

201603275
Kenneth Russel
Robert Hawreluk

A man was on the stoop of his home in the Bronx with a friend. Three narcotics detectives, driving by, believed that they saw a hand-to-hand transaction (one man had in fact paid the other back five dollars that had been borrowed). The narcotics officers approached the men and asked to see their IDs. The man who lived in the house declined, saying he was on his own property. He then asked the officers for their names and shield numbers.

At least one officer provided his name and shield number, and the man went into his house to get a pen and write the number down. When he returned with the pen, the officers tackled him and arrested him for making excessive noise. The officers stated that a crowd had gathered because the man had been shouting, and that he had been threatening them with the pen.

A neighbor had recorded the entire scene on video, and while the recording did show that one officer had provided his badge number, it demonstrated that no crowd had gathered and that the man was holding the pen by his waist when the officers tackled him. No narcotics were recovered.

The CCRB found that while the officers were justified in making the initial stop and inquiry, they had arrested the man without probable cause and lied in their CCRB interviews.

The NYPD provided each officer with formalized training.

Interview Details

April 20, 2016

201603275

4:02 p.m. – 5:38 p.m.

- [REDACTED] is a Hispanic male, who is 5'9" tall, weighs 200 pounds, with black hair and black eyes, and was [REDACTED] years old at the time of incident.
- He sustained physical injuries and was transported to [REDACTED] Hospital during the incident.

CCRB statement:

[REDACTED] was interviewed at the CCRB on April 20, 2016.

[REDACTED] filed this complaint so late because he was indecisive and hoped that the "system" would do something about the situation. However, he now realizes that only he could do something about it.

On June 2, 2015, at approximately 3:45 p.m., [REDACTED] stood behind a gated area as he spoke with his friend, [REDACTED] in front of his residence located on [REDACTED] in the Bronx. [REDACTED] gave [REDACTED] five dollars that he had previously lent him. Nothing else was exchanged between [REDACTED] and [REDACTED]. [REDACTED] stood inside the gated area and [REDACTED] stood directly in front to the gate. He spoke with [REDACTED] through the "gaps" in the gate and at no point did he open the door. The gate is located directly in front of his residence and there is a door which is normally locked and without a key a person would have to be buzzed in. However, the buzzer was broken on the date of incident. Therefore, the gate was unlocked. [REDACTED] denied doing anything else besides speaking to [REDACTED]. He denied engaging in any illegal activities. Neither [REDACTED] nor [REDACTED] was smoking. [REDACTED] denied yelling, shouting, or playing loud music during the incident. It was quiet during the time of incident, at approximately 2:30 p.m.

[REDACTED] friend, [REDACTED] (he did not provide his last name), stood in front of the building directly across the street from [REDACTED] during the incident.

Approximately 10 minutes of being outside, a grey or black unmarked van stopped in front of his residence. The vehicle did not have any lights or sirens engaged. [REDACTED] did not recall the make or model of the vehicle, but stated that it was possibly a Ford or Chevrolet. He did not record the license plate number of the vehicle.

Initially, [REDACTED] stated that PO1 exited the van first and then PO2 and PO3 followed after, but he clarified that PO1, PO2, and PO3, all exited the van together. PO1 walked towards [REDACTED] while PO2 and PO3 stood nearby. PO1 asked [REDACTED] who he was, what he was doing here, and asked to see his ID. [REDACTED] did not answer PO1 and asked, "What?" PO1 called [REDACTED] "homeboy" and made stereotypical statements. When asked what he meant by stereotypical statements, [REDACTED] stated that PO1 seemed like he has arrested people like him before and was looking to arrest another "homie."

[REDACTED] described PO1 as a white male, in plainclothes (wore shorts, black shirt, and did not wear a hat), 5'10" – 6' tall, husky build, weighs approximately 220 pounds, with possibly grey, blonde, or black hair, "Caesar"-haircut, and had light facial hair. PO1 possibly had tattoo on his arm, but did not recall. He did not wear glasses.

PO2 was described as a male, dark-skinned, in plainclothes (he wore a hat, black shirt, and green pants), 5'4"-5'5" tall, stocky/athletic, and looked older than 30 years old.

PO3 was described as a white male, in plainclothes (wore a hat, t-shirt, and pants), 5'7" tall, average build, with light facial hair, and blonde hair.

Subsequently, PO1 opened the gate, approached [REDACTED] and then placed his hand inside [REDACTED] left sweater pocket. PO1 did not remove anything from that pocket. [REDACTED] stated that the pocket was empty. He had his keys in another pocket. PO1 did not go into any other pockets. [REDACTED] stated that the officers went inside his other pockets after he was "tackled." [REDACTED] stated that he did not hold anything in his hands. He then stated that he

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possibly held a metro card in his hand. After PO1 placed his hand inside his pocket, PO1 lured him out by saying, "Come here," and asking for his ID. [REDACTED] told the officer that he lived there.

[REDACTED] stated that PO1 did not identify himself initially and only stated, "Shut up, I'm the law," when he asked who he was. PO1 then displayed his badge which was attached to a chain around his neck. [REDACTED] stated that he was paranoid and his anxiety increased during the incident. He did not know if they were actual NYPD officers because they were in "street clothes" and did not identify themselves. [REDACTED] stated that he found out their names at the precinct. When pressed on how he obtained that information, he stated that he did not obtain their names and that the information was possibly just on the report. [REDACTED] stated that he did not know the officers' names.

[REDACTED] stated that since PO1 did not respect him, he addressed PO1 in the same manner, but denied getting nasty. [REDACTED] stated PO1 did not cooperate with him and he felt that he did not do anything wrong. [REDACTED] stated that he was protecting himself and tried to cooperate to the best of his ability.

Once [REDACTED] was outside the gate, the officers stood in a triangle-formation around him. The officers again asked [REDACTED] for his ID. In response, he stated that he lived there and for them to provide their badge numbers, names, and their precinct because he wanted to file a complaint. [REDACTED] initially only asked PO1, but he later asked PO2 and PO3 as well. None of the officers provided any of the aforementioned information. When [REDACTED] stood outside the gate, [REDACTED] stood inches away from him. [REDACTED] did not have any conversation with the officers which caused [REDACTED] to believe that the officers had a personal vendetta against him.

At some point, all of the officers cursed at [REDACTED]. He did not recall the specific curse words they used, but he recalled them saying "shut up," possibly the "F" word, and "homie."

He admitted that he was "hot-headed" during the incident and exchanged words with the officers. He noted that PO2 was the main officer that antagonized the situation. [REDACTED] stated that he spoke at a high voice because the officers spoke at a high voice. [REDACTED] stated that he possibly used profanities, but did not recall if he actually did so. [REDACTED] stated that he and the officers were aggravated during the incident.

[REDACTED] stated that he began to panic during the incident which affected his breathing and caused him to constantly look around. He was also getting upset and nervous and began fidgeting. [REDACTED] was moving his body and moved his hands up and down constantly which he described as actions similar to a music composer. [REDACTED] stated that he kept his distance from the officers. However, he later stated that he walked closer to the officers because he felt as if he was being harassed. Additionally, he said that he went close to the officers because the officers came close to him and there were points during the incident where he walked up to the officers to make a point.

[REDACTED] and PO2 were engaged in a "heated" conversation and [REDACTED] was moving his arms "all over the place" while holding onto an envelope. [REDACTED] denied striking the officers or making any physical contact with them. At some point thereafter, PO2 struck [REDACTED]. PO2 swung his arm towards [REDACTED] face. He did not recall whether PO2 used a closed fist at this point. In response, [REDACTED] placed his right forearm across his forehead to block the hit. PO2 subsequently made contact with his arm and grabbed it. PO1 and PO3 assisted by grabbing [REDACTED]. [REDACTED] was then pushed against the gate causing his head to bang against it. He felt punches towards his stomach and rib area and felt strikes against his head as he was being pushed down to the ground. He did not see which officer punched him. [REDACTED] crossed both of his arms across his chest and grabbed his own shoulders trying to block himself from getting hit and to protect his face. [REDACTED] denied doing anything else. [REDACTED] initially stated that he was kicked in the neck, but he later stated that he was kned in the neck, his back, and head. [REDACTED] later clarified by visually showing the investigator that an officer had one knee to the back of his neck while his other foot was on top of the back of his head. He affirmed that he was able to breathe "a little" when the officer made contact with his neck. As the officers pinned him to the ground he was slightly dragged. [REDACTED] stated that the pressure the officers were applying to him caused him to move on the ground. The aforementioned occurrence caused him to sustain contusions to his knees and elbows. [REDACTED] denied making any movements during this incident and stated that he let the officers place him in handcuffs. [REDACTED] was handcuffed while on the ground and was subsequently lifted up and escorted to the police vehicle. [REDACTED]

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█████ initially stated that the officers threw him in the car, but when pressed to describe the action he clarified that the officers pushed him to get inside.

At some point after he was struck by PO2, he was told that he was going to be under arrest. █████ did not recall if he ever provided his ID prior to being placed in handcuffs. However, PO3 used a device and found his name.

█████ did not recall if he was transported to the stationhouse or to the hospital first. He told the officers that he was in pain and the handcuffs were too tight. The officers told him, "That's what you get."

█████ stated that the officers were "racial." █████ stated that they were sarcastic and verbally abusing him. He could not recall what was specifically said, but they implied that he was where he belongs because of his actions. The officers stated, "It's your choice that you're here," and, "Typical." He then went on to say that the officers were stereotyping him. When the investigator asked if it was in regards to his race, he responded, "Sure." He stated that the 44th Precinct and the Bronx is predominately Latin and African. He believed the officers abused their power.

█████ presented a document from the Bronx District Attorney's Office and stated that they alleged he said, "You can't fucking do anything to me this is bullshit I just came out of my house fuck you [sic]." █████ denied making these statements during the incident. █████ then presented the criminal court complaint. Copies of both documents were obtained after the interview.

During the interview, █████ requested that he be excused so that he could move his car. He was informed that the investigator could not wait indefinitely for him to return. █████ understood and stated that he would return in approximately 15 minutes. The recording was paused at 4:34 p.m. █████ provided the undersigned with a copy of the video recording and photos of his injury via a USB drive before he left. At 4:59 p.m., █████ returned and the recording resumed. Please note that the investigator mistakenly stated that the interview was concluded on the recording.

The recording was paused at 5:20 p.m. for the setup of the video █████ provided. The recording resumed at 5:21 p.m. with █████ present. This video containing audio was recorded by "Jeff" from across the street of the incident location.

