

Civilian/Victim: [REDACTED]

[REDACTED] is a [REDACTED] year-old dark-skinned black male who stands 6'1" tall, weighs 170 pounds, with black hair and black eyes. On the date of his interview, he was employed as a [REDACTED] and a [REDACTED].

CCRB Testimony:

On May 13, 2015, [REDACTED] was interviewed at the CCRB.

On April 15, 2015, at approximately 9:45 p.m., at [REDACTED] between [REDACTED] in the Bronx, [REDACTED] parked his [REDACTED] on the east side of [REDACTED]. He lives across the street from where he parked, at [REDACTED]. He could not recall where he was coming from; he had driven a 12-hour shift. He did not make any stops on his way home; he went straight from where he dropped off his last client to home. He did not recall where he dropped off his last client. He was not wearing a seatbelt because [REDACTED]. He was not on his phone or smoking while he was driving or parking the car. After he parked, his friend, [REDACTED] ([REDACTED]), called him on the phone, and he answered. He unbuckled his belt because his stomach was bothering him and the belt was tight. He estimated that he talked on the phone for five or ten minutes inside of his car. He exited his car and leaned up against the side of his car, between the front and back doors. He was on the side near the street, and not the side near the sidewalk. All of his doors were closed.

He was still talking on the phone. A marked police car pulled up parallel to his vehicle on [REDACTED]. The car did not have lights or sirens. Four uniformed officers exited the vehicle, three males, PO1-PO3, and one female, PO4. PO1 asked him "What are you doing here?" [REDACTED] said, "This is my car," and clicked the lock button a few times to show that it was his car. He also told the officers that he lived across the street and had just parked his car. [REDACTED] said, "Who is yelling at you?" and [REDACTED] replied, "Police officers." PO1 said, "Go back to your fucking country." PO1 asked him, "Why did you undo your belt?" [REDACTED] said, "I just parked my car." The officers formed a circle around him. PO4 took her hand and placed it between his underwear and his pants. She only felt around his belt; she did not go lower. No officer told PO4 to reach inside [REDACTED] pants. She did not say anything to him before she did this. She did not pat him down or touch him before she went inside his waistband. PO4 felt around for two or three minutes. He did not have anything in his pockets that would have created a bulge. He only had some cash in his right front pocket; he did not have anything else, including a wallet or a phone, in his pockets. He did not have anything around his waistband that would have created a bulge. [REDACTED] was wearing green cargo pants, and he could not recall what color or type of shirt he was wearing on top. He was not wearing a hat or anything else distinctive.

[REDACTED] told PO1 to tell PO4 to stop touching him inside of his pants. He was upset because he did not think a woman should be touching him like that. PO1 said, "She can do whatever she wants. She can pull your pants down." PO1 then took his fingers and pushed [REDACTED] face (on his forehead and cheeks) and told him to "Get the fuck out of here." [REDACTED] described this gesture as a "poke." [REDACTED] thought that PO1 was trying to provoke him with this poking. [REDACTED] thought that if he touched PO1's finger, he would punch him in the head. [REDACTED] did not respond to this in any way; he just stood there. PO1 then pushed him on the back two times and told him to leave. This caused [REDACTED] to walk a few steps forward, but he did not fall. [REDACTED] was very afraid and "held himself back" because he did not want to get hurt. He did not respond to this in any way. PO1 told him to leave. [REDACTED] told PO1 that he

needed to take stuff out of his car and then he would go home. [REDACTED] “stuff” included his water and backpack inside of his car. When the officers told him to go, he did not know where they wanted him to go. They did not want him to move his car. PO1 did not listen to him and told him to leave. [REDACTED] estimated that he told him to leave two or three times. [REDACTED] did not leave because 1) he needed to grab his things out of his car and 2) after the officers had abused him, he wanted to take a photo of their license plate. [REDACTED] hung up the phone with [REDACTED] and started recording.

