

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Giansante	Team: Team # 5	CCRB Case #: 201402997	<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) Thu, 09/26/2013 2:30 PM	Location of Incident: [REDACTED]	Precinct: 114	18 Mo. SOL 03/26/2015	EO SOL 3/26/2015	
Date/Time CV Reported Wed, 04/02/2014 8:40 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 04/02/2014 8:40 AM		

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

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

Subject Officer(s)	Shield	TaxID	Command
1. POM James Reuter	08453	§ 87(2)(b)	020 DET
2. POM Mariusz Krala	29455	§ 87(2)(b)	114 PCT
3. SGT William Unverzagt	05227	§ 87(2)(b)	114 PCT
4. POM Ronald Robinson	16053	§ 87(2)(b)	114 PCT
5. Officers			114 PCT

Officer(s)	Allegation	Investigator Recommendation
A . Officers	Abuse of Authority: On September 7, 2013, officers entered and searched § 87(2)(b) apartment at § 87(2)(b) in Queens.	A . § 87(2)(g)
B . POM James Reuter	Abuse of Authority: On September 26, 2013, PO James Reuter entered and searched § 87(2)(b) apartment at § 87(2)(b) in Queens.	B . § 87(2)(g)
C . POM Mariusz Krala	Abuse of Authority: On September 26, 2013, PO Mariusz Krala entered and searched § 87(2)(b) apartment at § 87(2)(b) in Queens.	C . § 87(2)(g)
D . SGT William Unverzagt	Abuse of Authority: On September 26, 2013, Sgt. William Unverzagt entered and searched § 87(2)(b) apartment at § 87(2)(b) in Queens.	D . § 87(2)(g)
E . POM Ronald Robinson	Abuse of Authority: On September 26, 2013, PO Ronald Robinson entered and searched § 87(2)(b) apartment at § 87(2)(b) in Queens.	E . § 87(2)(g)
F § 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
G . POM Ronald Robinson	Other: PO Ronald Robinson intentionally provided a false official statement to the CCRB when he said that he made contemporaneous memo book entries.	G . § 87(2)(g)

### Case Summary

On April 2, 2014, § 87(2)(b) filed the following complaint with the CCRB by leaving a message on the Call Processing System.

On September 7, 2013, officers from the 114<sup>th</sup> Precinct responded to § 87(2)(b) in Queens regarding a dispute between § 87(2)(b) and § 87(2)(b). On September 26, 2013, PO James Reuter, PO Mariusz Krala, Sgt. William Unverzagt, and PO Ronald Robinson of the 114<sup>th</sup> Precinct responded to the same location for another dispute. The following allegations resulted:

- **Allegation A—Abuse of Authority: On September 7, 2013, officers entered and searched § 87(2)(b) s apartment at § 87(2)(b) in Queens.**  
§ 87(2)(g)  
[REDACTED]
- **Allegation B—Abuse of Authority: On September 26, 2013, PO James Reuter entered and searched § 87(2)(b) s apartment at § 87(2)(b) in Queens.**  
**Allegation C—Abuse of Authority: On September 26, 2013, PO Mariusz Krala entered and searched § 87(2)(b) s apartment at § 87(2)(b) in Queens.**  
**Allegation D—Abuse of Authority: On September 26, 2013, Sgt. William Unverzagt entered and searched § 87(2)(b) s apartment at § 87(2)(b) in Queens.**  
**Allegation E—Abuse of Authority: On September 26, 2013, PO Ronald Robinson entered and searched § 87(2)(b) s apartment at § 87(2)(b) in Queens.**  
§ 87(2)(g)  
[REDACTED]
- § 87(4-b), § 87(2)(g)  
[REDACTED]  
**Allegation G—Other Misconduct: PO Ronald Robinson intentionally provided a false official statement to the CCRB when he said that he made contemporaneous memo book entries.**  
§ 87(4-b), § 87(2)(g)  
[REDACTED]

The case was ineligible for mediation. § 87(2)(b) stated that he filed the complaint seven months after the date of the first incident because he was incarcerated and focusing on his court case.

### Results of Investigation

#### Civilian Statements

##### Complainant/Victim: § 87(2)(b)

- § 87(2)(b)  
[REDACTED]

#### CCRB Statement

§ 87(2)(b) made a brief statement when filing his complaint on April 2, 2014 (encl. 5). He

provided a telephone statement on April 24, 2014 (encl. 6). He was interviewed at the CCRB on May 1, 2014 (encl. 7b-7v). He provided an additional telephone statement on June 4, 2014 (encl. 7g). § 87(2)(g)

On an unknown date on a weekend at the end of August or the beginning of September in 2013, § 87(2)(b) was in his home at § 87(2)(b) in Queens. When filing his initial complaint, § 87(2)(b) believed the incident occurred on or around September 8, 2013, and in his phone statement he believed it was either September 7, 2013, or September 8, 2013. The investigation determined the incident occurred on September 7, 2013, at approximately 7:42 p.m. § 87(2)(b) lived in a converted studio apartment in a garage behind the house at § 87(2)(b). § 87(2)(b) had a lease for the garage and was the only person who lived there. His landlord, § 87(2)(b) lived in the main house. In a phone statement on June 4, 2014, § 87(2)(b) reiterated that he had a lease for, and exclusively lived in, the garage, and that he did not live in a room in § 87(2)(b)'s house. § 87(2)(b)'s ex-girlfriend, lived with § 87(2)(b) for some time, but their relationship ended and § 87(2)(b) made her move out. On September 7, 2013, § 87(2)(b) arrived with six uniformed officers. The investigation did not identify these officers. § 87(2)(b) spoke with the officers in front of the main house and later in the driveway on the side of the house. § 87(2)(b) was present but did not speak with the officers.

