201501953
David Cussen
Cory Smith
Daniel Song

A Black man was standing on a public street in downtown Flushing next to a marine recruiting center, waiting for a car service he had called. Two teenage Latino men were speaking with the recruiter. Nearly everyone else on the busy pedestrian street was Asian. Plainclothes members of an NYPD anti-crime unit, led by Sergeant David Cussen, and including Police Officers Cory Smith and Daniel Song approached the man, asked him for ID, frisked him, and searched him. They also asked for the IDs of the two men who were talking to the marine recruiter. When the man asked for a shield number, PO Smith pulled his shield out from under his shirt and held it up to the man, but did not give his name.

Before the officers were shown surveillance video of the incident, they stated that they had observed the man looking at women's purses as they walked by, that they were familiar with him from a prior arrest, and that there was a bulge in the man's pocket that appeared to be a dangerous weapon. Sergeant Cuseen stated that he had not played a role in the stop, and that only PO Smith had done so. PO Smith stated that he simply had asked for identification, which the man had provided, and that he did not search the man's pocket but that the man had voluntarily shown him that he had an iPhone in his pocket. PO Song stated that he only did crowd control and spoke with the men at the recruiting office, but did not search them.

The video of the incident showed that in fact Sergeant Cussen initiated the stop by asking for the man's identification, that PO Smith frisked the man, and that the two men speaking to the marine recruiter were frisked and that their backpacks were searched. This corresponded precisely to the complainant's account and did not match any officer's account of the incident. When confronted with the video, Sergeant Cussen stated that he had confused the incident for another one, then stated repeatedly, at the urging of his attorney, that he didn't recall key portions of the incident.

The CCRB found that all three officers made false statements during their interviews. After a trial in the administrative prosecution unit, Sergeant Cussen forfeited three vacation days, Officer Smith forfeited ten, and Officer Song forfeited 5 for stopping, frisking, and searching the man without sufficient legal authority.

The NYPD also punished Officer Song for a "misleading statement" by forcing him to forfeit 30 vacation days and placing him on dismissal probation for one year.

Previously, in 2013, Officer Song was found guilty of failing to make activity log entries and, in 2014, was found guilty of failing to make reports. He was warned and admonished for the first incident and issued a letter of instruction for the second instance.

Previously, in 2010, Officer Smith had served one year of "dismissal probation" for an incident in which he failed to safeguard property, failed to notify the NYPD of the misconduct of others, interfered with an investigation, and made false statements in a department interview.

Sergeant Cussen has since been promoted to the Detective Bureau for Manhattan North Homicide.

Interview Details

Complainant/Victim: [redacted]

- [redacted] *a black man, 5'10" tall, 162 pounds, with black hair and brown eyes, was* [redacted] *years old at the time of the incident. He is employed as a* [redacted]. *He currently resides at* [redacted]. *However, he prefers to receive mail at* [redacted].

CCRB Statement

[redacted] was interviewed at the CCRB on March 30, 2015.

On March 17, 2015, at approximately 4:26 p.m., [redacted] was at a Capital One Bank located at [redacted] in Queens. He produced at the interview a receipt showing a transaction he made at the bank at 4:26:33 p.m. On his way to the bank, he noticed PO5 standing near the entrance to the 7 subway station at the intersection of [redacted] and [redacted] He noticed her because she was black and the area is predominantly Asian. After exiting the bank, he walked west and made a right onto [redacted] He noticed that PO5 also turned the corner and followed him. He slowed down to see if she "was a possible mate," but then he realized she was not "his type." He then thought she was "up to no good" and that she might be planning to pickpocket him. She was following about 10 feet behind him as he walked north on [redacted] He stopped to go into another building to exchange foreign currency, and at that moment realized that PO6 had been approximately five feet behind him. PO6 stood out because he moved as if he was going to enter the currency exchange but he was wearing a hoodie and a cap, and in [redacted] experience, the exchange's usual customers are wearing suits and ties. [redacted] decided not to enter the exchange as there was a line and instead continued on [redacted] to the [redacted] There was nothing else about PO5 or PO6 that indicated to [redacted] that they were police officers and he did not see that they were wearing bulletproof vests. However, he stated that after the incident, he thought he recognized PO5 as an officer who stopped him on an unknown date in September 2014.

[redacted] went to a store in the basement and was inside for 5-10 minutes. As he described it, at some point "a guy" came in and told him that PO5 and PO6 were waiting outside for him. At approximately 4:40 p.m. he came back upstairs to wait for a taxi he had called. He could not recall the name of the taxi company but thought it was "[redacted]." Their number is ([redacted]). He stood just outside the front door of [redacted] and smoked a cigarette. He was dressed in sweatpants, a black sweater, and a puffy coat, and was carrying one shopping bag. A Marine recruiter stood to [redacted] right. [redacted] described him as a 25-year-old Hispanic man who was 5'6"-5'7" tall, weighed 160-170 pounds, and had low hair. He was dressed in uniform and had pamphlets. There were two Hispanic man standing to [redacted] left. [redacted] estimated that they were 15-18 years old. There was also an Asian man in his 40s smoking a cigarette near the curb. [redacted] did not know any of these individuals. He spoke briefly to the Marine but did not speak to anyone else. He never touched anyone else or exchanged any objects with anyone.

[redacted] stood outside for approximately 30 seconds before a black Impala pulled up directly in front of the store. PO1 exited from the front passenger seat. PO2 and PO3 also exited the Impala, but [redacted] could not recall where in the vehicle they sat. PO1 walked straight to him and said, "How you doing? Remember me?" [redacted] also recalled that PO1 asked him if he remembered him from "[redacted] [redacted] previously interacted with PO1 on September 24, 2014, an interaction documented in CCRB case # [redacted] In that incident, PO1 answered [redacted] request for his name with either the letter "C" or "G." When PO1 asked if [redacted] remembered him, [redacted] responded, "G." PO1 replied, "I'm not your G." PO2 and PO3 went to the two Hispanic men and requested their IDs, which the men provided. They asked what the two were doing there and from where they were coming. The men said that they were just talking to the Marine recruiter and that they were coming from school. [redacted] believed that the officers stopped the men because they looked "ethnic" and "urban" and because one was wearing a hoodie. PO4 walked up from the left. [redacted] believed that she must have come from another vehicle and parked out of his sight. She also approached the Hispanic men.

PO1 asked for [redacted] ID and [redacted] provided it. PO1 looked at the address on his ID and asked him how long he had been living in [redacted] [redacted] said since he moved there. PO1 thought that [redacted]

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was "being smart." [redacted] asked PO1 why he was harassing him. PO1 asked him where he lived and what he had been up to. [redacted] replied, "You're not my friend. Why are you asking me questions about my personal life? I don't know you, you don't know me. Why are you harassing me every time you see me?" [redacted] was not raising his voice. PO1 was aggressive and asked [redacted] about guns. [redacted] again said that PO1 was harassing him. He said that he was in a public shopping area with one thousand people in it, and that 99 were Asian, and that he was the only black guy there. [redacted] asked PO1 for his shield number multiple times. Finally PO1 pulled his shield out from under his clothing and held it up about an inch from [redacted] face. PO1 said, "Here's my badge number," and tucked the shield back under his shirt. PO1 never said the number aloud, but [redacted] was able to read the number as 782. [redacted] said that he wanted to make a complaint and that he needed PO1's name. [redacted] stated both that PO1 did not respond to this request, and also that PO1 replied, "Yo you find out. You call, you figure it out." PO1 also seemed angry that [redacted] wanted to make a complaint and raised his voice. He said he was not afraid of [redacted] making a complaint. When specifically asked if PO1 ever used profanity during the incident, [redacted] recalled that PO1 said, "I don't give a fuck if you want to make a complaint. I'm not fucking scared of you." [redacted] first stated that he never used profanity with PO1 during the incident, but then recalled that he said, "You're not being a gentleman. You're being a cocksucker."

PO1 entered [redacted] coat and pants pockets and patted his buttocks. [redacted] was carrying an Iphone 6 in his right jacket pocket, and also had keys and a cigar. PO1 removed items and immediately returned them to the pockets. [redacted] denied carrying anything that would have created a bulge on his person. His cellphone was ringing because the taxi had arrived. PO1 told him not to worry about it. [redacted] told PO1 that he had to pick up his kids and that PO1 was harassing him. [redacted] was a little upset because he did not want his kids and their mother to see him with police. No other officers ever joined PO1 and [redacted] during their conversation or when PO1 searched him.

PO3 took [redacted] ID and the Hispanic men's IDs and returned to the Impala. The Marine recruiter saw PO1 search [redacted] and saw other officers search the Hispanic men before walking away. The Asian man who had been smoking a cigarette also left. Shoppers from inside [redacted] came to look before walking away. [redacted] and the Hispanic men remained there with the officers for approximately 40 minutes. No one was ever handcuffed. [redacted] never spoke to any other officers and no other officers ever touched him. The officers never interacted with any other civilians beyond [redacted] and the Hispanic men. [redacted] never requested the names of any other officers. The officers were "taking their time" about returning [redacted] ID. PO1 was still aggressive and again asked [redacted] about guns and about what he was doing in the area. Eventually the officers returned the IDs and drove away. [redacted] called the taxi company and eventually left in a taxi.

[redacted] said that he could recognize photographs of PO1, PO2, and PO4.