The video was played from the beginning and paused at the 10 second mark as █████ was stating that the heavysset individual on the left of the screen was █████. █████ then affirmed that he was the individual wearing the white sweater on the screen. The individual directly on the right of █████ was PO1, the officer that entered through his gate. He stated that they were all standing in front of his home during the video. █████ stated the video was recorded after he was already "lured out," but Jeff and █████ witnessed the incident prior to what was captured on the video. █████ stated that PO2 was the other officer on the screen. Additionally, he affirmed that the van on the screen was the officers' van. He stated that in the video everyone was standing close to one another. █████ pointed to the left of the screen and stated that was the gate he was referring to during the interview. The video resumed playing at the 10 second mark. As the video was playing, █████ stated that he asked, "Who's your lieutenant?" The video was paused at the 18 second mark and the investigator asked █████ to clarify what he was referring to when he stated "2506" in the recording. He did not know what that number meant. The video was resumed at the 18 second mark and paused at the 24 second mark when █████ stated, "Homeboy" during the interview. █████ stated that the officer called him a "homeboy" in the video and in response he told the officer that he was not a "homeboy." The video resumed playing. █████ affirmed the he was speaking during the video. As the video was playing, █████ pointed out that PO2 called him a "clown." He stated that PO2 antagonized the situation. The video was then paused at the 1 minute and 44 second mark as █████ was pointing at the screen. He stated that █████ was trying to calm him down at this point because he was getting agitated. He admitted that he and the officers were starting to get "heated." █████ also stated that the individual wearing the blue shirt and cap on the screen was PO3. He stated that PO3 was already out, but was possibly sitting down. The video resumed playing and █████ stated that PO3 had something in his hand and stated that at this point in the recording he asked, "How you know my name?" The video was paused at the 2 minute and 17 second mark. █████ explained that PO2 struck him and the officers were trying to restrain him. He denied striking any one. All three officers had their hands on him and pushed him against the gate and pushed him down. The video was played from the 2 minute and 8 second mark and paused at the 2 minute and 10 second mark. The investigator asked █████ whether

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the video aided in his recollection and if he wanted to amend his initial statement. [REDACTED] stated that it did jog some memories, but it was mostly things he already explained. He stated that he believed he maintained his composure. He then noted that the stereotypes were apparent in the way PO2 spoke to him as a “street thug” rather than a civil human being. The video resumed playing at the 2 minute and 10 second mark. The video was then paused at the 2 minute and 34 second mark was when the officers were dragging him. Additionally, [REDACTED] confirmed that PO3 was the officer who placed his knee against [REDACTED] back. The video resumed playing and was paused at the 2 minute and 48 second. [REDACTED] stated that this was when PO3 placed his foot on the top of [REDACTED] head while he had his knee holding him down. The video resumed playing and was paused at the 3 minute and 3 second mark. [REDACTED] stated that the license plate, GEK-1974, was captured in the video at the 2 minute and 55 second mark. At the 3 minute and 20 second mark, [REDACTED] stated that there was another witness shown on the screen that he did not see previously. He identified her to be his landlord, nicknamed “Peewee.” She lived at the location. [REDACTED] affirmed that the gate on the screen was the gate he was referring to throughout the interview. The video resumed playing at the 3 minute and 18 second mark and the video was viewed without any interruptions.

[REDACTED] stated that his brother, [REDACTED] and mother witnessed the incident from the window on the third floor. [REDACTED] wanted to note that she had since passed away and the incident caused emotional stress for her. He stated that his mother went to the stationhouse to find out what occurred during the incident.

[REDACTED] was shown the photos that he provided to the investigator. Some of the files were labeled June 3, 2015, June 4, 2015, or September 2015. [REDACTED] stated that all of the photos were taken the day he was released on June 3. His attorney took the photos labeled June 4 and his mother took the photos labeled June 3. When asked whether the photos labeled June 4, 2015 were also taken on June 3, 2015, [REDACTED] seemed unclear.

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April 20, 2016

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4:02 p.m. – 5:38 p.m.

- [REDACTED] is a Hispanic male, who is 5'9" tall, weighs 200 pounds, with black hair and black eyes, and was 33 years old at the time of incident.
- He sustained physical injuries and was transported to [REDACTED] Hospital during the incident.

CCRB statement:

[REDACTED] was interviewed at the CCRB on April 20, 2016.

[REDACTED] filed this complaint so late because he was indecisive and hoped that the "system" would do something about the situation. However, he now realizes that only he could do something about it.

On June 2, 2015, at approximately 3:45 p.m., [REDACTED] stood behind a gated area as he spoke with his friend, [REDACTED] in front of his residence located on [REDACTED] in the Bronx. [REDACTED] gave [REDACTED] five dollars that he had previously lent him. Nothing else was exchanged between [REDACTED] and [REDACTED]. [REDACTED] stood inside the gated area and [REDACTED] stood directly in front to the gate. He spoke with [REDACTED] through the "gaps" in the gate and at no point did he open the door. The gate is located directly in front of his residence and there is a door which is normally locked and without a key a person would have to be buzzed in. However, the buzzer was broken during the incident. Therefore, the gate was unlocked. [REDACTED] denied doing anything else besides speaking to [REDACTED]. He denied engaging in any illegal activities. Neither [REDACTED] nor [REDACTED] was smoking. [REDACTED] denied yelling, shouting, or playing loud music during the incident. It was quiet during the time of incident, at approximately 2:30 p.m.

[REDACTED] friend, [REDACTED] (he did not provide his last name), stood in front of the building directly across the street from [REDACTED] during the incident.

Approximately 10 minutes of being outside, a grey or black unmarked van stopped in front of his residence. The vehicle did not have any lights or sirens engaged. [REDACTED] did not recall the make or model of the vehicle, but stated that it was possibly a Ford or Chevrolet. He did not record the license plate number of the vehicle.

Initially, [REDACTED] stated that PO1 exited the van first and then PO2 and PO3 followed after, but he clarified that PO1, PO2, and PO3, all exited the van together. PO1 walked towards [REDACTED] while PO2 and PO3 stood nearby. PO1 asked [REDACTED] who he was, what he was doing here, and asked to see his ID. [REDACTED] did not answer PO1 and asked, "What?" PO1 called [REDACTED] "homeboy" and made stereotypical statements. When asked what he meant by stereotypical statements, [REDACTED] stated that PO1 seemed like he has arrested people like him before and was looking to arrest another "homie."

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PO2 was described as a male, dark-skinned, in plainclothes (he wore a hat, black shirt, and green pants), 5'4"-5'5" tall, stocky/athletic, and looked older than 30 years old.

PO3 was described as a white male, in plainclothes (wore a hat, t-shirt, and pants), 5'7" tall, average build, with light facial hair, and blonde hair.

Subsequently, PO1 opened the gate, approached [REDACTED] and then placed his hand inside [REDACTED] left sweater pocket. PO1 did not remove anything from that pocket. [REDACTED] stated that the pocket was empty. He had his keys in another pocket. PO1 did not go into any other pockets. [REDACTED] stated that the officers went inside his other pockets after he was "tackled." [REDACTED] stated that he did not hold anything in his hands. He then stated that he

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[REDACTED] stated that PO1 did not identify himself initially and only stated, "Shut up, I'm the law," when he asked who he was. PO1 then displayed his badge which was attached to a chain around his neck. [REDACTED] stated that he was paranoid and his anxiety increased during the incident. He did not know if they were actual NYPD officers because they were in "street clothes" and did not identify themselves. [REDACTED] stated that he found out their names at the precinct. When pressed on how he obtained that information, he stated that he did not obtain their names and that the information was possibly just on the report. [REDACTED] stated that he did not know the officers' names.

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At some point, all of the officers cursed at [REDACTED]. He did not recall the specific curse words they used, but he recalled them saying "shut up," possibly the "F" word, and "homie."

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Interview Details

May 9, 2016

201603275

12:00 p.m. – 12:26 p.m.

- [REDACTED] is a Hispanic male, who is 5'10" tall, weighs 205 pounds, with black hair and brown eyes, and was [REDACTED] years old at the time of incident.
- He is employed by [REDACTED].

CCRB statement:

[REDACTED] was interviewed at [REDACTED], in Manhattan.

On June 2, 2016, at approximately 3:45 p.m., [REDACTED] watched his brother, [REDACTED] from inside his residence located on [REDACTED] in the Bronx. [REDACTED] looked out the window as [REDACTED] went to the front to meet up with their family friend, [REDACTED] ([REDACTED] identified via the investigation as [REDACTED]). [REDACTED] believed that [REDACTED] was retrieving a Metro card from [REDACTED]. He did not hear any loud noises prior to the officers approaching.

[REDACTED] stated that the window he was looking through was positioned in front of the residence. The window was shut throughout the incident. He then stated that there are three steps that lead up to the door of the residence which was covered by a gate. The gate has a door that is unlocked and swings open.

From the window, [REDACTED] saw that [REDACTED] stood in front of this gate, with the door opened, as he spoke with [REDACTED] who was inside the gate. [REDACTED] stated that there is a shed above the gate which obstructed his view into the gated area. He affirmed that he was unable to see [REDACTED] until he stepped outside the gated area. [REDACTED] did not see a Metro card or anything being exchanged between [REDACTED] and [REDACTED].

[REDACTED] did not recall how long [REDACTED] was outside before the officers arrived, but stated that at some point, an unmarked police vehicle approached. He could not provide a description of the vehicle. Three officers exited the vehicle while [REDACTED] was still inside the gated area. [REDACTED] did not hear what the officers said as they approached, but the officers and [REDACTED] were engaged in a "back-and-forth" conversation. [REDACTED] was able to see their mouths move and stated that their conversation was slightly loud with some instances of shouting, but he did not know what they said. He heard his brother say something to the effect of how there was no reason for them [officers] to stop him because he was in front of his property. At some point, [REDACTED] stepped out of the gated area and [REDACTED] was able to see him. [REDACTED] did not know how [REDACTED] ended up outside of the gated area. Additionally, he did not see any officers enter the gated area.

Subsequently, [REDACTED] saw an officer, who he could not recall, enter [REDACTED] pocket. He did not recall which pocket or how many pockets the officer entered. He did not see the officer remove anything from his pocket. [REDACTED] and the officers continued arguing for approximately a few minutes thereafter. At no point did [REDACTED] see any bystanders that crowded around. He saw a neighbor across the street who was recording the incident and additional neighbors who were standing across the street as well. [REDACTED] stated that only [REDACTED] stood on the same side of the street with [REDACTED]. He did not see anyone ever crowd around. [REDACTED] stated that [REDACTED] was only observing the incident. He did not know if the officers ever approached [REDACTED] or interacted with him. When the undersigned asked if the officers used any profanities during the incident, [REDACTED] initially affirmed that both [REDACTED] and the officers were cursing back and forth. He stated that he did not know which specific words were used, but recalled them cursing. When pressed on whether he heard both [REDACTED] and the officers use profanities, he then stated that he did not know and only heard cursing.

[REDACTED] stated that the officers appeared to be antagonizing [REDACTED] and getting him "riled up."

During the "back-and-forth" conversation, [REDACTED] stated that he possibly saw an officer grab [REDACTED] hand which prompted all three officers to get on top of him. [REDACTED] did not hear the substance of the conversation that

Interview Details

was had prior to the officers using force against [REDACTED]. [REDACTED] only recalled the three officers physically being on top of [REDACTED]. Initially, he stated that [REDACTED] ended up on the ground, but he later stated that he did not recall if he actually witnessed him on the ground. [REDACTED] stated that the officers were trying to place the handcuffs on [REDACTED]. He did not recall any specific force the officers used. He did not see the officers punch or kick [REDACTED] or make any contact with his head or the back of his neck. He could not see what the officers were doing from his perspective. During the interview, [REDACTED] physically motioned with his arms that the officers' bodies standing above [REDACTED] blocked his view of him.

[REDACTED] observed the force for approximately five or six seconds. Immediately after seeing the officers on top of [REDACTED], [REDACTED] turned away from the window, got dressed, and then proceeded downstairs. It took him approximately a minute to arrive downstairs; he did not see what occurred within that time span.

[REDACTED] only saw [REDACTED] downstairs. [REDACTED] stated that he did not know why they took him and also stated, "These f-ing cops."

The whole incident lasted for approximately between 10-15 minutes. Throughout the entire incident, [REDACTED] did not see a crowd form. There were possible bystanders afar, but he did not see any within the immediate vicinity of the incident.

The undersigned told [REDACTED] that during his phone statement he stated that the officers stated, "Go upstairs," and "Get out of here." He affirmed that he did hear the officers say this to [REDACTED] a few times.

The undersigned then asked [REDACTED] whether [REDACTED] ever went upstairs after the officers arrived. Initially, he affirmed that [REDACTED] went upstairs to get an ID, but he later stated that he did not know what he was getting. He then stated that that he did not recall whether [REDACTED] actually went upstairs, but stated that the officers might have asked [REDACTED] for his ID and he did not have it on him.

