

CCRB INVESTIGATIVE RECOMMENDATION

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|--|--|---------------------------|---|------------------------------------|---------------------------------|
| Investigator: Suzanne Donnelly | Team: Team # 2 | CCRB Case #: 200909347 | <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) Friday, 04/17/2009 10:15 PM | Location of Incident: Opposite 809 Hunts Point Avenue | Precinct: 41 | 18 Mo. SOL 10/17/2010 | EO SOL 10/17/2010 | |
| Date/Time CV Reported Mon, 06/15/2009 1:23 PM | CV Reported At: CCRB | How CV Reported: Mail | Date/Time Received at CCRB Mon, 06/15/2009 1:23 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |
| | | |
| | | |
| | | |

| Subject Officer(s) | Shield | TaxID | Command |
|-----------------------|--------|--------|---------|
| 1. POM Tommy Youkhan | 13950 | 942889 | 041 PCT |
| 2. POM Edward McClain | 14159 | 943544 | 041 PCT |
| 3. An officer | | | |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|--|-----------------------------|
| A.POM Edward McClain | Abuse: PO Edward McClain frisked § 87(2)(b) | |
| B.POM Tommy Youkhan | Abuse: PO Tommy Youkhan frisked § 87(2)(b) | |
| C. An officer | Abuse: An officer refused to provide his name and/or shield number to § 87(2)(b) | |
| D.POM Edward McClain | Abuse: PO Edward McClain threatened to arrest § 87(2)(b) | |
| § 87(4-b), § 87(2)(g) | | |
| § 87(4-b), § 87(2)(g) | | |

Synopsis

On June 15, 2009, the CCRB received a complaint via mail from § 87(2)(b) § 87(2)(b) reported that on April 17, 2009 at approximately 10:15PM, she and her boyfriend § 87(2)(b) were driving in the vicinity of 809 Hunts Point Avenue when they observed § 87(2)(b)'s brother and cousin, § 87(2)(b) and § 87(2)(b) being pulled over by PO Edward McClain and PO Tommy Youkhan of the 41st Precinct. § 87(2)(b) § 87(2)(b) and § 87(2)(b) pulled over to see what was going on and saw PO Youkhan frisk § 87(2)(b) and PO McClain frisk § 87(2)(b) (Allegations A and B). Two unidentified plainclothes officers arrived on the scene briefly. § 87(2)(b) requested one officer's name and shield number, but he failed to provide it (Allegation C). PO McClain then reportedly threatened to arrest § 87(2)(b) (Allegation D).

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b) (Enclosures 7A-I)

§ 87(2)(b) a § 87(2)(b)-old black female, was interviewed at the CCRB on June 29, 2009. On April 17, 2009 at approximately 10:15p.m., § 87(2)(b) was with her boyfriend, § 87(2)(b) double-parked in his 1991 dark blue Acura Legend in front of § 87(2)(b) in the Bronx to drop off § 87(2)(b)'s mother. § 87(2)(b) was the driver of the vehicle and § 87(2)(b) was the passenger. § 87(2)(b)'s brother, § 87(2)(b) pulled up at the same time in his 1995 black Honda Accord with his § 87(2)(b)-old cousin, § 87(2)(b) in the passenger seat. Everyone greeted each other, and § 87(2)(b) drove toward the corner and parked his car crookedly at an angle near the stop sign, illegally. The group was at the location for approximately three to five minutes when § 87(2)(b) observed an officers' blue and white patrol car drive slowly down the street, passing § 87(2)(b)'s car to its left.

The officers and the civilians made eye contact, and the patrol car inched up the block a short distance, and then stopped. Everyone got into their cars to avoid being issued summonses. § 87(2)(b) and § 87(2)(b) drove down the block, past the officers. They pulled up alongside § 87(2)(b) and § 87(2)(b) who were back in their car, waved and told them they would see them later. § 87(2)(b) made a left turn at the corner. § 87(2)(b) followed behind in his car and also made a left turn. § 87(2)(b) lowered her visor and looked in the mirror. She saw the officers' patrol car driving behind § 87(2)(b)'s car. She did not see § 87(2)(b) commit any traffic infractions while driving. After § 87(2)(b) had driven about a block and a half, § 87(2)(b) noticed in the mirror that the officers were pulling over § 87(2)(b). They utilized the lights on their RMP, and § 87(2)(b) immediately pulled his car over to the right side of the street.

