

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Simon Wang	Team: Squad #2	CCRB Case #: 201310485	<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) Wed, 11/06/2013 9:00 PM	Location of Incident: [REDACTED]	Precinct: 90	18 Mo. SOL 05/06/2015	EO SOL 5/6/2015	
Date/Time CV Reported Thu, 11/07/2013 12:44 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 11/07/2013 12:44 PM		

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

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

Subject Officer(s)	Shield	TaxID	Command
1. POM Sean Hughes	15710	§ 87(2)(b)	PSA 3
2. SGT Dustin Edwards	02809	§ 87(2)(b)	PSA 3

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Mark Holder	6724	§ 87(2)(b)	090 DET
2. SGT Ercan Aydin	01437	§ 87(2)(b)	090 PCT
3. POM Michael Nocerino	28102	§ 87(2)(b)	PSA 3
4. LT Ronald Perez	00000	§ 87(2)(b)	PSA 3
5. LT Christophe Cantelmi	00000	§ 87(2)(b)	090 PCT

Officer(s)	Allegation	Investigator Recommendation
A . SGT Dustin Edwards	Abuse of Authority: Sgt. Dustin Edwards entered and searched § 87(2)(b) in Brooklyn.	A . § 87(2)(g)
B . SGT Dustin Edwards	Abuse of Authority: Sgt. Dustin Edwards stopped § 87(2)(b) [REDACTED]	B . § 87(2)(g)
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
E . POM Sean Hughes	Other: PO Sean Hughes provided a false official statement to the CCRB when he denied entering § 87(2)(b) [REDACTED] in Brooklyn and arresting § 87(2)(b) [REDACTED].	E . § 87(2)(g)
F . SGT Dustin Edwards	Other: Sgt. Dustin Edwards provided a false official statement to the CCRB when he denied entering § 87(2)(b) [REDACTED] in Brooklyn and arresting § 87(2)(b) [REDACTED].	F . § 87(2)(g)

## Case Summary

On November 7, 2013, § 87(2)(b) filed the following complaint by phone with the CCRB. On November 6, 2013, at approximately 9:40 p.m., officers knocked on § 87(2)(b)'s door at § 87(2)(b) in Brooklyn. When § 87(2)(b) opened the door, officers entered and arrested her son § 87(2)(b). The following allegations resulted.

- **Allegation A – Abuse of Authority: Sgt. Dustin Edwards entered and searched § 87(2)(b) in Brooklyn.**
- **Allegation B – Abuse of Authority: Sgt. Dustin Edwards stopped § 87(2)(b)**  
§ 87(2)(g)
- § 87(4-b), § 87(2)(g)
- **Allegation E – Other Misconduct: PO Sean Hughes provided a false official statement to the CCRB when he denied entering § 87(2)(b) in Brooklyn and arresting § 87(2)(b)**
- **Allegation F – Other Misconduct: Sgt. Dustin Edwards provided a false official statement to the CCRB when he denied entering § 87(2)(b) in Brooklyn and arresting § 87(2)(b)**  
§ 87(2)(g)

## Results of Investigation

### Civilian Statements

**Complainant/Victim:** § 87(2)(b)

- § 87(2)(b)

### CCRB Statement

On November 7, 2013, § 87(2)(b) called the CCRB and provided a phone statement upon filing this complaint (encl.3a-b). On November 8, 2013, § 87(2)(b) provided another phone statement (encl.3c). Her statements are summarized below. Appointments were made for § 87(2)(b) to provide a formal CCRB statement on November 14, 2013, and December 3, 2013, but she missed both appointments without calling previously to cancel or reschedule. Therefore, no formal CCRB statement could be obtained from § 87(2)(b).

On November 6, 2013, at a time in the evening which § 87(2)(b) did not know, there was a knock on the door of § 87(2)(b)'s apartment at § 87(2)(b) in Brooklyn. One of § 87(2)(b)'s sons asked who was at the door and someone answered that they were the police, and asked to enter the apartment. § 87(2)(b)'s son refused because § 87(2)(b) was changing clothes. After § 87(2)(b) got dressed, she opened the door and saw four or five male officers, some in plainclothes, others in uniform. § 87(2)(b) stated that she could not describe any of the officers because, "I never saw them." § 87(2)(b) confirmed that she did

witness the incident but repeatedly stated that she could not describe any of the officers. The officers entered the apartment, physically pushing past § 87(2)(b) and arresting her son § 87(2)(b) § 87(2)(b)'s other son § 87(2)(b) was at the gym at the time of § 87(2)(b)'s arrest. When he returned, he was also arrested. Officers stated that they were involved in a § 87(2)(b), § 87(2)(c) that happened inside the gym at § 87(2)(b)

On November 7, 2013 between 6:00 a.m. and 7:00 a.m., three police officers who were different from the officers on November 6, came to § 87(2)(b)'s door. § 87(2)(b)'s son § 87(2)(b) answered the door and was arrested by the officers.

**Victim:** § 87(2)(b)

- § 87(2)(b)

**CCRB Statement**

On December 4, 2013, § 87(2)(b) was interviewed at § 87(2)(b) (encl. 3d-f).

On November 6, 2013, at a time determined by the investigation to be 9:40 p.m., § 87(2)(b) was inside his home at § 87(2)(b) in Brooklyn. Also in the apartment were his mother § 87(2)(b) his brothers § 87(2)(b) § 87(2)(b) and § 87(2)(b) another of § 87(2)(b)'s brothers, was also present, but he does not normally live there. § 87(2)(b) was inside his bedroom when he heard a knocking on the door. § 87(2)(b) could not see the front door but heard § 87(2)(b) answer the door. § 87(2)(b) said, "What do you want?" An officer asked, "Is § 87(2)(b) there?"

