

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Danny Rivera	Team: Team # 1	CCRB Case #: 201102151	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tue, 02/15/2011 2:26 PM	Location of Incident: [REDACTED]	Precinct: 68	18 Mo. SOL 08/15/2012	EO SOL 8/15/2012	
Date/Time CV Reported Tue, 02/15/2011 3:10 PM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Fri, 02/18/2011 2:09 PM		

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

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

Subject Officer(s)	Shield	TaxID	Command
1. POM Thomas Smith	04481	§ 87(2)(b)	068 PCT
2. POM Ahmed Shohatee	23994	§ 87(2)(b)	068 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Thomas Smith	Force: PO Thomas Smith used physical force against § 87(2)(b) [REDACTED].	A . § 87(2)(g) [REDACTED]
B . POM Thomas Smith	Other: PO Thomas Smith provided a false official statement to the CCRB when he stated that he did not recall using physical force against § 87(2)(b) [REDACTED].	B . § 87(2)(g) [REDACTED]
C . POM Ahmed Shohatee	Other: PO Ahmed Shohatee provided a false official statement to the CCRB when he denied witnessing PO Thomas Smith use physical force against § 87(2)(b) [REDACTED].	C . § 87(2)(g) [REDACTED]

Case Summary

§ 87(2)(b) filed this complaint with the Internal Affairs Bureau on February 15, 2011 (encl. 4). The complaint was subsequently forwarded to the Civilian Complaint Review Board on February 18, 2011 under IAB log #11-06976. § 87(2)(b) stated that he had been involved in a physical altercation with two of his classmates, which took place in the vicinity of § 87(2)(b) in Brooklyn. Two police officers, identified via investigation as PO Thomas Smith and PO Ahmed Shohatee of the 68th Precinct, subsequently responded to the location. The following allegation arose as a result of the interaction between § 87(2)(b) and PO Smith:

- **Allegation A – Physical Force:** PO Thomas Smith used physical force against § 87(2)(b) § 87(2)(g) § 87(2)(g) § 87(2)(g)
- **Allegation B – Other Misconduct:** PO Thomas Smith provided a false official statement to the CCRB when he stated that he did not recall using force against § 87(2)(b) § 87(2)(g) § 87(2)(g) § 87(2)(g)
- **Allegation C – Other Misconduct:** PO Ahmed Shohatee provided a false official statement to the CCRB when he denied witnessing PO Thomas Smith use physical force against § 87(2)(b) § 87(2)(g) § 87(2)(g) § 87(2)(g)

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) § 87(2)(b)

Statements to Medical Providers

On § 87(2)(b), § 87(2)(b) informed medical personnel at § 87(2)(b) that he felt facial pain over the previous two hours from being assaulted by two teenagers (encl. 18K-18M). These individuals struck § 87(2)(b) with their fists, and kicked him in the face, head, and body. § 87(2)(b) was “dazed out” and could not answer questions when police officers arrived. § 87(2)(b) specified that PO Smith of the 68th Precinct struck him in the face and pushed him into a car.

Photographs of § 87(2)(b)

§ 87(2)(b)'s father, § 87(2)(b) provided three photographs of his son's injuries (encl. 7G-7I). The first photograph presents a left-side view of § 87(2)(b)'s face, and depicts extensive lacerations to his forehead, as well as some bleeding. § 87(2)(b) also sustained cuts to the area beneath the left eyebrow, just next to the left eye. Extensive swelling and redness of the nose is also observed. The second photograph presents a full-front view of § 87(2)(b)'s face; there are lacerations visible on either side of the bridge of his nose. There also appears to be redness just above his upper lip. The third photograph is also of the left side of § 87(2)(b)'s face, and does not present any other visible injuries.

CCRB Statements

§ 87(2)(b) provided an initial statement on February 15, 2011 (encl. 4), provided a phone statement on March 1, 2011 (encl. 6), was interviewed at the CCRB on March 14, 2011 (encl. 7B-7C), and provided a follow-up phone statement on April 12, 2011 (encl. 10).