§ 87(2)(b) made a broken u-turn on the two-way street and drove back down the street to see what was going on. § 87(2)(b) briefly lost sight of § 87(2)(b) and the officers while § 87(2)(b) turned the car around. § 87(2)(b) double-parked his car in front of § 87(2)(b)'s car, which was in front of the patrol car. § 87(2)(b) and § 87(2)(b) exited their vehicle and approached the group. PO 1 was standing next to the front passenger side of the car, speaking with § 87(2)(b) who was still seated there. § 87(2)(b) later identified PO 1 as PO Edward McClain, by reading the name off his nameplate, and described him as a short white male in his 20s, average build, wearing a uniform, and his identity was confirmed through the investigation. PO McClain had one hand on § 87(2)(b)'s chest and asked him, "Why are you so nervous? Why is your heart beating so fast, do you have guns or drugs in here?" § 87(2)(b) responded nervously, saying that he did not. § 87(2)(b) had been made to exit the vehicle, though § 87(2)(b) did not see him actually exit. He was standing at the rear of his car on the driver's side near the hood of the officers' car with PO 2. § 87(2)(b) later identified PO 2 by reading his shield as PO Tommy

Youkhan, a Hispanic or mixed-race male, tall, olive complexion, black hair, young-looking, dressed in uniform. PO Youkhan's identity was also confirmed through the investigation. PO Youkhan frisked § 87(2)(b) who was facing him, patting the outside of his clothing.

§ 87(2)(b) was also made to exit the vehicle; he was compliant with verbal commands to do so and was not physically removed from the vehicle. § 87(2)(b) believed § 87(2)(b) may have been frisked by PO McClain. § 87(2)(b)'s demeanor during the frisk was calm; he was telling § 87(2)(b) and § 87(2)(b) that it was alright, because they had begun asking the officers questions. § 87(2)(b) asked what § 87(2)(b) and § 87(2)(b) had done, why the officers were touching them, and why the officers were searching them for a simple traffic violation.

PO McClain turned his attention toward § 87(2)(b) and § 87(2)(b) and told her to get back in her car, but she refused to move. PO McClain then told § 87(2)(b) and § 87(2)(b) that their car was illegally double-parked and they could get a \$115 dollar double-parking ticket. § 87(2)(b) who was sitting on the trunk of his own car watching, agreed to take the summons and asserted that he wanted to continue watching. PO McClain suggested that § 87(2)(b) go and legally park his car and then come back, but § 87(2)(b) reiterated that it was okay if he was issued a ticket.

PO McClain then searched in the front seat of § 87(2)(b)'s car. PO McClain first entered the car through the driver's seat, visually scanning the front seat with his flashlight. PO McClain then opened the glove compartment and looked inside, though he did not remove anything. PO McClain also visually scanned the front passenger seat with his flashlight, but § 87(2)(b) could not recall if he entered the other side of the car or looked from the driver's seat. PO Youkhan did not participate in this search at all.

§ 87(2)(b) repeatedly asked PO McClain why § 87(2)(b) had been pulled over and why his car was searched. PO McClain got angry and came within inches of § 87(2)(b)'s face, demanding that she walk up the block. However, § 87(2)(b) refused to do so.

Then, two plainclothes officers in a dark-colored unmarked car responded. PO 3 was a very tall white male, in shape with a medium build, in his 20s/30s, wearing a shield around his neck. PO 4 was a Hispanic or mixed-race male, light-skinned, and tall. § 87(2)(b) briefly spoke with PO 3 and PO 4, explaining she wanted to know why the situation was occurring. PO 3 stated that he did not know, he had just arrived, and there were many reasons why the vehicle had been pulled over. § 87(2)(b) agreed but stated that there was no reason for them to be taken out of the car, frisked, and have their car illegally searched. PO 4 asked how that was illegal, and § 87(2)(b) responded that the officers did not have a search warrant. § 87(2)(b) at some point, requested PO 4's name, but PO 4 ignored him and did not respond.

