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## Interview Details

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### Complainant/Victim:

- [REDACTED] is a [REDACTED]-year-old black male, who stands 6'1", weighs 160 lbs. and has black hair and brown eyes.
- [REDACTED] is currently unemployed.

### CCRB Statement

On May 24, 2012, [REDACTED] was interviewed at the CCRB. On May 24, 2012, at approximately 5:00 p.m., [REDACTED] was inside his apartment with his two children, located at [REDACTED] [REDACTED] in Brooklyn, lying in bed and watching television. [REDACTED] his girlfriend, [REDACTED] and his two children, one aged [REDACTED] and the other aged [REDACTED] live at the residence. [REDACTED] had been indoors all day with his children and [REDACTED] was out at the time.

[REDACTED] heard loud banging on the door to his apartment and shouting, "I know you're in there! Open up!" This went on for one to two minutes as [REDACTED] walked into the hallway that leads to the entrance to the apartment. The apartment door, which was locked at the time, was forced open and PO1 (described as an Asian or Middle Eastern male of tan complexion, who stood 5'8", had a slim build, was in his mid-30s, wore glasses, and was dressed in uniform) entered with his firearm pointed outward in front of him. [REDACTED] son ran across the area and PO1 followed the child with his pointed firearm. When [REDACTED] first saw PO1, he raised his hands in the air in surrender. PO2 (described as a white male, who stood 5'3" to 5'5", had a slim build, was in his early 30s, and was dressed in uniform) entered the apartment, grabbed [REDACTED] and pulled him out into the hallway. PO3 (described as a white male dressed in uniform) was waiting in the hallway.

The officers shouted orders at [REDACTED] to get on the ground. [REDACTED] voluntarily went to the ground and lay face down. PO1 holstered his firearm. [REDACTED] began repeatedly questioning what was happening and telling the officers that his children were now unsupervised inside the apartment. PO1 approached [REDACTED] body from behind, placed a knee into his lower back, grabbed [REDACTED] right hand, and began handcuffing it. [REDACTED] continued to protest and was twisting his body and head backwards to look at the officer. When asked if he was resisting the handcuffing process, [REDACTED] stated that he "could have been," but argued that if he was, it was minimal and a result of his confusion.

PO2 approached [REDACTED] from his rear on his right side and punched [REDACTED] on the upper right side of his mouth once with his right fist. This blow caused [REDACTED] upper lip to bleed and swell. After PO2 punched him, [REDACTED] stopped talking and moving. PO1 then handcuffed [REDACTED]. At this point, approximately one minute had transpired since the beginning of the incident.

PO2 entered the apartment for one to two minutes and returned to the hallway. During that time, [REDACTED] remained in the hallway with PO1 and PO3. PO4 (described as a Hispanic male of light complexion, who had a husky build, was dressed in uniform, and was referred to as a sergeant by other officers) and [REDACTED] approached. ([REDACTED] did not recall who arrived first but they arrived around the same time.) PO4 told the officers that they had the wrong suspect. [REDACTED] asked to be released but was told that he would have to wait a little while longer. The officers began talking amongst themselves. [REDACTED] ([REDACTED] was unsure of the spelling of her name and did not know her surname), a neighbor from [REDACTED], came into the hallway. A few minutes later, an unidentified female neighbor from [REDACTED] came upstairs as well. The unidentified neighbor attempted to reassure the officers that [REDACTED] was a resident of the apartment. Several minutes transpired while the officers spoke amongst themselves.

Finally, the officers brought [REDACTED] downstairs. The neighbors remained in his apartment with his children. Outside the building, [REDACTED] was walked past a marked patrol car, in the backseat of which two Asian male teens of dark complexion were seated. As [REDACTED] was walked past the patrol car, the teens shook their heads from side to side as if to say, "No," [REDACTED] surmised.

[REDACTED] was walked farther down the street to a marked patrol van. A Hispanic male of dark complexion, who was in his mid-20s, and had a slim build, was standing outside the van, in handcuffs. An officer asked the unidentified Hispanic male if he knew [REDACTED]. The unidentified Hispanic male said that he did not. (When asked during his interview at the CCRB, [REDACTED] said that he did not know this individual either and had never seen him before.) [REDACTED] asked the officers again to be released. PO4 approached a few moments later and [REDACTED] was released. Once [REDACTED] was released, PO2 told [REDACTED] that he hoped he understood that he was only doing his job, or something to that effect, but made no direct reference to hitting [REDACTED]. [REDACTED] said nothing and walked away.

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██████████ pointed PO2 out to ██████████ who was also outside the building, and asked her to collect identifying information from him. ██████████ then went upstairs to his apartment and had no further interactions with police officers. At this point, approximately twenty to thirty minutes had transpired, the bulk of which was spent in the hallway outside the apartment where ██████████ was handcuffed and held before being taken downstairs.

██████████ was subsequently handed a slip of paper on which his wife wrote the following information: “April 2, 2012, around 5:00 p.m.; Cop name Schumacher, #4618; 75<sup>th</sup> Precinct, 1000 Sutter Avenue; 911 complaint ██████████, spoke with Pastor; Civilian Complaint Review Board, 40 Rector Street, 2<sup>nd</sup> Floor, Angel Rendon, ██████████.” ██████████ presented the original document during his interview and clarified that the information up until the mention of the 911 call was transcribed by his wife at the time of the incident when she spoke with PO2. The remaining information was added later as ██████████ and ██████████ went about the process of filing complaints with IAB and the CCRB. Additionally, ██████████ informed ██████████ that PO2 explained that the cause of ██████████ encounter was a recent robber. The perpetrator had fled inside ██████████ (According to ██████████ the building has three floors, with two apartments on each floor.) PO2 provided no additional information to ██████████ that ██████████ was aware of.

