
Interview Details

On November 5, 2015, [REDACTED] was interviewed at the CCRB.

In the early morning hours of October 25, 2015, [REDACTED] traveled to the vicinity of [REDACTED] in Manhattan to speak to his friend who was in crisis, whose name he did not provide but who did not witness the incident. After leaving his friend's apartment, [REDACTED] got some pizza from [REDACTED] and then walked across the street and ate it in front of the CVS located at [REDACTED]. [REDACTED] was wearing jeans and a blue jacket with white stripes, with his keys and wallet in his pants pockets and his phone in his jacket pocket.

The clubs and bars began to let out at 4:00 a.m. so numerous people began to crowd around the sidewalk. [REDACTED] talked to the drunk people, flirted with numerous unknown males, and watched a documentary being filmed. [REDACTED] stated that he has not drank or used drugs in eight years since getting clean and was sober at the time of this incident. There was a male standing further down directly on the northwest corner of the intersection (CV1), and numerous civilians that [REDACTED] did not know were pointing at him and saying, "He just got into a fight with a Spanish guy." [REDACTED] did not witness this fight. CV1 was extremely intoxicated, and stood there doing nothing but standing in front of [REDACTED]. [REDACTED] did not pay him regard and instead talked to some of the males filming the documentary on [REDACTED].

At about 4:15 a.m. an unmarked grey sedan containing four uniformed officers pulled up (PO1 through PO4), followed shortly by a marked NYPD van containing two uniformed officers (PO5 and PO6). Numerous officers jumped out and approached CV1; [REDACTED] started to walk from the sidewalk down into the street because he wanted to avoid the "drama." As he attempted to walk, PO1 ran over and approached [REDACTED] from the front. PO1 grabbed [REDACTED] with his left shoulder by both hands and pushed him backwards, causing Mr. Jennings's back to land against the railing of the downtown 1 train stop.

[REDACTED] said, "Why are you pushing me for?" PO1 replied, "Shut the fuck up and give me ID." [REDACTED] asked what the problem was, and PO1 replied, "You fit the description. Tall with a blue jacket. Do you have any weapons? Give me ID." PO1 then frisked [REDACTED] and PO2 walked over from the corner and assisted in frisking [REDACTED]. While this was going on, [REDACTED] asked PO1 and PO2 for their names and shields approximately four to six times; PO1 and PO2 both responded, "Shut the fuck up, [REDACTED] [REDACTED] said, "What's all this for, can I go?" PO1 and PO2 both cursed numerous times, saying, "Shut the fuck up, go on the fucking wall, shut the fuck up, don't fucking move." PO5 and possibly other officers that [REDACTED] could not recall walked over and stood by him as well.

After the frisk, [REDACTED] provided his identification. PO1 walked back to his car with [REDACTED] identification; as soon as he did this, [REDACTED] knew he was about to get arrested. [REDACTED] took his phone out of his jacket pocket and attempted to put it on video record setting. PO2 saw this, and smacked [REDACTED] phone out of his hand, causing it to fall to the ground. PO1 was walking back from the car and observed this, and said "Cuff him, arrest him." Then PO1 and PO2, and unknown other male officers grabbed [REDACTED] by the shoulders and shirt and pushed him front-first against the subway railing. PO5 bent down and picked up [REDACTED] phone and said, "Don't worry about it, I got a camera on." PO5 then placed [REDACTED] phone back in his pocket as the officers placed him in handcuffs.

[REDACTED] said, "I have spinal issues, I have metal in me," but the officers continued to pull his arms behind his back. It took ten minutes to put cuffs on [REDACTED] could not describe why it took so long, but denied he was fighting back, and said the officers were just pulling his arms behind his back. [REDACTED] was never told what he was charged with. PO1, PO2, and the other officers walked [REDACTED] over to the marked van and placed him inside. [REDACTED] argued with the officers but did not resist; he told PO2 "You need to retire" and PO2 said, "I'm out in two years anyway."

