

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rosemary Espinal	Team: Team # 2	CCRB Case #: 201105874	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 04/22/2011 , Saturday, 04/23/2011 12:38 AM	Location of Incident: § 87(2)(b) [REDACTED]	Precinct: 52	18 Mo. SOL 10/23/2012	EO SOL 10/23/2012	
Date/Time CV Reported Sat, 05/07/2011 3:16 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 05/07/2011 3:16 PM		

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

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

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe Small	27447	929183	052 PCT
2. POF Samantha Osorioperez	11644	939156	052 PCT
3. POM Maurice Harrington	06286	934992	052 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Stephen Echevarria	17562	940120	052 PCT
2. SGT Kevin Lynch	01802	924096	052 PCT
3. POF Cassandra Clark	08872	929511	052 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Maurice Harrington	Force: PO Maurice Harrington used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Christophe Small	Force: PO Christopher Small struck § 87(2)(b) [REDACTED] with a blunt instrument.	[REDACTED]
C.POM Christophe Small	Force: PO Christopher Small used pepper spray against § 87(2)(b) [REDACTED]	[REDACTED]
D.POF Samantha Osorioperez	Discourtesy: PO Samantha Osorio Perez spoke obscenely and/or rudely to § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On May 7, 2011, § 87(2)(b) called the CCRB and filed the following complaint through the Call Processing System.

On April 23, 2011 at approximately 12:38 a.m., Officers Christopher Small and Stephen Echevarria responded to an assault in progress at § 87(2)(b) in the Bronx. The following allegations resulted:

- **Allegation A – Force: PO Maurice Harrington used physical force against § 87(2)(b)**
§ 87(2)(g)
- **Allegation B – Force: PO Christopher Small struck § 87(2)(b) with a blunt instrument.** § 87(2)(g)
- **Allegation C – Force: PO Christopher Small used pepper spray against § 87(2)(b)**
§ 87(2)(g)
- **Allegation D – Discourtesy: PO Samantha Osorio Perez spoke obscenely and/or rudely to § 87(2)(b) § 87(2)(g)**

Results of Investigation

Civilian Statement(s)

Complainant/Victim: § 87(2)(b)

- § 87(2)(b)

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on May 23, 2011 (encl. 6A-D). On April 23, 2011, at 12:38 a.m., § 87(2)(b) got into a dispute with his girlfriend, § 87(2)(b) at § 87(2)(b)'s apartment located at § 87(2)(b) in the Bronx.

An unidentified neighbor who heard the altercation called the police and moments later, three uniformed officers knocked on the door. § 87(2)(b) initially told the officers from inside the apartment that he would not open the door because he was not the owner of the apartment. He later opened the door and placed a chain on it. The officers pushed the door, breaking the chain, and entered the apartment. The officers asked § 87(2)(b) what was happening in the apartment. § 87(2)(b) responded that nothing was happening. § 87(2)(b) was in her bedroom.

PO Maurice Harrington, whom § 87(2)(b) described as a six foot tall, bald black male, weighing 200 pounds, grabbed § 87(2)(b) by the side of his neck and slammed him against a wall. § 87(2)(b) who suffers from epilepsy, requested his medication and warned that he was starting to get a seizure. PO Christopher Small, whom § 87(2)(b) described as a six foot tall black male, who weighed approximately 225 pounds, struck § 87(2)(b) in the mouth with his pepper spray bottle. He then pepper sprayed § 87(2)(b) inside his mouth.

After he was pepper sprayed, § 87(2)(b) began to have a seizure and fell to the ground. § 87(2)(b) who was still in her bedroom when the alleged physical force occurred, came out of the bedroom at some point after that. § 87(2)(b) was having a seizure at the time therefore he did not remember the exact time she came out. § 87(2)(b) did not resist arrest. § 87(2)(b) started crying and told the officers not to arrest § 87(2)(b). Other officers arrived at the location but § 87(2)(b) could not describe any of them except that they were three white males and two Hispanic males.

PO Harrington and PO Small picked § 87(2)(b) up from the ground. § 87(2)(b) could not walk because of the seizure. The officers dragged § 87(2)(b) out of the apartment, down three sets of stairs, and out to the street to the police vehicle. As § 87(2)(b) was being escorted out of the building, PO Osorio Perez told § 87(2)(b) he was “trash” and a “piece of shit.” § 87(2)(b) was transported to the 52nd Precinct. By the time § 87(2)(b) arrived at the precinct, he felt better from the seizure, however, he suffered another seizure at Central Booking and had to be transported to § 87(2)(b).