He did not start recording earlier because he was so afraid. He only recorded the audio, and not the video, because he was so afraid. [REDACTED] narrated “Let me take your plate” in his native language, Fulani, for the record. PO1 responded with something like, “Say what?” [REDACTED] thought PO1 heard [REDACTED] say “plate,” which is also “plate” in his language. [REDACTED] did not know why the officers did not leave, and they did not seem to be waiting for him, other than “to fight him.” He tried to take a picture of the officers’ vehicle, and PO1 said, “If you take a picture of my car, you’re going to jail. You can record anything you want. I told you seven times to leave; get out of here.” PO1 then told him that if he didn’t leave, he “would put a fucking bullet in his fucking head.” The officers entered their car and started driving. When they were almost a half a block away, [REDACTED] took a picture of the back of their vehicle, and PO1, the driver, exited the vehicle, turned toward [REDACTED] and stared at him. PO1 said, “If you report this, you will go to jail.” PO1 then jumped back inside the vehicle and drove away.

The officers never asked him for his license or anything about his car.

There were two males across [REDACTED] who were also parking their car when this incident was happening. [REDACTED] thought the only reason the officers did not beat him was because these males were watching. The males approached [REDACTED] and talked about the incident, but [REDACTED] did not learn their names or phones, or if they lived nearby.

Approximately ten minutes after the four officers stopped him, an officer in a white shirt, PO5, was driving by. [REDACTED] was still talking about the incident with the males who had witnessed it. [REDACTED] flagged down PO5, and he stopped. [REDACTED] told him that four officers jumped out of their cars and told [REDACTED] to leave; [REDACTED] had not done anything, he had just parked his car. PO5 seemed to know what [REDACTED] was talking about, but [REDACTED] did not know how he knew. He did not show him the photos. PO5 apologized and told [REDACTED] that he had the right to go to the Precinct stationhouse and file a complaint. [REDACTED] did this the next day at the 40th Precinct around 9:00 a.m. He spoke to a supervisor, PO6, and filed his complaint. PO6 did not seem to know the officers he was talking about.

[REDACTED] thought the entire incident lasted thirty minutes—from the time that the officers stopped him to when he spoke to PO5. He thought that PO1-PO4 were talking to him for approximately 20 minutes. He mentioned that “a lot” happened before he started recording, including the poking and the push.

[REDACTED] was very afraid and mentioned that he has been stopped by the police many times because he is a cab driver, but he has never experienced something like this in the [REDACTED] years that he has lived in the United States.

Mediation was discussed with [REDACTED] but he rejected it on the basis that he is pursuing a lawsuit.

PO1 was a white male, approximately 6’2” tall, muscular, dark brown or black hair, in his 30s, in uniform. He was the driver.

PO2 was a Hispanic male, 5'6" tall, stocky, black hair, in his 30s

PO3 was a Hispanic male, 5'7" tall, average, in his 30s. Could not recall anything else about him because he was behind him.

PO4 was a Hispanic female, 5'5" tall, skinny build, black hair, 30s, in uniform. She was in the backseat, but he was not certain of which side.

PO5 was a Hispanic male, black and a little grey, large build, tall (could not say how tall because he never got out of the car) approximately 45

PO6 was a white male.

Interview Details

Subject Officer: PO DOREYDA MUNOZ

- PO Munoz is a 28 year-old Hispanic female who stands 5'3" tall and weighs 137 pounds, with brown hair and brown eyes.
- On April 15, 2015, PO Munoz worked from 1930 to 0405, was assigned to Conditions, was working with Sgt. Ferrara, PO Serrano, and PO Cappocetta (she was not certain if she was working with them the entire day), was dressed in uniform, and was assigned to marked RMP [REDACTED] (she could not recall what kind of vehicle it was).

Memo Book:

PO Munoz had no memo book entries in regard to this incident. She made an arrest at 2229.

CCRB Testimony:

On June 30, 2015, PO Munoz was interviewed at the CCRB.

On April 15, 2015, PO Munoz thought that PO Serrano and PO Cappocetta were working with her. She thought that Sgt. Ferrara was with her when she made the arrest at 2229, and did not recall any other officer being there. She could not say if or when PO Serrano or PO Cappocetta went elsewhere.