[REDACTED] was placed in the back of the van. CV1 had also been arrested; the officers placed him in the back of the van, but he was drunk, kicking, and screaming. CV1 kicked [REDACTED] on his back several times as the officers pushed him into the van. It took 20 minutes to get him in the van. Outside, [REDACTED] saw an unknown male he could not distinctly see in the back of the grey police car, pointing out CV1. [REDACTED] believed that this was a showup and that this victim was identifying CV1 and not [REDACTED] exclaimed, "Why are you arresting me, he pointed him out." Numerous officers replied, "Shut the fuck up."

[REDACTED] was then driven to the 6th Precinct stationhouse. When he arrived, he was lodged in the bullpen with CV1, who remained very drunk. The cuffs were so tight on [REDACTED] skin that PO1 had to apply lube to his wrists to remove them.

Interview Details

While waiting in the holding cell, the 6th Precinct plainclothes team walked by (made up of several male white officers that [REDACTED] knew from giving them information for various cases back when he was a drug user). One of the plainclothes officers said, "[REDACTED] what are you doing here?" [REDACTED] told them what happened, and they said they would speak to the sergeant and get him out.

Within five minutes, [REDACTED] was then taken out of the cell and brought before the desk where he was issued a DAT. PO1 said, "I want to apologize, things got a little hectic." [REDACTED] would not accept his apology, and so PO1 walked away. The 6th Precinct plainclothes team explained to him, "[REDACTED] you got good cops and bad cops. They put disorderly conduct on the ticket because they had to put something on there." [REDACTED] left the precinct around 5:55 a.m. He did not know any of the officers' names.

PO1 – Uniformed white male, 30s, 6'2, very large build

PO2 – Uniformed Hispanic male, 40s, black hair, unknown height, older

PO3 and PO4 – Uniformed males, one of them was black, unknown description

PO5 – Uniformed white male, short build, brown hair, rookie, wearing body camera

CV1 – Black male, short, braids, orange jacket, 5'7

Interview Details

On November 19, 2015, PO Brian Benvenuto was interviewed at the CCRB.

On October 25, 2015, PO Benvenuto and PO Castiello were assigned to unmarked RMP [REDACTED] enforcing quality of life conditions within the confines of the 6th Precinct.

Around 4:00 a.m. they had a pickup robbery call when they observed a male lying bleeding at an unknown location, but in the vicinity of [REDACTED]. The victim, [REDACTED] was bleeding from a human bite wound on his face, and stated that numerous unknown perps assaulted him. [REDACTED] said that possibly four to five perps were involved, one large wearing black, and one in a red shirt.

PO Benvenuto placed [REDACTED] into the RMP and canvassed for approximately ten minutes in the area seeking the perpetrators. It was well-lit and very crowded around [REDACTED]. After being unsuccessful, PO Benvenuto drove [REDACTED] back towards the scene of the crime intending to call an ambulance, when from a distance of five feet [REDACTED] pointed towards two individuals standing on the corner later identified as [REDACTED] and [REDACTED]. [REDACTED] said he recognized the men – he stated that [REDACTED] was the one who bit him, and that [REDACTED] “was there too. Those are the two guys.”

[REDACTED] and [REDACTED] were standing shoulder-to-shoulder and talking, with [REDACTED] on [REDACTED] left. The officers exited the car; PO Castiello walked towards [REDACTED] while PO Benvenuto walked to [REDACTED]. PO Benvenuto had never had any prior interaction with [REDACTED] but he recognized him from the neighborhood. Upon approach, immediately [REDACTED] said, “Fuck you, fuck you white boy. Get out of my face. We’re not doing it today. Fuck you, white boy. Hit me, I need free money.” PO Benvenuto asked [REDACTED] for his identification, and [REDACTED] continued shouting and cursing. PO Benvenuto said that [REDACTED] was verbally but not physically aggressive. There was a crowd of approximately 25-30 people standing within ten feet, many of them filming. PO Benvenuto was not sure if [REDACTED] was intoxicated. After [REDACTED] refused to provide his identification, PO Benvenuto attempted to place him in handcuffs for the robbery. No other officer was with PO Benvenuto at this time. PO Benvenuto grabbed onto [REDACTED] arms and [REDACTED] stiffened up and resisted.