§ 87(2)(g)

At approximately 2:26 p.m. on February 15, 2011, § 87(2)(b) left his school, § 87(2)(b) in Brooklyn, and walked towards the nearest R-train station, to attend a probation meeting at a Family Court office on Jay Street. § 87(2)(b) was placed on probation after an unrelated incident with another individual. When § 87(2)(b) reached § 87(2)(b) he noticed two of his classmates, § 87(2)(b) and § 87(2)(b); § 87(2)(b) instructed § 87(2)(b) to go into an alley, approximately fifty feet away, in the vicinity of § 87(2)(b). While § 87(2)(b) never had trouble with § 87(2)(b) and § 87(2)(b) in the past, he later learned a rumor existed that he had struck § 87(2)(b)'s sister, which led to subsequent events. Upon entering the alley, § 87(2)(b) and § 87(2)(b) began assaulting § 87(2)(b) by punching and kicking him, and stomping on his face. The pair knocked him to the ground. The assault lasted approximately four minutes and ended when a woman, who is unknown to § 87(2)(b) but was since identified through investigation as § 87(2)(b) intervened and said, "What are you guys doing? Get off him!" At that point, § 87(2)(b) and § 87(2)(b) scattered, after which § 87(2)(b) picked § 87(2)(b) up from the ground and walked him out of the alley. § 87(2)(b) believed that § 87(2)(b)'s children attend the elementary school across the street from the incident location, but he was not certain. § 87(2)(b) then went into the elementary school, identified via investigation as § 87(2)(b), and brought out a school safety agent, identified via investigation as School Safety Agent § 87(2)(b).

As an unknown woman and SSA § 87(2)(b) were approaching § 87(2)(b) two uniformed officers, identified via investigation as PO Thomas Smith (white male, 6'0" tall, thin build, late 40's to early 50's, light brown hair) and PO Ahmed Shohatee (Hispanic male, 5'10" tall, muscular build) of the 86th Precinct, arrived at the location in a marked vehicle. SSA § 87(2)(b) asked § 87(2)(b) if he was okay, while § 87(2)(b) gave § 87(2)(b) some paper towels to clean his face. § 87(2)(b) who was quite angry, answered the SSA § 87(2)(b) by "screaming random things." However, § 87(2)(b) did not recall the nature of these "random [statements]." At that point, PO Smith approached § 87(2)(b) while PO Shohatee went over to speak with SSA § 87(2)(b). PO Smith asked § 87(2)(b) a number of questions, including if he wanted to file a police report, if he knew his assailants, and in which direction they were last seen going; § 87(2)(b) who felt "dizzy" and "weird" following the attack, indicated that he wanted to leave the scene and speak with his father.

§ 87(2)(b) who then “lost [his] train of thought,” lowered his head for approximately ten seconds; moments later, he raised his head again, after which PO Smith pushed him into a vehicle, a small silver SUV. PO Smith pushed § 87(2)(b) with such force that this action caused a dent in the middle of the vehicle—which was approximately two feet behind him—and caused § 87(2)(b) to “bounce back” towards PO Smith. In a phone statement, § 87(2)(b) said that while his entire back made contact with the vehicle, it was his lower back that made the most contact. PO Smith then smacked § 87(2)(b) once on the right side of the face with his left hand and screamed, “Don’t disrespect me!” In a phone statement, § 87(2)(b) stated that PO Smith had smacked him in the face, and then pushed him into a vehicle. At that point, § 87(2)(b) looked at PO Smith’s badge and observed his last name. § 87(2)(b) responded to PO Smith’s actions by saying that he simply wanted to speak with his father, and that he wanted to leave the scene because he was on his way to a probation meeting. PO Smith asked to see § 87(2)(b)’s probation card, a document which § 87(2)(b) provided. Thereafter, the apparent owner of the vehicle, an unknown woman with children in tow, said to PO Smith, “[Officer], I know this is none of my business, but you just pushed that boy into my car.” PO Smith did not respond to this person, then stood at the scene for a couple of minutes before leaving with PO Shohatee. § 87(2)(b) was uncertain if he had spoken with PO Shohatee during the incident.

