summons for tinted windows and returned to [REDACTED]. This time, PO Hernandez joined and stood next to PO Rodriguez on the driver's side. As PO Rodriguez attempted to issue the summons, [REDACTED] became agitated and asked why he was receiving one. Simultaneously, [REDACTED] also became agitated and raised her voice to PO Rodriguez, though PO Hernandez did not recall her specific statements. PO Hernandez did not recall the civilians asking for PO Rodriguez' name or shield number. Nor did he recall hearing PO Rodriguez provide it. PO Rodriguez eventually handed the summons to [REDACTED] through the window, and [REDACTED] took it willingly. PO Hernandez explicitly denied that PO Rodriguez ever tossed the summons into the car or onto [REDACTED].

Interview Details

At some point while the officers were still out of their car, [REDACTED] exited the vehicle and cursed at the officers. Although she used the word “fuck” multiple times, PO Hernandez did not recall how many times she used it or in what exact contexts. PO Hernandez saw that [REDACTED] was filming them, but within one to two minutes, he and the other officers returned to their car and left. As they drove away, [REDACTED] was standing on the sidewalk, and PO Hernandez did not know that she would go to the stationhouse. PO Hernandez did not hear either civilian make any statements about filing a complaint. When shown footage in which [REDACTED] is calling PO Rodriguez a “son of a bitch,” PO Hernandez stated that they were pulling away as the video ends.

After approximately ten minutes of conducting patrol around the area, the officers returned to the stationhouse because one of them had to use the bathroom. The officers were not made aware that [REDACTED] and [REDACTED] were present prior to returning. Nevertheless, when they entered, PO Hernandez observed both civilians in the stationhouse lobby with a security officer, though PO Hernandez did not recall which officer it was. Even after reviewing the roll call from that date, PO Hernandez did not recall which other officers were present for either part of or the entirety of the ensuing incident. PO Hernandez did not know how long the civilians had been there.

Both [REDACTED] and [REDACTED] were loudly requesting to speak to a supervisor, and [REDACTED] was waving the summons as well as her arms in frustration. When she saw PO Rodriguez, [REDACTED] became even more agitated, demanding to know why he had issued [REDACTED] the summons and waving the paper in his face. PO Rodriguez informed [REDACTED] that they could get a supervisor for her, but that she could not behave as she was inside the stationhouse. [REDACTED] responded by telling him that she did not care and that the ticket was “bullshit.” Apart from flailing her arms and waving the ticket, she did not make any additional physical movements. [REDACTED] was standing by but not making any movements or statements.

After less than one minute, PO Rodriguez requested [REDACTED] identification multiple times, though he did not recall how many. However, [REDACTED] refused to do so, as PO Hernandez did not recall her ever providing identification. At one point, PO Rodriguez told [REDACTED] that if she failed to provide identification, he would arrest her. Given her continued refusals, PO Rodriguez grabbed [REDACTED] arms and placed them behind her back in order to effect her arrest for disorderly conduct. PO Hernandez did not believe any officer assisted in [REDACTED] apprehension nor did he recall her resisting. When shown video footage confirming that [REDACTED] did remove her identification and that another officer assisted in handcuffing her, PO Hernandez acknowledged those events but stated that he did not independently recall them. PO Hernandez also did not recall additional officers, such as PO Mercado, being present and did not recognize any officer other than PO Galimi from the video stills shown. PO Hernandez did not see any officer ever punch [REDACTED] in the back to gain compliance.

As [REDACTED] was being handcuffed, [REDACTED] was filming on his cell phone and moved within one foot of PO Rodriguez. PO Rodriguez instructed [REDACTED] to back away, but he remained where he was. PO Hernandez did not recall if [REDACTED] was making any statements at that point. PO Galimi reiterated for [REDACTED] to back away, but he still refused to comply. As such, PO Galimi grabbed [REDACTED] arms to bring them behind his back, but [REDACTED] tensed his arms and exerted muscular resistance. PO Galimi subsequently attempted to place [REDACTED] body against the wall, but he pushed against PO Galimi with his body. Within no more than one minute, PO Galimi took [REDACTED] to the ground, though PO Hernandez did not recall how it happened and believed that [REDACTED] fell on top of PO Galimi. PO Hernandez did not recall what statements were being made during the struggle.

