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## Interview Details

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██████████ is a ████████-year-old Asian male who stands 5'7", weighs 115 pounds, and has black hair and brown eyes. He was unemployed during his CCRB interview.

### CCRB Testimony

██████████ was interviewed at the CCRB on May 23, 2011. ██████████ read from a note that he typed into his iPhone on April 29, 2011 that described the incident, and then follow up questions were asked thereafter.

On April 28, 2011, ██████████ left his house, located at ██████████ in Queens, to meet his friend, ██████████. Later in the interview, ██████████ stated that he did not recall what time he left his house, but if he were to guess, it would have been 11:00 or 11:15am. ██████████ wore white and blue Nike sneakers, blue jeans, a grey hoodie, and a blue New York Yankees baseball cap. He had his wallet in his front right pants pocket, his iPhone, keys, gum, Chapstick, and coins in his front left pants pocket, and a painter's knife (a foldable curved blade 2.5" in length, with a 3" black rubber handle without a clip) in his back right pants pocket. The knife was used during his now-former job ██████████.

With stopping anywhere else or interacting with anyone, ██████████ drove to ██████████, where ██████████ was waiting for him. ██████████ drove a red two-door 2002 Honda Civic coupe; he did not know the New York license plate number of the car during his CCRB interview as the car was registered under his father's name. In the rear passenger seat towards the front passenger side, ██████████ had a black backpack containing a grey 17" MacBook Pro laptop with a clear rectangular sticker the size of an iPhone and the words "V-Moda" in black lettering, a laptop charger, an external hard drive, a folder with various documents, an iPhone charger, a broken digital camera, a leather bag holding earphones, and a pen. A stack of approximately 50 blank CDs held in a spindle with a handle was also on the floor of the rear passenger seats.

The drive to pick up ██████████ at the intersection took about ten to fifteen minutes. ██████████ was described as a skinny ████████-year-old West Indian Guyanese male who stood 5'10" to 5'11" and had black curly hair and a goatee. ██████████ wore a fitted cap and baggy pants, but ██████████ did not recall any other details regarding his attire or possessions, except that ██████████ did not have any packages or bags with him.

At approximately 1:00pm, ██████████ and ██████████ drove to a bodega on ██████████, a one-way street, and ██████████ without stopping anywhere else or interacting with anyone else. With the car double-parked, ██████████ remained sitting in the driver's seat and listened to music without ever exiting the car while ██████████ went into the store to buy cigarettes. ██████████ returned to the car within five minutes with cigarettes; ██████████ did not recall where the cigarettes were on ██████████ person and he did not recall if ██████████ was holding anything in his hands when he exited the store.

██████████ and ██████████ then drove and parked in a metered spot on ██████████, in front of a Citibank, because ██████████ wanted to buy something to eat. Approximately 30 seconds later, as ██████████ was inside his car smoking a cigarette still seated with ██████████ an unmarked black four-door sedan that appeared to be a Crown Victoria pulled up to the right side of ██████████ car. Three plainclothes officers exited and approached ██████████ and ██████████.

PO Martins, who would later identified himself as such, was described as an athletically-built fair-complexioned white male in his late 20s to early 30s who stood 5'6", had short black hair, and wore blue jeans. PO1 was a stocky white male in his early to mid-30s who stood 5'10", had short light-colored hair, and wore a dark-colored nylon jacket. PO2 was an athletically-built white male in his mid to late 30s who stood 5'10", had blue eyes and a buzzcut, and also wore a dark-colored nylon jacket.

PO Martins approached ██████████ driver side while PO1 and PO2 stood by ██████████ front passenger side. All three officers asked ██████████ and ██████████ "What are you doing?" and both replied, "Nothing." PO Martins asked ██████████ for his license and registration, which he produced. ██████████ and ██████████ were then asked by the officers if he had anything that he "wasn't supposed to have" and when both denied it, the officers told them to exit the car and they complied.

Upon exiting the car, PO Martins frisked ██████████ patting his waistband and pants pockets. PO Martins placed his hands into ██████████ hoodie and pants pockets, removing ██████████ keys, gum chap stick, and wallet. During this time, ██████████ remembered that he had his painter's knife in his back pocket and informed PO Martins, who removed the knife. ██████████

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looked towards [REDACTED] and saw PO1 patting and placing his hands into [REDACTED] front pockets, but he did not see any officer remove any of [REDACTED] belongings.