An officer told § 87(2)(b) that § 87(2)(b) claimed that he had her belongings in the garage, and that the officers had to check for them. § 87(2)(b) told them that he did not have any of her property, asked why they had to search, and asked if they had a warrant multiple times. The officers told him they had to search because it was a domestic issue. An officer asked for § 87(2)(b)'s keys and § 87(2)(b) provided them. Neither § 87(2)(b) nor § 87(2)(b) ever told the officers not to enter the garage, and neither tried to physically stop the officers. However, § 87(2)(b) kept asking why the officers needed to search.

All six officers entered the garage, along with § 87(2)(b) and § 87(2)(b) remained outside. The garage contained a bed, a kitchen area with a refrigerator and sink, a bathroom, and a small room with a water heater. The officers looked in the bathroom and in the room with the water heater. They opened dresser drawers and kitchen cabinets, and opened the refrigerator. They did not open any other closed containers. § 87(2)(b) kept asking the officers why they were searching and telling them that he did not have any of § 87(2)(b)'s property. The officers did not find any of § 87(2)(b)'s property and left.

On September 26, 2013, at approximately 12 p.m., § 87(2)(b) returned to retrieve her driver's license. In his initial complaint, § 87(2)(b) said this incident occurred on September 22, 2013. § 87(2)(b) and § 87(2)(b) argued before she sprayed him with mace, punched him, and left. Two plainclothes officers arrived at approximately 2 p.m. The investigation identified them as PO James Reuter and PO Mariusz Krala. PO Reuter filled out a Domestic Incident report with § 87(2)(b). In his telephone statement, § 87(2)(b) said only that § 87(2)(b) called police because of a "misunderstanding" and did not describe the physical altercation.

At approximately 2:30 p.m., PO Reuter and PO Krala returned with four more plainclothes officers. The investigation determined that only two additional officers arrived and identified them as Sgt. William Unverzagt and PO Ronald Robinson. § 87(2)(b) and § 87(2)(b) exited the main house and spoke to the officers in the driveway. PO Reuter told § 87(2)(b) that he was going to be arrested because § 87(2)(b) claimed that he had taken \$237.00 from her pocket. PO Reuter handcuffed him. PO Robinson asked § 87(2)(b) where he lived and § 87(2)(b) pointed to the garage. PO Robinson asked § 87(2)(b) three times if he had any guns or knives in the garage and § 87(2)(b) insisted that he did not. PO Robinson asked for the keys to the garage and § 87(2)(b) asked why. PO Robinson said that they had to search for guns or knives. § 87(2)(b) first said that PO Robinson took his keys out of his pocket, but later stated that § 87(2)(b) went into the

main house and returned with the keys, which he gave to PO Robinson. In his phone statement, § 87(2)(b) alleged that an officer went into his pocket to retrieve keys, but did not specify on which date this occurred. In a phone statement on June 4, 2014, § 87(2)(b) said that the officer accompanied § 87(2)(b) into the house, and that § 87(2)(b) later told him that the officer had searched inside the house, but did not state if he gave permission for the search.

All four officers entered the garage and were inside for approximately ten minutes. No one else went into the garage and § 87(2)(b) could not see what the officers did inside. Neither § 87(2)(b) nor § 87(2)(b) ever told the officers not to enter the garage. However, § 87(2)(b) continually asked why they were searching without a warrant. An officer told him that they did not need a warrant because he might have weapons. § 87(2)(b) did not know why the officers thought this but assumed that § 87(2)(b) told them it.

In his initial complaint and his telephone statement, § 87(2)(b) alleged that officers searched his residence on three occasions. In his initial complaint, § 87(2)(b) alleged that officers searched his residence before arresting him on October 6, 2013, and reiterated that officers arrived at the residence on that date in his phone statement. In his CCRB interview however, he stated that he was not arrested near his residence on that date.

During the phone statement on June 4, 2014, after learning that § 87(2)(b) had indicated that officers searched § 87(2)(b)'s room inside the main house, § 87(2)(b) became agitated and irate. He said, "He's telling it wrong. They never searched no room in the house. He's totally wrong, and if me and him sit down together with you...He's totally wrong. He never listen." "I don't know what the fuck he is saying to you, and after this I'm gonna call him to make sure that he gets the shit right. He's telling you something totally different because he's trying to cover his fucking ass because he fucked up. I told him that police have no right to search my place and he didn't say nothing to the police, so now he trying to cover his fucking ass man. That son of a bitch. And I said in front of him and his mother that what he did was totally wrong. He should have said something." § 87(2)(b) also agreed to provide a copy of his lease but later said that he wanted to consult with a lawyer first. He never provided a copy of his lease.

**Witness:** § 87(2)(b)

- § 87(2)(b)

**Domestic Incident Report Supporting Deposition**

On the DI report prepared by PO Krala, § 87(2)(b) stated that on September 26, 2013, at approximately 2:15 p.m., she went to § 87(2)(b)'s residence to retrieve her identification and belongings. § 87(2)(b) grabbed her by the neck, slammed her to the ground, took \$237.00 from her pocket, choked her, and bit her face (encl. 11h).

**CCRB Statement**

§ 87(2)(b) provided a telephone statement on June 14, 2014 (encl. 8a-8b).