When asked if [REDACTED] did any physically aggressive action, PO Benvenuto said that [REDACTED] flailed his arms, but later revised and said that he only began flailing when PO Benvenuto attempted to place him in handcuffs. When asked to describe in detail what flailing arms was, PO Benvenuto said it was difficult to describe but involved a person forcefully refusing to put his hands behind his back. [REDACTED] did not punch or kick or attempt to strike in any way the officers. PO Benvenuto did not punch or kick him, nor did he see any officer do so, nor was he informed that any officer did so. However, [REDACTED] resisted and made it difficult for PO Benvenuto to handcuff him. At this time, [REDACTED] was holding his cell phone in his hand, but PO Benvenuto did not know what he was doing with it.

After a minute, Lt. Rule arrived on scene, with possibly other officers. Lt. Rule struck the phone out of [REDACTED] hand, which caused it to fall to the ground. PO Benvenuto did not know exactly why Lt. Rule did this, but surmised it was because you cannot hold your phone in your hand while being put in handcuffs. PO Benvenuto denied the phone was damaged. PO Benvenuto did not know which officer picked it up and returned it to [REDACTED] person. Lt. Rule assisted in pulling [REDACTED] arms behind his back and successfully handcuffing him. [REDACTED] had no injuries and no complaints of injuries. After being handcuffed, he kept screaming and his behavior got worse. The officers had to walk him over to the RMP and push him inside. There was no other force used by any officer against [REDACTED] apart from pushing him to the car, and pulling his arms behind his back. Neither PO Benvenuto nor any other officer slammed him up against the subway railing. PO Benvenuto never said, “Shut the fuck up,” to [REDACTED]. PO Benvenuto did not use any similar language or any profanity, nor did he hear any other officer on scene use profanity.

PO Benvenuto did not tightly cuff [REDACTED]. There was no time where they needed to use lube to get [REDACTED] handcuffs off. PO Benvenuto advised that the stationhouse does not carry lube. PO Benvenuto did not adjust the handcuffs after putting them on.

[REDACTED] was transferred in an RMP that was called to the scene operated by unknown uniformed officers of the 6th Precinct; [REDACTED] was taken to the stationhouse in another RMP. At the stationhouse, [REDACTED] could not provide enough to

Interview Details

keep [REDACTED] While [REDACTED] was sure that [REDACTED] was involved, he could not be certain that [REDACTED] was. As such, [REDACTED] was released with a summons for discon. The discon violent behavior specifically was [REDACTED] shouting and cursing and causing a scene which caused 25-30 people to gather. PO Benvenuto stated that if [REDACTED] had provided ID he still would have been taken back anyway, as the street is not the right place to conduct a robbery investigation, and because [REDACTED] had initially pointed him out as a perpetrator of the robbery.

Interview Details

On December 2, 2015, PO Nicholas Castiello was interviewed at the CCRB.

On October 25, 2015, PO Castiello and PO Benvenuto were assigned to 6th Precinct Conditions. Around 4:15 a.m. they received a call for an assault at [REDACTED]. The officers responded and found a man injured and somewhat incoherent on the corner, identified as [REDACTED]. He had a laceration to his face; he complained that he had been robbed by five black males who bit him on the face and stole his backpack. PO Castiello and PO Benvenuto placed [REDACTED] in their car and canvassed the area for about 10 minutes.

As they passed [REDACTED] again, [REDACTED] then pointed at a man – identified as [REDACTED] – standing near the 1 train steps, and said, “He’s involved.” PO Castiello observed two men standing near each other at a distance of some feet – [REDACTED] and [REDACTED]. [REDACTED] had pointed in the general direction of the two men, not at one specifically. Both PO Castiello and PO Benvenuto exited the RMP. PO Castiello apprehended [REDACTED] and PO Benvenuto apprehended [REDACTED] but they did not discuss prior who they were apprehending. PO Castiello placed [REDACTED] into handcuffs.