At 26:53, I discussed what happens next in the CCRB process. I noted that I had previously discussed investigation and mediation with [redacted] in an interview for another case that was conducted immediately before this interview. [redacted] reiterated that he was not interested in mediation. When asked to explain why, he said that PO2 is definitely not a professional and he did not see him handling himself with any professionalism because of mediation. He described mediation as a form of recognizing that you're wrong and said that he could not envision PO2 recognizing that he was wrong. He said that PO2 handled him as a black man and a criminal and not as a tax-paying citizen. He said PO2 was a racist officer.

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PO1: male, white, 6'2", large build, 33-35, red/brown beard, hat. Learned initial in previous incident as "C" or "G." Read shield number as 782.
PO2: male, Asian, 5'7", slim/muscular, late 30s. Referred to in previous incident as a Sgt.
PO3: male, white, 6'3", slim, 33, black hoodie, hat.
PO4: female, Hispanic, 5'6", heavyset, 30, black hair, gray hoodie.
PO5: female, black, 5'8", average build, short dreads. Later realized that PO5 had interacted with him in a previous incident approximately six months prior.
PO6: male, white, 6'2"-6'3", slim, hoodie, baseball cap.

Additional Contact: [redacted]

Interview Details

Subject Officer: PO CORY SMITH

- *PO Smith, a white man, 6'3" tall, 250 pounds, with brown hair and blue eyes, was 33 years old at the time of the incident.*
- *On March 17, 2015, PO Smith was assigned to Anticrime in the 109th Precinct. He was assigned to a foot patrol on [redacted] and did not have a partner. He was dressed in plainclothes. He worked from 9:30 a.m. to 6:05 p.m.*

Memo Book

On March 17, 2015, at approximately 4:40 p.m., PO Smith noted that he stopped a man in front of [redacted] The man was wearing black sweatpants and a black bubble jacket and had close-cut hair and a slim build. There was a bulge in the man's jacket. At 4:45 p.m. PO Smith noted that the man was identified as [redacted] and that he was known to sell drugs and that he had prior robbery and burglary arrests. [redacted] was frisked because of the bulge in the right pocket of his jacket. [redacted] was very annoyed at being stopped. At 4:58 p.m. PO Smith noted that he prepared a report in regards.

CCRB Statement

PO Smith was interviewed at the CCRB on June 4, 2015.

On March 17, 2015, PO Smith did not have a partner because he was working an anticrime foot patrol. There had recently been a string of numerous larcenies in the vicinity of [redacted] in Flushing, including pickpocketing and unattended larcenies. PO Smith could not recall exactly how many larcenies had occurred but reiterated that there a lot on [redacted] He and other anticrime officers were patrolling on [redacted] roughly between [redacted] The anticrime officers were in plainclothes and attempting to catch thieves in the act.

At approximately 4:40 p.m., PO Smith was standing across the street from [redacted] PO Smith knew that there had been numerous thefts in the vicinity of [redacted] including instances of pickpocketing and bag snatching. He also knew there had been a few unattended grand larcenies at the location. The investigator asked if he meant that the unattended grand larcenies had occurred inside [redacted] and PO Smith replied, "In the vicinity of." He looked across the street and saw [redacted] standing in front of [redacted] entrance. PO Smith recognized [redacted] This was the first time that day that PO Smith had seen [redacted] PO Smith did not know if any other anticrime officers had observed [redacted] earlier that day, but none reported it to him. PO Smith had previously interacted with [redacted] in September 2014 during an incident described in CCRB case # [redacted] At the time of that incident, PO Smith had only been at the 109th Precinct for approximately three years and was not familiar with all the area's known recidivists. After the incident, PO Smith ran a search of [redacted] prior arrest history and found that he had been arrested approximately 29 times for robbery, drug-related offenses including the selling of narcotics, and thefts that included both grand larcenies and petit larcenies.

At some time between PO Smith's interaction with [redacted] in September 2014 and March 15, 2015, a detective in the 109th Precinct detective squad approached PO Smith and asked him if he had stopped [redacted] PO Smith could not recall when this interaction took place, nor could he recall the detective's name. He told the detective that he had stopped [redacted] The detective said, "I might like him on a domestic robbery," which meant that [redacted] might have been a suspect of that crime. The detective did not provide any further information regarding the domestic robbery. PO Smith first said that this domestic robbery occurred one or two months before his September 2014 interaction with [redacted] but later said that the detective did not tell him when the domestic robbery occurred. The detective said that he would PO Smith and the anticrime team know if he was eventually able to positively identify [redacted] as a suspect. PO Smith did not discuss [redacted] again with that detective. As a result, when he saw [redacted] standing in front of [redacted] he thought it was possible that [redacted] had been identified as the suspect but had not yet been apprehended.

PO Smith observed [redacted] for approximately five minutes. At some point during those five minutes, PO Smith crossed the street, so that he was on the same side of the street as [redacted] and continued to observe him

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from down the block. PO Smith did not recall how far away he was from [redacted] when he observed him from the same side of the street. [redacted] never moved from his location during the five minutes. PO Smith recounted, "I observed [redacted] basically look at females that were walking by—he was looking at their handbags. Somebody had walked by on their cellphone; I saw him looking at cellphones." [redacted] was also engaged in conversation with two men who appeared to be 16-20 years old. PO Smith could not recall their respective races and could not provide any further description of them. He said, "I wasn't looking at those guys. I was pretty much focused on [redacted] PO Smith could not recall how many handbags or how many cellphones he saw [redacted] focus upon and could only say [redacted] looked at "numerous" of each item. The investigator asked PO Smith how he knew that [redacted] was looking at the cellphones and bags. He replied, "As I'm watching him, and I see a female walk by him, and he looks directly at her purse, it's pretty self-explanatory. He's casing victims." The investigator asked PO Smith to explain how he could tell that [redacted] was specifically looking at the cellphones and bags and not at the women themselves. PO Smith explained, "It wasn't something where it was, 'Hey, that's a nice bag. I'm gonna buy that for my mom.' It was, 'I wonder what's in that.' To me it was him casing the victims, and the property that the victims have. Or potential victims." As PO Smith was focusing upon [redacted] he did not see if the two younger men with [redacted] also appeared to be casing victims.

In addition, when PO Smith crossed to the same side of the street as [redacted] he observed a "non-natural" bulge in [redacted] right jacket pocket. He explained, "I could see that there was an object that was kinda sticking out a little bit, as far as pushing out, and that there was some sort of weight to it." The bulge appeared to be created by a heavy object. The investigator asked him to describe the size of the bulge and he said that he could not see the size of it. [redacted] kept tapping and touching the "general area" where the bulge was. He did this "pretty continuously" while PO Smith watched him. PO Smith suspected that the bulge could be a weapon. He did not suspect it of being a specific type of weapon. The investigator asked if PO Smith had any additional reasons to suspect that [redacted] possessed a weapon and he said that [redacted] had a prior arrest involving a weapon. He could not recall what type of weapon was involved in that arrest.

PO Smith approached [redacted] and identified himself as an officer. At some point he announced the stop on his radio. During this period of anticrime foot patrol, if an officer announced a stop over the radio, at least one or two officers would respond to the location. In some instances the entire anticrime team might respond. PO Smith recalled that two other anticrime officers and Sgt. Cussen responded to the scene. He could not recall the other officers' identities and could not recall if any officers responded to the scene in a vehicle. He said that he identified himself to [redacted] before announcing the stop on the radio, however when asked if any additional officers were present when he first approached [redacted] PO Smith said, "I think a couple arrived right as I approached [redacted] and I think a few more came after the fact."

PO Smith asked [redacted] he was waiting for someone and [redacted] said that he was not. PO Smith asked him if he had anything dangerous on him or anything that could "cut" him, "stab" him, or "blow up on" him. [redacted] said that he did not. The investigator asked PO Smith if he was able to make a closer observation of the bulge in [redacted] jacket after he approached him. PO Smith replied, "As I approached him, my focus is [redacted] hands and that bulge." The investigator asked if PO Smith was able to make an estimation of the bulge's size and he said, "I don't think I mentally made a note of how big the bulge was." Similarly, PO Smith was not able to describe the bulge's shape. He did not suspect the bulge of being a specific type of weapon after he approached [redacted] He did not ask [redacted] about the bulge. He frisked the outside of the bulge and determined by feeling it that it was not a weapon. PO Smith did not frisk any other part of [redacted] body. PO Smith did not enter any of [redacted] pockets and did not remove the object that created the bulge from [redacted] jacket pocket. [redacted] later removed the object from his pocket and PO Smith saw that it was a cellphone.

PO Smith requested [redacted] identification and [redacted] provided it to him. [redacted] recognized PO Smith from their previous interaction and became angry and agitated. He asked PO Smith why he stopped him. PO Smith explained that there had been many instances of theft in the area, and that he wanted to run a warrant check on [redacted] told PO Smith that he was harassing him, that he was "the same motherfucker" who had previously stopped him, and that PO Smith was targeting him. [redacted] also moved his body around. PO Smith

recounted, "He was kind of swaying back and forth, throwing his hands up in the air. At one point he actually kind of stepped towards me, at which point I kind of made him—just created some space." The investigator asked if PO Smith had to touch [redacted] and he said, "I believe I might have just kind of put my hand out, told him to, you know, calm down."

