

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jihan Varisco	Team: Team # 5	CCRB Case #: 201109036	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/13/2011 1:00 PM	Location of Incident: Longwood Avenue and Randall Avenue	Precinct: 41	18 Mo. SOL 1/13/2013	EO SOL 1/13/2013	
Date/Time CV Reported Wed, 07/13/2011 1:47 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 07/13/2011 1:47 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Edward McClain	14159	943544	041 PCT
2. Officers			041 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Edward McClain	Abuse: PO Edward McClain stopped the car in which § 87(2)(b) was an occupant.	
B. Officers	Abuse: Officers stopped the car in which § 87(2)(b) was an occupant.	
C.POM Edward McClain	Abuse: PO Edward McClain drew his gun.	
D. Officers	Abuse: Officers drew their guns.	
E.POM Edward McClain	Abuse: PO Edward McClain refused to provide his shield number to § 87(2)(b)	
F.POM Edward McClain	Abuse: PO Edward McClain threatened to issue summons to § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB by telephone on July 13, 2011.

On July 13, 2011, at approximately 1:00 p.m., § 87(2)(b) was driving when he was pulled over at the corner of Longwood Avenue and Randall Avenue in the Bronx by PO Edward McClain and two unidentified officers (**allegations A and B**). The officers exited their vehicle with guns drawn and PO McClain approached and requested the license and registration of § 87(2)(b). PO McClain stated that the officers had stopped him for running a stop sign, which § 87(2)(b) denied (**allegations C and D**). PO McClain took the information and returned to his vehicle. After approximately 30-40 minutes, PO McClain returned and informed § 87(2)(b) that he was free to leave. § 87(2)(b) asked for PO McClain's badge number. PO McClain told § 87(2)(b) that he could give him back his license and registration and that he would put it on the summons (**allegations E and F**). § 87(2)(b) did not want to receive a summons so he left.

§ 87(2)(b) identified PO Edward McClain of the 41st Precinct by name. He learned this from another officer at the 41st Precinct stationhouse. The 41st Precinct ARCS confirms that PO McClain was on duty and assigned to conditions at the time of the incident. **Allegations A, C, E, and F** have therefore been pleaded against PO McClain. The investigation was unable to determine the identity of the officers with PO McClain; § 87(2)(b) described only two additional officers, but the 41st Precinct ARCS indicates that three additional officers were assigned to conditions; without additional information it is not possible to identify which of these officers § 87(2)(b) was referring to. **Allegations B and D** have therefore been pleaded against “Officers” from the 41st Precinct.

Between July 15, 2011, and August 1, 2011, § 87(2)(b) was called five times and sent two “Please Call” letters. The undersigned investigator left multiple messages with § 87(2)(b)'s sister and informed her that the case would be closed if he failed to contact the CCRB. As of the date of this report, § 87(2)(b) has not contacted the CCRB. On August 8, 2011, a search of the NYC Department of Correction website indicated that § 87(2)(b) is not currently incarcerated.

§ 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date