After PO Smith and PO Shohatee left the incident location, SSA § 87(2)(b) escorted § 87(2)(b) across the street to the elementary school, where § 87(2)(b) cleaned himself. Approximately five minutes later, an ambulance appeared, and EMS personnel examined § 87(2)(b). The EMS workers informed § 87(2)(b) that his nose had been broken, after which § 87(2)(b) attempted to “snap” it back into place. When the EMS workers told § 87(2)(b) that he had to accompany them to a hospital, he declined, saying that he wanted his father, § 87(2)(b) to pick him up from the school. EMS personnel told § 87(2)(b) that they would not leave him until § 87(2)(b) arrived to pick him up. Approximately ten minutes later, § 87(2)(b) arrived at the school, after which SSA § 87(2)(b) said, “§ 87(2)(b) tell him.” § 87(2)(b) replied, “Tell me what?” When § 87(2)(b) declined to explain what had happened, SSA § 87(2)(b) said, “Officer Smith just smacked your son across the face and pushed him into the car.” At that point, § 87(2)(b) said, “Okay, we’re going to the precinct.”

Upon arriving at the 68th Precinct stationhouse, § 87(2)(b) noticed PO Smith and pointed him out to his father who approached PO Smith. § 87(2)(b) then said, “I don’t want to talk to you because you just smacked my son in the face—go get your sergeant.” PO Smith replied, “Okay,” and walked away to summon his supervisor. § 87(2)(b) § 87(2)(b) then spoke with a sergeant—whose name § 87(2)(b) did not know—and filed a complaint against PO Smith. § 87(2)(b) was inside the precinct stationhouse for ten minutes, but then decided to wait in his father’s car. § 87(2)(b) left the stationhouse approximately ten minutes later. § 87(2)(b) and § 87(2)(b) subsequently went to § 87(2)(b), where a CT scan was performed on § 87(2)(b). § 87(2)(b) was informed that his nose had not been broken. As of the date of the CCRB interview, § 87(2)(b) continued to feel pain in his lower back, as a result of being pushed into the vehicle.

Witness: § 87(2)(b)

- § 87(2)(b)

SSA § 87(2)(b) was identified when the undersigned conducted fieldwork on April 14, 2011 and spoke with § 87(2)(b). SCG § 87(2)(b) identified

SSA § 87(2)(b) by name. SSA § 87(2)(b) was interviewed at the CCRB on June 28, 2011 (encl. 12A-12F). At approximately 2:30 p.m. on February 15, 2011, SSA § 87(2)(b) was inside § 87(2)(b). There were at least one hundred parents and students outside of the school, as school had been let out for the day. The school crossing guard, known only to SSA § 87(2)(b) as “§ 87(2)(b) (identified as § 87(2)(b))”, was also outside of the school. At this time, a parent name § 87(2)(b) entered the school and informed SSA § 87(2)(b) that a young man was being beaten nearby. SSA § 87(2)(b) exited the school—her partner, § 87(2)(b), remained inside—at which time she observed § 87(2)(b) lying on the ground in the fetal position near § 87(2)(b). SSA § 87(2)(b) observed individuals running from the scene, but is unaware if they were the perpetrators of the assault. SSA § 87(2)(b) approached § 87(2)(b) introduced herself, and asked him if he needed medical attention. By this point, SSA § 87(2)(b) determined that § 87(2)(b) had been “[beaten] up badly,” and that he had sustained a broken nose as well as contusions to the left side of the face. § 87(2)(b) then sat up, and SSA § 87(2)(b) helped him to his feet. § 87(2)(b) said that he needed to leave in order to make a probation meeting, and requested a mirror. SSA § 87(2)(b) told § 87(2)(b) that she did not have a mirror, and that considering his condition, she would not let him leave the scene. § 87(2)(b) who was very angry, said that the fight was “over a girl.” As SSA § 87(2)(b) was speaking with § 87(2)(b) an RMP with two uniformed police officers, identified via investigation as PO Thomas Smith (white male, 5’6” tall, thin build, brown to dirty blonde hair, 25-35 years of age, operator of RMP) and PO Ahmed Shohatee (Asian male, 5’1” tall, average build, dark brown or black hair, mid-twenties to early thirties), appeared at the location, as well as one of the parents who had called 911.