At the time of his interview, ██████████ noted the following on his Confidential Witness Information Sheet. ██████████ sustained a “busted lip, lower back pains, and a bruised [knee]” and sought medical treatment at ██████████ Hospital.

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## Subject Officer: PO WILLIAM SCHUMACHER

- PO Schumacher is a [REDACTED]-year-old white male, who stands 5'8", weighs 175 lbs., and has brown hair and hazel eyes.
- On April 2, 2012, PO Schumacher worked from 1:30 p.m. to 2:05 a.m. and was assigned to 75<sup>th</sup> Precinct Impact footpost # [REDACTED]. PO Schumacher was working alone, dressed in uniform, and on foot.

## Memo Book

At 4:45 p.m., there was a radio run for a 10-30 (robbery in progress). The complainant/victim of the robbery, [REDACTED] DOB: [REDACTED], Address: [REDACTED], was put in a patrol car for a canvass. At 5:00 p.m., the complainant/victim of the robbery pointed out the perpetrators. A foot pursuit led into [REDACTED]. Knocked on door of [REDACTED] and an individual inside refused to come out, stating, "They found me. I don't know what to do." When individual opened the door, he fit the description of the 10-30/foot pursuit. Individual was brought out at gun point (complainant/victim of the robbery had stated that the perpetrator had a gun). While attempting to cuff individual, he refused to comply or be rear-cuffed and was taken to the ground. A show-up was conducted with negative results. The individual stated he had no injuries and was released. At 5:05 p.m., a UF250 was prepared in regards to [REDACTED], Address: [REDACTED] DOB: [REDACTED], for robbery. Perpetrator was in handcuffs, had a firearm pointed at him, and hands placed on him and was taken to the ground when he refused to comply. At 5:15 p.m., one individual was placed under arrest in regards to a 10-30 radio run. The second perpetrator, [REDACTED] DOB: [REDACTED], Address: [REDACTED], was apprehended on the corner of [REDACTED]. A show-up was conducted with positive results. At 5:30 p.m., PO Schumacher returned to the 84<sup>th</sup> Precinct stationhouse with his prisoner.

## CCRB Statement

On February 14, 2013, PO Schumacher was interviewed at the CCRB. At approximately 4:45 p.m., PO Schumacher heard a radio run for a 911 report of a robbery that took place inside a park approximately two blocks north of PO Schumacher's footpost at [REDACTED]. Just minutes after the radio run, PO Schumacher was approached by the victims of the robbery, a male and his girlfriend, who were on foot at this time. The male stated that he had gone to the park with his girlfriend, where she gave him his birthday gift. They were approached a heavyset Hispanic male and a thin Hispanic male, who was wearing a white tee shirt. The men took the male victim's cell phone and glasses and five dollars from the female victim. The men then told the victims, "If you tell the police, I'll shoot you." The threat was verbal; the victims did not report seeing a firearm. The physical descriptions of the robbers were told to PO Schumacher in person; he did not recall if they were also relayed over the radio.

PO Schumacher used his radio to report that he was with the victims of the robbery at [REDACTED]. A marked patrol car responded to the location. PO Schumacher did not recall who these officers were and viewing the roll call did not refresh his memory. They were uniformed and held the rank of police officer. PO Schumacher also believed that the officers were assigned to sector patrol, but he was not sure. PO Schumacher entered the patrol car with the victims. They drove to [REDACTED], which was approximately eight to nine blocks away, because one of the victims stated that he had seen one of the robbery perpetrators at that intersection in the past. Approximately five minutes later, they arrived at the intersection. PO Schumacher saw another marked patrol car at the location. The officers, whose identities PO Schumacher did not recall, exited that patrol car and gave chase after two individuals, one a heavyset Hispanic male, who tried to hide behind a parked car, and another a Hispanic male in a white tee shirt, who fled into [REDACTED]. The individual who hid behind the car was stopped outside, later identified as [REDACTED], arrested, and charged as one of the perpetrators of this robbery.

PO Schumacher and the officers in his patrol car exited and followed the other officers, trailing by approximately two seconds, into [REDACTED]. Approximately four officers entered the building together. While approaching the third and last floor, PO Schumacher heard a door shut. On the third floor there were anywhere between two and four apartments and a door to the roof. PO Schumacher knocked on an apartment door, at random. A woman answered and invited him to look inside her apartment. PO Schumacher did so with negative results. PO Schumacher knocked on the door across the hall, [REDACTED] which was across from the first door he tried. While PO Schumacher did this, the other officers continued with the vertical patrol. Additional officers were also entering the building at this time and climbing the stairs.

After knocking on the door, PO Schumacher heard a voice inside telling another party, "They found me. It's the police. I'm not coming out." PO Schumacher said, "It's the police. Open the door. I just want to talk to you." PO Schumacher purposefully

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made no mention of the robbery because he did not want who he believed to be a robbery suspect to be aware that he had been apprehended. PO Schumacher made repeat requests that the individual open the door. PO Schumacher also tried the door knob but the door was locked. After approximately two to three minutes, the door unlocked and was opened by a small female child, approximately two to five years of age. The door was opened approximately one foot wide. Through the opening, PO Schumacher saw a Hispanic male, who was wearing a white shirt, and looked like the individual who he had seen flee into the building. PO Schumacher believed that this individual, subsequently identified as [REDACTED] was one of the robbery perpetrators. [REDACTED] was crying and holding a landline phone in one of his hands. The apartment was dark and [REDACTED] other hand was not visible.