The undersigned also asked [REDACTED] if he heard [REDACTED] ask any of the officers for their name and shield numbers. He affirmed that [REDACTED] asked the officers for their information prior to the scuffle. [REDACTED] did not hear the officers' response and he did not hear the officers provide [REDACTED] with the information. [REDACTED] stated that he heard him ask for their names, but did not recall if he also asked for their shield numbers. He heard the request, but did not know who the request was directed towards. [REDACTED] also stated that the officers asked [REDACTED] for his name and he did not recall whether [REDACTED] provided his name to the officers.

All three officers were in plainclothes. [REDACTED] stated that there were possibly two Hispanic male officers and one white male officer or all three officers were possibly Hispanic males.

Interview Details

May 18, 2016

201603275

1:36 p.m. – 2:12 p.m.

- [REDACTED] is a black male, who is 6'3" tall, weighs 195 pounds, bald, with brown eyes, and was [REDACTED] years old at the time of incident.
- [REDACTED] is possibly moving [REDACTED].

CCRB statement:

[REDACTED] was interviewed at the CCRB on May 18, 2016.

On June 2, 2015, at approximately 3:45 p.m., [REDACTED] looked out of his window on the first floor of his residence located on [REDACTED] in the Bronx. [REDACTED] heard muffled noises and peered out of his window out of curiosity. [REDACTED] window faced [REDACTED] and was across the street from [REDACTED] saw [REDACTED] inside a gated area of his house speaking with a Hispanic male (identified as [REDACTED] via the investigation) who stood outside the gated area. The gate was closed at the time. [REDACTED] did not see [REDACTED] or [REDACTED] do anything besides speaking to each other. [REDACTED] was not loud at this time. [REDACTED] was unable to hear the conversation from inside his home. [REDACTED] turned away from the window and at some point later, he returned to the window to look outside again out of curiosity. [REDACTED] saw three males speaking with [REDACTED] as they stood in front of [REDACTED] gated area. [REDACTED] initially did not know that the three males were police officers until after the incident. [REDACTED] could not hear their conversation, but was able to hear that their voices were raised. [REDACTED] stated that from their mannerism and their movements it appeared as if they were interrogating [REDACTED]. After approximately 1 to 1 ½ minutes, [REDACTED] exited his residence.

[REDACTED] stood on the porch of his residence to watch the incident. [REDACTED] was still inside the gated area at this point. [REDACTED] began recording the incident with his phone once he realized that there might be a problem by the way the officers were pointing and standing in front of [REDACTED]. [REDACTED] still could not hear the conversation between [REDACTED] and the officers. [REDACTED] began to walk closer to towards the street which allowed him to hear the conversation. [REDACTED] described the officers' tone to be aggressive. Moreover, he heard [REDACTED] ask the officers why did they need to see his ID if he was on his property. Moreover, the officers repeatedly told [REDACTED] to come out. [REDACTED] hands were down to his side at this point.

[REDACTED] stated that PO1 opened the gate, but he did not see any officers enter through the gated area. At some point, [REDACTED] walked out of the gated area of his own accord and asked the officers for their badge numbers. When asked whether he heard [REDACTED] as the officers for their names, [REDACTED] affirmed that [REDACTED] did. In response, the officers said something to the effect of, "We are the police," or "We are the law." He did not pay attention to anything else the officers said to [REDACTED] and did not see whether the officers' badges were displayed. As [REDACTED] spoke to the officers, his hands were moving back and forth in front of him.

[REDACTED] did not see any officers frisk [REDACTED] or go inside his pockets. He saw that the officers walked closer to [REDACTED] once he exited the gated area.

During the conversation, after [REDACTED] told the officers, "All I asked was for your badge numbers," PO1 immediately grabbed his left wrist. [REDACTED] was just standing there at the time. Subsequently, PO2 and PO3 grabbed [REDACTED] arms. [REDACTED] asked the officer what he was doing and told him to get off. [REDACTED] stated that [REDACTED] appeared to be startled and might have moved his arms in response. All three officers then forcibly pulled [REDACTED] down to the ground. [REDACTED] was facing the ground as he was brought down. [REDACTED] stated that [REDACTED] was not moving when he was on the ground. Moreover, he did not see [REDACTED] trying to get up. The incident lasted for approximately 30-45 seconds before [REDACTED] was placed in handcuffs. [REDACTED] did not struggle with the officers. [REDACTED] did not see any of the officers punch or kick [REDACTED] or step on his head. Moreover, [REDACTED] did not see any officers strike [REDACTED]. [REDACTED] recalled PO1 placing his knee in the area between [REDACTED] neck and the back of his head. Mr.

Interview Details

Wingate later clarified that it was PO3 who placed his knee on [REDACTED]. After he was placed in handcuffs, PO1 went inside [REDACTED] front right pocket. [REDACTED] was then brought in a blue vehicle.

[REDACTED] stated that as the officers brought [REDACTED] down to the ground a vehicle might have obstructed his view of [REDACTED]. [REDACTED] was able to see the officers' arms, but could not see [REDACTED] body at the time. He stated that he was able to see the incident after he walked around.

[REDACTED] did not recall if there were bystanders on the scene, but did not see a crowd form. He stated that he only recalled seeing [REDACTED] friend on the scene. Moreover, he did not see people avoid the scene by crossing the street and stated that there was nobody walking down the street during the incident. [REDACTED] was not screaming during the incident. The whole incident lasted for approximately 5 minutes.

During the incident, [REDACTED] heard both [REDACTED] and PO1 use profanities. He heard [REDACTED] say something to the effect of, "Woah what the fuck," where they took him down to the ground. Moreover, at some point, he heard PO1 say something to the effect of, "Fucking ID," or, "Put him in the fucking car." He did not hear any additional profanities used.

The interview was paused at 1:58 p.m. for the setup of video. The interview was resumed at 1:59 p.m. with all parties still present. The 3 minute and 23 second video was presented to [REDACTED] and he affirmed that he recorded the video during the incident. The video was paused at the 14 second mark and [REDACTED] identified the male in white clothing on the screen was [REDACTED]. Additionally, [REDACTED] was wearing a black hat and was standing to the left of [REDACTED]. PO1 was the officer furthest to the right on the screen, and the male with the black hoodie on the screen was PO2. The video resumed playing at the 14 second mark. [REDACTED] stated that he was on the porch as he recorded this. The video was subsequently paused at the 1 minute and 45 second mark upon [REDACTED] stating that a third officer who was wearing a blue shirt and black hat had just appeared on the screen. The video resumed playing at the 1 minute and 45 second mark and was paused at the 2 minute mark. [REDACTED] stated that this was the point where the officers walked towards [REDACTED] while he asked how they knew his name. [REDACTED] did not recall if the officers asked for [REDACTED] ID, but stated that he did not think that he gave it to them. The video was paused at the 2 minute and 10 second mark. [REDACTED] stated that PO1 grabbed [REDACTED] for no reason and the other officers subsequently grabbed him as well. The video resumed playing at the 2 minute and 10 second mark. At the 2 minute and 16 second mark, [REDACTED] stated that at this point his phone was held in front of his face and temporarily obstructed his view of the incident. The video was paused at the 2 minute and 27 mark and [REDACTED] stated that PO3 had his knee or shin on the [REDACTED] neck or the back of his head. The video was then played back multiple times at the 2 minute and 23 second mark and [REDACTED] was asked if he knew who said the word, "Fucking," in the recording. [REDACTED] stated that [REDACTED] stated this. The video was then played until the end. [REDACTED] stated that he heard the officers instruct [REDACTED] to go inside during the incident and [REDACTED] had refused to do so because he was telling the officers that he lived there and that he was behind the gate. Moreover, [REDACTED] stated that the officers did not have their badges displayed as seen in the video. After viewing the full video, [REDACTED] stated that he did not wish to add or amend his initial testimony.

PO1 was described as Hispanic male, in plainclothes (wore a blue jacket or loose shirt), approximately 5'8" or shorter, average build, approximately 35-40 years old.

PO2 was a White male, 1 or 2 inches taller than PO1, heavysset, 35-40 years old, did not recall if he had facial hair, and did not wear glasses.

PO3 was a White male, average build, 5'8" tall, no glasses, possibly had light stubble facial hair.

Interview Details

May 19, 2016
Det. Alvarez
201603275
11:15 a.m. - 12:08 p.m.

- Det. Alvarez is a Hispanic male, who is 5'8" tall, weighs 200 pounds, with black hair and brown eyes, and was [REDACTED] years old at the time of incident.
- Det. Alvarez worked from 10:00 a.m. – 6:33 p.m., on June 2, 2015. Det. Alvarez was working with Det. Hawreluk and Det. Russell. They were assigned to the Bronx Gang Squad I-Team. They were working in plainclothes and assigned to RMP# [REDACTED] (a minivan)

Memo book:

1545, assist with one under in front of [REDACTED] Transporting perp to hospital and lodging at CB. 2315, Return to command.

CCRB statement:

Det. Alvarez was interviewed at the CCRB on May 19, 2016.

Det. Alvarez has been assigned to the Bronx Gang Command for approximately over three years. He was previously assigned to the 42nd Precinct. He has performed approximately at least 100 narcotics-related arrests.

On June 2, 2015, at approximately 3:45 p.m., Det. Alvarez, Det. Russell, and Det. Hawreluk were driving down [REDACTED] in the Bronx, when Det. Alvarez observed [REDACTED] and another male individual (identified as [REDACTED] via the investigation) in front of [REDACTED]. Det. Alvarez sat in the rear passenger seat of the vehicle, Det. Russell was the driver, and Det. Hawreluk sat in the front passenger seat. The vehicle was moving at patrol speed which Det. Alvarez estimated to be 20 miles per hour. As the car was nearing [REDACTED], Det. Alvarez saw [REDACTED] handing a small object to [REDACTED] and [REDACTED] moving his hand towards [REDACTED] which he believed to appear to be a narcotics transaction. At this point, Det. Alvarez stated that it appeared to be a narcotics transaction. Det. Alvarez did not have any discussion with Det. Russell or Det. Hawreluk in regards to his observation. He stated that he announced, "He's selling to him," at which point the vehicle stopped before driving past the location. Det. Alvarez stated that Det. Russell and Det. Hawreluk also observed this after he made the announcement, if they were not already looking. However, Det. Alvarez did not know if Det. Russell or Det. Hawreluk confirmed that they observed what he saw. Det. Alvarez affirmed that he did not see anything else exchanged.

Det. Alvarez stated that there are a few steps leading to the entrance in front of [REDACTED]. Subsequent to the steps there is a door which led to a foyer where there were mailboxes and then another door. He initially stated that there was no gated area in front of the residence, but he later amended this and stated that there was a gated area with a door which was wide opened after viewing the video footage. He also stated that [REDACTED] and [REDACTED] were both on the steps inside the gated area when he first observed them. Det. Alvarez stated that he was able to see through the gate from the side and that the door was opened which also allowed him to see inside.

Det. Alvarez stated that he believed the small object to be a small glassine of heroine which he described as a small square envelope. During the interview, Det. Alvarez gestured that the object was apparently 1 to 2 inches in size. Moreover, he stated that the object was white. Det. Alvarez did not see [REDACTED] receive the object. He only saw [REDACTED] reaching over with the object and [REDACTED] reaching his hand out. Det. Alvarez stated that the vehicle stopped once he made the observation and he did not see where the object was after they stopped the vehicle.

