

201509458

Matthew Drury

Police Officer Drury responded to a call that teenage boys were smoking cannabis. After he and another officer arrived on the scene, the boys tried to leave. Officer Drury caught one of the boys, and in the process of arresting him struck him with his nightstick while he was on the ground.

A woman driving by observed Officer Drury hitting the boy, stopped her car, and asked him why he was hitting the boy with his nightstick. Officer Drury told her to “mind your fucking business.” She asked him for his name and badge number, which he failed to provide. She went to the precinct to file a complaint. Officer Drury later arrived at the precinct, where she identified him to the other officers.

While Officer Drury denied cursing at the complainant or refusing to take a complaint, a police sergeant who had been called to the scene and who spoke with Officer Drury in the stationhouse after the complaint had been filed testified that Officer Drury confirmed he had cursed at the woman.

The CCRB was unable to obtain a statement from the person hit with a nightstick and could not determine whether the force was justified. It substantiated allegations of discourtesy, failure to provide name & shield, and failure to process a complaint against Officer Drury.

It likewise found that he made a false statement in those portions of his testimony contradicted by other PD witnesses. Officer Drury resigned from the NYPD before any discipline was imposed.

Complainant/Victim: [REDACTED]

Please see the coversheet for pedigree and employment information.

CCRB Testimony

On November 12, 2015, [REDACTED] was interviewed at the CCRB.

On November 2, 2015, at approximately 9:30 a.m., [REDACTED] was driving alone in her car on [REDACTED] in Brooklyn on the way to the City. There traffic slowed upon approaching [REDACTED] ([REDACTED] was unaware of the direction of travel) because a marked police car was stopped next parking lane, causing cars to have to go around it. People were also driving slowly because they were watching (referred to as sightseeing) what the officer was doing. [REDACTED] was at a light and was waiting for it to change. She saw two children, M1 (described as a male) and F1 (described as a female), run from [REDACTED] right across [REDACTED] and down [REDACTED] as if running away. [REDACTED] looked up in the direction from where M1 and F1 ran. ***A uniformed officer, PO "Drury" (name later provided at the stationhouse), stood inside the railing or gate of the residence as he held his black asp and hit something three or four times while his other hand held onto the gate.*** [REDACTED] did not know at the time what PO Drury was hitting because cars obstructed her view and she was still waiting at the light. She thought that M1 and F1 ran because PO Drury was hitting and apprehending a dog that was loose. [REDACTED] had no awareness of any other officer at the time and was focused on PO Drury.

As the traffic cleared and [REDACTED] moved closer about three minutes later, she stopped behind the patrol car and in front of where PO Drury was. [REDACTED] viewed Photographs 1 and 2 in the case file and said the incident location was more to the right if looking at the photographs. She realized that PO Drury had been hitting a youth, identified via the investigator as [REDACTED] (name not provided to [REDACTED] who was now standing and already handcuffed. PO Drury held [REDACTED] by his arm and [REDACTED] observed no injuries on [REDACTED]. [REDACTED] thought [REDACTED] was handcuffed while being struck because PO Drury did not have enough time to come to the outside of the fence, handcuff him and bring him up by the arm. [REDACTED] did not recognize [REDACTED] as anyone she knew. At this time, an Optimum technician was outside of his truck (no license plate noted), parked on the left side of the street, and watching what was occurring. [REDACTED] rolled down her window and asked a bystander (referred to as a patron), M2 (described as a male), "Was he hitting this child?" [REDACTED] did not know M2 and could not tell if he lived in the area or was only walking by. ***PO Drury, who now stood outside the gate, turned around and told [REDACTED] to mind her "fucking" business, it does not "fucking" concern her and to "move the fuck on."*** [REDACTED] only said, "Whoa," as she had not expected PO Drury to say this. [REDACTED] drove to the corner on [REDACTED] at [REDACTED] and parked her car on the left side of the street. She exited her car, walked to PO Drury, who was placing [REDACTED] in the patrol car, and asked him for his badge number and name. Two additional people were observing the incident at this time. [REDACTED] ***initially said that in response to her request, PO Drury said, "Mind your business."*** [REDACTED] ***later said that PO Drury did not say anything and only ignored her.*** [REDACTED] had no awareness of another officer at this time. [REDACTED] took two pictures of PO Drury at that moment with her cellphone (what she took the photos with was provided during her phone statement on December 2, 2015). The second photo showed [REDACTED] (described as a black male, 6'2" tall, hair in an afro, wearing a pullover white or light gray hoodie). She said that she would send this to the investigator at a later date. The picture showed a marked police car (# [REDACTED]) with PO Drury standing next to it and his uniformed partner, PO1, standing behind him. No further officers were at the scene. [REDACTED] did not see PO Drury and PO1 enter their patrol car and could not say where they sat. A second child, I1, was also arrested and [REDACTED] never saw this person. [REDACTED] did not know where I1 was when PO Drury placed [REDACTED] in the patrol car and said that he may have already been inside.