PO1 instructed [REDACTED] and [REDACTED] to lean their backs on the rear of [REDACTED] car. With PO1 facing them, [REDACTED] and [REDACTED] complied. [REDACTED] glanced behind him and saw that PO Martins was sweeping his hands under the driver's seat. At the same time, PO2 was searching the rear passenger seats, where he took out [REDACTED] backpack. PO2 removed [REDACTED] headphones from their black leather case and then placed them back. PO2 also looked and placed his hands into the sleeve pockets on the back of the driver and front passenger seats. PO1 told [REDACTED] to face him and "look into his eyes," which [REDACTED] then did. He no longer knew where PO Martins and PO2 were searching within his car, and he did not recall if [REDACTED] ever attempted to look behind him. PO1 asked [REDACTED] why he wanted to look at the officers searching his car, and [REDACTED] said that he "heard stories." PO1 responded, "Oh, don't worry, we're not going to plant anything in your car." As the car was searched, PO Martins asked [REDACTED] if he was a DJ; [REDACTED] assumed he asked this question because of the stack of blank CDs and his laptop contained in his backpack were in the car. [REDACTED] noted during his interview that he uses his laptop to create music. Also during this time, PO1 asked [REDACTED] "You know this guy?" in reference to [REDACTED]. PO1 and [REDACTED] began speaking to each other "as if they knew each other," but [REDACTED] did not recall what they spoke about. [REDACTED] estimated that the officers searched his car for approximately five minutes.

PO Martins informed [REDACTED] that he was going to be arrested for the possession of the painter's knife, but allowed [REDACTED] to finish his cigarette before he was handcuffed by PO Martins or PO1. After being informed that he was not allowed to have anything other than his ID, all the belongings on his person were given to [REDACTED] and he instructed him to drive the car to [REDACTED] home, since he did not want to leave the car at a metered parking spot. He did not recall if the officers gave the belongings on his person to [REDACTED] or if he handed his belongings to him personally. He did not check for his belongings inside the car prior to leaving, and he did not see any officer holding his laptop at any point.

[REDACTED] was transported to the 102<sup>nd</sup> Precinct stationhouse and placed into a holding cell. As he sat in the holding cell, between 2:00-2:30pm, he saw a uniformed officer, PO3, approximately ten feet away, pass a MacBook Pro laptop to another uniformed officer, PO4, who then placed the laptop into a black canvas bag. The black bag, which [REDACTED] did not recognize, was then placed into a clear plastic bag and placed into what [REDACTED] believed to be an evidence room, which was visible from where [REDACTED] was situated. PO3 was described as a stocky white male in his mid to late 30s who stood 5'10". PO4 was described as a white female in her mid to late 30s who stood 5'8" to 5'9" and had reddish brown hair. [REDACTED] noted that he was unsure if PO3 passed the laptop to PO4, or vice versa. Additionally, although he believed that the laptop belonged to him, he only saw the bottom of it, which did not have any unique features (such as the sticker on top of his laptop). [REDACTED] was not given a voucher for his laptop.

While PO Martins fingerprinted [REDACTED], he asked him what he used his laptop for, and [REDACTED] replied that he used his laptop "to make beats." PO Martins asked him what programs he used to make beats and mentioned that he had tried to do the same in the past. [REDACTED] was charged with the criminal possession of a weapon. PO2 accused [REDACTED] of having exited the bodega at [REDACTED] and tugged at his back pocket as if he was about to remove his knife. [REDACTED] denied ever exiting the car until the officers had stopped them during this incident.

During some point while in Central Booking, [REDACTED] was given a blank prisoner property form that was signed by an arresting officer from the 102<sup>nd</sup> Precinct with surname of "Glennon." He was also given a criminal court appearance ticket, which stated that he had to appear in court on [REDACTED], and to pay a fine of \$270.

At approximately 12pm on April 29, [REDACTED] was released and took the bus home, where [REDACTED] met him to return his car and belongings. However, [REDACTED] laptop was missing from his backpack, and [REDACTED] stated that he had placed the unzipped backpack into the trunk of the car after the arrest and that he did not know that there was a laptop inside of it. [REDACTED] and [REDACTED] went together to the 102<sup>nd</sup> Precinct to inquire about his missing property.

That same day at approximately 1pm, [REDACTED] parked his car across the street and entered the 102<sup>nd</sup> Precinct stationhouse while [REDACTED] remained in the front passenger seat. [REDACTED] spoke to a uniformed officer by the front desk, PO5, and informed her that he had been arrested the day before and his laptop was missing. PO5, who may have been PO4, was described

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as a white female in her late 30s to early 40s with red or brown hair. [REDACTED] also requested to see the laptop that he previously saw at the stationhouse to verify if it belonged to him by entering his password into it, but PO5 replied that she would have to contact [REDACTED] arresting officer.

