

201806938
Willem Edouard
James Banzer

On August 14, 2018, Officer Edouard and Officer Banzer responded to a domestic dispute. The officers left the scene without an arrest. The woman who called 911 initially, called again reporting her eldest son was in possession of a knife and threatened to cut himself. On the 911 audio, the woman said that there was “blood everywhere.” The woman was removed from her apartment to the hospital as an EDP.

In his CCRB interview, Officer Edouard was asked who made the determination to forcibly remove the woman to the hospital. Officer Edouard responded that EMS made the decision to remove her. According to the EMT that responded to the call, he did not believe the woman to be an EDP. In the woman’s hospital Patient Assessment, it was recorded that “[W]hen NYPD arrived they found the eldest son was not bleeding. In reaction to her ‘making a false report’ they opted to bring patient for psych eval. EMS reported he tried to reason with NYPD about this as patient did not appear to be psychiatrically in need of assessment and never made any statements of SI/HI but stated he was ‘overruled’ by NYPD.”

In his CCRB interview, Officer Banzer also stated that it was EMS that made the ultimate determination that the woman was an EDP and had to be removed to the hospital.

The CCRB substantiated allegations that Officer Edouard abused his authority threatening to arrest the woman, threatening to remove her to the hospital, forcibly removing the woman to the hospital, and making a false statement in his interview.

The CCRB substantiated allegations that Officer Banzer provided a false statement in his interview.

The NYPD issued PO Edouard formalized training as a result of this incident and issued no discipline to PO Banzer.

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Greg Finch	Team: Squad #9	CCRB Case #: 201806938	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 08/14/2018 7:15 PM	Location of Incident: [REDACTED]	Precinct: 20	18 Mo. SOL 2/14/2020	EO SOL 2/14/2020	
Date/Time CV Reported Wed, 08/22/2018 3:55 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/22/2018 3:55 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Willem Edouard	16596	§ 87(2)(b)	020 PCT
2. POM James Banzer	20812	§ 87(2)(b)	020 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Donald Capak	16560	§ 87(2)(b)	020 PCT
2. POM Darnell Jones	04160	§ 87(2)(b)	020 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Willem Edouard	Abuse of Authority: Police Officer Willem Edouard threatened to arrest § 87(2)(b) .	A . § 87(2)(g)
B . POM Willem Edouard	Abuse of Authority: Police Officer Willem Edouard threatened to remove § 87(2)(b) to the hospital.	B . § 87(2)(g)
C . POM Willem Edouard	Abuse of Authority: Police Officer Willem Edouard forcibly removed § 87(2)(b) to the hospital.	C . § 87(2)(g)
D . POM Willem Edouard	Other: There is evidence suggesting Police Officer Willem Edouard provided a false official statement in violation of PG 203-08.	D . § 87(2)(g)
E . POM James Banzer	Other: There is evidence suggesting Police Officer James Banzer provided a false official statement in violation of PG 203-08.	E . § 87(2)(g)

Case Summary

On August 22, 2018, § 87(2)(b) filed this complaint via telephone with the CCRB.

On August 14, 2018, at approximately 7:28 p.m., at § 87(2)(b) in Manhattan, § 87(2)(b) was home in her apartment with her younger son, § 87(2)(b) (§ 87(2)(b) old), § 87(2)(b) her older son (§ 87(2)(b) old), allegedly forced his way into the apartment as § 87(2)(b) was waiting for ACS workers to arrive. § 87(2)(b) did not live in the apartment and § 87(2)(b) previously had an order of protection against § 87(2)(b) which had since expired.