Attempts to Contact Civilians

§ 87(2)(b)
On May 26, 2011, the undersigned investigator placed a call to § 87(2)(b) and received a message that the number was unavailable. On May 31, 2011, § 87(2)(b) called and left a voicemail message requesting a call back at a different phone number. Between May 31, 2011, and June 16, 2011, the undersigned placed three calls to the new phone number § 87(2)(b) provided and the number was not in service. On May 26, 2011 and May 31, 2011, the undersigned mailed two letters to § 87(2)(b) and the letters were not returned to the CCRB.

NYPD Statement(s):

Subject Officer: POLICE OFFICER CHRISTOPHER SMALL

- § 87(2)(b) -old black male, 5’8” tall, 260 tall, black hair, brown eyes.
- On April 22, 2011, PO Small worked from 11:15 p.m. to 7:50 a.m. the following day. He was assigned to patrol in sectors C and D with PO Stephen Echevarria. PO Small was dressed in uniform and was assigned to a marked vehicle.

Memo Book

At 12:18 a.m., an assault in progress at § 87(2)(b) in the Bronx. 12:38 a.m., one under arrest. At 12:45 a.m., sergeant signed memo book. At 12:45 a.m., one complainant witness to the stationhouse. 1:08 a.m., arrest process began. At time, place of occurrence, complainant witness stated that while she was sleeping, § 87(2)(b) male Hispanic, DOB § 87(2)(b), did obstruct her airway by wrapping his hands around her throat and neck, and pulled complainant hair, pushed her around and slammed her onto the bed. Complainant witness also stated § 87(2)(b) went to the kitchen and grabbed a knife and told complainant witness that he would kill her if she called the police. Arrest # § 87(2)(b)

CCRB Testimony

PO Christopher Small was interviewed at the CCRB on July 14, 2011 (encl. 10A-B). On April 23, 2011 at 12:18 a.m., PO Small and PO Echevarria responded to an assault in progress at § 87(2)(b) in the Bronx. PO Small and PO Echevarria knocked on the door for approximately eight minutes but did not receive a response. The officers then knocked on a neighbor’s door, and the neighbor told them that § 87(2)(b) assaults his wife every night. PO

Small and PO Echevarria then went back and knocked on § 87(2)(b)'s door. § 87(2)(b) asked the officers to wait a minute but would not open the door.

Sgt. Kevin Lynch, PO Cassandra Clark, PO Samantha Osorio Perez and PO Maurice Harrington arrived on the scene. When § 87(2)(b) opened the door, Sgt. Lynch asked him what was going on and if there was anybody in the apartment. § 87(2)(b) stated nothing was going on and that he was alone in the apartment. The officers then heard water running in the background, therefore, Sgt. Lynch, PO Clark, and PO Echevarria assumed there was someone else in the apartment. Given the report of assault, the officers entered the apartment to investigate. PO Small remained with § 87(2)(b) in the hallway outside of the apartment. Sgt. Lynch interviewed § 87(2)(b) inside one of the bedrooms. Sgt. Lynch then directed PO Small to handcuff § 87(2)(b). § 87(2)(b) was irritated due to the officers' presence at the location and wanted to know who called the police.

When PO Small went to handcuff § 87(2)(b), § 87(2)(b) stated he had done nothing wrong and asked why he was being arrested. PO Small ordered § 87(2)(b) to put his hands behind his back but he refused by stiffening his arms to prevent being handcuffed. PO Small and another officer, identified through § 87(2)(b)'s description as PO Harrington, grabbed § 87(2)(b) by the arms and handcuffed him. PO Small did not use pepper spray on § 87(2)(b) and did not strike § 87(2)(b) with a pepper spray bottle. PO Small did not take his pepper spray bottle out during this incident. PO Small did not see any officer pepper spray § 87(2)(b) or slam him on the ground. PO Small did not hear any female officer use obscene language toward § 87(2)(b). § 87(2)(b) never requested medication and did not seem to be getting a seizure.

Sgt. Lynch directed PO Small to take § 87(2)(b) to the patrol car. As PO Small attempted to escort § 87(2)(b) he dropped to the ground outside of the apartment and refused to walk. PO Small and PO Harrington picked § 87(2)(b) up from the ground and escorted him to the patrol car. § 87(2)(b) walked voluntarily after this point. Once outside of the building, § 87(2)(b) dropped to the ground again and refused to walk to the patrol car. PO Small and PO Harrington picked him up again and he started dragging his feet. Sgt. Lynch assisted in picking § 87(2)(b) up from the ground and placing him in the patrol car. Sgt. Lynch, PO Echevarria and PO Clark did not have physical contact with § 87(2)(b) while inside the apartment.