PO Schumacher ordered [REDACTED] out of the apartment and told him to show both hands. [REDACTED] continued to hold the phone and did not comply with the order to come out. PO Schumacher drew his firearm and pointed it at [REDACTED]. PO Schumacher pointed his firearm at [REDACTED] based on the robbery victim's statement in-person that the robbery perpetrators had threatened to shoot them, the darkness of the apartment as well as his inability to see [REDACTED] other hand, and [REDACTED] failure to comply immediately with the instructions given to him.

Finally, [REDACTED] put the phone down and stepped out of the apartment with both hands up, which were empty. PO Schumacher directed [REDACTED] to get on the floor multiple times. [REDACTED] did not comply with the orders, instead asking "What did I do? What did I do?" PO Schumacher issued several additional orders that [REDACTED] get on the floor. PO Schumacher was unsure if any officers were behind him backing him up at this point or if the officers were still scattered throughout the building. With his free hand, PO Schumacher grabbed [REDACTED] by the shoulder and pulled him downward toward the floor. [REDACTED] went down. PO Schumacher holstered his firearm, pressed a knee into [REDACTED] back to use his weight to prevent him from standing. [REDACTED] was trying to stand and pulling his hands away, which PO Schumacher and another officer, whose identity PO Schumacher did not recall, grabbed and pulled into handcuffs. No force aside from grabbing and pulling at his arms was used by an officer, except by PO Schumacher, who used his knee to weigh [REDACTED] back downward to restrain him against standing. No officer ever punched [REDACTED] in his face.

Once [REDACTED] was handcuffed, PO Schumacher entered the apartment, which opened into a living room. To the left, there was a hallway that led to a bedroom at the end. PO Schumacher walked down the hallway and looked inside the bedroom (the door was already open). There was another two to five year old child sleeping inside the room. PO Schumacher returned to the front door, where he tried to calm the other child, who was now crying. PO Schumacher smelled the odor of marijuana in the apartment but saw none in plain view. PO Schumacher did not touch anything inside the apartment or open any doors. No officer ever attempted to force entry through the front door nor was there any damage to the lock.

PO Schumacher left the apartment and brought [REDACTED] downstairs and outside in handcuffs. PO Schumacher brought [REDACTED] to the patrol car but the victims stated that [REDACTED] was not the other robbery perpetrator. At some point after handcuffing and before the show-up, PO Schumacher was certain that [REDACTED] was frisked, but he did not recall by who. [REDACTED] was never searched. After negative results for the show-up, PO Schumacher removed [REDACTED] handcuffs. PO Schumacher asked why [REDACTED] was saying what he said before the apartment door was opened and why he was noncompliant. [REDACTED] explained that a week or two prior a warrant had been executed in his home for drugs and he had been caught smoking marijuana. [REDACTED] feared that the same thing was happening when PO Schumacher knocked on the door. PO Schumacher asked [REDACTED] if he had any injuries or needed an ambulance. PO Schumacher saw no visible injuries to [REDACTED] and [REDACTED] stated that he did not need medical attention. [REDACTED] was free to go; he was in custody for approximately ten minutes. As far as PO Schumacher knew, the second robbery perpetrator was never arrested. PO Schumacher did not recall what if any supervisors responded to the incident.

PO Schumacher reviewed the UF-61 Complaint Report for the robbery and explained that it did not list physical descriptions for the robbery perpetrators because an arrest was eventually made. When an arrest is made, the pedigrees of the suspects are not included on the UF-61 Complaint Report.

PO Schumacher reviewed the Stop, Question, and Frisk Report that he prepared for this incident. PO Schumacher noted that the furtive movements he checked off under circumstances that led to the stop referred to [REDACTED] initial refusal to show his other hand. PO Schumacher checked off actions indicative of engaging in violent crimes because [REDACTED] was suspected of robbery, which is inherently considered a violent crime. Under reason for force used, PO Schumacher checked off reaching for

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suspected weapon due to [REDACTED] initial refusal to reveal his other hand and his first-hand knowledge from the robbery victims that the perpetrators had threatened to shoot them.

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## Subject Officer: PO HASSAN RAZA

- PO Raza is a [REDACTED]-year-old Asian male with a dark complexion, who stands 5'11", weighs 175 lbs., wears glasses, and has black hair and brown eyes.
- On April 2, 2012, PO Raza worked from 1:30 p.m. to 10:05 p.m. and was assigned to 75<sup>th</sup> Precinct patrol sectors H and I. PO Raza was partnered with PO Scott Mustapich, dressed in uniform, and assigned marked patrol car # [REDACTED]. PO Mustapich was driving and PO Raza was the sole passenger.

## Memo Book

At 4:40 p.m., PO Raza went out on patrol. At 4:40 p.m., PO Raza went on a canvass with an officer assigned to foot post #47 and a complainant/victim of a crime in regards to a 10-32 job at [REDACTED]. At 5:15 p.m., the canvass yielded positive results in regards to the above entry. PO Raza transported complainant/victim of the crime to the 75<sup>th</sup> Precinct.

## CCRB Statement

On May 29, 2013, PO Raza was interviewed at the CCRB. While on patrol, PO Raza and PO Mustapich heard a radio run put over the radio by PO William Schumacher, who was assigned to foot post #47, for a 10-32 robbery at [REDACTED]. There was no 911 call for the incident prior to this; PO Schumacher picked up the job in person and put it over the radio himself. PO Raza and PO Mustapich drove approximately two blocks to PO Schumacher's location and put PO Schumacher and the victim of the robbery in their patrol car. Inside the patrol car, PO Schumacher obtained additional details from the victim, including "very accurate," detailed descriptions of what was either two or three perpetrators. PO Schumacher relayed this information over the radio. PO Raza and PO Schumacher began a canvass, and several other units did so as well. PO Raza did not recall the physical descriptions provided nor did he recall what other units were also canvassing. PO Raza learned from listening to the victim's statement that he was walking home from school with his girlfriend when they were approached from behind by the perpetrators. The victim was robbed of his cell phone. PO Raza did not recall if any threats were issued to the victim, including any threats referencing a firearm.

