

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Evelis Otero	Team: Team # 3	CCRB Case #: 201013537	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 10/02/2010 6:39 AM	Location of Incident: § 87(2)(b) and inside of the 46th Precinct Stationhouse	Precinct: 46	18 Mo. SOL 4/2/2012	EO SOL 4/2/2012	
Date/Time CV Reported Mon, 10/04/2010 11:47 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 10/04/2010 11:47 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. LT Joyce Williams	00000	915020	046 PCT
2. POM Jason Cruz	11637	941599	046 PCT
3. POM Ronald Hobson	17689	941908	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Joyce Williams	Discourtesy: Lieutenant Joyce Williams spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx.	§ 87(2)(b)
B.POM Ronald Hobson	Force: PO Ronald Hobson used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.	§ 87(2)(b)
C.POM Ronald Hobson	Force: PO Ronald Hobson used pepper spray against § 87(2)(b) at § 87(2)(b) in the Bronx.	§ 87(2)(b)
D.POM Jason Cruz	Force: PO Jason Cruz used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx and en route to the 46th Precinct Stationhouse.	§ 87(2)(b)
E.POM Jason Cruz	Discourtesy: PO Jason Cruz spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx and en route to the 46th Precinct Stationhouse.	§ 87(2)(b)
F.POM Jason Cruz	Abuse: PO Jason Cruz did not obtain medical treatment for § 87(2)(b) inside of the 46th Precinct Stationhouse.	§ 87(2)(b)

Case Summary

On October 4, 2010, § 87(2)(b) filed a complaint via telephone with the CCRB (enc. B1-B3). On the same day, § 87(2)(b)'s girlfriend, § 87(2)(b) also filed a complaint regarding this incident with the CCRB via the call processing system, which was consolidated within this complaint. On October 2, 2010, at approximately 6:39am, § 87(2)(b) and § 87(2)(b)'s brother, § 87(2)(b) were arrested by PO Jason Cruz of the 46th Precinct at § 87(2)(b) in the Bronx. The following allegations resulted from the officer's actions:

- **Allegation A – Discourtesy: Lieutenant Joyce Williams spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx.**
§ 87(2)(g)
- **Allegation B – Force: PO Ronald Hobson used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.**
- **Allegation C – Force: PO Ronald Hobson used pepper spray against § 87(2)(b) at § 87(2)(b) in the Bronx.**
- **Allegation D – Force: PO Jason Cruz used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx and en route to the 46th Precinct Stationhouse.**
§ 87(2)(g)
- **Allegation E – Discourtesy: PO Jason Cruz spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx and en route to the 46th Precinct Stationhouse.**
- **Allegation F – Abuse of Authority: PO Jason Cruz did not obtain medical treatment for § 87(2)(b) inside of the 46th Precinct Stationhouse.**
§ 87(2)(g)

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old Hispanic male who is 5' 9" tall, weighs 260 pounds and has black hair and brown eyes.

Arrest Photograph

§ 87(2)(b)'s arrest photo shows abrasions to his forehead and to left side of his face. The arrest photo also reveals contusions to his right cheek (enc. E1).

Statements to Medical Personnel

The FDNY Pre-hospital Care Report indicates that on October 2, 2010, § 87(2)(b) informed EMS that he was pepper-sprayed (enc. L1-L4). § 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b) (enc. L5-52). § 87(2)(b) informed medical personnel that he was "taken to the ground" and kicked on the head by officers. § 87(2)(b) also informed EMS that he was pepper-sprayed.

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on December 15, 2010 (enc. E3-E7). § 87(2)(b)'s initial complaint narrative (enc. B1-B3), initial phone statement (enc. E2) and in-person CCRB testimony were generally consistent and are summarized below with any additions or exceptions noted.

On October 2, 2010, at approximately 6:39am, § 87(2)(b) his brother, § 87(2)(b) and § 87(2)(b)'s girlfriend, § 87(2)(b) left § 87(2)(b)'s residence, located at § 87(2)(b) in the Bronx, to take a taxi cab to § 87(2)(b) residence. § 87(2)(b)'s mother, § 87(2)(b) walked them downstairs and waited for them to get in the taxi cab. During § 87(2)(b)'s initial complaint narrative he indicated that they had exited a party in his apartment. During § 87(2)(b)'s initial phone statement he stated that he, § 87(2)(b) and § 87(2)(b) had gone to a club and then went to visit § 87(2)(b) at his residence before leaving the building to hail a taxi cab.

When the taxi cab arrived, they started to get in; however, § 87(2)(b) heard § 87(2)(b) who was standing by the entrance of § 87(2)(b) scream for help. § 87(2)(b) and § 87(2)(b) ran back into the building and observed two unidentified individuals pointing guns at an unidentified male, who ran behind § 87(2)(b). The individuals put their guns away when they saw § 87(2)(b) enter the building. § 87(2)(b) argued with the two individuals because he was upset that they were pointing their guns at his mother, who had nothing to do with their dispute with the other unidentified individual. One of the individuals argued back and threatened to shoot § 87(2)(b). § 87(2)(b) threw a plastic bottle at one of the individuals, who threw it back, striking § 87(2)(b). During § 87(2)(b)'s initial phone statement, he stated that as they waited for the taxi cab, a friend of his, whom he only knows as "§ 87(2)(b)" walked § 87(2)(b) back to the building and that a group of unidentified males ran towards the building as "§ 87(2)(b)" walked § 87(2)(b) back to her apartment. § 87(2)(b) further added during his initial phone statement that § 87(2)(b) signaled them to return to the building, which they did, and upon doing so they observed the group of males involved in a physical altercation with "§ 87(2)(b)" and that he, § 87(2)(b) and § 87(2)(b) tried to stop the fight.

Several officers, one of whom § 87(2)(b) identified by name as Lieutenant Joyce Williams of the 46th Precinct, arrived during the dispute, but the officers were unable to gain entry into the building. One of the individuals involved in the dispute opened the door, allowing the officers to enter the building. Approximately seven officers immediately entered. There was a crowd of approximately 15 people in the first floor lobby. The two armed individuals left the scene, while the person they had originally pointed their guns at ran upstairs.

Lieutenant Williams immediately ran past § 87(2)(b) handcuffs in hand, towards § 87(2)(b). § 87(2)(b) was standing on the stairs, facing § 87(2)(b) who was standing a few steps above her. § 87(2)(b) was unintentionally standing between Lieutenant Williams and § 87(2)(b). Lieutenant Williams appeared to be attempting to strike § 87(2)(b) with the handcuffs, but § 87(2)(b) did not personally see the officer ever striking § 87(2)(b) with the handcuffs. Lieutenant Williams bumped into § 87(2)(b) as she attempted to reach, grab and handcuff § 87(2)(b). The "bump" caused § 87(2)(b) to fall face-first onto the stairs. § 87(2)(b) sustained a fractured toe. According to § 87(2)(b) Lieutenant Williams possibly stepped on § 87(2)(b)'s foot when attempting to reach § 87(2)(b) which caused the fracture. § 87(2)(b) became upset at seeing his mother lying on her stomach on the stairs and attempted to help her up.