Witness Officer: POLICE OFFICER STEPHEN ECHEVARRIA

- § 87(2)(b) -old Hispanic male, 6'2" tall, 230 lbs., black hair, black eyes.
- On April 22, 2011, PO Echevarria worked from 11:15 p.m. to 7:50 a.m. the following day. He was assigned to patrol in sectors C and D with PO Christopher Small. PO Echevarria was dressed in uniform and was assigned to a marked vehicle.

Memo Book

At 12:18 a.m., an assault in progress was occurring at § 87(2)(b). At 12:38 a.m., one person under arrest, § 87(2)(b). At 12:45 a.m., transported § 87(2)(b) to stationhouse.

CCRB Testimony

PO Stephen Echevarria was interviewed at the CCRB on July 14, 2011 (encl. 13A-B). § 87(2)(g)

PO Echevarria and PO Small were the first two officers to arrive at the location. When PO Echevarria and PO Small spoke to the neighbor, she told them that she was the one who called the police. § 87(2)(b) decided to open the door when he saw that PO Small and PO

Echevarria had gone to the neighbor's apartment. § 87(2)(b) was agitated, upset and asked why the officers were there. When the officers heard water running in the background they told § 87(2)(b) that someone else was in the apartment. PO Echevarria, Sgt. Lynch and PO Clark, entered the apartment. § 87(2)(b) was washing her face in the bathroom. § 87(2)(b) told the officers that § 87(2)(b) hit her, choked her, and threatened to kill her if she called the police. Sgt. Lynch directed PO Small to handcuff § 87(2)(b). PO Small and other officers, whom PO Echevarria did not recall but who were identified through the investigation as PO Harrington and PO Osorio Perez, were outside of the apartment with § 87(2)(b). PO Echevarria, Sgt. Lynch and another officer, identified through officer statements as PO Clark, were with § 87(2)(b) inside the bedroom.

PO Echevarria did not witness when PO Small placed § 87(2)(b) under arrest. PO Echevarria did not take part in handcuffing § 87(2)(b). PO Echevarria, Sgt. Lynch and PO Clark remained inside the apartment with § 87(2)(b) for approximately ten minutes. PO Harrington and PO Osorio Perez transported § 87(2)(b) but PO Echevarria did not know if they assisted in handcuffing § 87(2)(b).

Neither Sgt. Lynch nor PO Echevarria had physical contact with § 87(2)(b) inside the apartment. PO Echevarria did not see any officer strike § 87(2)(b) in the mouth with a pepper spray bottle, and did not witness any officer use physical force against him. PO Echevarria did not hear any struggle while § 87(2)(b) was being handcuffed. PO Echevarria did not hear any officer use obscene language toward § 87(2)(b). PO Echevarria did not see when § 87(2)(b) was escorted to the patrol car. He did not see any officer drag § 87(2)(b) down the stairs. A few hours after the arrest, PO Echevarria transported § 87(2)(b) from the stationhouse to § 87(2)(b).

Subject Officer: POLICE OFFICER MAURICE HARRINGTON

- § 87(2)(b) -old black male, 5'10" tall, 199 lbs., black hair, brown eyes.
- On April 22, 2011, PO Harrington worked from 11:23 p.m. to 7:50 a.m. the following day. He was assigned to sector G and H with PO Samantha Osorio Perez. PO Harrington was dressed in uniform and was assigned to a marked vehicle.

Memo Book

PO Harrington did not have memo book entries for this incident.

CCRB Testimony

PO Harrington was interviewed at the CCRB on September 9, 2011 (encl. 18A-B). § 87(2)(g)

PO Harrington initially did not have an independent recollection of the incident. After the undersigned showed PO Harrington multiple police documents regarding § 87(2)(b)'s arrest PO Harrington recalled the incident.

PO Harrington remained outside of the location, while other officers went upstairs to get § 87(2)(b). PO Harrington never entered the apartment and did not enter the building. He did not recall whether PO Osorio Perez went upstairs. The first time PO Harrington saw § 87(2)(b) was when officers, whom PO Harrington did not recall, brought him downstairs. PO Harrington did not participate in handcuffing § 87(2)(b).

