

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Joshua Brickell	Team: Squad #1	CCRB Case #: 201406576	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 06/28/2014 9:15 PM	Location of Incident: § 87(2)(b) [REDACTED]	Precinct: 75	18 Mo. SOL 12/28/2015	EO SOL 12/28/2015	
Date/Time CV Reported Tue, 07/01/2014 2:13 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 07/01/2014 2:13 PM		

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

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

Subject Officer(s)	Shield	TaxID	Command
1. Officers			075 PCT
2. POF Elvise Bektesevic	10391	953674	075 PCT
3. SGT Henry Daverin	03631	945645	075 PCT
4. POM Mark Kosarek	26958	932864	075 PCT
5. POM Sergio Vargas	07136	942651	075 PCT
6. POM Tyler Marshall	11469	955126	075 PCT
7. SGT Hameed Armani	03455	941360	075 PCT
8. An officer			075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jeremy Bloom	00552	934500	075 PCT
2. POM Kevin Murtha	27856	940465	075 PCT
3. POM Alexis Yanez	23098	953586	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
4. POM William Hughes	24039	952868	075 PCT
5. POM Matthew Dunne	14902	950357	075 PCT
6. POM Salvatore Dincontro	27711	954737	075 PCT
7. POM Samuel Hui	28856	953978	075 PCT
8. POM Thomas Kaminski	04071	945867	075 PCT
9. POM Peter Cybulski	18074	954683	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Discourtesy: Officers spoke discourteously to individuals.	[REDACTED]
B.SGT Hameed Armani	Force: Sgt. Hameed Armani used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
C.POF Elvsa Bektesevic	Force: PO Elvsa Bektesevic used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Tyler Marshall	Force: PO Tyler Marshall used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
E.SGT Henry Daverin	Force: Sgt. Henry Daverin used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
F. Officers	Force: Officers used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
G. Officers	Force: Officers used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
H. Officers	Discourtesy: Officers spoke discourteously to individuals.	[REDACTED]
I. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
J. An officer	Force: An officer used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Case Summary

On July 1, 2014, § 87(2)(b) filed the following complaint with the Civilian Complaint Review Board (CCRB) via telephone on behalf of himself, § 87(2)(b) and § 87(2)(b). On June 28, 2014, there was a block party on § 87(2)(b) and the following allegations resulted:

**Allegation A – Discourtesy: Officers spoke discourteously to individuals.**

§ 87(2)(g)

**Allegation B – Force: Sgt. Hameed Armani used physical force against § 87(2)(b)**

§ 87(2)(g)

**Allegation C – Force: PO Elvira Bektsevic used physical force against § 87(2)(b)**

**Allegation D – Force: PO Tyler Marshall used physical force against § 87(2)(b)**

**Allegation E – Force: Sgt. Henry Daverin used physical force against § 87(2)(b)**

§ 87(2)(g)

**Allegation F – Force: Officers used physical force against § 87(2)(b)**

§ 87(2)(g)

**Allegation G – Force: Officers used physical force against § 87(2)(b)**

§ 87(2)(g)

**Allegation H – Discourtesy: Officers spoke discourteously to individuals.**

§ 87(2)(g)

**Allegation I – Discourtesy: An officer spoke discourteously to § 87(2)(b)**

**Allegation J – Force: An officer used physical force against § 87(2)(b)**

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Because § 87(2)(b) and § 87(2)(b) were arrested, this complaint was ineligible for mediation.

### Results of Investigation

#### Civilian Identified at the Block Party:

The following civilians were identified as having been at the incident location at the time of the incident:

§ 87(2)(b)  
[REDACTED]

#### Facts Determined About the Incident:

There was a block party on § 87(2)(b) in Brooklyn. The party was supposed to shut down at 8:00 p.m., but there were at least fifty to one hundred people still on the block when the officers responded to break up the block party.

#### Civilian Statements

##### Complainant/Victim: § 87(2)(b)

- On the date of the incident, § 87(2)(b) was § 87(2)(b) old. He is a black male, stands 5'10" tall, weighs 185 pounds, and has black hair and brown eyes. § 87(2)(b)

##### Statements to Medical Personnel:

On § 87(2)(b), § 87(2)(b) was treated § 87(2)(b). He told medical personnel that he was struck multiple times with closed fists in the back, face, head and neck by officers.

##### Arrest Photograph (encl. 16F)

§ 87(2)(b)'s arrest photograph did not reveal any visible injuries.

##### CCRB Statement:

On July 11, 2014, § 87(2)(b) provided a telephone statement (encl. 4). On July 11, 2014, § 87(2)(b) was interviewed at the CCRB (encl. 5A – C). § 87(2)(g)

On June 28, 2014, at approximately 9:15 p.m., § 87(2)(b) was cleaning up after the block party on § 87(2)(b) in Brooklyn, which ended at 8:00 p.m. § 87(2)(b) had been drinking beer, vodka and rum punch all day. He did not recall how much he drank, but said that he was not intoxicated (He later stated that he did not want to move his motorcycles because he was intoxicated.). § 87(2)(b) had legally parked two motorcycles by the sidewalk of the house where they were cleaning.

Approximately forty, mostly uniformed police officers came on the block and told everyone that they were clearing the street. A uniformed officer, who § 87(2)(b) described as a white male in his late 20's to early 30's, 5'8" to 5'9" tall, with a stocky build, black hair, and three stripes on his shoulder, identified via the investigation as Sgt. Hameed Armani came over and asked to whom the motorcycles belonged. He was standing in the street approximately five to six feet from § 87(2)(b) who stood on the sidewalk. § 87(2)(b) responded in a calm voice that the motorcycles were his. Sgt. Armani yelled back that § 87(2)(b) had to move them, and § 87(2)(b) responded that they were already parked, and that he was cleaning up after the party.

After arguing with Sgt. Armani for a couple of minutes, § 87(2)(b) said, "Sergeant, with all due respect I'm done talking to you. I'm not going to move them because I've been drinking alcohol all day. I'm in the military and I deal with chain of command. I want to talk to your supervisor." Sgt. Armani then pushed § 87(2)(b) in the chest, and an unknown number of officers grabbed him by the arms. § 87(2)(b) did not make contact with Sgt. Armani before Sgt. Armani pushed him. The officers pushed § 87(2)(b) to the ground, and he was punched in the head, face, neck and back on the way to the ground, landing on his chest. He was punched for approximately one minute before he was handcuffed, during which time the officers yelled repeatedly for § 87(2)(b) to stop resisting. § 87(2)(b) did not do anything with his body while he was on the ground, and he did not move his arms in any way. He did not push Sgt. Armani after Sgt. Armani pushed him. § 87(2)(b) was unable to describe any of the other officers that used force against him.

§ 87(2)(b) was picked up from the ground and escorted to a police van parked around the corner. § 87(2)(b) was also arrested and brought to the van, however, § 87(2)(b) did not see his arrest take place. § 87(2)(b) and § 87(2)(b) were placed in the van, and transported to the 75<sup>th</sup> Precinct stationhouse. § 87(2)(b) was taken to Central Booking at approximately on June 29, 2014, where he was checked by EMS, charged with § 87(2)(a) 160.50 and released with an adjournment in contemplation of dismissal. He went to § 87(2)(b) for pain and bruising on his sides and neck sustained during the incident.

**Victim:** § 87(2)(b)

- *On the date of the incident, § 87(2)(b) was § 87(2)(b) old. He is a black male, stands 5'7" tall, weighs 175 pounds, and has black hair and brown eyes. § 87(2)(b)*

**Arrest Photograph (encl. 16L)**

§ 87(2)(b) arrest photograph did not reveal any visible injuries, including any cuts on his right cheek.