While he was dealing with [REDACTED] PO Castiello was not sure what was going on with his partner and [REDACTED]. He heard a lot of yelling, but no profanity. PO Castiello did not hear PO Benvenuto say, “Fucking ID,” “Shut the fuck up,” “Up against the fucking wall,” or any similar language or any profanity. PO Castiello did not make any of those statements himself. PO Castiello did not hear any officers use any profanity. PO Castiello did not observe PO Benvenuto use any force to apprehend [REDACTED] and did not actually observe the apprehension. Soon after this, Lt. Rule and his operator (unidentified) arrived on the scene. PO Castiello was not sure if any other officers arrived on the scene. Lt. Rule went to go assist PO Benvenuto in handcuffing [REDACTED]. PO Castiello never saw Lt. Rule knock the phone out of [REDACTED] hands. PO Castiello never saw [REDACTED] in possession of a phone. PO Castiello never heard [REDACTED] ask any officer for their name or shield number, and did not hear PO Benvenuto, Lt. Rule, or any officer refuse to provide their names or shield numbers.

There was lots of commotion, as a crowd of 5-10 people had formed and [REDACTED] was shouting. [REDACTED] was not being physically aggressive, just yelling indistinctly. At least one member of the crowd was filming on his phone. PO Castiello did not know if [REDACTED] resisted arrest. PO Castiello never had any conversation with [REDACTED] during any point of the incident. PO Castiello took [REDACTED] and placed him in an RMP; while still on the scene, [REDACTED] indicated that [REDACTED] was not one of his attackers.

[REDACTED] was taken back to the 6th Precinct stationhouse, where PO Benvenuto gave him a summons for disorderly conduct. PO Castiello believed it was for violent behavior, though he could not attest to any of the facts as he really did not have any contact or conversation with [REDACTED]. PO Castiello had never seen [REDACTED] before this incident.

Interview Details

On December 15, 2015, Lt. Ian Rule was interviewed at the CCRB.

On October 25, 2015, Lt. Rule was the Special Ops Lieutenant for the 6th Precinct, supervising the Conditions and Anti-Crime teams. Lt. Rule was in plainclothes in an unmarked vehicle operated by PO Sikorski. Around 4:00 a.m. a radio run came over for possibly an assault or a robbery at [REDACTED]. There was not too much detail in the transmission, but it was a “wolfpack” robbery of a victim by numerous male blacks who assaulted him and took property. At the intersection of [REDACTED] there is a highly robbery-prone and narcotics-prone location. [REDACTED] has two entrances on each street, and a subway station below offers access to both sides of [REDACTED], and there are numerous bars around [REDACTED], and so there are large congregations of people who gather and commit crimes and have easy access to places to run away and escape.

While responding to the robbery, Lt. Rule heard on the radio PO Benvenuto stating he had a male stopped in regards. Lt. Rule believed this was in reference to the robbery. Lt. Rule drove to his location at [REDACTED] in front of a CVS on the west side of the block, and observed PO Benvenuto and PO Castiello in the street each with a male stopped. There was a crowd of 15-20 people standing around, many of whom were intoxicated coming out of the bars, and shouting at the police. A male that Lt. Rule recognized as [REDACTED] was standing in front of PO Benvenuto shouting into his face. Lt. Rule recognized [REDACTED] as someone who has been arrested before for narcotics sales.

[REDACTED] was “in PO Benvenuto’s face” shouting, which was causing the crowd to pay attention. [REDACTED] was not cursing. PO Benvenuto said to stand back, but [REDACTED] did not comply with this order. [REDACTED] was “chest-to-chest” with PO Benvenuto but not touching. [REDACTED] was not doing anything with his body or hands, or acting violent. [REDACTED] never took a swing at the officers throughout this incident. Lt. Rule observed [REDACTED] behavior for a few seconds, and then immediately went over, as it constituted disorderly conduct to shout and cause a crowd to gather. Lt. Rule gave [REDACTED] a few commands to calm down and step back, but [REDACTED] did not comply.