§ 87(2)(b) was having problems walking, since he was hunched over. He was upset and pleading his case. § 87(2)(b) was surrounded by multiple officers who assisted him in walking to the police vehicle, which was parked in front of the location. PO Harrington did not see any officer drag § 87(2)(b). These officers placed § 87(2)(b) inside PO

Harrington's vehicle. PO Harrington and PO Osorio Perez transported § 87(2)(b) to the stationhouse.

Upon arriving at the stationhouse, PO Harrington assisted § 87(2)(b) in exiting the vehicle. § 87(2)(b) walked on his own into the stationhouse. PO Harrington searched § 87(2)(b) inside the stationhouse and placed him in a cell. PO Harrington did not strike § 87(2)(b) with a pepper spray bottle and did not pepper spray him. PO Harrington did not see any officer strike § 87(2)(b) with a pepper spray bottle or pepper spray him, and did not hear any officer use any obscene language toward § 87(2)(b). § 87(2)(b) was not pepper sprayed as he did not seem to be affected by pepper spray.

Subject Officer: POLICE OFFICER SAMANTHA OSORIO PEREZ

- § 87(2)(b) -old Hispanic female, 5'6" tall, 160 lbs., brown hair, brown eyes.
- On April 22, 2011, PO Osorio worked from 11:15 p.m. to 7:50 a.m. the following day. She was assigned to sectors G and H with PO Maurice Harrington. PO Osorio was dressed in uniform and was assigned to a marked motor vehicle.

Memo Book

PO Osorio Perez did not have any entries in her memo book regarding this incident.

CCRB Testimony

PO Osorio Perez was interviewed at the CCRB on July 12, 2011 (encl. 15A-B). § 87(2)(g)

PO Osorio Perez and PO Harrington responded to the location to back up other sectors. PO Osorio Perez did not independently recall which officers responded to this incident. Several officers, whom PO Osorio Perez did not recall, attempted to get § 87(2)(b) out of the apartment. The apartment was small and there were too many officers inside, therefore, PO Osorio Perez stayed outside. PO Osorio Perez did not witness what occurred inside the apartment, however, she indicated that § 87(2)(b) was not pepper sprayed and that she did not see any officer strike § 87(2)(b) in his mouth.

Once § 87(2)(b) was brought out of the apartment, he dropped to the floor. The officers tried to pick him up. PO Osorio Perez did not recall which officers took § 87(2)(b) out of the apartment. § 87(2)(b) kept dropping to the floor complaining about his back. § 87(2)(b) did not suffer a seizure during this incident. § 87(2)(b) was never dragged down the stairs. PO Osorio Perez did not use obscene language toward § 87(2)(b) and had no physical contact with him. PO Osorio Perez and PO Harrington transported § 87(2)(b) to the precinct. Once they arrived at the precinct, PO Harrington removed § 87(2)(b) from the vehicle. § 87(2)(b) walked voluntarily to the stationhouse. PO Osorio Perez did not tell § 87(2)(b) that he was "trash" and that he was a "piece of shit."

Witness Officer: SERGEANT KEVIN LYNCH

- § 87(2)(b) -old white male, 5'10" tall, 180 lbs., grey hair, green eyes.
- On April 23, 2011, Sgt. Lynch worked from 11:15 p.m. to 8:02 p.m. He was assigned as the patrol supervisor in the confines of the 52nd Precinct. PO Cassandra Clark was Sgt. Lynch's operator. He was assigned to marked vehicle # 3294.

Memo Book

At 12:18 a.m., responded to an assault in progress at § 87(2)(b) sectors C, D, E and F responded to the scene.

CCRB Testimony

Sgt. Kevin Lynch was interviewed at the CCRB on October 14, 2011 (encl. 22A-B). [REDACTED]

[REDACTED] § 87(2)(g)

PO Small and PO Echevarria were already on the scene when Sgt. Lynch and PO Clark arrived. There were also other units on the scene but Sgt. Lynch did not recall who they were. [REDACTED] § 87(2)(b) stated to Sgt. Lynch, and another officer who Sgt. Lynch did not recall, that [REDACTED] § 87(2)(b) assaulted her. [REDACTED] § 87(2)(b) was in the hallway with PO Echevarria, PO Small and other officers whom Sgt. Lynch did not recall. Sgt. Lynch directed the officer to arrest [REDACTED] § 87(2)(b). The officers asked [REDACTED] § 87(2)(b) to turn around and place his hands behind his back but he refused. They were eventually able to handcuff [REDACTED] § 87(2)(b) but Sgt. Lynch did not recall any specific actions of any officers on the scene. However, Sgt. Lynch indicated that no officer struck [REDACTED] § 87(2)(b) and that no officer pepper sprayed him or pushed him to the ground. [REDACTED] § 87(2)(b) did not state whether he was having a seizure.