**CCRB Statement:**

On August 4, 2014, § 87(2)(b) was interviewed at the CCRB (encl. 6A – C). His statement is summarized below.

§ 87(2)(b) did not consume any alcohol prior to the incident. At approximately 9:15 p.m., § 87(2)(b) saw ten police officers coming down the street from § 87(2)(b) § 87(2)(b) stood next to his grandmother's house, approximately ten feet away from § 87(2)(b). He turned around and saw a group of officers standing around § 87(2)(b) who was standing between the two motorcycles that he had parked on the street. An officer, identified via the investigation as Sgt. Armani, told § 87(2)(b) to move the motorcycles. § 87(2)(b) walked over to the motorcycles and stood a few feet away from § 87(2)(b) § 87(2)(b) and a few other people were standing nearby,

however, there was no crowd and none of them were yelling. § 87(2)(b) asked to speak to Sgt. Armani's supervisor. Sgt. Armani stood face to face, a few inches away from § 87(2)(b) and raised his voice at him. § 87(2)(b) and Sgt. Armani spoke for approximately two minutes before Sgt. Armani punched § 87(2)(b) in the face. § 87(2)(b) did not make contact with Sgt. Armani before he punched § 87(2)(b). About ten uniformed officers grabbed § 87(2)(b) and started punching him. The officers forced § 87(2)(b) to the ground face first. None of the nearby civilians attempted to intervene. § 87(2)(b) ran the porch of his grandmother's house, which was approximately two houses down from where § 87(2)(b) was being arrested.

The physical altercation lasted approximately three to five minutes, during which time the officers punched § 87(2)(b) continuously until he was handcuffed. The officers yelled for § 87(2)(b) to stop resisting, however, § 87(2)(b) was unable to see whether § 87(2)(b) resisted arrest because he was standing by his grandmother's house. § 87(2)(b) stood next to the house for approximately one minute before an officer, who he could not describe, came up behind him and put a handcuff on his left hand. § 87(2)(b) raised his hands above his head and asked what was happening. The officer said that § 87(2)(b) was resisting arrest, and § 87(2)(b) asked if he wanted him to get on the ground. The officer told § 87(2)(b) to come with him, and he walked with the officer. The officer held § 87(2)(b) left hand and a third officer, who § 87(2)(b) could not describe held his right arm. The three officers pushed § 87(2)(b) to the ground, causing his face to make contact with the ground, and he sustained a cut on his right cheek. § 87(2)(b) was on the ground for approximately forty seconds before he was handcuffed, lifted up from the ground and escorted to the prisoner van. § 87(2)(b) and § 87(2)(b) were transported to the 75<sup>th</sup> Precinct stationhouse for processing. § 87(2)(b) was charged with § 87(2)(a) 160.50, and was given adjournment in contemplation of dismissal. He did not seek any medical treatment. § 87(2)(b) was injured during the incident, however, § 87(2)(b) did not see how he sustained the injury.

**Victim:** § 87(2)(b)

#### **CCRB Intake Narrative:**

On July 3, 2014, § 87(2)(b) filed a complaint with the CCRB via the online website, and the provided the following narrative, summarized below (encl. 47L)

§ 87(2)(b) was cleaning up after the block party and the officers told § 87(2)(b) to move his motorcycles. § 87(2)(b) tried to explain that he was not moving them, at which point Sgt. Armani pushed § 87(2)(b) into § 87(2)(b). § 87(2)(b) pushed Sgt. Armani back, and Sgt. Armani punched § 87(2)(b) in the face. § 87(2)(b) tried to hold onto § 87(2)(b) and a group of officers pulled § 87(2)(b) and § 87(2)(b) to the ground and punched and stomped on them. § 87(2)(b) pulled § 87(2)(b) out of the melee and told him to run away. § 87(2)(b) blocked the gate and prevented the officers from entering. The officers tried to push § 87(2)(b) inside the gate, but he did not allow them to do so, and they arrested him. § 87(2)(b) tried to talk to the officers, but they pushed him away, causing him to fall down. His finger was stepped on, and he sustained a laceration requiring six stitches (no indication of who stepped on him or how).

**Victim:** § 87(2)(b)

- *On the date of the incident, § 87(2)(b) was § 87(2)(b) old. She is a black female, stands 5'8" tall, weighs 180 pounds, and has brown hair and brown eyes.*

**CCRB Statement:**

On July 24, 2014, § 87(2)(b) was interviewed at the CCRB (encl. 7A – C). Her statement is summarized below.

§ 87(2)(b) had not consumed any alcohol prior to the incident. At approximately 9:15 p.m., four uniformed officers walked down the block towards § 87(2)(b) and her daughter, § 87(2)(b) § 87(2)(b) and § 87(2)(b) walked across the street and watched the officers interact with § 87(2)(b). An officer, identified via the investigation as Sgt. Armani, spoke with § 87(2)(b) however, § 87(2)(b) could not hear the conversation. After speaking for four or five minutes, Sgt. Armani pushed § 87(2)(b) in the chest with two hands. § 87(2)(b) put his hands up to the sides but did not push Sgt. Armani back. There were five or six other officers standing with Sgt. Armani, and there were a number of people standing five to seven feet away from § 87(2)(b). The people started yelling at the officers, and the officers, who § 87(2)(b) could not describe, told the people to “Go the fuck home” and “Back the fuck up.” The people continued yelling at the officers, however, none of them got any closer.

Sgt. Armani grabbed § 87(2)(b) by the collar with two hands and pushed him to the ground. § 87(2)(b) landed face first with the left side of his face on the ground. An officer put his knee on § 87(2)(b)'s head, and six or seven officers jumped on top of him. Sgt. Armani punched § 87(2)(b) in the right side of the face and torso five or six times, and one of the officers handcuffed him. § 87(2)(b) did not resist in any way while he was on the ground. No one tried to intervene in the arrest. The officers yelled for people to “Shut the fuck up” and “Go the fuck home.” § 87(2)(b) removed her camera and started recording (encl. 12).

An unidentified, uniformed officer, approached an individual, identified via the investigation as § 87(2)(b) and told him to “Get the fuck off the block.” § 87(2)(b) responded, “I live here nigga,” and the officer said, “Shut the fuck up and go the fuck home.” The officer chased § 87(2)(b) across the street towards § 87(2)(b). He pushed her in the chest with two hands. She said, “Don’t put your hands on me,” but the officer did not respond. § 87(2)(b) ran inside one of the yards and slammed the gate shut. § 87(2)(b) turned around and saw § 87(2)(b) on the ground. She did not see his arrest take place or what preceded the arrest. § 87(2)(b) came out and started screaming at the officers. His finger was bleeding, however, § 87(2)(b) did not know how he sustained the injury. The officers picked § 87(2)(b) and § 87(2)(b) up off of the ground and brought them to a marked van and transported them to the 75<sup>th</sup> Precinct stationhouse.

**Witness:** § 87(2)(b)

- See statement for pedigree information.

**CCRB Statement:**

On July 18, 2014, § 87(2)(b) was interviewed at the CCRB (encl. 8A – C). His statement is summarized below.

§ 87(2)(b) was cleaning up after the block party. He had consumed four beers over the course of five to six hours, but was not intoxicated. At approximately 9:15 p.m. approximately twenty-five uniformed police officers arrived on the street. § 87(2)(b) had two motorcycles parked on the street in front of the house. § 87(2)(b) stood near the motorcycles with § 87(2)(b) § 87(2)(b) and multiple uniformed officers walked down the sidewalk telling people to clear the street and sidewalk. § 87(2)(b) observed § 87(2)(b) speaking to an unidentified, uniformed officer about § 87(2)(b).

moving his motorcycles. § 87(2)(b) asked to speak to a supervisor. § 87(2)(b) and the unidentified officer spoke for approximately one minute before Sgt. Armani approached § 87(2)(b) from behind, bumped him in the back, and said, “I’m in charge.”