[REDACTED] walked back to her car and called 911. The 911 operator asked her if she needed the police or an ambulance. [REDACTED] said that a police officer was hitting a child and was being obnoxious because he cursed her out. The 911 operator asked what the officer said and [REDACTED] told her. The 911 operator said, "I apologize for the officer. You know, sometimes in the heat of the moment..." [REDACTED] said, "But that's neither here nor there." The 911 operator asked, "Did you call for an ambulance?" [REDACTED] said, "No, I did not." The 911 operator said, "Well,

the ambulance is en route to that location. Where are you?" [REDACTED] said, "I'm right on the corner of [REDACTED] and [REDACTED]. The 911 operator said, "We're trying to get in contact with IAB," but the call could not be patched through, so she provided [REDACTED] with the telephone number. [REDACTED] hung up with 911.

[REDACTED] reentered her car and went to the 75th Precinct stationhouse, which took about ten minutes. Upon arrival, [REDACTED] walked through the double doors without knowing that she was supposed to stop first and speak to the attendant, a female who was trying to find something in her pocketbook. The uniformed desk sergeant, Sgt. "Irizian" (name later provided over the phone), asked [REDACTED] what the problem was and what she needed assistance with. [REDACTED] told Sgt. Irizian that she just saw another officer hitting a child who was handcuffed and she needed to know to whom she could report this. Sgt. Irizian said that [REDACTED] needed to call IAB and the CCRB (referred to by [REDACTED] as the Civil Review Complaint Board). *[REDACTED] asked Sgt. Irizian if she could make a complaint there and he told her that there was no IAB unit there, so she would have to call.* Two other officers, PO2 and PO3, were behind the desk and not paying attention to the conversation.

As [REDACTED] spoke to Sgt. Irizian, PO Drury came out of the area from where he was and came over to the desk. PO1 was not with him. At that time, [REDACTED] said, "That's the police officer right there. I asked him for his name and badge, and he never gave it to me. So, could I talk to him?" Sgt. Irizian said, "Sure." [REDACTED] was asked to step out to the hallway outside the doors. PO Drury spoke to Sgt. Irizian during which time PO Drury shook his head as if the two were having some kind of debate. PO Drury came out and said, "Yes, could I help you?" [REDACTED] said, "Yes, I would like your name and badge number." PO Drury said forcefully (investigator's description), "It's right here." [REDACTED] wrote down his name down as "Drury" and did not see any badge number. PO Drury did not state the information, but did not prevent [REDACTED] from recording it. PO Drury had an attitude. He said, "You have a blessed day." [REDACTED] said, "You have a blessed day yourself." [REDACTED] walked out of the stationhouse.

[REDACTED] reentered her car and headed downtown. She received a call from the 911 dispatcher for follow-up to see if she still needed an ambulance. [REDACTED] said, "It wasn't for me. It was for someone else." [REDACTED] assumed the ambulance was called for the child that PO Drury was hitting. The 911 operator said, "No problem. Thank you." [REDACTED] hung up the phone with the 911 dispatcher.

[REDACTED] then received a call from Sgt. Irizian ([REDACTED] pronounced this as Iz-uh-rad) from the 75th Precinct. Sgt. Irizian asked [REDACTED] to explain what she saw. [REDACTED] asked what exactly he was calling her for and what connection he had with what happened. Sgt. Irizian said that he was the sergeant at the desk and wanted to follow-up to see what exactly happened. [REDACTED] told Sgt. Irizian what she saw and that PO Drury cursed at her. Sgt. Irizian apologized for PO Drury and said that sometimes, in the heat of the moment, officers become excited. Sgt. Irizian apologized for PO Drury cussing at her and said that he should not have done this. Sgt. Irizian said, "I totally do apologize for his behavior and his conduct, but let me explain what happened." Sgt. Irizian said that PO Drury was called to the location, where there were children smoking marihuana. The children were asked to leave and started running. PO Drury went to detain them, which is why he was hitting them with the baton. [REDACTED] said, "Okay, so what you're telling me is children...I understand they're not supposed to be there, but you're telling me because they were smoking marihuana, this police officer is hitting them with a baton? One and two don't connect for me. If it was just marihuana, why couldn't they just let them go with a warning? If they were breaking and entering or ...doing a robbery, I could understand him detaining them. I don't understand them hitting them with a baton." Sgt. Irizian said, "No, but you don't know," and said that [REDACTED] was not there. [REDACTED] said, "No, I wasn't there, but what I saw was this police officer using excessive force and the child was handcuffed on the floor and it wasn't until I got up closer that I noticed that he was on the floor handcuffed. So, for him to be using a baton for a child that's already on the floor – for what?" Sgt. Irizian said, "You're absolutely right. We'll have to investigate it. You have the right to call the Complaint Board and IAB." Sgt. Irizian hung up with [REDACTED].

[REDACTED] then received a call from PO Gordon (first referred to as Fieldgordon or F. Gordon), who gave [REDACTED] her complaint number, # 2015-33573. PO Gordon hung up with [REDACTED]. PO Gordon then called back and said, "I have your complaint number, but let me go over what you said and we also got testimony from your 911 call." PO Gordon repeated to [REDACTED] the details of the complaint. PO Gordon stated that [REDACTED] did not see

exactly what happened before because she was in traffic, but realized PO Drury was hitting the child when she came closer. [REDACTED] said, "Exactly." [REDACTED] later received a phone call from an investigator at the CCRB.