At approximately 9:36 p.m., § 87(2)(b) called 911 to have § 87(2)(b) removed from the apartment. Police Officer Willem Edouard, Police Officer James Banzer, Police Officer Donald Capak and Police Officer Darnell Jones, all of the 20th Precinct, arrived at § 87(2)(b)'s apartment. § 87(2)(b)'s primary language is French, and as PO Edouard was the only officer who spoke French they primarily interacted with one another. PO Edouard interviewed § 87(2)(b) who claimed he lived in Apartment § 87(2)(b). PO Edouard refused to remove § 87(2)(b) from the apartment as the order of protection against him had expired. PO Edouard allegedly told § 87(2)(b) that if she called 911 again, she would be arrested or removed to the hospital (**Allegation A – Abuse of Authority: § 87(2)(g); Allegation B – Abuse of Authority: § 87(2)(g)**). The officers left § 87(2)(b) and § 87(2)(b) stayed in the apartment. § 87(2)(b) prepared to leave the apartment with § 87(2)(b).

At approximately 11:59 p.m., § 87(2)(b) again called 911 to have § 87(2)(b) removed from the apartment, as he allegedly grabbed a knife and threatened to cut himself. PO Edouard, PO Banzer, PO Capak and PO Jones again responded to Apartment § 87(2)(b). PO Edouard forcibly removed § 87(2)(b) to § 87(2)(b) (**Allegation C – Abuse of Authority: § 87(2)(g)**). No arrests or summonses were effected during this incident. As a result of this incident, an ACS investigation was generated and § 87(2)(b) lost her employment as a § 87(2)(b).

There is evidence suggesting that both PO Edouard and PO Banzer provided false official statements to the CCRB during the investigation (**Allegation D – Other Misconduct Noted; Allegation E – Other Misconduct Noted**). § 87(2)(g)

No video footage was available for this incident.

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Willem Edouard threatened to arrest

§ 87(2)(b)

Allegation B – Abuse of Authority: Police Officer Willem Edouard threatened to remove

§ 87(2)(b)

to the hospital.

According to § 87(2)(b) has a history of violence and lives in voluntary placement (Board Review 01). § 87(2)(b) and § 87(2)(b) have lived at § 87(2)(b) which is a NYCHA building, for two years, and § 87(2)(b) would occasionally visit but never stayed in the apartment for more than a weekend. The night of the incident, § 87(2)(b) travelled to Apartment § 87(2)(b) forced his way in and refused to leave after she requested he do so multiple times. After § 87(2)(b) called 911 to have § 87(2)(b) removed from the apartment, PO Edouard told her that the

order of protection against him had expired and that § 87(2)(b) needed 30 days notice to be evicted from the apartment. PO Edouard told § 87(2)(b) that if she called 911 again, she would “be arrested or taken to the hospital.”

According to § 87(2)(b) he does not live at § 87(2)(b) (Board Review 02). PO Edouard threatened to arrest § 87(2)(b) for making false reports. § 87(2)(b) speaks French and understood the conversations § 87(2)(b) had with PO Edouard. § 87(2)(b) denied that § 87(2)(b) asked him to leave the apartment at any point. § 87(2)(b) said that he “had every right” to be at § 87(2)(b) s house as it was his mother’s house and “he grew up there.” Later, § 87(2)(b) said that the night in question was the only time he’d ever been at § 87(2)(b)

According to EMT § 87(2)(b) (Board Review 14) he did not arrive until after § 87(2)(b) s second 911 call and did not witness this allegation (see **Allegation C**). However, EMT § 87(2)(b) did not believe that § 87(2)(b) was an EDP during this incident, and did not believe she was a threat to herself or others.

According to the 911 audio, § 87(2)(b) told 911 PO Edouard told her “if she calls the cops again, both of us will get arrested” (Board Review 03; Board Review 26).

According to medical records obtained from § 87(2)(b), EMS told medical staff that PO Edouard accused § 87(2)(b) of “making a false report” (Board Review 04). § 87(2)(b) also told medical staff that PO Edouard told her “if you call again, we will remove you or bring you to a hospital.”