Once [REDACTED] § 87(2)(b) was handcuffed, he was taken out of the apartment. [REDACTED] § 87(2)(b) walked out of the apartment voluntarily. Sgt. Lynch walked behind [REDACTED] § 87(2)(b) but Sgt. Lynch did not remember which officers escorted [REDACTED] § 87(2)(b) out of the apartment. [REDACTED] § 87(2)(b) was not dragged down the stairs. Sgt. Lynch did not hear any officer tell [REDACTED] § 87(2)(b) that he was “trash” or “a piece of shit.” [REDACTED] § 87(2)(b) was transported to the hospital for a preexisting injury, unrelated to this incident.

Witness Officer: POLICE OFFICER CASSANDRA CLARK

- [REDACTED] § 87(2)(b) -old black female, 5’9” tall, 270 lbs., brown hair, brown eyes
- On April 23, 2011, PO Clark worked from 11:15 to 7:50 a.m. the following day. She was assigned as sergeant operator with Sgt. Kevin Lynch. She was dressed in uniform and was assigned to a marked vehicle.

Memo Book

PO Clark had no memo book entries pertaining to this incident.

CCRB Testimony

PO Cassandra Clark was interviewed at the CCRB on October 4, 2011 (encl. 20A-B). PO Clark did not have a recollection of this incident. The undersigned investigator provided details of the incident to PO Clark but she did not recall. The undersigned also showed PO Clark [REDACTED] § 87(2)(b) s arrest photo and the arrest reports but she did not recall the incident.

Medical Records

On [REDACTED] § 87(2)(b), [REDACTED] § 87(2)(b) was treated at [REDACTED] § 87(2)(b). [REDACTED] § 87(2)(b) told medical staff at the hospital that an officer threw him on the ground and punched him. He was diagnosed with joint pain and lower injuries. [REDACTED] § 87(2)(b) s x-rays did not reveal any fractures. It was noted on the records that [REDACTED] § 87(2)(b) had a minor injury on the left leg. [REDACTED] § 87(2)(b) was prescribed an ice pack and Motrin.

NYPD Document(s)

911 Communications

An unidentified female called 911 to report that her neighbor in § 87(2)(b) was assaulting his wife. Sectors C and G were dispatched to the location. A sergeant also responded.

SPRINT (encl. 23A-B)

The SPRINT indicated that on April 23, 2011 at 12:18 a.m., an anonymous female called 911 and stated that a male was beating a female on the § 87(2)(b) floor of § 87(2)(b) in the Bronx. Sector 52C arrived at the location at 12:20 a.m. A patrol sergeant responded to the location at 12:21 a.m. Sector 52G arrived at the location at 12:31 a.m. At 12:33 a.m., a male was transported to the 52nd Precinct stationhouse.

Complaint Report (encl. 24A-B)

The Complaint Report stated that § 87(2)(b) obstructed § 87(2)(b)'s airway by choking her with both hands causing bruising and swelling to her neck. § 87(2)(b) complained that § 87(2)(b) pulled her hair and slammed her on the bed causing pain to the neck and a small laceration to the lip. § 87(2)(b) then went to the kitchen and took a knife and pointed the knife at § 87(2)(b) stating that he would kill her if she called the police. § 87(2)(b) resisted arrest by flailing his arms in an attempt to prevent the officers from handcuffing him.

Online Booking System Arrest Worksheet (OLBS) (encl. 25A-B)

The OLBS indicated that physical force was used to restrain, control and remove § 87(2)(b) § 87(2)(b) was charged with § 87(2)(b)

Arrest Photo (encl. 6C)

§ 87(2)(b)'s arrest photo did not show any apparent injuries.

Domestic Incident Report (encl. 27A-B)

The Domestic Incident Report indicated that § 87(2)(b) had a prior history of domestic violence. The report indicated that § 87(2)(b) pushed, slammed, choked, restrained, and pulled § 87(2)(b)'s hair. § 87(2)(b) alleged that § 87(2)(b) took a kitchen knife and threatened to kill her.

Medical Treatment of Prisoner Form (encl.26A-B)

The Medical Treatment of Prisoner Form indicated that § 87(2)(b) complained of anxiety and anger because of his arrest and was transported to § 87(2)(b). He was psychiatrically stable.