PO5 called PO Martins and shortly thereafter, PO Martins came downstairs. [REDACTED] tried to appear "jovial" by smiling and saying, "What's up bro? You have my laptop? Where's my laptop?" PO Martins, who was in plainclothes, immediately said, "Let's talk outside." [REDACTED] followed him outside of the stationhouse, and PO Martins immediately faced him, appearing "defensive and confrontational" and said, "I'm going to punch you in your fucking face right now." [REDACTED] asked why and PO Martins said that he did not know where the laptop was and suggested, "Maybe you should ask your friend ( [REDACTED] )". PO Martins then said to [REDACTED] "Do you know who the fuck you're talking to? You're talking to a fucking police officer." As this verbal exchange occurred, he saw [REDACTED] who was sitting in [REDACTED] front passenger seat, watching through the opened window of the front passenger seat, approximately four to five feet away. [REDACTED] felt uncomfortable and unsafe because of PO Martins statements, and asked PO Martins if they could speak inside. When he explained that he felt did not feel safe speaking to the officer outside, PO Martins said, "I don't give a fuck about your safety." [REDACTED] said, "You're a police officer and you don't care about my safety?" to which PO Martins said, "No." [REDACTED] asked PO Martins for his name and PO Martins provided it, spelled it out, and then walked inside the stationhouse. [REDACTED] denied ever using profanity towards PO Martins during this exchange.

As [REDACTED] stood outside, two men, who were sitting inside a marked police van parked in front of the stationhouse, walked up to him and said that they saw everything and would be willing to testify on his behalf. They added that [REDACTED] should file a complaint and not let this incident pass, and escorted him into the stationhouse's lobby to a poster with the CCRB's telephone number. These two men, who wore civilian clothing, said that they were brothers and were employed to [REDACTED]. Judging from their accents, [REDACTED] believed that they were of Guyanese descent, and they were described as skinny, dark-complexioned Indians in their mid-50s who stood 5'6" to 5'7" and had crooked or missing teeth. [REDACTED] did not acquire their contact information but stated that one of the men's names had a surname that started with an "N," and may have sounded something to the effect of, "[REDACTED] or [REDACTED]". After [REDACTED] finished speaking with the unidentified men, PO1 "came out of nowhere" and said hi to [REDACTED] and [REDACTED]. [REDACTED] did not speak with PO1, who briefly spoke with [REDACTED]. [REDACTED] did not recall what they spoke about.

On April 30, at approximately 5pm, [REDACTED] went to his residential precinct stationhouse, the 106<sup>th</sup>, and spoke to an officer about his missing laptop. An officer advised him to return to the 102<sup>nd</sup> Precinct stationhouse and speak to a sergeant. Between 6-7pm that day, [REDACTED] returned to the 102<sup>nd</sup> Precinct stationhouse and spoke with Sgt. Richard Lamar, who brought out the clear package holding the laptop, keys, phone, and the black canvass bag. The laptop did not have the clear sticker that said "V-Moda," but [REDACTED] said during the interview that anyone could have peeled it off. [REDACTED] noted that the keys, phone, and canvass bag did not belong to him. Sgt. Lamar told [REDACTED] that the items did not belong to [REDACTED]. When [REDACTED] asked what he should do about his missing laptop, Sgt. Lamar replied that he should "wait to see what CCRB says." He also advised [REDACTED] that he should not have any contact with [REDACTED] and said, "Maybe we can try to get [REDACTED] in a situation where he can say where the laptop is, if he has it." Sgt. Lamar added that in situations like this, the prisoner's friend is often the person that has the property, rather than the arresting officer.

[REDACTED] noted during his interview that upon asking, [REDACTED] seemed unwilling to be a witness and provide a statement on his behalf.



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██████████ is a ██████████-year-old Asian male who stands 5'8", weighs 155 pounds, and has black hair and brown eyes. He is a ██████████.

### CCRB Testimony

██████████ was interviewed at the CCRB on July 19, 2011.

On April 29, 2011, at approximately 1:00pm, ██████████ and his partner, ██████████ exited the front entrance of the 102<sup>nd</sup> Precinct stationhouse and went to their marked van, which was parked in front of the building. On the street, a plainclothes officer was speaking to two civilians – ██████████ recognized one of the civilians as ██████████ after being shown a photograph of him; the other was identified by the investigation as ██████████. PO1 was described as a white male who stood 5'8", weighed 180-190 pounds, in his 30s, and had dark-colored hair.

██████████ and ██████████ opened the front doors of the van to get cigarettes when PO1 began raising his voice towards ██████████ and ██████████. ██████████ became curious and he sat in the driver seat to watch and listen while ██████████ sat in the front passenger seat, with the door windows open. ██████████ and ██████████ were approximately 20-25 feet away from the civilians and PO1.

During the interview, ██████████ made a drawing that showed where everyone was situated: their van was marked ██████████, ██████████ was marked as a circle and labeled "AT", ██████████ was marked as a circled and labeled "NT", ██████████ was marked by an X and was labeled "civilian", PO1 was marked by an X and labeled "officer", ██████████ was marked by a black dot above where PO1 was situated, and the civilians' vehicle (a two-door sedan) was labeled "C/V".