PO Drury is an olive-skinned Hispanic male, 6'1" tall, muscular body build, 230 to 240 pounds, bald, in his early 30s.

PO1 is a black male, with a beard. [REDACTED] did not look at PO1 well enough to describe any further physical characteristics. [REDACTED] never learned the name of PO1.

Sgt. Irizian is a white Irish (he spoke with an accent) male, heavyset body build, bald, in his late 50s, accented speech. His height was never observed.

[REDACTED] could not describe PO2 and PO3.

At the 27:00 minute mark, the mediation process was presented to [REDACTED]. The investigative process was also explained. [REDACTED] rejected mediation because she did not want to see PO Drury because he gave her "a bad vibe."

Subject Officer: SGT STEVEN SIERMALA

Please see the coversheet for pedigree and assignment information.

Memo Book

Sgt. Siermala made the following notations in his memo book: At 10:00 a.m., an IAB job, Log [REDACTED], was received from [REDACTED] and [REDACTED] IAB was notified.

CCRB Testimony

On December 17, 2015, [REDACTED] was interviewed at the CCRB. Sgt. Siermala denied any direct role in the incident.

On November 2, 2015, at 10:00 a.m., Central Communications dispatched Sgt. Siermala to the corner of [REDACTED] and [REDACTED] after an arrest was made there for an IAB job. Sgt. Siermala had not received or overheard any radio calls from any officer involved in the arrest and did not know which officers were involved at the time. Nobody was present when Sgt. Siermala arrived with his one partner (Sgt. Siermala could not recall who this officer was) and Sgt. Siermala saw nothing indicative that anything of note had occurred. Sgt. Siermala did not get out of his patrol car, but looked around from inside the car. Sgt. Siermala did not know why he was called there and had not spoken to anyone at IAB prior to going to the location. Sgt. Siermala did not ask anyone about the incident or speak to anyone at the location. No one approached the patrol car.

After two minutes from arriving, Sgt. Siermala left the incident location and returned to the precinct stationhouse to discover what the job was about. Sgt. Siermala did not go anywhere in between these two locations. Sgt. Siermala spoke to the desk sergeant (Sgt. Siermala could not recall who this was). Sgt. Siermala viewed the roll call that listed the desk sergeant as Sgt. Ayres, and Sgt. Siermala could not recall if this was accurate although he was familiar with Sgt. Ayres. Sgt. Siermala asked the desk sergeant, "Did we have anything at [REDACTED] and [REDACTED] The desk sergeant said, "Yeah, it was an arrest." The desk sergeant did not say anything else. Sgt. Siermala did not ask the desk sergeant if he knew why there was an IAB call for this. Sgt. Siermala discovered that the arresting officer involved in the incident was PO Drury.

Sgt. Siermala found and spoke to the arresting officer, PO Drury. Sgt. Siermala did not speak to PO Drury's partner and did not know who his partner was. Sgt. Siermala did not speak to any other officer present for the incident. Sgt. Siermala asked PO Drury what happened in regard to the arrest. PO Drury provided the following information: PO Drury received a call regarding a narcotics job from the location of [REDACTED] and [REDACTED] (Sgt. Siermala did not know the exact address) where individuals were smoking marijuana in the hallway. PO Drury and his partner arrived and kids (Sgt. Siermala did not know how many) ran. PO Drury chased the kids. PO Drury caught up with one of the kids who got caught on a fence. PO Drury said, "Show me your hands. Show me your hands. Show me your hands." The kid did not show his hands. PO Drury struck the kid in the leg with an asp. A passerby at the location demanded PO Drury's shield number and told him that he "can't do that." PO Drury did not say whether or not he provided his shield number. PO Drury did not say that he accidentally or intentionally struck the person in the head with an asp, and did not say that he was being accused of that.

Sgt. Siermala called IAB. Sgt. Siermala could not recall to whom he spoke and this person provided some information including the IAB log number. Sgt. Siermala asked the IAB officer what the IAB investigation was about, and they said it was in regard to the incident involving PO Drury. Sgt. Siermala could not recall exactly what the IAB officer told him about the incident. The IAB officer did not say if they were investigating any part of the incident and said that IAB became involved when a complainant called IAB. The IAB officer requested that Sgt. Siermala contact the complainant in regard to the incident. The IAB officer provided the complainant's contact information.

Sgt. Siermala called the IAB complainant, identified via the investigator as [REDACTED] (Sgt. Siermala could not recall her name). Sgt. Siermala reviewed the photograph of [REDACTED] that was taken on her CCRB interview date on November 12, 2015, and clarified that he never met [REDACTED] but called her and spoke to her about the incident over the phone. Sgt. Siermala never encountered [REDACTED] or any complainant about the incident

at the stationhouse. Sgt. Siermala knew of no other MOS calling [REDACTED] Sgt. Siermala asked [REDACTED] to explain her story to him.