In the middle of the incident, either PO McClain or PO Youkhan requested § 87(2)(b)'s and § 87(2)(b)'s identification and the paperwork to the vehicle, which they provided. PO 3 and PO 4 were on scene for about five minutes. Afterward, PO McClain and PO Youkhan let § 87(2)(b) and § 87(2)(b) go without issuing any summons.

§ 87(2)(b) told PO McClain that she needed his name and shield number because she intended to file a complaint. PO McClain stated that if he provided his name, he would need hers and § 87(2)(b)'s identification to issue them disorderly conduct summonses. § 87(2)(b) hesitated and just looked at PO McClain, but § 87(2)(b) provided his identification. PO McClain added, "Or, you can go to jail," to § 87(2)(b) and § 87(2)(b) told § 87(2)(b) to give PO McClain her ID, so she did. PO McClain returned to the car, as did PO Youkhan, and PO McClain wrote out the summonses. § 87(2)(b) and § 87(2)(b) had not been disorderly; they were angry but were not cursing and did not prevent the officers from doing their job. PO McClain returned and provided the summonses, as well as a second summons to § 87(2)(b) § 87(2)(b) for reckless driving. PO McClain provided his name and shield number. § 87(2)(b) asked for his partner's name but PO McClain did not provide it. § 87(2)(b) asked if she could go speak to PO Youkhan, who was still in the patrol car, and PO McClain told her to go ahead. § 87(2)(b) asked PO Youkhan for his name and shield number, which he courteously provided. The officers then drove away.

Results of Investigation

§ 87(2)(b) (Enclosures 8A-D)

§ 87(2)(b) a § 87(2)(b)-old black male, was interviewed at the CCRB on July 29, 2009. On the date and time of the incident, § 87(2)(b) was visiting his mother's house, located at § 87(2)(b) in the Bronx, with his § 87(2)(b)-old nephew, § 87(2)(b) (last name not known). § 87(2)(b) has been identified through § 87(2)(b)'s statement as § 87(2)(b) reiterated § 87(2)(b)'s account of being on Bryant Avenue, seeing the officers' patrol car, and driving away from the location. After driving a short time, the patrol car, which was behind § 87(2)(b)'s vehicle, activated its lights. § 87(2)(b) pulled his car over immediately in front of a bus stop.

PO 1 and PO 2, identified through the investigation as PO McClain and PO Youkhan, exited their car and approached the driver side and passenger side, respectively, of § 87(2)(b)'s car. PO McClain asked § 87(2)(b) if he had any guns or drugs in the car, and § 87(2)(b) responded that he did not. PO McClain also stated that he could search the car. He did not provide any reason for the stop. § 87(2)(b) and § 87(2)(b) were asked to exit the vehicle and step to the rear, which they did. § 87(2)(b) and § 87(2)(b) remained calm because he knew he had nothing to worry about.

At the rear of the car, PO Youkhan patted § 87(2)(b) and PO McClain did the same to § 87(2)(b). At this time, one of the officers flashed his flashlight on the floor of the front of his car through the open windows, while the car doors were closed. § 87(2)(b) later stated he was not sure if the officer in question opened the car doors to peer inside the vehicle.

During this time, § 87(2)(b) and § 87(2)(b) had pulled over on the street, exited their vehicle, and stood approximately 20 feet away. § 87(2)(b) and § 87(2)(b) questioned why everything was taking place; however, they did not approach any closer and the officers were able to do their job without feeling intimidated. PO McClain became "very irritable" and told § 87(2)(b) to, "Get the fuck out of here."