According to PO Edouard, he denied threatening to arrest § 87(2)(b) (Board Review 07). PO Edouard denied saying to § 87(2)(b) that if she called 911 again, she “would be arrested or taken to the hospital.” PO Edouard said there was no offense he could have arrested § 87(2)(b) for. PO Edouard interviewed § 87(2)(b) who said “he’s been living here for a long time,” that he’s 18 years old and “has nowhere to go” and “I don’t know why she’s lying.” § 87(2)(b) said that his name was on the lease for the apartment, but did not provide any paperwork to prove that his name was on the lease. § 87(2)(b) denied that § 87(2)(b) s name was on the lease. PO Edouard did not do any further investigation to clarify if § 87(2)(b) was on the lease for § 87(2)(b) Apartment § 87(2)(b). PO Edouard did not make the determination that § 87(2)(b) was an EDP, but EMS did so later (see **Allegation C**). PO Edouard believed that § 87(2)(b) was lying, and that § 87(2)(b) did live at the apartment.

According to PO Banzer, PO Edouard threatened to arrest § 87(2)(b) multiple times by saying, “If you lock him out, or if you take away his key, you will be arrested” (Board Review 15). § 87(2)(b) said, “There’s no way I could be arrested for this.” PO Banzer said that § 87(2)(b) could have been arrested for unlawful eviction. PO Banzer did not recall if PO Edouard said, “If you call 911 again you will be arrested or taken to the hospital.” PO Banzer did not recall if PO Edouard threatened to take § 87(2)(b) to the hospital. § 87(2)(b) denied that § 87(2)(b) lived in the apartment. PO Banzer first said he did not recall if § 87(2)(b) said how long he lived in the apartment. Later in his CCRB interview, PO Banzer said that § 87(2)(b) told officers he lived in the apartment for more than 30 days. § 87(2)(b) did not claim to be on the lease, and did not produce any documentation that he lived in the apartment. PO Edouard told § 87(2)(b) that she had to go to landlord-tenant court to resolve her issue. When asked why § 87(2)(b) wanted § 87(2)(b) removed, PO Banzer said, “I guess she hates her son.” PO Banzer generated a Domestic Incident Report, and the officers left.

The Domestic Incident Report generated by PO Banzer states, "P1 states that P2 was trying to have him removed from the residence, verbal dispute" and provides a narrative from § 87(2)(b) "I was trying to find out who hit my mother and my mother was upset and tried to kick me out. She called the cops, the cops came and told me to take the matter to family court in regards to my living situation (Board Review 16).

New York State Penal Law § 240.50 notes that a person is guilty of falsely reporting an incident in the third degree when he or she knowingly initiates or circulates a false report of an alleged occurrence of a crime or reports to a law enforcement agency the alleged occurrence of an offense or incident which did not in fact occur (Board Review 06). Falsely reporting an incident in the third degree is a class A misdemeanor. Patrol Guide Procedure 221-13 (Board Review 08) defines an emotionally disturbed person as "a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others." According to this Patrol Guide procedure, when a police officer reasonably believes an individual is emotionally disturbed, the individual "must be taken into protective custody," a patrol supervisor must respond to the scene, and an ambulance must be requested.

§ 87(2)(g)

Allegation C – Abuse of Authority: Police Officer Willem Edouard forcibly removed § 87(2)(b) to the hospital.

According to § 87(2)(b) after officers left after her first 911 call, she decided to leave the apartment with § 87(2)(b) out of fear of § 87(2)(b) harming them. § 87(2)(b) then played with a knife in front of § 87(2)(b) threatened to cut himself and pretended to slash his wrists with the knife. § 87(2)(b) took § 87(2)(b) into the bathroom, barricaded the door and called 911 again for help. PO Edouard and the other officers against responded to § 87(2)(b)'s apartment. PO Edouard told § 87(2)(b) that she was making a false statement that § 87(2)(b) was cutting himself with a knife, and said, "Now we're gonna take you to the hospital, we're gonna put you in