██████████ questioned PO1 about the whereabouts of his laptop, saying that his MacBook was in his car during his arrest and he saw it carried by an officer while he was held in the stationhouse. ██████████ questioned whether it was a coincidence that he saw the laptop in the stationhouse and that nothing else was missing except his laptop. PO1 asked ██████████ if he was implying that he had stolen the laptop, and said ██████████ took it. ██████████ replied that ██████████ who was not heard speaking at all during this incident, would not have stolen his laptop. ██████████ affirmed that ██████████ was speaking in a quiet, polite tone the entire time. PO1 threatened ██████████ by saying that if he did not shut up, he will punch him in the face and arrest him. ██████████ appeared shocked or perplexed, shook his head and stopped speaking. ██████████ remained silent.

PO1 conversed with the civilians for a few more minutes and PO1 entered the stationhouse; ██████████ did not specify what was spoken at this point. From the time ██████████ saw PO1 speaking with the civilians until PO1 entered the stationhouse, approximately 15-20 minutes had passed. After PO1 went back inside, ██████████ and ██████████ approached ██████████ and ██████████ who were both still seated in their van, and ██████████ asked "what they should do." ██████████ told them that he and ██████████ were ██████████, but he did not elaborate further with them and did not mention that ██████████ was his brother. ██████████ and ██████████ said that if they wanted to file a complaint, there should be a CCRB's number displayed for public view inside the stationhouse that they could call; he added that if it was not there, they could go to the 106<sup>th</sup> Precinct stationhouse to find the number. He denied accompanying the civilians into the stationhouse to show them the telephone number.

Afterwards, ██████████ and ██████████ exited the van and went the rear of their van to obtain maintenance equipment to bring into the stationhouse. Meanwhile, a plainclothes officer, PO2 approached ██████████ and ██████████. PO2 spoke with ██████████ and ██████████ for approximately 2-3 minutes in front of ██████████ van, but ██████████ could not hear what they spoke about. PO2 was described as a white male who stood 5'7", heavyset, and had a large belly. ██████████ and ██████████ entered the stationhouse while ██████████ and ██████████ remained standing outside; he did not know if the civilians ever entered the stationhouse.

is a -year-old Asian male who stands 5'8", weighs 160 pounds, and has black hair and brown eyes. He is

§ 87(2)(b) was interviewed at the CCRB on July 19, 2011.

Approximately five minutes later, as [REDACTED] and [REDACTED] were taking a cigarette break, [REDACTED] and [REDACTED] left the stationhouse and spoke to each other while standing outside, stating that [REDACTED] laptop was missing. One minute later, a plainclothes officer, PO1, exited the stationhouse and approached [REDACTED] and [REDACTED] who were both standing on the street and in front of the red sedan's passenger door. PO1 was described as a white male who stood 5'9", in his 20s, and had an average build. [REDACTED] sat in the front passenger seat of his van while [REDACTED] sat in the driver's seat; both windows were open.

PO1 said to [REDACTED] "I'm going to punch you in your fucking face. How dare you accuse me of stealing your computer." [REDACTED] told PO1 that he was not accusing him of stealing his laptop but simply informing PO1 that he saw another officer bring his laptop into the stationhouse on the day he was arrested. [REDACTED] added that he assumed that the laptop was going to be held for safe keeping, but he discovered his laptop was not there when he returned to the stationhouse after his release. PO1 walked "chest to chest" with [REDACTED] who was now leaning against the side of the car, and raised his voice, making unspecified remarks. After a total of approximately three minutes speaking with [REDACTED] PO1 walked inside the stationhouse.

§ 87(2)(b) asked § 87(2)(b) what happened, and § 87(2)(b) replied that he thought that the officers had taken his computer. § 87(2)(b) or § 87(2)(b) informed him that if he felt that officers had taken his computer, he could try calling the CCRB, whose telephone number was posted by the stationhouse's entrance door. Afterwards, § 87(2)(b) and § 87(2)(b) retrieved air conditioning equipment from the van and entered the stationhouse; § 87(2)(b) no longer saw or knew the whereabouts of § 87(2)(b) and § 87(2)(b). § 87(2)(b) did not see another officer speak to § 87(2)(b) or § 87(2)(b) during this incident.

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PO Martins is a [REDACTED]-year-old white male who stands 5'10", weighs 190 pounds, and has short brown hair and brown eyes. On April 28, 2011, he was on-duty between 9:30am and 6:05pm, assigned to anti-crime in plainclothes and an unmarked vehicle with PO Fritz and PO Cortright. On April 29, 2011, he was on-duty the same time and assigned to anti-crime.

### Memo Book

On April 28, 2011, at 1:35pm, PO Martins conducted a car stop at [REDACTED] and [REDACTED]. At 1:40pm, [REDACTED] was under arrest. At 1:50pm, PO Martins was back at the 102<sup>nd</sup> Precinct stationhouse for arrest processing.

On April 29, 2011, at 1:20pm, [REDACTED] was at the 102<sup>nd</sup> Precinct stationhouse accusing PO Martins or another officer of taking his MacBook Pro computer from his vehicle at the time of his arrest. [REDACTED] stated that he saw a computer at the stationhouse while in a cell. An investigation finds a MacBook laptop, serial # [REDACTED] voucher # [REDACTED] vouchered by PO Hughes on April 28, 2011, not related or belonging to [REDACTED] was highly agitated and he was advised that if he had a problem or did not agree with PO Martins, he could make a complaint.