PO Munoz was shown a photo of [REDACTED] and she stated that she did not recognize him.

PO Munoz was given a brief overview of what [REDACTED] was doing and the discussion he reported having with the officers. PO Munoz did not recall the incident.

PO Munoz was explained that [REDACTED] is a West African male with a thick accent. [REDACTED] was leaning against his black Lincoln Town Car and was on his phone. [REDACTED] told the officers that he lived in the apartment building across the street. PO Munoz was told that the officers asked him why his belt was undone. PO Munoz was told that [REDACTED] stated an officer felt on the inside of his waistband. This did not prompt PO Munoz's recollection.

PO Munoz viewed the photo of RMP [REDACTED] and noted that a park was to the right of [REDACTED]. The investigator confirmed this.

The recording was played, and PO Munoz's legal representative, Florence Friedman, asked if the interview could be paused at 13:10. The interview resumed at 13:51. The investigator asked if the recording prompted PO Munoz's memory, and PO Munoz said it did not. When asked if PO Munoz stopped anyone that day, PO Munoz said, "I stopped a few people that day, that's the thing. I stopped a few people and I had two arrests." PO Munoz reiterated that she "stopped a few people" between when her tour started at 1930 and when she had two arrests at 2229. Those stops were not noted in her memo book. At 14:32, the investigator asked PO Munoz if she recognized any of the voices in the recording. A pause followed until 14:42, when Ms. Friedman asked to confer with PO Munoz for a second time. They conferred for approximately two minutes, from 12:29 p.m. to 12:31 p.m.

The investigator asked PO Munoz for the second time if she recognized any of the voices in the recording. PO Munoz said, "It could have been my partner." When asked who her partner was, PO Munoz said, "You have it written

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down there.” The investigator clarified for the record that the voice belonged to Sgt. Ferrara, and PO Munoz confirmed.

The recording was played again, and PO Munoz stated that she did not recall being present at that incident. She stated that she “could have been there,” but “did not remember him, the situation, the car, or someone with their belt unbuckled.” She could not recall Sgt. Ferrara saying any of those things, but she recognized his voice.

When asked if PO Munoz could have been anywhere else besides with Sgt. Ferrara at this time, PO Munoz stated that “she could have been ‘around,’” or possibly in the car, or stopping another individual. She did not know where she was or what she was doing before she made the arrests at 2229. She said that she was “patrolling, answering radio runs, and addressing conditions.” She could not recall the specifics of what she was doing, other than “making a few stops and not recognizing his (referring to [REDACTED] face.” She could not provide more information about these stops.

PO Munoz did not recall stopping [REDACTED]. She did not recall reaching inside [REDACTED] waistband or searching him, and she did not recall seeing another officer do these things.

Interview Details

Subject Officer: SGT JOHN FERRARA

Sgt. Ferrara is a 40 year-old white male who stands 5'11" tall and weighs 220 pounds, with brown hair and brown eyes. On April 15, 2015, he worked from 1920 x 0417, was assigned to Conditions with PO Munoz, was dressed in plainclothes, and was assigned to a marked Ford Escape (RMP [REDACTED])

Memo Book:

Sgt. Ferrara did not bring his memo book to his interview and promised to fax it after he returned to his command.

CCRB Testimony:

On July 8, 2015, Sgt. Ferrara was interviewed at the CCRB.