handcuffs and strap you to the chair.” § 87(2)(b) asked to walk voluntarily, and she walked with officers and EMS down the stairs to street level. § 87(2)(b) asked PO Eduoard if she could leave § 87(2)(b) in the care of her neighbor to not leave him alone with § 87(2)(b) and PO Eduoard declined, saying it was “too late.” § 87(2)(b) was transported to § 87(2)(b), and § 87(2)(b) was left in the apartment with § 87(2)(b). About an hour later, § 87(2)(b) was discharged from § 87(2)(b) and returned to § 87(2)(b) Apartment § 87(2)(b) where § 87(2)(b) had locked her out of the apartment. § 87(2)(b) called § 87(2)(b) s ACS social worker for assistance, and eventually § 87(2)(b) left the apartment.

According to § 87(2)(b) PO Eduoard threatened to remove § 87(2)(b) to the hospital for making false reports against § 87(2)(b) was “not cooperating” with the officers, was “unstable” and asked the officers to file an order of protection against § 87(2)(b) voluntarily left later that evening because § 87(2)(b) was “constantly interrupting him while he was sleeping.”

According to EMT § 87(2)(b) he believed that § 87(2)(b) was "making sense" and competent, that she was not an EDP and not a danger to herself or others, and that PO Eduoard "was trying to kick it to us so that they didn't have to deal with the domestic dispute that was going on" (Board Review 14). When EMT § 87(2)(b) arrived on scene, PO Eduoard told him that § 87(2)(b) was trying to have her son removed from the apartment, that she was delusional and “making the whole story up” that the officers had interviewed the son and there was "never any incident of violence." PO Eduoard insisted to EMT § 87(2)(b) that § 87(2)(b) was an EDP and was a danger to herself because she was "making irrational thoughts and was not able to make a rational decision." NYPD made the determination that § 87(2)(b) was an EDP and that she had to be removed to the hospital. § 87(2)(b) appeared agitated to EMT § 87(2)(b) but she was cooperative. PO Eduoard explained to § 87(2)(b) "it'd probably be easier if we just go to the hospital." § 87(2)(b) did not have to be strapped to a gurney and walked voluntarily down to the ground floor and was entered into an ambulance on the bench with a seatbelt. EMT § 87(2)(b) and his partner transported § 87(2)(b) in an ambulance to § 87(2)(b) for a psych evaluation. EMT § 87(2)(b) told medical staff that he did not believe § 87(2)(b) was an EDP but was "overruled" by NYPD. Medical staff quickly discharged § 87(2)(b) EMT § 87(2)(b) explained that if NYPD calls EMS for an EDP, if EMS does not transport the civilian to the hospital they can be held liable, so it is safer for EMTs to transport the civilians to the hospital and have medical staff make the determination.

According to the 911 audio, § 87(2)(b) said that § 87(2)(b) held a knife in the apartment and threatened to cut himself with a knife (Board Review 03; Board Review 27). Nowhere in the 911 audio does § 87(2)(b) say that there was “blood everywhere.”

§ 87(2)(b) records obtained by the investigation contained the following passage in § 87(2)(b) s Patient Assessment (reprinted verbatim): “When NYPD arrived they found that the eldest son was not bleeding. In reaction to her ‘making a false report’ they opted to bring patient for psych eval. EMS reported he tried to reason with NYPD about this as patient did not appear to be psychiatrically in need of assessment and never made any statements of SI/HI but stated he was “overruled” by NYPD. He stated she was calm, cooperative in transit and was just concerned about her § 87(2)(b) y/o son who NYPD left in custody of § 87(2)(b) y/o son.”

