

201502980

Joe Rodriguez

A woman went to the 47<sup>th</sup> precinct to complain about damage to her apartment door caused by two officers who had entered the apartment. When she arrived at the precinct, she encountered police officer Joe Rodriguez, who was working security at the entrance of the precinct. Rodriguez said he could not take down the complaint and could not help her. He ordered her to go home and call the precinct to file the complaint. He did not mention the procedure of filing a complaint with the CCRB.

When he was interviewed, Rodriguez stated that his post working security at the precinct means usually being in the parking lot and that he would not be in the precinct itself except during his meal. But other police officers, when interviewed, stated that the assignment of precinct security generally, and PO Rodriguez's assignment that day specifically, involved being at the front door as the point of contact as people entered the precinct.

The CCRB found that Officer Rodriguez had failed to process a CCRB complaint and had made a false official statement about interacting with the victim. He was penalized with a "Command Discipline" A.

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## Interview Details

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### Complainant/Victim: [REDACTED]

- [REDACTED] a black female, standing 5'7" tall, weighing 181 pounds, with black hair and dark brown eyes, was [REDACTED] years old at the time of the incident. [REDACTED] is a [REDACTED].

### CCRB Testimony

[REDACTED] was interviewed at the CCRB on May 29, 2015. [REDACTED] confirmed that she did not witness officers damage her door or enter her apartment, but learned of the incident from her son, [REDACTED] and cousin, [REDACTED]. [REDACTED] door was broken off of the hinges. She took photos of the damage on April 7, 2015, and received video footage of officers leaving the apartment from a neighbor, who does not wish to be involved in the case. [REDACTED] would like to contact a lawyer before providing a statement in regards to officers damaging her door and entering her apartment. She was informed that we would not be investigating that portion of the case unless she provides a sworn statement about it.

On April 6, 2015, [REDACTED] received a call from [REDACTED] and [REDACTED] stating that police officers had kicked in her door and entered her apartment. [REDACTED] and his [REDACTED]-year-old brother, [REDACTED] were panicking, and [REDACTED] who was visiting from [REDACTED] was unfamiliar with the procedure to file a report or complaint in the U.S. [REDACTED] therefore, told [REDACTED] and [REDACTED] to wait until she returned home from work to address the incident. [REDACTED] returned home from work at approximately 11:00 p.m., at which point she, [REDACTED] and [REDACTED] went to the 47<sup>th</sup> Precinct Stationhouse. They arrived there sometime between 11:45 p.m. and 12:00 a.m., and waited behind a gate. PO1 walked around to [REDACTED] and her family and asked how he could help them. [REDACTED] was unsure if PO1 was a desk officer, and stated that he walked around from an area behind the desk where other officers may have been. [REDACTED] explained that two officers had broken her door and entered her apartment, and that she wanted to file a report and complaint against the officers and the incident as whole. Furthermore, the officers frightened her 10-year-old son and ignored [REDACTED] when she tried to speak with them. [REDACTED] asked PO1 questions as well, but [REDACTED] could not recall any specific questions she asked.

PO1 told [REDACTED] that he could not take her complaint or do anything to help her, and that she would have to go home and call the precinct to file the complaint. It seemed as though PO1 did not want to hear what [REDACTED] had to say. She said that she came to the precinct to file the complaint, and asked him why she should go home and call the precinct if she was already at the precinct. PO1 responded that there was nothing he could do for her and again told her she to go home and call the precinct. PO1 did not mention the CCRB to [REDACTED]. He did not provide the CCRB's phone number or any paperwork to her. [REDACTED] read his shield number from his badge and wrote it down. She did not have the number with her during the interview, but provided it previously. [REDACTED] was quite upset but did not want to argue with PO1 because he was an officer and was more familiar with the procedure than she. [REDACTED] returned home and called 911. The female she spoke with was quite rude to [REDACTED] until [REDACTED] mentioned that she had video footage of the incident. The female then told [REDACTED] that someone would come to her house. When officers still did not come, [REDACTED] repeatedly called 911 until she was finally connected to IAB on April 9<sup>th</sup>. On April 9, 2015, two officers came to her home and took a statement from her. [REDACTED] door has yet to be repaired.