[REDACTED] proceeded to provide the following information: [REDACTED] corroborated PO Drury's story and added that she was upset because the officer did not provide his shield number and she did not like the way that he spoke to her. [REDACTED] said that PO Drury cursed at her and was very disrespectful toward her. [REDACTED] did not allege that PO Drury hit an individual with an asp in the head. Sgt. Siermala could not recall if [REDACTED] mentioned where PO Drury struck the individual. Sgt. Siermala told [REDACTED] the following: It was unacceptable for an officer to speak to her that way if she felt disrespected. Sgt. Siermala explained an officer's perspective, one of someone under pressure with adrenaline going and not knowing who was around them. Sgt. Siermala tried to put [REDACTED] at ease that PO Drury's behavior may not have been intentionally directed toward her.

[REDACTED] did not seem to be under the impression that she met PO Siermala at the stationhouse. [REDACTED] did not specify what happened when she tried to make a complaint at the stationhouse or if she had been able or unable to do so. When civilians come to the stationhouse to file a complaint, officers take the complaint for them. This would be the responsibility of any officer asked regardless of their rank except the T/S operator. Sgt. Siermala discussed with [REDACTED] how to make a complaint. Sgt. Siermala told [REDACTED] that she could return to the stationhouse to make the complaint and she stated that she had already left. Sgt. Siermala told [REDACTED] that she could also contact the CCRB or complete the complaint with IAB, as she had initially called IAB. Nothing else was said during the phone conversation with [REDACTED]

After the phone conversation, Sgt. Siermala asked PO Drury if he cursed at [REDACTED] and he stated that he did. PO Drury stated to Sgt. Siermala that he told [REDACTED] to "mind [her] fucking business."

Sgt. Siermala was informed of the following allegations made by [REDACTED] She had come to the stationhouse and tried to file a complaint in regard to the incident. She was informed that she could not make a complaint at the stationhouse. Sgt. Siermala never witnessed this incident and never told [REDACTED] that she could not make a complaint at the stationhouse because no IAB personnel were there. Sgt. Siermala never witnessed an officer refuse to take a complaint at the stationhouse.

Interview Details

Subject Officer: PO NICHOLAS ACCETTA

Please see the coversheet for pedigree and assignment information.

Memo Book

PO Accetta made the following notations in his memo book: At 9:30 a.m., a call was received of a possible narcotics crime at [REDACTED]. At 9:50 a.m., two arrests were made in regard. At 10:00 a.m., [REDACTED] (only last name noted) was in the juvenile cells. At 12:55 p.m., [REDACTED] was released to his sister [REDACTED].

CCRB Testimony

On January 8, 2016, PO Accetta was interviewed at the CCRB.

On November 2, 2015, at approximately 9:30 a.m., PO Accetta and his partner, PO Matthew Drury, were called to [REDACTED] for people trespassing and smoking in the lobby of the apartment building. The call received did not inform on what kind of drug was being used. PO Accetta could not recall if descriptions of the people were provided. PO Accetta could not recall where the officers were when they received the call, and noted from his memo book that he issued a summons at 9:00 a.m., but the location was not listed. PO Accetta could not recall how long it took the officers to arrive to the location once they received the call. The tour began with PO Drury as the driver and PO Accetta as the front passenger (referred to as the recorder), and they switched positions at 8:05 a.m., an hour into the tour. No other member of service was present.

When the officers arrived, they entered the front doors of the apartment building, which was unlocked. The building had two glass doors. The four individuals were in a hallway just in front of a staircase, approximately 15 feet away from the front door. At this time, PO Accetta did not know that the individuals were the ones about whom the call was made. PO Accetta could not see what the individuals were doing or holding, as he was behind PO Drury, and could only see the individuals' bodies. As soon as the individuals saw the officers approaching them, after the officers had entered the first glass door, they ran away to the right and through a back door of the building. PO Drury instructed the individuals to stop and they did not at all comply. PO Accetta could not recall if PO Drury identified himself as an officer. PO Drury gave chase to the individuals and PO Accetta followed PO Drury.

The officers cut out of the building through the same door that the individuals exited. The door led to an alleyway next to the building. The officers chased the individuals through the alleyway that went around the building and which included three or four steps down and then three or four steps up. The officers chased the individuals to the front of the building, where the alley led, and toward a small, steel, wrought-iron gate. Two of the individuals hopped and made it over the gate which stood about 4'0" high.

PO Drury gained distance on one of the individuals, [REDACTED] and pushed [REDACTED] with his left arm, knocking [REDACTED] over to the left and forcing him to trip down to the ground. [REDACTED] landed on his hands and knees. PO Drury continued after the other individual, [REDACTED]. Once PO Accetta saw [REDACTED] go down, he "jumped on top of" [REDACTED] which he clarified to mean he grabbed his arms from behind him and pulled them behind his back. PO Drury did not put his body weight atop [REDACTED]. After the tussle during which [REDACTED] offered a little resistance by trying to get back up to run, [REDACTED] seemed to give up and PO Accetta placed him in handcuffs.