### CCRB Testimony

PO Martins was interviewed at the CCRB on August 24, 2011.

On April 28, 2011, PO Martins was the operator while PO Fritz sat in the front passenger seat and PO Cortright sat in the rear passenger seat. PO Martins observed [REDACTED] car double parked in the vicinity of [REDACTED], the same intersection where the officers' vehicle was. He did not recall seeing [REDACTED] enter the vehicle. PO Martins intended to stop [REDACTED] at that location, driving slowly towards them, but [REDACTED] began to drive southbound on [REDACTED] after approximately 20-30 seconds. PO Martins activated his turret lights and stopped [REDACTED] vehicle after it had passed approximately one avenue in a residential neighborhood.

All three officers exited the vehicle and approached [REDACTED]. PO Martins, who approached the driver side, saw [REDACTED] "real fidgety" and "digging around" with both hands at his sides, reaching for what appeared to be the side of the door, the corners of his seat, and the center console. From PO Martins' vantage point, which was a few feet away, he could only see [REDACTED] body from above mid-arm, and was unable to see where exactly [REDACTED] hands were or if he was holding anything. PO Fritz and PO Cortright approached [REDACTED] who sat in the front passenger seat, but PO Martins did not see what he was doing or where his hands were. [REDACTED] continued to move his hands on his sides as PO Martins got closer, and PO Martins asked him for his ID and why he double parked. [REDACTED] replied that [REDACTED] had run into the store. During this conversation, [REDACTED] was continuing to reach around his sides; PO Martins was unable to see where he was reaching other than seeing more movements. Because [REDACTED] continued to fidget and move his arms around, it made PO Martins nervous and he asked them both to step outside of the car within 10-15 seconds of initially speaking. PO Martins affirmed that there were no other factors that led him to believe that [REDACTED] posed a safety risk or that he was armed. [REDACTED] and [REDACTED] complied, then walked towards the rear of [REDACTED] car. PO Martins affirmed that [REDACTED] had not stopped moving his arms at his sides until he was removed from the vehicle.

Upon their exiting the car, PO Martins did not see any bulges on [REDACTED] person, and he did not see [REDACTED] make any movements towards his pockets. As they walked to the back of the car, PO Martins did not recall if [REDACTED] made any suspicious movements. PO Martins asked [REDACTED] what he was doing, where he was coming from, and if he had anything in his car that he was not supposed to have. [REDACTED] said that he and [REDACTED] were "just hanging out" and he denied having anything that he was not supposed to have. PO Martins asked if he was sure and if he minded that PO Martins "checked." PO Martins would later say in his interview that he asked if he could "take a look." [REDACTED] told PO Martins that he could search his car. With PO Fritz and PO Cortright standing with [REDACTED] and [REDACTED], PO Martins first entered through [REDACTED] driver side, looking underneath the seat, center console, visor, and dashboard; he did not recall opening the glove compartment and he did not see any other officer enter the vehicle. PO Martins then looked around and underneath the rear passenger seats, and found a black book bag on the car floor behind the front passenger seat. PO Martins opened the book bag and saw a MacBook Pro laptop, which he then returned into the bag. He did not recall any other items inside the car or inside the book bag, and he denied searching the front passenger seat area. During the interview, PO Martins was shown photographs of [REDACTED] back pack, leather bag, and earphones; he did not recognize those items. PO Martins did not search the front passenger seat area.



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Initially, PO Martins stated in his interview that he found a gravity knife during his search of the car, but he did not recall exactly where it was found, saying that “it had to be somewhere close to [REDACTED] or else I wouldn’t have arrested him. It had to be in a lungeable, grabbable area.” PO Martins, who did not recall the knife’s appearance, asked [REDACTED] if the knife belonged to him, and [REDACTED] affirmed so. PO Martins then frisked [REDACTED] and no contraband was found on his person. During the interview, PO Martins was shown [REDACTED] handwritten Stop, Question, and Frisk report, arrest report, criminal court complaint, and he later said that he did not recall recovering a knife from [REDACTED] pants pocket. He went on to say that while he searched the car, another officer may have frisked [REDACTED] in areas that he did not recall and that that officer subsequently recovered the knife. [REDACTED] was frisked at the same time, but he did not know who conducted it or if anything was recovered. PO Martins did not recall frisking [REDACTED] to recover the knife, and he did not recall if any officer explain to him why they frisked them or how that information was relayed to those documents. In reference to the Stop, Question, and Frisk report, PO Martins stated that the checkbox labeled “Proximity to Crime Location” was checked because the incident area had an increase in burglaries and robberies. When asked about the checkbox “Inappropriate Attire – Possibly Concealing Weapon,” PO Martins did not recall how [REDACTED] was dressed.