PO1: Hispanic male, medium build, approximately 5'9", in his late 20s or early 30s, in uniform.

### Additional Contact

[REDACTED]

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## Interview Details

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### Subject Officer: OFFICER JOE RODRIGUEZ

- *On April 6, 2015, PO Rodriguez was assigned to stationhouse security and did not have a partner. PO Rodriguez was in uniform and was working on foot. He worked from 11:15 p.m. to 7:50 a.m.*

### Memo Book

*PO Rodriguez had no entries in his memo book regarding this incident. At 11:15 p.m. he was present for duty. At 11:25 p.m. roll call was conducted by Sgt Diaz, and PO Rodriguez was assigned to stationhouse security. At 11:40 p.m. he was on stationhouse security duty. He had his meal at 2:00 a.m., resumed security at 3:00 a.m., and ended his tour at 7:50 a.m.*

### CCRB Testimony

PO Rodriguez was interviewed at the CCRB on July 13, 2015. On April 6, 2015, PO Rodriguez was assigned to stationhouse security. He explained that the duties of that assignment are to “walk around the parking lot outside, make sure nothing is going on, and provide overall security of the precinct.” He stated that he “pops in” once in a while but worked “mainly outside.” PO Rodriguez then said, “The only time I went inside was for meal,” at 2:00 a.m., and to sign in. PO Rodriguez had no recollection of being behind the desk at any point, and stated that he generally does not go behind the desk to sign in and out. He had no recollection of the incident, even after being provided with a brief narrative. [REDACTED] photo was presented to PO Rodriguez. He did not recognize [REDACTED] and stated that no one spoke to him about filing a complaint that day. PO Rodriguez explained that if a civilian approached him wishing to file a complaint against police officers, he would refer the civilian to the telephone switchboard (T.S.) operator. He could not recall who the T.S. operator was that day. He had no independent recollection of who the desk officer was, but read from the command log that Sgt Higgins and Sgt Sussman were working at the desk at some point.

PO Rodriguez did not refuse to process [REDACTED] complaint against officers. He did not inform her he could not help her and that she would have to go home and call in the complaint. He did not hear any other officers tell [REDACTED] this. The investigator informed PO Rodriguez that [REDACTED] had provided his badge number to the CCRB. PO Rodriguez did not know how [REDACTED] could have obtained his badge number.

PO Rodriguez reviewed the video clip in IA #20, which shows two plainclothes officers leaving [REDACTED]. He was unable to identify the officers. He had no knowledge of a shooting near [REDACTED] and had no knowledge of officers responding to that location. He did not recall ever being informed of officers entering [REDACTED].

**Witness Officer: OFFICER STEPHANIE RAMOS**

- *On April 6, 2015, PO Ramos was assigned to assistant desk officer and did not have a partner. PO Ramos was in uniform and worked from 11:15 p.m. to 7:50 a.m.*

**Memo Book**

*PO Ramos did not have any entries in her memo book regarding this incident. At 23:30 hours roll call was conducted by Sgt Sussman, and PO Ramos was assigned to assistant desk officer.*

**CCRB Testimony**

PO Ramos was interviewed at the CCRB on July 29, 2015. She confirmed that on April 6, 2015, she was working at the desk in the 47<sup>th</sup> Precinct Stationhouse during the time that ██████████ said to have come to the stationhouse. PO Ramos could not recall who the desk officer was that day, but believed it was either Sgt Diaz or Sgt Sussman. She explained that the assistant desk officer's and the desk officer's view of the entrance to the stationhouse are obstructed because they are positioned behind a wall. They would only be able to see people entering the stationhouse if they were to stand up. The assistant desk officer generally does not interact with civilians.