PO Smith wanted to determine if [redacted] had any open warrants because he thought it was possible that the domestic assault mentioned to him by the unidentified detective may have generated a warrant for [redacted] arrest. PO Smith did not recall if he ever asked [redacted] if he had any open warrants. Sgt. Cussen used his cellphone to call someone at the command to run the warrant check on [redacted] PO Smith did not know what the other two officers were doing at this time, and he could not recall if any other officers ever spoke to [redacted] The investigator asked PO Smith what the two young men he observed with [redacted] were doing at this time. He said he was "not sure" what they were doing. The investigator asked if the men were stopped by officers and PO Smith replied, "I'm not sure. I don't remember. My concern was with [redacted] PO Smith never spoke to either of the men, never frisked either of them, and never searched either of them. He denied seeing any other officer frisk or search either of the men. PO Smith could not recall if a recruiter for the U.S. Marine Corps was also on scene.

PO Smith waited with [redacted] for approximately 20 minutes while the warrant check was being performed. During this time [redacted] asked for PO Smith's name and PO Smith stated it. [redacted] also requested PO Smith's shield number. The investigator asked if PO Smith also stated his shield number to [redacted] and he replied, "I showed him my shield number. I held it up and I said, 'My name's Police Officer Smith, shield number 782.'" PO Smith was wearing his shield on a lanyard around his neck. The investigator asked if PO Smith held shield up in front of [redacted] face and he said, "I just held it up." PO Smith denied that he held his shield right up to in [redacted] face. PO Smith denied saying, "I don't give a fuck if you make a complaint. I'm not fucking scared of you." He denied using any profanity with [redacted] and denied hearing any other officer use profanity with [redacted]

It was eventually determined that [redacted] did not have any open warrants and he was released. PO Smith created a UF250 report for the incident.

PO Smith reviewed the UF250 report he prepared regarding the stop of [redacted] He specified he noted on the form that he suspected [redacted] of CPW because of the bulge he observed on [redacted] person. The investigator asked why he had not noted that he suspected [redacted] of petit larceny and PO Smith explained that he noted CPW because CPW is the more serious of the two offenses. He checked the box for furtive movements in reference to [redacted] repeated touching of the outside of his jacket pocket. He learned that [redacted] nickname is "[redacted] during his research into [redacted] criminal history. He checked the box for inappropriate attire because of [redacted] jacket, and said that the way it was being worn indicated that [redacted] was possibly trying to conceal a weapon. The investigator asked PO Smith to explain what he meant by this and PO Smith said that it was a very large jacket. The investigator asked if he meant that the jacket was puffy and he said that he meant that the jacket was a very large size. The investigator asked if the jacket was sized too large for [redacted] and PO Smith replied, "I'm not a fashion expert, but yes." The investigator asked what about the jacket's size was inappropriate and asked if it was incongruous with that day's weather. PO Smith said it was more the size that was inappropriate and that individuals frequently wear oversize clothing to conceal things. PO Smith checked the box indicating that [redacted] gave evasive, false, or inconsistent answers to his questions because [redacted] became agitated when he asked for his pedigree information and gave one word answers.

Interview Details

Subject Officer: SGT. DAVID CUSSEN

- *Sgt. Cussen, a white man, 5'11" tall, 200 pounds, with a bald head and blue eyes, was 38 years old at the time of the incident.*
- *On March 17, 2015, Sgt. Cussen was the Anticrime supervisor in the 109th Precinct. He was dressed in plainclothes and worked from 9:26 a.m. to 6:10 p.m. He led a team of anticrime officers working on foot in the vicinity of* [redacted]

Memo Book

On March 17, 2015, at approximately 4:43 p.m., Sgt. Cussen noted that he backed up an anticrime officer in stopping a man in front of [redacted] The man was named [redacted] and was wearing a black jacket and black pants. A warrant check for [redacted] was negative and PO Smith prepared a UF250 report regarding the stop.

CCRB Statement

Sgt. Cussen was interviewed at the CCRB on June 18, 2015.

On March 17, 2015, Sgt. Cussen led a team of plainclothes anticrime officers who participated in a "grand larceny initiative" in downtown Flushing. Sgt. Cussen explained that the officers were attempting to catch pickpockets and that they worked roughly within a three-block radius of the intersection of [redacted] When asked which officers were working on his team that day, Sgt. Cussen said, "PO Smith, PO Ricci, PO Feely, PO Galvani, and probably PO Song." When asked to describe what actions his team took in their pursuit of pickpockets, Sgt. Cussen said, "We kind of just followed people." He explained that the officers attempted to blend in, worked in pairs and alone, and would go into stores and pretend to shop. He also explained that the officers kept one vehicle parked a few blocks away, near [redacted], in case someone called for help in another part of the precinct and the officers needed to respond quickly. Sgt. Cussen held the keys for the vehicle.

At approximately 4:43 p.m., Sgt. Cussen saw that PO Smith had stopped [redacted] in front of [redacted] Sgt. Cussen referred to [redacted] by his nickname "[redacted] Sgt. Cussen became aware of the stop in progress by seeing it happening. He did not recall if he heard something on the radio about the stop. He explained that the team members turned off their radios and used cellphones during the detail. He saw PO Smith first because PO Smith is a tall, large white man and stands out amongst the many Asians in the area. The investigator asked Sgt. Cussen where he was when he saw the stop in progress and he said he did not know and was not really sure. The investigator asked how far away he was and he said, "Across the street and down the block." Sgt. Cussen could see that there were other officers with PO Smith but could not recall their identities. He could see that PO Smith was speaking to [redacted] Sgt. Cussen did not see the beginning of the stop and did not know for how long it had been occurring before he became aware of it.

Sgt. Cussen explained that he recognized [redacted] He described [redacted] as a "bad guy," as a "known perpetrator within the command," and as a "recidivist on our recidivists list." Sgt. Cussen knew that [redacted] had been arrested numerous times. He had seen him in person before but did not think he had ever personally interacted with him. The investigator asked Sgt. Cussen if he knew what [redacted] criminal history entailed and he replied, "I don't. My cops do. That's their thing, and they keep me apprised of who we're looking for." The investigator asked if [redacted] criminal history involved pickpocketing or any similar crimes and Sgt. Cussen replied, "I don't want to say yes because I don't know." The investigator asked if [redacted] history involved any crimes involving weapons or violence and Sgt. Cussen replied, "Like I said, I don't want to say something and be wrong, so no."

Sgt. Cussen approached PO Smith and [redacted] They were standing near the building, away from the curb. PO Smith handed Sgt. Cussen [redacted] identification and asked him to run a warrant check. Sgt. Cussen specifically denied that he stopped [redacted] Sgt. Cussen denied seeing PO Smith frisk [redacted] before this point, and denied ever seeing him do so. Sgt. Cussen turned and stepped off the curb to call his command to run the warrant check. When asked if he ever saw PO Smith search [redacted] pockets, Sgt. Cussen replied, "No, but like I said, I turned." Other than asking Sgt. Cussen to check for warrants for [redacted] PO Smith did not relay any other information to Sgt. Cussen. The investigator asked Sgt. Cussen if there was a specific belief at the time that [redacted]

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[redacted] might have an open warrant. Sgt. Cussen said there was and explained, "From my understanding, my cops thought he was wanted on a domestic charge. I think a domestic robbery." He clarified that PO Smith was the officer who believed [redacted] might have such an open warrant. Sgt. Cussen was not aware of this possible warrant and PO Smith did not provide any other details regarding the possible domestic robbery. The investigator asked Sgt. Cussen if PO Smith handed him multiple identification cards and he answered, "I don't think so." The investigator later asked if Sgt. Cussen ever obtained any other identification cards or ran any other warrant checks and he answered, "I don't remember."

When asked to describe [redacted] demeanor, Sgt. Cussen recounted, "He wasn't saying a word. He had this look on his face like he wasn't very happy." [redacted] was not moving around or gesturing, and Sgt. Cussen never heard him yelling or using profanity. The investigator asked if anything about [redacted] attire seemed suspicious or inappropriate. He replied, "To me? No. I mean, I didn't look at him that way." Sgt. Cussen never observed any bulges on [redacted] person.

Sgt. Cussen could not recall which other officers were present at the time. The investigator asked if he could recall how many officers were present and whether his entire team was there. He replied, "Not the entire team. Because I do remember at the time—I forget who—they were following somebody else. So I was trying to monitor that at the same time." The investigator pointed out that PO Feely and PO Galvani were women and asked which was on scene and Sgt. Cussen replied, "I don't remember which one." Sgt. Cussen then said that he could not recall if there were any female officers present during the stop.

The investigator asked if there were any other civilians stopped at the same location and Sgt. Cussen recounted, "There was a kid that one of my other cops was talking to. I don't know if that was in conjunction with this stop or if they were just talking to him." Sgt. Cussen described this civilian as a young Hispanic man. He could not recall which officer was speaking to the "kid" and said the "kid" was approximately 10-15 feet away on the block from PO Smith and [redacted] Sgt. Cussen explained that [redacted] was his main concern at the time and he was not really paying attention to the "little kid." The investigator asked if officers were stopping the "kid" and Sgt. Cussen replied, "I don't remember. I know they were talking, and it could have been bullshitting about the Knicks." The investigator asked if Sgt. Cussen ever obtained the "kid's" identification and he said, "I don't think so." The investigator asked if any other officer ever obtained the "kid's" identification and Sgt. Cussen said, "Maybe." He denied seeing any officer frisk or search the "kid." The investigator asked if the "kid" remained on scene throughout the entire stop of [redacted] Sgt. Cussen replied, "I don't know. Like I said, I took the ID, turned to the street, called, gave it back, and said, 'He's good.' That was the extent of my involvement."