During this time, PO Drury could see PO Drury and [REDACTED] who were about three feet away. [REDACTED] somehow got one foot slightly stuck on the gate when he was half over it. PO Drury went to grab [REDACTED] who tried to kick him with his free foot (PO Accetta could not recall which foot). PO Accetta could not see if [REDACTED] made contact with PO Drury and actually kicked him. PO Drury first tried to grab [REDACTED] leg, and then hit [REDACTED] one time in the kicking leg with his baton to deter the kicking. PO Accetta was uncertain where PO Drury struck [REDACTED] in the leg. PO Accetta did not see PO Drury strike [REDACTED] again with a baton. PO Drury never struck [REDACTED] in the head with an asp. [REDACTED] stopped kicking and PO Drury pulled [REDACTED] by his torso and waistband area off the gate. PO Drury placed [REDACTED] face-down on the ground. A tussle ensued during which time PO Drury tried to grab [REDACTED] hands and [REDACTED] kept

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trying to flip over onto his back and face PO Drury. This lasted for a few seconds. PO Drury was finally able to place [REDACTED] in handcuffs about twenty to thirty seconds after the asp was used. No further physical force was used on [REDACTED] after he was handcuffed.

[REDACTED] and [REDACTED] were stopped because the officers received a call from a complainant about individuals smoking drugs in the building and the individuals ran at the sight of the officers. Nothing else factored into the decision to stop [REDACTED] and [REDACTED]. [REDACTED] and [REDACTED] were considered under arrest for trespassing once they were both placed in handcuffs. [REDACTED] and [REDACTED] identifications were not collected before they were placed in handcuffs. The officers did not know for certain that [REDACTED] and [REDACTED] had trespassed, but suspected they did because they ran from the officers.

During the arrests, PO Accetta could only hear himself and PO Drury yelling stop resisting, and [REDACTED] and [REDACTED] yelling, "I didn't do nothing," and "You can't do this." PO Accetta and PO Drury also issued the instructions of, "Put your hands behind your back," and "Stop." PO Accetta searched [REDACTED] and PO Drury searched [REDACTED] for any weapons (completed by patting them down quickly). PO Accetta did not see any bulges or anything resembling a weapon on [REDACTED] but wanted to be certain. As they did this, PO Drury yelled something. At the time, [REDACTED] was handcuffed and still on the ground. PO Accetta did not know what PO Drury yelled and heard no part of it. At first, PO Accetta thought PO Drury was probably still yelling at [REDACTED] to stop, but then realized something may be happening. PO Accetta jumped up after searching [REDACTED] because he thought that the other two individuals who had ran away came back to ambush the officers. PO Accetta looked for the individuals and did not see them. PO Accetta saw a person in a car and was a little nervous because he did not know what the car was there for. PO Accetta then saw the car drive away.

The officers opened the gate and brought them out from the backyard, through the gate and into the sidewalk area. PO Accetta never observed injuries on [REDACTED] or [REDACTED] and neither of the officers was injured.

The officers determined that [REDACTED] and [REDACTED] were trespassing. The officers asked [REDACTED] and [REDACTED] if they lived in the building, and they said no. The officers asked if the other two individuals who were with them lived in the building. [REDACTED] said that they did not, and that they usually come there to get high before class. Neither [REDACTED] nor [REDACTED] seemed intoxicated. PO Accetta told [REDACTED] that he should just go to school. The officers established that [REDACTED] and [REDACTED] were doing some type of drug because of the call over the radio. It was never confirmed what kind of drug the individuals were using and the two who ran away were never questioned. Only lighters were found on [REDACTED] and [REDACTED] and no contraband. PO Accetta did not see PO Drury recover contraband from [REDACTED].

During the conversation with [REDACTED] and [REDACTED] PO Accetta was unaware of any bystander approaching the officers. PO Accetta never heard PO Drury use discourteous language whatsoever or curse at anyone. PO Drury did not tell anyone to "mind their fucking business," or that it "did not fucking concern" them or to "move the fuck on." While at the scene, no one asked the officers for name or badge numbers. PO Drury never refused to provide this information to anyone. PO Drury never said, "Mind your business," in response to a request for a name and badge number, and PO Accetta never heard such a request being made. PO Drury did not provide his name and badge number to anyone at the scene. PO Accetta spoke to no bystander.

The officers called a sergeant to verify the arrest who PO Accetta thought was Sgt. Ayres, as he is the sergeant they usually work with. At first, PO Accetta could not recall which sergeant was called. PO Accetta is familiar with Sgt. Siemala and had no independent recollection of calling him. When Sgt. Ayres was mentioned, PO Accetta's thought that he was the sergeant called. PO Accetta could not recall if Sgt. Ayres came to the location to verify the arrest or gave them permission over the phone to bring the defendants to the precinct stationhouse. The officers were at the scene for about fifteen to twenty minutes, which he estimated from his memo book entries.

The officers may have transported both [REDACTED] and [REDACTED] to the stationhouse, but PO Accetta was certain that they transported [REDACTED]. PO Accetta could not recall if they transported [REDACTED] to the stationhouse. PO Drury would have recorded this information, as he was the driver. Usually, officers will not transport more than one defendant, but have done this on occasion.