PO Raza and PO Mustapich were requested at [REDACTED] by two uniformed officers assigned to a marked van (this was all that PO Raza recalled about them or their assignment). One male was stopped at the location by the officers from the marked van. PO Raza did not recall this man's physical appearance or clothing. PO Schumacher exited the vehicle and approached. PO Raza parked at an angle where the robbery victim could see the suspect. The robbery victim positively identified the man as one of the robbery perpetrators. PO Raza did not see where PO Schumacher went or what he did beyond this point.

PO Raza was made aware that the second person who was stopped at this location had fled down the block into a building on [REDACTED] and another street that PO Raza did not recall. PO Raza did not see what officers pursued the suspect into the building, nor did he see this second suspect. PO Raza believed that he remained with the robbery victim and PO Mustapich at the corner of [REDACTED], because the robbery victim could not be left alone in the patrol car, and the robbery victim was their responsibility at the time. The robbery victim remained inside the patrol car the entire time. PO Raza thought that a suspect was eventually brought out of the building, but he did not recall if a second show-up ever took place, nor did he recall any involvement in a second show-up if it did take place. The man who was positively identified at [REDACTED] was handcuffed and placed in the marked van. PO Raza and PO Mustapich then transported the robbery victim to the 75<sup>th</sup> Precinct. When asked if he ever entered the building where officers pursued a second suspect, PO Raza answered "not that I remember." PO Raza was shown a photo of [REDACTED] but he did not recognize him or recall an interaction with him.

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### **Witness Officer: PO MATTHEW ZAPPIA**

- *PO Zappia is a [REDACTED]-year-old white male, who stands 5'11", weighs 220 lbs., and has brown hair and brown eyes.*
- *On April 2, 2012, PO Zappia worked from 1:30 p.m. to 10:05 p.m. and was assigned to 75<sup>th</sup> Precinct Impact foot post #61, which is located on Liberty Avenue. PO Zappia was working at times with the officer assigned to either foot post #60 or #62, dressed in uniform, and on foot.*

### **Memo Book**

At 4:35 p.m., PO Zappia backed a unit on a 10-32 radio run at [REDACTED]. At 5:10 p.m., PO Zappia resumed patrol after completing a canvass and returned to foot post #61. At 5:20 p.m., PO Zappia was visited by a sergeant.

### **CCRB Statement**

On March 20, 2013, PO Zappia was interviewed at the CCRB. On April 2, 2012, at approximately 4:35 p.m., there was a radio run for a 10-32 larceny. PO Zappia backed a unit, he did not recall which, and stated that it did not necessarily mean that he was with the unit, by canvassing the blocks immediately surrounding his foot post, which was located somewhere on [REDACTED] approximately nine blocks west of [REDACTED] (PO Zappia did not recall the specific cross streets). PO Zappia walked up and down the blocks seeking anyone who fit the description that was broadcast over the radio. The officers assigning to the adjoining footposts, PO Zappia did not recall who, also canvassed. PO Zappia concluded his canvass at approximately 5:15 p.m., having never left the immediate vicinity of his foot post. PO Zappia never entered [REDACTED]. When shown a photo of [REDACTED] PO Zappia did not recognize him or recall an interaction with him.

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### **Witness Officer: PO JASON EGNACZYK**

- *PO Egnaczyk is a [REDACTED]-year-old white male, who stands 6'0", weighs 200 lbs., and has brown hair and brown eyes.*
- *On April 2, 2012, PO Egnaczyk worked from 1:30 p.m. to 10:05 p.m. and was assigned to 75<sup>th</sup> Precinct Impact foot post #62, which covers Liberty Avenue in the immediate vicinity of Fountain Avenue. PO Egnaczyk was working alone, dressed in uniform, and on foot.*

### **Memo Book**

At 4:35 p.m., there was a radio run for a 10-32 larceny of a phone at [REDACTED]. At 4:40 p.m., PO Egnaczyk conducted a canvass. At 4:55 p.m., PO Egnaczyk completed his canvass. At 5:00 p.m., PO Egnaczyk took his meal.

### **CCRB Statement**

On March 20, 2013, PO Egnaczyk was interviewed at the CCRB. On April 2, 2012, at approximately 4:35 p.m., there was a 10-32 radio run for a larceny of a phone at [REDACTED]. In response, PO Egnaczyk canvassed the immediate vicinity of his foot post, which was located in the vicinity of [REDACTED] (which is approximately seven blocks west of [REDACTED]) in search of any suspects fitting the description of the perpetrators that was broadcast over the radio. PO Egnaczyk did not encounter any suspects and he never left the immediate vicinity of his post, nor did he ever approach [REDACTED]. PO Egnaczyk was shown a photo of [REDACTED] but he did not recognize him or recall an interaction with him.

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## Witness Officer: PO SCOTT MUSTAPICH

- PO Mustapich is a [REDACTED]-year-old white male, who stands 5'11", weighs 180 lbs., and has brown hair and green eyes.
- On April 2, 2012, PO Mustapich worked from 1:30 p.m. to 12:25 a.m. and was assigned to a 75<sup>th</sup> Precinct conditions unit. PO Mustapich was partnered with PO Hassan Raza, dressed in uniform, and assigned marked patrol car # [REDACTED]

## Memo Book

At 4:40 p.m., PO Mustapich was on a canvass with the officer assigned to foot post #47 and a crime victim in the patrol car in regards to a radio run for a 10-32 at [REDACTED]. At 5:15 p.m., there were positive results on the canvass. The crime victim was transported to the 75<sup>th</sup> Precinct stationhouse.