The investigator asked if, other than the "kid," there were any other civilians in the vicinity of the stop or speaking to officers. Sgt. Cussen replied, "Have you ever been to downtown Flushing?" The investigator said he was aware that the area was busy. Sgt. Cussen continued, "There's literally—and they don't have any qualms. They'll walk in between you talking to people, they'll walk and stand in your face, they'll ask you what's going on. I honestly couldn't tell you." Sgt. Cussen did not recall there being a uniformed Marine recruiter at the stop.

The warrant check for [redacted] was negative. Sgt. Cussen estimated that he was on scene for approximately three minutes. He first said that everyone left the scene at the conclusion of the stop, but later said that he did not know if any other officers remained there after he left. He was "pretty sure" that he walked away from the scene. He could not recall if a police vehicle ever arrived at the scene of the stop.

Sgt. Cussen denied hearing [redacted] request any officer's name or shield number during the incident. The investigator asked if he ever saw PO Smith hold his shield up to [redacted] face and Sgt. Cussen replied, "No. That would be showing him his shield though, right?" The investigator explained that [redacted] specifically alleged that PO Smith put his shield directly in his face near his eyes and Sgt. Cussen denied that he ever saw that take place. He denied hearing PO Smith say to [redacted] "I don't give a fuck if you want to make a complaint. I'm not fucking scared of you." He denied hearing any officer make that statement. He never used profanity with [redacted] and did not speak to him during the incident.

Sgt. Cussen reviewed the UF250 report prepared by PO Smith regarding the stop of [redacted] The investigator asked if Sgt. Cussen knew why PO Smith suspected [redacted] of having a weapon and Sgt. Cussen

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recounted that PO Smith told him he had seen a bulge on [redacted] when he handed Sgt. Cussen the UF250 report. PO Smith did not say where on [redacted] body he saw the bulge. PO Smith never explained to Sgt. Cussen what "furtive movements" he observed [redacted] make. He also did not explain why he noted on the report that [redacted] made false or evasive answers to his questions, and Sgt. Cussen did not know to what that referred.

Sgt. Cussen viewed surveillance footage of the incident. The investigator played Video #1 from 8:20 and pointed out [redacted] to Sgt. Cussen. The investigator paused the footage at 9:04 and pointed out the officers who emerge from a black unmarked vehicle. The investigator asked Sgt. Cussen if he recognized himself and Sgt. Cussen replied, "Yeah, that's me, actually." He identified himself as the officer in the beanie hat. He identified the female officer in the gray sweatshirt as PO Feely. The investigator pointed out that Sgt. Cussen actually took [redacted] identification from him and asked Sgt. Cussen if the video footage refreshed his recollection of the incident. Sgt. Cussen replied, "Yeah. So, ok so, I must be confusing this with a stop earlier, when I walked up to it." He recounted, "I think I got a phone call from one of them saying, 'Come over here for [redacted] They were on foot following him." The investigator asked who was following [redacted] and Sgt. Cussen said it was PO Smith. He identified the unmarked vehicle as the "staging vehicle" and said he could not recall which officer or officers arrived in the vehicle with him. At 9:05, Sgt. Cussen identified the officer in the baseball hat as PO Smith.

The investigator played Video #1 from 9:05 and paused it at 9:24 to point out to Sgt. Cussen that the civilian to the right of the door appeared to be in the process of being frisked. The investigator played the video from 9:12 to 10:05, said that it appeared that an officer was searching the pockets of the civilian on the right, and asked Sgt. Cussen if he recalled seeing that happen. Sgt. Cussen and his legal representatives said they did not see that taking place in the video. The investigator played the video from 9:19 again. Sgt. Cussen said he could not tell what was happening and Rep. Quinn said the video was "inconclusive." The investigator asked Sgt. Cussen if he recalled seeing an officer searching a civilian who stood next to [redacted] independent of what appeared to be taking place in the video. Sgt. Cussen said that he did not recall seeing that and that he was paying attention to [redacted]

The investigator played the video from 9:41, called Sgt. Cussen's attention to PO Smith, and paused the footage at 10:31. Sgt. Cussen said he did not recall seeing PO Smith search the backpack of an individual during the incident.

The investigator asked Sgt. Cussen if, when he said that he thought he had confused two different incidents, he meant that the entirety of his previous statement during the interview pertained to a completely different incident. He replied, "No, no, no—just when I initially approached. I think I'm confusing when I walked up, maybe a day or two earlier. Like I said, we were on foot, and that was like for a month. So, you know, we definitely had a lot of interactions." The investigator asked if that meant that the rest of Sgt. Cussen's statement was an accurate reflection of his recollection of the incident. He replied, "Well, I mean obviously I walked up on [redacted] first. That's what I'm saying—the initial. Now that I'm watching it—Smith said, 'Stop them.' That's why he walked up." The investigator asked if he meant that PO Smith had called him while he was in the vehicle and Sgt. Cussen recounted that PO Smith said, "Stop him. I saw something." Sgt. Cussen did not know what PO Smith had seen. The investigator asked what exactly PO Smith said to Sgt. Cussen. Sgt. Cussen said that PO Smith said, "I just saw [redacted] I need you to stop him for me," and that he said [redacted] was coming out of [redacted] PO Smith did not say why he wanted Sgt. Cussen to stop [redacted] and did not say what he suspected about [redacted] The investigator later asked Sgt. Cussen if PO Smith, during this phone conversation, specified a certain crime of which he suspected [redacted] Sgt. Cussen said he could not remember if PO Smith did so. PO Smith did not describe [redacted] to Sgt. Cussen because the whole anticrime team knows [redacted] The investigator asked if Sgt. Cussen asked PO Smith for any additional information and he replied, "No, because we've stopped him." Sgt. Cussen could not recall where he was when PO Smith called him but knew that [redacted] was not visible to him at the time. He could not recall how much time elapsed between the time he spoke to PO Smith on the phone and the time he stopped [redacted] but he said it happened "relatively quickly." The investigator asked if Sgt. Cussen explained the situation to the other officers in his vehicle. Sgt. Cussen said, "I probably told them, 'Cory said stop [redacted]

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The investigator asked Sgt. Cussen if he suspected [redacted] of any crime when he walked up to him in front of [redacted] Sgt. Cussen replied, "My cop did. That's why they asked me to stop him." Rep. Quinn asked him, "But did you?" Sgt. Cussen said that he did not personally suspect [redacted] of any specific crime. The investigator asked if Sgt. Cussen made any observations of [redacted] as he walked up to him and asked if anything about [redacted] appearance caught his eye or aroused his suspicion. Sgt. Cussen replied, "Nope. He's just looking right at me. Stopped him. Honestly he didn't say a word to me." Sgt. Cussen explained that he did not verbally request [redacted] identification and that [redacted] spontaneously handed it to him. The investigator asked Sgt. Cussen if he said anything at all when he approached [redacted] and he replied, "I don't remember saying one word to him the whole time." Rep. Patton said he wanted a clarification and asked Sgt. Cussen, "You earlier said, Sergeant, that you didn't stop [redacted] and that one of the officers gave you his ID. That's what you confused earlier? You can see now that you're involved in the stop of him?" Sgt. Cussen replied, "Right." Rep. Patton continued, "And that [redacted] gave you his ID, not the officer? Is that right? [redacted] gave you his ID, not the officer?" Sgt. Cussen replied, "Yes." Rep. Patton continued, "And he wasn't stopped when you got there. You were involved in the stopping of him?" Sgt. Cussen replied, "Correct." He then said of [redacted] "He kind of stopped himself. He handed me an ID." Rep. Patton replied, "But it's a little different than what you originally said," and Sgt. Cussen replied, "Right."

Sgt. Cussen could not recall if PO Smith told him to stop any other individuals when he called him. He could not recall if PO Smith told him that the two men seen being stopped by officers in the video footage were with [redacted] Sgt. Cussen denied that he directed other officers to stop either of the men. Sgt. Cussen denied making any observations of any individuals other than [redacted] that aroused his suspicion. Sgt. Cussen could not recall if he spoke to any of the other officers seen in the video footage while he stood in front of [redacted] holding his identification. The investigator asked if he ever instructed any officers to frisk or search any individuals other than [redacted] and Sgt. Cussen replied, "No, but I wouldn't do that." One of his representatives said to him, "You don't recall." The investigator asked, "You don't recall? Or no you didn't?" Sgt. Cussen replied, "I don't recall telling them anything."

The investigator played the footage from 10:32 to 11:01 and said that it appeared that PO Feely handed Sgt. Cussen an ID. Sgt. Cussen said, "She handed me something. I don't know what it was." The investigator asked Sgt. Cussen if the footage refreshed his recollection as to whether he obtained more than one identification during the incident. He said, "I might have looked at it." Rep. Quinn said to him, "You don't recall," and Sgt. Cussen said, "No, I don't know."

The investigator played the footage from 11:02 to 12:10, said that PO Smith appeared to be frisking [redacted] and asked Sgt. Cussen if he recalled seeing that take place. Sgt. Cussen said, "I don't think I was paying attention to it." Sgt. Cussen tried to continue speaking but both of his representatives interrupted him and Rep. Patton said, "That's it. That's the answer. Please don't volunteer anything else." Sgt. Cussen later denied seeing PO Smith remove a cellphone from [redacted] jacket.

The investigator played the rest of Video #1 and did not ask any further questions.