As § 87(2)(b) assisted § 87(2)(b) an officer, who was identified via the investigation as PO Ronald Hobson of the 46th Precinct, punched § 87(2)(b) on the left side of his face once. Initially, § 87(2)(b) stated that he was punched once. Later, § 87(2)(b) retracted his statement, saying he was punched an additional three times after the first punch. § 87(2)(b) further added that he was punched a total of 8 to 9 times by PO Hobson. § 87(2)(b) sustained a loose tooth. § 87(2)(b) did not respond verbally or physically when he was punched by PO Hobson. § 87(2)(b) continued to assist § 87(2)(b) until he ultimately got her into a seated position on the stairs. PO Hobson called for backup and § 87(2)(b) ran out of the building.

PO Hobson and a "stampede" of unidentified officers ran after § 87(2)(b) and "beat him up." § 87(2)(b) stated that the officers repeatedly struck him; however he could not articulate the force used against him. § 87(2)(b) was also pepper-sprayed. § 87(2)(b) lost consciousness and was unable to articulate the actions, if any, the officers took when they attempted to stop him from fleeing. § 87(2)(b) stated that he was

informed by witnesses (whom he could not identify) that the officers “beat him up” while he was unconscious. § 87(2)(b) stated that he stopped on his own and that PO Hobson punched him, causing him to fall to the ground, at which time the unidentified officers “stampeded” him. PO Hobson repeatedly said, “Stop resisting,” and punched him several times on the back of the head while the other officers kicked him. § 87(2)(b) indicated that officers who attempted to respond to the call for backup were involved in a vehicle accident. Once § 87(2)(b) was handcuffed, he was transported to the 46th Precinct stationhouse. Afterwards, § 87(2)(b) was transported to § 87(2)(b)

Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old Hispanic male who is 5’ 6” tall, weighs 140 pounds and has brown hair and brown eyes.

Arrest Photograph

§ 87(2)(b) s arrest photo does not show any visible injuries to his face (enc. D1).

Statements to Medical Personnel

§ 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b) (enc. M1-M20). § 87(2)(b) informed medical personnel that he was “abused” and “assaulted” by officers on the day of the incident, who pushed him to the ground and kicked him on the face and back.

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on December 15, 2010 (enc. D2-D6). § 87(2)(b) s statement was not consistent with that of § 87(2)(b) s and is summarized below as follows:

§ 87(2)(b) and § 87(2)(b) started to get into the taxi cab when they heard § 87(2)(b) who was standing by the entrance of § 87(2)(b) scream for help. § 87(2)(b) and § 87(2)(b) ran back into the building and observed several unidentified individuals with guns involved in a scuffle. § 87(2)(b) and § 87(2)(b) attempted to stop the fight and uniformed officers responded to the building shortly thereafter.

When the officers entered the building, the individuals involved in the scuffle walked right past the officers and left the building. None of the aforesaid individuals were stopped or arrested. An officer, who was identified via the investigation as Lieutenant Joyce Williams of the 46th Precinct, walked towards § 87(2)(b) who was standing on the stairs near § 87(2)(b) Lieutenant Williams stepped on § 87(2)(b) s foot and pushed her with two hands against her chest, causing her to fall in a seated position onto the stairs. § 87(2)(b) sustained fractured toes. § 87(2)(b) immediately got in Lieutenant Williams’ way, stopping her from reaching § 87(2)(b) A uniformed officer, who § 87(2)(b) described as a Black or Hispanic male with glasses who was tall, bald, heavyset and in his late 30s in age, grabbed § 87(2)(b) by his shirt and pushed him against a wall, so that his body was facing the wall, and instructed him to put his hands behind his back. § 87(2)(b) provided a physical description that matched PO Hobson’s pedigree; however, although he attributed allegations to PO Ronald Hobson of the 46th Precinct, based on the testimony of § 87(2)(b) and that of the officers involved in this incident, the investigation determined that the officer who interacted with § 87(2)(b) was actually PO Jason Cruz of the 46th Precinct. As a result, throughout the remainder of this report PO Cruz’s name will be in place of PO Hobson’s for any allegations § 87(2)(b) made against him. § 87(2)(b) did not immediately comply, as he turned and asked why he had to do so. PO Cruz informed § 87(2)(b) that he was resisting arrest and punched him on the face several times. § 87(2)(b) could not estimate the number of times he was punched. § 87(2)(b) observed § 87(2)(b) handcuffed on the floor; however, he did not know how she got to the floor. § 87(2)(b) could not recall who handcuffed § 87(2)(b) § 87(2)(b) complained to PO Cruz that § 87(2)(b) recently had a baby and PO Cruz replied, “Oh, we don’t give a fuck.”

As this was happening, § 87(2)(b) ran out of the building. Initially, § 87(2)(b) stated that he was inside of the building when § 87(2)(b) ran outside and that § 87(2)(b) was subsequently “beat up” by officers outside of the building; however, § 87(2)(b) retracted his statement and stated that he was being walked out in handcuffs towards an RMP by PO Cruz when he observed § 87(2)(b) being “beat up” by officers. § 87(2)(b) could not articulate the force used against § 87(2)(b) PO Cruz, who was walking § 87(2)(b) to the RMP, ran towards § 87(2)(b) who was still on the ground being “beaten up” and attempted to punch him in the face; however, § 87(2)(b) moved his face before the punch made contact and PO Cruz hit his fist against the concrete. Other unidentified officers walked § 87(2)(b) to and placed him in the RMP when PO Cruz left him.

PO Cruz and another officer, identified via the investigation as PO Hobson, drove § 87(2)(b) to the stationhouse. PO Hobson was the operator of the RMP. § 87(2)(b) continually asked the officers why he was being arrested. PO Cruz told § 87(2)(b) to “shut up.” § 87(2)(b) however, did not, and continued to ask why he was arrested. As they were driving past Valentine Avenue, PO Cruz instructed PO Hobson to “hit the brakes,” which he did, causing § 87(2)(b) to hit his face against the partition. PO Cruz exited the vehicle, opened the rear passenger door, grabbed § 87(2)(b) by his legs and pulled him out of the RMP. As PO Cruz pulled § 87(2)(b) out of the vehicle, his head hit the corner panel and he fell to the ground. Initially, § 87(2)(b) stated that PO Cruz continually asked, “Are you going to shut up,” and that he threatened to hit him if he didn’t. § 87(2)(b) later added that PO Cruz said, “Are you going to shut the fuck up,” and not only threatened to hit him but actually punched him four to six times on the face, near his jaw, after making the aforesaid threat. § 87(2)(b) was then transported to the stationhouse.

While in the holding cell, § 87(2)(b) informed PO Cruz that he needed medical attention. PO Cruz refused to obtain medical treatment for § 87(2)(b) and replied, “Rot in hell.” § 87(2)(b) continually “mouthed off” at PO Cruz while he was in the holding cell.