Det. Alvarez, Det. Russell, and Det. Hawreluk exited the vehicle based on Det. Alvarez's observation. At the time, Det. Alvarez intent was to make an inquiry in regards to what they were doing. He did not have intent to issue a summons or make an arrest at this point. When Det. Alvarez was asked whether [REDACTED] was free to leave, Representative Joe Montori stated that they were making an inquiry and that they were not free to leave. When asked again if they were not free to leave, Det. Alvarez stated that [REDACTED] stuck both of his hands in his pocket which raised his suspicion. Det. Alvarez and Det. Hawreluk walked up the steps towards [REDACTED]. At this point, [REDACTED] immediately stuck both of his hands inside his two front pant pockets and moved back towards the door frame. After seeing this, Det. Alvarez stated that his suspicion raised and he did not know if he

Interview Details

had a weapon in his pocket. Det. Alvarez stated that he suspected that [REDACTED] was either discarding or attempting to hide something or reaching for a weapon. Det. Alvarez did not see any bulges in [REDACTED] pockets aside from his hands balled up inside the pockets. He did not notice any additional bulges. [REDACTED] refused to comply with Det. Alvarez's orders to remove his hands from his pockets. Det. Alvarez asked [REDACTED] to do so at least four or five times. [REDACTED] was combative and cursing at the officers. Det. Alvarez stated that he and the other officers continued to ask [REDACTED] to take his hands out of his pockets. Det. Alvarez did raise his voice since [REDACTED] was yelling and Det. Alvarez wanted to ensure that he heard his commands. [REDACTED] stated, "Fuck you I'm not taking my hands out," and, "You are fucking harassing me. I'm not taking my hands out. I don't have to listen to you." Subsequently, Det. Hawreluk grabbed [REDACTED] by both of his forearms and pulled his hands out of his pockets. Nothing came out as a result of [REDACTED] hands being removed from his pockets.

Det. Alvarez denied asking [REDACTED] what was inside his pockets and [REDACTED] did not tell the officers what was inside. Moreover, Det. Alvarez did not recall [REDACTED] informing him of what he was doing prior to the officers approaching.

During the incident, [REDACTED] had moved to the side and Det. Alvarez did not have any interactions with him.

Det. Hawreluk, and [REDACTED] subsequently walked down towards the sidewalk. None of the officers had any physical contact with [REDACTED] at this time and [REDACTED] hands were out of his pockets. Det. Alvarez looked behind the door frame to ensure that [REDACTED] did not discard anything and then walked down towards the sidewalk. After Det. Alvarez looked behind the door and ensured that there were no weapons or anything discarded, they did not have further dealings with [REDACTED] and he was free to leave.

Throughout the incident, [REDACTED] cursed and the officers told them to "go fuck themselves." The officers explained to [REDACTED] why they stopped him and why they exited the vehicle. [REDACTED] stated, "Fuck you, you are just harassing me." Moreover, [REDACTED] stated, "You want to harass me because I'm Spanish." In response, Det. Alvarez told [REDACTED] that he was also Hispanic. At some point while [REDACTED] was yelling and cursing, the officers told [REDACTED] to go inside to avoid any further problems.

During their conversation, [REDACTED] asked the officers' for their name and shield numbers. Det. Alvarez stated that their shields were visible during the incident and that they all gave their name and shield numbers to [REDACTED] asked for a pen to record their information, but Det. Alvarez denied his request because he did not want to provide [REDACTED] with a weapon. Moreover, Det. Alvarez stated that they are not required to give a civilian a pen when the request for their information. [REDACTED] subsequently went upstairs to get a pen.

Det. Alvarez, Det. Russell, and Det. Hawreluk waited downstairs so that [REDACTED] could return with a pen to record their information. As they waited, [REDACTED] came out the window and stated, "Oh, I thought y'all would have left by now." After approximately two or three minutes, [REDACTED] came downstairs. Det. Alvarez stated that they were going to let [REDACTED] record their information and then be on their way. Det. Alvarez did not have any intentions to make an arrest or issue him a summons at this time.

[REDACTED] asked the officers for their name and shield numbers and all three officers provided. At some point, [REDACTED] had gone close to Det. Hawreluk and had his pen in his face almost poking Det. Hawreluk's eye. In response, Det. Hawreluk hit [REDACTED] hand, which was holding the pen, away. [REDACTED] then swung his arm and threw a punch in the direction of Det. Hawreluk's face. [REDACTED] did not make physical contact with Det. Hawreluk. At this point, [REDACTED] was going to be placed under arrest for throwing a punch at Det. Hawreluk. [REDACTED] was not going to be arrested for anything else. Det. Alvarez subsequently grabbed [REDACTED] arm and then Det. Russell and Det. Hawreluk assisted by grabbing onto [REDACTED] [REDACTED] continued to fight with the officers by throwing punches and trying to pull away. [REDACTED] did not make physical contact with Det. Alvarez. Det. Alvarez did not know whether [REDACTED] struck Det. Russell or Det. Hawreluk. During the struggle, Det. Alvarez punched [REDACTED] once to the side of his body. Det. Alvarez continued to tell [REDACTED] to stop resisting. [REDACTED] subsequently dropped down to a knee and ceased fighting. The officers were then able to place [REDACTED] hands behind his back and placed him in handcuffs. Det. Alvarez did not recall which officer placed the handcuffs on [REDACTED] Det. Alvarez denied kicking [REDACTED] placing a knee against the back of his head/neck area, or placing his foot on top of his head. Det. Alvarez denied using any additional force other than what he described.

Interview Details

Det. Alvarez did not see any other officers punch or kick [REDACTED]. However, during the struggle, he saw Det. Hawreluk bring his knee up in an attempt to strike [REDACTED] on the side. Det. Alvarez did not see where Det. Hawreluk made physical contact with [REDACTED] and whether it was to his lower or upper body. Det. Alvarez did not see Det. Russell or Det. Hawreluk place a knee against the back of [REDACTED] head/neck area, or place their foot on his head. Moreover, Det. Alvarez denied seeing the officers use any additional force against [REDACTED]. Det. Alvarez denied restricting [REDACTED] breathing and did not see any other officers do so.

Det. Alvarez did not see any visible injuries on [REDACTED] but he complained of body pain and that was why he was transported to the hospital. Det. Alvarez did not recall if he was transported directly to the hospital or the precinct.

Det. Alvarez did not hear Det. Russell or Det. Hawreluk say the word “fuck” or use any profanities during the incident. Det. Alvarez denied saying the word “fuck” or using any discourtesies. However, after reviewing the video footage, Det. Alvarez later affirmed that he told [REDACTED] “Put your fucking hand behind your back.” He used the discourtesy because [REDACTED] was still fighting and resisting at the time.

[REDACTED] arrest report was presented to Det. Alvarez. After reviewing the arrest report, Det. Alvarez stated it did not aid in his recollection of any additional occurrences.

When Det. Alvarez was asked whether there were any bystanders or pedestrians around, he stated that the other male ([REDACTED]) was present and that he “guess whatever civilians were on the street.” Furthermore, he stated that there were possibly two or three people across the street. When asked whether a crowd formed, Det. Alvarez stated that he was not paying attention. Det. Alvarez was then directed to the arrest report where there was a notation that stated the defendant made unreasonable noise in a public space. Det. Alvarez did know what that meant. Moreover, in the arrest report, it stated that defendant refused to be handcuffed by flailing arms and legs and placed arms underneath his body. Det. Alvarez stated that he “guessed” this occurred as they attempted to place him under arrest. However, he did not recall whether [REDACTED] placed his hands underneath his body.

The Criminal Court Complaint was presented to Det. Alvarez and he stated that this did not aid in his recollection of any additional occurrences. Det. Alvarez stated that he did not recall seeing anyone that had to walk around or walk the other way because of this incident. Moreover, Det. Alvarez was asked to explain the notation of Det. Hawreluk witnessing [REDACTED] lunge towards him [Det. Alvarez]. Det. Alvarez stated that this was in reference to [REDACTED] fighting after he initially grabbed [REDACTED] by the arm.

Det. Alvarez denied searching [REDACTED] on the scene. When asked whether Det. Hawreluk or Det. Russell searched him, Representative Joe Montori advised Det. Alvarez that if he did not remember then he did not remember. Representative Joe Montori then asked, “Subsequent to the arrest?” Det. Alvarez then stated that it would have been procedural to search him subsequent to the arrest prior to placing him into the vehicle, but he did not recall who searched him. Det. Alvarez affirmed that nothing was recovered on [REDACTED]. Additionally, Det. Alvarez never found out what the small object he initially observed in [REDACTED] hand actually was.

Det. Alvarez denied entering [REDACTED] pockets prior to placing him in handcuffs and did not see Det. Russell or Det. Hawreluk do so.

Det. Alvarez stated that they were not required to prepare a UF250 report since an arrest report was generated. Det. Alvarez denied preparing any additional reports and was not aware of any additional reports prepared in regards to this incident.

The interview was paused at 11:47 a.m. pending the setup of video footage. The interview was resumed at 11:48 a.m. with all parties present. The 3 minute and 23 second long video was presented to Det. Alvarez.

The video was paused at the 8 second mark and Det. Alvarez identified himself as the officer who stood furthest to right of the screen. Det. Hawreluk stood directly on his left, [REDACTED] stood to the left of Det. Hawreluk and was wearing a white hoodie, and to the left of [REDACTED] was the male who was with him ([REDACTED]). The video resumed playing at the 8 second mark. The video was paused at the 18 second mark and Det. Alvarez affirmed that this was the point where [REDACTED] requested for

Interview Details

the officers' name and shield numbers. He also affirmed that the number "2506" (heard on the recording) was his shield number. Det. Alvarez was then informed that [REDACTED] was shown on the screen with a gated door in front. Det. Alvarez did not recall a gate being present, but recalled the steps in front of the location. Det. Alvarez denied opening any door or gates and did not see Det. Russell or Det. Hawreluk do so. The video resumed playing at the 18 second mark and paused at the 38 second mark. Det. Alvarez stated that the conversation recorded in the video was when [REDACTED] was asking for his shield number which he provided and [REDACTED] continued to ramble, scream, and curse. Det. Alvarez was engaged in some conversation with [REDACTED] but he did not recall the conversation and stated that he was just "entertaining" him by providing his shield number when [REDACTED] asked. The video resumed playing at the 38 second mark. The video was paused at the 1 minute and 8 second mark and Det. Alvarez affirmed that he recalled the gate in front of [REDACTED] at this point. Det. Alvarez stated that he entered through the gate in order to get on to the steps. The gate door was wide open during the incident. It was only closed when [REDACTED] returned downstairs after getting a pen and paper. The video resumed playing at the 1 minute and 8 second mark and was paused at the 2 minute and 10 second mark. When asked whether Det. Alvarez's observation of [REDACTED] point his pen was depicted in the video, Det. Alvarez requested to replay the segment. The video was played back from the 1 minute and 50 second mark. Det. Alvarez stated that at the 1 minute and 58 second mark, [REDACTED] was waving the pen on the screen and started to get close to Det. Hawreluk. As the video continued to play, Det. Alvarez stated that [REDACTED] continued to wave the pen. Det. Alvarez then stated that prior to grabbing [REDACTED] waved the pen in Det. Hawreluk's face. As he grabbed [REDACTED] held the pen in front of his chest area. Det. Alvarez stated that the video was taken across the street, but [REDACTED] was standing approximately two feet away and Det. Alvarez stood to the side. Det. Alvarez stated that the officer in the blue shirt was Det. Russell.