An officer identified by the investigation as PO Sean Hughes of PSA 3 walked into § 87(2)(b)'s room. § 87(2)(b) described PO Hughes as a white male, 6'3" tall, with a chubby build, in his late 30's. PO Hughes immediately told § 87(2)(b) to turn around and put his hands behind his back. § 87(2)(b) asked PO Hughes if he could put on some clothes. PO Hughes grabbed a sweatshirt on top of a dresser and § 87(2)(b) put it on. PO Hughes handcuffed § 87(2)(b) and led him out of the apartment. As they walked out, § 87(2)(b) saw two other officers standing just inside the front door. § 87(2)(b) only took a quick glance at these officers and could only describe one officer as a black male approximately 5'7" tall in his 30's. The investigation has identified this officer as Sgt. Dustin Edwards of PSA 3. The other officer remains unidentified, and was described as a white male 5'9" tall, with a chubby build. All of the officers were in uniform. The officers stated to § 87(2)(b) "Don't worry, we're just taking him to the precinct. We'll tell him what he did when he gets there." All of the officers then left the apartment with § 87(2)(b)

PO Hughes and § 87(2)(b) waited in the lobby while Sgt. Edwards and the other officer went to retrieve the patrol car. PO Hughes told § 87(2)(b) "Stand over here against this wall." § 87(2)(b) initially stated that he was "thrown" against the wall, but upon clarification stated that he was pushed in his back so that his chest was against the wall, but did not strike the wall hard. PO Hughes then grabbed § 87(2)(b)'s hand, causing pain. No injuries resulted and he did not seek or obtain medical treatment.

§ 87(2)(b) was placed inside a patrol car and transported to the 90th Precinct stationhouse. During the drive, PO Hughes was saying to the other officers, “Yeah this is the kid that did it. He has pink socks.” § 87(2)(b) denied that he had pink socks.

At the 90<sup>th</sup> Precinct stationhouse, § 87(2)(b) was interviewed by a detective identified by the investigation as PO Mark Holder of the 90<sup>th</sup> Precinct Detective Squad. § 87(2)(b) was accused of being involved in a § 87(2)(b), § 87(2)(a) CPL 160.50 at § 87(2)(b) on November 2, 2013. § 87(2)(b) denied being involved in § 87(2)(b), § 87(2)(a) CPL 160.50. The investigating officers stated that they had video footage of the § 87(2)(b), § 87(2)(a) but refused to show it to § 87(2)(b) was charged with § 87(2)(b), § 87(2)(a) and sent to Central Booking.

### Attempts to Contact Civilians

§ 87(2)(b) and § 87(2)(b) were scheduled to provide CCRB statements on November 14, and December 3, 2013. They failed to appear on the appointed days and did not call previously to cancel or reschedule. Therefore, they could not be interviewed. § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) are juveniles who live with § 87(2)(b). Although their existence was not known at the time of contact attempts to § 87(2)(b) attempts to interview § 87(2)(b) and any of her children were exhausted through repeatedly interview appointments which were missed. Therefore, § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) could not be interviewed.

### NYPD Statements:

#### Witness Officer: PO MARK HOLDER

- *PO Holder is a black male, who is 5’6” tall and weighs 160 pounds. He has black hair and § 87(2)(b) eyes. PO Holder has since been promoted to Detective Third Grade.*
- *On November 6, 2013, PO Holder was off-duty. On November 7, 2013, PO Holder worked as a criminal investigator in the 90<sup>th</sup> Precinct Detective Squad. He was dressed in plainclothes and worked inside the 90<sup>th</sup> Precinct stationhouse.*

### DD-5

On November 2, 2013, at approximately 12:45 p.m., PO Holder was notified of a § 87(2)(b), § 87(2)(a) CPL which occurred inside § 87(2)(b) in Brooklyn. Both robbery victims were taken to the 90<sup>th</sup> Precinct stationhouse to be interviewed. § 87(2)(b) was inside the 124 room of the 90<sup>th</sup> Precinct stationhouse when he pointed to a wanted poster and identified one of the suspects as the individual in the poster. § 87(2)(b) described one of the § 87(2)(b)

§ 87(2)(b) PO Holder also interviewed § 87(2)(b), the other victim in the robbery. § 87(2)(b)

§ 87(2)(b) was shown mug shots by PO Holder and identified one of the suspects. On November 4, 2013, PO Holder activated I-cards with probable causes to arrest on § 87(2)(b) and § 87(2)(b). On November 7, 2013, at 9:10 p.m., a line-up was conducted with § 87(2)(b) and § 87(2)(b). The line-up consisted of § 87(2)(b) and four other males. § 87(2)(b) picked § 87(2)(b) and stated, “He rob my phone.” § 87(2)(b) Ordonez did not recognize anyone. On November 7, 2013, at 9:15 p.m., another line-up was conducted with § 87(2)(b) and § 87(2)(b). The line-up consisted of § 87(2)(b) and four other males. Neither § 87(2)(b) nor § 87(2)(b) recognized anyone. On November 7, 2013, at 9:50 p.m., PO Holder arrested § 87(2)(b) and § 87(2)(b) for § 87(2)(b), § 87(2)(a) CPL. On November 7, 2013, at 11:00 p.m., PO Holder voided the arrest of § 87(2)(b). On

November 8, 2013, PO Holder voided the investigation card for § 87(2)(b) because he was under arrest. PO Holder wrote, § 87(2)(b) was apprehended by PO Hughes of PSA 3 on 11/06/2013 at approximately 11:45 p.m. inside § 87(2)(b). On November 27, 2013, PO Holder closed the investigation. (encl.4b-11)

### Arrest Reports

§ 87(2)(b), § 87(2)(a) CPL 160.50

### Memo Book

On November 6, 2013, PO Holder had a day off. On November 7, 2013, PO Holder was present for duty at 8:00 a.m. and began preparations for arrest processing and conducting a line-up. At 6:41 p.m., PO Holder picked up complainant victims for the line-up. At 7:15 p.m., he returned to his command. At 10:40 p.m., he dropped off his complainants (encl. 4a).

### CCRB Statement

On January 21, 2014, PO Holder was interviewed at the CCRB. He was interviewed a second time on July 30, 2014. His two statements are summarized below (encl. 4ss-vv).