According to PO Eduoard, when § 87(2)(b) called 911 a second time she said that § 87(2)(b) was cutting his wrist with a knife and that there was “blood everywhere.” When officers arrived at the apartment, § 87(2)(b) was standing in the hallway with § 87(2)(b) huddled in her arms in front of her. PO Eduoard suspected that § 87(2)(b) was acting “scared” to try to “make it real” that “something was going on inside the apartment.” Inside the apartment, PO Eduoard spoke with § 87(2)(b) did not see any blood and could not find the knife in question. PO Eduoard told § 87(2)(b) “We cannot trust your judgement, we’re going to have to call EMS so you can get evaluated psychologically” and called for EMS to respond to Apartment § 87(2)(b). PO Eduoard did not trust § 87(2)(b) s judgment because she lied about § 87(2)(b) cutting himself with a knife and that “there was no blood.” § 87(2)(b) was uncooperative with EMS and refused to produce her ID to them. EMS ultimately made the decision to remove § 87(2)(b) to the hospital. PO Eduoard did not recall if a supervisor was ever on-scene. PO Eduoard did not recall if § 87(2)(b) expressed any concern that § 87(2)(b) would be left in the care of § 87(2)(b) if she was removed to the apartment, or if she asked that § 87(2)(b) be left in the care of a neighbor.

According to PO Banzer, PO Eduoard did not request EMS as they were automatically dispatched to the apartment. EMS ultimately made the determination that § 87(2)(b) was an EDP and had to be removed to the hospital (Board Review 15). EMS determined that § 87(2)(b) was an EDP based on the false statements she made about § 87(2)(b) being suicidal. § 87(2)(b) did not tell the officers, “There’s blood everywhere.” PO Banzer determined that § 87(2)(b) was making false statements because “after looking at the son, he was of sound mind and body, he wasn’t suicidal or hurt.” PO Banzer believed that § 87(2)(b) was a danger to herself because he feared that § 87(2)(b) “would hurt herself and blame it on the son” because “of the way she was acting through both interactions.” PO Banzer believed that § 87(2)(b) was a danger to others because “for myself and other officers we had to race to that apartment a second time for an EDP with a knife.”

According to the AIDED generated by PO Eduoard, “Above AIDED called 911 and made false allegation on her son. When PD responded to the scene they found out AIDED did not make any sense. EMS responded to the scene and transported AIDED to the hospital for psychological evaluation” (Board Review 09).

Patrol Guide Procedure 221-13 (Board Review 08) defines an emotionally disturbed person as "a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others." According to this Patrol Guide procedure, when a police officer reasonably believes an individual is emotionally disturbed, the individual "must be taken into protective custody," a patrol supervisor must respond to the scene, and an ambulance must be requested.

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

Allegation D – Other Misconduct: There is evidence suggesting that Police Officer Willem Edouard provided a false official statement in violation of Patrol Guide Procedure 203-08, which the CCRB referred to IAB on April 23, 2019, under CCRB case number 201903472.

The CCRB found evidence suggesting that PO Edouard provided a false official statement regarding this incident. On April 23, 2019, a spin-off case was referred to IAB in regards, under CCRB case number 201903472. The evidence is as follows:

When asked who made the determination to forcibly remove § 87(2)(b) to the hospital, the line of questions and answers was as follows during PO Edouard’s CCRB interview:

Inv. Finch: “Who ended up calling for EMS?”

PO Edouard: “We did.”

Inv. Finch: “And by ‘we did,’ do you mean you did?”

PO Edouard: “I did.”

Inv. Finch: “And who ended up making the decision to remove her to the hospital?”

PO Edouard: “EMS.”

Inv. Finch: “Was a Sergeant ever on scene?”

PO Edouard: “I don’t remember.”

However, the investigation identified evidence indicating that PO Edouard made the decision to forcibly remove § 87(2)(b) to the hospital.

According to EMT § 87(2)(b) he believed that § 87(2)(b) was "making sense" and competent, that she was not an EDP and not a danger to herself or others, and that PO Edouard "was trying to kick it to us so that they didn't have to deal with the domestic dispute that was going on" (Board Review 14). When EMT § 87(2)(b) arrived on scene, PO Edouard told him that § 87(2)(b) was trying to have her son removed from the apartment, that she was delusional and “making the whole story up” that the officers had interviewed the son and there was "never any incident of violence." PO Edouard insisted to EMT § 87(2)(b) that § 87(2)(b) was an EDP and was a danger to herself because she was "making irrational thoughts and was not able to make a rational decision." NYPD made the determination that § 87(2)(b) was an EDP and that she had to be removed to the hospital. EMT § 87(2)(b) told medical staff that he did not believe § 87(2)(b) was an EDP but was "overruled" by NYPD.