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At the stationhouse, [REDACTED] and [REDACTED] pedigree slips were completed at the desk. PO Drury took [REDACTED] to the cell and PO Accetta took [REDACTED] upstairs to the juvenile room. PO Accetta could not leave the juvenile room with a prisoner inside. PO Accetta did not see [REDACTED] again.

PO Drury spoke over the phone to the person who called 911 and the building manager. PO Accetta was not present for the conversation, but was on the upper level of the stationhouse speaking to [REDACTED] in the juvenile room. PO Accetta was informed by PO Drury that he made the calls and wanted to confirm with the building manager that the defendants were trespassing. PO Accetta did not know the name or contact information of the building manager, as he did not make the call.

Aside from the arrest reports and the command log, no other place would list contact information for [REDACTED] and [REDACTED]. [REDACTED] was a juvenile arrest and [REDACTED] was not. As [REDACTED] sister was called, her contact information should be listed on [REDACTED] arrest report. PO Accetta did not have a copy of the arrest report at his CCRB interview.

PO Accetta and PO Drury spoke about the incident in regard to who would be assigned to the arrests, as one was a juvenile and one was not. The officers did not speak further about what happened at the incident location. PO Accetta viewed a photograph of [REDACTED] and did not recognize her or see her at the scene. PO Accetta did not see PO Drury speak to any civilians at the stationhouse. PO Accetta did not leave the juvenile room until he resumed patrol.

Neither Sgt. Siemala nor Sgt. Ayres spoke to PO Accetta or ask him questions about what happened at the incident location. PO Drury did not speak to PO Accetta about an encounter with [REDACTED] and he never mentioned her in any capacity. PO Drury did not mention to PO Accetta that he cursed at the scene. PO Accetta did not confer with any member of service about the CCRB complaint.

[REDACTED]
[REDACTED] PO Accetta did not go to court. As it was a juvenile arrest, the juvenile officer at the precinct takes over the case and handles everything.

PO Accetta viewed Photograph 1 and identified PO Drury and [REDACTED]. PO Accetta viewed Photograph 2 and identified himself and PO Drury. PO Accetta noted that the aforementioned gate could be seen in the photograph.

Subject Officer: SGT DOUGLAS AYRES

Please see the coversheet for pedigree and assignment information.

Memo Book

Sgt. Ayres made no memo book entries in his memo book regarding this incident. As he was assigned to the desk, he was not required to make any memo book entries, as all activity would be noted in the command log.

CCRB Testimony

On January 21, 2016, Sgt. Ayres was interviewed at the CCRB. Sgt. Ayres had no independent recollection of the incident.

Sgt. Ayres viewed the CCRB photograph of [REDACTED] and he did not recognize her. Sgt. Ayres was provided with the following details regarding the incident: PO Drury and PO Accetta (Sgt. Ayres stated that he is familiar with both) were on patrol and arrested two teenagers for marihuana in a building. Sgt. Ayres asked for the age of the teenagers and the investigator said that one was eighteen years old (arrest report had been obtained) and the other was under eighteen years old (no arrest report obtained; juvenile arrest). [REDACTED] happened upon the arrest and had a heated exchange with PO Drury about what was happening. [REDACTED] goes to the stationhouse to file a complaint about PO Drury. Sgt. Ayres remembered PO Drury making these arrests, but maintained that he has never met [REDACTED]. Sgt. Ayres could not recall anyone coming into the stationhouse to file a complaint. Sgt. Ayres was informed of the additional details: [REDACTED] approached the desk to make the complaint and PO Drury happened to walk in. [REDACTED] asked the desk sergeant if she could speak to PO Drury and the sergeant retrieved PO Drury for her. [REDACTED] and PO Drury exchange a few more words in the stationhouse. Sgt. Ayres could not recall these circumstances.

PO Drury and PO Accetta brought the two teenagers arrested for marihuana into the stationhouse. One was a juvenile and was released. The other had to go through the system and was also charged with resisting arrest. PO Drury did not mention speaking to any bystander as he made this arrest. PO Drury did not mention cursing at anyone at the scene. Sgt. Ayres did not receive notification of any complaint that PO Drury struck one of the teenagers in the head with an asp. Sgt. Ayres made no phone calls in regard to these arrests including to the Internal Affairs Bureau (IAB) or any commanding officer.

When civilians come into the stationhouse to file a complaint against a police officer, they first meet a civilian receptionist at the front window. The receptionist then informs the desk sergeant, who interviews the civilian and gives them paperwork depending on how the civilian wants the complaint handled. It is inaccurate that IAB personnel need to be present if a civilian wishes to file a complaint at the stationhouse. Sgt. Ayres never told a civilian that they could not make a complaint because IAB personnel was not present and heard no member of service say this to anyone civilian. Sgt. Ayres did not refuse to take [REDACTED] complaint and he did not witness any member of service do this.

Sgt. Ayres reviewed the command log and noted that at 11:10 a.m., he left the desk and Sgt. Siermala covered him at the desk while he completed administrative work. At 12:20 p.m., it is noted that Sgt. Ayres went back to the desk and Sgt. Siermala went to complete administrative work. Aside from Sgt. Siermala, no other officer was assigned to the desk that day. A T/S operator was present and Sgt. Ayres could not recall who this was. Other members of service may have stepped behind the desk to help out with various tasks.