§ 87(2)(b) turned around to speak to Sgt. Armani, but did not make contact with him. Two officers grabbed § 87(2)(b) by the arms, and three or four other officers assisted in taking him to the ground. He landed face down, and did not resist in any way. Twenty to thirty civilians crowded around, and some of them were screaming loudly. Multiple officers shined their flashlights at the crowd and ordered them to back up. § 87(2)(b) stepped back approximately five feet, but still had a direct line of sight. One officer had a knee in the left side of § 87(2)(b) s neck, and one officer had a knee in his back. One officer punched § 87(2)(b) in the ribs on his right side three or four times. Two officers pulled his arms behind his back, and he was handcuffed after two to three minutes. § 87(2)(b) was unable to describe any of the officers that were involved in the physical altercation. § 87(2)(b) was lifted up from the ground, and escorted to a marked van, and he and § 87(2)(b) whose arrest § 87(2)(b) did not witness, were transported to the 75<sup>th</sup> Precinct stationhouse.

**Witness:** § 87(2)(b)

- See statement for pedigree information.

**CCRB Statement:**

On August 20, 2014, § 87(2)(b) was interviewed at the CCRB (encl. 9A – C). His statement is summarized below.

§ 87(2)(b) had not consumed any alcohol. At approximately 9:15 p.m., § 87(2)(b) § 87(2)(b) was packing up the music equipment. A few minutes later approximately ten uniformed officers walked up the block. § 87(2)(b) was standing by the grill and cleaning up. § 87(2)(b) § 87(2)(b) walked over to where § 87(2)(b) had parked his two motorcycles and stood between them. § 87(2)(b) stood next to § 87(2)(b) § 87(2)(b) and both of them were approximately two feet away from § 87(2)(b) Sgt. Armani came over and told § 87(2)(b) to disperse. Sgt. Armani said something to § 87(2)(b) however, § 87(2)(b) § 87(2)(b) was unable to hear what he said. § 87(2)(b) became pissed off and the volume and tone of his voice increased. He told Sgt. Armani that he wanted to talk to a supervisor, and Sgt. Armani responded that he was a supervisor. § 87(2)(b) § 87(2)(b) and § 87(2)(b) each straddled one of the motorcycles and started backing them out into the street. § 87(2)(b) grabbed onto § 87(2)(b) s motorcycles and pulled it back. Sgt. Armani got in § 87(2)(b) s face, chest-bumped him and asked why he pushed him. § 87(2)(b) did not make contact with Sgt. Armani prior to Sgt. Armani doing so.

§ 87(2)(b) chest-bumped Sgt. Armani back, and Sgt. Armani punched him in the face one time. § 87(2)(b) started to fall, and § 87(2)(b) grabbed onto him and the two ended up on the ground. Numerous officers, who § 87(2)(b) § 87(2)(b) was unable to describe, punched and kicked § 87(2)(b) and § 87(2)(b) for approximately five minutes. There was a group of civilians nearby, screaming and attempting to intervene in the physical altercation by pulling officers off of § 87(2)(b) and § 87(2)(b) § 87(2)(b) was one of those attempting to intervene, and § 87(2)(b) § 87(2)(b) pulled him away from the area. § 87(2)(b) § 87(2)(b) was unable to see whether § 87(2)(b) resisted, and he did not see him get handcuffed.

§ 87(2)(b) extricated himself from the melee, however, § 87(2)(b) § 87(2)(b) did not see how he did so. § 87(2)(b) yelled for § 87(2)(b) to run, and § 87(2)(b) ran down the block to another house. § 87(2)(b) got inside the yard of the house, and § 87(2)(b) § 87(2)(b) and § 87(2)(b) ran over to him.



§ 87(2)(b) stood by the fence for a few seconds before two or three officers, who § 87(2)(b) § 87(2)(b) could not describe, grabbed him by the arms. § 87(2)(b) tried to pull § 87(2)(b) away from the officers, and § 87(2)(b) § 87(2)(b) grabbed § 87(2)(b) to prevent him from doing so. § 87(2)(b) walked with the officers, and they pushed him to the ground and handcuffed him. § 87(2)(b) and § 87(2)(b) were escorted to a prisoner van and removed from the scene. § 87(2)(b) tried to intervene in § 87(2)(b) arrest, however, his wife held him back and ripped his shirt in the process.

**Witness:** § 87(2)(b)

- See statement for pedigree information.

**CCRB Statement:**

On July 24, 2014, § 87(2)(b) was interviewed at the CCRB (encl. 10A – C). Her statement is summarized below.

§ 87(2)(b) did not consume any alcohol prior to the incident. At approximately 9:00 p.m., a marked patrol van pulled up on § 87(2)(b) and nine or ten uniformed officers exited and walked onto § 87(2)(b). They told people to clear the streets and the sidewalks. Some people complied, however, some remained behind to clean and some were hanging out. § 87(2)(b) had two motorcycles parked on the street in front of one of the houses, Sgt. Armani approached § 87(2)(b) and told him to move the motorcycles. § 87(2)(b) and Sgt. Armani both stood in the street, and there were three or four other officers, who § 87(2)(b) was unable to describe, standing with Sgt. Armani. § 87(2)(b) stood approximately twelve to fifteen feet away, and was unable to hear the entire conversation. § 87(2)(b) and Sgt. Armani argued about whether § 87(2)(b) should move his motorcycles. Sgt. Armani got progressively louder as the conversation went on. § 87(2)(b) took something out of his wallet and showed it to Sgt. Armani, however, § 87(2)(b) did not know what it was.

After speaking to § 87(2)(b) for another ten to fifteen seconds, Sgt. Armani pushed him with two hands in the chest. § 87(2)(b) asked Sgt. Armani why he pushed him, and then pushed Sgt. Armani back. A group of people crowded around § 87(2)(b) about five feet away and yelled obscenities, raising the tension of the situation. Sgt. Armani grabbed § 87(2)(b) and some of the people in the crowd attempted to intervene in the physical altercation. An unknown officer punched § 87(2)(b) in the face one time, and he fell down to the ground face first. § 87(2)(b) was handcuffed after a few seconds, and § 87(2)(b) did not see any officer hit him while he was on the ground.

§ 87(2)(b) and § 87(2)(b) started moving the motorcycles, and two or three officers, who § 87(2)(b) was unable to describe, walked towards § 87(2)(b). § 87(2)(b) told § 87(2)(b) to go inside the gate of his house, and he walked toward the house. § 87(2)(b) followed § 87(2)(b) and the officers followed both of them. § 87(2)(b) got inside the gate, but the officers grabbed § 87(2)(b) by the arms before he was able to get inside it. The officers handcuffed § 87(2)(b) and pushed him to the ground next to § 87(2)(b). The officers picked § 87(2)(b) and § 87(2)(b) up off of the ground and brought them to a marked van on § 87(2)(b) and they were transported to the 75<sup>th</sup> Precinct stationhouse. § 87(2)(b) was involved in the initial altercation with § 87(2)(b) and one of his fingers was bleeding and his shirt was ripped, however, § 87(2)(b) did not see how he sustained the injury.

**Witness:** § 87(2)(b)

**CCRB Telephone Statement:**

On August 13, 2014, § 87(2)(b) gave the following verified statement by telephone, which is summarized below (encl. 11A).