On an unknown date, § 87(2)(b) and § 87(2)(b) moved into a garage behind the main house at § 87(2)(b) in Queens. They moved in at the same time. § 87(2)(b) signed a lease with the landlord, whom the investigation identified as § 87(2)(b). § 87(2)(b) did not tell § 87(2)(b) that § 87(2)(b) would be living there. They lived together for approximately one month and fought frequently. Eventually § 87(2)(b) kicked her out after a fight. She returned with friends on an unknown date to retrieve her remaining belongings and had another dispute with § 87(2)(b). When § 87(2)(b) first moved in with § 87(2)(b) he told her that his friend had a gun, and she was afraid that he would call his friend. She left without all her belongings.

On September 7, 2013, § 87(2)(b) returned to retrieve her remaining belongings, and called police when she arrived. She said that § 87(2)(b) had her possessions and four uniformed

officers responded. The officers explained the situation to § 87(2)(b) and he said that he did not have § 87(2)(b)'s belongings and that she did not even live there. The officers asked if they could go inside the garage to look for her things and § 87(2)(b) consented. He opened the door and § 87(2)(b) entered along with some of the officers. None of her belongings were inside. The officers did not go inside the main house.

§ 87(2)(b) returned on September 26, 2013, and § 87(2)(b) returned her driver's license. She attempted to leave and he attacked her. She pepper-sprayed him and ran to her sister's apartment, where she called the police. She went to the stationhouse where they took pictures and gave her an order of protection. Officers later told her that they went to § 87(2)(b)'s residence but could not find him.

**Witness:** § 87(2)(b)

- § 87(2)(b)

### CCRB Statement

§ 87(2)(b) provided a telephone statement on May 19, 2014 (encl. 9).

§ 87(2)(b) has Parkinson's disease and had difficulty providing cogent answers. He confirmed that he had rented a room to § 87(2)(b) and that § 87(2)(b) briefly had a woman staying with him, whom the investigation identified as § 87(2)(b). § 87(2)(b) explained that § 87(2)(b) had a lease for a room inside § 87(2)(b)'s home and that he had access to all areas of the house. § 87(2)(b) did not live there and was not on the lease. She stayed there for less than two weeks before § 87(2)(b) told § 87(2)(b) that she could not live there. § 87(2)(b) tried to get on the lease and eventually forged a copy of the lease with her name on it.

§ 87(2)(b) confirmed that officers came to § 87(2)(b) multiple times in September 2013, but he could not recall the dates. He provided descriptions of what happened but had difficulty differentiating between the various occasions on which officers were present. He described an incident in which § 87(2)(b) arrived and had a dispute with § 87(2)(b). The dispute became physical and § 87(2)(b) left. § 87(2)(b) believed that § 87(2)(b) went home and provided a statement to detectives that § 87(2)(b) had attacked her and threatened her with a gun. Plainclothes officers arrived at § 87(2)(b) and § 87(2)(b) let them search various areas of his property, including in his rooms, in his mother's section of the house, in § 87(2)(b)'s room in the house, and in the garage.

Although § 87(2)(b) consistently stated that officers came on multiple occasions, and once stated that they came twice in September 2013, he could not explicitly describe a separate incident in which officers arrived.

**Witness:** § 87(2)(b)

- § 87(2)(b)

### CCRB Statement

§ 87(2)(b) provided information by telephone on May 19, 2014 (encl. 9). She provided additional information on June 4, 2014 (encl. 19p).

§ 87(2)(b) was not present during the incidents. She lives in the main house with § 87(2)(b) and was familiar with § 87(2)(b)'s living situation at the location. She corroborated that § 87(2)(b) did not live in the garage. He rented the front bedroom in the main house for approximately two months. He used the garage to spend time with § 87(2)(b) and friends.

She also confirmed that officers arrived on multiple occasions. She was not present for any incidents but learned about them from § 87(2)(b). To § 87(2)(b)'s knowledge, when officers arrived on the date that § 87(2)(b) pepper-sprayed § 87(2)(b) they said that § 87(2)(b)

§ 87(2)(b) reported that § 87(2)(b) threatened her with a gun, and § 87(2)(b) let the officers search anywhere they wanted. § 87(2)(b) also stated that officers arrived a few days before that incident, and that § 87(2)(b) opened the garage for them on that date as well.

### **NYPD Statements:**

#### **Subject Officer: PO JAMES REUTER**

- *PO Reuter, a white man, 5'9" tall, 200 pounds, with black hair and brown eyes, was § 87(2)(b) old at the time of the incident.*
- *On September 26, 2013, PO Reuter was assigned to Anticrime in the 114<sup>th</sup> Precinct. He was partnered with PO Krala and worked from 11 a.m. to 7:30 p.m. He was dressed in plainclothes and worked in unmarked vehicle number § 87(2)(b)*

#### **Memo Book**

On September 26, 2013, at approximately 2:13 p.m., PO Reuter responded to a domestic assault in progress at § 87(2)(b) in Queens. He arrived at 2:20 p.m. There was no callback and he canvassed in regards. At 2:22 p.m. the location was changed to § 87(2)(b). At 3:30 p.m. he filled out Domestic Incident report #§ 87(2)(b) and took photographs. At 4:20 p.m. he noted that PO Krala arrested an individual and that the disposition was changed from a domestic dispute to an arrest (encl. 10b-10c).

#### **CCRB Statement**

PO Reuter was interviewed at the CCRB on September 8, 2014 (encl. 10e-10f).