Seeing the resistance, PO Hernandez, who was approximately ten feet away near the desk, approached and assisted in bringing [REDACTED] hands behind his back. Although [REDACTED] used additional muscular resistance to resist, the officers were able to handcuff him without further incident or the use of any additional force. At no point did PO Hernandez ever hear PO Rodriguez tell [REDACTED] to “Shut the fuck up” or use any profanity while speaking to him.

[REDACTED] and [REDACTED] were subsequently taken to the back of the stationhouse to be processed. Although PO Hernandez remained in the stationhouse and did not go back out on patrol, he had no further interactions, verbal or otherwise, with either civilian. PO Hernandez did not witness either civilian being frisked or searched in a separate room. At no point did PO Hernandez hear PO Rodriguez make any threat of force against [REDACTED] such as by telling [REDACTED] that if he did something he did not like, he would beat him with a baton and pepper spray him. PO Hernandez did not know what ultimately happened to them and did not hear or become aware of PO Rodriguez issuing them summonses in retaliation for trying to file a complaint.

Interview Details

Subject Officer: PO NICHOLAS GALIMI

- *At the time of his interview, PO Galimi was a 26-year-old white male who stood 5'11" tall, weighed 180 pounds, and had brown hair and green eyes.*
- *PO Galimi was assigned to an Impact foot post #35 in the 40th Precinct, working from 7:30 p.m. on March 7, 2015 to 4:05 a.m. on March 8, 2015. He was partnered with PO Derek Hernandez, was dressed in uniform and worked on foot, though at the time of this incident, he was also with PO Rodriguez in a marked sedan (# [REDACTED]).*

Memo Book

PO Galimi recorded in his memo book that at 1:53 a.m. on March 8, 2015, there was a car stop at [REDACTED]. The driver disobeyed lawful order and received a B-summons for tints. The passenger stated, "fucking NYPD cops, this is why I hate you fucking assholes. This is why I hate you." Both defendants were acting disorderly in the Precinct. PO Rodriguez asked the female for identification. She did not cooperate. The male was too close to officer and was moved and placed in cuffs for safety. The male did not want to cooperate and would not give his hands. Other officers assisted.

CCRB Statement

PO Galimi was interviewed at the CCRB on April 29, 2015. At <00:08> on the second part of the interview, located in IA #39, PO Galimi was shown video of the incident. The following is a detailed summary of his statement with any inconsistencies or alterations noted.

Sometime just before 1:53 a.m. on March 8, 2015, PO Galimi, PO Hernandez, and PO Rodriguez were on their way back to the 40th Precinct stationhouse to retrieve a tint meter, though it was not needed for any specific job. PO Galimi and PO Hernandez had earlier switched their foot post assignments to join PO Rodriguez in his vehicle patrol, though PO Galimi did not recall the parameters of that patrol. PO Rodriguez was driving while PO Galimi was in the front passenger's seat and PO Hernandez was in the back seat. PO Galimi denied that the officers wanted any parking spot or requested any civilians to move so they could park.

While they were driving outside the stationhouse, officers observed [REDACTED] vehicle in a "no parking" zone with what appeared to be illegal window tints. PO Galimi did not recall if the vehicle was stopped or moving at the time of the observation, nor did he recall if the officers discussed what action would be taken prior to the interaction. PO Rodriguez then ordered [REDACTED] to move his car, though PO Galimi also did not recall how the order was given or whether the officers were still in their car at the time. Regardless, [REDACTED] refused to move, so PO Rodriguez exited and approached the car.

At some point, though PO Galimi did not specifically recall when, PO Galimi exited the car and entered the stationhouse to retrieve the tint meter. Minutes later, he exited and returned to the police vehicle, at which point PO Rodriguez asked him to test [REDACTED] windows. PO Rodriguez did so and reported back with the findings. PO Rodriguez did not inform PO Galimi of what happened after approaching [REDACTED] or any resulting conversation.

Once PO Rodriguez completed the summons, he gave it to [REDACTED] though PO Galimi did not recall if he saw PO Rodriguez actually issue it, nor did he recall hearing any civilian request PO Rodriguez' name and shield number. As PO Rodriguez returned to the police vehicle and as they began to drive away, both [REDACTED] and [REDACTED] exited the car and yelled profanity at the officers as listed in his memo book. PO Galimi did not see or know at the time where they were going or what action they intended to take, such as filing a complaint. All three officers then left the scene.