§ 87(2)(b) did not drink at the party. At approximately 9:15 p.m., § 87(2)(b) noticed ten to twelve uniformed police officers walking up the block, instructing people to clear the street. Some of the officers walked over to one of the neighbor's houses and asked them to get off of the sidewalk. The people in the area included § 87(2)(b) and § 87(2)(b) and they asked why they had to get off of the sidewalk, as they were cleaning up from the party and most of them lived there. The officers, who § 87(2)(b) could not describe, told them to, "Get the fuck inside the gate."

The officers walked down the block and approached § 87(2)(b) who had two motorcycles parked on the street. They asked him to move the motorcycles, and a conversation ensued for a few minutes. § 87(2)(b) was five to ten feet away, however, he was unable to hear the conversation. § 87(2)(b) reached into his pocket, which § 87(2)(b) believed was to retrieve his identification, and a group of officers grabbed him by the arms and threw him to the ground. § 87(2)(b) did not make physical contact with any of the officers before they did so. Four or five officers punched § 87(2)(b) in the face four or five times before he was handcuffed after a few seconds. § 87(2)(b) was unable to describe any of the officers that used force against § 87(2)(b) who moved his body and arms on the ground and asked the officers what he had done wrong. There was a crowd of people standing three to four feet behind the officers. They yelled at the officers, but did not attempt to intervene. The officers picked § 87(2)(b) up from the ground and escorted him to a marked van.

§ 87(2)(b) stood near § 87(2)(b) during the initial altercation, and the officers tried to arrest him. § 87(2)(b) tried to get § 87(2)(b) out of the crowd, and got caught up in the tussle with the officers, causing a laceration on his hand, however, § 87(2)(b) did not see how this happened. § 87(2)(b) did not corroborate any force against § 87(2)(b). The officers called for backup at around the same time the altercation began, and multiple units arrived after a couple of minutes. § 87(2)(b) stood on the porch of § 87(2)(b), when two officers, who § 87(2)(b) could not describe, grabbed him and threw him to the ground. § 87(2)(b) was standing approximately five feet away. § 87(2)(b) landed face first on the ground. He did not resist in any way, and the officers did not use any additional force against him. The officers brought § 87(2)(b) to the marked van and both he and § 87(2)(b) were transported to the 75th Precinct stationhouse.

#### **NYPD Statements:**

##### **Subject Officer: SGT. HAMEED ARMANI**

- *On the date of the incident, Sgt. Armani was § 87(2)(b) old. He is an Asian male, stands 5'10" tall, weighs 170 pounds, and has black hair and brown eyes.*
- *Sgt. Armani was the Impact Supervisor, worked with PO Peter Cybulski from 7:15 p.m. on June 28, 2014, until 4:12 a.m. on June 29, 2014, was assigned to marked RMP 3820, and was in uniform.*

##### **Memo Book (encl. 13A – B)**

At 9:00 p.m., Sgt. Armani responded to a request for additional units.

##### **CCRB Statement:**

On November 13, 2014, Sgt. Armani was interviewed at the CCRB (encl. 14A – B). On December 11, 2014, Sgt. Armani was interviewed a second time at the CCRB (encl. 14C – D).

§ 87(2)(g)

Sgt. Armani responded to the incident location at 9:00 p.m. He walked down the block and issued commands for people to clear the sidewalk and leave the scene. He did not say, “Go the fuck home,” or “Get the fuck off the block,” and did not hear any officer do so. Sgt. Armani described the crowd as disorderly, and said that they were yelling and cursing. There was loud music playing, and there were alcohol containers on the street. As Sgt. Armani issued commands for people to clear the sidewalk, an individual who he did not see, identified via the investigation as § 87(2)(b) pushed Sgt. Armani in his right arm, causing him to lose his balance and stumble backwards. Sgt. Armani did not have any verbal or physical altercation prior to being pushed.

In his first statement, Sgt. Armani testified that he turned around to apprehend § 87(2)(b) but that other officers had already started apprehending him. In the second interview, Sgt. Armani confirmed that he was the officer that stood face to face with § 87(2)(b) in video six, but maintained that he did not push § 87(2)(b). Sgt. Armani did not know why he approached § 87(2)(b) and did not know whether § 87(2)(b) was the individual that pushed him. Because Sgt. Armani did not recall whether § 87(2)(b) was the individual that pushed him, on advice of his counsel he did not answer whether there was a discrepancy between his first statement, that he was pushed, lost balance, and had no further interaction with § 87(2)(b) and video six, in which he was clearly shown to be standing face to face with him after the push.

Sgt. Armani stated that there were approximately fifty civilians crowded around a few feet from the officers, and he turned to face them to prevent anyone from interfering in the arrest or attacking the other officers. Sgt. Armani walked up and down the line of civilians and issued commands to stay back and leave the area. He did not say, “Back the fuck up,” or “Shut the fuck up,” and did not hear any officer do so. His back was to § 87(2)(b) and the officers, and he did not see the physical apprehension take place. Sgt. Armani did not see any officer punch § 87(2)(b) and did not see whether he resisted. Sgt. Armani only saw the one arrest, and did not see any other officers involved in physical altercations with civilians. Another supervisor down the block decided to open the block to vehicular traffic, and shortly after Sgt. Armani resumed patrol.

**Witness Officer: PO ELVISA BEKTESEVIC**

- *On the date of the incident, PO Bektesevic was § 87(2)(b) old. She is a white female, stands 5’6” tall, weighs 140 pounds, and has brown hair and brown eyes.*
- *PO Bektesevic was assigned to footpost 6, worked from 7:30 p.m. on June 28, 2014, until 4:05 a.m. on June 29, 2014, and was in uniform.*

§ 87(2)(b) **Arrest Report (encl. 16A - E)**

§ 87(2)(b) was charged with § 87(2)(a) 160.50

Force was noted as having been used against him, restrain/control/remove, however, his conditions was listed as apparently normal. The narrative was as follows:

§ 87(2)(a) 160.50

**CCRB Statement:**

On October 29, 2014, PO Bektesevic was interviewed at the CCRB (encl. 17A – B). Her statement is summarized below.

At approximately 9:15 p.m., Sgt. Daverin called PO Bektesevic and other officers to clear the block party. There was a large number of civilians still on the block, and they seemed generally intoxicated, and were behaving in a rowdy manner. PO Bektesevic and the other officers moved up the block telling people to leave the area. She did not say, “Get the fuck off the block,” or “Go the fuck home,” and did not hear any officer do so. PO Bektesevic saw § 87(2)(b) push Sgt. Armani. She did not see Sgt. Armani push § 87(2)(b) and did not hear any conversation proceeding the push.

PO Bektesevic and a couple of other officers grabbed § 87(2)(b) to place him under arrest. He tried to pull away from the officers and kicked at them. PO Bektesevic and the other officers pushed § 87(2)(b) to the ground and attempted to pull his hands behind his back, however, he refused to give the officers his hands, and refused multiple commands to stop resisting. After one to two minutes the officers were able to handcuff § 87(2)(b). PO Bektesevic did not recall whether she or any other officer punched § 87(2)(b) during the course of his arrest. PO Bektesevic and the other officers picked § 87(2)(b) up from the ground, and she escorted him to the prisoner van. § 87(2)(b) was also escorted to the van, and PO Bektesevic went with them to the 75<sup>th</sup> Precinct stationhouse. She did not observe any injuries on either of them.