On September 26, 2013, at approximately 2:13 p.m., PO Reuter and PO Krala responded to an assault in progress at § 87(2)(b). PO Reuter met § 87(2)(b) outside the residence, along with a white man in his late 40s or 50s who said he was the homeowner. The investigation identified him as § 87(2)(b). § 87(2)(b) said that § 87(2)(b) was just staying at the house with him. § 87(2)(b) said that he got into an argument with his girlfriend and she assaulted him. The investigation identified her as § 87(2)(b).

§ 87(2)(b) and § 87(2)(b) accompanied the officers inside the house to show them where the assault took place. They climbed an exterior staircase at the rear of the house and entered the § 87(2)(b). PO Reuter and PO Krala were inside for approximately five minutes and were never separated. PO Reuter made no search in the house and did not recall ever going to the § 87(2)(b). He could not recall where § 87(2)(b) was sleeping in the house. PO Reuter sat at a table outside and prepared a DI report and a UF61 for § 87(2)(b).

The officers returned to the 114<sup>th</sup> Precinct stationhouse to deliver the paperwork. They learned that § 87(2)(b) was already there and that she had injuries including bite marks on her face, and that § 87(2)(b) had stolen her cell phone. PO Reuter never interacted with or spoke to § 87(2)(b) but saw her through the doorway of an office. He could not recall which officers interviewed her and did not recall ever seeing Sgt. Unverzagt or PO Robinson speaking with her. Sgt. Unverzagt relayed § 87(2)(b)'s account to PO Reuter, but PO Reuter did not know if Sgt. Unverzagt learned it from her or from another officer. PO Reuter also learned that § 87(2)(b) had said that § 87(2)(b) was "known to carry a firearm or have a firearm in his possession." When asked how he came to learn this, he said that "someone at the precinct" told him. He could not recall who told him. He never learned any further information regarding the firearm and did not know if his partners had any further information.

PO Reuter and PO Krala returned to § 87(2)(b) and Sgt. Unverzagt and PO Robinson arrived soon after. There was no discussion amongst officers regarding the firearm during the journey to the address. § 87(2)(b) and § 87(2)(b) were outside. PO Reuter approached § 87(2)(b) and told him he was placing him under arrest. § 87(2)(b) was cooperative



and calm throughout the incident. PO Reuter waited with § 87(2)(b) in the front of the driveway while Sgt. Unverzagt, PO Robinson, PO Krala, and § 87(2)(b) disappeared from view behind the rear of the house. PO Reuter could not estimate how long they were out of view. When asked if the officers entered the house, PO Reuter said that he could not see whether they did so. When asked if they told him what they had done with § 87(2)(b) PO Reuter said that they told him that § 87(2)(b) had walked them through the house. They did not tell him anything more than that.

PO Reuter believed that the officers entered the house because of § 87(2)(b)'s statements regarding § 87(2)(b) having a firearm. PO Reuter never discussed a firearm with § 87(2)(b) or § 87(2)(b) and did not hear any other officers do so. PO Reuter recalled seeing a garage behind the house but never entered it and never saw any other officers do so. He never learned from other officers that they had entered a garage. He never obtained keys from § 87(2)(b) or § 87(2)(b) and did not know if any other officer did. At no point did PO Reuter hear § 87(2)(b) or § 87(2)(b) voice any opposition to officers entering the house. He could not recall if Sgt. Unverzagt and PO Robinson left at the same time or remained at the property.

**Subject Officer: PO MARIUSZ KRALA**

- PO Krala, a white man, 5'9" tall, 165 pounds, with brown hair and green eyes, was § 87(2)(b) old at the time of the incident.
- On September 26, 2013, PO Krala was assigned to Anticrime in the 114<sup>th</sup> Precinct. He was partnered with PO Reuter and worked from 11 a.m. to 7:35 p.m. He was dressed in plainclothes and worked in an unmarked vehicle with number 170.

**Memo Book**

On September 26, 2013, at approximately 2:15 p.m., PO Krala received a radio run for an assault in progress at § 87(2)(b) in Queens. PO Krala arrived at 2:20 p.m. It was a third-party caller and there was no callback. PO Krala and PO Reuter canvassed in regards. At 2:22 p.m. PO Krala noted that the location changed to § 87(2)(b). At 3:30 p.m. a domestic incident report was prepared and photos of the victim were taken. PO Krala returned to the 114<sup>th</sup> Precinct stationhouse at 3:45 p.m. At 3:55 p.m. PO Krala returned to § 87(2)(b) on a precinct assignment. He marked one under arrest at 4:40 p.m. (encl. 11a).

**CCRB Statement**

PO Krala was interviewed at the CCRB on August 19, 2014 (encl. 11j-11k). § 87(2)(g)

§ 87(2)(b) met PO Krala outside the house led him and PO Reuter inside. § 87(2)(b) almost immediately turned around and put his hands behind his back as if he were being arrested. The officers told him to relax and asked him what happened, and § 87(2)(b) recounted the altercation with § 87(2)(b)

PO Krala interviewed § 87(2)(b) at the 114<sup>th</sup> Precinct stationhouse and she described § 87(2)(b) assaulting and robbing her.

After returning to § 87(2)(b)'s residence, PO Krala asked him if § 87(2)(b) lived there. § 87(2)(b) said that § 87(2)(b) was "staying" there and that he slept on the couch.