Several minutes later, the officers returned to the stationhouse, though PO Galimi did not recall why and suggested it may have been because it was near his end of tour. Prior to returning, PO Galimi did not know that [REDACTED] and [REDACTED] were there. PO Rodriguez never spoke about returning to the stationhouse or issuing the civilians summonses because he was upset about them filing a complaint against him. Nevertheless, PO Rodriguez and PO Hernandez entered shortly before PO Galimi, though he could not estimate exactly how long. When PO Galimi entered, he observed PO Rodriguez speaking to [REDACTED] who was yelling and using profanity, though PO Galimi did not recall what specific profanity was used. [REDACTED] was standing to the side and was not engaged in the conversation.

At that point, PO Galimi did not know if there were any other civilians or officers in the lobby, nor did he recall if PO Rodriguez and [REDACTED] were making any physical contact. However, PO Rodriguez asked [REDACTED] for her identification multiple times and she refused to provide any. PO Galimi did not know why PO Rodriguez requested the identification, nor did he ever speak to

Interview Details

him about it afterwards. When shown video footage of [REDACTED] holding her identification in front of PO Rodriguez, PO Galimi stated that he did not recall seeing that at the time and did not know where he was positioned. Nevertheless, [REDACTED] continued to yell, though PO Galimi did not recall any specific statements other than PO Rodriguez verbally providing his name and shield number. PO Galimi did not recall if PO Rodriguez ever mentioned that [REDACTED] could be arrested for any reason.

Amidst their conversation, [REDACTED] began recording the incident with his cellphone, which he extended in front of his body. As he did so, he approached closer to PO Rodriguez, though PO Galimi could not estimate how close he was. PO Rodriguez had his back turned to [REDACTED] and PO Galimi could not see if [REDACTED] was merely extending the phone or making physical contact with PO Rodriguez, so he ordered [REDACTED] to move back. PO Galimi did not recall if [REDACTED] made any statements, but when he failed to move away, PO Galimi grabbed him by the shoulders and guided his body away from PO Rodriguez. However, [REDACTED] used muscular resistance to pull against PO Galimi, so within five to ten steps, both of them accidentally tripped and fell to the ground. [REDACTED] landed on top of PO Galimi, so other officers immediately assisted by restraining [REDACTED] and bringing his hands behind his back. PO Galimi could not estimate how long the process took. PO Galimi did not know which additional officers were present, even after reviewing video stills from the incident.

Because PO Galimi had been engaged with [REDACTED] he did not see what happened between [REDACTED] and PO Rodriguez. After both civilians were handcuffed, PO Rodriguez escorted them away, and PO Galimi had no further contact with either civilian. However, PO Galimi did not know where he went or what he did while the civilians were being processed. PO Galimi did not hear [REDACTED] say that he wanted to file a complaint or PO Rodriguez tell [REDACTED] to "Shut the fuck up." Furthermore, PO Galimi did not see either civilian frisked or searched, nor did he hear PO Rodriguez state that if [REDACTED] did something he did not like, he would beat him with a baton and pepper spray him. PO Galimi did not hear PO Rodriguez ever make any threat of force against [REDACTED] or use any profanity while speaking to him.

Interview Details

Subject Officer: PO ISAAC MERCADO

- *At the time of his interview, PO Mercado was a 56-year-old Hispanic male who stood 5'11" tall, weighed 185 pounds, was bald and had brown eyes.*
- *PO Mercado was assigned as the stationhouse security officer in the 40th Precinct, working from 11:15 p.m. on March 7, 2015 to 7:50 a.m. on March 8, 2015. He worked alone, was dressed in uniform, and worked on foot.*

Memo Book

PO Mercado did not have any entries in his memo book regarding this incident. At 11:30 p.m. on March 7, 2015, he was present for his stationhouse post. At 7:50 a.m. on March 8, 2015, he ended his tour.

CCRB Statement

PO Mercado was interviewed at the CCRB on April 29, 2015. From <04:37> to <05:45>, PO Mercado was shown video of the incident. The following is a detailed summary of his statement with any inconsistencies or alterations noted.

At approximately 1:30 a.m. on March 8, 2015, PO Mercado was in the front of the 40th Precinct stationhouse working as the security officer. He initially had no recollection of this incident even upon viewing photographs of [REDACTED] and [REDACTED] as well as being provided general details of the altercation with PO Rodriguez. However, upon viewing the video footage, PO Mercado did generally recall the incident and acknowledged that he was present. When shown video stills of additional officers in the background, PO Mercado identified PO Michael Soto as being present. Regardless, PO Mercado did not know how the incident began, why [REDACTED] was in the stationhouse, or why PO Rodriguez was requesting her identification. PO Mercado denied speaking to [REDACTED] prior to her entering and did not recall whether either civilian was yelling or using profanity.