The investigator played Video #2 from 00:00 to 00:36 and reminded Sgt. Cussen that he had earlier denied seeing PO Smith put his shield in [redacted] face. The investigator asked if watching this footage refreshed his recollection about whether he saw that take place. Sgt. Cussen replied, "It looks to me like he showed it to him." Rep. Quinn asked, "But do you recall that at all?" Rep. Patton said, "He's putting it right into his face, Sergeant. That's the question." Sgt. Cussen replied, "No." Rep. Patton said, "No, you do not, right?" Sgt. Cussen replied, "No."

The investigator played the footage from 00:37 to 01:07 and Sgt. Cussen confirmed that it showed him walking back to his vehicle to call the command to perform the warrant check. The investigator asked Sgt. Cussen if the video refreshed his recollection as to whether he performed warrant checks on more than one individual and he replied, "I don't remember."

The investigator played the footage from 10:30 to 10:40 and said it appeared that Sgt. Cussen handed an identification to PO Smith, an identification to PO Feely, and an identification to the unidentified officer on the right side of the screen. The investigator asked if the footage refreshed Sgt. Cussen's recollection as to whether he obtained

multiple identifications during the incident and asked him if he recalled having three identification cards during the incident. Sgt. Cussen said he did not recall that being the case.

Rep. Patton said to Sgt. Cussen, "You indicated that it took about three minutes, but that video is much longer than three minutes. Is your recollection refreshed that it took longer than that?" Sgt. Cussen responded affirmatively. Rep. Patton asked, "15 minutes as opposed to three?" and Sgt. Cussen replied, "Sure."

Sgt. Cussen could not recall the identity of the unidentified male officer who is on the right side of the screen but is hidden by [redacted] storefront.

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Subject Officer: PO TATIANA FEELY

- *PO Feely, a Hispanic woman, 5'2" tall, 145 pounds, with brown hair and brown eyes, was 27 years old at the time of the incident.*
- *On March 17, 2015, PO Feely was assigned to an Anticrime foot post in the 109th Precinct. She worked in a team but did not have a partner. She was dressed in plainclothes and worked from 9:30 a.m. to 6:05 p.m.*

Memo Book

On March 17, 2015, at approximately 5 p.m., PO Feely noted that she stopped [redacted] at [redacted] She observed [redacted] trying to look in women's bags and stopped him for grand larceny. She frisked him for furtive movements but did not search him. No weapons or contraband were recovered.

CCRB Statement

PO Feely was interviewed at the CCRB on July 1, 2015.

On March 17, 2015, PO Feely worked on an anticrime team that was attempting to address a "pickpocket condition" in downtown Flushing. The anticrime officers worked on foot and did so for approximately one and a half months. PO Feely could not recall if, on the date of the incident, all the anticrime officers on duty in the precinct worked on her team. She could not recall if any other officers were on the team that day. She could only recall that PO Smith and Sgt. Cussen were on the team that day. At approximately 5 p.m., PO Feely was driving an unmarked vehicle with Sgt. Cussen. She did not think any other officers were in the vehicle at the time. PO Feely could not recall why she and Sgt. Cussen were in a vehicle as they typically worked on foot. She guessed that they may have been on meal. She was driving southbound on [redacted] She believed that Sgt. Cussen received a phone call and then told her to drive to [redacted] She was not certain if a phone call prompted Sgt. Cussen's directive and said it was possible that he simply told her to go to [redacted] but she assumed that an officer must have wanted to make a stop and called Sgt. Cussen for backup. Sgt. Cussen did not tell her why he wanted to go to [redacted] She could not recall where she was when Sgt. Cussen told her to drive to [redacted] but knew [redacted] was not in sight at the time. It took her approximately five minutes to drive to the location. The fact that Sgt. Cussen could not see [redacted] when he directed PO Feely to drive there supported her belief that an officer had asked Sgt. Cussen to respond for backup. She said, "I don't see why he would just tell me, 'Go here,' if we were, like, blocks away. It's not like he saw him from a distance."

As PO Feely drove up to [redacted] she saw a man standing in front of the store, to the right of the front door. She did not recognize him. The investigation identified him as [redacted]. PO Feely could not recall how [redacted] was dressed. She observed [redacted] for "like a minute." The investigator asked her what observations she made of [redacted] before she exited her vehicle and PO Feely recounted, "He was looking around into bags, like at females' purses. And that's kind of what we were looking for." The investigator asked how PO Feely could tell that [redacted] was looking into women's bags and she explained, "Because they were like walking really close to him, and he would just kind of, like, look into them." PO Feely mimed [redacted] by leaning forward and moving her gaze from one side to the other. The investigator asked PO Feely if she could really tell that [redacted] was looking into the women's bags and asked if he was that close to them. She replied, "I can't tell what he was looking at, but I can tell that he was just like—his eyes were just following certain females, like with their purses out." Rep. Scannell asked, "And that was an indication that he may be involved in pickpocketing?" PO Feely answered affirmatively. The investigator asked PO Feely how she could tell that [redacted] was not simply watching women as they passed him. PO Feely hesitated and Rep. Scannell asked, "Did you believe he was looking at the bags, as opposed to…" PO Feely interjected, "I just believe he was looking at the bags. I don't think he was just checking them out." The investigator asked how many bags [redacted] looked into and PO Feely said, "It was probably like two or three women walking by." PO Feely did not make any other observations of [redacted] that aroused her suspicion. PO Feely estimated that she observed [redacted] for "like a minute" before she approached him.

PO Feely explained that she was new to the anticrime team (she joined it approximately four weeks before this incident), so she was "more like quiet and shadowing everybody." She saw that [redacted] was standing with

another man whom she identified as [redacted] However, she did not recognize him as [redacted] at the time of the incident. She explained, "No, I just heard of him. Like, I heard names around the precinct, like different people that are known. But I don't know people by face." The investigator asked her about she had heard about [redacted] and she said, "No, I didn't hear anything about him. I just heard the name. Or I might have mixed it up with someone else. But I hear names around all day. Like, it could have been like, he got arrested before. I don't know." PO Feely had no knowledge of [redacted] criminal history at the time of the incident. [redacted] and [redacted] were standing directly next to each other in front of [redacted] and were looking at each other. PO Feely recounted, "They were together. You could tell." PO Feely did not make any observations of [redacted] at this time. The investigator later asked if PO Feely saw any other individuals standing with [redacted] and [redacted] and she replied, "I don't remember. I don't think so. I don't remember."

PO Feely made various statements during the interview regarding the moment that she pulled up in front of [redacted] exited her vehicle, and approached [redacted] In her initial description of the incident, she said, "I noticed [redacted] and saw that he was looking into people's bags. As soon as we jumped out of the car, I kind of focused on him." She later said, "When we pulled up I saw [redacted] My boss got out and went directly to [redacted] and then I got out and went to [redacted] because I saw that they were together." She later said of her decision to stop [redacted] "I stopped him because I saw my boss go directly to the other guy, and I stopped him for safety." The investigator later asked her directly why she stopped [redacted] and she said, "For him looking into the bags." She confirmed that she stopped [redacted] on her own initiative and that Sgt. Cussen did not instruct her to do so. She and Sgt. Cussen were the first officers on scene.

PO Feely admitted to frisking [redacted] in her initial account of the incident. She said, "I think that was probably the first thing I did." She said that she frisked him to "to see if he had anything on him." She later said that she wanted to make sure [redacted] did not have any weapons. She patted the front and back pockets of [redacted] pants. She could not recall if she frisked any other part of his body. The investigator asked why she specifically frisked [redacted] pockets and she replied, "Well, I wanted to make sure he didn't have something on him in his pockets." The investigator asked if she had a specific reason for patting his pockets as opposed to any other part of his body and PO Feely said that she did not. Rep. Scannell asked PO Feely if the waistband area is the most common area to carry a weapon and PO Feely answered affirmatively. The investigator pointed out that PO Feely had frisked [redacted] pockets and she said, "Like possibly a gravity knife, like clipped into his pocket." PO Feely could not recall if she observed any bulges in [redacted] pockets or saw any indication that there was anything in his pockets before she frisked him. The investigator later asked her if she ever searched [redacted] and specifically if she entered his pockets and she replied, "I don't remember. No. I don't think so."

PO Feely asked for [redacted] name and if he had identification. [redacted] was calm and produced his identification. PO Feely asked him where he was coming from and he said he was coming from school. She asked him what was in his bag and he said, "Books. You can look if you want." The investigator asked PO Feely why she asked [redacted] what was in his bag and she replied, "I just wanted to see if he possibly had a weapon or something. Just for my own safety. I just wanted to know if he had something on him he shouldn't have." The investigator asked her why she believed [redacted] might have a weapon and she replied, "Well, no, I didn't necessarily believe he had a weapon. I just wanted to make sure. Just for my own safety. It's just a common question to ask him—if he has something on him." The investigator asked PO Feely if she made any observations that led her to believe that [redacted] might have a weapon and she said, "No." PO Feely did not ask [redacted] if she could search his bag. After telling her she could check, he spontaneously took the bag off. At that moment PO Smith approached on foot. PO Feely could not recall how much time elapsed before PO Smith arrived. PO Feely could not recall if PO Smith searched through the bag or simply looked inside it, but she thought he only looked into it. She recalled him saying something like, "Oh wow, there is books," before he closed the bag's zipper. PO Feely did not say anything to PO Smith before he looked into the bag. She denied that PO Smith ever frisked or searched [redacted] other than looking into his bag.