After PO Martins searched the car, he walked to the back of the car and told [REDACTED] that he had the same laptop as himself. PO Martins, who said during his interview that he collects music on his laptop, asked [REDACTED] what he used his laptop for, and [REDACTED] said, “I make beats.” Thereafter, [REDACTED] was arrested for the possession of a gravity knife but PO Martins did not recall who handcuffed him. PO Martins asked [REDACTED] if he wanted to have his car vouchered, and [REDACTED] asked to have his car released to [REDACTED]. PO Martins checked if [REDACTED] had a valid driver’s license and allowed him to drive [REDACTED] car. He did not recall seeing [REDACTED] hand [REDACTED] any of his belongings. [REDACTED] was transported to the 102<sup>nd</sup> Precinct stationhouse, where he was charged for the possession of a weapon and double parking.

PO Martins noted that he knew [REDACTED] because one of PO Martins’ partners who he did not recall had arrested him for a marijuana-related charge in the past.

On April 29, 2011, at approximately 1:20 p.m., PO Martins was inside the 102<sup>nd</sup> Precinct stationhouse walking by the front desk and overheard an individual yelling, “Where’s Officer Martins?” PO Martins walked towards the front desk where he saw [REDACTED] alone, yelling for PO Martins at the desk sergeant whom PO Martins did not recall. The desk sergeant looked at PO Martins, and PO Martins said, “I’ll take care of it, boss.” PO Martins walked up to [REDACTED] who loudly asked where his laptop was. PO Martins said, “Hold on a second. Don’t come into my precinct yelling and screaming at me. Let’s go talk outside.” Other than the desk sergeant, a security desk officer whom PO Martins did not know, and 5-6 civilians, there were no other individuals by the front desk. When asked during his interview why he chose to speak with [REDACTED] outside the stationhouse, PO Martins said, “The sergeant probably would’ve yelled at me if I hadn’t have him walk outside because there’s no reason to cause a ruckus inside the precinct stationhouse.” During the interview, PO Martins was shown a copy of that day’s roll call, and the document did not refresh his memory of the desk sergeant that he spoke with. [REDACTED] appeared agitated, saying that he felt uncomfortable speaking with him outside, and PO Martins replied, “Well, you came to the precinct to speak to me, so I’ll delegate where we speak. I’m not gonna go inside the precinct with you yelling around like this.”

PO Martins and [REDACTED] walked outside and spoke next to [REDACTED] car, which was parked in front of the stationhouse and with [REDACTED] sitting in the front passenger seat. PO Martins did not recall seeing any other officers or civilians outside during this time. Standing between 3-5 feet away, [REDACTED] yelled statements that included, “My laptop is missing out of my car...I saw a laptop when I was in the precinct yesterday...where’s my laptop?” PO Martins did not recall if [REDACTED] made any motions other than yelling, denied that he threatened him or came any closer to him. PO Martins denied having his laptop, said that he has his own MacBook laptop, and that he saw his laptop in the book bag behind the front passenger seat. PO Martins reminded him that they had previously had a conversation about [REDACTED] using his laptop to make music on the date of his arrest. [REDACTED] said, “No, it’s not in there. I saw a MacBook while I was in the cells last night. That was my computer.” PO Martins denied removing [REDACTED] laptop from his car and told him that when the car was released to [REDACTED] all of his belongings were left in his car. PO Martins then said, “Why don’t you ask your boy where your computer is?” referring to [REDACTED] and [REDACTED] replied, “No, no, no.” PO Martins said, “I’m not going to do this with you. If you got a problem, or you got a complaint, the phone number is right inside our wall. Take the number, call it, and make your complaint. I don’t have your computer.” As [REDACTED] walked inside the stationhouse, PO Martins looked at [REDACTED] who was still seated in the front passenger seat, and said, “Really?” [REDACTED] asked, “What?” and PO Martins said, “You know where his laptop is.”

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## Interview Details

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██████████ replied that he did not know, “with a smirk on his face the whole time.” PO Martins said, “Whatever,” and walked back inside the stationhouse. He was unsure if any other officers spoke with ██████████ or ██████████ during this time.

PO Martins denied any profanity, including the word “fuck,” was used during his conversation with ██████████ and he denied threatening to punch ██████████



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## Interview Details

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*PO Cortright is a [REDACTED]-year-old white male who stands 6'0", weighs 240 pounds, and has short brown hair and blue eyes. On April 28, 2011, he was on-duty from 9:30am until 6:05pm, assigned to anti-crime in uniform and in an unmarked car with PO Fritz and PO Martins. On April 29, 2011, he was on-duty from 9:30am until 6:05pm.*

### **Memo Book**

On April 28, 2011, at 1:40pm, PO Martins arrested [REDACTED] at [REDACTED] for criminal possession of a weapon and disorderly conduct (car).

### **CCRB interview**

PO Cortright was interviewed at the CCRB on August 26, 2011.