PO Mercado acknowledged assisting in the handcuffing of [REDACTED] stating that she was a strong woman and used muscular force to prevent the officers from bringing her hands behind her back, which took over one full minute. However, PO Mercado did not recall where specifically he grabbed her and denied ever punching or seeing any other officer punch her in the back, with a closed fist or otherwise. He did not recall her complaining of any injuries or pain during the incident. PO Mercado denied using or seeing any other physical force against [REDACTED] and maintained that he made sure only that no one was injured and that the situation remained under control.

PO Mercado did not recall seeing the altercation between [REDACTED] and officers, nor did he recall what happened to [REDACTED]. Similarly, he did not recall hearing [REDACTED] speak about filing a complaint or any officer talking to him about his complaint. PO Mercado did recall whether any officer told [REDACTED] to "Shut the fuck up," or used any profanity towards him. Following their arrests, PO Mercado returned to his post at the security desk, and he did not recall interacting with them at any point thereafter. PO Mercado did not see either civilian frisked or searched in the stationhouse, nor did he hear PO Rodriguez ever say that if [REDACTED] did something he did not like, he would beat him with a baton and pepper spray him. PO Mercado did not hear PO Rodriguez use any threat of force. PO Mercado did not know with what either civilian was ultimately charged.

Interview Details

Subject Officer: SGT. CHIKEI IAN

- *At the time of his interview, Sgt. Ian was a 29-year-old Asian male who stood 5'9" tall, weighed 205 pounds, and had black hair and brown eyes.*
- *Sgt. Ian was assigned as the desk sergeant at the 40th Precinct, working from 11:05 p.m. on March 7, 2015 to 8:02 a.m. on March 8, 2015. He worked alone, was dressed in uniform, and was on foot.*

Memo Book

Sgt. Ian did not have any entries in his memo book regarding this incident because he was the desk sergeant and making notation in the command log.

CCRB Statement

Sgt. Ian was interviewed at the CCRB on May 5, 2015. At <13:06>, Sgt. Ian was shown video of the incident. The following is a detailed summary of his statement with any inconsistencies or alterations noted.

At approximately 1:30 a.m. on March 8, 2015, Sgt. Ian was sitting behind the front desk of the 40th Precinct in the Bronx when [REDACTED] walked into the stationhouse. Sgt. Ian believed that [REDACTED] was alone and did not recall at what point [REDACTED] arrived. [REDACTED] initially spoke to another officer, whom Sgt. Ian did not recall even after reviewing the roll call, who then relayed to Sgt. Ian that she was upset about a summons for tinted windows that she had just received. Sgt. Ian instructed the officer to explain to her that she could dispute the summons in court. Although that officer spoke to her as instructed, [REDACTED] was still upset and remained in the lobby. Sgt. Ian did not speak directly to [REDACTED] or interact with her in any way. Although dissatisfied, [REDACTED] was not yelling during this interaction.

Sometime thereafter, the officer who Sgt. Ian later learned had issued the summons, PO Rodriguez, entered the stationhouse and spoke to her about it. Sgt. Ian did not recall whether PO Rodriguez was alone or whether there were other civilians in the lobby at the time. Although Sgt. Ian did not pay full attention to their conversation and was behind the desk with an obstructed view, after approximately five to ten minutes, the volume of the conversation rose and Sgt. Ian heard a commotion that he could not describe in any further detail. Sgt. Ian did not recall if both parties' voices were loud or if it was just one party. Even after viewing video footage of PO Rodriguez requesting [REDACTED] identification, Sgt. Ian did not recall hearing such a request and PO Rodriguez never told him the reason for the request.

In order to see what was happening, Sgt. Ian walked out to the front of the desk and observed PO Rodriguez placing [REDACTED] in handcuffs as well as other officers, whom he did not recall, placing [REDACTED] in handcuffs. Both civilians were "slightly" resisting by pulling their arms away. Sgt. Ian did not recall if either civilian was taken to the ground, even after viewing the video footage of [REDACTED] falling. Sgt. Ian did not see any officer use a closed fist and punch [REDACTED] in the back or any other part of her body. Similarly, he did not see any force other than officers pulling their arms behind their backs. Although Sgt. Ian acknowledged physically assisting with one of the apprehensions, he did not recall which one and could not describe what role he played. Officers were able to successfully handcuff both civilians within one minute.