PO Feely gave [redacted] identification to Sgt. Cussen and then watched [redacted] hands. She did not speak to [redacted] again. She could not recall if Sgt. Cussen obtained identification from [redacted] and

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said, "I didn't even look in that direction, to be honest." [redacted] was on the other side of the front door to [redacted] PO Feely could not hear Sgt. Cussen's discussion with [redacted] could not describe [redacted] demeanor, could not say if [redacted] was yelling or even saying anything. She explained, "I can't even hear the person next to me. It's so noisy over there." She never spoke to [redacted] She never heard [redacted] use profanity with officers. She did not know why [redacted] was stopped and explained, "I was nervous because I was only four weeks in and I was just kind of shadowing everyone, so I don't want to ask questions. I just kind of, like, wait, let the cops do their thing, and then afterwards I'm like, 'ok why did you stop this guy?'" She did not know if PO Smith ever interacted with [redacted] She denied seeing any officers frisk or search [redacted] and denied doing so herself. She denied hearing [redacted] request PO Smith's name or shield number and denied seeing PO Smith hold his shield up in [redacted] face. She denied hearing PO Smith use any profanity during the incident and specifically denied hearing him say, "I don't give a fuck if you make a complaint. I'm not fucking scared of you." In fact, she said that she has never heard PO Smith use profanity. She denied using any profanity during the incident.

The investigator asked if there were ever any other officers on scene other than PO Smith and Sgt. Cussen. PO Feely replied, "I don't remember. We stop people all the time. I honestly don't remember." PO Feely had no recollection of a third individual being stopped during the incident. The investigator later presented the roll call from the date and named all the officers assigned to anticrime. PO Feely said that Sgt. Bang was not present at the incident. The investigator named PO Galvani and PO Feely said she did know if PO Galvani was present. She reiterated that the officers on the detail were all on foot and working alone. The investigator named PO Ricci, PO Hamid, PO Stapleton, PO Kim, and PO Song. PO Feely said that none of them were present during the incident.

PO Feely could not recall how long the incident lasted. She did not perform any warrant checks during the incident but did not know if any other officer did so. She did not recall there being a Marine recruiter on scene. She could not recall if she ever learned who initiated the stop or whether someone did call Sgt. Cussen and request that he come to the scene. She learned [redacted] identity the day after the incident but did not learn anything specific about him. She could not recall who told her that the individual Sgt. Cussen stopped during the incident was [redacted]

The investigator reviewed the UF250 report PO Feely prepared regarding her stop of [redacted] The investigator noted that PO Feely stated the stop occurred at [redacted] and asked if that was an approximation. PO Feely said it was because she was not exactly sure of the address. The investigator pointed to the section of the form regarding the reasons for the stop and asked why PO Feely checked the box for "actions indicative of engaging in violent crimes." PO Feely said, "Well, I meant like the pickpocket issue." She explained that the action [redacted] took was looking at women's purses while they walked past him. The investigator asked why she checked the box indicating that no other individuals were stopped and she said that she thought that meant that she did not stop anyone else during the incident. In the section stating why [redacted] was frisked, PO Feely checked the box for "actions indicative of engaging in violent crimes" for the reason previously stated. The investigator asked her why she checked the box for furtive movements and to what movements that referred. PO Feely said, "Well, like, him looking around. And like I said, I just wanted to check if he didn't have a weapon on him or something on him."

PO Feely checked the box in the "additional circumstances" section for "area has high incidence of reported offense of type under investigation." She explained that this referred to pickpocketing and that the area encompassed approximately a three-block radius around the intersection of [redacted] She said that there was "a whole patter for pickpockets" at the time of the anticrime detail. In the same section, PO Feely checked the box indicating that [redacted] was associated with persons known for criminal activity. The investigator asked why she checked this box and she replied, "Well, I mean, I just checked that off because he was with [redacted] who the other officers stopped." The investigator asked her when she prepared the UF250 report and she said she prepared it on the date of the incident. The investigator asked her if that meant that she learned [redacted] identity on the same day as the incident and she said, "No. I filled out the front part because, like I said, I was new to the team and I wasn't really sure how to fill things out, which is why on the memo book there's like lines crossed, and then the next day I filled it out." PO Feely pointed out that, in her memo book, she started to create an entry for her tour on March

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18, 2015, but that she crossed those lines out and made the entry regarding the stop of [redacted] She explained, "Well, I didn't fill out my memo book the same exact day. You can see, it was pretty much like end of tour, so we came back to the precinct and we just left. The next day I was just gonna fill out my book and catch up on the paperwork. And then as I started writing that day, I'm like, 'Oh.'" PO Feely then realized that she had to write the entry documenting the stop of [redacted] She admitted that both the memo book entry and the UF250 report were prepared the day after the incident. The investigator asked if, by that time, she had learned that [redacted] had a criminal history. PO Feely replied, "Like I said, I just heard his name. I didn't know exactly what, and I still don't know cause I didn't even look up."

PO Feely did not know if any other officers prepared any other UF250 reports regarding the incident.

PO Feely viewed surveillance footage of the incident. The investigator played Video #1 from 07:57 and paused at 08:04. The investigator asked if PO Feely could identify any of the civilians seen and she said that she did not remember. The investigator played the footage from 08:04 to 10:37. PO Feely pointed out herself, PO Smith, and Sgt. Cussen. The investigator pointed out that an individual on the right side of the frame was also being stopped. PO Feely said, "Oh, I don't remember that." PO Feely also pointed out [redacted] and said that she was seen frisking him during the footage viewed. PO Feely again said that she did not tell PO Smith to search [redacted] bag and that she did not relay any information to him regarding her suspicions of [redacted] or why she had stopped him.

The investigator recounted that PO Feely had said that she observed [redacted] for approximately one minute before stopping him and PO Feely said that was correct. The investigator played the video from 07:00 to 08:37 and asked PO Feely to point out when [redacted] made the actions that she described seeing. PO Feely did not point any out. After pausing the footage, the investigator asked PO Feely if she saw in the video any of the actions she had attributed to [redacted] She said, "It might have been a little before that. Like I said, it was approximately a minute. I don't know exactly." The investigator asked if PO Feely had stopped somewhere out of sight of the camera and observed [redacted] while her vehicle was stationary. She replied, "Yeah, it was at the light." She said she had observed [redacted] while stopped at the light at the corner. She did not know how far away she was at the time. Rep. Scannell asked PO Feely, "So for the record, he's standing by the doorway, looking a bit suspicious, from your perspective?" PO Feely answered affirmatively. The investigator asked PO Feely to explain what she meant by "suspicious." PO Feely said, "Well, standing in the doorway, looking at every person that comes in and out. I mean, he's holding the door but he has no intention to be in or out. He's, like, in the middle." The investigator pointed out that when he previously asked PO Feely what observations she made of [redacted] she did not say anything about him standing in the doorway. She replied, "Well, I didn't remember," and said that the footage had refreshed her recollection. The investigator asked if she was saying that observing [redacted] standing in the doorway aroused her suspicion of him. She replied, "No, probably before that. Like I said, it was an approximate of a minute."

The investigator started the video from just before 04:00, when [redacted] first approaches [redacted] and opens the front door. The investigator asked PO Feely if she saw [redacted] enter the store and she said she could not recall. The investigator let the footage play. It showed a uniformed Marine recruiter speaking to the individual with [redacted] PO Feely said she did not recall seeing that take place. At approximately 05:30, a man in a UPS NASCAR jacket arrives. PO Feely said she did not recall seeing that take place. At approximately 06:05, [redacted] exits [redacted] The investigator asked PO Feely if she saw [redacted] exit [redacted] and she said, "No, I was not even looking at him." As the footage played, Rep. Scannell began pointing out that several sets of women could be seen walking past [redacted] entrance. The investigator asked whether, at 06:19, PO Feely was watching [redacted] She said, "I can't remember exactly. Like I said, I remember him looking, but I don't remember what woman." PO Feely admitted that she did not recall ever seeing the man in the NASCAR jacket. The investigator asked whether that meant that it was safe to assume that, at 06:35, PO Feely was not observing [redacted] PO Feely replied, "Well, I don't remember, cause I don't remember. I don't even remember this guy, this gentleman in the black jacket, or them. I don't remember any guys that he was with. I was just focused on him. I remember him clearly but that it's it. That's all I remember."

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The video continued to play and at approximately 6:55 a woman dressed in black exits [redacted] PO Feely said, “Right there. He looked at a girl’s purse.” The investigator asked her if she actually saw that specific action taking place at the time of the incident. PO Feely hesitated and Rep. Scannell interjected, “Do you know?” PO Feely said, “No, I don’t remember.” The investigator asked PO Feely if she knew where she was at the time that the woman in black exited [redacted] She replied, “I don’t remember.” The investigator let the footage continue to play and at approximately 07:20 PO Feely said, “I believe there—he looked again.” The investigator said that a woman had walked by with a yellow shopping bag and asked if PO Feely was indicating that [redacted] had looked at the woman. PO Feely replied, “Yeah. I mean, it could be her. I don’t remember. I’m pointing it out now that I’m seeing it on video.” The investigator asked if she specifically recalled seeing [redacted] look at that woman and she answered, “No. I can’t give you specifics. I don’t remember.”

The investigator played the footage at approximately 08:35, showing the legs and torso of an unidentified officer arriving on the right side of the screen. PO Feely said she had no idea who that officer was and had no independent recollection of there being another male officer on scene.

The investigator played Video #2 from the beginning. At 00:27, the investigator called PO Feely’s attention to PO Smith holding his shield in [redacted] face. PO Feely said she did not recall seeing PO Smith take that action.