On April 28, 2011, at 1:40pm, PO Cortright sat in the rear passenger seat of an unmarked car with PO Martins driving and PO Fritz sitting in the front passenger seat, traveling southbound on [REDACTED]. As they approached [REDACTED], they observed [REDACTED] and [REDACTED] double-parked in front of a bodega located on [REDACTED], a drug-prone location. During his interview, PO Cortright noted that he had previously recovered a loaded firearm near the bodega. He did not see anyone enter or exit the car. PO Martins said that he was going to stop them, but [REDACTED] had already driven away as they approached without their turret light activated. PO Martins followed, turned on the car's turret lights, and initiated a car stop at [REDACTED].

PO Martins approached the driver's side, PO Fritz stood by the front passenger door, and PO Cortright stood towards the car's rear bumper. When PO Martins asked [REDACTED] for his license, [REDACTED] turned his shoulders towards his right and continually reached between the area between the driver's seat and the center console but PO Cortright was unable to see what he was attempting to reach. [REDACTED] was "joking around" and speaking with PO Fritz in a non-confrontational manner, but PO Cortright did not recall what was said.

After approximately one minute, PO Martins asked [REDACTED] to exit the car, and he complied; [REDACTED] also exited the car but PO Cortright did not recall if PO Fritz instructed him to do so. Both [REDACTED] and [REDACTED] walked to the back of the car towards PO Cortright. It was at this point that PO Cortright recognized [REDACTED] because he had arrested him sometime last year for possession of marijuana, and has seen him walking in the neighborhood. PO Martins told PO Cortright that he asked them to exit the car because he saw [REDACTED] rustling around at his sides while inside the car. PO Cortright did not see any bulges or anything unusual in [REDACTED] or [REDACTED] appearance. When asked during his interview if there were any factors that led him to believe that the civilians may have been armed, PO Cortright reiterated that they were initially observed in a drug-prone location and he had recovered a firearm in that vicinity in the past.

He started having "small talk" with [REDACTED] such as asking him if he was clean now and with [REDACTED] replying, "Yeah." PO Cortright then asked if they had anything that they should not have, such as "guns, bombs, drugs, knives," with [REDACTED] saying no. [REDACTED] replied that he had a knife in his back pocket and proceeded to reach for it. PO Cortright said that he will get it himself, and subsequently removed the knife but he did not recall its appearance. As this occurred, PO Fritz stood next to PO Cortright while PO Martins stood by the driver's seat door. PO Cortright then patted the front of [REDACTED] pants pockets and nowhere else because he felt that he did not have any other contraband on his person. He had not touched either civilians prior to this, and he did see [REDACTED] frisked.

Afterwards, he told PO Martins that [REDACTED] had a knife on his person and handed the weapon to him. During the interview, PO Cortright said after he handed the knife to PO Martins, "I think [PO Martins] talked to [REDACTED] I don't remember what he was saying – asking him why he was holding the knife and, you know, 'It's illegal to have a gravity knife in New York.'" [REDACTED] was then handcuffed by PO Martins or PO Cortright. [REDACTED] was not handcuffed and he was released with [REDACTED] car, but PO Cortright did not recall how that arrangement was made. PO Cortright denied that he or PO Fritz entered or searched [REDACTED] vehicle. He did not see PO Martins enter or search the vehicle, but he stated that PO Martins may have checked the "area where [REDACTED] was reaching for," referencing the space between the driver seat and the center console, but PO Cortright was occupied with speaking and frisking [REDACTED] during that time. He did not observe PO Martins pull out or remove any bags or packages from the vehicle.

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## Interview Details

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During the interview, PO Cortright was shown a copy of PO Martins' Stop, Question, and Frisk report for [REDACTED]. PO Cortright explained that the checkbox stating "bulge in pocket which was a knife" was when [REDACTED] had told him that he had a knife in his back pocket. PO Cortright also stated that upon initially stopping [REDACTED], PO Martins explained to him that he was stopped for double-parking. Neither [REDACTED] nor [REDACTED] responded to what PO Martins said.

On April 29, 2011, at approximately 1:00pm, PO Cortright was walking downstairs of the 102<sup>nd</sup> Precinct stationhouse when he observed [REDACTED] yelling inside the building near the front desk. He did not recall what [REDACTED] was saying or who he was directing his statements towards. PO Martins, who was standing with [REDACTED], instructed him outside of the stationhouse, adding that he "can't be yelling in here." PO Cortright spoke to a PAA by the front desk whom he did not recall, asking what was [REDACTED] yelling about. The PAA replied that he did not know, only that [REDACTED] wanted to speak with PO Martins. Approximately ten seconds after PO Martins and [REDACTED] exited the stationhouse, PO Cortright went outside and asked PO Martins if he was alright, to which PO Martins replied, "Yeah, I'm good." PO Cortright subsequently walked back inside the stationhouse, without hearing what [REDACTED] and PO Martins were initially speaking about. [REDACTED] had been seated in [REDACTED] car, which was parked in front, but PO Cortright did not recall speaking with him. He did not speak with PO Martins about what transpired outside of the stationhouse.