On November 2, 2013, victims of a § 87(2)(b), § 87(2)(c) were brought inside the 90th Precinct stationhouse to the detectives' squad. While there, the victim saw a wanted poster of § 87(2)(b) and identified him as one of the men who § 87(2)(b), § 87(2)(c) CPL 160.50. A photocopy of the wanted poster was made and PO Holder had the victim write his statement and sign it. PO Holder then put out the I-card for § 87(2)(b). The victim was shown mug shot photos and picked out § 87(2)(b). Subsequently, PO Holder put out an I-card for § 87(2)(b). PO Holder did not issue an I-card for § 87(2)(b).

On November 6, 2013, PO Holder was not on duty. On November 7, 2013, PO Holder went to work at 8:00 a.m., after receiving a phone call that § 87(2)(b) and § 87(2)(b) were picked up. PO Holder was scheduled to be off duty that day. PO Holder met § 87(2)(b) and § 87(2)(b) in the interview rooms at the 90th Precinct detective squad. During his first CCRB interview, PO Holder stated that he did not know which officer brought the brothers into the stationhouse. He also did not know what led to § 87(2)(b) being detained since there was no I-card out for him. Because § 87(2)(b) and his brothers looked alike, PO Holder kept § 87(2)(b) to include him in the lineup in regards to § 87(2)(b), § 87(2)(c) CPL 160.50.

During his second CCRB interview, PO Holder stated that he became aware that his suspects were arrested when he entered the stationhouse and saw § 87(2)(b) in a cell on the second floor and § 87(2)(b) in an interview room. The cells are directly across from PO Holder's desk. § 87(2)(b) was kept for a line-up because he looked like his brother, a fact that PO Holder knew during his investigation before § 87(2)(b) was apprehended. PO Holder sought § 87(2)(b) as a person of interest but did not generate an I-card for him. PO Holder did not know when § 87(2)(b) was brought to the 90th Precinct stationhouse and did not recall if he asked fellow detectives how the suspects arrived at the stationhouse. During his second CCRB interview, PO Holder was shown the 90th Precinct stationhouse command log entries regarding

§ 87(2)(b) and § 87(2)(b) s entry was made at 10:00 p.m. on November 6, 2013. The entry for § 87(2)(b) was made at 10:30 p.m. on November 6, 2013. PO Sean Hughes of PSA 3 was originally listed as the arresting officer for both § 87(2)(b) and § 87(2)(b) but his name and tax number were crossed out from the command log and replaced with PO Holder's name and tax number for § 87(2)(b) s arrest. PO Holder denied writing in the command log. PO Holder did not see the command log entries being amended and did not know who would or could have done so. It was pointed out to PO Holder that according to the command log, Sgt. Dustin Edwards of PSA 3 was the supervisor verifying the arrests of § 87(2)(b) and § 87(2)(b) PO Holder did not know who Sgt. Edwards was. He did not recognize photographs of PO Hughes or Sgt. Edwards. PO Holder was unaware that PO Hughes and Sgt. Edwards were involved in arresting § 87(2)(b) and § 87(2)(b) He noted that command log entries are only made by supervisors and that the entries were not made with his handwriting. PO Holder was not informed that his name was entered into the command log as the arresting officer of § 87(2)(b) or § 87(2)(b) in place of PO Hughes. No supervisor asked for his tax number.

During his second CCRB interview, PO Holder was shown his DD5 entry documenting the cancellation of the I-card for § 87(2)(b) In that worksheet, the "details of apprehension" section states, § 87(2)(b) was arrested by PO Hughes of PSA 3 on November 6, 2013 at approximately 2345 hours inside § 87(2)(b) PO Holder stated that he likely learned of the information in his DD5 entry by calling the front desk and finding out from the command log. PO Holder did not make a similar DD5 entry regarding details of § 87(2)(b) s apprehension because there was no I-card activated for § 87(2)(b) and therefore, no corresponding DD5 entry detailing his arrest. PO Holder noted that the Warrant Squad apprehends 90% of I-card subjects and that patrol units do not find I-card subjects unless they apprehend an individual for another reason and subsequently discover that they have an open I-card. PO Holder did not know the circumstances of § 87(2)(b) s apprehension because he was off duty at the time. PO Holder did not know why the command log listed the arrest of § 87(2)(b) at 10:30 p.m. on November 6, 2013 and his DD5 entry listed the arrest at 11:45 p.m. on November 6, 2013. PO Holder never entered § 87(2)(b) s home at § 87(2)(b) in Brooklyn on the incident date.

**Subject Officer: PO SEAN HUGHES**

- *PO Hughes is a § 87(2)(b) -old white male, who is 6'0" tall and weighs 215 pounds. He has brown hair and blue eyes.*
- *On November 6, 2013, PO Hughes was assigned to be Lt. Ronald Perez's operator. He was dressed in uniform and drove patrol car number § 87(2)(b)*

**Memo Book**

On November 6, 2013, at 6:34 p.m., PO Hughes responded to a call for assistance (10-85) at § 87(2)(b) At 6:35 p.m., PO Hughes arrived on scene. At 6:40 p.m., PO Hughes was on standby (10-06) at the crime scene. At 3:35 a.m. on November 7, 2013, PO Hughes ended his shift (encl. 5a-b).

**CCRB Statement**

On March 18, 2014, PO Sean Hughes was interviewed at the CCRB (encl. 5c-d).

On November 6, 2013, at 6:34 p.m., PO Hughes responded to a 10-85, officers in need of assistance at § 87(2)(b) Two officers were assaulted by an individual who fled. The suspect involved in the assault of the police officers was apprehended

later on November 6, or on November 7, 2013. PO Hughes was not involved in the apprehension of that suspect. To PO Hughes's knowledge, § 87(2)(b) and § 87(2)(b) were not involved or sought in regards to the assault of the police officers. PO Hughes denied knowing § 87(2)(b) or § 87(2)(b) PO Hughes had no knowledge of any I-cards issued for § 87(2)(b) or § 87(2)(b) PO Hughes denied going to or entering § 87(2)(b) PO Hughes did not know of any arrest related to the incident he responded to at § 87(2)(b) and did not arrest anyone that day. The following exchange occurred during PO Hughes's CCRB interview:

Inv. Wang: Directing your attention to the incident under investigation at approximately 9:00 p.m., § 87(2)(b) can you tell me what happened?