Within a few seconds, Lt. Rule ordered PO Benvenuto to handcuff [REDACTED]. PO Benvenuto began to place [REDACTED] in handcuffs, and Lt. Rule assisted. They moved him backwards towards the 1 train railing and braced him against it. Lt. Rule denied that PO Benvenuto ever said, “Give me your fucking ID, get against the fucking wall, shut the fuck up,” or any similar language. Lt. Rule denied using any of those words or any profanity himself towards [REDACTED]. Lt. Rule did not see [REDACTED] take out his phone, or verbally or nonverbally indicate that he wanted to record a video. Lt. Rule did not see a phone in [REDACTED] hand at any point of the incident, and did not see a phone on the ground. Lt. Rule denied that he knocked the phone from [REDACTED] hand in any way or cause it to fall to the floor.

[REDACTED] resisted briefly by stiffening his arms and refusing to be handcuffed, but submitted to handcuffs after about ten seconds. His resistance was not enough to warrant a resisting arrest charge. [REDACTED] remained verbally combative, and continuously yelled, “Go ahead, it’s free money,” Lt. Rule believed he was referring to suing the city. There was no force used in his apprehension other than pulling his arms behind his back. [REDACTED] did not swing or act physically violent in any way towards the officers. Lt. Rule was not sure if PO Sikorski assisted in the arrest. The four of them were the only officers on scene at the time. Lt. Rule called for a cage car to come to the scene, and then waited with the officers after they had their perpetrators handcuffed. Lt. Rule recalled that the victim of the robbery (identified as [REDACTED]) was inside the RMP, and believed that he spoke briefly to him afterwards. Lt. Rule maybe said a sentence to him; [REDACTED] looked very bad because of his injuries, but also appeared to be drunk.

Once the cage car came, other officers assisted in taking [REDACTED] and [REDACTED] (the man that PO Castiello arrested) into the car. There were several other outstanding perps so Lt. Rule may have canvassed for them, but he did not immediately go back to the stationhouse or recall what exactly he did. Around 4:40 a.m. Lt. Rule went back to the stationhouse, and recalled seeing [REDACTED] in the holding cell. Lt. Rule had no conversation with [REDACTED]. Lt. Rule learned later, but did not witness, that [REDACTED] was released with a summons. Lt. Rule explained that when he arrived, he assumed that [REDACTED] was involved in the robbery, as everything happened quickly and PO Benvenuto did not explain any of the circumstances to him. Lt. Rule stated that regardless, [REDACTED] was under arrest for tumultuous conduct so there was probable cause to arrest whether or not he took part in the robbery.

Interview Details

On January 6, 2016, PO Benvenuto was re-interviewed at the CCRB.

As stated previously in his first interview, PO Benvenuto apprehended [REDACTED] with assistance from Lt. Rule. There were no other officers involved in the apprehension. During the arrest, [REDACTED] never asked PO Benvenuto for his name and/or shield number. [REDACTED] did not ask this at any point during the incident. Later on at the stationhouse, PO Benvenuto independently provided his name and shield number to [REDACTED]. PO Benvenuto released [REDACTED] with a criminal court summons which he explained had his name and shield number on it, and also verbally told [REDACTED] his name and shield number.

PO Benvenuto stated that even if [REDACTED] had asked him for his name and shield number during the course of the arrest and struggle, it would not be his policy to immediately provide it during a hectic situation, but to provide it later when it was calmer, as he did.

PO Benvenuto denied that during the arrest [REDACTED] asked Lt. Rule for his name and/or shield number. PO Benvenuto did not know if Lt. Rule provided it independently of a request but stated it was not likely, as Lt. Rule had no further contact with [REDACTED] after the arrest.

Interview Details

On January 6, 2015, PO Craig Sikorski was interviewed at the CCRB.

At 4:10 a.m. on October 25, 2015, PO Sikorski was operating an unmarked RMP as operator for Anti-Crime Lt. Rule; Sgt. Adam Donofrio and PO Joseph Tennariello of Anti-Crime may have also been in the vehicle at the time. They received a radio run for a robbery, and responded to [REDACTED]. PO Sikorski could not recall any of the details of the radio run.

