

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Catherine Twigg	Team: Team # 1	CCRB Case #: 201213370	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Fri, 10/12/2012 11:40 PM	Location of Incident: [REDACTED]	Precinct: 63	18 Mo. SOL 04/12/2014	EO SOL 4/12/2014	
Date/Time CV Reported Mon, 10/15/2012 2:33 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 10/15/2012 2:33 PM		

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

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

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Daniel Young	05170	932084	063 DET
2. DT3 Kenneth Spaeth	02591	923200	063 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Daniel Gibson	03516	949024	063 PCT
2. POM Sean Kelleher	08485	901759	063 PCT

Officer(s)	Allegation	Investigator Recommendation
A . DT3 Daniel Young	Abuse of Authority: Det. Daniel Young drew his gun.	A . § 87(2)(g) [REDACTED]
B . DT3 Daniel Young	Abuse of Authority: Det. Daniel Young threatened to damage B . an individual's property.	[REDACTED]
C . DT3 Kenneth Spaeth	Abuse of Authority: Det. Kenneth Spaeth stopped § 87(2)(b) [REDACTED]	C . [REDACTED]
D . DT3 Daniel Young	Force: Det. Daniel Young used physical force against § 87(2)(b) [REDACTED]	D . [REDACTED]
E . DT3 Kenneth Spaeth	Abuse of Authority: Det. Kenneth Spaeth refused to provide his name and shield number to § 87(2)(b) [REDACTED]	E . [REDACTED]
§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
J . DT3 Daniel Young	Other: Det. Daniel Young intentionally made a false official statement in violation of Patrol Guide Procedure 203-08.	J . § 87(2)(g) [REDACTED]

Case Summary

On October 15, 2012, § 87(2)(b) filed the following complaint with the Civilian Complaint Review Board on behalf of himself, over the phone (encl. 6a-c).

On October 12, 2012 at 11:40 p.m., § 87(2)(b) was stopped by Det. Kenneth Spaeth and Det. Daniel Young of the 63rd Precinct Detective Squad at the intersection of § 87(2)(b) in Brooklyn. The following allegations stemmed from this incident:

- **Allegation A: Abuse of Authority - Det. Daniel Young drew his gun.**
- **Allegation B: Abuse of Authority – Det. Daniel Young threatened to damage an individual's property.**

§ 87(2)(b), § 87(2)(g)

- **Allegation C: Abuse of Authority – Det. Kenneth Spaeth stopped § 87(2)(b)**

§ 87(2)(b), § 87(2)(g)

- **Allegation D: Force – Det. Daniel Young used physical force against § 87(2)(b)**
- **Allegation E: Abuse of Authority – Det. Kenneth Spaeth refused to provide his name and shield number to § 87(2)(b)**

§ 87(2)(b), § 87(2)(g)

- § 87(2)(b), § 87(4-b), § 87(2)(g)

- **Allegation J: Other Misconduct - Det. Daniel Young intentionally made a false official statement in violation of Patrol Guide Procedure 203-08.**

§ 87(2)(g)

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-year-old black male, standing 5'9", weighing 156 pounds, with black hair and brown eyes.
- At the time of his CCRB interview, § 87(2)(b) was employed as a § 87(2)(b) at § 87(2)(b) in Brooklyn.

Statements to Medical Provider

Regarding the source of his injuries, on October 13, 2012, § 87(2)(b) made the following statements to staff at § 87(2)(b) (encl. 7a-c). § 87(2)(b) stated that the injury occurred at the mall and alleged that he was beaten by NYPD officers. § 87(2)(b) stated that he sustained a twisting injury yesterday at a mall. § 87(2)(b) stated that he was confronted by NYPD and an officer put his left arm behind him to apprehend him and was pushing it very hard up towards his upper back.

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on October 22, 2012 (encl. 8a-g). § 87(2)(g) § 87(2)(b). On October 12, 2012, § 87(2)(b) worked from 11:00 a.m. until 11:30 p.m. at § 87(2)(b) in the § 87(2)(b) which he did not leave all day. § 87(2)(b) was wearing a lightweight camouflage green army fatigue jacket, with a grey hooded sweatshirt with a graphic on the front, dark blue jeans with brown stripes on the back, black and red Nike sneakers and a black adjustable baseball cap, with the word "Diamond" in white lettering across the front. At 11:35 p.m., § 87(2)(b) exited the mall, close to the corner of § 87(2)(b) with his managers, § 87(2)(b) and § 87(2)(b) whose surnames he does not know, but who were identified by the investigation as § 87(2)(b) and § 87(2)(b) was speaking on the phone with his girlfriend. § 87(2)(b) walked with § 87(2)(b) and § 87(2)(b) to the bus stop on the southeast corner of the intersection, in front of the mall exit where they stopped. § 87(2)(b) then walked north along the sidewalk alone, crossed § 87(2)(b) to the northeast corner and approached a "dollar van" which is a blue van, with a license from the Taxi and Limousine Commission, that transports groups of people. In the van was a male who § 87(2)(b) believed was the driver, who later told § 87(2)(b) that his name was § 87(2)(b) and provided his phone number, and who was identified by the investigation as § 87(2)(b). Also in the van was a female named § 87(2)(b) who provided her phone number to § 87(2)(b) and who was identified by the investigation as § 87(2)(b) and an unknown black female in her 30s, standing 5'6" which a heavy build, and who was identified by the investigation as § 87(2)(b) did not know § 87(2)(b) or § 87(2)(b) asked § 87(2)(b) if the van was going along § 87(2)(b). When § 87(2)(b) confirmed that it was, § 87(2)(b) got into the van, which seats 12 people and sat down on the back row of seats, still talking on his phone. The van remained parked.