PO Hughes: No idea

Inv. Wang: OK

PO Hughes: Wasn't there

Inv. Wang: Were you ever.. did you ever go inside § 87(2)(b)

PO Hughes: No

Inv. Wang: On November 6, 2013, did you ever apprehend a § 87(2)(b)

PO Hughes: No

Inv. Wang: Ok, do you have any knowledge of who § 87(2)(b) is?

PO Hughes: No

PO Hughes did not recall where he was from 9:00 p.m. to 10:00 p.m. PO Hughes denied that he brought § 87(2)(b) to the 90th Precinct stationhouse. PO Hughes did not go to the 90th Precinct stationhouse. PO Hughes was shown the command log from the 90th Precinct stationhouse. He acknowledged that his name, tax ID, and command were written in the command log and crossed out. He did not know why his name appeared in the command log, pointing out that it must have been made in error if his name was crossed out.

After showing PO Hughes the command log entry regarding § 87(2)(b)'s arrest, the following exchange occurred:

PO Hughes: I can tell you there's been a mistake because it's been lined out.

Inv. Wang: Have you seen this command log entry?

PO Hughes: No sir.

Inv. Wang: Were you present at the 90<sup>th</sup> Precinct stationhouse that night?

PO Hughes: That night? No. That I recall, no. I'm in that stationhouse all the time. But not that night. Not that I recall.

Inv. Wang: Did you bring someone under arrest to the 90<sup>th</sup> Precinct stationhouse?

PO Hughes: No

Inv. Wang: Do you have any idea how your name and tax ID number could appear in there?

PO Hughes: No. No idea

PO Hughes did not know PO Holder and did not assist or participate in a § 87(2)(b), § 87(2)(c) investigation headed by PO Holder. § 87(2)(b)'s arrest report was shown to PO Hughes. He did not have any knowledge of the arrest.

**Subject Officer: SGT DUSTIN EDWARDS**

- Sgt. Edwards is a § 87(2)(b) old black male, who is 6'0" tall and weighs 195 pounds. He has black hair and brown eyes.
- On November 6, 2013, Sgt. Edwards initially attended training, and changed to anti-crime supervisor at 8:00 p.m. He was dressed in plainclothes, working with PO Michael Nocerino. They drove RMP number § 87(2)(b) which was an unmarked vehicle.

**Memo Book**

On November 6, 2013, at 8:05 p.m., there was a call for assistance, (10-13) at § 87(2)(b) with an investigation for a suspect inside § 87(2)(b). At 11:00 p.m., Sgt. Edwards was viewing cameras in regards. At 1:30 a.m. on November 7, 2013, Sgt. Edwards returned to command (encl. 6a-b).

**CCRB Statement**

On April 17, 2014, Sgt. Dustin Edwards was interviewed at the CCRB (encl. 6c-d).

On November 6, 2013, at approximately 8:05 p.m., Sgt. Edwards responded to a call for assistance (10-13) by PO Jeremy Eusebi of PSA 3 at § 87(2)(b). Approximately 200 to 300 other officers also responded to the call for assistance. PO Eusebi had "wrestled" with a suspect, later identified as § 87(2)(b) and had broken his ankle. Once Sgt. Edwards arrived at the building, he along with other officers participated in performing a canvass of the building, including conducting vertical patrols. Sgt. Edwards did not go to the § 87(2)(b) § 87(2)(b). He had no knowledge of any officers going to § 87(2)(b) and did not direct any officers to go to the apartment. During the CCRB interview, the following exchanges occurred regarding these points:

Inv. Wang: During those verticals, at any point, did you go to the fourth floor?

Sgt. Edwards: No.

Inv. Wang: Ok, and do you know who § 87(2)(b) is?

Sgt. Edwards: No.

Later on in the interview the following exchange occurred:

Inv. Wang: Do you know of any officers going to § 87(2)(b)

Sgt. Edwards: No.

Towards the end of the interview, the following exchange occurred:

Inv. Wang: At any point did you enter § 87(2)(b) of § 87(2)(b)

Sgt. Edwards: No.

Inv. Wang: Do you have any knowledge of any officers on November 6, going to § 87(2)(b)

§ 87(2)(b)

Sgt. Edwards: No.

Inv. Wang: On November 6, 2013, were you physically involved in apprehending anyone?

Sgt. Edwards: No.

Sgt. Edwards later looked at video footage to attempt to locate the suspect who attacked PO Eusebi. Sgt. Edwards denied conducting computer searches of residents of the building for warrants or I-cards. Sgt. Edwards did not know § 87(2)(b) § 87(2)(b) or § 87(2)(b)

§ 87(2)(b) Sgt. Edwards was not aware that there were I-cards issued for § 87(2)(b) or § 87(2)(b) in regards to § 87(2)(b), § 87(2)(c), § 87(2)(d). Sgt. Edwards did not know that there were residents of § 87(2)(b) who had I-cards issued. Sgt. Edwards denied that any other suspects other than § 87(2)(b) were sought in relation to PO Eusebi's attack. Sgt. Edwards did not participate in arresting anyone on November 6, 2013.

The command log entry from the 90<sup>th</sup> Precinct stationhouse regarding § 87(2)(b)'s arrest was presented to Sgt. Edwards. He acknowledged that his name and tax ID number was on the command log as the verifying officer for § 87(2)(b)'s arrest. Sgt. Edwards denied that he verified § 87(2)(b)'s arrest. He denied being at the 90<sup>th</sup> Precinct stationhouse on November 6, 2013. He denied that he brought § 87(2)(b) to the 90<sup>th</sup> Precinct stationhouse. Sgt. Edwards did not know how his name and tax ID came to be on the command log. Sgt. Edwards knows PO Hughes, but denied verifying his arrest. Sgt. Edwards did not know PO Holder, and did not interact with him on November 6 or November 7. Sgt. Edwards denied any knowledge of PO Holder's investigation of robbery.