There was a large crowd of civilians near the officers while they attempted to apprehend § 87(2)(b) who were screaming. PO Bektesevic was told by an unknown officer that § 87(2)(b) attempted to intervene in the arrest, and was subsequently arrested. A group of officers performed crowd control and prevented the civilians from interfering in § 87(2)(b)'s arrest. PO Bektesevic did not say, “Back the fuck up,” or “Shut the fuck up,” and did not hear any officer do so.

**Witness Officer: PO TYLER MARSHALL**

- *On the date of the incident, PO Marshall was § 87(2)(b) old. He is a white male, stands 6’2” tall, weighs 180 pounds, and has blonde hair and green eyes.*
- *PO Marshall was assigned to footpost 12, worked from 7:30 p.m. on June 28, 2014, until 4:05 a.m. on June 29, 2014, and was in uniform.*

**CCRB Statement:**

On November 13, 2014, PO Marshall was interviewed at the CCRB (encl. 19A – B). His statement is summarized below.

PO Marshall arrived at the incident location at 9:30 p.m. He was instructed by a sergeant to clear the block, and issued commands for people to disperse. Some of the people were disorderly and refused to disperse or leave the block. PO Marshall did not say, “Go the fuck home,” or “Get the fuck off the block,” and did not hear any officer do so. PO Marshall observed Sgt. Armani having a verbal altercation with § 87(2)(b) from approximately five feet away. PO Marshall did not recall the nature of the conversation. § 87(2)(b) was irate, yelled at Sgt. Armani and refused to leave the area. PO Marshall believed that § 87(2)(b) was intoxicated based on his behavior. § 87(2)(b) pushed Sgt. Armani, who stumbled backwards. Sgt. Armani did not push § 87(2)(b) prior to § 87(2)(b) pushing him.

Several nearby officers, including PO Marshall, grabbed § 87(2)(b) to apprehend him. § 87(2)(b) flailed his arms, moved his body, and refused to be handcuffed. PO Marshall and the other officers brought § 87(2)(b) to the ground. PO Marshall did not punch or kick § 87(2)(b) and did not see any officer do so. There was a large crowd nearby yelling at the officers, and PO Marshall turned his back from § 87(2)(b) and the other officers to perform crowd control. He did not see § 87(2)(b) get handcuffed as a result, and was unaware of how long the process took. PO Marshall did not recall whether anyone attempted to intervene in § 87(2)(b)'s arrest. He did not tell the crowd to, "Back the fuck up," or "Shut the fuck up," and did not hear any officer do so. PO Marshall did not see any other arrests take place, and did not recognize § 87(2)(b) from his arrest photograph. PO Marshall conducted crowd control for approximately thirty minutes before resuming patrol. He did not see any other officers have physical interactions with civilians at the scene, nor did he have any such interactions.

**Subject Officer: SGT. HENRY DAVERIN**

- *On the date of the incident, Sgt. Daverin was § 87(2)(b) old. He is a white male, stands 5'10" tall, weighs 230 pounds, and has brown hair and green eyes.*
- *Sgt. Daverin was the Impact Supervisor, worked with PO Samuel Hui from 7:15 p.m. on June 28, 2014, until 4:12 a.m. on June 29, 2014, was assigned to marked RMP 8512, and was in uniform.*

**Memo Book (encl. 20A – B)**

Sgt. Daverin had no memo book entries regarding this incident.

**CCRB Statement:**

On October 1, 2014, Sgt. Daverin was interviewed at the CCRB (encl. 21A – C). His statement is summarized below.

At approximately 9:15 p.m., Sgt. Daverin and PO Hui responded to the incident location. They were among the first officers on scene. There were approximately thirty to forty people in the street, who seemed intoxicated, refused lawful orders to disperse, and were acting in a violent and tumultuous manner. Sgt. Daverin saw an officer, identified as Sgt. Armani, fighting with § 87(2)(b). Sgt. Daverin did not see what preceded the altercation. There an unknown number of civilians standing a few feet away from Sgt. Armani and § 87(2)(b) and they were visibly upset. Sgt. Daverin went to assist in apprehending § 87(2)(b). Sgt. Armani tried to pull § 87(2)(b)'s hands behind his back. § 87(2)(b) actively resisted by flailing his arms and pushing Sgt. Armani off of him, and refused to comply with his directives to stop resisting. Sgt. Daverin grabbed § 87(2)(b) by the arms and pulled him to the ground. Once on the ground § 87(2)(b) refused to give the officers his hands in order to handcuff him. After approximately three minutes, the officers were able to pull § 87(2)(b)'s arms behind his back and handcuff him. Sgt. Daverin did not punch § 87(2)(b) and did not see any officer do so. § 87(2)(b) seemed intoxicated based on his behavior. § 87(2)(b) had no visible injuries.

A large crowd formed around the officers while they were attempting to apprehend § 87(2)(b). Some individuals attempted to intervene by pulling officers off of § 87(2)(b) and a request for additional units was called. Sgt. Daverin feared for his safety because of the violent and tumultuous manner in which the crowd was behaving. He did not see any other individuals on the ground during the course of § 87(2)(b)'s arrest, and he did not see § 87(2)(b)'s arrest take place. Sgt. Daverin attempted to disperse the crowd with verbal commands and by pushing people away

from the street. Sgt. Daverin did not say, “Go the fuck home,” “Back the fuck up,” “Shut the fuck up,” “Get the fuck off of the block,” or use any profanity, and did not hear any officer do so.

**Witness Officer: PO PETER CYBULSKI**

- *On the date of the incident, PO Cybulski was § 87(2)(b) old. He is a white male, stands 6’1” tall, weighs 220 pounds, and has brown hair and blue eyes.*
- *PO Cybulski was Sgt. Hameed Armani’s operator and worked the same tour.*

**CCRB Statement:**

On November 26, 2014, PO Cybulski was interviewed at the CCRB (encl. 23A – B). His statement is summarized below.

On June 28, 2014, at 9:05 p.m., PO Cybulski and PO Armani responded to a call for additional units at § 87(2)(b) and § 87(2)(b) in Brooklyn to disperse a block party. There was a large crowd, who PO Cybulski described as agitated and noncompliant, refusing to disperse from the block. PO Cybulski issued numerous commands for people to disperse the area, but people remained noncompliant. He did not say, “Go the fuck home,” “Back the fuck up,” “Shut the fuck up,” or “Get the fuck off the block,” and did not hear any officer do so. PO Cybulski did not recall where Sgt. Armani was during the incident, and did not recall whether he saw him involved in any physical altercation.

PO Cybulski saw an officer arrest an individual, but did not recall whether the officer used any force against the individual, identified via the investigation as § 87(2)(b). PO Cybulski did not recognize § 87(2)(b) from his arrest photograph, and did not recall which officer apprehended him. PO Cybulski then escorted § 87(2)(b) to a police vehicle for transport. He did not recall taking § 87(2)(b) to the ground. PO Cybulski did not punch or kick any civilian, and did not see any officer do so.

**Witness Officer: PO SAMUEL HUI**

- *On the date of the incident, PO Hui was § 87(2)(b) old. He is an Asian male, stands 6’2” tall, weighs 240 pounds, and has black hair and brown eyes.*
- *PO Hui was Sgt. Henry Daverin’s operator and worked the same tour.*

**CCRB Statement:**

On October 29, 2014, PO Hui was interviewed at the CCRB (encl. 25A – B). His statement is summarized below.

At approximately 9:10 a.m. PO Hui and Sgt. Daverin drove to § 87(2)(b) and § 87(2)(b) as part of their patrol. PO Hui and Sgt. Daverin exited their vehicle and walked up § 87(2)(b) telling various groups to clear the street. PO Hui did not say, “Go the fuck home,” or “Get the fuck off the block,” and did not hear any officer do so. Many of the people were unresponsive to their commands, and Sgt. Daverin called additional units to clear the block.