Interview Details

Subject Officer: PO MATTHEW DRURY

Please see the coversheet for pedigree and assignment information.

Memo Book

PO Drury made the following notations in his memo book regarding the incident. At 9:30 a.m., PO Drury received a call to investigate a possible crime (10-10) was reported at [REDACTED] and an ambulance case (10-54) was reported at [REDACTED] (latter job was unrelated to incident). At 9:50 a.m., two crime arrests were made at the [REDACTED] location. At 10:00 a.m., PO Drury was present at the 75th Precinct stationhouse. At 12:30 p.m., Arrest [REDACTED] and UF 61 # [REDACTED] was generated and faxed at 1:30 p.m. Defendant [REDACTED] was released and processed as a juvenile by PO Accetta.

CCRB Testimony

On March 7, 2016, PO Drury was interviewed at the CCRB. PO Drury's legal representative, Ms. Florence Friedman, Esq., read the following preamble at the beginning of the interview that included the following information: PO Drury was not being interviewed at the CCRB voluntarily and has been advised that his refusal to answer the interview questions will result in discipline. Ms. Friedman strenuously objected to the CCRB questioning because of Chair Richard Emery, Esq.'s alleged unwaivable conflict of interest due to the dual role of Chairman and a named partner of his law firm. CCRB's mission statement indicates that its investigations and findings of civilian complaints are independent and impartial, but it is the PBA's position that Mr. Emery stands to financially profit from substantiated CCRB cases, which creates the appearance of impropriety and renders impossible the mission to be impartial and independent. Ms. Friedman requested that PO Drury be informed as to whether or not Mr. Emery's law firm has been in contact with the complainant or any witness in respect to the complaint in question, and the investigator refused to comment. While Drury agreed to answer the CCRB questions, he did not waive and instead observes all his rights in any future civil proceeding or disciplinary proceeding against Mr. Emery and his firm.

On November 2, 2016, at approximately 9:30 a.m., PO Drury received a call from 911 to investigate a crime at the incident location, [REDACTED]. PO Drury could not recall how the call came over, but it was either a group of males trespassing or smoking narcotics. It took about ten to fifteen minutes for PO Drury to reach the location. PO Drury initially said that he drove the patrol car and his partner PO Accetta was the front passenger, and then clarified upon viewing his memo book that he was the front passenger (recorder) and PO Accetta was the driver (recorder). PO Drury reached the glass front door of the building first and PO Accetta was behind him. PO Drury and PO Accetta observed through the door a group of several (no more than five) male individuals, who stood on a staircase about fifteen feet away from the officers and inside the corridor of the building. The door was propped open and PO Drury did not know with what.

When the officers walked in, PO Drury observed a strong smell of marijuana and saw that one of the individuals (PO Drury could not recall which one or if it was one of the apprehended individuals) had a lit cigarette. Aside from these observations, PO Drury did not have any other reason for stopping the individuals. The group immediately became aware of PO Drury when he entered. PO Drury told the group not to run. The group fled and ran down the stairs at the bottom of which was a back door. The group ran out the back door and into a small courtyard of the square-shaped building. From the courtyard, there are two hallways that run underneath the building to different sides of the block on [REDACTED]. The group ran in the same direction through one of the tight hallways (PO Drury could not recall if it was to the left or to the right upon entering the courtyard from the building's back door). The officers gave chase with PO Drury ahead of PO Accetta. The group ran up the stairs in a hallway that led to street level in front of the building, where there was a black metal fence with thin vertical bars that stood about two to three feet high surrounding the yard of the property.

Two or three individuals from the group escaped through the open gate of the fence. PO Drury did nothing further to apprehend these individuals. Neither PO Accetta nor PO Drury went over the radio. The individuals who escaped were never found.

Interview Details

PO Drury caught up to an individual identified as [REDACTED] (PO Drury could not pronounce his name; originally said Defendant [REDACTED] who was right next to [REDACTED] and before they reached the gate. PO Drury was only able to catch [REDACTED] PO Accetta apprehended [REDACTED] and PO Drury did not see what happened with them as they were behind PO Drury. PO Accetta did not know how PO Accetta apprehended [REDACTED]. PO Drury could not recall pushing [REDACTED] to the ground and did not see PO Accetta do this.

PO Drury became involved in a shoving and wrestling match with [REDACTED] PO Drury grabbed [REDACTED] who flung around in attempt to get himself free of PO Drury's hand. PO Drury grabbed [REDACTED] and they wrestled, during which time PO Drury tried to get [REDACTED] (described as a male who was large in stature; "big dude") to the ground. A few seconds into the struggle, PO Drury finally pulled [REDACTED] down, causing him to trip and fall to the ground through the open gate. [REDACTED] fell onto his stomach and one side (PO Drury could not recall which side) on the sidewalk side of the fence. PO Drury stood on the inside and opposite side of the fence. When [REDACTED] fell, his feet became caught and pinched underneath the gate, which closed. [REDACTED] pulled one leg (PO Drury could not recall which) free and actively kicked the fence to try to free his other foot (PO Drury could not recall which) and flee. [REDACTED] did not kick PO Drury, who held the gate closed so that [REDACTED] could not flee. The advantage was that PO Drury and [REDACTED] could see each other. [REDACTED] said, "Leave me alone. Get away from me."