When they arrived, PO Benvenuto and PO Castiello were already on scene with the victim of the robbery in their car, and the officers set out to do a canvass. PO Sikorski did not speak to the victim of the robbery. PO Sikorski and Lt. Rule canvassed the neighborhood for approximately 20 minutes, and then they received a radio run that PO Benvenuto and PO Castiello had individuals stopped at [REDACTED]. PO Sikorski drove the RMP back to that location.

When PO Sikorski arrived he saw that PO Benvenuto and PO Castiello had two individuals stopped on the corner of the street, identified later as [REDACTED] and [REDACTED]. PO Sikorski did not see where the victim of the robbery was, and was not immediately sure if these men were both stopped in regards to the robbery. [REDACTED] was standing three or four feet from PO Benvenuto facing him, and yelling and screaming directly at him. PO Sikorski was not sure what [REDACTED] was saying. PO Sikorski walked over to assist PO Benvenuto in engaging [REDACTED]. PO Sikorski was not sure if any other officers came over at that time. PO Benvenuto and PO Sikorski both asked [REDACTED] to provide his identification, and he verbally refused. Mr. Jennings put his hands in his pockets numerous times and refused orders to remove them by both PO Sikorski and PO Benvenuto. PO Benvenuto did not inform PO Sikorski at this time as to why he had [REDACTED] stopped. A crowd was gathering around as the bars closed, watching what was going on, and PO Sikorski felt the situation was "boiling over" and about to get violent due to [REDACTED] erratic and noncompliant behavior. [REDACTED] was holding his phone in one hand throughout this conversation.

After two or three minutes of [REDACTED] refusing to provide identification, Lt. Rule walked over and said, "Cuff him, let's get control." PO Benvenuto grabbed [REDACTED] arms and attempted to handcuff him, and [REDACTED] stiffened his body and refused to give over his arms. [REDACTED] was not "fully resisting" and so Lt. Rule and PO Sikorski assisted in overcoming his evasion and stiffness. After [REDACTED] was handcuffed, his phone fell to the ground. PO Sikorski did not recall if Lt. Rule struck it from his hand. PO Sikorski believed that [REDACTED] just dropped his phone himself while being handcuffed. PO Sikorski denied that Lt. Rule knocked his phone out of his hand before the apprehension began.

PO Sikorski denied that PO Benvenuto or Lt. Rule, or any officer, said "Shut the fuck up," "Fucking ID," or similar use of profanity. PO Sikorski did not recall [REDACTED] asking any officer for their names or shield numbers, and did not recall if Lt. Rule or PO Benvenuto independently provided these. No force was used against [REDACTED] apart from getting his arms behind his back. [REDACTED] began to say, "I want free money, please arrest me." PO Sikorski did not see any injuries on [REDACTED] nor did he hear [REDACTED] make any verbal complaints of injuries. PO Sikorski did not know how [REDACTED] was transported back to the stationhouse, but possibly believed a van was called.

PO Sikorski assisted in processing at the stationhouse, but then went 98 with Lt. Rule and had no further contact with [REDACTED]. PO Sikorski was never informed that [REDACTED] was a perpetrator of the robbery. PO Sikorski was informed later in the stationhouse that the victim identified one of the men was a robber, but PO Sikorski did not speak to the victim himself and did not know about the context of the stop as he was not present when it began.

Interview Details

On January 6, 2015, Lt. Rule was interviewed at the CCRB.

On October 25, 2015, Lt. Rule assisted PO Benvenuto in the apprehension of [REDACTED]. At some point during the apprehension, [REDACTED] asked Lt. Rule for his name (but not his shield number). Lt. Rule was not certain at which point [REDACTED] asked this, but stated he replied by telling [REDACTED] his name verbally. Lt. Rule's policy would be to not provide his name and/or shield during a struggle for apprehension, but later once the scene was calm. Lt. Rule believed he provided [REDACTED] verbally with his name after the apprehension, but before Lt. Rule left the scene. Lt. Rule believed this to be the case as he did not have any interaction with [REDACTED] after his apprehension, apart from passing by him briefly in the stationhouse without conversation.

Lt. Rule did not recall if [REDACTED] asked PO Benvenuto for his name or shield number, and did not recall if PO Benvenuto independently provided this information to [REDACTED].