A couple of minutes later PO Hui turned around and saw a couple of unknown officers attempting to handcuff § 87(2)(b). PO Hui saw a number of civilians crowding near the officers, who had their backs turned to the crowd. PO Hui went over and issued commands for the individuals to back up to prevent them from interfering in the arrests. He did not say, “Back the fuck up,” or “Shut the fuck up,” and did not hear any officer do so. PO Hui did not see any civilian interfere in the arrest, which he was unable to witness because his back was turned to the officers. PO Hui did not have any physical interaction with any civilian, and he did not any officer punch anyone

or take anyone to the ground. After approximately five to ten minutes, PO Hui and Sgt. Daverin went back to their van and left the scene.

**Subject Officers: PO MARK KOSAREK and PO SERGIO VARGAS**

- *PO Kosarek and PO Vargas were assigned to Sector A/G.*
- *See statements for pedigree information.*

**Memo Books (encl. 26A – C; 28A – D)**

PO Kosarek and PO Vargas had no memo book entries regarding his incident.

**CCRB Statements:**

On October 27, 2014, PO Kosarek and PO Vargas were interviewed at the CCRB (encl. 27A – B; 29A – B). § 87(2)(g)

PO Kosarek and PO Vargas arrived on scene at 9:27 p.m. There was a large, hostile crowd on scene, and many of the civilians were yelling and cursing. There was also a large police presence already on the street. PO Kosarek and PO Vargas were directed by an unknown supervisor to clear § 87(2)(b). They issued commands for people to do so. Some of them complied, however, others hesitated and did not leave immediately. PO Kosarek and PO Vargas did not use any profanity including “Go the fuck home,” “Back the fuck up,” “Shut the fuck up,” or “Get the fuck off the block,” and did not hear any officer do so. PO Kosarek and PO Vargas were not involved in any physical altercation, and did not see any officer involved in an altercation.

**Witness Officers: PO WILLIAM HUGHES and PO ALEXIS YANEZ , PO MICHAEL DUNNE and PO SALVATORE DINCONTRO, PO JEREMY BLOOM and PO KEVIN MURTHA, and PO THOMAS KAMINSKI**

- *See statements for pedigree information.*

**CCRB Statements and Memo Books (encl. 30A – 43B)**

Between September 30, 2014, and October 30, 2014, the above officers were interviewed. Their memo books noted the time they arrived on scene and the time that they resumed patrol. § 87(2)(g)

PO Bloom and PO Murtha arrived at on scene at 9:24 p.m. PO Kaminski arrived at 9:25 p.m. PO Hughes, PO Yanez, PO Dunne and PO Dincontro arrived at 9:27 p.m. There was a large group of civilians yelling and screaming, as well as a large number of uniformed police officers. None of the officers recalled having any physical interaction with any civilians, or seeing any officer involved in a physical altercation. None of the officers recognized § 87(2)(b) or § 87(2)(b) from their arrest photographs, or recalled seeing any arrests take place. PO Hughes, PO Yanez, PO Dunne and PO Dincontro all issued commands for the civilians to clear the block. Some complied, however, others were uncooperative and yelled profanity at the officers. PO Bloom, PO Murtha and PO Kaminski did not recall issuing any commands. None of the officers made any discourteous statements, including “Go the fuck home,” “Back the fuck up,” “Shut the fuck up,” or “Get the fuck off the block,” and did not hear any officer do so.

**Medical Records**

§ 87(2)(b)  
On § 87(2)(b), § 87(2)(b) was evaluated at § 87(2)(b). X-rays taken for his spine and ribs were negative for fractures, and he was diagnosed with a rib sprain and neck pain to his left side. He was prescribed painkillers and discharged the same day.

## **NYPD Documents**

### **Command Log (encl. 45A)**

§ 87(2)(b) and § 87(2)(b) were logged into the command log at 9:47 p.m. Force was noted as having been used against both of them, however, their conditions were listed as apparently normal.

### **Video Footage (encl. 12)**

§ 87(2)(b) provided the videos one through five from her cellphone. § 87(2)(b) provided videos six and seven from his cellphone.

### **Video One (IA 39)**

Video one, which was five seconds long, showed a group of officers standing over § 87(2)(b) after he was handcuffed.

### **Video Two (IA 40)**

Video two, which was fifty-six seconds, showed three uniformed officers, including Sgt. Daverin, standing over § 87(2)(b). An unknown individual walked over and knelt next to them, and Sgt. Daverin turned around and said, “Back up,” and did not use any profanity (0:10). There was a large crowd of people, and the scene was very loud. The camera shook back and forth during the video, and at 0:53 two uniformed officers escorted § 87(2)(b) away from the area.

### **Videos Three, Four and Five (IA 41 – 43)**

Videos three, four and five, twenty-nine seconds, two seconds and four seconds, respectively, § 87(2)(g) § 87(2)(g)

### **Video Six (IA 74)**

Video six, which is twenty-nine seconds long, showed the beginning of the physical altercation that resulted in § 87(2)(b) and § 87(2)(b) arrests. There was a group of civilians and officers standing around § 87(2)(b)'s motorcycles. § 87(2)(b) was pushed back toward the right of the screen, however, there are a number of people standing between him and the camera, and it was unclear exactly who pushed him or how he was pushed (0:20). Sgt. Armani immediately walked forward and stood chest to chest with § 87(2)(b) who pushed Sgt. Armani. The multiple police officers and civilians standing nearby converged on the two.

### **Video Seven (IA 75)**

Video seven, which is four minutes and eighteen seconds long, showed the physical altercation after the initial interaction between § 87(2)(b) and Sgt. Armani. The camera shook throughout the video, and the area was poorly lit, making the footage difficult to follow. There are at least three officers attempting to subdue § 87(2)(b) and one of them, an unknown white male officer, can be seen punching him in the lower portion of his body two times (0:10). The camera panned back to the right and an officer, identified via the investigation as Sgt. Daverin, calls for additional units. An unidentified, black male individual with a white t-shirt and dreadlocks, attempted to intervene in the apprehension of § 87(2)(b) by moving towards the officers with his arms extended in front of



him, and an unknown white or Hispanic male officer said, “Back the fuck up,” (0:19). There are three officers standing over § 87(2)(b) and none of them hit him after he is on the ground (0:35 – 0:40) An unknown male individual yelled, § 87(2)(b) go,” referring to § 87(2)(b) (0:29).

An unknown, black male individual walked over to where § 87(2)(b) was being handcuffed, knelt down next to the officers, made a motion with one of his hands towards the officers and then made a statement to the officers that was inaudible (0:41). One of the officers, whose face was not visible in the video, stood up, pushed the individual back and said, “Get the fuck out of here,” (0:43). The camera panned back to the left, and three uniformed officers, escorted § 87(2)(b) from the left of the screen to the right side (0:48). The officers held § 87(2)(b) arms behind his back, and one of the officers said, “Stop resisting.” § 87(2)(b) turned back towards the officers, lifted his left hand up away from his body and said, “I’m not resisting,” at which point the officers pushed him to the ground.

§ 87(2)(b) walked with his camera closer to where § 87(2)(b) and § 87(2)(b) are being arrested. Sgt. Daverin tells him multiple times to back up and disperse the street. § 87(2)(b) responded that it was a public street, and Sgt. Daverin informed him that he was about to refuse a lawful order to disperse (1:44). § 87(2)(b) then ran down the street away from the incident toward a group of people standing on the corner of § 87(2)(b) and § 87(2)(b) (2:54).