About five minutes later, § 87(2)(b) saw an unmarked black Chevrolet Impala pull up next to the van, in the street. Two police officers in plainclothes exited the car. Det. Kenneth Spaeth, identified by the investigation and described as a § 87(2)(b) in his 40s, standing § 87(2)(b) and § 87(2)(b) approached the driver at the driver's side of the van and asked him to open the door. § 87(2)(b) opened his driver's side front door and exited to speak to Det. Spaeth. In his

intake statement, § 87(2)(b) stated that the driver initially refused to open the door or roll down his window. Det. Daniel Young, identified by the investigation and described as a § 87(2)(b) in his late 30s, standing § 87(2)(b), came around to the passenger side and knocked on the window. Det. Young said, “If you don’t open the door, I’m going to break this fucking window” or “Open the fucking door or I’m going to break this fucking window.” In his intake statement, § 87(2)(b) described this threat, but did not mention the profanity. § 87(2)(b) reached into the driver’s side area and unlocked the back passenger door.

Det. Young opened the back passenger door and looked at the people inside. § 87(2)(b) took off his hat to allow the officer to see his face. Det. Young asked § 87(2)(b) to step out of the vehicle. § 87(2)(b) agreed, told his girlfriend that he would call her back, disconnected the call, and began to exit the van. Before he had reached the door, Det. Young reached inside, grabbing § 87(2)(b) by the front of his hooded sweatshirt and pulled him out of the van. Earlier in the statement, § 87(2)(b) stated that after an officer asked him to step out, the other officer pulled him out. Det. Young then pushed § 87(2)(b) up against the van, so that his front side was pressed against the front passenger door of the van and his cheek was pressed against the window. Det. Young pulled his arms behind his back, pulling them high up § 87(2)(b)s back close to his neck and spoke on the radio, apparently confirming a description. As Det. Young stood behind him, Det. Young nudged § 87(2)(b)s knee outwards, with his own knee, causing § 87(2)(b) to slip to the side and fall a little. Det. Spaeth then grabbed § 87(2)(b) and pushed him into the van again, saying “Don’t move.” At some point, before other officers arrived, § 87(2)(b) said, towards Det. Spaeth and Det. Young, “Can I get a name or a badge number? I don’t even know who you are.” The officers ignored him.

Three marked NYPD cars and between six and ten additional uniformed officers arrived at the scene, including an unidentified officer described as a Caucasian male in his mid-20s, standing 6’ tall, with an average build, wearing a uniform. A number of the officers approached him, causing § 87(2)(b) to be afraid and to shout, “Woah, woah, woah.” Det. Spaeth and Det. Young then pulled § 87(2)(b) off the side of the van and moved him in front of the van. The unidentified male officer put both of his hands on § 87(2)(b)s chest, holding him still, while Det. Young placed § 87(2)(b) in handcuffs.

A minute or two minutes after this, another marked NYPD car arrived at the location. In the backseat were a black male and an Asian male in their late teens or 20s, with average builds, who § 87(2)(b) does not know. The two males looked at § 87(2)(b). At this time, § 87(2)(b) and § 87(2)(b) passed by § 87(2)(b) on a bus driving northbound on § 87(2)(b). They exited the bus, came quickly to the location, and tried to speak to the police officers to explain that § 87(2)(b) had been at work with them. The officers told them to stand back. A crowd of 5-6 people were present at this time, including § 87(2)(b) and § 87(2)(b).