PO McClain asked § 87(2)(b) for his identification and the documents to his vehicle, which he provided. During this time, two plainclothes officers, PO 3 and PO 4, arrived on the scene in an unmarked, dark-colored car. § 87(2)(b) could only describe them as tall males, one of whom may have been Hispanic. The officers all spoke for several minutes. PO McClain mentioned something about § 87(2)(b) having a very loud muffler, and that was the reason he was stopped.

PO McClain returned § 87(2)(b)'s identification and instructed him to be on his way. PO 3 and PO 4 had left the scene as well. PO McClain requested § 87(2)(b)'s and § 87(2)(b)'s identification, which they provided, and later issued them summonses.

Attempts to Interview Additional Victims (Enclosures 17A-G, 18A-D)

§ 87(2)(b) did not have contact information for § 87(2)(b) and § 87(2)(b) only provided his name as § 87(2)(b) he could not provide his last name or contact information. § 87(2)(b) was contacted by the investigator by mail on July 7, 2009 and by phone on July 8, July 16, August 5, and August 24, 2009. He offered to provide a written, notarized statement due to a hectic work schedule and on August 24, 2009, he was informed he would need to send it to the CCRB within two to three weeks. However, he failed to do so. On September 17, 2009, the investigator mailed a final please call letter to § 87(2)(b) but § 87(2)(b) failed to respond. Therefore, his statement was never obtained for the CCRB investigation.

Officer Interviews

PO Edward McClain (Enclosures 9A-B, 10A-C)

PO Edward McClain was interviewed at the CCRB on October 14, 2009. On April 17, 2009, PO McClain worked a tour of 5:30p.m. until 2:05a.m. and was assigned as 41st Precinct Conditions with PO Youkhan. He was dressed in uniform and was assigned to a marked motor vehicle, in which he was the recorder. PO McClain's memo book noted that at 8:38p.m., he issued criminal summonses for disorderly conduct and reckless driving to individuals for interrupting a car stop.

On April 17, 2009 at approximately 10:15PM, PO McClain and his partner observed a vehicle, which he could not describe, with a very loud muffler at approximately Hunts Point Avenue and Lafayette Street. This is a common offense he has dealt with while working Conditions, and he has issued summonses for this in the past. There was nothing else suspicious about the vehicle, and this was a basic car stop. It was a mutual decision for the officers to stop the vehicle. The officers' car was directly behind the vehicle with the loud muffler when it was pulled over. The officers used lights and sirens to indicate to the car to pull over, and the car pulled over immediately.

Both officers exited their vehicle and approached the other vehicle. PO Youkhan approached the driver side and PO McClain approached the passenger side. There were two occupants in the vehicle, the driver and a front passenger. At this time, PO McClain interacted with the front passenger, who was identified through the investigation as § 87(2)(b) whose demeanor was fine. PO McClain explained the reason for the stop, the loud muffler, and § 87(2)(b) stated that they had been pulled over for this in the past. PO McClain could not describe his partner's interaction with the driver of the vehicle.

PO Youkhan then informed PO McClain that he smelled marijuana and stated that the occupants should step out of the car. PO McClain did not smell the marijuana on § 87(2)(b) and he believed that it was detected on the driver side of the car. PO McClain asked § 87(2)(b) if he had anything illegal in the car, and he responded that he did not.

§ 87(2)(b) and § 87(2)(b) were compliant when they were asked to exit the vehicle. PO McClain and PO Youkhan conducted "quick pat-downs," on § 87(2)(b) and § 87(2)(b) respectively, to make sure the individuals had no weapons, but they never went inside the individuals' pockets. The reason for this was because of the "smell of marijuana emanating from the car." When asked if he suspected the individuals had weapons in their possession, he stated, "From my experience, where there's drugs, there's weapons." The officers then asked § 87(2)(b) and § 87(2)(b) for their IDs, which they provided. PO Youkhan went to the back of the car with both individuals, while PO McClain was near the front of the car. At this time, PO McClain observed another car pull over in front of the initial vehicle. PO McClain did not pay much attention to this; he figured that the car was just dropping someone off. The occupants of the second car, however, exited their vehicle and immediately approached PO McClain, yelling and screaming.