#### **Arrest for Incident and Disposition and Criminal History (encl. 49A – P)**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]
- [REDACTED]

#### **Status of Civil Proceedings (encl. 50)**

- § 87(2)(b) and § 87(2)(b) have not filed a notice of claim with the City of New York as of December 12, 2014, with regard to the incident.

#### **Civilians CCRB History (encl. 2A – F)**

- This is the first CCRB complaint involving § 87(2)(b) § 87(2)(b) and § 87(2)(b)

#### **Subject Officers CCRB History (encl. 1A – G)**

- Sgt. Hameed Armani has been a member of the service for eight years and there are no substantiated CCRB allegations against him.
- PO Elvisa Bektesevic has been a member of the service for one year, and this is the first CCRB complaint filed against her.
- PO Thomas Marshall has been a member of the service for one year, and there are no substantiated CCRB allegations against him
- Sgt. Henry Daverin has been a member of the service for six years, and there are no substantiated CCRB allegations against him.
- PO Mark Kosarek has been a member of the service for eleven years, and there are no substantiated CCRB allegations against him.
- PO Sergio Vargas has been a member of the service for eight years, and there are no substantiated CCRB allegations against him.

## Conclusion

### Allegations Not Pleaded

§ 87(2)(b) alleged that an officer came up behind him and put an arm around the back of his neck. Additionally, his breathing was not restricted. A number of witnesses alleged that an officer choked § 87(2)(b) but because he did not make the allegation, no chokehold was pleaded for him.

§ 87(2)(g)

### Identification of Subject Officers

§ 87(2)(b) was unable to describe any of the officers that used profanity towards individuals, none of the other civilian witnesses corroborated the allegation, there was no video footage, and none of the officers admitted to making the alleged discourteous statement, or hearing any officer do so. § 87(2)(g)

Sgt. Hameed Armani testified that prior to the physical altercation, § 87(2)(b) pushed him. This account was corroborated by video seven, as well as PO Bektesevic's testimony § 87(2)(g)

§ 87(2)(b) was unable to describe any of the officers, apart from Sgt. Armani, that used physical force against him in the course of his arrest. None of the witnesses were able to provide descriptions of the officers that used force against § 87(2)(b) and the video footage did not provide a clear picture of the officers that used force against him. PO Bektesevic, PO Marshall and Sgt. Daverin, however, all testified that they were involving in apprehending § 87(2)(b) § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) all alleged that officers used force against § 87(2)(b) but were unable to describe said officers in any way. § 87(2)(g)

§ 87(2)(b) both alleged that officers used force against § 87(2)(b) however, neither was able to describe any of the officers that did so, and without § 87(2)(b)'s testimony, the investigation was unable to determine what § 87(2)(b) looked like or whether the video footage showed his altercation with the officers. None of the other civilian witnesses saw the alleged force take place, and none of the officers interviewed admitted to using force against § 87(2)(b) or seeing any officer do so. § 87(2)(g)

§ 87(2)(b) was unable to describe any of the officers that allegedly spoke discourteously to individuals, and none of the other civilian witnesses corroborated the allegation. The video footage was not clear enough to discern which officers made the alleged discourteous statements, and none of the officers admitted to making said statements, or hearing any officer do so. § 87(2)(g)

§ 87(2)(b) described the officer that spoke discourteously to § 87(2)(b) and pushed her as a white male, 5'9" to 6'0" tall, with a medium build and brown hair. There were four possible officers that were interviewed that fit her description: Sgt. Daverin, PO Kaminski, PO Kosarek and PO Cybulski. Of these four, Sgt. Daverin and PO Cybulski were both on the video provided by § 87(2)(b). PO Cybulski assisted in apprehending § 87(2)(b) and Sgt. Daverin instructed § 87(2)(b) to disperse from the scene. Neither officer was filmed having any verbal or physical altercation with § 87(2)(b) or § 87(2)(b) despite her claim that she was filming during them. § 87(2)(g)

### **Investigative Findings and Recommendations**

#### **Allegation A – Discourtesy: Officers spoke discourteously to individuals.**

§ 87(2)(b) alleged that upon their refusal to comply with officers' directives to clear the sidewalk, officers told individuals to, "Get the fuck inside the gate."

None of the civilian witnesses corroborated the alleged discourtesy, the video footage did not corroborate the alleged statement, and none of the officers that were interviewed admitted to using profanity or hearing any officer do so.

§ 87(2)(g)

#### **Allegation B – Force: Sgt. Hameed Armani used physical force against § 87(2)(b)**

It is undisputed based on video six, that there was no physical altercation prior to the interaction between Sgt. Armani and § 87(2)(b). It is also undisputed by virtue of video seven, § 87(2)(b)'s medical records, and civilian and officer testimony that some level of force is used to apprehend § 87(2)(b) after the altercation between the two. § 87(2)(g)

§ 87(2)(b) alleged that after arguing with Sgt. Armani for a couple of minutes, Sgt. Armani pushed him in the chest before an unknown number of officers grabbed and pushed him to the ground. He did not push Sgt. Armani before or after Sgt. Armani pushed him.

§ 87(2)(b) and § 87(2)(b) all testified that Sgt. Armani first made contact with § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) testified that § 87(2)(b) pushed Sgt. Armani back after the initial push.

In video six, Sgt. Armani and § 87(2)(b) were standing behind two individuals, precluding a direct line of sight. § 87(2)(b) was pushed back toward the right of the screen, however, it is unclear who pushed him (0:20), or whether he pushed anyone prior to being pushed. Sgt. Armani immediately walked forward and stood chest to chest with § 87(2)(b) who pushed Sgt. Armani, at which point multiple police officers and civilians converged on the two.

Sgt. Armani testified that as he was issuing commands for people to clear the sidewalk and that many of the civilian refused to leave. As determined by the investigation, § 87(2)(b) pushed Sgt. Armani, causing him to lose his balance and stumble backwards. Sgt. Armani did not recall having any verbal altercation prior to being pushed, and he denied pushing § 87(2)(b). In his first interview, Sgt. Armani testified that he turned around to apprehend § 87(2)(b) but that other officers had already started apprehending him. In his second interview, Sgt. Armani confirmed that he was the officer that stood face to face with § 87(2)(b) after § 87(2)(b) was pushed in video six, but did not know why he approached § 87(2)(b) and stated that he never saw who pushed him. Because Sgt. Armani did not recall whether § 87(2)(b) was the individual that pushed him, on advice of his counsel, he did not answer whether there was a discrepancy between his first statement, that he was pushed, lost balance, and had no further interaction with § 87(2)(b) and video six, in which he was clearly shown to be standing face to face with him after the push. PO Bektesevic and PO Marshall stood in close proximity to Sgt. Armani during the altercation. They both testified that § 87(2)(b) pushed Sgt. Armani first, at which point they assisted in apprehending him. Sgt. Daverin saw Sgt. Armani fighting with § 87(2)(b) but did not see what preceded the altercation. None of the other officers that were interviewed witnessed the physical altercation.

§ 87(2)(g)  
[REDACTED]

**Allegation C – Force: PO Elvira Bektesevic used physical force against § 87(2)(b)**

**Allegation D – Force: PO Tyler Marshall used physical force against § 87(2)(b)**

**Allegation E – Force: Sgt. Henry Daverin used physical force against § 87(2)(b)**

As discussed above, it is undisputed that some level of force was used to apprehend § 87(2)(b) after the initial altercation with Sgt. Armani. It is also undisputed by virtue of § 87(2)(b)'s testimony that he had been drinking all day and was intoxicated.