The video continued playing at the 2 minute and 10 second mark and was paused at the 2 minute and 24 second mark. Det. Alvarez stated that [REDACTED] action of swinging his arms was not depicted in the video because the camera was "all over the place." At this point in the video, the screen was shaking and was unclear. The video was then played back from the 2 minute and 6 second mark and Det. Alvarez was asked if he recognized any discourtesies. The video was played at a slow rate of speed at the 2 minute and 16 second mark. Det. Alvarez affirmed that he heard the word, "fucking," but did not know who said this. The video resumed playing at the 2 minute and 23 second mark and was paused at the 2 minute and 34 second mark. Det. Alvarez again affirmed that he heard the word "fucking" used. He affirmed that he told [REDACTED] "Put your fucking hand behind your back." He used the discourtesy because [REDACTED] was still fighting and resisting at the time. [REDACTED] refused to place his hands behind his back. Det. Alvarez stated that the officers told him to stop resisting multiple times throughout the video. Additionally, Det. Alvarez stated that at this point in the video, it appeared as if Det. Russell had his knee against [REDACTED] body, possibly the back of his shoulder. Det. Alvarez stated that Det. Russell's foot was not on the back of [REDACTED] head/neck. The video resumed playing at the 2 minute and 36 minute mark and Det. Alvarez noted that both of Det. Russell's feet were on the ground. The video was then played until the end without any interruptions. Det. Alvarez did not have anything he wished to add or amend to his statement.

After viewing the video, Det. Alvarez was again asked whether a crowd had formed. Det. Alvarez denied that a crowd formed during the incident, but stated that "obviously" there were people outside. He stated that the people were out of the view of the camera. However, he did not recall seeing the person that was filming the incident or any additional civilians. Moreover, he did not recall seeing [REDACTED] obstructing vehicular or pedestrian traffic.

Det. Alvarez did not realize that anyone recorded the incident.

Interview Details

May 31, 2016
Det. Russell
201603275
10:09 a.m. – 10:54 a.m.

- Det. Hawreluk is a white male, who is 5'9" tall, weighs 185 pounds, with blonde hair and blue eyes, and was [REDACTED] years old at the time of incident.
- Det. Hawreluk worked from 9:27 a.m. to 6:00 p.m. on June 2, 2015. He was partnered with Det. Hawreluk and Det. Alvarez. They were in plainclothes and were assigned to an unmarked RMP.

Memo book:

1545, 1 under by Det. Hawreluk in front of [REDACTED]

CCRB statement:

Det. Russell was interviewed at the CCRB on May 31, 2016.

On June 2, 2015, at approximately 3:45 p.m., Det. Russell, Det. Alvarez, and Det. Hawreluk were driving around and subsequently drove onto [REDACTED] in the Bronx, which was a one way street that ran southbound. Det. Russell was not responding to any radio runs and/or calls in regards to this incident. Det. Russell stated that he is familiar with the area and that there were ongoing investigations which he wished to not go into details on the record. Det. Russell stated that there were narcotics sold in the vicinity of the location, specifically crack at the location of [REDACTED]. During the incident, Det. Russell as seated in the front passenger seat of the vehicle.

As they were driving, Det. Alvarez observed a hand to hand transaction in front of [REDACTED] in the Bronx, and informed Det. Russell of his observation. Det. Russell did not see the hand to hand transaction. Det. Russell did not recall what Det. Alvarez specifically stated, but he alerted them that he observed what appeared to be someone selling drugs to another person. Det. Alvarez did not alert them of any additional observations. After they were notified of Det. Alvarez's observation, they stopped the vehicle and the officers exited. At this point, [REDACTED] and the other individual (identified as [REDACTED] via the investigation) were both suspected of criminal sale of controlled substance, which Det. Russell stated was a felony. Det. Russell did not know what specific drugs [REDACTED] was suspected of at this point.

Det. Russell did not have any prior interactions with [REDACTED] and he was not informed by the other officers of any prior interactions they might have had with [REDACTED].

Det. Russell stated that [REDACTED] was a two story residence that had a gate in front which was closed during the incident.

Once out of the vehicle, Det. Russell observed [REDACTED] standing with [REDACTED]. He did not see them make any physical contact with each other. Det. Russell initially stated that [REDACTED] was outside of the gate when they approached and that he might have been inside the gate as they drove by, but he did not recall if he was always outside or if he exited the gate at some point. Det. Russell denied entering through the gate and did not recall seeing any officers do so. Det. Russell stated that their intent was to question [REDACTED] about what he was doing and he was still considered free to leave at this point. When they approached, [REDACTED] became extremely combative. Det. Russell stated that when they asked him for ID he refused and proceeded to curse at the officers. Det. Russell did not recall how many times he requested for [REDACTED] ID. They requested for his ID because they thought that he might have been selling drugs and wanted to verify why he was in front of the location and what he was doing there. [REDACTED] was still considered free to leave at this point. [REDACTED] became extremely combative and began to yell at the officers. Moreover, he requested for the officers name and shield numbers. All of the officers verbally provided their information to [REDACTED]. Det. Russell stated that Det. Hawreluk spelled his name for [REDACTED] as well. [REDACTED] subsequently requested for a pen and the officers refused to provide him with one. Det. Russell stated that they were not required to provide him with a pen. [REDACTED] told the officers that he was going to upstairs to retrieve a pen and the officers waited downstairs. [REDACTED] continued to scream and yell from inside his residence.

Interview Details

Det. Russell did not recall interacting with [REDACTED]. He stated that they might have asked [REDACTED] for his ID, but he did not recall what he did since he was not doing anything. When asked whether [REDACTED] was suspected of any crimes, Det. Russell stated, "Probably criminal possession of controlled substance." When he was asked to elaborate on what he meant by "probably," Det. Russell stated that they thought [REDACTED] had sold [REDACTED] drugs. [REDACTED] was also free to leave during the incident.

Det. Russell denied entering any of [REDACTED] pockets and stated that [REDACTED] was later searched him at the stationhouse. He did not recall who searched [REDACTED] at the stationhouse, but stated that he was searched by the desk. Additionally, he did not see any other officers enter [REDACTED] pockets or search him at the location. Moreover, none of the officers attempted to retrieve [REDACTED] ID from his pockets. Det. Russell denied pulling [REDACTED] hands out of his pocket. Det. Russell then stated that at some point before [REDACTED] went into his residence, [REDACTED] was instructed to not place his hands inside pockets because he was repeatedly doing so. He was instructed to remove his hands from his pockets for the officers' safety. [REDACTED] continued to place his hands inside his pockets and eventually an officer, who Det. Russell did not recall, pulled his hands out of his pockets. Det. Russell observed nothing in [REDACTED] hands. Det. Russell denied seeing any bulges in his pockets. When asked if he suspected [REDACTED] of being in possession of a weapon, Det. Russell stated, "At that point no."

Det. Russell denied using any discourtesies against [REDACTED] and did not recall any officers using any discourtesies. He stated that [REDACTED] used the word "fuck" numerous times during the incident.

When [REDACTED] came back down from his residence, All three officers provided their name and shield number to [REDACTED] again. Det. Russell then told [REDACTED] that they were done and for him to go back inside his residence. Det. Russell subsequently addressed [REDACTED] by his name which he retrieved from performing a check of the location using his handheld device. [REDACTED] subsequently began screaming and yelling asking how they knew his name. At this point, Det. Russell stated that [REDACTED] was being unreasonable and a crowd of four or five people began to form. There were civilians standing on the sidewalk and possibly a person on the street. The people stopped and observed [REDACTED] "going crazy." Det. Russell stated that there were people recording as well. Det. Russell did not recall how close the civilians were from them, but nobody interfered during the incident. Moreover, no civilians complained to any of the officers that [REDACTED] was loud. Det. Russell did not hear the crowd make any statements. None of the officers performed any crowd control.

When asked if [REDACTED] obstructed any pedestrian or vehicular traffic, Det. Russell stated, "I can't say that those people didn't want to walk down that sidewalk."

At this point, it was determined that [REDACTED] was causing a nuisance because he was being very loud and caused people to stop and impede them from moving. Det. Russell stated that [REDACTED] was going to be arrested for disorderly conduct at this point. He stated that if [REDACTED] had provided his ID, he would have been just issued a summons. However, since he refused to provide his ID they were unable to issue him a summons. Aside from arresting [REDACTED] for the disorderly conduct charge, he was not going to be arrested for any additional charges at this point. However, he later also resisted arrest. [REDACTED] was instructed to place his hands behind his back, but he refused to do so. Det. Alvarez subsequently attempted to grab his arm and [REDACTED] pulled away. Det. Alvarez and Det. Hawreluk then took [REDACTED] down to the ground by holding onto him and grappling him to the ground. Det. Russell denied assisting in taking him down to ground and stated that he was on the sidewalk or in the van looking through his handheld device when [REDACTED] was taken down to the ground. [REDACTED] whole body made contact with the ground. On the ground, [REDACTED] placed his arms underneath his body and was flailing his arms to avoid being handcuffed. Det. Russell assisted by positioning his body to restrict [REDACTED] movements. Det. Russell was kneeling down on the ground at this point. He felt [REDACTED] actively trying to lift himself off the ground. Det. Russell did not recall which part of his body made contact with which part of [REDACTED] body. Det. Russell denied punching, kicking, or kneeling [REDACTED]. Additionally, he denied stepping on [REDACTED] head or making any contact with the back of his head or neck area. He did not recall seeing Det. Alvarez or Det. Hawreluk punch, kick, or knee [REDACTED] and did not see them make any contact with [REDACTED] back of neck or head area.

The officers successfully placed [REDACTED] in handcuffs after 45 seconds. Det. Russell did not recall which officer did so. The officers placed one handcuff on one of [REDACTED] arms then brought it behind his back and the grabbed his other arm, brought it behind his back, and placed the other handcuff on that arm. When asked whether the officers used any additional force

Interview Details

while handcuffing, Det. Russell stated that they wrestled with [REDACTED] did not strike Det. Russell and Det. Russell did not see him strike any officers.

Det. Russell did not see any visible physical injuries on [REDACTED] did not complain of any injuries at the scene of incident.

After [REDACTED] was placed in handcuffs, he was brought into the van. Det. Russell did not know whether [REDACTED] went voluntarily or if he was still resisting at this point. Det. Russell did not recall the specific statements [REDACTED] made, but stated that [REDACTED] was unhappy and did not think too highly of the officers.

At the stationhouse, [REDACTED] complained of pain. He was then transported to [REDACTED] Hospital and then to Central Booking.

No drugs or illegal substance were recovered from [REDACTED]

The arrest report was presented to Det. Russell and he was asked to review it to see if it aided his recollection on any additional occurrences during this incident. Without looking at the arrest report, Det. Russell immediately stated, "No," and stated that he had read the arrest report prior to the interview.

The criminal court complaint was then presented to Det. Russell. He reviewed it and did not have anything he wanted to add or amend to his statement. Det. Russell was then directed to the bottom of the criminal court complaint and asked if he observed [REDACTED] lunge at Det. Alvarez. He stated that [REDACTED] waved his pen in the officers' faces and at that point it was determined he was going to be arrested for disorderly conduct. Det. Russell stated that at that point he was off to the side, but he heard [REDACTED] yelling and cursing while waving the pen around. [REDACTED] was less than two feet from the officers. Det. Russell was aware of the video footage because he saw someone recording the incident. Moreover, he stated that Det. Alvarez had informed him that the CCRB had video footage of the incident as well. Det. Russell stated that Det. Alvarez did not inform him of anything in regards to the video footage.

The recording was paused at 10:39 a.m. pending the setup of video footage. The interview resumed at 10:40 a.m. with all parties still present.

The 3 minute and 23 second long video found in IA #20 was presented to Det. Russell in its entirety without interruptions once. After viewing the footage Det. Russell did not wish to add or amend his initial statement.

The video was then played from the beginning and paused at the 8 second mark. Det. Russell affirmed that he was inside the van searching the location at this point. He then identified the individual wearing a green cap as Det. Alvarez and the individual wearing the black hoodie as Det. Hawreluk. Additionally, he stated that the individual wearing the white hoodie was [REDACTED] and that the individual wearing a black cap and black shirt was the person they suspected [REDACTED] sold drugs to.