PO Smith and PO Shohatee exited their patrol vehicle, after which they approached § 87(2)(b). In terms of positioning, PO Smith was standing to the right of § 87(2)(b). PO Shohatee stood to his left; and SSA § 87(2)(b) stood directly in front of § 87(2)(b). At this point, SSA § 87(2)(b) informed PO Shohatee that three or four individuals had beaten § 87(2)(b). PO Smith did not allow SSA § 87(2)(b) to explain to him what had happened with § 87(2)(b). PO Shohatee did not do anything during the incident. PO Smith subsequently requested to see § 87(2)(b)’s identification. Nothing was ever said between SSA § 87(2)(b) and PO Smith. SSA § 87(2)(b) and § 87(2)(b) then leaned over to retrieve his book bag, which was lying on the ground a few feet away. While § 87(2)(b) was still bent over, approximately a foot away from a grey or gold minivan, PO Smith lifted him by the front of his jacket or outer garment, and pushed him in the chest into the vehicle, causing a dent on the rear passenger door of that vehicle, at waist level. PO Smith then momentarily pressed his hand against § 87(2)(b)’s face, causing § 87(2)(b)’s head to strike the minivan. When asked directly if PO Smith had smacked § 87(2)(b), SSA § 87(2)(b) responded in the affirmative. SSA § 87(2)(b) subsequently clarified that PO Smith’s action against § 87(2)(b) was a “smush” or “an open hand push to the face.” In response, § 87(2)(b) said, “Oh my God, could you believe that [PO Smith] did this to me? I just got beat up! I’m the victim!” § 87(2)(b) who then attempted to leave the scene, then said to PO Smith, “I just wanted to get you my ID.” PO Smith said something to § 87(2)(b) but SSA § 87(2)(b) did not hear what PO Smith said to him. At no point did § 87(2)(b) present his identification to PO Smith.

Out of concern for § 87(2)(b)’s welfare, SSA § 87(2)(b) extended her arms between PO Smith and § 87(2)(b) and then led § 87(2)(b) inside § 87(2)(b). The interaction between § 87(2)(b) and PO Smith lasted approximately seven minutes, and neither PO Smith nor PO Shohatee said or did anything as SSA § 87(2)(b) led § 87(2)(b) away. While he was inside the school, § 87(2)(b) went to the bathroom and cleaned himself up. At some point, § 87(2)(b) told SSA § 87(2)(b) that he needed to see his probation officer. Sometime later, SSA § 87(2)(b) sat § 87(2)(b) down on a chair, after which EMS personnel appeared. § 87(2)(b) however,

refused medical attention. Because of his age, EMS personnel were unwilling to let § 87(2)(b) leave the school without parental supervision. Approximately fifteen minutes later, § 87(2)(b)'s father arrived and told SSA § 87(2)(b) that he and his son would be going to the 68th Precinct. At some point, SSA § 87(2)(b) informed her supervisor of the incident, who in turn told her that she did not have to write about it in her memo book, as the incident took place "off-site," away from § 87(2)(b). In an addendum to her memo book (encl. 12D), SSA § 87(2)(b) wrote that § 87(2)(b) informed her about students fighting, and that § 87(2)(b) refused to file a complaint about it. SSA § 87(2)(b) however, does not make reference to either PO Smith or PO Shohatee.

Witness: § 87(2)(b)

§ 87(2)(b) provided a phone statement on August 5, 2011 (encl. 13). § 87(2)(b) broke up the fight between § 87(2)(b) and two other young men, and alerted SSA § 87(2)(b) about what had taken place. After bringing § 87(2)(b) some paper towels to clean his face, § 87(2)(b) left him with SSA § 87(2)(b) and the two police officers who subsequently arrived. § 87(2)(b) returned to the school to find her three children. By the time she exited the school with her children approximately ten minutes later, the police officers and § 87(2)(b) were gone. § 87(2)(b) therefore, did not see any interaction between § 87(2)(b) and the police officers; she was also unable to identify any other witnesses to the incident.

Witness: § 87(2)(b)

§ 87(2)(b) whose phone number was on the SPRINT, reported a bleeding male who had been "jumped," on April 14, 2011 (encl. 9). § 87(2)(b) stated that she contacted 911 because the cell phone of the actual witness in the case, another woman whose children attend the nearby school—but whom she does not personally know—was not working. § 87(2)(b) noted that she came after § 87(2)(b) had been assaulted, and after his assailants fled towards § 87(2)(b). § 87(2)(b) however, was present when the police officers arrived. When the officers asked § 87(2)(b) if he wanted to file a report, § 87(2)(b) repeatedly said that he needed to go to court and wanted to leave. § 87(2)(b) who was on her way to the school to pick up her children, did not stay to listen to the rest of the conversation, and, therefore, did not see a police officer allegedly hitting § 87(2)(b). When § 87(2)(b) returned to the scene, the nearby school's crossing guard/school safety agent said, "Did you see that? [The police officer] just hit the kid." § 87(2)(b) did not recall if the school safety agent asked her this question as the police were on scene.