## CCRB Statement

On May 31, 2013, PO Mustapich was interviewed at the CCRB. On April 2, 2012, PO Mustapich was driving and PO Raza was seated in the front passenger seat of the marked patrol car. Shortly before 4:40 p.m., there was a radio run for stolen property at [REDACTED]. PO Mustapich and PO Raza responded to [REDACTED], where they picked up the victim of the robbery and the officer assigned to foot post #47, identified by the investigation as PO William Schumacher. PO Mustapich did not recall any further details from the radio run. They began canvassing for the perpetrator(s), PO Mustapich did not recall if there was one or two.

During the canvass, there was another call, PO Mustapich did not recall if it came over a cell phone or department radio, by other officers, PO Mustapich did not recall who they were, who had one, possibly two, again, PO Mustapich did not recall, suspects stopped on [REDACTED].

PO Mustapich and PO Raza responded to [REDACTED]. PO Mustapich did not recall what information, if any, the victim of the robbery provided while inside the patrol car. The officers conducted a show-up at that time with positive results and that individual was placed under arrest. PO Mustapich did not recall if PO Raza or PO Schumacher exited the vehicle. While at [REDACTED], PO Mustapich saw some officers enter a building across the street, but he did not know why, did not recall who they were, and did not recall if PO Schumacher or PO Raza were among them. PO Mustapich never entered the building, because he remained with the victim of the robbery the entire time.

PO Mustapich did not recall if a second show-up was conducted. PO Mustapich then transported the robbery victim to the 75<sup>th</sup> Precinct stationhouse. PO Mustapich did not recall if PO Raza accompanied him for this. PO Mustapich did not recall whether a supervisor was present, or who transported the arrested individual, or what the arrested individual looked like. PO Mustapich did not recall seeing a marked patrol van at the location. PO Mustapich was shown the Stop, Question, and Frisk Report prepared for [REDACTED] and a photo of [REDACTED] and given details surrounding the incident, but he recalled nothing further.

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### **Witness Officer: PO DANIEL BARRETO**

- *PO Barreto is a [REDACTED]-year-old white male, who stands 6'2", weighs 320 lbs., has a shaved head of black hair and brown eyes, a black tattoo that covers the majority of his right forearm.*
- *On April 2, 2012, PO Barreto worked from 3:00 p.m. to 11:35 p.m. and was assigned to 75<sup>th</sup> Precinct patrol sector D. PO Barreto was partnered with PO Anthony Giretti, dressed in uniform, and assigned marked patrol car # [REDACTED]*

### **Memo Book**

At 4:06 p.m., PO Barreto responded to a 10-54 (ambulance case) at [REDACTED]. At 4:06 p.m., PO Barreto verified if an ambulance was needed at [REDACTED]. At 4:18 p.m., PO Barreto logged a patient removed to a hospital from the previous job on [REDACTED]. At 4:25 p.m., PO Barreto responded to a vehicle accident involving injuries at [REDACTED]. At 4:26 p.m., there was a radio run for a 10-68 (see complaint report). At 5:01 p.m., PO Barreto logged final dispositions of 10-93Q (other report prepared), 10-99T5 (vehicle accident), and 10-97RMA (refused medical attention) for a previous job on [REDACTED]. At 5:09 p.m., PO Barreto logged a final disposition of 10-91 (non-crime corrected) for a previous job on [REDACTED]. At 5:37 p.m., PO Barreto logged a final disposition of 10-93Q for a previous job on [REDACTED], then returned to the 75<sup>th</sup> Precinct to complete administrative duties. At 6:24 p.m., PO Barreto resumed patrol.

### **CCRB Statement**

On June 3, 2013, PO Barreto was interviewed at the CCRB. On April 2, 2012, at approximately 4:26 p.m., PO Barreto and PO Giretti received a radio run for a recovered stolen vehicle. PO Barreto and PO Giretti were still on another job. Shortly after 5:09 p.m., PO Barreto and PO Giretti responded to [REDACTED] for the recovered stolen vehicle job. After speaking with the owner of the vehicle, at approximately 5:37 p.m., PO Barreto and PO Giretti returned to the 75<sup>th</sup> Precinct stationhouse because the job required the preparation of a DD5 and they had to take the alarm off the vehicle—the license plate had a stolen vehicle alert on them that needed to be removed immediately. Otherwise the rightful owner of the vehicle could be arrested at any time if an officer ran his plates. PO Barreto did not believe that he or PO Giretti ever left this job to assist with the incident in question. Despite being shown the SPRINT for the incident in question, being shown a photo of [REDACTED] and being provided with details surrounding the encounter, PO Barreto did not recall it.

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## **Witness Officer: PO ANTHONY GIRETTI**

- *PO Giretti is a [REDACTED]-year-old white male, who stands 6'2", weighs 245 lbs., and has black hair and brown eyes.*
- *On April 2, 2012, PO Giretti worked from 3:00 p.m. to 11:35 p.m. and was assigned to 75<sup>th</sup> Precinct patrol sector D. PO Giretti was partnered with PO Daniel Barreto, dressed in uniform, and assigned marked patrol car # [REDACTED]*

## **Memo Book**

At 4:25 p.m., there was a radio run for a 10-53 (vehicle accident) at [REDACTED]. At 4:26 p.m., there was a radio run for a 10-68 (see complaint report) at [REDACTED]. At 5:01 p.m., PO Giretti logged final dispositions of 10-93Q (other report prepared), 10-99T5 (vehicle accident), 10-97RMA (refused medical attention) for the job on [REDACTED]. At 5:09 p.m., PO Giretti logged a final disposition of 10-91 (non-crime corrected) for a previous job on [REDACTED]. At 5:37 p.m., PO Barreto logged a final disposition of 10-93Q for a previous job on [REDACTED]. At 5:47 p.m., PO Barreto was visited by a sergeant. At 6:24 p.m., PO Giretti resumed patrol.