During the CCRB interview, the undersigned investigator showed Sgt. Edwards the command log entry regarding § 87(2)(b)'s arrest, and pointed out Sgt. Edwards's name and tax ID number as the supervisor verifying the arrest. Afterwards, the following exchange occurred:

Inv. Wang: Were you present when this command log entry was made?

Sgt. Edwards: No

Inv. Wang: Did you supervise and verify an arrest of § 87(2)(b)

Sgt. Edwards: No

Inv. Wang: Were you ever present at the 90<sup>th</sup> Precinct stationhouse...

Sgt. Edwards: No

Inv. Wang: ...on that day?

Sgt. Edwards: No.

Inv. Wang: Do you have any idea how your name was written on this command log entry?

Sgt. Edwards: No idea.

§ 87(2)(b) was arrested by members of the 90<sup>th</sup> Precinct detective squad on the morning of November 7, 2013. Sgt. Edwards was not involved.

**Witness Officer: SGT ERCAN AYDIN**

- *Sgt. Aydin is a white male, who is § 87(2)(b) -old white male, who is 5'7" tall and weighs 230 pounds. He has brown hair and brown eyes.*
- *On November 6, 2013, from 2:50 p.m. to 11:47 p.m., Sgt. Aydin was the desk officer at the 90th Precinct stationhouse. He was in uniform and worked alone.*

**Memo Book**

Sgt. Aydin was on duty as the desk sergeant from 2:32 p.m. to 11:47 p.m. on November 6, 2013 (encl. 7a-b).

**CCRB Statement**

On July 10, 2014, Sgt. Aydin was interviewed at the CCRB (encl. 7c-d)

Sgt. Aydin, who was the desk sergeant at the 90<sup>th</sup> Precinct stationhouse at the time when § 87(2)(b) was brought to the stationhouse, did not have any independent recollection of what

happened when § 87(2)(b) or § 87(2)(b) were brought to the 90<sup>th</sup> Precinct stationhouse. The command log entry regarding § 87(2)(b) and § 87(2)(b) s arrests at 10:00 p.m. and 10:30 p.m. were shown to Sgt. Aydin. He acknowledged that he made the original command log entries and that the writing in the original entry was his handwriting. Sgt. Aydin denied that he amended the command log entry by crossing out “PO Hughes,” the tax identification number § 87(2)(b) or “PSA 3” and denied that he wrote “PO Holder” the tax identification number § 87(2)(b) or “90PDU.” Sgt. Aydin did not know why the command log entries were altered. Sgt. Aydin did not know who amended the command log by crossing out PO Hughes’s name, tax identification number, and command.

Sgt. Aydin stated that he does not know Sgt. Edwards or PO Hughes. When shown their photographs, Sgt. Aydin stated that they look familiar, but he does not know them. Sgt. Aydin did not know either Sgt. Edwards’s or PO Hughes’s tax identification numbers or shield numbers and would not have erroneously or falsely entered such information into the command log. Sgt. Aydin stated that because he entered that information into the command log, PO Hughes and Sgt. Edwards must have been present in front of the 90<sup>th</sup> Precinct stationhouse desk to provide that information to him. However, Sgt. Aydin did not specifically recall this occurring. It is not a regular occurrence for officers from PSA 3 to bring arrestees to the 90<sup>th</sup> Precinct stationhouse.

**Witness Officer: PO MICHAEL NOCERINO**

- *PO Nocerino is a § 87(2)(b) old white male, who is 6’4” tall and weighs 225 pounds. He has black hair and brown eyes.*
- *On November 6, 2013, PO Wilson Nocerino was assigned to PSA 3 anti-crime unit with PO Wilson Verdesoto. They were dressed in plain clothes and drove an unmarked vehicle; PO Nocerino did not recall or record the RMP number of his vehicle.*

**Memo Book**

On November 6, 2013, at 6:40 p.m., PO Nocerino responded to a call for assistance (10-85) at § 87(2)(b). At 9:00 p.m., PO Nocerino went out of service for administrative duty at the PSA 3 stationhouse (encl. 8a-b).

**CCRB Statement**

On August 20, 2014, PO Nocerino was interviewed at the CCRB (encl. 8c-d).

PO Nocerino responded to a call for assistance by a police officer at § 87(2)(b) with PO Verdesoto. An officer had been injured after falling down the stairs. PO Nocerino did not recall what he did once he responded to the location. He did not recall whether there was a suspect being sought in relation to the officer’s injury. He speculated that he may have been only involved in crowd control.

Sgt. Edwards is PO Nocerino’s supervising sergeant, but he did not recall specifically being partnered with him on that day. PO Nocerino did not recall whether Sgt. Edwards was present during the incident. PO Nocerino did not recall going to § 87(2)(b) § 87(2)(b) or any apartments at § 87(2)(b) while responding to the incident. PO Nocerino did not know who § 87(2)(b) or § 87(2)(b) are. He did not recall whether he canvassed for any § 87(2)(b), § 87(2)(c) suspects. PO Nocerino knows who PO Hughes is and did not recall whether he saw PO Hughes at § 87(2)(b). PO Nocerino did not recall if PO Hughes made an arrest or whether PO Hughes and Sgt. Edwards transported anyone to the 90<sup>th</sup> Precinct stationhouse. He

did not recall going to the 90<sup>th</sup> Precinct stationhouse. PO Nocerino was not aware of any arrests at § 87(2)(b) that evening.

PO Nocerino did not know how long he was present at § 87(2)(b). He did not know whether he was there the entire time from 6:40 p.m. to 9:00 p.m. PO Nocerino did not recall what the administrative reason was for him going out of service at 9:00 p.m.