Field Work

The undersigned and Investigator Alex Starace arrived at the incident location, § 87(2)(b) in Brooklyn, at approximately 2:30 p.m. on April 14, 2011 (encl. 11). Upon arriving at the location, the undersigned and Investigator Starace observed an on-duty crossing guard, § 87(2)(b), who is assigned to the local school § 87(2)(b)

§ 87(2)(b) who refused to speak on the record, stated that she directed police officers to where § 87(2)(b) had been assaulted, an area some twenty to thirty feet from the intersection of § 87(2)(b) near a fire hydrant. When the undersigned attempted to gain an official statement from § 87(2)(b) she became rather hesitant, and noted that SSA § 87(2)(b) her supervisor, was "on top of the situation." § 87(2)(b) did not see what took place between § 87(2)(b) and PO Smith, as she went back to directing foot traffic at § 87(2)(b). § 87(2)(b) also said that a parent of one of the school's

children told her that [PO Smith] had “paid her under the table” to get the damage to her car fixed. § 87(2)(b) who was unable to provide the name of this parent, then qualified the statement and said that she is unaware if the statement was true.

NYPD Statements:

Subject Officer: PO THOMAS SMITH

- § 87(2)(b) -old white male, 5’10” tall, 160 pounds, blonde hair and blue eyes
- On February 15, 2011, PO Smith worked in uniform and was assigned to patrol Sectors D and G of the 68th Precinct, alongside PO Ahmed Shohatee; he worked from 7:05 a.m. until 3:40 p.m. and used RMP #3005, a marked vehicle.

Memo Book

PO Smith’s memo book (encl. 14A-14B) reflects that at 2:27 p.m., he received a call regarding an assault in progress at § 87(2)(b) at 2:50 p.m., the job was closed as 10-90Y (uncooperative complainant).

CCRB Testimony

PO Thomas Smith was interviewed at the CCRB on September 28, 2011 (encl. 15A-15C). At approximately 2:27 p.m. on February 15, 2011, PO Smith and his partner, PO Ahmed Shohatee, received a 10-34 radio run for an assault in progress on the northwest corner of § 87(2)(b) in Brooklyn. PO Smith did not know who reported the assault in progress, or what time he eventually arrived at the stated location. Upon arriving at the location, PO Smith observed § 87(2)(b) who was “disheveled” and had clearly been in an altercation, but did not appear to be injured. PO Smith did not recall § 87(2)(b) bleeding or having sustained black eyes. § 87(2)(b) was standing on his own accord. When asked if there was a silver SUV immediately behind § 87(2)(b) PO Smith stated that he “assume[d]” this was the case; however, he did not specifically recall a silver SUV at the location. PO Smith did not observe a vehicle behind § 87(2)(b) having sustained damage. In total, there were four individuals present for the incident—including PO Smith, PO Shohatee, § 87(2)(b) and the School Safety Agent (white female, 5’4” tall, identified as § 87(2)(b) PO Smith did not recall the School Crossing Guard (identified as § 87(2)(b) being present. No other officers, supervisory or otherwise, responded to the location.

§ 87(2)(b) whom PO Smith observed for under a minute before approaching him, displayed “belligerent” behavior: he yelled, cursed, and screamed. PO Smith did not recall the specific phrases or curses that § 87(2)(b) said. § 87(2)(b) also “[got] in the face” of SSA § 87(2)(b) and “[berated]” her in what was “a heated exchange.” SSA § 87(2)(b) with whom PO Smith did not have a conversation, was not speaking in a loud tone of voice, but had attempted to learn more information about the assault. When asked to describe how § 87(2)(b) “got in the face” of SSA § 87(2)(b) PO Smith clarified that § 87(2)(b) was in a “verbal altercation” with her, saying, in a loud tone of voice, that he did not need her assistance, that he would take care of the situation on his own, and that he wanted her to get away from him. Given § 87(2)(b)’s “belligerent” and “berating” behavior, PO Smith subsequently instructed him to calm down, grabbed him by the jacket, and moved him away from SSA § 87(2)(b) When asked by his PBA attorney if PO Smith thought that the encounter between § 87(2)(b) and SSA § 87(2)(b) would “escalate,” PO Smith answered in the affirmative. Prior to being separated, § 87(2)(b) was