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) -old Hispanic female who is 5’ 7” tall, weighs 220 pounds and has brown hair and brown eyes.

Arrest Photograph

§ 87(2)(b) arrest photo does not show any visible injuries to her face (enc. F1).

Attempts to Contact Civilian

The investigator called § 87(2)(b) on October 7, 2010 and she provided a brief phone statement (summarized below) and scheduled an appointment for October 29, 2010. On the day of her appointment, § 87(2)(b) called and rescheduled the appointment for November 17, 2010. § 87(2)(b) missed her scheduled appointment and did not call prior to cancel or reschedule. A missed appointment letter was sent on the same day. The letter was returned to the CCRB marked as undeliverable. A subsequent call was made to § 87(2)(b) on November 22, 2010. § 87(2)(b) answered and scheduled an appointment for § 87(2)(b) for December 2, 2010. § 87(2)(b) missed her second appointment and did not call prior to cancel or reschedule. A second missed appointment letter was mailed to § 87(2)(b) which was sent to § 87(2)(b) s residence. A subsequent letter was mailed on December 23, 2010. The aforesaid letters were not returned to the CCRB. A search of the NYC DOC Inmate Lookup Service yielded negative results for § 87(2)(b) To date, the CCRB has been unable to obtain an official statement from § 87(2)(b)

§ 87(2)(b) provided the following phone statement on October 7, 2010 (enc. F2):

On the day of the incident, § 87(2)(b) and § 87(2)(b) returned from a nightclub and went to visit § 87(2)(b) at her residence, located at § 87(2)(b) in the Bronx. After leaving § 87(2)(b) s residence, they attempted to hail a cab. While waiting for a cab, they observed a group of unidentified males, who were armed with knives and guns, run into the building. These unidentified individuals attempted to attack a friend of § 87(2)(b) s, so § 87(2)(b) and § 87(2)(b) returned

to the building to stop the fight. Officers responded shortly thereafter and a female officer, identified via the investigation as Lieutenant Joyce Williams of the 46th Precinct, pushed § 87(2)(b) out of the way, causing § 87(2)(b) to fall to the floor. § 87(2)(b) complained to Lieutenant Williams and she replied, “I don’t give a fuck.” Lieutenant Williams pushed § 87(2)(b) to the ground and escorted her out of the building. Lieutenant Williams then pushed § 87(2)(b) against an RMP, handcuffed her and placed in an RMP. § 87(2)(b) did not claim to have observed officers punching or kicking § 87(2)(b) however, she did note that § 87(2)(b) attempted to flee from the officers.

Witness: § 87(2)(b)

- § 87(2)(b) s pedigree information is unknown.

Attempts to Contact Civilian

Both § 87(2)(b) and § 87(2)(b) identified § 87(2)(b) as a witness in this incident. § 87(2)(b) missed three appointments between the dates of November 17, 2010 and December 15, 2010. Three letters were mailed to § 87(2)(b) between those dates. The letters were not returned to the CCRB. A search of the NYC DOC Inmate Lookup Service yielded negative results for § 87(2)(b). To date, the CCRB has been unable to obtain an official statement from § 87(2)(b).

Witness: § 87(2)(b)

- § 87(2)(b) s pedigree information is unknown.

CCRB Statement

§ 87(2)(b) identified his sister, § 87(2)(b) as a witness for this incident. The investigator called § 87(2)(b) on January 10, 2011, and § 87(2)(b) provided a brief phone statement (enc. G1), which is summarized below.

On the day of the incident, § 87(2)(b) and § 87(2)(b) went to a club prior to visiting § 87(2)(b) at her residence. Shortly thereafter § 87(2)(b) and § 87(2)(b) left to take a taxi cab, at which time a fight ensued in the lobby with unidentified individuals. Officers responded to the location with regards. An officer, PO1, pushed § 87(2)(b) to the ground. Another officer, PO2, pushed § 87(2)(b) out of the way as she attempted to reach § 87(2)(b). This push caused § 87(2)(b) to fall to the ground and fracture her toe. A third officer, PO3, grabbed § 87(2)(b) and ripped his shirt. § 87(2)(b) ran out of the building, but he was ultimately stopped by several officers. § 87(2)(b) was handcuffed and passed out because he is diabetic. § 87(2)(b) was “beaten up” by unidentified officers but § 87(2)(b) could not articulate what she meant by “beaten up.” § 87(2)(b) and § 87(2)(b) were also “beaten up,” but § 87(2)(b) was unable to articulate the force used against them.

NYPD Statements

Subject Officer: LIEUTENANT JOYCE WILLIAMS

- Lieutenant Williams is a § 87(2)(b)-old Black female who is 5’ 4” tall, weighs 135 pounds and has black hair and brown eyes.
- On the day of the incident, Lieutenant Williams was the platoon commander at the 46th Precinct. She worked in uniform alone from 11:00pm on October 1, 2010 to 7:45am on October 2, 2010. Since the time of the incident, Lieutenant Williams was transferred to Detective Borough Bronx.

Line-of-Duty Injury Report

The Line-of-Duty Injury Report indicates that Lieutenant Williams sustained back and neck sprain and that she was not treated at a hospital (enc. H6). The Line-of-Duty Injury Report’s narrative states verbatim that “at the time and place of occurrence, the investigating supervisor did respond to the above

listed location reported by the AIDED MOS, where a 10-85 was called. At the location, the MOS was pushed, shoved and pulled by perps, while attempting to assist other MOS in apprehending defendants. The investigating supervisor recommends line of duty designation.”

Memo Book

Lieutenant Williams’ memo book notes verbatim that: “At 5:30am, respond to 10-52 (dispute) at § 87(2)(b) Back up sector 46GH. Upon arrival noticed a large group in hall of § 87(2)(b) Checked § 87(2)(b) and saw that it was quiet so went to § 87(2)(b) Large dispute. Plenty of people in lobby of yelling and screaming at each other, not complying when telling them to be quiet. Female loudest person, yelling and screaming, cursing at us. Attempted to arrest female and everyone started interfering and trying to prevent us from arresting her. Female swung at me. Struggle ensued, resulting in three under. Injuries to all three officers, myself, PO Hobson and PO Cruz. Sector 46GH transported one to the base. 46 Sergeant transported the other and another 46 transported last perpetrator (enc. H7-H14).”

CCRB Testimony

Lieutenant Joyce Williams was interviewed at the CCRB on January 24, 2011 (enc. H15-H17). On October 2, 2010, Lieutenant Williams was on patrol alone when a call regarding a dispute at § 87(2)(b) in the Bronx, came over the radio. PO Jason Cruz and PO Ronald Hobson of the 46th Precinct, who were assigned to patrol sectors G/H took the call. Lieutenant Williams responded to the location as backup; however, she arrived before PO Cruz and PO Hobson.