Sgt. Ian did not recall whether any officer used any profanity while speaking to either civilian. He did not hear any officer tell [REDACTED] to "shut the fuck up." Sgt. Ian did not hear [REDACTED] ever state that he wanted to file a complaint, nor did he tell or hear any officer tell [REDACTED] that he should not have come to the stationhouse to do so. Once they were secured, Sgt. Ian asked PO Rodriguez what had happened, at which point he explained that they had been acting disorderly, though he did not elaborate. PO Rodriguez never told Sgt. Ian that he was angry about [REDACTED] and [REDACTED] filing a complaint.

After PO Rodriguez brought the civilians back to the holding cells, Sgt. Ian returned to the desk. He did not interact or see PO Rodriguez interact with them any further apart from releasing them with summonses for disorderly conduct later on that morning. Sgt. Ian did not recall whether they were frisked or searched, though he did not hear PO Rodriguez use any threat of force, such as beating [REDACTED] with a baton or pepper spraying him. Despite viewing video stills of other officers involved, Sgt. Ian could not identify any of them by name.

Interview Details

Subject Officer: PO MICHAEL SOTO

- *At the time of his interview, PO Soto was a 31-year-old Hispanic male who stood 5'5" tall, weighed 150 pounds, and had brown hair and brown eyes.*
- *PO Soto was assigned as the telephone switchboard operator at the 40th Precinct, working from 11:15 p.m. on March 7, 2015 to 7:50 a.m. on March 8, 2015. He worked alone, was dressed in uniform, and was on foot.*

Memo Book

PO Soto did not have any entries in his memo book regarding this incident. At 11:20 p.m., roll call was conducted and he was assigned as the T/S operator. At 7:50 a.m., he ended his tour.

CCRB Statement

PO Soto was interviewed at the CCRB on May 12, 2015. At <11:13>, PO Soto was shown video of the incident. The following is a detailed summary of his statement with any inconsistencies or alterations noted.

At approximately 1:30 a.m. on March 8, 2015, PO Soto was behind the front desk of the 40th Precinct stationhouse in the Bronx when [REDACTED] and [REDACTED] entered. The civilians were upset and immediately explained to PO Soto that they had just received an unjustified summons. [REDACTED] stated that after parking outside on the street, PO Rodriguez asked him to move because he needed it for an emergency. He further explained that after refusing to move, PO Rodriguez gave him a summons for tinted windows. Despite being upset, neither [REDACTED] nor [REDACTED] was yelling or acting disorderly. PO Soto asked if they wanted to speak with the officer's supervisor, to which they agreed. Although there were possibly two other officers in lobby, though he did not recall who they were. When shown video stills from the incident, PO Soto identified himself and PO Mercado.

PO Soto then went upstairs to tell Sgt. Bektashaj about the situation, though he was busy at the time and could not come down. After only a few minutes, PO Soto went back downstairs where he observed a commotion in the front lobby. In addition to PO Rodriguez, other officers were present, though PO Soto could not recall who or how many were there. No other civilians were present. Before the commotion came into view, PO Soto heard PO Rodriguez requesting identification, though he did not know the reason for the request, the circumstances that precipitated it, or whether any civilian produced the identification. When they came into view, PO Soto observed PO Rodriguez engaged in a physical altercation with one of the civilians, though he could not recall which one. From about twenty feet away, PO Soto heard raised voices from PO Rodriguez and [REDACTED].

Apart from attempting to place one of the civilians in handcuffs, PO Soto could not describe any specific actions taken by PO Rodriguez or any assisting officer. PO Soto did not recall whether any civilian was taken to the ground, even after viewing video footage of [REDACTED] going to the ground. PO Soto did not make any physical contact with either civilian nor did he assist with either arrest. He did not witness any officer punch [REDACTED] with a closed fist. The physical altercation lasted no more than one minute before both civilians were handcuffed.

[REDACTED] and [REDACTED] were subsequently escorted to the back of the stationhouse, though PO Soto did not speak to them or know what ultimately happened to them. He did not tell [REDACTED] that he should not have come into the stationhouse to file a complaint nor did he tell [REDACTED] to "shut the fuck up." PO Soto did not recall hearing any other officer make such statements or use any profanity while speaking to [REDACTED]. PO Soto did not hear PO Rodriguez ever threaten [REDACTED] with the use of force, specifically by telling him that if he did something he did not like, he would beat him with a baton and pepper spray him. PO Soto did not discuss this incident with PO Rodriguez after it occurred.