approximately one to two feet away from the SSA § 87(2)(b) PO Smith did not recall making any other kind of physical contact with § 87(2)(b) or otherwise “getting real physical” with him. PO Smith did not remember either pushing § 87(2)(b) or smacking him across the face. PO Smith also did not recall if a civilian had approached him and said something to the effect of, “Excuse me, officer, but you just pushed that boy into my car.”

PO Smith then tried to get detailed information from § 87(2)(b) regarding the assault, but he was likewise uncooperative; § 87(2)(b) who seemed to understand PO Smith’s line of questioning, would not tell PO Smith exactly what had happened, and would not indicate what his assailants looked like or in what direction they had gone. PO Smith did not tell § 87(2)(b) not to “disrespect” him. § 87(2)(b) said that he did not need the assistance of police officers, and that he would find his assailants and take care of the situation himself. PO Smith asked § 87(2)(b) for more information for “anywhere from five to ten times.” PO Smith did not recall where PO Shohatee was positioned as he spoke with § 87(2)(b) PO Smith subsequently deemed § 87(2)(b) to be “uncooperative,” and left the location with PO Shohatee, who did not interact with § 87(2)(b) PO Smith, who was at the location for approximately thirty minutes, was unaware if PO Shohatee spoke either with SSA § 87(2)(b) or the School Crossing Guard, and did not observe him use physical force against § 87(2)(b) PO Smith did not know what became of § 87(2)(b) once he left the location, as § 87(2)(b) was still at § 87(2)(b) he did not know if SSA § 87(2)(b) led him away. Ultimately, there was no report prepared in connection with the assault of § 87(2)(b)

Witness Officer: AHMED SHOHATEE

- § 87(2)(b) -old white male, 5’9” tall, 205 pounds, black hair and brown eyes
- On February 15, 2011, PO Smith worked in uniform and was assigned to patrol Sectors D and G of the 68th Precinct alongside PO Thomas Smith; he worked from 7:05 a.m. until 3:40 p.m. and used RMP #3005, a marked vehicle.

Memo Book

PO Shohatee’s memo book (encl. 16A-16C) reflects that he received a call regarding an assault in progress at § 87(2)(b) at 2:50 p.m., the job was closed as a 10-90Y (uncooperative complainant).

CCRB Testimony

PO Ahmed Shohatee was interviewed at the CCRB on September 28, 2011 (encl. 17A-17C). At approximately 2:27 p.m. on February 15, 2011, PO Shohatee and his partner, PO Thomas Smith, received a call of a male being assaulted at § 87(2)(b) PO Shohatee believed that the call came from an anonymous individual. Upon arriving at the location, PO Shohatee observed a young man, § 87(2)(b) facing westbound on § 87(2)(b) with a School Safety Agent § 87(2)(b) § 87(2)(b), identified as SSA § 87(2)(b) There were a number of individuals in the area, as parents were picking up their children from the nearby school, but PO Shohatee could not provide an approximate number. No officers other than PO Shohatee and PO Smith responded to the call. PO Shohatee observed that § 87(2)(b) had a ripped shirt, scratches on his neck, and “a couple of knots on his head,” but did not recall seeing any blood or bruises.

There was a black Jeep parked behind him which had a small dent on the rear passenger door. PO Shohatee did not know when the vehicle sustained such damage.

§ 87(2)(b) was going “back and forth” with SSA § 87(2)(b) screaming and cursing at her. PO Shohatee recalled § 87(2)(b) saying, “Leave me the fuck alone,” and it appeared to PO Shohatee that § 87(2)(b) was about to “go against” SSA § 87(2)(b). Given this behavior, PO Smith separated § 87(2)(b) from SSA § 87(2)(b) with his right arm, in a sweeping motion. However, PO Shohatee did not see PO Smith push § 87(2)(b) against a vehicle, and did not see PO Smith smack § 87(2)(b) across the face. PO Shohatee did not observe PO Smith using any kind of force against § 87(2)(b); indeed, he did not observe PO Smith making any kind of physical contact with § 87(2)(b). PO Shohatee also did not hear PO Smith say something to the effect of, “Don’t disrespect me.” Further, PO Shohatee did not observe a civilian approach PO Smith and subsequently say, “Officer, you just pushed that boy into my car.”