**Witness Officer: Lt. RONALD PEREZ**

- *Lt. Perez is a § 87(2)(b)-old Hispanic male, who is 6'3" tall and weighs 250 pounds. He has brown hair and brown eyes.*
- *At the time of the interview, Lt. Perez was assigned to the aviation unit. On November 6, 2013, Lt. Perez was the platoon commander of PSA 3. He was dressed in uniform and was driven by PO Hughes in patrol car number § 87(2)(b).*

**Memo Book**

On November 6, 2013, at 6:40 p.m., Lt. Perez arrived at § 87(2)(b) in response to a call for assistance regarding two police officers injured at the location. A level one mobilization was initiated to search for the suspect. The level one mobilization was terminated at 12:05 a.m. on November 7, 2013. (encl. 8e-h)

**CCRB Statement**

On November 12, 2014, Lt. Ronald Perez was interviewed at the CCRB. (encl. 8i-k)

On November 6, 2013 at approximately 6:40 p.m., Lt. Perez and PO Hughes went to § 87(2)(b) in response to a call for assistance (10-13) by two police officers who were injured. Lt. Perez and PO Hughes found PO Eusebi and PO Dimichele, the two injured officers inside the stairwell on the second floor of the building. PO Dimichele was unconscious, and PO Eusebi was injured lying on his back. PO Eusebi informed Lt. Perez that while he and PO Dimichele were conducting a vertical patrol inside the stairwell of the building, they encountered two individuals inside the stairwell. One of the individuals, a black male, reached towards his waistband upon seeing the officers. One of the officers grabbed that individual's hand, and that individual responded by pushing the officers, causing them to fall down the stairwell. The individual then fled the location out of the first floor landing. PO Eusebi then transmitted a 10-13. Lt. Perez authorized a level one mobilization to search for the suspect. Lt. Perez did not recall whether there was any description of the suspect's clothing available to him. Lt. Perez directed PO Hughes to remain with the injured officers to ensure they were properly treated and transported to the hospital, while Lt. Perez went to the building lobby to direct officers arriving in response to the level one mobilization.

There was a large number of police officers from the various commands in the region who responded to the call for assistance prior to Lt. Perez's arrival, and more officers responded to the level one mobilization. Lt. Perez directed officers to conduct vertical patrols of multiple apartment buildings in the vicinity. Lt. Perez did not recall whether Sgt. Edwards was present, and did not recall issuing any orders to Sgt. Edwards. Lt. Perez also began to conduct vertical patrols.

At a point in the evening which Lt. Perez did not recall, but was "quite some time" after he first arrived, Lt. Perez was inside the stairwell of § 87(2)(b) conducting a vertical patrol, as he walked past the 4<sup>th</sup> floor, he saw through the window of the stairwell fire door, several

police officers in both uniform and plainclothes, from different commands, escorting a young black male in handcuffs through the § 87(2)(b) hallway. The only officer amongst them that Lt. Perez recalled was Lt. Christopher Cantelmi of the 90<sup>th</sup> Precinct. Lt. Perez did not see PO Hughes or Sgt. Edwards. Lt. Perez did not see which apartment the officers came from and he did not know who the individual under arrest was. He did not recall whether Sgt. Edwards or PO Hughes were amongst the officers. Lt. Perez escorted those officers downstairs, where he encountered executive level officers whom he debriefed regarding the level one mobilization, and so his attention was diverted. Lt. Perez had not directed any officer to enter any apartment and Lt. Perez did not order any officers to run computer checks or warrant checks in search of suspects. Lt. Perez stated that such orders would have come from the squad level. The only form of search that Lt. Perez ordered was a K-9 unit scent search, starting from the second floor. The dog did not lead officers to a suspect. Lt. Perez did not know whether at any point the K-9 unit lead officers to anywhere on the § 87(2)(b). Lt. Perez denied entering § 87(2)(b). He also denied knocking on any apartment doors or instructing any officers to knock on any doors.

Lt. Perez went to the rear of the outside of the building where he debriefed PO Vinod Seepersad and PO Toby Sullivan. Amongst the numerous officers that Lt. Perez ordered to patrol § 87(2)(b) PO Seepersad and PO Sullivan were the only two officers he recalled. At around this time, PO Hughes approached Lt. Perez and they spoke about PO Eusebi and PO Dimichele's condition. As he spoke to them, a red laser light was pointed at Lt. Perez from the vicinity of the § 87(2)(b) of § 87(2)(b). This caused Lt. Perez to fear that the laser was part of a firearm aimed towards him, and to call for an aviation unit in support and to direct officers to conduct vertical patrols of that building in order to locate that suspect. Lt. Perez returned to § 87(2)(b) and continued to conduct vertical patrols inside that building. Lt. Perez was later informed that two suspects were arrested inside § 87(2)(b) on the § 87(2)(b), from the same apartment. The first arrest was of someone wanted for § 87(2)(b), § 87(2)(a) CPL § 160.50, Lt. Perez believed that the second arrest was for the same crime, but he was not sure. Lt. Perez did not know how the suspects were located or what led officers to arrest them. Lt. Perez did not know the names of the individuals arrested. The arrested individuals were taken to the 90<sup>th</sup> Precinct stationhouse. Lt. Perez was informed that a sector patrol car from PSA 3 transported the suspects to the 90<sup>th</sup> Precinct stationhouse, but he was not sure. Lt. Perez did not know whether that was the suspect he witnessed being escorted out earlier. Lt. Perez had no knowledge of who made the arrests. The information Lt. Perez received about § 87(2)(b), § 87(2)(a) CPL § 160.50 suspects was all second hand information, he did not recall who informed him or when he was given that information.

Lt. Perez did not recall whether the suspect who caused injuries to PO Eusebi and PO Dimichele was apprehended. Lt. Perez pointed out that he was transferred to the Aviation Unit four days after the incident. Lt. Perez terminated the level one mobilization because he had been ordered to by his commanding officer.

**Witness Officer: Lt. CHRISTOPHER CANTELM**

- *Lt. Cantelmi is a § 87(2)(b)-old white male, who is 6'0" tall and weighs 195 pounds. He is bald and has blue eyes.*
- *On November 6, 2013, Lt. Cantelmi was the platoon commander of the 90th Precinct. He was dressed in uniform and assigned to a marked RMP number § 87(2)(b) operated by PO Stephen Loffredo.*

### **Memo Book**

Lt. Cantelmi had no memo book entries related to this incident. On November 6, 2013, Lt. Cantelmi went on patrol with PO Loffredo at approximately 6:35 p.m. The next entry was for a report of a missing child at approximately 7:15 at the corner of § 87(2)(b). At 7:45 p.m., the child was reunited with the mother. (encl. 8l-n).