Interview Details

Subject Officer: PO DANIEL SONG

- *PO Song, an Asian man, 5'8" tall, 180 pounds, with black hair and brown eyes, was 30 years old at the time of the incident.*
- *On March 17, 2015, PO Song was assigned to Anticrime in the 109th Precinct and worked a foot post. He had no partner, was dressed in plainclothes, and worked from 9:30 a.m. to 6:05 p.m.*

Memo Book

On March 17, 2015, at approximately 4:40 p.m., PO Song noted that a man was stopped in front of [redacted] The man was wearing black sweatpants, a black bubble jacket, and Jordan 3 Sporting Blues. He had an inconsistent bulge from his jacket. At 4:45 p.m., PO Song noted that the man was identified as [redacted] and that he is known to the Department for promoting prostitution, drug sales, robberies, and burglaries. [redacted] was frisked by PO Smith. At 4:58 p.m., PO Song noted that PO Smith prepared a UF250 report regarding the stop of [redacted]

CCRB Statement

PO Song was interviewed at the CCRB on July 16, 2015.

On March 17, 2015, PO Song worked on foot in a team of anticrime officers patrolling on [redacted] in Flushing, roughly between [redacted]. PO Song explained that the area has led New York City in pickpocketing for some time and the anticrime team was tasked with walking the streets in plainclothes and observing suspicious individuals. PO Song specifically mentioned that he was looking for men who followed women and looked into their bags, women who got too close to men carrying bags, and individuals pushing strollers without children. The team did not patrol in vehicles but had vehicles at their disposal in case something like a violent crime occurred. PO Song patrolled alone and did not work with a partner. PO Song was not sure what he was wearing that day but said he might have been dressed in snow pants, a big jacket, and a "goofy hat." PO Song said it was probably cold that day.

In his initial narrative of the incident, PO Song recounted that he observed Sgt. Cussen, PO Feely, and PO Smith stop [redacted] He then faced the crowd and performed crowd control because [redacted] is very busy and congested. The investigator asked if there were any other officers on the team that day and PO Song said there were, but explicitly stated that no other officers beyond those he named were involved in this incident.

PO Song recounted that he was standing on the east side of [redacted] across from [redacted] He saw Sgt. Cussen and PO Feely approach [redacted] and also saw PO Smith approaching on [redacted] He could not recall if any of the officers arrived in a vehicle. PO Song assumed that the officers were "gonna do something," so he crossed the street to join them. He was not called to the scene or notified by radio. When he arrived, PO Song saw that the officers were interacting with [redacted] PO Song viewed an image of the location from GoogleMaps StreetView and said he believed [redacted] was standing directly in front of the entrance under [redacted] awning on the left. PO Song had not been observing [redacted] prior to seeing the other officers arrive and was not aware of his presence.

The investigator asked if PO Song recognized [redacted] and he replied, "I know [redacted] very well." PO Song knows that [redacted] nickname is "[redacted]" that he's from the West Coast, that he is a former member of the Bloods gang, and that he is known to carry firearms. PO Song had never stopped or arrested [redacted] but had casually interacted with him in public. As an example, he said, "Like I'd drive by and say 'Hey [redacted] and he'd give me the finger." PO Song's knowledge of [redacted] prior criminal history came from reviewing police documents. PO Song said that Sgt. Cussen, PO Smith, and PO Feely also knew and recognized [redacted]

PO Song stood near the curb and away from [redacted] entrance. He directed pedestrians away from the other officers. None of the officers explained to PO Song when he arrived why [redacted] was being stopped. PO Song believed that Sgt. Cussen first approached [redacted] but did not know if he spoke to him. Sgt. Cussen then stepped back and PO Smith conducted the stop. PO Song did not know which officer acquired [redacted] identification. In fact, he stated he was surprised to learn during the CCRB interview that [redacted] even had

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identification. During the stop, PO Song could hear [redacted] raising his voice and knew he was agitated and annoyed, but could not hear officers' conversation with him. PO Song was not sure if [redacted] was with anyone else at the time of the stop. The investigator asked if Sgt. Cussen, PO Feely, or PO Smith stopped anyone else and PO Song replied, "They could have, but like I said, I was kind of watching multiple things at once. I believe Officer Feely did stop somebody, but his information and why she stopped him, obviously I wouldn't know." The investigator later asked PO Song if PO Feely stopped someone else and he said, "I'm not sure. I think there might have been another person there." The investigator asked him to elaborate and he said, "I think she was talking to somebody, but like I said, I don't really remember that." PO Song never saw PO Feely acquire this person's identification or frisk him. He never saw any officer frisk or search the man. He said, "The only encounter I do remember is Officer Feely talking to some male, but I'm not sure exactly what their interaction was." The investigation identified this individual as [redacted]

The investigator asked if PO Song was able to watch officers' interaction with [redacted] He replied, "To be honest with you, I kind of struck up a conversation with an unknown male juvenile, and I believe a Marine recruiter, I think. So kind of like, I'm talking with them cause they're kind of inquiring what's going on. And I told them, I don't know, I'm just here to, you know, help them out." The Marine recruiter was in uniform. The unknown juvenile was a young Hispanic man. PO Song learned that the man attended [redacted]. The investigator asked PO Song to elaborate on his interaction with the man and he replied, "I was just standing there talking to them while this whole interaction was occurring." He recalled that there was some type of testing or final exams going on and he asked the Hispanic juvenile how he did on the tests. PO Song also recounted, "He said he was interested in the Marine Corps. I told him you can't smoke marijuana because the U.S. government tests for that." The investigator asked why PO Song brought up the subject of marijuana and asked if he had any reason to believe the Hispanic juvenile smoked marijuana. PO Song replied, "No, no, no. I was just kind of putting it out there." PO Song described the interaction as "just a random, kind of casual conversation," and said, "I didn't know who he was. I just said you can't, you know, obviously, consume narcotics." PO Song insisted of the Hispanic juvenile, "By no means was he stopped. I was just there speaking to him when this all unfolded."

PO Song referred to his memo book and estimated that the entire stop lasted approximately 25-30 minutes. He could not recall if he ever interacted with [redacted] during the incident. He never heard [redacted] request PO Smith's name or shield number and never heard PO Smith refuse to provide that information. He never saw PO Smith put his shield directly in [redacted] face. He never heard PO Smith use profanity and specifically denied hearing him say, "I don't give a fuck if you make a complaint. I'm not fucking scared of you." He believed PO Smith frisked [redacted] but denied seeing it take place. He denied seeing any other officer frisk [redacted] and denied seeing PO Smith or any other officer search him. He believed PO Smith frisked [redacted] because PO Smith later told him that he had done so. PO Smith told him that he had seen a bulge in [redacted] jacket and that he stopped him because of the bulge. PO Song obtained [redacted] pedigree information and the information about the bulge from PO Smith and noted them in his memo book. PO Song did not personally observe the bulge. PO Smith never told PO Song that he suspected [redacted] of pickpocketing or of something related to the anticrime team's focus that day.

When the investigator questioned PO Song about the bulge in [redacted] jacket, he explained that PO Smith told him about it and went on to say, "If Officer Smith say, 'Can you please stop this person,' I'm stopping him. Because that's my—number one, I trust him. Number two." PO Song's representative interjected and said, "But you didn't stop this guy," and PO Song said that he did not.

PO Song was not sure if [redacted] the Hispanic juvenile, and the Marine recruiter were present for the entire incident. He explicitly stated that no other officers, from the anticrime or otherwise, ever arrived on scene during the incident. He explicitly denied that he stopped anyone during the incident, acquired anyone's identification, frisked anyone, or searched anyone. He did not create any UF250 reports in connection to the incident.

PO Song viewed surveillance video footage of the incident. He viewed Video #1 from 08:24 to 10:34. The investigator asked if PO Song saw himself in the footage and he said he did not. The investigator asked if he ever wore a baseball hat while dressed in plainclothes. PO Song said he did not, and that he wore a knitted hat in the

Interview Details

winter. He tries to blend in and does not wear clothing that stands out, such as Timberland boots, blue jeans, or a hoodie. He usually wears ski pants. The investigator pointed out [redacted] Sgt. Cussen, PO Smith, and PO Feely, and also pointed out a fourth officer on the right of the frame who is obscured.

PO Song viewed Video #2 from 11:22 to 11:36. The investigator paused the video at 11:36 and pointed out the officer who emerges from the right and appears to be wearing a baseball hat with an orange brim. The investigator asked if PO Song recognized that officer as himself and he said, "No. I wouldn't have a hat like that." The investigator asked if the incident shown in the video footage was the incident PO Song had described in his interview and he confirmed that it was. The investigator asked if PO Song was visible in the video footage and he replied, "I guess not. I was, like I said, I was more towards this side." PO Song gestured out of frame to the right. The investigator reminded PO Song that he previously said that Sgt. Cussen, PO Smith, and PO Feely were the only other officers present and asked if he knew the identity of the officer seen emerging from the right at 11:36. PO Song said he did not know who that officer was. The investigator asked if PO Song recalled there being any other officers present and he said, "To be honest with you, I don't." His representative again asked him if he recognized the officer pictured and PO Song reiterated that he did not. The investigator asked PO Song which other officers were working on the anticrime team that day and he said PO Galvani and PO Ricci. The investigator produced the roll call and asked PO Song if he recalled PO Hamid working on the team that day. PO Song said he did not. The investigator asked if he recalled PO Stapleton working on the team that day and he said, "He could have. I'm not sure." The investigator asked PO Song if he recalled PO Kim working on the team that day and he said, "I don't actually, to tell you the truth." PO Song described PO Ricci and PO Stapleton as white men, PO Galvani as a black woman, PO Kim as a Korean man, and PO Hamid as a Pakistani man. The investigator once again asked, "So as far as you can recall, the only other officers on scene with you at this incident were Feely, Smith, and Cussen?" PO Song replied, "I believe so." The investigator paused the video at 11:38 and called PO Song's attention to the two young men seen entering [redacted] The investigator asked if PO Song recognized either of the men as being the Hispanic juvenile he spoke to with the Marine recruiter. PO Song replied, "No I don't, actually." The investigator asked if he recognized either of them as being the man to whom PO Feely was speaking during the incident. PO Song replied, "I don't, actually."