§ 87(2)(b) told the officers his name and said that they could check his identification, informing them that it was in his wallet in his back right pocket. Det. Spaeth reached into his pocket and removed his wallet and checked his identification. § 87(2)(b) told them that his paystub was also in the pocket and they could check that too. § 87(2)(b) heard the officers report his name on the radio. Then officers informed § 87(2)(b) that the people in the car had been robbed that night, and that he fit the description of the robbery suspect, specifically mentioning the army fatigue jacket, a black hat which said “Diamond” and a grey hooded sweatshirt. They told § 87(2)(b) that there have been robberies in the neighborhood. The handcuffs were taken off § 87(2)(b). § 87(2)(b) asked for the officers names and badge numbers, while standing about four feet away from them. Det. Spaeth waved his hand at § 87(2)(b) appearing to dismiss him and turned away. Det. Young told § 87(2)(b) that his name was Officer Young.

§ 87(2)(b) went home in the van and then went to the emergency room at § 87(2)(b) of Brooklyn. § 87(2)(b) was given an x-ray and released with Ibuprofen. He had bruises on his bicep which resulted from his arms being twisted behind him, bruises on his collar bone from being hit against the van, three scratches on his lower and one scratch on his upper back, and his shoulder was sprained. § 87(2)(b) thought he might have sustained the scratches from the handcuffs, from his own watch, or from the officer's watch.

Witnesses: § 87(2)(b) and § 87(2)(b)

- *At the time of the incident, § 87(2)(b) was a § 87(2)(b)-year-old black male, § 87(2)(b) was a § 87(2)(b)-year-old black female, Natalie § 87(2)(b) was a § 87(2)(b)-year-old black female and § 87(2)(b) was a black female of unknown age.*
- *Additional pedigree and employment information was not obtained.*

Telephone Statements

§ 87(2)(b) provided the following phone statement to the CCRB on October 25, 2012 (encl. 9). § 87(2)(b) (encl. 10), § 87(2)(b) (encl. 11), and § 87(2)(b) (encl. 12) provided telephone statements to the CCRB on February 7, 2013. § 87(2)(b), § 87(2)(g)

On October 12, 2012, § 87(2)(b) and § 87(2)(b) were sitting in a dollar van with § 87(2)(b) who is a friend of the driver of the van, § 87(2)(b) (whose last name he did not know), and did not know the other people, was in the first row of the passenger seats. § 87(2)(b) stated that Det. Young was banging on the window of the back passenger door with his gun, while § 87(2)(b) and § 87(2)(b) stated that the officers were banging on the door of the van, saying, "Open up." § 87(2)(b) did not hear Det. Young because he was speaking to the females.

§ 87(2)(b) stated that § 87(2)(b) knocked on the other passenger window and told him to open the door, so he did. § 87(2)(b) stated that the officers told him to exit the van first, then shone their flashlight and looked around in the van. § 87(2)(b) also stated that when the front passenger door of the van was opened, the officers pulled § 87(2)(b) out of the van. § 87(2)(b) also stated that the officers searched him briefly, but could not describe the search, because she could not see or hear from inside the van.

The officers saw a guy in the back of the van, identified by the investigation as § 87(2)(b) and they told him to come out. § 87(2)(b) stated that § 87(2)(b) exited the van. § 87(2)(b) and § 87(2)(b) stated that the officers grabbed and physically pulled § 87(2)(b) out of the van.

§ 87(2)(b) stated that Det. Young grabbed § 87(2)(b) and pinned him against the passenger door of the van twisting one hand behind his back, pushing his wrist and arm up, without saying anything. § 87(2)(b) stated that § 87(2)(b) told Det. Young that he was holding his hands too tightly. § 87(2)(b) confirmed that Det. Young was twisting § 87(2)(b)'s arm and continued to do so, despite § 87(2)(b)'s protests that he was being hurt. § 87(2)(b) stated that the officers "choked up" or pushed the man against the van and searched him, "roughly," but could not describe this action further, explaining that she could not see the man clearly from inside the van.

§ 87(2)(b) stated that as § 87(2)(b) asked what they were doing, the officers told him not to move and said that he fit the description of someone who had just committed a robbery, mentioning his army fatigue jacket. § 87(2)(b) and § 87(2)(b) recalled someone talking about a robbery and § 87(2)(b) protesting that he had not been involved in a robbery. § 87(2)(b) was told later that there was a robbery victim who

had been brought to the scene to identify the perpetrator and stated that § 87(2)(b) was handcuffed and sitting in a marked NYPD police car.

§ 87(2)(b) stated that additional police vehicles arrived at the scene and the robbery victim came to the location to identify § 87(2)(b) in a police vehicle, but said that it wasn't § 87(2)(b) stated that the officers searched in § 87(2)(b)'s pants and jacket pockets, retrieving his work identification.