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## Interview Details

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PO Fritz is a [REDACTED]-year-old white male who stands 5'9", weighs 180 pounds, and has brown hair and blue eyes. On April 28, 2011, he was on-duty from 9:30 a.m. to 6:05 p.m., assigned to anti-crime in an unmarked vehicle in plainclothes with PO Martins and PO Cortright. On April, 29, 2011, he was off-duty.

### Memo Book

PO Fritz had no memo book entries regarding this incident.

### CCRB Testimony

PO Fritz was interviewed at the CCRB on August 26, 2011.

On April 28, 2011, PO Fritz, who sat in the front passenger seat of an unmarked vehicle while PO Martins sat in the driver's seat and PO Cortright in the rear, made a left turn and observed two occupants inside a vehicle double-parked in front of a bodega, located on [REDACTED]. PO Fritz said in the interview that narcotics teams have made numerous arrests in front of the bodega, including the recovery of a firearm approximately 1.5-2 months prior to the incident date. § 87(2)(e)

[REDACTED] He did not observe anyone exit or enter the vehicle when he initially saw it double-parked. The officers' vehicle completed the turn and were immediately behind the vehicle, which had already begun to leave. PO Martins said that he was going to stop [REDACTED] vehicle, and when asked in the interview if PO Martins gave a reason, PO Fritz said, "We all knew why – because the car was double parked. He didn't have tell us." A car stop was initiated approximately 1.5 blocks away from the bodega.

PO Martins approached the driver door while PO Fritz approached the front passenger door, with PO Cortright behind him. He was unable to see what [REDACTED] and [REDACTED] were doing inside the car upon their approach, other than sitting. [REDACTED] did not make any movements or gestures when PO Fritz next to and slightly behind the front passenger door; he was unable to see [REDACTED] from this vantage point. PO Martins asked [REDACTED] to step out of the vehicle, and he complied. As a safety precaution, since the driver was removed from the vehicle, PO Fritz subsequently asked [REDACTED] to exit the car, and he did. Both civilians were escorted to the back of the vehicle, and while doing so, PO Fritz asked PO Martins why [REDACTED] was removed from the vehicle. PO Martins replied that upon their approach, [REDACTED] was moving around and he wanted to make sure nothing was being thrown or hidden, such as a weapon. PO Fritz did not recall any conversations between the officers and the civilians during this time.

While standing by the rear of the vehicle, [REDACTED] was frisked, but PO Fritz did not see who conducted it or where [REDACTED] was touched; he denied frisking [REDACTED]. He did see any officer place their hands into [REDACTED] pockets. [REDACTED] was not frisked. PO Fritz later explained in his interview that [REDACTED] was frisked for the officers' safety because of his furtive movements and he knew he was frisked because a gravity knife was recovered by PO Cortright. He later stated in his interview that he was unsure where PO Cortright was at this time, stating that PO Cortright was either standing behind him or behind PO Martins. He later said that he did not recall who recovered the gravity knife or its appearance, and he was unaware of where it was found. PO Fritz had not seen any bulges or anything suspicious on [REDACTED] person, stating in his interview, "I would have asked him if he had anything if I saw anything."

Thereafter, PO Fritz was unaware if the vehicle was searched, although noting that PO Martins walked back to the vehicle to see if any contraband was thrown or hidden inside, looking around [REDACTED] "immediate grabbable area" of the driver's seat. PO Fritz was unable to see if PO Martins entered to search the vehicle's center console, and he did not recall if PO Martins entered the vehicle from another door or if he searched anywhere else inside. Neither [REDACTED] nor [REDACTED] spoke as this occurred, and PO Fritz did not recall if PO Martins asked for permission to search the car. PO Martins subsequently handcuffed and arrested [REDACTED]. As his vehicle was legally parked, the officers left it at the location while [REDACTED] was transported to the stationhouse. [REDACTED] was not arrested, and PO Fritz did not know his whereabouts thereafter. Other than the recovered knife, PO Fritz was unaware of any other items vouchered. Prior to this incident, PO Fritz did not recognize [REDACTED] or [REDACTED].

On April 29, 2011, PO Fritz took the day off and was not on-duty.

During the interview, PO Fritz was shown a copy of [REDACTED] handwritten Stop, Question, and Frisk report written by PO Martins. In reference to the section indicating that a suspicious bulge was observed, PO Fritz stated that he did not observe any

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## Interview Details

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bulges on [REDACTED] person as his attention was directed towards [REDACTED]. He explained that the checkbox indicating [REDACTED] proximity to crime location was in regards to [REDACTED] parked in front of the bodega. He did not know the reason why the report indicated “inappropriate attire – possibly concealing a weapon.” The checkboxes affirming that [REDACTED] was searched indicated that he was searched incident to a lawful arrest.