PO Shohatee then tried to get more information from SSA § 87(2)(b) who told PO Shohatee that § 87(2)(b) had been “jumped” by a group of youths and tried to ascertain if he wanted to file a complaint. After PO Shohatee spoke with SSA § 87(2)(b), § 87(2)(b) attempted to walk away from PO Smith and the location. PO Shohatee, however, approached § 87(2)(b) and asked him if he wanted to file a report regarding the assault. § 87(2)(b) declined to do so, saying that he would handle the situation “[his] way.” § 87(2)(b) also said, “You fucking pigs—I do not need you.” PO Smith did not speak with SSA § 87(2)(b) and he stood to PO Shohatee’s right as the latter spoke with § 87(2)(b). PO Shohatee, who grew up in the neighborhood where the incident took place, told § 87(2)(b) that he must have known the youths who perpetrated the assault. While § 87(2)(b) who was “very rude and uncooperative” with PO Shohatee—acknowledged knowing his assailants, he refused to file a report.

In the meantime, PO Smith spoke with a parent § 87(2)(b) who was picking up her child from school—approximately thirty feet away from PO Shohatee—for two to three minutes, but PO Shohatee did not know this person, and did not know what was said between them. The incident, which lasted approximately ten minutes, ended when SSA § 87(2)(b) led § 87(2)(b) to the nearby school so that she could contact his parents. At approximately 3:30 p.m., at the 68th Precinct stationhouse, PO Shohatee observed § 87(2)(b) and his father near the area where civilians file complaints. PO Shohatee thought that the elder § 87(2)(b) was going to file a report on behalf of his son, but did not know if this was indeed what took place. PO Shohatee saw that the younger § 87(2)(b) noticed him while in the stationhouse, but neither of the § 87(2)(b) men approached PO Shohatee, and he did not interact with them.

Medical Records

§ 87(2)(b) appeared at § 87(2)(b) on § 87(2)(b) (encl. 18A-18AB). As a result of the assault, § 87(2)(b) sustained injuries in the face, left temple, both knees, and suffered a bloody nose and a headache. The medical records also note that § 87(2)(b) sustained echymosis (discoloration of the skin through bruising) on the bridge of the nose, as well as a bruise on the left side of the face.

NYPD Documents

SPRINT § 87(2)(b)

The SPRINT report (encl. 19A-19B) reveals that a call describing a bleeding male on the corner of § 87(2)(b) was placed to 911 at 2:26 p.m. via ANI-ALI

number § 87(2)(b), which belongs to § 87(2)(b). At 2:27 p.m. the female caller states that the male § 87(2)(b). At 2:27 p.m., an ambulance call report is created, and a minute later its arrival time is estimated to be 2:35 p.m. Sector D from the 68th Precinct arrived at 2:28 p.m. EMS personnel arrived on scene at 2:38 p.m. At 2:50 p.m., sector D provided a final disposition of unnecessary and classified § 87(2)(b) as an “uncooperative complainant.” The 68th Precinct’s sergeant also put through a final disposition of unnecessary. The responding police unit resumed patrol at 3:02 p.m.

911/Communications CD

An unidentified female caller states that three young men were in a fight at § 87(2)(b) in Brooklyn, leaving one of them bleeding on the street; the two other men fled towards § 87(2)(b). The female caller makes reference to a crossing guard, but it is not clear if that person saw what happened. An operator at the Command Center contacts sector D of the 68th Precinct to note that a male had been assaulted by two other students at § 87(2)(b). The call is coded as a 10-34, assault in progress. Sector D ultimately reports that the complainant is uncooperative.

Command Log – 68th Precinct

An entry at 3:10 p.m. (encl. 21) reflects that § 87(2)(b) § 87(2)(b) s father, was present at the 68th Precinct stationhouse to file a civilian complaint against PO Smith. The entry also notes that § 87(2)(b) left the stationhouse at 3:50 p.m.