§ 87(2)(b) stated that as she and § 87(2)(b) began to leave the area on the bus, she saw § 87(2)(b) standing on the street in handcuffs. § 87(2)(b) and § 87(2)(b) got off at the next block and ran back to the incident where § 87(2)(b) was, still in handcuffs. There were about 6 people in the area who told § 87(2)(b) that the police had beaten § 87(2)(b) up and that the police believed he had robbed someone. § 87(2)(b) attempted to approach and speak to the officers, intending to vouch for § 87(2)(b) and explain that they worked together, but they told her to stay back. § 87(2)(b) was standing on the sidewalk, about 6 feet away from § 87(2)(b) and the officers who were in the middle of the street. § 87(2)(b) did not hear § 87(2)(b) or anyone else ask for the officers' names, although people standing around were shouting to § 87(2)(b) encouraging him to get the officer's name. § 87(2)(b) wrote down the name and phone number of a witness, § 87(2)(b) who saw § 87(2)(b) dragged out of the van and provided this phone number to the CCRB.

§ 87(2)(b) provided a telephone statement to the CCRB on October 25, 2012. On the same day, § 87(2)(b) scheduled a CCRB interview for November 2, 2012. Due to a weather emergency, the CCRB office was closed on November 2, 2012. Between February 7, 2013 and March 1, 2013, four additional calls were placed to § 87(2)(b) at the number he had provided, which all reached an automated message stating that the number could not receive calls. On February 7, 2013, a first please call letter was sent to § 87(2)(b). On February 12, 2013, Lexis Nexis revealed an additional address and phone number for § 87(2)(b). On the same day, a letter was sent to this new address. Between February 12, 2013 and March 26, 2013, four calls were placed to this number. On March 26, 2013, a female named § 87(2)(b) was reached who stated that this is not a correct number for § 87(2)(b). On February 19, 2013, final please call letters were sent to § 87(2)(b) at the two possible addresses. On August 14, 2013, a search of the Department of Corrections Inmate Tracking System confirmed that § 87(2)(b) was not incarcerated with the City of New York while the CCRB was making efforts to contact him. To date, no letters have been returned to the CCRB by USPS.

§ 87(2)(b) scheduled a CCRB interview for February 11, 2013 and February 22, 2013, both missed both appointments without calling in advance to reschedule or cancel. Between February 7, 2012 and February 11, 2012, two calls were placed and two letters were sent to § 87(2)(b) confirming her appointment. On August 14, 2013, a search of the Department of Corrections Inmate Tracking System confirmed that § 87(2)(b) was not incarcerated with the City of New York while the CCRB was making efforts to contact her. To date, no letters have been returned to the CCRB by USPS.

§ 87(2)(b) provided a telephone statement to the CCRB on February 7, 2013, but declined to schedule a CCRB interview. Between February 19, 2013 and June 18, 2013, two letters were sent and four calls were placed to § 87(2)(b) who was repeatedly declined to schedule a CCRB interview. To date, no letters have been returned to the CCRB by USPS.

§ 87(2)(b) was not scheduled for a CCRB interview because she did not witness any allegations.

Attempts to Contact Civilians

During his phone statement to the CCRB on October 25, 2012, § 87(2)(b) stated that he was not the driver of the dollar van, rather his friend, § 87(2)(b) was the driver. § 87(2)(b) did not know § 87(2)(b)'s last name, but provided a phone number for him. Between February 7, 2013 and March 1, 2013, four calls were placed to this number, each time an automated message was reached, stating that this number is not in service. On February 19, 2013, a Lexis Nexis search for this phone number yielded negative results.

§ 87(2)(b) stated that his managers, § 87(2)(b) and § 87(2)(b) witnessed the incident, and provided a business number for § 87(2)(b). During her phone statement on February 7, 2013, § 87(2)(b) explained that § 87(2)(b) no longer works there and provided a personal phone number for § 87(2)(b). Between February 7, 2013 and February 19, 2013, two calls were placed to this number, which reached a message stating that the number was not in service. On February 8, 2013, a Lexis Nexis search yielded a mailing address and an email address for § 87(2)(b). On February 12, 2013, and February 19, 2013, two letters were mailed and emailed to § 87(2)(b). To date, § 87(2)(b) has not responded to the CCRB's efforts to contact her.

NYPD Statements:

Subject Officer: DET. DANIEL YOUNG

- *Det. Young is a § 87(2)(b)-year-old § 87(2)(b), standing § 87(2)(b).*
- *On October 12, 2012, Det. Young was assigned to the detective squad, working with Det. Spaeth, dressed in plainclothes (business attire), in an unmarked vehicle of unknown color at the time of the incident. Det. Young worked from 4:00 p.m. on October 12, 2012 to 1:00 a.m. on October 13, 2012.*

Memo Book

Det. Young did not have any entries in his memo book relevant to this incident (encl. 13a-b). At 10:30 p.m. on October 12, 2012, Det. Young went to § 87(2)(b) in relation to a case he was investigating. At 12:20 a.m., Det. Young returned to the 63rd Precinct stationhouse.