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Eric Gonzalez
District Attorney

[INSERT NAME]
Assistant District Attorney

[INSERT DATE]

[INSERT D/C INFO]

Re: [INSERT CASE NAME]
Kings County Dkt./Ind. No. [#########]

In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: **DANIEL SONG**

MOS TAX: [redacted]

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

Disclosure # 1:
THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION, DATED 05/29/2012, AGAINST MOS SONG:
ALLEGATION:
1. FAILED TO MAKE ACTIVITY LOG ENTRIES REGARDING HIS PARTICIPATION IN AN INCIDENT
CASE STATUS: CLOSED ON 11/26/2013
ACTION TAKEN: SCHEDULE B COMMAND DISCIPLINE, WARNED AND ADMONISHED

Disclosure # 2:
NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION AGAINST MOS ARISING OUT OF AN INCIDENT ON 02/15/2014:
ALLEGATION:
1. FAIL TO TAKE/ MAKE REPORT
ACTION TAKEN: LETTER OF INSTRUCTION ISSUED

Disclosure # 3:
MOS SONG ENTERED A PLEA TO FOLLOWING DEPARTMENTAL CHARGES ARISING OUT OF AN INCIDENT ON MARCH 17, 2015 AT APPROXIAMTELY 1640 HOURS IN QUEENS COUNTY, WHILE MOS WAS ON DUTY AND ASSIGNED TO THE 109TH PRECINCT:
1. MOS SONG ABUSED HIS AUTHORITY AS A MEMBER OF THE NEW YORK CITY POLICE DEPARTMENT IN THAT HE STOPPED AN INDIVIDUAL KNOWN TO THE DEPARTMENT WITHOUT SUFFICIENT LEGAL AUTHORITY.

2. MOS SONG ABUSED HIS AUTHORITY AS A MEMBER OF THE NEW YORK CITY POLICE DEPARTMENT IN THAT HE FRISKED SAID INDIVIDUAL KNOWN TO THE DEPARTMENT WITHOUT SUFFICIENT LEGAL AUTHORITY.

3. MOS SONG ABUSED HIS AUTHORITY AS A MEMBER OF THE NEW YORK CITY POLICE DEPARTMENT IN

THAT HE SEARCHED SAID INDIVIDUAL KNOWN TO THE DEPARTMENT WITHOUT SUFFICIENT LEGAL AUTHORITY.

CASE STATUS: CLOSED ON 06/08/2018
ACTION TAKEN: FORFEITURE OF FIVE (5) VACATION DAYS

Disclosure # 4:

MOS ENTERED A PLEA TO FOLLOWING DEPARTMENTAL CHARGES ARISING OUT OF TWO INCIDENTS ON JULY 16, 2015 AND FEBRUARY 23, 2016, BOTH WHILE MOS WAS ON DUTY AND ASSIGNED TO THE 109TH PRECINCT:

1. MOS SONG DID ENGAGE IN CONDUCT PREJUDICIAL TO THE GOOD ORDER, EFFICIENCY OR DISCIPLINE OF THE DEPARTMENT, IN THAT SAID MOS DID MAKE FALSE AND INACCURATE/ MISLEADING STATEMENTS DURING A CIVILIAN COMPLAINT REVIEW BOARD INTERVIEW.

2. MOS SONG DID IMPEDE AN OFFICIAL DEPARTMENT INVESTIGATION IN THAT SAID MOS DID GIVE INACCURATE AND MISLEADING STATEMENTS TO QUESTIONS ASKED OF HIM DURING SAID INTERVIEW.

CASE STATUS: CLOSED ON 05/03/2018
ACTION TAKEN: MOS SONG WAS PLACED ON DISMISSAL PROBATION FOR ONE YEAR AND FORFEITED THIRTY (30) VACATION DAYS.

BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH FEBRUARY 2, 2021 THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND/OR PENDING ALLEGATIONS AGAINST THIS OFFICER:

Disclosure # 5:

CCRB CASE: 201207715
REPORT DATE: 6/14/2012
INCIDENT DATE: 5/29/2012
CCRB SUBSTANTIATED ALLEGATION(S):
1. ABUSE – FRISK
2. ABUSE – SEARCH OF PERSON
3. ABUSE – STOP

NYPD DISPOSITION: FORMAL INSTRUCTIONS
OTHER MISCONDUCT NOTED:
1. FAILURE TO PREPARE A MEMO BOOK ENTRY

Disclosure # 6:

CCRB CASE: 201501953
REPORT DATE: 3/17/2015
INCIDENT DATE: 3/17/2015
CCRB SUBSTANTIATED ALLEGATION(S):
1. ABUSE – FRISK
2. ABUSE – SEARCH OF PERSON
3. ABUSE - STOP

NYPD DISPOSITION: FORFEIT 5 VACATION DAYS
OTHER MISCONDUCT NOTED:
1. FAILURE TO PRODUCE STOP AND FRISK REPORT
2. FALSE OFFICIAL STATEMENT

Eric Gonzalez
District Attorney
Kings County

DISPOSITION OF DISCIPLINARY PROCEEDINGS:

10-

CASE	RANK	NAME	TAX NO.	PRESENT COMMAND	COMMAND PREF'D CHARGES	DATE OF CHARGES
2010-3128	PO	CORY SMITH	9357[redacted]	109 PCT.	IAB	11/17/2010

SPECIFICATIONS/DISPOSITIONS

1. FAILED TO PREPARE PROPERTY CLERK INVOICE REGARDING INVESTIGATORY/FOUND PROPERTY. **GUILTY**
2. FAILED TO SAFEGUARD PROPERTY. **GUILTY**
3. FAILED TO NOTIFY DEPARTMENT OF MISCONDUCT OF OTHER MEMBERS OF SERVICE. **GUILTY**
4. OMITTED ENTRIES IN ACTIVITY LOG REGARDING A POLICE INCIDENT. **GUILTY**
5. FAILED TO PROPERLY SEND RADIO TRANSMISSION AND ENSURE COMPLAINT REPORT WAS ENTERED INTO COMPLAINT SYSTEM IN A TIMELY FASHION. **GUILTY**
6. INTERFERED WITH AN OFFICIAL DEPARTMENT INVESTIGATION. **GUILTY**
7. MADE FALSE STATEMENTS DURING A DEPARTMENT INTERVIEW. **GUILTY**
8. WRONGFULLY OFFERED TO LET INDIVIDUAL KNOWN TO THE DEPARTMENT KEEP PROPERTY THAT WAS FOUND PROPERTY AND/OR INVESTIGATORY EVIDENCE. **GUILTY**

PENALTY: **DATE OF DISPOSITION:** 11/30/2011

Dismissal from the New York City Police Department; however, judgment is suspended and respondent will be placed on Dismissal Probation for a period of one (1) year. Forfeiture of thirty (30) suspension days, thirty (30) vacation days.

2008-267	DTS	ANTHONY MUNROE	9000[redacted]	110 PCT.	OCCB	10/24/2008

SPECIFICATIONS/DISPOSITIONS

1. WRONGFULLY UTILIZED A DEPARTMENT VEHICLE AND A DEPARTMENT ISSUED E-Z PASS FOR PERSONAL USE. **GUILTY**
2. WHILE UTILIZING A DEPARTMENT VEHICLE FOR PERSONAL USE FAILED TO MAKE AN ENTRY IN VEHICLE UTILIZATION LOG FOR SAID USE. **GUILTY**
3. ABSENT FROM ASSIGNMENT WITHOUT PERMISSION. **GUILTY**
4. FAILED TO SUBMIT A CIVILIAN COMPLAINT REVIEW BOARD APPEARANCE SLIP UPON RETURN TO COMMAND. **GUILTY**
5. FAILED TO MAINTAIN ACTIVITY LOG WHILE ON DUTY. **GUILTY**
6. FAILED TO MAKE PROPER NOTIFICATIONS REGARDING MEMBER OF SERVICE'S MOVEMENT. **GUILTY**

PENALTY: **DATE OF DISPOSITION:** 12/05/2011

Forfeiture of thirty (30) suspension days.

2010-3082	DTS	TIMOTHY DUFFY	8991[redacted]	PCO LIAISON UNIT	IAB	11/03/2010

SPECIFICATION/DISPOSITION

1. WRONGFULLY POSSESSED A DUPLICATE 2008 RESTRICTED PARKING PERMIT AND GAVE SAID PERMIT TO A NON MEMBER OF THE SERVICE TO UTILIZE. **GUILTY**

PENALTY: **DATE OF DISPOSITION:** 12/05/2011

Forfeiture of twenty-one (21) pre-trial suspension days.