§ 87(2)(b) alleged that a group of officers grabbed him by the arms, pushed him to the ground, and punched him in the head, face, neck and back on the way to the ground. He was punched for approximately one minute before he was handcuffed, during which time the officers yelled repeatedly for him to stop resisting. § 87(2)(b) denied resisting in any way. He sustained a sprained rib and neck pain as a result of the incident.

While the witness testimony varied in the extent of the force used against § 87(2)(b) the witnesses interviewed were all consistent that officers used force against § 87(2)(b) without provocation. With the exception of § 87(2)(b) they also testified that § 87(2)(b) did not resist arrest.

In video seven, there are at least three officers attempting to subdue § 87(2)(b) and one of them can be seen punching him in the lower portion of his body two times (0:10). None of the officers' faces were clearly visible in the video.

PO Bektesevic, PO Marshall and Sgt. Daverin were consistent that they pushed § 87(2)(b) to the ground and attempted to pull his hands behind his back, but that he resisted their efforts to do so and did not comply with their commands to stop resisting. PO Marshall and Sgt. Daverin testified that they did not punch § 87(2)(b) during the course of his arrest, and did not see any officer do so. PO Bektesevic did not recall whether she or any officer punched § 87(2)(b). None of the other officers that were interviewed provided any testimony related to § 87(2)(b)'s arrest.

§ 87(2)(g)  
[REDACTED]

**Allegation F – Force: Officers used physical force against § 87(2)(b)**

In his intake statement, § 87(2)(b) alleged that Sgt. Armani pushed § 87(2)(b) into him, at which point § 87(2)(b) pushed Sgt. Armani back, and Sgt. Armani punched § 87(2)(b) in the face. § 87(2)(b) tried to hold onto § 87(2)(b) and a group of officers pulled § 87(2)(b) and § 87(2)(b) to the ground and punched and stomped on them. § 87(2)(b) pulled § 87(2)(b) out of the melee and § 87(2)(b) ran away.

§ 87(2)(b) and § 87(2)(b) corroborated that officers attempted to arrest § 87(2)(b) § 87(2)(b) further testified that the officers punched and kicked § 87(2)(b) for approximately five minutes before he was able to extricate himself from the melee. § 87(2)(b) did not corroborate any force against § 87(2)(b)

§ 87(2)(b) testified that she saw two or three unknown officers walking towards § 87(2)(b) and that someone told him to go to his grandmother's house, at which point he walked away from the officers. She did not corroborate that the officers used any physical force against him.

§ 87(2)(b) and § 87(2)(b) all provided detailed testimony regarding the physical altercation, however, none of them corroborated any force related to § 87(2)(b) or even mentioned him in their testimony.

§ 87(2)(b) alleged that an officer approached § 87(2)(b) and told him to leave the area, and that a verbal altercation ensued. The officer chased § 87(2)(b) into his yard, but stopped when § 87(2)(b) closed the gate. § 87(2)(b) did not corroborate any force against § 87(2)(b) despite providing detailed testimony about the incident.

§ 87(2)(g)  
[REDACTED]

While some of the officers that were interviewed testified that civilians attempted to intervene in § 87(2)(b) and § 87(2)(b) arrests, none of them admitted to having any physical interaction with § 87(2)(b) or seeing any officer do so.

§ 87(2)(g)  
[REDACTED]

**Allegation G – Force: Officers used physical force against § 87(2)(b)**

It is undisputed by virtue of consistent witness testimony, video footage and officer testimony that there was a large, boisterous crowd of civilians in close proximity to the physical altercation between § 87(2)(b) and the officers, and that the civilians refused to leave the area when instructed multiple times to do so.

In his intake statement, § 87(2)(b) stated that § 87(2)(b) was arrested after helping to extricate him from the melee, and that he was subsequently arrested. § 87(2)(b) tried to talk to the officers that were arresting § 87(2)(b) and they pushed § 87(2)(b) away, causing him to fall down. His finger was stepped on, and he sustained a laceration requiring six stitches.

§ 87(2)(b) did not provide a statement to the investigation.

§ 87(2)(b) § 87(2)(b) and § 87(2)(b) all testified that § 87(2)(b) attempted to intervene in § 87(2)(b) arrest, and that he sustained a cut to his finger as a result, however, they did not see how he sustained the injury, and were unable to provide further context.

None of the other civilian witnesses were able to provide any details regarding the circumstances of § 87(2)(b)'s involvement in the incident.

The video footage showed multiple individuals attempting to intervene in the arrests, however, without having interviewed § 87(2)(b) or knowing what he looked like, the investigation was unable to determine whether § 87(2)(b)'s interaction was captured on the video footage.

According to Patrol Guide Procedure 203-11, during a police incident, officers must use the minimum necessary force (encl. 0A – B).

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)

**Allegation H – Discourtesy: Officers spoke discourteously to individuals.**

As discussed above, it is undisputed that there was a large, boisterous crowd of civilians in close proximity to the physical altercation between § 87(2)(b) and the officers, and that the civilians refused to leave the area when instructed multiple times to do so.

§ 87(2)(b) alleged that there were five or six officers standing near § 87(2)(b) and Sgt. Armani. The officers issued commands for a group of nearby people to leave the area, however, many of them refused to leave and yelled at the officers. The officers said, “Go the fuck home,” and “Back the fuck up.” The people continued to yell, but did not attempt to interfere in the physical altercation with § 87(2)(b) and Sgt. Armani. The officers yelled for people to “Go the fuck home,” and § 87(2)(b) removed her phone and started recording the incident. Video seven corroborated two of the alleged discourteous statements. In the first instance, an unidentified, black male individual with a white t-shirt and dreadlocks, attempted to intervene in the apprehension of § 87(2)(b) and an officer, who was unidentifiable from the video, said, “Back the fuck up,” (0:19). Later, an unknown, black male walked over to where § 87(2)(b) was being handcuffed, knelt down next to the officers, made a motion with one of his hands towards the officers and then made a statement to the officers that was inaudible (0:41). One of the officers, who was also unidentifiable from the video, stood up, pushed the individual back and said, “Get the fuck out of here.”

In certain stressful street encounters, an officer may use limited profanity where needed to gain compliance or maintain control of the incident. *NYPD v. Court*, OATH No. 79627/04 (encl. 0C – L).

§ 87(2)(g)

**Allegation I – Discourtesy: An officer spoke discourteously to § 87(2)(b)**

**Allegation J – Force: An officer used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that an officer approached § 87(2)(b) and told him to “Get the fuck off the block.” § 87(2)(b) responded, “I live here nigga,” and the officer said, “Shut the fuck up and go the fuck home.” The officer chased § 87(2)(b) who ran towards his house. The officer pushed § 87(2)(b) in the chest with two hands. § 87(2)(b) was filming with her cell phone camera at the time of the alleged push.

While § 87(2)(b) only provided an initial intake statement, he did not allege the discourtesy or the force.

§ 87(2)(b) § testified that he was standing next to § 87(2)(b) by the fence, § 87(2)(g) however, he did not corroborate either allegation. § 87(2)(b) also testified that she watched as § 87(2)(b) walked away from the altercation and saw him standing inside the gate of his house. She did not corroborate the discourtesies or the push.

None of the other civilian witnesses corroborated the discourteous statements or the alleged push. Furthermore there was no corroboration of either allegation in the video footage provided by § 87(2)(b) § 87(2)(b) who said that she was videotaping at the time of the allegations, or § 87(2)(b)

None of the officers that were interviewed admitted to using the alleged discourteous statements or hearing any officer make them, and no officer admitted to pushing § 87(2)(b) or seeing any officer do so.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

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Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date