CCRB Statement

Det. Young was interviewed at the CCRB on May 6, 2013 (encl. 13k-m). On October 12, 2012, at an unknown time close to 11:30 p.m., Det. Young heard a call on the radio concerning for a robbery, which included a description of the perpetrator, a black male between 18 and 25 years old, wearing a green-brown camouflage jacket. Det. Young could not recall if there were any additional details, but later stated that the male's build or weight was not provided. Det. Young and Det. Spaeth were not far away from the location of the robbery and so they decided to do a canvas to assist in the search for the perpetrator. At § 87(2)(b) in Brooklyn, Det. Young and Det. Spaeth observed a dollar van parked and idling. The officers went around the block once, before approaching the van. When asked why they approached the van, Det. Young stated that it had been idling for a while. He could not recall if there were any other dollar vans in the vicinity. Det. Young did not see anyone enter the van.

As they approached the van, someone inside, who was later discovered to be a heavyset black male, locked the rear, right passenger door. Det. Young knocked on the van with his knuckles. Det. Young did not have his firearm out, and did not use it to knock on the van. The driver of the van, who was standing outside, came over and asked what the problem was. Det. Young requested that the driver open the van. Det. Young did not use any discourteous or offensive language, and did not say or hear Det. Spaeth say, "If you don't open the door, I'm going to break this fucking window."

The driver knocked on the window and told the people inside to open the door. Someone inside the van unlocked the door and Det. Young opened the door. At this time, Det. Spaeth was standing next to him on the passenger side of the van. Before opening the door, Det. Young saw that there were two black females and a black male in the van. Det. Young did not think that the male could be the person he was looking for because this male weighed about 300 pounds and their description had not indicated that the male was heavyset.

Det. Young said, “Everyone step out of the van,” and the three individuals complied, exiting the van. As Det. Young was getting the individuals out of the van and asking the heavyset male why he had locked the door, Det. Spaeth noticed another male, § 87(2)(b) lying down on the floor of the van, in between the last two rows of seats in the van, and Det. Spaeth said, “You, get out of the van.” Det. Young then also instructed § 87(2)(b) to exit. Det. Spaeth had seen § 87(2)(b) through the open door of the van, while Det. Young was interacting with the other individuals, thus he hadn’t seen § 87(2)(b) at this time. The officers saw that § 87(2)(b) was a black male, wearing a camouflage jacket, and therefore fit the description.

§ 87(2)(b) exited the van independently, the officers did not use any physical force to get him out. The officers told § 87(2)(b) that he wasn’t allowed to leave, and § 87(2)(b) kept saying, “I want to go, I just want to go,” and speaking a little bit loudly. The officers told him to wait. Det. Young and Det. Spaeth were not physically holding § 87(2)(b) and did not place him in handcuffs. Det. Young did not recall § 87(2)(b) being pushed against the van. Det. Young did not and did not see Det. Spaeth or any other officer pull § 87(2)(b)’s arms up behind his back. § 87(2)(b) was frisked. Det. Young obtained § 87(2)(b)’s identification, but could not recall whether he requested this and § 87(2)(b) provided it, or if he entered § 87(2)(b)’s pocket to retrieve it.

After § 87(2)(b) exited the van, Det. Young announced on the radio that they needed to arrange a show up. Additional officers arrived almost immediately. About three or four additional marked vehicles arrived, with approximately six to eight uniformed officers were dressed in uniform, but Det. Young could not recall which sectors arrived or whether any supervisors were present. After about a minute, the robbery victims came to the scene in a police vehicle. Det. Young went over to the vehicle where the robbery victims were, and could not recall where Det. Spaeth was at this time. Prior to this, none of the additional officers approached and interacted with § 87(2)(b). Det. Young did not know if any officers interacted with § 87(2)(b) after he went over to the car where the complainants were. When asked who was charged with watching § 87(2)(b) to ensure he didn’t leave the scene, Det. Young stated that there were officers present other than himself and Det. Spaeth. He stated that generally if he walks away, Det. Spaeth would be responsible for looking after a suspect. Det. Young did not recall any other officer approaching and taking over responsibility for § 87(2)(b) at this time. The victims of the robbery looked at § 87(2)(b) and discussed whether he had perpetrated the crime, and after about two minutes, determined that § 87(2)(b) had not robbed them.

Det. Young gave § 87(2)(b) his business card and § 87(2)(b) was released. When asked if § 87(2)(b) asked for his name, Det. Young said that § 87(2)(b) may have asked and that could be why he gave § 87(2)(b) his card. Det. Young did not recall § 87(2)(b) asking for Det. Spaeth’s name. Det. Young did not witness Det. Spaeth refuse to provide his name to § 87(2)(b). Det. Young did not observe any indication that § 87(2)(b) was injured and did not see any way that he could have sustained an injury during this incident. When asked if a UF-250 was prepared for this incident, Det. Young stated that neither he nor Det. Spaeth completed one.