When asked Det. Russell to identify a specific point in the recording where [REDACTED] waved his pen, Det. Russell stated that he was waving his pen the whole time. When pressed further, Det. Russell provided the same answer.

Det. Russell stated that the crowd was not depicted in the video. He then pointed off the screen and stated that they were north.

The recording was then played from the 2 minute and 20 second mark and asked Det. Russell to listen closely. The recording was then paused at the 2 minute and 23 second mark. Det. Russell was asked if could hear the word "fucking" depicted in the video and he affirmed that he heard the profanity. He denied saying the word "fucking" during the incident and did not know who made that statement. The recording was then played at the 2 minute and 30 second mark and paused at the 2 minute and 34 second mark. Det. Russell was asked if he heard the statement, "get your fucking hands," depicted in the video. Det. Russell stated that he heard the words "get" and "talking." Det. Russell denied making that statement and did not who made this statement. Det. Russell was then asked to describe where his body was making contact with [REDACTED] at this point. Det. Russell stated that [REDACTED] rolled over. The video was the played at the 2 minute and 26 second mark and paused at the 2 minute and 32 second mark. Det. Russell stated that at this point he fell on top of [REDACTED] and his foot was on the ground while his knee was

Interview Details

against his shoulder which was caused by [REDACTED] rolling into him and knocking him down. Det. Russell denied that his foot being placed on [REDACTED] head at any point.

Det. Russell denied preparing any reports in regards to this incident and stated that he did was not aware of any additional reports prepared.

Interview Details

May 31, 2016
Det. Russell
201603275
10:09 a.m. – 10:54 a.m.

- Det. Hawreluk is a white male, who is 5'9" tall, weighs 185 pounds, with blonde hair and blue eyes, and was [REDACTED] years old at the time of incident.
- Det. Hawreluk worked from 9:27 a.m. to 6:00 p.m. on June 2, 2015. He was partnered with Det. Hawreluk and Det. Alvarez. They were in plainclothes and were assigned to an unmarked RMP.

Memo book:

1545, 1 under by Det. Hawreluk in front of [REDACTED]

CCRB statement:

Det. Russell was interviewed at the CCRB on May 31, 2016.

On June 2, 2015, at approximately 3:45 p.m., Det. Russell, Det. Alvarez, and Det. Hawreluk were driving around and subsequently drove onto [REDACTED] in the Bronx, which was a one way street that ran southbound. Det. Russell was not responding to any radio runs and/or calls in regards to this incident. Det. Russell stated that he is familiar with the area and that there were ongoing investigations which he wished to not go into details on the record. Det. Russell stated that there were narcotics sold in the vicinity of the location, specifically crack at the location of [REDACTED]. During the incident, Det. Russell as seated in the front passenger seat of the vehicle.

As they were driving, Det. Alvarez observed a hand to hand transaction in front of [REDACTED] in the Bronx, and informed Det. Russell of his observation. Det. Russell did not see the hand to hand transaction. Det. Russell did not recall what Det. Alvarez specifically stated, but he alerted them that he observed what appeared to be someone selling drugs to another person. Det. Alvarez did not alert them of any additional observations. After they were notified of Det. Alvarez's observation, they stopped the vehicle and the officers exited. At this point, [REDACTED] and the other individual (identified as [REDACTED] via the investigation) were both suspected of criminal sale of controlled substance, which Det. Russell stated was a felony. Det. Russell did not know what specific drugs [REDACTED] was suspected of at this point.

Det. Russell did not have any prior interactions with [REDACTED] and he was not informed by the other officers of any prior interactions they might have had with [REDACTED].

Det. Russell stated that [REDACTED] was a two story residence that had a gate in front which was closed during the incident.

Once out of the vehicle, Det. Russell observed [REDACTED] standing with [REDACTED]. He did not see them make any physical contact with each other. Det. Russell initially stated that [REDACTED] was outside of the gate when they approached and that he might have been inside the gate as they drove by, but he did not recall if he was always outside or if he exited the gate at some point. Det. Russell denied entering through the gate and did not recall seeing any officers do so. Det. Russell stated that their intent was to question [REDACTED] about what he was doing and he was still considered free to leave at this point. When they approached, [REDACTED] became extremely combative. Det. Russell stated that when they asked him for ID he refused and proceeded to curse at the officers. Det. Russell did not recall how many times he requested for [REDACTED] ID. They requested for his ID because they thought that he might have been selling drugs and wanted to verify why he was in front of the location and what he was doing there. [REDACTED] was still considered free to leave at this point. [REDACTED] became extremely combative and began to yell at the officers. Moreover, he requested for the officers name and shield numbers. All of the officers verbally provided their information to [REDACTED]. Det. Russell stated that Det. Hawreluk spelled his name for [REDACTED] as well. [REDACTED] subsequently requested for a pen and the officers refused to provide him with one. Det. Russell stated that they were not required to provide him with a pen. [REDACTED] told the officers that he was going to upstairs to retrieve a pen and the officers waited downstairs. [REDACTED] continued to scream and yell from inside his residence.

Interview Details

Det. Russell did not recall interacting with [REDACTED]. He stated that they might have asked [REDACTED] for his ID, but he did not recall what he did since he was not doing anything. When asked whether [REDACTED] was suspected of any crimes, Det. Russell stated, "Probably criminal possession of controlled substance." When he was asked to elaborate on what he meant by "probably," Det. Russell stated that they thought [REDACTED] had sold [REDACTED] drugs. [REDACTED] was also free to leave during the incident.

Det. Russell denied entering any of [REDACTED] pockets and stated that [REDACTED] was later searched him at the stationhouse. He did not recall who searched [REDACTED] at the stationhouse, but stated that he was searched by the desk. Additionally, he did not see any other officers enter [REDACTED] pockets or search him at the location. Moreover, none of the officers attempted to retrieve [REDACTED] ID from his pockets. Det. Russell denied pulling [REDACTED] hands out of his pocket. Det. Russell then stated that at some point before [REDACTED] went into his residence, [REDACTED] was instructed to not place his hands inside pockets because he was repeatedly doing so. He was instructed to remove his hands from his pockets for the officers' safety. [REDACTED] continued to place his hands inside his pockets and eventually an officer, who Det. Russell did not recall, pulled his hands out of his pockets. Det. Russell observed nothing in [REDACTED] hands. Det. Russell denied seeing any bulges in his pockets. When asked if he suspected [REDACTED] of being in possession of a weapon, Det. Russell stated, "At that point no."

Det. Russell denied using any discourtesies against [REDACTED] and did not recall any officers using any discourtesies. He stated that [REDACTED] used the word "fuck" numerous times during the incident.

When [REDACTED] came back down from his residence, All three officers provided their name and shield number to [REDACTED] again. Det. Russell then told [REDACTED] that they were done and for him to go back inside his residence. Det. Russell subsequently addressed [REDACTED] by his name which he retrieved from performing a check of the location using his handheld device. [REDACTED] subsequently began screaming and yelling asking how they knew his name. At this point, Det. Russell stated that [REDACTED] was being unreasonable and a crowd of four or five people began to form. There were civilians standing on the sidewalk and possibly a person on the street. The people stopped and observed [REDACTED] "going crazy." Det. Russell stated that there were people recording as well. Det. Russell did not recall how close the civilians were from them, but nobody interfered during the incident. Moreover, no civilians complained to any of the officers that [REDACTED] was loud. Det. Russell did not hear the crowd make any statements. None of the officers performed any crowd control.

When asked if [REDACTED] obstructed any pedestrian or vehicular traffic, Det. Russell stated, "I can't say that those people didn't want to walk down that sidewalk."

At this point, it was determined that [REDACTED] was causing a nuisance because he was being very loud and caused people to stop and impede them from moving. Det. Russell stated that [REDACTED] was going to be arrested for disorderly conduct at this point. He stated that if [REDACTED] had provided his ID, he would have been just issued a summons. However, since he refused to provide his ID they were unable to issue him a summons. Aside from arresting [REDACTED] for the disorderly conduct charge, he was not going to be arrested for any additional charges at this point. However, he later also resisted arrest. [REDACTED] was instructed to place his hands behind his back, but he refused to do so. Det. Alvarez subsequently attempted to grab his arm and [REDACTED] pulled away. Det. Alvarez and Det. Hawreluk then took [REDACTED] down to the ground by holding onto him and grappling him to the ground. Det. Russell denied assisting in taking him down to ground and stated that he was on the sidewalk or in the van looking through his handheld device when [REDACTED] was taken down to the ground. [REDACTED] whole body made contact with the ground. On the ground, [REDACTED] placed his arms underneath his body and was flailing his arms to avoid being handcuffed. Det. Russell assisted by positioning his body to restrict [REDACTED] movements. Det. Russell was kneeling down on the ground at this point. He felt [REDACTED] actively trying to lift himself off the ground. Det. Russell did not recall which part of his body made contact with which part of [REDACTED] body. Det. Russell denied punching, kicking, or kneeling [REDACTED]. Additionally, he denied stepping on [REDACTED] head or making any contact with the back of his head or neck area. He did not recall seeing Det. Alvarez or Det. Hawreluk punch, kick, or knee [REDACTED] and did not see them make any contact with [REDACTED] back of neck or head area.

The officers successfully placed [REDACTED] in handcuffs after 45 seconds. Det. Russell did not recall which officer did so. The officers placed one handcuff on one of [REDACTED] arms then brought it behind his back and the grabbed his other arm, brought it behind his back, and placed the other handcuff on that arm. When asked whether the officers used any additional force

Interview Details

while handcuffing, Det. Russell stated that they wrestled with [REDACTED] did not strike Det. Russell and Det. Russell did not see him strike any officers.

Det. Russell did not see any visible physical injuries on [REDACTED] did not complain of any injuries at the scene of incident.

After [REDACTED] was placed in handcuffs, he was brought into the van. Det. Russell did not know whether [REDACTED] went voluntarily or if he was still resisting at this point. Det. Russell did not recall the specific statements [REDACTED] made, but state that he was unhappy and did not think too highly of the officers.

At the stationhouse, [REDACTED] complained of pain. He was then transported to [REDACTED] Hospital and then to Central Booking.

No drugs or illegal substance were recovered from [REDACTED]

The arrest report was presented to Det. Russell and he was asked to review it to see if it aided his recollection on any additional occurrences during this incident. Without looking at the arrest report, Det. Russell immediately stated, "No," and stated that he had read the arrest report prior to the interview.

The criminal court complaint was then presented to Det. Russell. He reviewed it and did not have anything he wanted to add or amend to his statement. Det. Russell was then directed to the bottom of the criminal court complaint and asked if he observed [REDACTED] lunge at Det. Alvarez. He stated that [REDACTED] waved his pen in the officers' faces and at that point it was determined he was going to be arrested for disorderly conduct. Det. Russell stated that at that point he was off to the side, but he heard [REDACTED] yelling and cursing while waving the pen around. [REDACTED] was less than two feet from the officers. Det. Russell was aware of the video footage because he saw someone recording the incident. Moreover, he stated that Det. Alvarez had informed him that the CCRB had video footage of the incident as well. Det. Russell stated that Det. Alvarez did not inform him of anything in regards to the video footage.

The recording was paused at 10:39 a.m. pending the setup of video footage. The interview resumed at 10:40 a.m. with all parties still present.

The 3 minute and 23 second long video found in IA #20 was presented to Det. Russell in its entirety without interruptions once. After viewing the footage Det. Russell did not wish to add or amend his initial statement.

The video was then played from the beginning and paused at the 8 second mark. Det. Russell affirmed that he was inside the van searching the location at this point. He then identified the individual wearing a green cap as Det. Alvarez and the individual wearing the black hoodie as Det. Hawreluk. Additionally, he stated that the individual wearing the white hoodie was [REDACTED] and that the individual wearing a black cap and black shirt was the person they suspected [REDACTED] sold drugs to.