Roll Call (encl. 30A-C)

The 52nd Precinct roll call indicated that PO Christopher Small and PO Stephen Echevarria were assigned to sectors C and D. PO Maurice Harrington and PO Samantha Osorio Perez were assigned to sectors G and H. Sgt. Kevin Lynch was assigned as patrol supervisor, with his operator, PO Cassandra Clark.

Prisoner Holding Pen Roster (encl. 28A)

The Prisoner Holding Pen Roster indicated that § 87(2)(b) arrived was placed in the cell at 12:45 a.m. and his guarding officer was PO Small. § 87(2)(b) was transported to Bronx Central Booking at 7:50 a.m. in vehicle 5470.

Property Voucher (encl. 29A)

A lighter was vouchered from § 87(2)(b)

Summons/Arrest for Incident and Disposition (encl. 32A, 33A-B)

- There was no disposition on record pertaining to this incident.

Status of Civil Proceedings (encl. 34A)

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of September 22, 2011 with regard to the incident.

Civilian(s) Criminal History (encl. 33A-B)

- As of September 22, 2011, Office of Court Administration records reveal no criminal convictions for § 87(2)(b)

Civilian(s) CCRB History (encl. 4A)

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

Subject Officer(s) CCRB History

- PO Small has been a member of the service for ten years and there is one substantiated CCRB allegation against him (encl. 2A).
 - In CCRB case # 200405976, the CCRB board substantiated an allegation of refusal to provide name and shield number against PO Small and the board recommended instructions. PO Small received instructions in regard.
- PO Harrington has been a member of the service for seven years and there is one substantiated CCRB allegation against him (encl.1A):
 - In CCRB case # 200810117, an allegation of physical force (nightstick used as club) was substantiated against PO Harrington and the board recommended charges. PO Harrington ultimately received instructions in regard.
- PO Osorio Perez has been a member of the service for six years and there are no substantiated CCRB allegations against her (encl.3A).

Conclusion

Identification of Subject Officer(s)

PO Small was identified through police documents, and he matched § 87(2)(b)'s description of a six foot tall black male, who weighed approximately 225 pounds. PO Harrington was identified through police documents and through § 87(2)(b)'s description of a six foot tall, bald, black male, who weighed approximately 200 pounds. PO Osorio Perez was identified through police documents and § 87(2)(b)'s description of a Hispanic female. PO Small, PO Harrington and PO Osorio Perez confirmed their involvement in the incident.

Investigative Findings and Recommendations

Allegation not Pled

§ 87(2)(b) alleged that PO Small and PO Harrington dragged him down the stairs in handcuffs, and added that he could not walk due to a seizure. § 87(2)(g)

Allegation A – Force: PO Maurice Harrington used physical force against § 87(2)(b)

It is disputed whether PO Harrington grabbed § 87(2)(b) by his neck and slammed him against a wall. PO Harrington denied any participation in § 87(2)(b)'s arrest, and testified that he never entered the building or the apartment where § 87(2)(b) was arrested. § 87(2)(b)'s arrest photo and medical records did not indicate any evidence of injury. § 87(2)(g)

Allegation B – Force: PO Christopher Small struck § 87(2)(b) with a blunt instrument.

According to § 87(2)(b) an officer, identified as PO Small, struck him in the mouth with a pepper spray bottle. PO Small stated that he never took out his pepper spray bottle during this incident and that § 87(2)(b) was never pepper sprayed. § 87(2)(b)'s medical records did not indicate any injury to his mouth. Officers Echevarria, Osorio Perez and Sgt. Lynch indicated they did not witness § 87(2)(b)'s arrest. PO Clark did not recall the incident.

Allegation C – Force: PO Christopher Small used pepper spray against § 87(2)(b)

According to § 87(2)(b) an officer, identified as PO Small, pepper sprayed him inside the mouth. § 87(2)(b) was not credible regarding the allegation as his medical records and ambulance call report did not indicate him being under the effects of pepper spray. There was no mention in any of the police documents for this case regarding the use of pepper spray. Additionally, PO Small stated that although § 87(2)(b) refused to be handcuffed in the beginning, the handcuffing was subsequently done without any incidence. § 87(2)(g)

D – Discourtesy: PO Samantha Osorio Perez spoke obscenely and/or rudely to § 87(2)(b)

§ 87(2)(b) alleged that PO Osorio Perez called him “a piece of shit” and told him he was “trash.” PO Osorio Perez denied using the alleged language toward § 87(2)(b)

Team: _____

:

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date