Upon arrival, Lieutenant Williams noticed that there was a large group within the lobby of § 87(2)(b) however, this was not the location that was given over the radio, so Lieutenant Williams drove by § 87(2)(b) to check the lobby. The lobby of § 87(2)(b) was quiet and there were no individuals within the lobby. At that time Lieutenant Williams realized that the wrong location was given over the radio. Lieutenant Williams waited for PO Cruz and PO Hobson to arrive before entering § 87(2)(b)

PO Cruz and PO Hobson arrived shortly thereafter and Lieutenant Williams informed them that the dispute was in the lobby of § 87(2)(b) All three officers then entered the building foyer, which had a crowd of approximately 10 people who were yelling and screaming at each other. One female, identified via the investigation as § 87(2)(b) was the loudest of the group. § 87(2)(b) continued to yell and curse in the presence of the officers, who were attempting to assess the situation. The officers asked everyone to calm down and explained that they would handle the situation but § 87(2)(b) continued to yell and curse. § 87(2)(b) directed the obscenities at an individual who was standing behind Lieutenant Williams. § 87(2)(b) refused to calm down and attempted to hit the individual who was standing behind Lieutenant Williams. Lieutenant Williams moved out of the way to avoid being hit and informed her officers that § 87(2)(b) was to be placed under arrest for § 87(2)(b).

When Lieutenant Williams, PO Cruz and PO Hobson attempted to place § 87(2)(b) under arrest, § 87(2)(b) entered the first floor lobby in attempt to avoid being handcuffed. The entire group followed and additional civilians joined the group. Lieutenant Williams was unaware of where the additional people came from, whether from inside or outside of the building, but she indicated that it appeared as if there was a party in the building. The group increased from approximately 10 people to 20. The entire group interfered with the officers’ attempt to place § 87(2)(b) under arrest by pulling on the officers and yelling at them to leave § 87(2)(b) alone. Lieutenant Williams attempted to handcuff § 87(2)(b) and she resisted by moving her upper body and flailing her arms. Lieutenant Williams was only able to get one cuff on § 87(2)(b) who continued to resist. § 87(2)(b) yelled, “You’re not arresting me. Get off me. I’m pregnant.”

While Lieutenant Williams was struggling with § 87(2)(b) an individual, identified via the investigation as § 87(2)(b) grabbed one of Lieutenant Williams’ arms, pulling her away from § 87(2)(b) PO Hobson grabbed § 87(2)(b) and pulled him away from Lieutenant Williams. A struggle ensued between PO Hobson and § 87(2)(b) but Lieutenant Williams was unable to articulate what occurred as her focus was on § 87(2)(b) Lieutenant Williams observed PO Cruz struggling with another individual,

identified via the investigation as § 87(2)(b) Lieutenant Williams noticed an older woman within the group, identified via the investigation as § 87(2)(b) however, Lieutenant Williams indicated that her main interaction was with § 87(2)(b) Lieutenant Williams could not recall having any specific physical interactions with anyone besides § 87(2)(b) but she indicated that it was likely she pushed people within the group when the struggle ensued.

The struggle between Lieutenant Williams and § 87(2)(b) continued and Lieutenant Williams went over the radio and requested assistance. Lieutenant Williams could not estimate how long the struggle lasted but indicated it lasted a long time. The building entrance continually opened and more civilians entered during the struggle. Lieutenant Williams went over the radio multiple times during the struggle, requesting assistance, but assistance never arrived. PO Cruz also went over the radio to request for assistance. At one point, Lieutenant Williams called central and asked why backup had not arrived. § 87(2)(b) exited the building during the struggle with PO Hobson, fleeing from him. PO Hobson chased after § 87(2)(b) Lieutenant Williams wanted to chase after § 87(2)(b) and assist PO Hobson, but she still did not have § 87(2)(b) fully handcuffed and she did not want to leave PO Cruz alone, who was still struggling with § 87(2)(b) Lieutenant Williams and § 87(2)(b) fell to the floor multiple times during the struggle. Ultimately, § 87(2)(b) became fatigued and voluntarily gave her arm to Lieutenant Williams, who was finally able to handcuff her. Lieutenant Williams did not use any other physical force against § 87(2)(b) other than grabbing her arms.

Lieutenant Williams proceeded to exit the building with § 87(2)(b) PO Cruz exited at the same time with § 87(2)(b) who was also handcuffed. Several officers from the 48th Precinct ran towards § 87(2)(b) at this time. Lieutenant Williams approached an unidentified sergeant from the 48th Precinct and asked why officers from her precinct did not respond to the call for assistance. The sergeant explained that officers from the 46th Precinct attempted to respond to the call but were involved in a major vehicle accident. The sergeant then provided the location of the accident to Lieutenant Williams. An unidentified officer took § 87(2)(b) away from Lieutenant Williams. Lieutenant Williams observed PO Hobson and several unidentified officers struggling with § 87(2)(b) who was already handcuffed and being placed into an RMP. § 87(2)(b) appeared to be refusing to sit and the officers were pushing him into the vehicle. PO Hobson and PO Cruz transported one of the arrestees to the stationhouse; however, Lieutenant Williams could not recall who specifically. Unidentified officers, one of whom was a sergeant, transported the remaining two arrestees to the stationhouse, separately. Lieutenant Williams then left to the location of the accident. Lieutenant Williams remained at the accident location until all of the officers involved in the accident were removed to the hospital via ambulance. Lieutenant Williams also went to the hospital because she had a swollen hand.

Lieutenant Williams denied using profane language at any point during the incident and denied hearing any of her officers using profanities during this incident. Lieutenant Williams indicated that pepper-spray was likely used; however she was not entirely certain. Lieutenant Williams indicated that it was possible that PO Cruz used his pepper-spray during the struggle but she was unable to provide additional details with regards.

Subject Officer: PO RONALD HOBSON

- *PO Hobson is a § 87(2)(b)-old Black male who is 5' 11" tall, weighs 215 pounds and has black hair and brown eyes.*
- *On the day of the incident, PO Hobson was assigned to patrol sectors G/H within the confines of the 46th Precinct. He worked in uniform from 11:15pm on October 1, 2010 to 7:50am on October 2, 2010, with PO Jason Cruz.*

AIDED

The AIDED report completed for PO Hobson stated, "At the time and place of occurrence, MOS was attempting to apprehend multiple perps and received a human bite to his right hand and sprained toe. MOS also suffered back and neck soreness (enc. I1-I5)."

Line-of-Duty Injury Report

The Line-of-Duty Injury Report indicates that PO Hobson was treated at § 87(2)(b) where his diagnosis was a human bite to his right hand, a sprained right toe and back strain (enc. I6). The Line-of-Duty Injury Report's narrative states verbatim that "at the time and place of occurrence the investigating supervisor did respond to the above listed location reported by the aided MOS, where a full blown 10-85 was called. At the location, the MOS was punched, pushed, shoved and bit, while attempting to apprehend a perpetrator and assist other MOS. Based upon the interview with the officer and subsequent investigation, the investigating supervisor recommends line of duty designation. The MOS sustained the injuries listed above."