Subject Officer: DET. KENNETH SPAETH

- Det. Spaeth is a § 87(2)(b)-year-old w § 87(2)(b).
- On October 12, 2012, Det. Spaeth was assigned to investigations with the 63rd Precinct detective squad, with Det. Daniel Young. Det. Spaeth worked from 4:00 p.m. on October 12, 2012, until 12:20 a.m. on October 13, 2013. Det. Spaeth was dressed in plainclothes, business attire, and was driving an unmarked black sedan at the time of the incident.

Memo book

Det. Spaeth had no memo book entries relevant to this incident (encl. 14a-b). At 10:30 p.m. on October 12, 2012, Det. Spaeth responded to § 87(2)(b) and he finished his tour at 12:20 a.m. on October 13, 2012.

CCRB Statement

Det. Spaeth was interviewed at the CCRB on June 21, 2013 (encl. 14c-e) § 87(2)(g). Det. Spaeth and Det. Young responded to a “30”, a robbery in progress, announced over the radio. On the radio, they heard that a black male in a camouflage jacket was involved, but the color of camouflage was not provided. Det. Spaeth recalled that they were looking for one individual, but did not recall whether the age, height, or weight of the perpetrator was provided over the radio. Det. Spaeth could not recall what direction of flight was provided and could not recall whether it was an armed robbery.

Det. Spaeth stated that perpetrators of crime in the area often use the dollar vans as a quick route out of the area, based on his experience working in the area for nearly 16 years, including working with Anti-Crime. Det. Spaeth had personally encountered situations in which perpetrators used dollar vans to escape the area more than 5 times in his experience. Det. Spaeth and Det. Young went to the intersection of § 87(2)(b) in Brooklyn, an area where dollar vans typically park and pick up passengers, which is a couple of blocks away from the location where the robbery had been reported.

At the intersection, there were several dollar vans, although Det. Spaeth could not recall exactly how many. Det. Spaeth and Det. Young approached a parked dollar van, which had numerous passengers inside, although Det. Spaeth could not recall how many. This van was the first that they approached and there was nothing that attracted their attention to this van specifically. Det. Spaeth stated that he spoke to the driver of the van, identified by the investigation as § 87(2)(b) although he also stated that Det. Young may have done this. The officers asked him to open up the van. Det. Spaeth and Det. Young stood outside the van with their shields displayed, neither of them knocked on any windows of the van. Neither Det. Spaeth or Det. Young used any discourteous language, specifically neither of them said, “If you don’t open this door, I’m going to break this fucking window.” Neither Det. Spaeth or Det. Young had their firearms out and neither of them knocked on the window of the van with their gun.

§ 87(2)(b) unlocked the doors of the van, and § 87(2)(b) opened the back passenger door from inside. At this time, Det. Spaeth and Det. Young were standing on the passenger side of the van. Det. Spaeth saw § 87(2)(b) a black male wearing a camouflage jacket, leaning down to hide between the rows of seats in the back of the van. It was dark inside the van and there were about three or four rows. § 87(2)(b) was in the back row, or the row before the back row, leaning his body sideways and down towards the seat, so that one side of his body was visible over the seats, while the other side was obscured by the seats. The individual’s body was not entirely stretched out and he was not lying on the seat. Det. Spaeth was able to see that he was wearing a camouflage jacket, but could not see whether he was leaning from sitting on the seat or from the floor of the van. There were other people in the van, but Det. Spaeth could not recall how many.

Det. Spaeth asked § 87(2)(b) to exit the van, and § 87(2)(b) complied. Det. Spaeth did not physically pull him out of the van. Det. Spaeth did not ask any of the other passengers to exit the van and did not recall Det. Young asking anyone else to exit. The passengers exited after § 87(2)(b) but Det. Spaeth believed that this was because they didn't want to wait. As § 87(2)(b) exited, Det. Young called over the radio for the sector who had the two victims of the crime with them, requesting them to come to the location for a show-up. Det. Spaeth did not know which sector, and did not recall which officers, had the victims with them.