During this time, PO McClain was peering into the first vehicle through the open front passenger door. He did not enter the vehicle or look anywhere else in the car. He did not touch anything. PO Youkhan never looked inside the vehicle. The female occupant of the second car, later identified as § 87(2)(b) approached the first car and slammed the front passenger door shut. PO McClain opened the door again, and § 87(2)(b) slammed it shut again. She was yelling that the officers had no right to search the car and asked why they were always stopping and bothering people. The male in the second car, later identified as § 87(2)(b) was also yelling. At this point, PO McClain felt that he and his partner were in a very unsafe situation. PO McClain gave § 87(2)(b) and § 87(2)(b) at least four orders to leave, but they refused and continued yelling.

The officers still had § 87(2)(b) s and § 87(2)(b) s identification cards, but they did not have the opportunity to check for warrants because at this point, they had to deal with another situation, involving § 87(2)(b) and § 87(2)(b) § 87(2)(b) and § 87(2)(b) were cooperative throughout, and there was no additional evidence of marijuana. As a result, PO McClain decided that they should be warned and admonished; they were not issued any summons and were permitted to leave. PO McClain estimated that he and his partner were on the scene with § 87(2)(b) and § 87(2)(b) for a total of two minutes. PO McClain and PO Youkhan then were able to focus their full attention on dealing with § 87(2)(b) and § 87(2)(b) who expressed that they were relatives of § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) remained there, yelling. Because they refused to follow the officers' orders and based on their behavior, PO McClain decided to issue them both summonses for disorderly conduct. He asked § 87(2)(b) for her ID, but she refused to provide it until PO McClain provided his own information. PO McClain provided his name and shield number verbally and also physically showed his shield to § 87(2)(b) § 87(2)(b) asked PO Youkhan for his information as well, and he verbally provided it. § 87(2)(b) then

provided her own ID. PO McClain issued him a summons for disorderly conduct, and also issued § 87(2)(b) a summons for reckless driving because of a u-turn he later made when asked to move his car. The officers then left.

PO McClain estimated that he was with § 87(2)(b) and § 87(2)(b) for another five to six minutes total after the first car left. Additional officers happened to be passing by at some point during the incident and remained on scene briefly, maybe two minutes, to make sure that PO McClain and Youkhan had everything under control. PO McClain did not really have any conversation with them and did not know who they were; they were a plainclothes unit, males, but he could not describe them further other than they were wearing hooded sweatshirts.

Neither PO McClain nor PO Youkhan used any obscene language, specifically stating to, “Get the fuck out of here.” At one point during the incident, PO McClain told § 87(2)(b) that if she did not leave she would be placed in handcuffs and issued the summonses at the precinct, because she refused to cooperate. There were no UF 250 reports prepared. PO McClain has since appeared in court regarding the summonses, but § 87(2)(b) and § 87(2)(b) did not appear and they now have warrants for their arrests.

PO Tommy Youkhan (Enclosures 11A-C, 12A-C)

PO Tommy Youkhan was interviewed at the CCRB on November 10, 2009. On April 17, 2009, PO Youkhan worked a tour of 5:30p.m. until 2:05a.m. and was assigned as Conditions for the 41st Precinct with PO McClain. He was dressed in uniform and was assigned to a marked patrol car. PO Youkhan had no entries in his memo book pertaining to this incident, but he had an independent recollection of the incident.

On April 17, 2009 at approximately 10:15PM, PO Youkhan was patrolling in the vicinity of Hunts Point Avenue when he and PO McClain came across a vehicle with a loud muffler. He explained during his CCRB interview that as a Conditions officer, he frequently issues summonses for loud mufflers, loud radios, and other similar infractions. It was a mutual decision to pull over the vehicle, and the officers activated the patrol car’s lights to indicate for the vehicle to pull over.