Memo Book

PO Hobson's memo book notes verbatim that: "At 5:34am, 10-52 (dispute) at § 87(2)(b) People started to fight and resist arrest. At 7:00am, leaving to hospital, § 87(2)(b) At 1:00pm, discharged and went EOT (end of tour) (enc. I7-I9)."

CCRB Testimony

PO Ronald Hobson was interviewed at the CCRB on January 24, 2011 (enc. I10-I12). PO Hobson's statement was generally consistent with that of Lieutenant Williams. Only additions or exceptions are noted below.

The officers approached the building and saw a crowd of 20 to 25 people yelling and screaming in the first floor hallway. The officers were unable to gain entry right away into the building, as the people gathered in the hallway did not open the door. The officers knocked on the window in the door, alerting the group that they had responded and needed to get inside to provide assistance. Approximately 30 seconds later, the officers gained entry into the building.

Once inside of the building, the officers observed individuals walking back and forth in the hallway, while others were leaving the building. From this crowd, a strong scent of alcohol emanated. Everyone in the crowd appeared to be intoxicated. The officers tried to stop people, to ask them what was happening, but no one actually listened or stopped. Someone from within the crowd yelled, "Someone had a knife in the party. Ya'll fucking late. Where were ya?" Lieutenant Williams stepped up and started asking questions with regards to this individual who had a knife. Someone then yelled, "We don't need ya'll anymore. You can get the fuck out of here." Lieutenant Williams asked the group to "hold on," explaining that they were there in response to the call. A female, later identified as § 87(2)(b) started to curse at Lieutenant Williams, calling her a "black bitch." § 87(2)(b) continually used profane language towards Lieutenant Williams. PO Hobson indicated that § 87(2)(b) was the loudest individual in the group. PO Hobson asked Lieutenant Williams if § 87(2)(b) was "going under," and Lieutenant Williams said, "Yes, for § 87(2)(b)." PO Hobson explained that § 87(2)(b) was likely going to be released from the stationhouse with a § 87(2)(b) summons.

All three officers approached § 87(2)(b) and attempted to place her under arrest. The crowd started to yell at the officers, "Get the fuck out of here. Your service is no fucking good here. Ya'll just trying to arrest anybody. She has a baby." PO Hobson that the crowd often mentioned something with regards to § 87(2)(b) either recently having a baby or being pregnant at the time. As soon as the officers attempted to place § 87(2)(b) under arrest, the situation with the crowd turned out of control and became what PO Hobson described as "one of the worst nightmares of his career." The crowd immediately surrounded § 87(2)(b) blocking the officers from getting to her.

An individual from the crowd, later identified as § 87(2)(b) approached the officers and punched PO Cruz on the left side of his head/face area. PO Cruz stumbled back but did not fall to the floor. Both PO Hobson and PO Cruz turned their attention to § 87(2)(b) at this time. § 87(2)(b) was not pushed to the floor nor was he punched at any point by any of the officers. § 87(2)(b) resisted the officers by not giving up his hands. Both officers issued verbal commands to § 87(2)(b) to "give up his hands"

but he did not comply. Eventually, § 87(2)(b) gave his arms willingly to the officers and he was then handcuffed. PO Hobson assisted PO Cruz in handcuffing § 87(2)(b). Once § 87(2)(b) was secured, PO Hobson returned his attention to Lieutenant Williams.

Lieutenant Williams was still attempting to arrest § 87(2)(b) at this time. The crowd pushed Lieutenant Williams back, refusing to let her get to § 87(2)(b). Lieutenant Williams stumbled onto PO Hobson when she was pushed back. Lieutenant Williams at one point was also pushed onto the nearby stairs. The officers were unable to control or otherwise contain this crowd. The officers went over the radio requesting assistance multiple times, but assistance never arrived. PO Hobson felt people in the crowd punching him in the ribs and back area, approximately 6 to 7 times. PO Hobson indicated that more individuals should have been arrested during this incident; however, they never received assistance in time to do so.

When PO Hobson and Lieutenant Williams finally made it through the crowd and were close to § 87(2)(b) an individual, later identified as § 87(2)(b) approached and placed § 87(2)(b) in a “bear hug.” § 87(2)(b) told the officers, “You’re not taking my wife.” § 87(2)(b) then stated something to the effect of § 87(2)(b) was either pregnant or recently had a baby. PO Hobson and Lieutenant Williams instructed § 87(2)(b) multiple times to step back and to let go of § 87(2)(b) informing him that he was “interrupting official police business.” Eventually, § 87(2)(b) let go of § 87(2)(b) although he couldn’t recall how or why, and § 87(2)(b) started to “tussle” with PO Hobson. PO Hobson described the “tussle” as he and § 87(2)(b) holding each other, “shuffling,” until they both got outside. § 87(2)(b) ran out of the building during the “shuffling” and “tussling” and PO Hobson ran after him.

Once outside, both § 87(2)(b) and PO Hobson ended up on the ground, but PO Hobson could not recall what caused them to fall to the ground. § 87(2)(b) tucked his arms underneath him and refused to give his arms to PO Hobson. PO Hobson continually issued § 87(2)(b) verbal commands to “stop resisting,” but he did not comply. PO Hobson then punched § 87(2)(b) twice in the “mid-section,” but § 87(2)(b) still did not give up his arms. § 87(2)(b) yelled, cursed and screamed, saying, “No, I’m not giving you shit.” PO Hobson pulled out his pepper-spray and gave § 87(2)(b) one quick burst, which had no effect on him because he still kept his arms tucked underneath him. PO Hobson continued to pull § 87(2)(b) s arms and ultimately was able to only pull out one arm out from underneath him. Unidentified plainclothes officers from the 48th Precinct arrived on the scene during this struggle and assisted PO Hobson. The officers pulled out § 87(2)(b) s other arm and they used two sets of handcuffs on him, connecting one to the other, because he was a large, heavysset individual and they did not want to hurt him by using one pair of handcuffs. Once assistance arrived, it took only 20 to 30 seconds to handcuff § 87(2)(b).

Lieutenant Williams exited the building shortly thereafter with PO Cruz, § 87(2)(b) and § 87(2)(b). Lieutenant Williams noticed that PO Hobson’s hand was bleeding and she instructed him to go to the hospital. PO Hobson indicated that he had a bite mark on his hand, which he had not even realized he received. PO Hobson indicated that he likely sustained the bite during the struggle inside of the building as the crowd pressed around them. Additionally, PO Hobson indicated that he lost his cell phone during this struggle. PO Hobson, Lieutenant Williams and PO Cruz learned that 48th Precinct officers responded because officers from the 46th Precinct attempted to respond and were involved in a vehicle accident.