When asked Det. Russell to identify a specific point in the recording where [REDACTED] waved his pen, Det. Russell stated that he was waving his pen the whole time. When pressed further, Det. Russell provided the same answer.

Det. Russell stated that the crowd was not depicted in the video. He then pointed off the screen and stated that they were north.

The recording was then played from the 2 minute and 20 second mark and asked Det. Russell to listen closely. The recording was then paused at the 2 minute and 23 second mark. Asked if Det. Russell could hear the word "fucking" depicted in the video and he affirmed that he heard it. He denied saying the word "fucking" during the incident and did not know who made that statement. The recording was then played at the 2 minute and 30 second mark and paused at the 2 minute and 34 second mark. Det. Russell was asked if he heard the statement, "get your fucking hands," depicted in the video. Det. Russell stated that he heard the words "get" and "talking." Det. Russell denied making that statement and did not know who made this statement. Det. Russell was then asked to describe where his body was making contact with [REDACTED] at this point. Det. Russell stated that [REDACTED] rolled over. The video was then played at the 2 minute and 26 second mark and paused at the 2 minute and 32 second mark. Det. Russell stated that at this point he fell on top of [REDACTED] and his foot was on the ground while his knee was

Interview Details

against his shoulder which was caused by [REDACTED] rolling into him and knocking him down. Det. Russell denied his foot being placed on [REDACTED] head at any point.

Det. Russell denied preparing any reports in regards to this incident and stated that he did was not aware of any additional reports prepared.

Interview Details

June 7, 2016
Det. Alvarez
201603275
11:24 a.m. 11:44 a.m.

- *Det. Alvarez is a Hispanic male, who is 5'8" tall, weighs 200 pounds, with black hair and brown eyes, and was [REDACTED] years old at the time of incident.*
- *Det. Alvarez worked from 10:00 a.m. – 6:33 p.m., on June 2, 2015. Det. Alvarez was working with Det. Hawreluk and Det. Russell. They were assigned to the Bronx Gang Squad I-Team. They were working in plainclothes and assigned to RMP# [REDACTED] (a minivan)*

Memo book:

1545, assist with one under in front of [REDACTED] Transporting perp to hospital and lodging at CB. 2315, Return to command.

CCRB statement:

Det. Alvarez was interviewed at the CCRB on June 7, 2016.

Det. Alvarez was given an opportunity to listen to his prior CCRB complaint. However, Det. Alvarez and DEA Silverman both did not wish to re-listen to the entire interview recording.

Det. Alvarez stated that he was positioned in the rear passenger seat of the vehicle. Det. Alvarez stated that they were approximately 1 ½ to 2 car lengths or approximately 15 feet away when he first observed [REDACTED]. He stated that they were driving and were positioned diagonally in relations to where [REDACTED] was.

Det. Alvarez stated that he observed something small and white when he gestured his hand back and forth. He did not recall how [REDACTED] was holding the object in his hand. When asked to describe the length of the object, Det. Alvarez stated that he thought it was a small glassine of heroine which is rectangular in shape. He did not know the measurements of the object he observed. When pressed to describe whether the object he observed was bigger or smaller than a pinky finger, DEA Silverman asked Det. Alvarez whether he was able to tell the exact size of the object he observed in his hands. Det. Alvarez stated that he could not tell the size of the object during the incident. He stated that it was small and white.

Det. Alvarez explained that a glassine is a small wax envelope used in packaging and sale of heroin. Generally, a glassine is 2/3 the length of a pinky finger with a width of approximately 1/3 of an inch. Moreover, generally, a glassine is somewhat opaque and a tan/beige powdery substance could be seen inside. He did not know the general thickness of a glassine, but stated that the powder substance could be felt through the glassine.

Det. Alvarez stated that none of the civilians approached him at any point to complain about the loud noises during the incident. When asked whether he saw any civilians approach the other officers, he stated that his attention was focused on [REDACTED] at the time.

The recording was paused at 11:32 a.m. pending the setup of video footage and resumed at 11:34 a.m. The 3 minute and 23 second long video was played once in its entirety without any interruptions.

When Det. Alvarez was asked where was [REDACTED] and [REDACTED] positioned when he first observed them, he stated that they stood on the top steps by the door. Additionally, he observed them as they were driving by, through the side of the gate. He stated that he was able to see the individuals standing there and when the vehicle stopped he had an unobstructed view of [REDACTED] and [REDACTED] since the gate was wide open. He did not know whether there was something holding the door opened.

When asked whether the action of [REDACTED] swinging his arm was depicted in the video, Det. Alvarez stated "He fought." The video was then played at the 2 minute mark and the undersigned instructed Det. Alvarez to indicate at which point [REDACTED] swung his arm. The video was paused at the 2 minute and 11 second mark and Det. Alvarez stated that once he reached out to grab [REDACTED] started fighting and resisting and that was the point where he threw a punch. Det. Alvarez

Interview Details

was then asked if [REDACTED] threw a punch prior to him being grabbed. Det. Alvarez stated that [REDACTED] was swinging the pen in his partner's face and being disorderly. He stated that they grabbed him once [REDACTED] lowered the pen.

Det. Alvarez then affirmed that [REDACTED] did not throw a punch prior to him grabbing [REDACTED] and that it was just the incident with the pen. When pressed further on the discrepancy between his initial statement and his answer during the interview, [REDACTED] only threw the punch after he grabbed him and he did not throw a punch prior to him being grabbed and that his prior actions was with a pen.

Det. Alvarez stated that when he grabbed [REDACTED] was going to be arrested for disorderly conduct. When asked further as to explain, he stated that his partner was the arresting officer. When asked whether [REDACTED] was going to be charged with anything else at this point, Det. Alvarez stated that he was not thinking of any charges during the moment and that [REDACTED] was "coming aggressive, loud, violent, and waving pen in partner's face."

Interview Details

June 10, 2016

201603275

2:10 p.m. – 2:30 p.m.

- [REDACTED] is a Hispanic female, who is 4'10" tall, weighs 204 pounds, with grey hair and brown eyes, and was [REDACTED] years old at the time of incident.

CCRB Statement:

[REDACTED] was interviewed in the field at her residence, [REDACTED] in the Bronx.

[REDACTED] stated that her dogs go crazy whenever people enter or leave [REDACTED] in the Bronx. On June 2, 2015, [REDACTED] looked outside her window and observed [REDACTED] speaking with his friend, [REDACTED] who lived down the street. She did not recall if the window was open or shut during the incident. Moreover, her window was approximately four feet away from where [REDACTED] stood and faced directly towards the gate. She affirmed that nothing obstructed her view of [REDACTED]. She stated that he was wearing a t-shirt and white basketball shorts. [REDACTED] stood inside the gate and [REDACTED] stood outside the gate as they spoke with each other. She did not see [REDACTED] any physical contact with [REDACTED]. She did not see anything in [REDACTED] hands and did not see [REDACTED] or [REDACTED] exchanging anything.

[REDACTED] stated that the gates' door was slightly ajar just as it was during the interview. The undersigned observed that the door was not completely closed, but the undersigned was not able to see through the crack between the door and the door frame.

At some point while [REDACTED] and [REDACTED] were talking, two officers exited a vehicle which was parked directly in front of the residence. [REDACTED] was not able to see the vehicle because of her air conditioner unit which obstructed her view of the vehicle. The officers approached [REDACTED] and asked him questions and possibly requested for his ID. [REDACTED] asked the officers why he was being arrested and told them that he did not have anything in his pockets and that he lived upstairs. [REDACTED] also pulled his pockets inside out and told the officers that he did not have anything. The officers stood in front of the closed gate as they spoke with [REDACTED]. She did not see any officers open the gate door or enter through gate.

[REDACTED] walked away from the incident once the officers approached.

At some point, [REDACTED] went upstairs to the residence and when he returned he was holding papers. [REDACTED] assumed that they told him to get his ID, but was not certain. When [REDACTED] returned downstairs, he stepped out of the gated area on his own. [REDACTED] stood directly in front of the gate with his back towards the gate and the officers stood in front of him. He was approximately a couple of feet away from the officers. The officers and [REDACTED] continued speaking, but she could not hear the conversation because she was primarily focused on taking care of her grandson at the time. However, she heard the conversation grow louder and heard [REDACTED] ask the officers why was he being harassed. [REDACTED] stated that [REDACTED] "probably" used profanities, but did not recall. She did not recall hearing any officers say "fuck" and did not hear any of the officers using any profanities. [REDACTED] was moving his hands in front of his body when he was speaking with the officers. [REDACTED] saw [REDACTED] holding a piece of paper and nothing else. Moreover, she did not see [REDACTED] hand gesture towards any of the officers' face.

When [REDACTED] was asked if she heard [REDACTED] ask the officers for their name and shield numbers, she affirmed that she heard the request for their information and that he asked directly prior to the "pushing and shoving." She did not hear any of the officers provide their name or shield numbers.

At some point as the officers and [REDACTED] were talking, a third officer exited the vehicle and all of the officers suddenly pushed [REDACTED] against the gate, causing a loud bang. [REDACTED] seemed to be confused as to what she saw during the incident and what she assumed [REDACTED] was doing during the incident. [REDACTED] stated that she "guessed" the officers wrestled him down to the ground because [REDACTED] was defending himself. When pressed on whether she saw this, she stated that it might have occurred, but was not certain. Moreover, she stated that [REDACTED] "probably" moved his hands, but she could not provide any specific details. She also mentioned that [REDACTED] attempted to fight the officers off by moving his arm outwards when the officers initially pushed him against the gate. She did not see [REDACTED] push any of the officers. The

Interview Details

officers then took [REDACTED] to the ground by pulling him down towards the ground. [REDACTED] did not see any officers hit [REDACTED]. [REDACTED] could not see what occurred after [REDACTED] was on the ground. She stated that the next time he saw him again as when he was handcuffed and placed inside the police car.

[REDACTED] denied seeing any officers making any physical contact against the back of [REDACTED] neck or head area. She did not see any visible injuries on [REDACTED].

The whole incident lasted approximately 20 – 30 minutes. The handcuffing process took more than a minute. [REDACTED] did not see any officers place their hands inside of [REDACTED] pockets or tell him to remove his hands from his pockets.

[REDACTED] saw a neighbor across the street filming the incident. She did not see any civilians standing or walking by the incident. Moreover, she did not see any civilians cross the street during the incident. She stated that there are not many people on that street during the day.

[REDACTED] went outside after the incident; at no point did she go outside during the incident.

Interview Details

June 10, 2016

Det. Hawreluk

201603275

12:01 p.m. – 12:44 p.m.

- Det. Hawreluk is a white male, who is 5'11" tall, weighs 235 pounds, with brown hair and green eyes, and was [REDACTED] years old at the time of incident.
- Det. Hawreluk worked from 9:27 a.m. to 6:00 p.m. on June 2, 2015. Det. Hawreluk was working with Det. Alvarez and Det. Russell. They were assigned to Gang Enforcement and assigned to an unmarked minivan (RMP # [REDACTED]).

Memo book:

1542, 2 males stopped front of [REDACTED] 1545, 1 under in regards discon and resisting. Defendant [REDACTED] male Hispanic. 1600, 84 at 44 PCT. 1650, 98 to [REDACTED] Hospital. 2230, 84 at Bronx Central Booking.

CCRB statement:

Det. Hawreluk was interviewed at the CCRB on June 10, 2016.