## **CCRB Statement**

On June 4, 2013, PO Giretti was interviewed at the CCRB. On April 2, 2012, by the time the radio run for the incident in question was generated at 4:35 p.m., PO Giretti and PO Barreto were already handling three separate jobs. After handling the job at [REDACTED], PO Giretti's memo book was scratched by a sergeant at the same location. PO Giretti did not believe that he or PO Barreto responded to the incident in question or were involved in any way. They worked together for the duration of their tour. After his memo book was scratched, PO Giretti and PO Barreto returned to the 75<sup>th</sup> Precinct stationhouse and did not resume patrol until 6:24 p.m. Despite being shown the SPRINT, a photo of [REDACTED] and being provided details surrounding the incident, PO Giretti did not recall it.

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## Interview Details

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### **Witness Officer: PO PATRICK MARRON**

- *PO Marron is a [REDACTED]-year-old white male, who stands 6'0", weighs 200 lbs., and has a bald head and gray eyes.*
- *On April 2, 2012, PO Marron worked from 1:00 p.m. to 9:35 p.m. and was assigned as an Impact sergeant's operator. PO Marron was partnered with SGT Kevin Colvin, dressed in uniform, and assigned to marked patrol van # [REDACTED]*

### **Memo Book**

At 3:35 p.m., there was a pick-up job for an emotionally disturbed person at [REDACTED]. At 4:10 p.m., the individual was removed to [REDACTED] Hospital. At 6:10 p.m., a vehicle was stopped at [REDACTED].

### **CCRB Statement**

On June 28, 2013, PO Marron was interviewed at the CCRB. On April 2, 2012, at approximately 3:35 p.m., PO Marron and SGT Colvin handled the removal of an emotionally disturbed person on [REDACTED]. They did not escort the EDP with EMS. PO Marron did not recall his activities between 4:10 p.m. and the vehicle stop at 6:10 p.m., but he remained partnered with SGT Colvin during this time and did not recall any other officers joining them. PO Marron was shown the SPRINT and Stop, Question, and Frisk Report generated for this incident and shown a photo of [REDACTED] and provided details surrounding the incident. PO Marron did not recall any involvement in the incident. PO Marron noted that the command is separated into two Impact zones—one on the west side and the other on the east. PO Marron was working in the zone to the west, and the parameters of his assignment restricted his patrol to that zone. All of the events related to this incident occurred in the Impact zone to the east.

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# Interview Details

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## Witness Officer: PO SCOTT SMATH

- PO Smath is a [REDACTED]-year-old white male, who stands 5'10", weighs 240 lbs., has brown hair and blue eyes, and has tattoos on his left bicep.
- On April 2, 2012, PO Smath worked from 1:30 p.m. to 10:05 p.m. and was assigned as a sergeant's operator. PO Smath was partnered with SGT Kevin Beslity, dressed in uniform, and assigned marked patrol van # [REDACTED]

## Memo Book

At 4:50 p.m., there was a radio run for a 10-32 (larceny in progress) at [REDACTED]. At 5:10 p.m., PO Smath responded to [REDACTED]. There was one make suspect: a Hispanic male wearing a green hat and black leather jacket was detained. The victim of the robbery confirmed that the detained male was the perpetrator. The man was arrested. At 5:35 p.m., PO Smath responded to the 75<sup>th</sup> Precinct stationhouse with one male prisoner and PO William Schumacher.

## CCRB Statement

On June 28, 2012, PO Smath was interviewed at the CCRB. On April 2, 2012, at approximately 4:50 p.m., there was a radio run for a larceny in progress committed by a Hispanic male wearing a green hat and a black leather jacket. At approximately 5:10 p.m., at [REDACTED], PO Smath saw a Hispanic male wearing a green hat and a black leather jacket. PO Smath stopped the van and stepped out of the driver seat. SGT Beslity stepped out as well. The man, identified by the investigation as [REDACTED], attempted to flee but only made it a few houses down the street before PO Smath was able to stop him. PO Smath did not recall seeing anyone with [REDACTED] nor did he see another individual who he believed may have been a suspect of the robbery aside from this individual. PO Smath handcuffed [REDACTED]. Sometime later, PO Smath did not recall how long, another unit, PO Smath did not recall who the officers were, responded with the victim of the robbery for a show-up. The officers confirmed over their radios that the show-up was positive. At this point, [REDACTED] was under arrest for the robbery. PO Smath never spoke to the victim of the robbery and no other show-ups were conducted. During this time a couple of other units responded. PO Smath loaded [REDACTED] into his van and went back to the 75<sup>th</sup> Precinct stationhouse with the officer who took the arrest, identified by the investigation as PO Schumacher.

PO Smath never went near [REDACTED] and was never apart from [REDACTED] from the point he stopped him until he transported him. PO Smath did not recall where SGT Beslity was or what he was doing during this time period. Despite being shown the SPRINT, the UF-61 Complaint Report, and the Stop, Question, and Frisk Report, PO Smath did not recall the larceny involved two suspects nor did he recall any entry at [REDACTED] or any police activity in that building related to this incident. PO Smath was also shown a photo of [REDACTED] and provided additional details surrounding the incident, but he still did not recall anything further.