When the vehicle stopped, PO Youkhan observed that there were two male occupants inside the vehicle. He could not recall whether he approached the driver side or the passenger side of the vehicle. Upon the officers’ approach, the occupants of the car rolled down their windows. PO Youkhan detected a strong smell of marijuana. Additionally, he could see smoke escape from the vehicle from when the males rolled down the windows. He did not see any additional evidence that the occupants were smoking marijuana, such as anything lit or marijuana in plain view.

The officers asked the individuals for identification, which they produced. Because of the officers’ suspicion that § 87(2)(b) and § 87(2)(b) had marijuana, they were asked to step out of the vehicle, and they were compliant. PO Youkhan noticed that § 87(2)(b) s and § 87(2)(b) s eyes looked “glassy.” Neither PO Youkhan nor PO McClain frisked § 87(2)(b) or § 87(2)(b) or put their hands on them at any point, from what PO Youkhan recalled. § 87(2)(b) s and § 87(2)(b) s names were not checked for warrants. Their vehicle was not searched, nor did either officer enter the car to visually scan inside the car or use a flashlight to look inside. PO Youkhan explained that the officers were on scene with § 87(2)(b) and § 87(2)(b) for less than a minute and they did not have the opportunity to do any of these things because a second car suddenly screeched, pulled a u-turn, and pulled over near the officers. PO Youkhan had not seen this vehicle prior to this point and could not recall the make or model.

There were two occupants in the second car, a male and a female, who immediately exited their car and ran over to the officers and the first two males. At this point, the officers were standing at the rear of the first vehicle with the first two males they had stopped. The male and female, later identified as § 87(2)(b) and § 87(2)(b) got very close to the officers, and were yelling and cursing, saying things like, “What the fuck,” and asking why the car had been stopped. PO Youkhan could not recall whether § 87(2)(b) or § 87(2)(b) made any statements about their relationship with § 87(2)(b) or § 87(2)(b) and § 87(2)(b) also slammed the doors closed to the first car that had been stopped, as § 87(2)(b) and § 87(2)(b) had left the car doors open. At this point, PO Youkhan felt that § 87(2)(b) and § 87(2)(b)

§ 87(2)(b)'s behavior created a very unsafe condition in terms of the officers' car stop. PO Youkhan and PO McClain advised § 87(2)(b) and § 87(2)(b) to leave, which they did. No summonses were issued to them. They then focused their attention on § 87(2)(b) and § 87(2)(b)

Neither PO Youkhan nor PO McClain made any calls on the radio, but an unknown number of plainclothes officers arrived on the scene to back PO Youkhan and PO McClain up. PO Youkhan believed that the officers may have just been passing by and stopped to make sure the situation was under control. PO Youkhan did not know how many officers, whether males or females, or which command they were from. He did not really have any conversation with them, and they were on the scene very briefly and left when § 87(2)(b) and § 87(2)(b) pulled away.

The first car left, and PO Youkhan and PO McClain turned their attention to § 87(2)(b) and § 87(2)(b) who were still screaming and acting disorderly. Both of them could have been arrested for disorderly conduct, given their behavior. However, PO Youkhan never stated and never heard PO McClain state that either could or would be arrested. Neither PO Youkhan nor PO McClain used any obscenities toward the civilians, specifically stating, "Get the fuck out of here." Because of their behavior, a small crowd began forming, as Hunts Point Avenue is a relatively busy area. PO Youkhan could not recall the size of the crowd; the crowd did not get involved but people were voicing their opinions about the officers.

§ 87(2)(b) and § 87(2)(b) were asked for their identification. They did not provide identification immediately and only produced them after multiple requests. The officers did not check for warrants; PO McClain immediately issued the two summonses for disorderly conduct and also issued § 87(2)(b) a second summons for the illegal u-turn. After the summonses were issued, § 87(2)(b) asked both officers for their names and shield numbers. Both officers verbally provided this information, as well as showed § 87(2)(b) their shields. PO Youkhan believed § 87(2)(b) obtained this information, because she had a pen and paper to write it down. He also recalled showing § 87(2)(b) his shield, as she had trouble spelling his name. § 87(2)(b) and § 87(2)(b) were then instructed to leave, which they did. The incident with them lasted for approximately ten minutes. § 87(2)(b) appeared in court and paid the fine for her summons, but § 87(2)(b) did not appear and likely has a warrant out as a result.