The officers asked § 87(2)(b) if there were any weapons in the house. PO Krala recalled that § 87(2)(b)'s response was, "No. Not sure." The officers asked § 87(2)(b) about weapons while they stood in the driveway. When questioned as to why the officers asked § 87(2)(b) about weapons, PO Krala said, "It's a domestic incident. I believe that she alleged that there might have been weapons." The investigator asked PO Krala if § 87(2)(b) had been

more specific and he said, “I don’t remember. Something to do with a gun. Maybe she’d seen him with a gun. I don’t remember.” PO Krala explained that, at some point during the drive to the location, an officer told him that he had spoken to § 87(2)(b) and that she “stated or implied” that “she’d seen him with a gun or he might have a gun,” or that there might be a gun in the house. PO Krala could not recall the identity of this officer, who did not provide any further information. § 87(2)(b) never told PO Krala about a gun. PO Krala did not have any more specific idea of where the gun might be located.

The officers asked § 87(2)(b) if they could enter the house to check for weapons and he consented. He entered the backdoor and Sgt. Unverzagt, PO Krala, and PO Robinson followed him inside. PO Reuter remained outside with § 87(2)(b). The officers entered the house on the second floor and walked through a kitchen, a bedroom, and a living room. They simply looked around and did not move anything or open any cabinets, drawers, closets, or closed containers. § 87(2)(b) was with the officers the entire time. The officers and § 87(2)(b) walked down to the first floor, walked through a kitchen, and exited out the rear. They did not go into any other rooms on the first floor.

After leaving the house, the officers asked § 87(2)(b) for the key to a converted garage located behind the house so they could look for weapons inside. § 87(2)(b) consented and provided the key. Sgt. Unverzagt, PO Robinson, and PO Krala entered the garage. The garage was one room and PO Krala could not recall there being anything inside except for a bed. Neither § 87(2)(b) nor § 87(2)(b) ever said that he did not want officers to enter the house or the garage. § 87(2)(b) never said that he lived in the garage.

PO Krala could not recall if there was any further discussion regarding weapons. He knew that, at one point, an officer asked § 87(2)(b) if he had any weapons. PO Krala could not recall which officer asked, nor could he recall § 87(2)(b)’s response.

**Subject Officer: SGT. WILLIAM UNVERZAGT**

- Sgt. Unverzagt, a white man, 6’2” tall, 215 pounds, with blond hair and blue eyes, was § 87(2)(b) old at the time of the incident.
- On September 26, 2013, Sgt. Unverzagt was the Anticrime Sergeant in the 114<sup>th</sup> Precinct. He was partnered with PO Robinson and PO Vignone and worked from 11 a.m. to 7:44 p.m. He was dressed in plainclothes and worked in unmarked vehicle number § 87(2)(b).

**Memo Book**

On September 26, 2013, at approximately 4:20 p.m., Sgt. Unverzagt arrived at § 87(2)(b) in Queens. At 4:40 p.m., Sgt. Unverzagt marked an arrest by PO Krala (encl. 12b-12c).

**CCRB Statement**

Sgt. Unverzagt was interviewed at the CCRB on August 28, 2014 (encl. 12e-12f). § 87(2)(g)

Sgt. Unverzagt was on patrol when he received a call from PO Krala, who apprised him of the ongoing situation and reported that § 87(2)(b) was at the stationhouse. Sgt. Unverzagt returned to the stationhouse and interviewed § 87(2)(b). He knew that PO Robinson was not present during the interview. He could not recall which other officers were present or if PO Krala was present. § 87(2)(b) told Sgt. Unverzagt of § 87(2)(b) that “she knew him to carry or own a firearm.” Sgt. Unverzagt informed his partners of this while en route to § 87(2)(b).

Sgt. Unverzagt did not ask § 87(2)(b) about a firearm and did not hear any other officer do so. He could not recall if he asked § 87(2)(b) whether § 87(2)(b) lived at the residence. Sgt.



Unverzagt thought that the other officers had learned that § 87(2)(b) stayed on § 87(2)(b)'s couch and relayed that information to him. Sgt. Unverzagt asked § 87(2)(b) if he had ever seen § 87(2)(b) with a firearm and § 87(2)(b) said no. Sgt. Unverzagt asked if § 87(2)(b) would like the officers to search in the house to make sure, for his safety, that there was no firearm. § 87(2)(b) stated that he did not want any guns in his home and verbally consented to the officers entering the house. He led them up the rear staircase, unlocked the 2<sup>nd</sup> floor door, and accompanied Sgt. Unverzagt, PO Krala, and PO Reuter inside. PO Robinson remained outside with § 87(2)(b).

The officers asked § 87(2)(b) to show them the areas to which § 87(2)(b) had access. § 87(2)(b) showed them the couch, which the officers searched under and behind. They also removed the cushions. § 87(2)(b) opened a closet where § 87(2)(b) kept his belongings. Sgt. Unverzagt assumed that the officers moved objects in the closet but could not specifically recall. He did not open any closed containers. When asked if the officers searched anywhere other than the couch and closet, Sgt. Unverzagt said, "I don't recall. Anywhere the homeowner took us that he said this guy had access to." The officers walked through the 2<sup>nd</sup> floor and passed bedrooms but did not enter them. § 87(2)(b) led them downstairs. They walked through the 1<sup>st</sup> floor but did not search anywhere and exited at the rear. The officers were inside the house for approximately 10-15 minutes. All three officers were together and accompanied by § 87(2)(b) the entire time.