PO Hobson and PO Cruz transported § 87(2)(b) to the 46th Precinct Stationhouse. § 87(2)(b) apologized to PO Hobson while he was at the stationhouse. The desk sergeant, whom he was unable to identify, instructed another unidentified officer to take § 87(2)(b) to the holding cell. PO Hobson then went to § 87(2)(b). PO Hobson denied using profane language at any point during the incident and denied hearing any officers using profane language during this incident. PO Hobson denied striking § 87(2)(b) while he was handcuffed and inside of the RMP and denied observing officer doing so. PO Hobson also denied threatening to hit § 87(2)(b) and denied hearing any officer say this. PO Hobson had no interactions with § 87(2)(b) in the stationhouse nor did he hear him request for medical attention at any point during this incident.

wanted an unidentified individual out of the party because this individual had a knife. The officers tried to get information from this group, but the group continued to scream and yell profanities such as the “n-bomb.” The shouting continued to increase and the officers moved with the group past the foyer and into the first floor lobby. Once they were all in the lobby, a melee ensued.

Initially, PO Cruz could not recall what caused this melee to start, but upon further questioning PO Cruz remembered that the officers attempted to arrest an individual, who was later identified as § 87(2)(b) for § 87(2)(b), because she “got into a shouting match with Lieutenant Williams.” PO Cruz was unable to provide additional details with regards. When the officers attempted to arrest § 87(2)(b) the group started to grab, push, shove and kick the officers. Once this happened, PO Cruz’s attention was focused on an individual, who was later identified as § 87(2)(b). PO Cruz’s interaction with § 87(2)(b) was the only thing that stood out in PO Cruz’s mind, as he indicated that this interaction was what he mainly recalled. PO Cruz could not recall exactly what initiated his contact with § 87(2)(b) but he noted that § 87(2)(b) was one of the individuals in the group who pushed and ultimately resisted the most.

When PO Cruz focused his attention to § 87(2)(b) they both fell to the floor as a result of the group’s continual pushing and shoving. PO Cruz and § 87(2)(b) started to roll on the ground, struggling with each other, as PO Cruz tried to not only handcuff him but protect his gun belt at the same time. PO Cruz heard one of the officers, either PO Hobson or Lieutenant Williams, go over the radio and request assistance but assistance never arrived. Shortly thereafter, PO Cruz heard Lieutenant Williams request immediate assistance.

While PO Cruz struggled with § 87(2)(b) on the floor, he continually issued verbal commands, such as “Stop resisting.” § 87(2)(b) tucked his arms underneath him and did not comply. PO Cruz grabbed one of § 87(2)(b)’s arms and placed one handcuff on it. When PO Cruz attempted to grab the second arm, § 87(2)(b) spun around to face him and punched PO Cruz on the jaw. PO Cruz did not punch § 87(2)(b) at any point during this incident. PO Cruz turned § 87(2)(b) around, grabbed both arms and ultimately handcuffed him. PO Cruz’s struggle with § 87(2)(b) consisted only of pulling and grabbing of § 87(2)(b)’s arms and rolling on the floor with him.

PO Cruz looked up from his struggle with § 87(2)(b) every once in a while to see where Lieutenant Williams and PO Hobson were and to see if they were ok. However, PO Cruz’s focus was mainly on § 87(2)(b) and he was not aware of what was happening with the other officers and civilians. Several times during the struggle PO Cruz heard the building door open and he looked up, hoping that it would be additional officers, but backup never arrived. Unidentified civilians continually entered the building as the officers tried to gain control the situation.

Once PO Cruz handcuffed § 87(2)(b) he walked him out of the building and placed § 87(2)(b) in his RMP. § 87(2)(b) acted violently in the RMP by hitting his head against the glass and refusing to calm down. PO Cruz opened the RMP door and instructed § 87(2)(b) to calm down. Unidentified individuals, who were standing nearby, also told § 87(2)(b) to calm down and to listen to PO Cruz. PO Cruz did not know if these individuals were family members or just passerby’s. § 87(2)(b) although upset about being arrested, stopped hitting himself, complying with the officer’s directives. PO Cruz did not use any profane language during this incident when speaking with § 87(2)(b) or any other civilian during this incident nor did he hear any officer using profane language. PO Cruz indicated that the officers were “sucking wind” throughout this incident, which felt like forever, barely able to say anything past directives. PO Cruz did not threaten to hit § 87(2)(b) at any point nor did he observe any officer say this. PO Cruz did not punch § 87(2)(b) while he was handcuffed nor did he observe any officer do this. PO Cruz never removed § 87(2)(b) from the RMP at any point during the transport. PO Cruz and PO Hobson were the only officers to transport § 87(2)(b) to the stationhouse.

Once at the stationhouse, PO Cruz learned that officers from the 46th Precinct had attempted to respond to the call for assistance but were involved in a major motor vehicle accident. PO Cruz did not observe any injuries on § 87(2)(b)’s person nor did he request medical attention at any point during this incident. PO Cruz indicated that if § 87(2)(b) had requested medical attention he would have obtained it for him because § 87(2)(b) was being transported to the hospital with regards to this incident anyway. PO

Cruz had very minor interactions with § 87(2)(b) at the stationhouse, as PO Cruz ultimately left the stationhouse shortly after arriving because he sought medical attention at § 87(2)(b). PO Cruz sustained back pain and soreness.

Medical Records

- The FDNY Pre-hospital Care Report (enc. L1-L4) prepared for § 87(2)(b) indicates he complained of irritation to his eyes and rib pain. EMS noted that § 87(2)(b)'s eyes were irrigated prior to their arrival. EMS also noted bruising to § 87(2)(b)'s right cheek.
- On § 87(2)(b), § 87(2)(b) was treated at § 87(2)(b) (enc. L5-L52). His chief complaint was pain to his ribs, head, arms and legs. The diagnosis was a right nasal bone fracture. According to the medical records, it could not be determined whether the fracture was acute or old. Additionally, § 87(2)(b) sustained a “questionable” loose third molar tooth, head and facial contusions and right knee tenderness and contusions. The medical records revealed no dislocations or other fractures. § 87(2)(b)'s blood alcohol content (BAC) was listed as 8mg. § 87(2)(b) was prescribed 975mg of Tylenol, 1500mg of Robaxin (muscle relaxant) and he was given a 0.5ml tetanus shot.
- On § 87(2)(b), § 87(2)(b) was treated at § 87(2)(b) (enc. M1-M20). His chief complaint was right facial pain, and pain to his lower back and arms. The diagnosis was a fracture of the left mandible ramus (lower jaw bone). The medical records revealed no dislocations, additional fractures or any other physical injuries. § 87(2)(b) was prescribed 600mg of Tylenol and 1500mg of Robaxin (muscle relaxant).

NYPD Documents

46th Precinct Command Log

According to the command log for October 2, 2010 (enc. N19-N20), § 87(2)(b) and § 87(2)(b) were lodged into the stationhouse at 5:40am. § 87(2)(b) and § 87(2)(b) physical and mental conditions were noted as apparently normal, while § 87(2)(b)'s indicated that he was “maced.” The command log also indicated that § 87(2)(b) was transported to § 87(2)(b) at 9:18am.