Officers Not Interviewed

Additional officers were not interviewed for this case given that the two officers that arrived at the location could not be identified § 87(2)(g)

Police Documents

Communication Records

There was no Sprint on file in connection with this incident.

UF 250 Log (Enclosure 13A)

The 250 log indicated that there were no UF 250 reports prepared for any individual during this incident.

Roll Call, Summonses, License/Warrant Checks (Enclosures 14A-H, 15A-B, 16A-L)

According to the 41st Precinct's tour 3 roll call, PO McClain and PO Youkhan were assigned as Conditions. Two out of three summonses were received at the CCRB. PO McClain issued disorderly conduct summonses to § 87(2)(b) and § 87(2)(b). § 87(2)(b)'s reckless driving summons was not received at the CCRB. § 87(2)(b)'s and § 87(2)(b)'s licenses were run on April 17, 2009 at approximately 2230 hours by PO McClain of the 41st Precinct.

Summons Dispositions

Searches conducted in E-Courts revealed that there is no longer any public record of § 87(2)(b)'s and § 87(2)(b)'s summonses.

Criminal Conviction Histories

Searches conducted in BADS yielded no results for arrests for § 87(2)(b) and the § 87(2)(b). Because § 87(2)(b)'s real name and date of birth are unknown, and because of the commonality of his name, a BADS search was not performed.

CCRB Histories (Enclosures 3A-B, 4A-D)

Officers

PO § 87(2)(b) McClain has been a member of the NYPD for two years, and he has no substantiated allegations in his CCRB history. PO Tommy Youkhan has also been a member of the NYPD for two years. He has no substantiated allegations in his CCRB history.

Civilians

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

Conclusions and Recommendations

Subject Officer Identification

PO McClain and PO Youkhan were identified by § 87(2)(b) and police documents and their own statements confirmed their roles in this incident. The subject officer who failed to provide his name and shield number to § 87(2)(b) could not be identified due to a lack of information.

Disputed Facts

It is not in dispute that PO McClain and PO Youkhan stopped § 87(2)(b)'s vehicle. At issue is whether: a) the officers frisked and were justified in frisking § 87(2)(b) and § 87(2)(b) b) an officer refused to provide his name and shield number to § 87(2)(b) and c) PO McClain threatened to arrest § 87(2)(b)

Allegation Not Pleaded

An allegation of a vehicle stop is not being pled. § 87(2)(g)
Additionally, a vehicle search is not being pled. § 87(2)(b) who claimed that the search occurred, arrived on scene midway through the incident, and § 87(2)(b) did not allege that a search occurred. § 87(2)(b) alleged that PO McClain told § 87(2)(b) to, "Get the fuck out of here;" however, § 87(2)(b) never made this claim. § 87(2)(g) Additionally, an allegation of retaliatory summons is not being pled. § 87(2)(g)

Assessment of the Evidence

§ 87(2)(g)
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§ 87(2)(g)
[Redacted]

Allegation A: PO Tommy Youkhan frisked § 87(2)(b)

Allegation B: PO Edward McClain frisked § 87(2)(b)

§ 87(2)(g)
[Redacted]

Allegation C: An officer refused to provide his name and/or shield number to § 87(2)(b)

Neither the officers nor the civilians knew the identity of the plainclothes officers who arrived on the scene, and the officers could have been from various commands. Additionally, § 87(2)(b) the victim of this allegation, failed to provide a CCRB statement. § 87(2)(g)

Allegation D: PO Edward McClain threatened to arrest § 87(2)(b)

§ 87(2)(g)
[Redacted]

§ 87(4-b), § 87(2)(g)
[Redacted]

§ 87(4-b), § 87(2)(g)
[Redacted]

Investigator: _____ Date: _____
Supervisor: _____ Date: _____
Reviewed by: _____ Date: _____
Reviewed by: _____ Date: _____