PO Ramos had no recollection of the incident, even after being provided with a brief narrative. A photo of ██████████ was presented to PO Ramos. PO Ramos did not recognize ██████████. She had no recollection of anyone coming to the stationhouse on April 6, 2015, to file a complaint against officers or to file a report. PO Ramos never refused to process ██████████ complaint against officers. PO Ramos explained that there is no specific officer designated to process civilians' complaints, and that any officer can do so. Often times officers who happen to be near the front of the stationhouse will take the complaints. PO Ramos stated that there wasn't any reason why an officer would not be able to process a civilian's complaint other than perhaps the way the civilian was behaving or expressing himself. PO Ramos did not recall PO Rodriguez being present on April 6, 2015. She stated that security officers generally stand at the gate in the front of the stationhouse, inside of the stationhouse. PO Ramos never saw ██████████ or anyone else speaking to PO Rodriguez and never heard any officer refuse to process ██████████ complaint.

At the conclusion of the interview, the video clip in IA #20 was presented to PO Ramos. She could not identify the officers in the video. She had no knowledge of officers entering anyone's home that day, and had not heard of a shooting near ██████████.

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# Interview Details

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## Witness Officer: SERGEANT JOSE DIAZ

- *On April 6, 2015, Sgt Diaz was assigned to desk officer and did not have a partner. He was in uniform and worked from 11:05 p.m. to 8:02 a.m.*

## Memo Book

*Sgt Diaz did not have any entries in his memo book regarding this incident. At 22:30 hours he was present for duty. At 23:20 hours he conducted roll call.*

## CCRB Testimony

Sgt Diaz was interviewed at the CCRB on August 11, 2015. He had no knowledge of the incident, even after being provided with a brief narrative. He did not recognize [REDACTED] when presented with her photo. Sgt Diaz stated that there was no reason why [REDACTED] would not have been able to file a complaint at the precinct, and that if he knew she wanted to he would have taken the complaint for her and made note of it in the command log. He stated that there are various ways in which civilians can file complaints against officers. They can fill out the forms themselves, but often Sgt Diaz will take the complaints and make a command log entry in regards. He stated that if [REDACTED] successfully made a complaint it would be documented in the command log. Sgt Diaz recalled PO Rodriguez being at the stationhouse on the date of the incident, and stated that he was by the front desk. Sgt Diaz initially believed that PO Rodriguez was assigned to telephone switchboard operator, however, after reviewing the roll call he read that PO Rodriguez was assigned to stationhouse security. Sgt Diaz stated that security officers, “usually stand in front, by the front desk. One usually stands at the rear exit and one at the front.” When asked if the security officers work inside of the stationhouse he responded “yes.” PO Rodriguez was stationed approximately 30 to 40 feet from Sgt Diaz toward the front door.

Sgt Diaz stated that there is no reason why any officer would not be able to help a civilian file a complaint against officers, but that he would not want to pull PO Rodriguez from his post to have him enter the complaint because security officers’, “role is mostly to the protection of the command and monitoring people that are coming in and out,” of the stationhouse. Sgt Diaz stated that if a civilian asked PO Rodriguez about filing a complaint against officers, PO Rodriguez would be required to refer the civilian to another officer or to Sgt Diaz. At no point did PO Rodriguez refer [REDACTED] to Sgt Diaz or tell Sgt Diaz that [REDACTED] wanted to file a complaint. Sgt Diaz did not recall seeing PO Rodriguez speak to a group of people. None of the officers ever told Sgt Diaz about [REDACTED] wanting to file a complaint. Sgt Diaz did not refuse to help [REDACTED] file a complaint against officers.

Sgt Diaz did not recall ever being informed of officers breaking down a door or responding to a shooting. He had no knowledge of officers entering or being near [REDACTED]. The video footage in IA #20 was presented to Sgt Diaz. He did not know who the officers in the video were.