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# Interview Details

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## Witness Officer: SGT KEVIN BESLITY

- SGT Beslity is a [REDACTED]-year-old white male, who stands 6'00", weighs 240 lbs., and has black hair and brown eyes.
- On April 2, 2012, SGT Beslity worked from 1:15 p.m. to 11:12 p.m. and was assigned as a 75<sup>th</sup> Precinct Impact supervisor. SGT Beslity was partnered with PO Scott Smath and PO Frederick Manney, dressed in uniform, and assigned marked patrol van # [REDACTED]

## Memo Book

At 4:50 p.m., there was a radio run for a 10-32 (larceny in progress) at [REDACTED]. At 5:10 p.m., SGT Beslity responded to [REDACTED]. There were two males fitting the description for the 10-32 job. A vertical patrol was conducted at [REDACTED] after one male fled into the building. On the 2<sup>nd</sup> floor, they lost track of the suspect (male Hispanic, black leather jacket, thin build). At 5:25 p.m., an individual was arrested by the officer assigned to foot post #47. At 5:35 p.m., SGT Beslity returned to the 75<sup>th</sup> Precinct stationhouse. At 6:20 p.m., SGT Beslity resumed patrol.

## CCRB Statement

On July 2, 2013, SGT Beslity was interviewed at the CCRB. On April 2, 2012, PO Smath was driving, SGT Beslity was seated in the front passenger seat, and PO Manney was seated behind them. After a radio run for a 10-32, which consisted of a robbery of two victims, with one punched in the face. One of the perpetrators stated that he had a firearm in his jacket. Property was stolen. The radio run also included physical descriptions of both suspects, but SGT Beslity did not recall what they were.

At [REDACTED] (possibly [REDACTED]—SGT Beslity noted that he was having difficulty reading the handwriting in his memo book), SGT Beslity observed two men who appeared to fit the descriptions relayed over the radio. One individual had his back turned toward the van and the other was facing it. The man who was facing the van, identified by the investigation as [REDACTED], made eye contact with SGT Beslity, then said something to the man beside him, then looked back at SGT Beslity, and the other man began running.

SGT Beslity and PO Manney stepped out of the van and pursued the fleeing suspect. SGT Beslity left his radio in the van. SGT Beslity gave chase at a distance of approximately 30 to 40 yards, with PO Manney some distance ahead of him but behind the suspect. The suspect fled into [REDACTED] or [REDACTED]. (At this time, SGT Beslity was informed that statements obtained by the investigation and NYPD documentation provided the location of this activity as [REDACTED]. SGT Beslity acknowledged that it was possible that his handwriting spelled [REDACTED] and acknowledged that [REDACTED] was likely the location he was describing.) SGT Beslity followed the suspect and PO Manney into the building, which was approximately five to six stories tall. At this time, SGT Beslity did not see any other officers in the area pursuing this suspect aside from himself and PO Manney. SGT Beslity believed that PO Smath had stayed behind to deal with the other suspect but he was not sure at this time if that was the case.

SGT Beslity found PO Manney waiting for him on the second floor of the building, where he had lost track of the suspect. Together, they went to the roof and inspected it, then walked back down the stairs. On one of the floors, SGT Beslity did not recall which, he and PO Manney encountered PO William Schumacher and PO Hassan Raza with an individual, identified by the investigation as [REDACTED] in handcuffs. They were leading him down the stairs. SGT Beslity believed that [REDACTED] appeared to fit the description of one of the suspects, but he could not be sure if [REDACTED] was the same individual he had chased because he only saw the fleeing suspect from behind. SGT Beslity did not witness the handcuffing of [REDACTED] nor was he told anything about his apprehension or an entry into an apartment. SGT Beslity never made physical contact with [REDACTED] nor did he ever enter an apartment inside the building or see an officer enter an apartment. SGT Beslity, PO Manney, PO Schumacher, and PO Raza were the only officers inside the building, but additional officers were gathered outside, including PO Smath, who had [REDACTED] detained outside across the street from the building. SGT Beslity observed no injuries to [REDACTED] and he never saw an officer punch [REDACTED] in his face. A patrol sector unit, SGT Beslity did not recall what officers were in the vehicle, drove past with the victims of the robbery inside for a show-up. The results were positive for [REDACTED] and negative for [REDACTED]. SGT Beslity directed that a Stop, Question, and Frisk Report be prepared for [REDACTED] and that he be released immediately. SGT Beslity attempted to explain the reason for the detainment to [REDACTED] but [REDACTED] was highly irate. [REDACTED] was cursing and threatening to sue the police officers. SGT Beslity never heard [REDACTED] mention an entry into his apartment. [REDACTED] was then removed to the 75<sup>th</sup> Precinct stationhouse under arrest.

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# Interview Details

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## Witness Officer: PO FREDERICK MANNEY

- PO Manney is a [REDACTED]-year-old white male, who stands 6'0", weighs 190 lbs., and has brown hair and green eyes.
- On April 2, 2012, PO Manney worked from 10:00 a.m. to 10:35 p.m. and, along with PO Scott Smath, was assigned as SGT Kevin Beslity's operator. PO Manney was dressed in uniform and assigned marked patrol van # [REDACTED]

## Memo Book

At 4:50 p.m., there was a radio run for 10-32 at [REDACTED]. At 5:10 p.m., PO Manney responded to [REDACTED]. Upon arriving at [REDACTED], one male who fit a description was stopped. A second male fitting a description threw a cell phone into a trash can and ran into [REDACTED]. Upon entering [REDACTED] PO Manney heard a door on the third floor close. PO Manney waited for back-up. SGT Beslity knocked on two doors on the third floor but no one answered. PO Manney and SGT Beslity left [REDACTED].