§ 87(2)(b) told the officers that § 87(2)(b) also had access to the garage behind the house. § 87(2)(b) did not say what § 87(2)(b) used the garage for, and Sgt. Unverzagt could not recall if he asked § 87(2)(b) what the structure was. § 87(2)(b) unlocked the garage and accompanied the officers inside. Sgt. Unverzagt could not recall whether all three officers entered the garage. Sgt. Unverzagt thought the garage had been converted to an office or "work studio." He could only recall that there was a camera on a tripod inside. He could not recall what the officers searched but said that they searched "whatever was in there, if there was a desk or a couch or whatever. I don't know what was in there." When asked if he opened any drawers or cabinets, he said, "If there was a desk, I'm sure we did." Sgt. Unverzagt did not recall § 87(2)(b) saying anything when the officers entered the garage and described his demeanor as "very calm." § 87(2)(b) never provided keys to the officers; he unlocked and opened every door.

**Subject Officer: PO RONALD ROBINSON**

- *PO Robinson, a black man, 6'1" tall, 240 pounds, with black hair and brown eyes, was § 87(2)(b) old at the time of the incident.*
- *On September 26, 2013, PO Robinson was assigned to Anticrime in the 114<sup>th</sup> Precinct. He was partnered with Sgt. Unverzagt and PO Vignone, and he worked from 11 a.m. to 7:35 p.m. He was dressed in plainclothes and worked in an unmarked vehicle with number § 87(2)(b)*

**Memo Book**

PO Robinson stated that he had memo book entries regarding the incident and read the following into the record, "1630: 84 at § 87(2)(b). 1640: 1 under PO Krala, 92C." Those two entries were in his memo book during the interview (encl. 13d). However, those entries did not appear on the copy of the memo book that the investigator received from IAB (encl. 13b). The investigator showed PO Robinson the copy from IAB and the following exchange ensued:

PO Robinson: "This page ended but I didn't finish when he signed it though."

Inv. Giansante: "So you're saying you hadn't finished the entry when a sergeant verified the page?"

PO Robinson: "No. I finished them and then he verified it, but I just basically had to put it in

cause the book ended, so it was a new book.”

Inv. Giansante: “So when were those entries here, that don’t appear here, when were those written on this page?”

PO Robinson: “Umm, probably the 27<sup>th</sup>. September 27<sup>th</sup>, then the book closed out.”

Inv. Giansante: “So you’re saying that on the date of the incident, you didn’t make the entries, and then when you closed it out, you recalled that you hadn’t put them in?”

PO Robinson: “The date of what entry? This entry? These are done the same day.”

Rep. Insardi: “Let me go off the record for one second.”

The investigator paused the record and Rep. Insardi and PO Robinson left the room for a brief time. The investigator resumed the record and Rep. Insardi said, “I just wanted to ensure that it does appear that you’re on the same page.” The investigator turned from the subject of the memo book and questioned PO Robinson about the incident. At the end of the interview, the investigator returned to the memo book and the following exchange ensued:

Inv. Giansante: “Can you explain for me why the copy that I received does not have those entries on it?”

PO Robinson: “Yes, this is just omitted entries, basically at the end of the tour.”

Inv. Giansante: “When did you put those entries in? These entries were made on the 26<sup>th</sup>? Is that correct?”

PO Robinson: “Yes.”

Inv. Giansante: “Then the additional ones that are not seen on my copy, when did you enter those?”

Rep. Insardi: “Do you remember when you made those entries?”

PO Robinson: “No. I probably made them, uhh...”

Rep. Insardi: “Well don’t guess.”

PO Robinson: “Umm...”

Rep. Insardi: “You’re not sure.”

Inv. Giansante: “I don’t understand exactly how this memo book protocol works. Essentially when you finish a memo book, a sergeant does this signature to show that it’s completed?”

PO Robinson: “Yes.”

Inv. Giansante: “Do you recall when the sergeant signed this memo book?”

PO Robinson: “No.”

Inv. Giansante: “Do you know which sergeant this was?”

PO Robinson: “No I don’t.”

Inv. Giansante: “Do you recall whether you put those additional omitted entries in before or after the sergeant signed it?”

PO Robinson: “Definitely before.”

Rep. Insardi: “But he had signed it here.”

PO Robinson: “Right.”

Rep. Insardi: “So you mean you put them in after?”

PO Robinson: “Yeah, after. I’m sorry.”

Inv. Giansante: “You put the entries in after the sergeant signed it?”

PO Robinson: “Yes.”

Inv. Giansante: “When was this memo book closed out?”

PO Robinson: “September 27<sup>th</sup>.”

Inv. Giansante: “Did you put these entries in the memo book after having received a notification to appear at the CCRB?”

PO Robinson: “Yes.”

Inv. Giansante: “So this is, in fact, sometime after, a significant time after the incident concluded?”

PO Robinson: “Yes.”

### **CCRB Statement**

PO Robinson was interviewed at the CCRB on September 3, 2014 (encl. 13f-13g). § 87(2)(g)

PO Robinson recalled PO Reuter and PO Krala requesting that Sgt. Unverzagt arrive at § 87(2)(b). He could not recall whether he and Sgt. Unverzagt came to the location from patrol or from the stationhouse. PO Robinson had no knowledge of a stationhouse interview with a female complainant. When asked what knowledge he had of why he was at the location, PO Robinson said, “I really don’t. Like I have it in my book, I know it was a dispute with mace or something or a firearm.” He did not recall being informed before arriving there that there might be a firearm involved.

PO Robinson stayed outside with § 87(2)(b) while the other three officers entered the rear of the house with § 87(2)(b). PO Robinson could not recall if the officers asked § 87(2)(b) if they could enter, and he could not recall if § 87(2)(b) ever provided keys to officers. PO Robinson did not know why the officers entered the house and could not recall how long they remained inside. They did not tell him anything about what they had done inside.