### **CCRB Statement**

On November 17, 2014, Lt. Cantelmi was interviewed at the CCRB. (encl. 8o-p)

On November 6, 2013, at a time he did not recall, Lt. Cantelmi went to the intersection of § 87(2)(b) in response to the level one mobilization regarding the injuries to PO Eusebi and PO Dimichele. Lt. Cantelmi did not recall whether he responded immediately upon hearing about the incident over the radio, or whether he responded hours later. However, Lt. Cantelmi was aware that Lt. Perez of PSA 3 was supervising the response, as were superiors of higher rank. Lt. Cantelmi also pointed out that from 7:15 p.m. to 7:45 p.m., he was responding to the report of the missing child, although the two incidents were close to each other geographically. At the intersection of § 87(2)(b), Lt. Cantelmi saw Lt. Perez. Lt. Cantelmi asked Lt. Perez whether he required any assistance. Lt. Perez declined.

Lt. Cantelmi did not exit his vehicle while speaking to Lt. Perez. Lt. Cantelmi denied that he entered § 87(2)(b) going to § 87(2)(b) or entering the apartment. Lt. Cantelmi had no knowledge of any arrest that took place at § 87(2)(b). He denied knowing § 87(2)(b) or § 87(2)(b).

### **NYPD Documents**

#### **Event Information** § 87(2)(b)

On November 6, 2013, at 6:34 p.m., a call of officers in need of assistance, (10-13) was reported at § 87(2)(b) in Brooklyn. Two officers were injured, and a suspect fled the location. The officers were on the second floor. The suspect was a black male 5'6" tall, shirtless and wearing blue jeans. The officers had back injuries and EMS was called. At 6:54 p.m., a level one mobilization was authorized. At 7:19 p.m., aviation was requested to respond to the location. During the level one mobilization, there were no radio transmissions mentioning § 87(2)(b) § 87(2)(b) § 87(2)(b) or § 87(2)(b). The level one mobilization was terminated at 10:11 p.m. (encl. 9kk-oo)

#### **Event Summary**

There were no other Events at § 87(2)(b) in Brooklyn at the time of this incident (encl. 9ii-jj).

#### **90<sup>th</sup> Precinct Command Log**

On November 6, 2013, at 10:00 p.m., § 87(2)(b) was entered into the command log as an arrestee. He was arrested at § 87(2)(b) at 9:40 p.m. for § 87(2)(b). His arresting officer was "PO Hughes" but that was crossed out with a single line and "PO Holder" written above it. The tax number of the arresting officer was § 87(2)(b) but that was crossed out with a single line and "§ 87(2)(b)" written above it. The shield number of the arresting officer was, "15710." The arresting officer's command was "PSA 3," but that was crossed out and "90 PDU" written above it. The supervisor verifying arrest was "Sgt. Edwards," tax number "§ 87(2)(b)". It was noted that § 87(2)(b) was lodged at the detective squad (encl. 9n).

### **Arrest for Incident and Disposition**

- All charges against § 87(2)(b) and § 87(2)(b) have been dismissed. § 87(2)(b)'s arrested was voided (encl. 11a-f).

### **Status of Civil Proceedings**

- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of October 17, 2014, with regard to the incident.

### **Civilian Criminal History**

- As of October 16, 2014, Office of Court Administration records reveal no criminal convictions for § 87(2)(b) or § 87(2)(b) (encl. 11a-k).

### **Civilian CCRB History**

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

### **Subject Officer(s) CCRB History**

- Sgt. Edwards has been a member of the service for nine years and there are no substantiated CCRB allegations against him (encl. 2a).
- PO Hughes has been a member of the service for 22 years and there are no substantiated CCRB allegations against him. (encl. 2b-c).

## **Conclusion**

### **Identification of Subject Officers**

The 90<sup>th</sup> Precinct command log entry regarding § 87(2)(b)'s arrest indicate that he was arrested at § 87(2)(b) by PO Hughes and the verifying supervisor was Sgt. Edwards.

§ 87(2)(g)

§ 87(2)(b) stated that the same officers who entered his apartment and arrested him, drove him to the 90<sup>th</sup> Precinct stationhouse. § 87(2)(b) described one of the officers as a black male, who was 5'7" tall, and appeared to be in his 30's, which is a close resemblance to Sgt. Edwards. As the supervisor on scene and the supervisor who verified the arrest, the responsibility lies with Sgt. Edwards, and the allegations of the search and entry into the apartment, as well as the stop are pleaded against him. Sgt. Edwards stated that he worked with PO Nocerino during his tour of duty, but PO Nocerino did not recall working with Sgt. Edwards and claimed that he was partnered with PO Verdesoto instead. As a result the third officer present with PO Hughes and Sgt. Edwards remains unidentified.

### **Allegations not Pleaded**

At one point in his interview, § 87(2)(b) stated that he was "thrown" against the wall in the lobby of his building after he was arrested. Upon further questioning, § 87(2)(b) stated that he was pushed against the wall, but did not strike the wall in a violent manner. Since what § 87(2)(b) described does not rise to the level of misconduct, no allegation of force has been pleaded for that incident.

## Investigative Findings and Recommendations

**Allegation A – Abuse of Authority: Sgt. Dustin Edwards entered and searched § 87(2)(b) in Brooklyn.**

**Allegation B – Abuse of Authority: Sgt. Dustin Edwards stopped § 87(2)(b)**  
On November 2, 2013, § 87(2)(b), § 87(2)(a) CPD occurred at § 87(2)(b) in Brooklyn. PO Mark Holder of the 90<sup>th</sup> Precinct Detective Squad investigated the § 87(2)(b), § 87(2)(a) and identified § 87(2)(b) and § 87(2)(b) both of whom are brothers of § 87(2)(b) as suspects in the § 87(2)(b), § 87(2)(a) CPD § 87(2)(b)'s family resides together at § 87(2)(b) § 87(2)(b). On November 4, 2013, PO Holder issued I-cards for § 87(2)(b) and § 87(2)(b). PO Holder did not obtain a search warrant for their home or arrest warrants for § 87(2)(b) and § 87(2)(b). PO Holder knew of § 87(2)(b) who he believed shared a physical resemblance with § 87(2)(b) and § 87(2)(b) but did not issue an I-card for him.