Det. Spaeth told § 87(2)(b) that there had been a robbery and he fit the description. He explained that he would need to wait for a minute. Det. Spaeth frisked § 87(2)(b)'s waist. Det. Spaeth frisked § 87(2)(b) because he was stopped for robbery, which is a violent crime, therefore § 87(2)(b) was frisked for Det. Spaeth's safety and to be sure that he did not have a weapon on him. Det. Spaeth could not recall whether he observed anything on § 87(2)(b) that appeared suspicious. Det. Spaeth described § 87(2)(b) as agitated, saying that he could see § 87(2)(b) was not happy to be stopped. § 87(2)(b) was not doing anything with his body and Det. Spaeth could not recall anything he was saying. § 87(2)(b) was standing on the sidewalk, he was not physically restrained or held by Det. Spaeth or Det. Young. After explaining the situation, § 87(2)(b) did not attempt to leave or resist officers at all, so Det. Spaeth stated that there was no need to hold him. Det. Spaeth could not recall whether § 87(2)(b) was not asked to stand up against anything during the stop. § 87(2)(b) was not handcuffed. Det. Spaeth did not, and did not see any other officer, pull § 87(2)(b)'s arms behind his back. Det. Spaeth did not and did not see Det. Young or any other officer lift § 87(2)(b)'s arms high up behind his back. Det. Spaeth did not, and did not see Det. Young or any other officer, push § 87(2)(b) up against the van, push his knees out to the side causing him to fall against the van. § 87(2)(b) did not request Det. Spaeth or Det. Young's name or badge number and Det. Spaeth did not refuse to provide his name or badge number. Det. Spaeth did not obtain § 87(2)(b)'s identification, did not recall seeing it and did not recall whether Det. Young obtained § 87(2)(b)'s identification.

Within minutes, uniformed officers from the 63rd Precinct arrived in 4-6 patrol cars, but Det. Spaeth could not recall any officers who were there or which supervisor came to the location. Some officers came over to Det. Spaeth, but he could not recall how many or which officers were helping with § 87(2)(b). No other officers physically interacted with § 87(2)(b).

After the show-up was conducted, Det. Spaeth left the scene of the incident and other officers, who he could not recall the identity or assignment of, took over speaking with § 87(2)(b). § 87(2)(b) was informed that he was free to go, but Det. Spaeth did not tell him this and did not recall whether Det. Young told him this. Det. Spaeth did not know how § 87(2)(b) sustained an injury and did not see anything happen that could have caused § 87(2)(b) to sustain this injury. Det. Spaeth did not prepare a Stop and Frisk report for § 87(2)(b). Det. Spaeth recalled hearing a conversation with a group of officers about needing to complete a Stop and Frisk report at the scene. Det. Spaeth did not know who was planning to complete the report, but thought that an officer from patrol was going to fill out a Stop and Frisk report for § 87(2)(b). Det. Spaeth did not bring up the topic or ask any other officer to complete a Stop and Frisk report for § 87(2)(b) and did not recall if Det. Young asked this. Det. Spaeth did not check to see whether a Stop and Frisk report was prepared for § 87(2)(b).

Medical Records

§ 87(2)(b)'s medical records confirmed that § 87(2)(b) was admitted at 12:41 a.m. on § 87(2)(b) (encl. 15a-g). § 87(2)(b) was complaining of pain and tenderness to his left shoulder and was diagnosed with a sprained left shoulder. § 87(2)(b)'s shoulder

was x-rayed. The x-ray revealed no fracture, normal alignment, and confirmed that soft tissues and joint spaces were normal. § 87(2)(b) was prescribed painkillers and advised to follow up with an orthopedic surgeon to rule out rotator cuff injury.

NYPD Documents

SPRINT

SPRINT § 87(2)(b) came over the radio, indicating that at 11:00 p.m. on October 12, 2013, two black males and one Indian male robbed a person (encl. 16b). One of the perpetrators was wearing an army green jacket, jeans and a cap. The perpetrators reportedly fled towards § 87(2)(b). Several stops were made in connection with this job. SPRINT § 87(2)(b) indicated that a male was stopped at 11:27 at § 87(2)(b) (encl. 16a).

The audio recording documented several additional stops, including one stop by detectives from the 63rd Precinct Detective Squad, who have a male stopped on § 87(2)(b) hack and requested a show-up.

63rd Precinct Stop, Question, and Frisk Index

The handwritten and computerized Stop, Question, and Frisk Indices show that no Stop, Question, and Frisk reports were completed to document the stop of § 87(2)(b) (encl. 19a – 20d).

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of June 24, 2013 with regard to the incident.

Civilian Criminal History

- As of August 15, 2013, Office of Court Administration records reveal no criminal convictions for § 87(2)(b)

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 4).

Subject Officers CCRB History

- Det. Young has been a member of the service for 11 years and there are no substantiated CCRB allegations against him (encl. 2a-c).
- Det. Spaeth has been a member of the service for 14 years and there are no substantiated CCRB allegations against him. (encl. 3).

Conclusion

Identification of Subject Officers

Det. Young and Det. Spaeth stated that they interacted with § 87(2)(b) on October 12, 2012.

Investigative Findings and Recommendations

Allegations Not Pleaded

§ 87(2)(b) stated that the officers pulled § 87(2)(b) out of the van and searched him briefly and that the officers searched § 87(2)(b) "roughly," although she could not describe either of these actions in greater

detail. Because § 87(2)(b) and § 87(2)(b) did not allege being searched (other than Det. Spaeth entering § 87(2)(b)'s pocket to retrieve his identification), these allegations are not being pleaded.