PO Robinson never saw any officers enter a garage on the property. He first stated that he did not enter a garage and did not enter any buildings on the property. He then conferred inaudibly with his legal representative, after which he explained that § 87(2)(b) had a collection of vintage motorcycles in the yard and garage behind the house. After PO Reuter and PO Krala left the scene, Sgt. Unverzagt and PO Robinson remained and spoke to § 87(2)(b) about the motorcycles out of personal interest. They did not remain for any other reason. § 87(2)(b) led PO Robinson around and into the garage to show him the motorcycles. PO Robinson did not search in the garage.

### **NYPD Documents**

#### **SPRINT Reports**

Event #§ 87(2)(b) shows that at 7:42 p.m. on September 7, 2013, § 87(2)(b) reported that her boyfriend kicked her out of the house, that he would not return her belongings, and that she needed police assistance. Officers from the 114<sup>th</sup> Precinct responded (encl. 15a-15e).

Event #§ 87(2)(b) shows that at 2:27 p.m. on September 26, 2013, § 87(2)(b) reported that her ex-boyfriend choked her and beat her up (encl. 15m-15r).

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

- On April 3, 2014, § 87(2)(b) pled guilty to attempted petit larceny and was given a conditional discharge (encl. 19a-19e).

#### **Status of Civil Proceedings**

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of August 30, 2014, with regard to the incident (encl. 21).

#### **Civilian Criminal History**

- § 87(2)(b)

§ 87(2)(b)

### Civilian CCRB History

- § 87(2)(b) has filed the following CCRB complaints (encl.2):

- § 87(2)(b)

### Subject Officers CCRB History

- PO James Reuter has been a member of the service for 7 years and there are no substantiated CCRB allegations against him (encl. 1a).
- PO Mariusz Krala has been a member of the service for 10 years and there are no substantiated CCRB allegations against him (encl. 1b).
- Sgt. William Unverzagt has been a member of the service for 11 years and § 87(4-b), § 87(2)(g)
- PO Ronald Robinson has been a member of the service for 13 years and there are no substantiated CCRB allegations against him (encl. 1d).

### Conclusion

#### Identification of Subject Officers

The investigation was able to achieve a determination for § 87(2)(b)'s allegation regarding officers' actions on September 7, 2013, without identifying subject officers.

PO Reuter, PO Krala, PO Robinson, and Sgt. Unverzagt all admitted to responding to § 87(2)(b) on September 26, 2013.

§ 87(2)(b) alleged that PO Reuter, PO Krala, and two other officers entered the garage. As the investigation determined that Sgt. Unverzagt and PO Robinson were the only two additional officers on scene, allegations of entry and search are pleaded against them.

#### Investigative Findings and Recommendations

- **Allegation A—Abuse of Authority: On September 7, 2013, officers entered and searched § 87(2)(b)'s apartment in a garage at § 87(2)(b) in Queens.**

§ 87(2)(b) alleged that an officer asked for the keys to the garage to search for § 87(2)(b)'s belongings, and that he provided the keys to the officer. § 87(2)(b) asked the officers if they had a warrant multiple times. Neither § 87(2)(b) nor § 87(2)(b) ever told the officers not to enter the garage, but § 87(2)(b) kept asking why they needed to search. Six uniformed officers entered the garage with § 87(2)(b) and § 87(2)(b). They searched inside for approximately ten minutes and opened cabinets, drawers, and the refrigerator before leaving.

§ 87(2)(b) stated that the officers asked § 87(2)(b) if they could search the garage for her belongings and § 87(2)(b) consented and opened the door for them.

§ 87(2)(b) and § 87(2)(b) both stated that § 87(2)(b) rented a room in the house and did not lease or live in the garage. § 87(2)(b) recalled that officers arrived at his residence

multiple times in September 2013, but he could not specifically describe the incident on September 7, 2013.

§ 87(2)(b) admitted to providing keys to the officers so they could open the garage, and § 87(2)(b) recounted that § 87(2)(b) consented to a search and opened the garage for the officers. § 87(2)(b) insisted that § 87(2)(b) never leased or lived in the garage. § 87(2)(g)

- **Allegation B—Abuse of Authority: On September 26, 2013, PO James Reuter entered and searched § 87(2)(b) s apartment in a garage at § 87(2)(b) in Queens.**  
**Allegation C—Abuse of Authority: On September 26, 2013, PO Mariusz Krala entered and searched § 87(2)(b) s apartment in a garage at § 87(2)(b) in Queens.**  
**Allegation D—Abuse of Authority: On September 26, 2013, Sgt. William Unverzagt entered and searched § 87(2)(b) s apartment in a garage at § 87(2)(b) in Queens.**  
**Allegation E—Abuse of Authority: On September 26, 2013, PO Ronald Robinson entered and searched § 87(2)(b) s apartment in a garage at § 87(2)(b) in Queens.**

§ 87(2)(b) alleged that, once he was handcuffed, officers asked where he lived and he pointed out the garage. PO Robinson asked if § 87(2)(b) had guns or knives in the garage and § 87(2)(b) said no. PO Robinson requested keys for the garage to search for weapons. § 87(2)(b) first said that PO Robinson took his keys out of his pocket, but later stated that § 87(2)(b) went into the main house and returned with the keys, which he gave to PO Robinson. In his phone statement, § 87(2)(b) alleged that an officer went into his pocket to retrieve keys, but did not specify on which date this occurred. In a phone statement on June 4, 2014, § 87(2)(b) said that the officer accompanied § 87(2)(b) into the house, and that § 87(2)(b) later told him that the officer had searched inside the house, but did not state if he gave permission for the search. All four officers entered the garage and were inside for approximately ten minutes. Neither § 87(2)(b) nor § 87(2)(b) ever told the officers not to enter the garage, but § 87(2)(b) continually asked why they were searching without a warrant.