## CCRB Statement

On August 8, 2013, PO Manney was interviewed at the CCRB. On April 2, 2012, PO Manney and PO Smath were assigned to Impact patrol in a marked van with SGT Beslity. PO Smath was driving, SGT Beslity was seated in the front passenger seat, and PO Manney was seated behind them. At approximately 4:50 p.m., while on routine patrol, they heard a radio transmission from PO William Schumacher for a pick-up job of a larceny on [REDACTED]. The radio transmission included two physical descriptions of suspects, a description of the stolen property, and a direction of flight. At the time of his interview, PO Manney only recalled that one suspect was described as a male wearing a green hat and a black jacket and the other suspect was described as a male. The stolen property included a cell phone and possibly other belongings. PO Manney did not recall the direction of flight, but after approximately twenty minutes, they ended up on [REDACTED] (PO Manney acknowledged that his memo book entries incorrectly noted [REDACTED]). During the twenty minutes, PO Manney did not recall hearing any additional radio transmissions with new information.

At [REDACTED], PO Manney observed a Hispanic male with a light complexion, who had a thin build, medium length hair, and was dressed in "all gray" clothing at a distance of 20 to 25 feet. PO Manney recalled that he believed this individual fit the second physical description. PO Manney then suggested that the physical description he did not recall matched this person's appearance, but clarified that he was not stating that he independently recalled the specifics of the second physical description that PO Schumacher originally provided, only that he did recall believing that this individual fit it at the time of the incident. PO Manney and this individual made eye contact for a few seconds. PO Manney opened the door of the marked van. The individual then threw what was visibly identifiable as a cell phone into a trash can and began running. PO Manney gave chase, at a distance of approximately 20 to 25 feet. SGT Beslity gave chase as well, trailing some distance behind PO Manney and the suspect. PO Manney was unaware of what PO Smath did at this moment. PO Manney shouted, "Stop. Police. Don't move." The suspect fled approximately 25-30 feet into [REDACTED]. Once the suspect fled inside, PO Manney lost sight of him.

PO Manney entered the building and saw only one stairwell. PO Manney heard the suspect running up the stairs and ran up behind him. When PO Manney reached the second floor, he heard the suspect running on the third floor followed by the shutting of a door somewhere behind his field of vision (the hallways are shaped in an "L" and the sound emanated from the half of the hallway that extended behind the direction PO Manney faced as he heard the sound from the second floor), and then silence. PO Manney stopped there to wait for SGT Beslity to catch up before proceeding. PO Manney did not use his radio. SGT Beslity caught up after one to two minutes. PO Manney told SGT Beslity that he heard a door shut on the third floor and informed SGT Beslity of the region where the sound came from. PO Manney told SGT Beslity that he was almost certain that the suspect fled into an apartment.

PO Manney and SGT Beslity went upstairs to the third floor and PO Manney led SGT Beslity to the region where he believed the sound of the door shutting originated. There were two apartment doors in this section of the hallway. PO Manney did not recall what markings, if any, were on the doors. (PO Manney was unaware that each apartment in the building has two entrance points and this was his first time inside the building.) SGT Beslity knocked on both doors. PO Manney and SGT Beslity said nothing and they heard nothing. No other officers were inside the building as far as PO Manney knew at this time. After waiting approximately five minutes, PO Manney and SGT Beslity went to the building's roof to make sure that the suspect had not fled via the roof. The roof was clear. PO Manney and SGT Beslity went downstairs and outside without stopping on the third floor.

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## Interview Details

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again. On the way down, PO Manney saw no other officers inside the building. During their time in the building, neither PO Manney nor SGT Beslity used their radios to relay information or request assistance.

Outside, PO Manney saw that PO Smath had another individual, identified by the investigation as [REDACTED], stopped and in handcuffs. A patrol car pulled up containing the victims of the crime and a positive show-up was conducted in regard to [REDACTED]. PO Manney did not recall what officers were in this patrol car, nor did he recall interacting with the victims of the crime at this point. PO Manney was informed that [REDACTED] was with the suspect he chased, but PO Manney did not recall noticing [REDACTED] at the moment that he became concerned with the suspect who fled the intersection.

PO Schumacher and PO Hassan Raza then exited [REDACTED] with an individual in custody, identified by the investigation as [REDACTED]. PO Manney did not see or know where PO Schumacher and PO Raza had come from or how or when they entered the building. PO Manney's first awareness of their presence was their exit from the building with [REDACTED]. PO Manney had never communicated his earlier activity—chasing a fleeing suspect into the building—to PO Schumacher and PO Raza and he did not know how they were aware of it. PO Manney did believe that they were somehow aware, possibly from talking to PO Smath outside, because he did not know how they would have known that a second suspect was possibly inside the building. PO Manney did not speak with PO Schumacher or PO Raza or learn how they apprehended [REDACTED] nor did he witness any aspect of it. PO Manney described [REDACTED] as a black male with a light complexion who was wearing a white tee shirt. Upon seeing him in custody, PO Manney did not believe that [REDACTED] was the individual he had chased into the building. PO Manney had never seen [REDACTED] prior to this point. PO Manney did not recall if he spoke to [REDACTED] and he did not see visible injuries to him. The show-up for [REDACTED] yielded negative results. PO Manney was never informed by any officer how [REDACTED] was apprehended and he was unaware of any entry taking place inside [REDACTED]. PO Manney never drew his firearm and pointed it at a civilian nor did he see another officer do so during this incident. PO Manney was not certain if the second suspect of this crime was ever apprehended.