On April 15, 2015, Sgt. Ferrara was sitting in the passenger seat while PO Munoz was driving. PO Munoz saw a male who appeared to be urinating between a parked car and a curb on the side of [REDACTED] that is closest to [REDACTED]. Sgt. Ferrara could not recall which direction they were driving. They stopped the car, and PO Munoz exited the vehicle and approached the male. She did this on her own, and Sgt. Ferrara did not tell her to do so. Sgt. Ferrara did not recall how close PO Munoz stopped the car to the male. Sgt. Ferrara exited the vehicle after her. The male turned away from PO Munoz and "he started touching—it looked like he was doing something with his waist." PO Munoz approached him to "see what he was doing with his waist—if he had any weapons on him." DEDI Thomas Kim asked if the observation that the male was urinating resulted in stopping and "inquiring about what was going on." Sgt. Ferrara answered, "Correct." Nothing else factored in to his decision to stop the male. Sgt. Quinn interjected, "Well, you (referring to Sgt. Ferrara) did not know that at the time," and added that PO Munoz was the one who made the observation. Sgt. Ferrara could not recall if PO Munoz said anything to Sgt. Ferrara in the vehicle. As soon as "PO Munoz went to touch him," he pushed her hands away, and said, "You can't touch me, I'm Muslim, females can't touch me," and became irate. Sgt. Ferrara could not recall if the male was doing anything with his body. Sgt. Ferrara could not recall where he was standing, but he was close enough to hear the male say this. Sgt. Ferrara did not see PO Munoz make any contact with the male. Sgt. Ferrara could not recall if he saw her reach around his waistband or pat him down. Sgt. Ferrara did not recall if PO Munoz responded to the male's objection. Sgt. Ferrara told the male that PO Munoz could touch him; she was a police officer and was just doing her job. Sgt. Ferrara's representative, Sgt. Quinn, asked if a crowd was gathering. Sgt. Ferrara responded, "Oh yeah. It was near [REDACTED] [REDACTED] which is always packed. There were people and I heard yelling. There were probably 15 or 20 people." He thought this crowd started gathering close to the beginning of the stop. Sgt. Ferrara heard people talking. He did not remember what they said, and could not say if they were speaking to the officers. The crowd seemed to be paying attention to what the officers were doing. The crowd was not interfering with the stop. Sgt. Ferrara could not recall how the stop ended. He could not recall if he had to deal with [REDACTED] or the crowd. He could not recall how long the stop lasted.

When asked why he did not just leave after the stop was completed, Sgt. Ferrara said, "I don't know, maybe I did just leave." Sgt. Quinn stated, "Would you say this was such a minor infraction that it did not stand out in your mind?" The investigator asked what infraction was observed, and Sgt. Quinn said, "Maybe that's my terminology. Was this such a minor incident that it didn't stand out in your mind?" Sgt. Ferrara confirmed that it was. Sgt. Ferrara could not recall looking for urine, and did not see any urine. He could not recall smelling any urine. He could not recall if his partner said anything to him about urine or any other infraction. Sgt. Ferrara could not recall if the male committed an arrestable offense. He did not recall if he ever told the male that he was going to arrest him. He did not remember if he told the male to leave the scene. He could not recall how the male left the scene, or who left first. He could not recall if the male had his phone out or was trying to take photos. Sgt. Ferrara denied telling him that if he took a photo of his car, he would go to jail. Sgt. Ferrara did not know if a UF250 was prepared.

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Sgt. Ferrara never told the male to go back to his country and he never heard another officer say this. He did not recall if he used any profanity at the scene. Sgt. Ferrara did not recall making physical contact with the male. He could not recall if he touched his face. He did not recall if he poked him in the face. He did not recall if he said anything about using force to get him to leave the scene. He did not recall if he said anything about a bullet. Sgt. Ferrara did not recall giving any commands to civilians at the scene. He did not recall exiting the car for any reason, or looking back at [REDACTED] after exiting the car. He highly doubted that he said, "If you report this, you'll go to jail," but added that he did not recall what he said.

Sgt. Ferrara listened to the recording provided by [REDACTED]. He said that it did not refresh his memory. He did not know whose voice it was, and he did not know if it was his voice. He did not recall telling [REDACTED] to leave the scene. The recording was played again, and Sgt. Ferrara maintained that he did not recall if he said any of the things that the voice on the recording said.

DEDI Thomas Kim clarified that Sgt. Ferrara remembered everything at the beginning of the stop, but had no recollection of what happened after he exited the vehicle. Sgt. Quinn asked DEDI Kim what his question was. DEDI Kim stated that he had no question; he was new and was just trying to understand how officer interviews work. Sgt. Ferrara confirmed that DEDI Kim's statement was true.