§ 87(2)(b) records obtained by the investigation contained the following passage in § 87(2)(b)'s Patient Assessment (reprinted verbatim): “When NYPD arrived they found that the eldest son was not bleeding. In reaction to her ‘making a false report’ they opted to bring patient for psych eval. EMS reported he tried to reason with NYPD about this as patient did

not appear to be psychiatrically in need of assessment and never made any statements of SI/HI but stated he was “overruled” by NYPD. He stated she was calm, cooperative in transit and was just concerned about her § 87(2)(b) y/o son who NYPD left in custody of § 87(2)(b) y/o son.”

Patrol Guide Procedure 203-08 states that an officer is prohibited from making a false official statement and that an officer found to have made such a statement will be subject to disciplinary action (Board Review 11).

§ 87(2)(g)

[REDACTED]

Allegation E – Other Misconduct: There is evidence suggesting that Police Officer James Banzer provided a false official statement in violation of Patrol Guide Procedure 203-08, which the CCRB referred to IAB on April 23, 2019, under CCRB case number 201903472.

The CCRB found evidence suggesting that PO Banzer provided a false official statement regarding this incident. On April 23, 2019, a spin-off case was referred to IAB in regards, under CCRB case number 201903472. The evidence is as follows:

According to PO Banzer, EMS ultimately made the determination that § 87(2)(b) was an EDP and had to be removed to the hospital (Board Review 15). EMS determined that § 87(2)(b) was an EDP “because of the phone calls she made about her son,” § 87(2)(b) specifically that she was making false statements.

However, the investigation identified evidence indicating that PO Eduoard made the decision to forcibly remove § 87(2)(b) to the hospital.

According to EMT § 87(2)(b) he believed that § 87(2)(b) was "making sense" and competent, that she was not an EDP and not a danger to herself or others, and that PO Eduoard "was trying to kick it to us so that they didn't have to deal with the domestic dispute that was going on" (Board Review 14). When EMT § 87(2)(b) arrived on scene, PO Eduoard told him that § 87(2)(b) was trying to have her son removed from the apartment, that she was delusional and “making the whole story up” that the officers had interviewed the son and there was "never any incident of violence." PO Eduoard insisted to EMT § 87(2)(b) that § 87(2)(b) was an EDP and was a danger to herself because she was "making irrational thoughts and was not able to make a rational decision." NYPD made the determination that § 87(2)(b)

§ 87(2)(b) was an EDP and that she had to be removed to the hospital. EMT § 87(2)(b) told medical staff that he did not believe § 87(2)(b) was an EDP but was "overruled" by NYPD.

§ 87(2)(b) records obtained by the investigation contained the following passage in § 87(2)(b)'s Patient Assessment (reprinted verbatim): "When NYPD arrived they found that the eldest son was not bleeding. In reaction to her 'making a false report' they opted to bring patient for psych eval. EMS reported he tried to reason with NYPD about this as patient did not appear to be psychiatrically in need of assessment and never made any statements of SI/HI but stated he was "overruled" by NYPD. He stated she was calm, cooperative in transit and was just concerned about her § y/o son who NYPD left in custody of § y/o son."

Patrol Guide Procedure 203-08 states that an officer is prohibited from making a false official statement and that an officer found to have made such a statement will be subject to disciplinary action (Board Review 11).

§ 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- PO Eduoard has been a member-of-service for 3 years and this is the first CCRB complaint to which he has been a subject.
- PO Banzer has been a member-of-service for 2 years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined mediation.
- As of January 10, 2019, there has been no Notice of Claim filed regarding this incident with the NYC Comptroller's office.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 12).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date