Status of Civil Proceedings

- § 87(2)(b) § 87(2)(b) filed a Notice of Claim (encl. 8A-8C), on behalf of himself and § 87(2)(b) with the City of New York on March 17, 2011, claiming that § 87(2)(b) “was caused to be severely injured by reason of negligence and recklessness of the New York City Police Officers...[and] was maliciously assaulted and battered by New York City police officers, including...[PO] Smith, who verbally and physically abused and assaulted and falsely detained § 87(2)(b) by throwing and slamming him against a motor vehicle and striking § 87(2)(b) in the face thereby breaking his nose [and] cursing at § 87(2)(b). As a result of the incident in which “excessive force” was used against him, § 87(2)(b) sustained “multiple injuries including but not limited to [an] unstable displaced left elbow fracture, back and neck soft tissue injuries with additional and radiating pain to the head, face, neck, back, body, hands, feet, shoulders, [and] limbs[.]” § 87(2)(b) § 87(2)(b) and § 87(2)(b) seek \$5 million as redress. No 50-h hearing was scheduled as of January 24, 2012.

Civilian’s Criminal History

- As of October 5, 2011, Office of Court Administration records reveal no criminal convictions for § 87(2)(b).

Civilian’s CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 3).

Subject Officers’ CCRB History

- PO Thomas Smith has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. 2A).
- PO Ahmed Shohatee has been a member of the service for four years and there are no substantiated CCRB allegations against him (encl. 2B).

Conclusion

Identification of Subject Officer(s)

§ 87(2)(b) stated that he observed PO Smith's name on his badge, and PO Smith acknowledged having an interaction with § 87(2)(b). PO Shohatee acknowledged being present for the incident.

Investigative Findings and Recommendations

Allegation A – Physical Force: PO Thomas Smith used physical force against § 87(2)(b)

§ 87(2)(g), alleged that PO Smith pushed him into a vehicle with so much force that his body caused a dent to one of its doors, and that he subsequently “bounce[d] back” towards PO Smith. § 87(2)(b) also alleged that PO Smith smacked him across the face.

School Safety Agent § 87(2)(b) who was present for the interaction between PO Smith and § 87(2)(b) confirmed § 87(2)(b)'s version of the events. SSA § 87(2)(b) a civilian employee of the NYPD, § 87(2)(g). SSA § 87(2)(b) stated that when § 87(2)(b) bent over to pick up his book bag in an effort to retrieve his identification, PO Smith lifted him by the front of his jacket or outer garment, pushed him in the chest into the vehicle behind him, and smacked him in the face. SSA § 87(2)(b) clarified that out of concern for § 87(2)(b) she subsequently extended her arms between him and PO Smith. Furthermore, § 87(2)(b) an individual whose children attend the school in the vicinity of the incident and who witnessed a portion of the events, stated that SSA § 87(2)(b) asked her, “Did you see that? [PO Smith] just hit § 87(2)(b).”

Neither officer admitted that PO Smith slapped § 87(2)(b) or pushed him into a vehicle. Although PO Shohatee denied PO Smith made any kind of physical contact with § 87(2)(b) PO Smith stated that he did grab a “belligerent” § 87(2)(b) by his jacket and moved him away from SSA § 87(2)(b). PO Shohatee added that he observed a small dent on the rear passenger door of the black Jeep that was parked behind § 87(2)(b) but he did not know when the vehicle sustained such damage.

Procedure 203-11 of the Department's Patrol Guide (encl. 1A-1B) states that members are authorized to use “only that amount of force necessary to overcome resistance” for the purposes of effecting an arrest, or to take an emotionally or mentally disturbed person into custody. PO Smith explained that he thought the encounter between SSA § 87(2)(b) and § 87(2)(b) was going to “escalate.” § 87(2)(g)

§ 87(2)(g)

Patrol Guide procedure 203-08 (encl. 1C) explicitly states that “the intentional making of a false official statement [by members of service] is prohibited.” § 87(2)(g)

As discussed in Patrol Guide procedure 203-08 (encl. 1C), intentionally making a false official statement is prohibited. § 87(2)(g)

Investigator: _____
 Signature Print Date

Supervisor: _____
 Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date