In his initial intake statement, § 87(2)(b) stated that during his interaction with the officers he complained that he was in pain and Det. Young slammed him against the van and said, "I will break your shit." § 87(2)(b) did not mention this statement during his CCRB interview, therefore it is not being pleaded.

Det. Spaeth and Det. Young stated that § 87(2)(b) was frisked. Because § 87(2)(b) did not make this allegation, this allegation is not being pleaded.

Allegation A: Abuse of Authority – Det. Daniel Young drew his gun.

Allegation B: Abuse of Authority – Det. Daniel Young threatened to damage § 87(2)(b)'s and § 87(2)(b)'s property.

§ 87(2)(b) stated that Det. Young banged on the back passenger window with his gun. § 87(2)(b) stated that Det. Young said something like, "If you don't open the door, I'm going to break this fucking window."

§ 87(2)(b), § 87(2)(g)

Allegation C: Abuse of Authority – Det. Kenneth Spaeth stopped § 87(2)(b)

It is undisputed that Det. Spaeth asked § 87(2)(b) to exit the van. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b). Neither officer could remember exactly how many dollar vans were at the intersection, but they stated that there was nothing that they specifically noted about this van, and they did not see anyone enter it. Det. Spaeth stated that dollar vans are often a means of escape for perpetrators of crime.

The officers stated that when the van door was open, Det. Spaeth saw § 87(2)(b) wearing a camouflage jacket, and hiding inside the van. Det. Spaeth stated that § 87(2)(b) was leaning down between two rows of seats near the back of the van, so that just one side of his body was visible. Det. Spaeth stated that he was leaning down but was not entirely stretched out, and could not recall if he was on the seat or on the floor. Det. Young stated that § 87(2)(b) was lying on the floor of the van in between the last two rows of seats. The officers stated that Det. Spaeth asked § 87(2)(b) to exit the van, which § 87(2)(b) did, and that he was told he couldn't leave, but not physically restrained. Neither officer could recall whether § 87(2)(b) was asked to stand against anything.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

According to the audio recordings of SPRINT § 87(2)(b) the officers were seeking two black males and one Indian male in connection with a robbery, one of whom was wearing a green army jacket, jeans and a cap. Another was wearing a cap with the number 8 on it. No weapons were used in the robbery.

Officers may stop individuals when they have reasonable suspicion that they are committing, have committed, or were about to commit a crime. N.Y. C.P.L. § 140.50 (encl. 1g).

§ 87(2)(b), § 87(2)(g)

Allegation D: Force – Det. Daniel Young used physical force against § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

The officers both denied that any force was used, indeed they stated that § 87(2)(b) was not physically restrained or held by the officers. Det. Spaeth described § 87(2)(b)'s behavior as agitated, but stated that he was not resisting or attempting to leave. Det. Young only stated that § 87(2)(b) was speaking a little loudly, asking to leave.

Medical records from § 87(2)(b) department confirmed that § 87(2)(b) was admitted to the Emergency Department at 12:41 a.m. on § 87(2)(b), immediately after his interaction with police officers. § 87(2)(b)'s left shoulder was painful and tender. He was diagnosed with a sprained left shoulder, prescribed painkillers and advised to follow up with an orthopedic surgeon to rule out a rotator cuff injury.

§ 87(2)(g)

Allegation E: Abuse of Authority – Det. Kenneth Spaeth refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) stated before other officers arrived, § 87(2)(b) asked Det. Spaeth and Det. Young for their names or badge numbers, but the officers ignored him. § 87(2)(b) stated that after the handcuffs were removed, he asked again for the officers names and badge numbers, while standing about four feet away from them. Det. Spaeth waved his hand at § 87(2)(b) appearing to dismiss him and turned away. Det. Young told § 87(2)(b) that his name was Officer Young.

The officers both stated that they didn't recall whether § 87(2)(b) asked for their names, although Det. Young stated that he provided his business card to § 87(2)(b) which may have been in response to § 87(2)(b)'s request for their names. Both officers denied that Det. Spaeth refused to provide his name and shield number to § 87(2)(b).

§ 87(2)(b), § 87(2)(g)
[Redacted text block]

§ 87(2)(b), § 87(2)(g)
[Redacted text block]

§ 87(2)(g), § 87(4-b)
[Redacted text block]

[Redacted text block]

[Redacted text block]

§ 87(2)(b), § 87(4-b), § 87(2)(g)
[Redacted text block]

[Redacted text block]

[Redacted text block]

Allegation J: Other Misconduct - Det. Daniel Young intentionally made a false official statement in violation of Patrol Guide Procedure 203-08.

§ 87(2)(g)
[Redacted text block]

Team: 1

Investigator: _____ Catherine Twigg _____
Signature Print Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date