

Complaint Report (CCRB)

CCRB Case No :	201507072	C/V Report Date :	Fri, 08/21/2015 03:27 PM
Complaint Type :	CCRB	Investigator :	Abigail Shuster
Complaint Made At :	CCRB	Ref. No	
Received Date (CCRB) :	Fri, 08/21/2015 03:27 PM	Mode :	On-line website
Incident Date(s) :	Thu, 08/20/2015 1:30 AM		
Place of Occurrence:	[REDACTED]	Precinct:	40
Location :	Street/highway	Boro:	Bronx
Reason for Initial Contact :	Moving violation		
Charges:	Summons - disorderly conduct		

Complainant/Victim Details

Name:	[REDACTED]	Type:	Comp/Victim
Address:	[REDACTED]		
Contacts:	[REDACTED]	[REDACTED]	
	[REDACTED]	[REDACTED]	
	[REDACTED]	[REDACTED]	
Gender:	[REDACTED]	Ethnicity:	[REDACTED]
Person Assisting:		Date of Birth:	[REDACTED]
Injury Details:	<u>Type of Injury</u>	<u>Description</u>	
	Bruise	§ 87(2)(b) sustained a strained muscle (elbow) as a result of this incident.	

Officer(s) Named in Complaint

Rank	Officer	S/W Officer	Tax No	Race	Cmd	Allegations/Board Dispositions
POM	Felix Baez	Subject Officer	[REDACTED]	Hispanic	807	Word - (D) Unsubstantiated
POM	Nicholas Rios	Subject Officer	[REDACTED]	Hispanic	807	Threat of force (verbal or physical) - (A) Unsubstantiated
POM	Nicholas Rios	Subject Officer	[REDACTED]	Hispanic	807	Frisk - (A) Substantiated (Command Discipline B)
POM	Nicholas Rios	Subject Officer	[REDACTED]	Hispanic	807	Search (of person) - (A) Unsubstantiated
POM	John Zorrilla	Subject Officer	[REDACTED]	Hispanic	807	Other - (A) Substantiated (Command Discipline B)
POM	John Zorrilla	Subject Officer	[REDACTED]	Hispanic	807	Word - (D) Unsubstantiated
SGT	Miguel Frias	Subject Officer	[REDACTED]	Hispanic	807	Physical force - (pushed/shoved/threw) - (F) Substantiated (Command Discipline B)
SGT	Miguel Frias	Subject Officer	[REDACTED]	Hispanic	807	Vehicle stop - (A) Unsubstantiated

Initial Complaint Narrative

§ 87(2)(b) made the following online complaint at the CCRB: Story: I had dropped my cousin off at my aunts house at § 87(2)(b). My aunt told me to wait outside because she was going to prepare me a plate of food. While my cousin went up to his mothers house (my aunt) to get the plate of food, I waited in my car. A car came from the other direction and pulled up beside me and looked at me and looked into my vehicle. All my windows were down. The vehicle drove off and then shortly thereafter my cousin came down to bring me the food. I took the food and drove off, making a left turn on St. Anns Avenue. The same car that had earlier driven by me pulled me over and asked me for my license and registration. There were four police officers in the vehicle. I provided the documents to them and they asked me where I was coming from. I responded that given that they had just driven by me earlier, they knew where I had come from. Then I told them that I had just driven back from Syracuse to drop my cousin off at college, and had returned to drop my other cousin, who had joined me on the drive, at his mothers (my aunt) house. Police Officer Baez (I was later told his name) said that what I said didnt make any sense because I had been waiting in my car for so long. I explained that I had been waiting for a plate of food, which as I pointed out to him was right beside me on the passenger seat. Then they asked me to step out of the vehicle. I asked why? I knew they had my license, but they had not run it through any checks, so I wanted to know why after I had provided them with what they had asked for, they wanted me to get out of the vehicle. I told them I was not going to give them any consent to search me or my vehicle and that they had no probable cause to do so. One of them said they didnt need my fucking consent and told me that either I needed to get out of the car on my own or they would drag me out of it. At this point, I started to record the encounter on my cell phone. I got out of the car, they asked me to put my cell phone on the top of the car, which I did. They tried to search me and I told them they could not legally search me. At that point, three officers threw me against the car. Officer Rios (I was to learn his name later) took the cell phone and pressed the stop recording button. Right after this, Officer Baez bent my arm in a vicious way to the point I thought it had been broken or dislocated. At no point did I put up any physical resistance. Officer Baez said that because I didnt want to listen, they were going to lock me up for § 87(2)(b). Then they put handcuffs on me. I asked them to call my aunt to corroborate my story, but one of them said they didnt give a fuck about my story. Officer Baez then took me to the car, two officers searched my vehicle, and then they put me in the car with one officer in the back and two up front. The other officer took my car to the precinct. At the precinct, I was put in a cell for about twenty minutes and then an officer told me I was going to be released with a ticket for § 87(2)(b). I asked the officers behind the desk for the badge numbers of all the officers who had been involved in this incident. Officer Rios, who was present, indicated incorrectly that I already had the badge numbers. He and another one of the arresting officers then left. (The other two arresting officers were not present.) One of the officers behind the desk said he didnt know the badge numbers but did know the names of the officers who had just left. He asked me what happened. I explained the story as written above. Then one of the officers behind the desk gave me the name of Officer Baez. I already had Officer Rioss name on the ticket that was issued to me. One of the officers behind the desk said he wanted to talk to me outside. He said that the area that I had been waiting in was a bad area. I said that does not justify police officers violating my rights. I said you know my rights were violated and he said he agreed with me. He offered to call an ambulance for me to go to the hospital to have my arm looked at, but I told him that I was going to go on my own. I then went to § 87(2)(b) and received an x-ray. They told me that there was no sign of fracture, but that my arm was probably bruised or sprained and that if the swelling or pain did not go away in a few days I should come back to be reevaluated. A friend of mine is typing this for me, as my right arm is still not functioning and I am in tremendous pain. I cannot sleep at night because of the pain in my right arm. Ilastname: BaezIsubwit: SubjectIgender: MaleIrace: HispanicIplcth: PlainclothesIftcar: In CarIcar: Unmarked Black Nissan AltimaIcarmkd: UnmarkedIdescrip: 56, stocky, black hairIrole: I have given a detailed description of his role in my account aboveIlastname2: RiosIsubwit2: SubjectIgender2: MaleIrace2: HispanicIplcth2: PlainclothesIftcar2: In CarIcar2: Unmarked Black Nissan AltimaIcarmkd2: UnmarkedIdescrip2: 6, light skinned Hispanic, black hair, slim bildIrole2: I have given a detailed description of his role in my account aboveIlastname3: UnknownIsubwit3: SubjectIgender3: MaleIrace3: HispanicIplcth3: PlainclothesIftcar3: In CarIcar3: Unmarked Black Nissan AltimaIcarmkd3: UnmarkedIdescrip3: Slim, bald, dark brown skinIrole3: He was the unnamed officer in the incident described above who told me he didnt give a fuck about my lack of consent to search the vehicle and told me that either I had to get out of the car or they were going to drag me out. Ilastname4: UnknownIgender4: MaleIrace4: HispanicIplcth4: PlainclothesIftcar4: In CarIcar4: Unmarked Black Nissan AltimaIdescrip4: 61, curly black hair, light skinned, slimIrole4: He was one of the unnamed officers in the incident recounted above who said they didnt give a fuck about my story and were not interested in speaking to my aunt to have her corroborate my story of why I was waiting there

Witness