PO Drury drew and held in the air his wooden baton while holding the gate closed with his other hand. PO Drury gave [REDACTED] several (at least three) commands to place his hands behind his head and to stop resisting arrest, and [REDACTED] did not comply. [REDACTED] instead actively continued to try to flee. After PO Drury gave the instructions to [REDACTED] PO Drury delivered one strike to the back portion of [REDACTED] calf, where PO Drury intended to strike him. PO Drury did this to gain [REDACTED] compliance. PO Drury did not strike [REDACTED] again with the baton and did not strike him in the head, or anywhere else on his body. [REDACTED] sustained no injury from the strike. [REDACTED] put his hands behind his head after the strike, thereby complying with PO Drury's orders. [REDACTED] did not resist further and said, "Okay, okay. I give up." PO Drury placed [REDACTED] in handcuffs and under arrest. During this time, PO Drury was in front of PO Accetta and PO Drury did not know where PO Accetta was. PO Drury did not strike or use any physical force against [REDACTED] after he was handcuffed.

A lady, identified via the investigator as [REDACTED] pulled up to the scene in her vehicle. PO Drury was unaware of [REDACTED] when he struck [REDACTED] Within three seconds of the strike, [REDACTED] said, "Officer. Officer, are you hitting that man?" and mentioned something about PO Drury beating [REDACTED] with the nightstick. PO Drury thought that [REDACTED] was in handcuffs when [REDACTED] approached, but PO Drury was not certain. [REDACTED] yelled to PO Drury about hitting the individual ([REDACTED] who was on the ground. PO Drury told [REDACTED] to go away and PO Drury could not recall what he said verbatim. PO Drury could not recall using any discourteous language with [REDACTED] PO Drury could not recall cursing at [REDACTED] PO Drury did not tell [REDACTED] to mind her "fucking business," that it did not "fucking concern" her, or "move the fuck on." PO Drury may have said, "Get out of here," but could not recall cursing at [REDACTED] when he said this. [REDACTED] left the scene.

PO Drury did not interact with [REDACTED] again at the scene. [REDACTED] never exited her vehicle. Aside from [REDACTED] no other bystander spoke to PO Drury. [REDACTED] did not return to the scene at any time to request PO Drury's name and badge number. PO Drury did not tell [REDACTED] to "mind her business" in response to a request for his name and badge number. PO Drury never ignored such a request. The next time PO Drury saw [REDACTED] was later at the stationhouse.

PO Drury remained at the scene for a long time, about four or five minutes longer. PO Drury investigated by going through [REDACTED] backpack for weapons or additional narcotics. PO Drury recovered an unlit, rolled marihuana cigarette from [REDACTED] PO Drury could not recall any other officer arriving to the scene. PO Drury called the supervisor who was working in the field, either Sgt. Ayres or Sgt. Khosh (PO Drury could not recall which). The sergeant did not come to the scene.

Interview Details

The officers with arrestees enter a back door of the stationhouse, bring prisoners in front of the desk, the desk sergeant logs the prisoners into the command log, and then the prisoners are lodged in cells. At the precinct stationhouse, located three to four minutes from the incident location, PO Drury lodged [REDACTED] in a cell. When PO Drury exited the cell area, someone who PO Drury could only assume was either the TS operator or the desk sergeant (PO Drury could not recall who or if it was one of those officers for certain; PO Drury could not recall who was the desk sergeant on duty) notified PO Drury that [REDACTED] was awaiting him in the civilian waiting area. PO Drury went out to the civilian waiting area as soon as [REDACTED] was lodged in a cell and [REDACTED] approached him. [REDACTED] said, "Officer, I want your name and shield." PO Drury said, "No problem. It's right here," and showed her his chest where his name and shield were displayed. [REDACTED] wrote down the information and left. [REDACTED] said nothing further to PO Drury and she walked out after obtaining the information. PO Drury did not encounter [REDACTED] again.

PO Drury did not witness an interaction between [REDACTED] and any other member of service. PO Drury did not hear [REDACTED] say that she wanted to make a complaint, and only asked PO Drury for his name and badge number. PO Drury did not hear any officer tell [REDACTED] that she could not file a complaint at the stationhouse because no IAB personnel were present. PO Drury did not hear any officer tell [REDACTED] that she could not make a complaint at the stationhouse. PO Drury did not see Sgt. Ayres interact with [REDACTED].

PO Drury initially said that he spoke to no supervisor about [REDACTED] and that he could not recall any supervisor asked him what happened at the scene with [REDACTED]. When PO Drury was asked if he was familiar with Sgt. Siermala, PO Drury stated that Sgt. Siermala asked him what happened at the scene. PO Drury told Sgt. Siermala the whole story, as he told the investigator. Sgt. Siermala asked PO Drury if he cursed at [REDACTED] and PO Drury answered that he did not.