SPRINT

SPRINT number § 87(2)(b) (enc. N10-N11) states that an anonymous male caller contacted 911 at 4:54am to report a fight in the lobby of § 87(2)(b) in the Bronx. At 5:14am, the officers assigned to the 46th Precinct's sector G, identified via the investigation as PO Cruz and PO Hobson, responded to the location. Another anonymous male caller contacted 911 at 5:25am to report that there was still a fight going on in the lobby. At 6:39am, three individuals were under arrest. SPRINT number § 87(2)(b) (enc. N12) states that at 6:47am, two ambulances were requested because one officer had an injury to his hand and a second officer had injuries to his back with regards to a 10-85.

Disposition of Arrests for Incident

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

Criminal Conviction History

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

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

CCRB History of Civilians

- [§ 87(2)(b)] and [§ 87(2)(b)] have not filed a CCRB complaint prior to this incident (enc. A4-A7).

CCRB History of Subject Officers

- Lieutenant Williams has had one substantiated allegation at the CCRB in her 16 years of service with the NYPD (enc. A1). In CCRB Case No. 9800613, the allegation was discourtesy (nasty words). The NYPD disposition was command discipline.
- PO Cruz has been a member of the service for 4 years and there are no substantiated CCRB allegations against him (enc. A2).
- PO Hobson has been a member of the service for 4 years and there are no substantiated CCRB allegations against him (enc. A3).

Conclusion

Investigative Findings and Recommendations

Identification of Subject Officers

- Lieutenant Williams, PO Hobson and PO Cruz acknowledged that they interacted with [§ 87(2)(b)] and [§ 87(2)(b)].

Allegations Not Pleaded

[§ 87(2)(g)] According to [§ 87(2)(b)] Lieutenant Williams accidentally “bumped” into [§ 87(2)(b)] when she attempted to place [§ 87(2)(b)] in police custody. [§ 87(2)(g)]

Allegation A – Discourtesy: Lieutenant Joyce Williams spoke obscenely to [§ 87(2)(b)] at [§ 87(2)(b)] in the Bronx.

[§ 87(2)(b)] alleged that Lieutenant Williams said, “I don’t give a fuck.” Lieutenant Williams denied the allegation. PO Hobson and PO Cruz’s statements corroborated that of Lieutenant Williams’. Neither [§ 87(2)(b)] nor [§ 87(2)(b)] corroborated [§ 87(2)(b)] statement. Additionally, [§ 87(2)(b)] did not claim to have heard any officer using profane language at any point during this incident. [§ 87(2)(g)]

[§ 87(2)(g)]

[§ 87(2)(g)]

[§ 87(2)(g)]

Allegation B – Force: PO Ronald Hobson used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.

Allegation C – Force: PO Ronald Hobson used pepper spray against § 87(2)(b) at § 87(2)(b) in the Bronx.

§ 87(2)(b) alleged that while inside of the lobby, PO Hobson punched him once on the left side of his face as he helped his mother, § 87(2)(b) up from the floor. § 87(2)(b) then retracted his statement, saying he was punched an additional three times after the first punch, then added that he was punched a total of 8 to 9 times by PO Hobson while in the lobby. After fleeing from the building, § 87(2)(b) alleged that unidentified officers ran after him and “beat him up.” § 87(2)(b) stated that the officers repeatedly struck him; however he could not articulate the force used against him. § 87(2)(b) claimed that he stopped on his own and that PO Hobson punched him, causing him to fall to the ground, at which time the unidentified officers “stampeded” him. § 87(2)(b) heard PO Hobson repeatedly said, “Stop resisting,” and punched him several times on the back of the head while the other officers kicked him. § 87(2)(b) claimed that he lost consciousness and was unable to articulate the actions, if any, the officers took when they attempted to stop him from fleeing. § 87(2)(b) stated that he was informed by witnesses, whom he could not identify, that the officers “beat him up” while he was unconscious. § 87(2)(b) also alleged that he was pepper-sprayed during the struggle.

According to PO Hobson, when he and Lieutenant Williams attempted to apprehend § 87(2)(b) § 87(2)(b) interfered by placing § 87(2)(b) in a “bear hug” and telling the officers that he was not going to allow them to “take his wife.” PO Hobson stated that § 87(2)(b) was instructed multiple times to step back and that he refused to comply. PO Hobson indicated that he and § 87(2)(b) “tussled” in the lobby and that ultimately the struggle continued outside of the building, where § 87(2)(b) attempted to flee. PO Hobson was unable to describe the “tussle” in the lobby, other than he and § 87(2)(b) “holding” each other and “shuffling,” until they both got outside. PO Hobson confirmed that he ran after § 87(2)(b) and that they both ended up on the ground, although he was unable to articulate what caused them to fall to the ground. According to PO Hobson, § 87(2)(b) tucked his arms underneath him and refused to give his arms to PO Hobson. PO Hobson continually told § 87(2)(b) to “stop resisting” and he did not comply. PO Hobson stated that he punched § 87(2)(b) twice in the “mid-section,” which had no effect on him since he still did not give up his arms. § 87(2)(b) yelled, cursed and screamed, saying, “No, I’m not giving you shit,” at which time PO Hobson pulled out his pepper-spray and gave § 87(2)(b) one quick burst, which had no effect on him because he still kept his arms tucked underneath him. PO Hobson continued to pull § 87(2)(b) s arms and was ultimately able to pull out only one arm out from underneath him. Unidentified plainclothes officers from the 48th Precinct arrived on the scene during this struggle and assisted PO Hobson in handcuffing § 87(2)(b) PO Hobson confirmed that he was the only officer to use force against § 87(2)(b) PO Hobson also indicated that all of the civilians involved in this incident appeared to be intoxicated and that a strong scent of alcohol emanated from them, including § 87(2)(b)

§ 87(2)(b) did not claim to have seen any officer using force against § 87(2)(b) however, § 87(2)(b) § 87(2)(b) remained in the lobby for most of the incident. § 87(2)(b) claimed to have seen officers “beating up” § 87(2)(b) outside of the building; however, his statement is dubious as he first claimed to have not seen anything at all because he was in the lobby when this occurred. § 87(2)(b) was also unable to articulate the force he allegedly witnessed being used against § 87(2)(b) § 87(2)(b) also claimed that § 87(2)(b) was “beat up” by officers, but she was also unable to articulate the force used against § 87(2)(b) Lieutenant Williams and PO Cruz were not entirely sure of what PO Hobson was doing once the melee ensued, as they were attempting to effect the arrests of § 87(2)(b) and § 87(2)(b)

PO Hobson was injured as a result of this incident and filed AIDED and Line-of-Duty reports with regards (enc. I1-I6). § 87(2)(b) s arrest report indicates that force was used against him to overcome assault (enc. J5-J6). § 87(2)(b) s arrest photo shows abrasions to his forehead and to left side of his face. The arrest photo also reveals contusions to his right cheek (enc. E1). According to the medical records from § 87(2)(b) § 87(2)(b) (enc. L1-L52), § 87(2)(b) sustained a right nasal bone fracture. However, it was noted in the medical records that it could not be determined whether the fracture was acute or old. Additionally, § 87(2)(b) § 87(2)(b) sustained a “questionable” loose third molar tooth, head and facial contusions and right knee

tenderness and contusions. The medical records revealed no dislocations or other fractures. § 87(2)(b) s blood alcohol content (BAC) was listed as 8mg.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g) NYPD
Patrol Guide Procedure 212-95 states, O.C. pepper spray may be used to effect an arrest, establish physical control of a subject resisting arrest and to establish physical control of a subject attempting to flee from arrest or custody (enc. 1-4). Moreover, O.C. pepper spray may be used in arrest or custodial restraint situations where physical presence and/or verbal commands have not been, or would not be, effective in overcoming physical resistance. § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation D – Physical Force: PO Jason Cruz used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx and en route to the 46th Precinct Stationhouse.