On June 2, 2015, at approximately 3:42 p.m., Det. Hawreluk, Det. Alvarez, and Det. Russell were traveling southbound on [REDACTED] as they were performing routine patrol within the 44th and 46th Precinct. They were not targeting any specific crimes on the date of incident. Det. Hawreluk was the driver. He did not recall where the other officers were positioned in the vehicle. Det. Hawreluk was driving at approximately 15 miles an hour when he observed two males exchanging money in front of the doorway of [REDACTED] in the Bronx. Det. Hawreluk stated that there was a gate in front of the location, but it did not obstruct his view and he was able to see their entire bodies. Det. Hawreluk did not recall which of the individuals ended up with the money and did not know how much money was exchanged. Moreover, he did not know recall whether the bills were folded or rolled up. When asked whether he saw one of the individuals receive the money, Det. Hawreluk stated that he just saw money in their hands and did not know where it went. Moreover, he did not recall the positioning of their hands and just saw their hands reach out towards each other.

Det. Hawreluk stated that they were approximately 15 -20 feet away when he made the initial observation. Moreover, he stated that the exchange of money was what drew his attention. When asked whether Det. Hawreluk had any discussions with the other officers in regards to his observation, he stated that they all might have said the two individuals were engaged in a drug transaction. He believed Det. Alvarez also made a similar observation to his. When asked what drug Det. Hawreluk thought was being exchanged, he stated that there was no specific drug that he suspected at the time.

At this point, Det. Hawreluk's intent was to inquire what they were doing based on their observation. He stated that they were not suspected of any crimes at this point and were also free to leave.

Det. Hawreluk and Det. Alvarez exited the vehicle and approached [REDACTED] and the second male, identified via the investigation as [REDACTED]. As they approached, Det. Hawreluk observed [REDACTED] and [REDACTED] tensing up and looking at them. [REDACTED] and [REDACTED] were both inside the gate and the gate door was left opened. Det. Hawreluk had his shield affixed to his pocket and announced, "New York City Police." He did not recall what [REDACTED] was doing with his hand, but stated that his hands were out of his pockets. He did not recall if [REDACTED] was holding anything. Det. Hawreluk was also able to see [REDACTED] hands, but did not recall if he was holding anything.

Det. Hawreluk stated that he did not speak with [REDACTED]. He stated that Det. Alvarez spoke with [REDACTED] and that he did not know the crux of their conversation.

As Det. Hawreluk was speaking to [REDACTED] he was standing at the bottom of the steps. Det. Hawreluk did not recall ever entering through that gated area. However, he saw Det. Alvarez enter the gate shortly after exiting the van to speak with [REDACTED].

Det. Hawreluk recalled that during their inquiry, either [REDACTED] or [REDACTED] made a statement that one of them owed the other person money. They were still considered to be free to leave at this point.

Interview Details

██████████ was screaming and yelling when the officers approached, which caused people to congregate and caused public alarm and annoyance. Det. Hawreluk asked ██████████ what was happening, what were they doing, and where lived. ██████████ replied, "Right here." ██████████ was irate and was cursing throughout the incident. ██████████ screamed, "Fuck you" and "This is bullshit." Det. Hawreluk observed four to five people congregating and walking down the sidewalk. He also observed a female and a little child that crossed the street after seeing what was going on. The four to five people were standing approximately 20-30 feet away and did not say much. Det. Hawreluk stated that one of the bystanders stated, "Relax, it is not that serious." Det. Hawreluk stated that he was guilty of disorderly conduct at this point, but used his discretion. He then stated that there was no reason as to why he was not arrested for disorderly conduct.

At some point, ██████████ made a furtive movement by placing his hands inside of his shorts' pockets as he was screaming and yelling. Det. Hawreluk instructed him to remove his hands twice. ██████████ refused to do so and stated, "Fuck You." Det. Hawreluk did not recall if his response was different when he asked him the second time. Det. Hawreluk stated that for his own safety, he grabbed both of ██████████ wrists and pulled his hands out of his pockets and turned his hands. Det. Hawreluk saw the ██████████ did not hold anything at this point. Det. Hawreluk stated that ██████████ aggressive demeanor combined with his action of placing his hands inside his pockets led him to believe that he might have had a weapon. He did not recall seeing any bulges on ██████████ subsequently stated, "Fuck you," and "You can't touch me." Det. Hawreluk stated ██████████ was still free to leave at this point. Det. Hawreluk did not recall placing his hands inside ██████████ pockets. Additionally, he denied seeing any offices place their hands inside ██████████ pockets. Moreover, Det. Hawreluk did not recall if ██████████ was still on the steps or if he had stepped out onto the sidewalk at this point.

██████████ stated, "Give me your name and shield." Det. Hawreluk believed that ██████████ was asking all of the officers for their name and shield numbers. Det. Hawreluk and Det. Alvarez both provided their name and shield number. He did not recall if Det. Russell also provided his name and shield number to ██████████ subsequently asked for a pen and Det. Hawreluk told him that they would not provide him with a pen. Det. Hawreluk told ██████████ that they would wait for him to obtain a pen if needed. ██████████ subsequently went inside his residence and was still screaming while he was upstairs. Shortly after, he returned downstairs and was still irate and cursing. When asked whether it was a concern to allow ██████████ to go inside and retrieve a pen, Det. Hawreluk stated that there was a slight concern that he could have went inside to retrieve a weapon.

Det. Hawreluk stated that outside the gated area, ██████████ got in Det. Hawreluk and Det. Alvarez's face and waved his pen approximately a foot away from Det. Hawreluk's face in a threatening manner. Det. Hawreluk gave verbal commands to back up, stop, and put the pen down. ██████████ was still screaming and yelling at this point. ██████████ again swung the pen in front of Det. Hawreluk's face and then lowered it. Det. Hawreluk subsequently made a facial gesture to Det. Alvarez indicating that he was going to place ██████████ under arrest for disorderly conduct. Det. Hawreluk stated that besides disorderly conduct, ██████████ was not going to be given any additional charges at this point. Subsequently, Det. Hawreluk and Det. Alvarez grabbed ██████████ and he flailed his arms. Det. Hawreluk stated that ██████████ was flailing his arms when he waved the pen in his face. Det. Hawreluk denied punching ██████████. He stated that he saw Det. Alvarez punch ██████████ after ██████████ was waving his pen which appeared as if he was going to hit one of them. Det. Hawreluk did not know where Det. Alvarez's punch made contact with ██████████ body. Subsequently, Det. Hawreluk grabbed ██████████ by the back and pulled him towards the ground. He denied placing his knee or foot against his back or head. Moreover, he did not see Det. Alvarez doing so. Det. Hawreluk denied kicking ██████████ and did not recall if Det. Alvarez or Det. Russell kicked ██████████. He did not recall making any physical contact with the back of his neck or head. However, he denied hitting him in the back of his neck or head. Moreover, he did not recall Det. Alvarez or Det. Russell making any contact with the back of his neck or head.

While on the ground, ██████████ concealed his arms underneath his body. Det. Hawreluk was able to grab one arm and somehow eventually got his other arm. He did not recall if another officer assisted. Det. Hawreluk then placed him in handcuffs. ██████████ was face down for an unknown amount of time while he was being handcuffed. Det. Hawreluk stated that it took 30

██████████ was then brought into the van and taken to the 44th Precinct stationhouse. They took his pedigree information and searched him for inventory purposes based on protocol. As they were processing his arrest, ██████████ complained of pain. ██████████ was printed and then transported to the hospital. Det. Hawreluk stated that they brought him to ██████████ Hospital. At the

Interview Details

hospital, [REDACTED] was still cursing saying, "Fuck you" and, "This is bullshit." [REDACTED] was treated, released, and then brought to Central Booking.

Det. Hawreluk affirmed that he prepared arrest report in regards to this incident. He stated that a UF250 was not completed because [REDACTED] was arrested and that there was no other reason as to why a UF250 was not prepared.

Det. Hawreluk did not observe any injuries on [REDACTED] after he was arrested.

[REDACTED] arrest report was presented to Det. Hawreluk and he confirmed of its accuracy. The undersigned pointed out that in the narrative of the arrest report it stated that [REDACTED] was arrested for unreasonable noise. When asked if any civilians informed him or reported of any unreasonable noise, Det. Hawreluk stated that no one did so. Moreover, he stated that [REDACTED] was screaming and yelling causing a woman to come outside and other people to watch. No civilians ever interfered during the incident. Det. Hawreluk was then directed to the arrest report where there was a notation of force was used. Det. Hawreluk stated that [REDACTED] was punched and kneed. He affirmed that he kneed [REDACTED] in the chest as they brought him down to the ground to gain compliance. He did not recall if [REDACTED] ever stated that his breathing was restricted.

Det. Hawreluk stated that he was aware of video footage for this incident. DEA representative Joe Montori stated that he informed Det. Hawreluk the existence of video footage. DEA representative Joe Montori stated that he was aware of video footage from previous interviews for this case. Det. Hawreluk and DEA representative Joe Montori denied that the content of the video was relayed to Det. Hawreluk.

The recording was paused at 12:30 p.m. for the setup of video footage. The recording resumed at 12:31 p.m. with all parties present and the 3 minute and 23 second long video was played once in its entirety. The video was then paused at the 3 minute mark and Det. Hawreluk was informed that there were no additional significant occurrences after the 3 minute mark. Det. Hawreluk stated that he did not have anything to add or amend to his initial statement.

The video was paused at the 8 second mark and Det. Hawreluk was asked to identify the individuals depicted on the screen. Det. Hawreluk stated that he was the third person to the left wearing the black hoodie and Det. Alvarez was to the right of him on the screen. Det. Hawreluk stated that Det. Russell was in the car at this point. Moreover, he did not recall who the individual was in the black shirt and blue jeans and he stated that it was possibly the other individual who was stopped, but was not certain.

Det. Hawreluk affirmed that the crowd he mentioned in his initial statement was not depicted in this video. He stated that they were to the right off-screen walking down the street. He also stated that the person who he saw crossing the street was not depicted in the video as well. He stated that the person crossing the street occurred towards the end of the video recording when [REDACTED] began flailing his arms.

Det. Hawreluk denied using the word fuck and did not recall hearing Det. Alvarez or Det. Russell doing so. He denied stating any discourtesies and did not hear Det. Russell or Det. Alvarez do so.

Det. Hawreluk stated that the action of [REDACTED] swinging his pen was depicted in the video recording. The video was played at the 1 minute and 49 second mark and paused at the 2 minute and 10 second mark. Det. Hawreluk stated that after viewing the video footage, the pen appeared to be lower than his face. He stated that [REDACTED] held the pen down to his side in a threatening manner and at this point he felt threatened which prompted him to arrest him. Det. Hawreluk stated that Det. Russell was the officer wearing the cadet blue shirt and camouflage shorts depicted on the screen.

The video resumed at the 2 minute and 10 second mark and paused at the 2 minute and 15 second mark. Det. Hawreluk stated that the loud noise captured in the video recording was when [REDACTED] was pushed against the gate to gain compliance because he was being arrested for disorderly conduct. He did not recall which part of [REDACTED] body made contact with the gate. Moreover, [REDACTED] was resisting when they went to grab him by flailing his arms, getting aggressive, and looked as if [REDACTED] was going to hit them. [REDACTED] was then brought down to ground and he refused orders to give his hands.

Interview Details

The video resumed at the 2 minute and 15 second mark and paused at the 2 minute and 24 second mark. Det. Hawreluk stated that at this point it appeared Det. Russell's knee was against [REDACTED] back. However, he did not have an independent recollection of this since it happened so quickly.

The video was then played from the 2 minute and 19 second mark to the 2 minute 24 second mark. Det. Hawreluk stated the he did not know if the word "fucking" was used at this point. The video was then played from the 2 minute and 30 second mark to the 2 minute 35 second mark. He affirmed that he heard the word "fucking" used, but did not know who stated it.