On November 6, 2013, at approximately 6:34 p.m., two police officers from PSA 3 were injured inside a stairwell at § 87(2)(b) while attempting to apprehend an individual who subsequently fled the scene. The police response resulted in a level one mobilization from 6:54 p.m. to 10:11 p.m. PO Hughes responded to § 87(2)(b) at 6:35 p.m., and Sgt. Edwards responded at 8:05 p.m. At approximately 9:40 p.m., Sgt. Edwards, PO Hughes and another unidentified officer entered § 87(2)(b) § 87(2)(b) and handcuffed § 87(2)(b). § 87(2)(b) stated that officers said they were detaining § 87(2)(b) in regards to a § 87(2)(b), § 87(2)(a) that took place inside the building that evening. PO Hughes and Sgt. Edwards later arrested § 87(2)(b) as well. Lt. Perez saw a group of uniformed officers and officers in plainclothes, escorting an individual he described as a young black male down the hallway on the § 87(2)(b) of § 87(2)(b). However, Lt. Perez did not know the name of the individual who was arrested, nor did he recall when this occurred, so it is unknown whether he witnessed § 87(2)(b) or § 87(2)(b) being arrested. He could only recall Lt. Cantelmi as one of the officers involved, though Lt. Cantelmi denied this. § 87(2)(g)

§ 87(2)(b) The command log entry recorded PO Hughes as the arresting officer and Sgt. Edwards as the supervisor verifying the arrest. The command log entry for § 87(2)(b) also had PO Hughes as the arresting officer and Sgt. Edwards as the verifying supervisor. Sgt. Aydin was the desk sergeant at the 90<sup>th</sup> Precinct stationhouse and acknowledged that he made the command log entry. The criminal charges noted in the command log entries were § 87(2)(b), § 87(2)(a) CPD. On November 7, 2013, § 87(2)(b) was arrested by PO Holder for the § 87(2)(b), § 87(2)(a) on November 2, 2013 after the § 87(2)(b), § 87(2)(a) victim identified § 87(2)(b) as a perpetrator. § 87(2)(b) was also arrested. At an unknown time, the command log entry was amended, crossing out PO Hughes's name and tax ID number, and PO Holder was then noted as § 87(2)(b)'s arresting officer. Sgt. Aydin did not know who made this amendment to the command log and denied that he could have entered Sgt. Edwards or PO Hughes's names without them being present. PO Hughes and Sgt. Edwards both denied any knowledge of PO Holder's investigation or the I-cards for § 87(2)(b) and § 87(2)(b).

There was no search warrant for the apartment, nor was there a warrant for § 87(2)(b)'s arrest. But it is unknown whether there were exigent circumstances for officers to enter the apartment. It is also unknown what reason PO Hughes and Sgt. Edwards had to detain § 87(2)(b). Although § 87(2)(b) was ultimately arrested for the § 87(2)(b), § 87(2)(a) which occurred on November 2, at § 87(2)(b) PO Holder was not seeking him as a suspect, and PO Hughes and Sgt. Edwards stated they had no knowledge of that investigation. Sgt. Edwards and

PO Hughes were responding to a level one mobilization search for a suspect sought for assaulting two officers in § 87(2)(b)'s building on the night of November 6, 2013, but it is unknown what if anything § 87(2)(b) had to do with that incident. § 87(2)(g)

§ 87(4-b), § 87(2)(g)

**Allegation E – Other Misconduct: Sgt. Dustin Edwards provided a false official statement to the CCRB when he denied entering § 87(2)(b) in Brooklyn and arresting § 87(2)(b)**

**Allegation F – Other Misconduct: PO Sean Hughes provided a false official statement to the CCRB when he denied entering § 87(2)(b) in Brooklyn and arresting § 87(2)(b)**

During their CCRB statements, Sgt. Edwards and PO Hughes denied going to § 87(2)(b) § 87(2)(b) entering the apartment, arresting § 87(2)(b) or transporting § 87(2)(b) to the 90<sup>th</sup> Precinct stationhouse. However, command log entries show that PO Hughes was recorded as § 87(2)(b)'s arresting officer and Sgt. Edwards was the supervisor verifying the arrest. Sgt. Ayden, the desk sergeant in the 90<sup>th</sup> Precinct stationhouse at the time of this incident, testified that he made the command log entries of § 87(2)(b)'s arrest and that PO Hughes and Sgt. Edwards's names and tax ID numbers in the command log entries were in his handwriting. Sgt. Ayden also testified that he did not know PO Hughes or Sgt. Edwards well enough to know their names, tax ID information or shield numbers, and would not have falsely or erroneously recorded them unless they had been present and identified themselves. Sgt. Ayden testified that he did not cross out PO Hughes's name and tax ID number from the command log, replacing them with PO Holder's. Both PO Hughes and Sgt. Edwards stated that they had no knowledge of the command log entry or how their names and information were recorded in the command log. PO Holder could not have been the officer to have apprehended § 87(2)(b) in his home because he was off duty at the time of the arrest.

Intentionally making a false official statement is prohibited and will be subject to disciplinary action. NYPD Patrol Guide, Section 203-08 (encl. 1d). The statements must be proven to have been made, that they were material and that they were intentionally false. Dep't of Corrections V. Centeno, OATH Index No. 2031/04, p.4 (2005) (encl. 1c-k)

Sgt. Edwards and PO Hughes both denied having any involvement in the arrest of § 87(2)(b) and denied bringing him to the 90<sup>th</sup> Precinct stationhouse. § 87(2)(g)

[REDACTED]

Team:   5  

Investigator: \_\_\_\_\_ Simon Wang \_\_\_\_\_ 12/05/14  
Signature Print Date

Supervisor: \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
Title/Signature Print Date