§ 87(2)(b) stated he let the officers search various areas of his property, including in his rooms, in his mother's section of the house, in § 87(2)(b) s room, and in the garage. Both he and § 87(2)(b) stated that § 87(2)(b) rented a room in the house and did not lease or live in the garage. § 87(2)(b) denied that he rented a room in the house and said he lived exclusively in the garage.

Sgt. Unverzagt learned from other officers that § 87(2)(b) stayed on § 87(2)(b) s couch. After § 87(2)(b) was handcuffed, Sgt. Unverzagt asked § 87(2)(b) if he would like the officers to search the house to ensure that there was no firearm inside and § 87(2)(b) consented. He led them up the rear staircase, unlocked the door, and accompanied Sgt. Unverzagt, PO Krala, and PO Reuter inside. PO Robinson remained outside with § 87(2)(b). The officers asked § 87(2)(b) to show them the areas to which § 87(2)(b) had access. § 87(2)(b) showed them a couch, which the officers searched under and behind and also removed the cushions. § 87(2)(b) opened a closet where § 87(2)(b) kept his belongings. Sgt. Unverzagt assumed that the officers moved objects in the closet but could not recall. He did not open any closed containers. When asked if the officers searched anywhere other than the couch

and closet, Sgt. Unverzagt said, “I don’t recall. Anywhere the homeowner took us that he said this guy had access to.” The officers walked through the 2<sup>nd</sup> floor and passed bedrooms but did not enter them. § 87(2)(b) led them downstairs. They walked through the 1<sup>st</sup> floor but did not search anywhere and exited at the rear. The officers were inside the house for approximately 10-15 minutes. All three officers were together and accompanied by § 87(2)(b) for the duration of the search.

§ 87(2)(b) told Sgt. Unverzagt that § 87(2)(b) also had access to the garage behind the house but did not describe how he used it. He unlocked the garage and accompanied the officers inside. Sgt. Unverzagt thought the garage had been converted to an office. He could only recall that there was a camera and tripod inside. He could not recall what the officers searched but said that they searched “whatever was in there, if there was a desk or a couch or whatever. I don’t know what was in there.” The officers were inside the garage for approximately five minutes. § 87(2)(b) never provided any keys to the officers. He unlocked and opened every door.

PO Krala confirmed that § 87(2)(b) told him that § 87(2)(b) was staying in the house and sleeping on a couch. He stated however, that PO Reuter waited outside with § 87(2)(b) while he, Sgt. Unverzagt, and PO Robinson entered the house with § 87(2)(b) who consented to a search for weapons. The officers looked around in a kitchen, bedroom, and living room on the second floor but did not open any containers, closets, cabinets, or drawers. After exiting, they asked § 87(2)(b) for a key to the garage to search for weapons and § 87(2)(b) consented and provided the key. All three officers entered the garage, which contained a bed. § 87(2)(b) never said that he lived in the garage.

PO Reuter also stated that he waited outside with § 87(2)(b) and never entered the house or garage. The other officers later told him that § 87(2)(b) had walked them through the house. He never saw any officers enter the garage.

PO Robinson stated that he waited outside with § 87(2)(b) while the other three officers entered the house with § 87(2)(b). He first stated that he did not enter a garage or any buildings on the property, but later explained that, after PO Reuter and PO Krala left with § 87(2)(b) led him into a yard and garage to show him his collection of vintage motorcycles. He did not perform a search and remained because of his personal interest in the motorcycles.

§ 87(2)(b) stated that § 87(2)(b) rented a room in the house and did not lease or live in the garage, and § 87(2)(b) refused to provide a copy of his lease. § 87(2)(b) also corroborated the officers’ contention that he consented to a search of the house and garage and allowed them entry. § 87(2)(g)

- § 87(4-b), § 87(2)(g)

**Allegation G—Other Misconduct: PO Ronald Robinson intentionally provided a false official statement to the CCRB when he said that he made contemporaneous memo book entries.**

The investigator requested a copy of PO Robinson’s memo book from IAB on July 17, 2014, nearly ten months after the date of the incident. It is clear from the copy received that PO Robinson did not make any contemporaneous entries regarding the incident. It is also clear that, at a much later date, he altered the memo book so that it would appear that he had made entries for the incident, and that he read those entries into the record as if they were unaltered. When presented with the discrepancy, he falsely stated that he made the entries on September 27, 2013.

Later in the interview, after being asked again when he made the entries, he stated that he could not recall. He made this statement with prompting from his legal representative, who went so far as to instruct him that he could not recall. After being asked whether he made the new entries before or after a sergeant verified the memo book, PO Robinson first falsely stated that he made them before, then changed his answer after being prompted by his legal representative.

Patrol Guide Procedure 212-08 requires an officer to record in his memo book information relevant to assignments received and tasks performed (encl. 0a-0c). Patrol Guide Procedure 203-08 states that intentionally making a false official statement is prohibited and will be subject to disciplinary action (encl. 0d). The statement must be proven to have been made, material, and intentionally false. Dep't of Correction v. Centeno, OATH Index No. 2031/04, p.4 (2005) (encl. 0e-0k).

§ 87(2)(g), § 87(4-b)  
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Team:   5  

Investigator: \_\_\_\_\_ Daniel Giansante \_\_\_\_\_  
Signature Print Date

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

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

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