§ 87(2)(b) alleged that a uniformed officer, whom he described as a Black or Hispanic male with glasses who was tall, bald, heavyset and in his late 30s in age, grabbed him by his shirt and pushed him against a wall, so that his body was facing the wall, and instructed him to put his hands behind his back. This occurred after he admittedly attempted to interfere with the arrest of § 87(2)(b) by getting in the officers’ way. As noted previously, § 87(2)(b) provided a physical description that matched PO Hobson’s pedigree; however, although he attributed allegations to PO Hobson, based on the testimony of § 87(2)(b) and that of the officers involved in this incident, the investigation determined that the officer who interacted with § 87(2)(b) was actually PO Cruz. § 87(2)(b) acknowledged that he failed to comply with PO Cruz’s directives by not placing his hands behind his back and attempting to turn around when PO Cruz attempted to handcuff him. § 87(2)(b) alleged that PO Cruz then punched him on the face several times, but was unable to estimate the number of times he was punched. § 87(2)(b) also alleged that once he was handcuffed and placed in an RMP, PO Cruz and PO Hobson transported him to the stationhouse, at which time he continually asked the officers why he was being arrested and that PO Cruz instructed PO Hobson to stop the vehicle. Upon doing so, PO Cruz allegedly pulled § 87(2)(b) out of the RMP and punched him four to six times on the face, near his jaw.

PO Cruz denied punching § 87(2)(b) at any point during this incident. According to PO Cruz, once the melee in the lobby ensued, PO Cruz’s attention was focused on § 87(2)(b) because he was one of the individuals in the group who pushed and ultimately resisted the most. PO Cruz stated that he and § 87(2)(b) both fell to the floor as a result of the group’s continual pushing and shoving. PO Cruz and § 87(2)(b) started to roll on the ground, struggling with each other, as PO Cruz tried to not only handcuff him but protect his gun belt at the same time. PO Cruz indicated that he continually issued verbal commands, such as “stop resisting,” during the struggle and that § 87(2)(b) tucked his arms underneath him and did not comply. PO Cruz grabbed one of § 87(2)(b) s arms and placed one handcuff on it. PO Cruz stated that when he attempted to grab the second arm, § 87(2)(b) spun around to face him and punched PO Cruz on the jaw. PO Cruz turned § 87(2)(b) around, grabbed both arms and ultimately handcuffed him. According to PO Cruz, the struggle with § 87(2)(b) consisted only of pulling and grabbing of § 87(2)(b) s arms and rolling on the floor with him. PO Cruz also stated that § 87(2)(b) acted violently in the RMP by hitting his head against the glass and refusing to calm down. PO Cruz asserted that he opened the RMP door and instructed § 87(2)(b) to calm down. PO Cruz also stated that unidentified individuals, who were standing nearby, also told § 87(2)(b) to calm down and to listen to PO Cruz. According to PO Cruz, § 87(2)(b) although upset about being arrested, stopped hitting himself, complying with the officer’s directives.

Neither § 87(2)(b) nor § 87(2)(b) claimed to have witnessed any officer using force against § 87(2)(b) however, both were involved in their own separate interactions with officers § 87(2)(g) § 87(2)(b) claimed that § 87(2)(b) was “beat up” by officers, but she was also unable to articulate the force used against § 87(2)(b) Lieutenant Williams and PO Hobson were not entirely sure of what PO Cruz was doing once the melee ensued, as they were attempting to effect the arrests of § 87(2)(b) and § 87(2)(b) however, PO Hobson noted that he observed § 87(2)(b) punch PO Cruz on the face. PO Hobson also asserted that he assisted PO Cruz in handcuffing § 87(2)(b) although PO Cruz claimed to be the only officer that dealt with § 87(2)(b)

§ 87(2)(b)'s arrest report indicates that force was used against him to overcome assault (enc. J3-J4). § 87(2)(b)'s arrest photo does not show any visible injuries to his face (enc. D1). According to the medical records from § 87(2)(b) (enc. M1-M20), § 87(2)(b) sustained a fracture to his left mandible ramus (lower jaw bone). However, § 87(2)(b) did not seek medical treatment immediately after this incident. § 87(2)(b) was treated at § 87(2)(b) four days after the incident, at which time he was diagnosed with the aforesaid injury. PO Cruz was injured as a result of this incident and filed AIDED and Line-of-Duty reports with regards (enc. K1-K6).

It is undisputed that § 87(2)(b) and § 87(2)(b) were admittedly involved in a physical altercation prior to the arrival of the officers. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation E – Discourtesy: PO Jason Cruz spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx and en route to the 46th Precinct Stationhouse.

Allegation F – Abuse of Authority: PO Jason Cruz did not obtain medical treatment for § 87(2)(b) inside of the 46th Precinct Stationhouse.

§ 87(2)(b) alleged that PO Cruz said, “Oh, we don’t give a fuck.” § 87(2)(b) also alleged that PO Cruz told him to “shut the fuck up.” Additionally, § 87(2)(b) alleged he informed PO Cruz while he was in the holding cell that he wanted medical attention and that PO Cruz refused, saying, “Rot in hell.” PO Cruz denied the allegation. PO Hobson and Lieutenant Williams’ statements corroborated that of PO Cruz. Neither § 87(2)(b) nor § 87(2)(b) corroborated § 87(2)(b)'s statement. Additionally, § 87(2)(b) did not claim to have heard any officer using profane language at any point during this incident. Additionally, all three officers involved in this incident had minimal interactions with any of the arrestees once they were in police custody as they were injured and sought medical attention immediately after the arrests. § 87(2)(g)

§ 87(2)(b)

As noted previously, § 87(2)(b) did not seek medical attention immediately after this incident. § 87(2)(g)

Team: 3

Investigator: _____ Evelis Otero _____ 04/13/11
Signature Print Date

Supervisor: _____ _____ _____
Title/Signature Print Date

Reviewer: _____ _____ _____
Title/Signature Print Date

Reviewer: _____ _____ _____
Title/Signature Print Date