

Complaint Report (CCRB)

CCRB Case No :	201602528	C/V Report Date :	Fri, 03/25/2016 02:03 PM
Complaint Type :	CCRB	Investigator :	Eric Rigie
Complaint Made At :	CCRB	Ref. No	
Received Date (CCRB) :	Fri, 03/25/2016 02:03 PM	Mode :	Phone
Incident Date(s) :	Fri, 03/11/2016 12:10 AM		
Place of Occurrence:	[REDACTED]	Precinct:	42
Location :	NYCHA	Boro:	Bronx
Reason for Initial Contact :	PD suspected C/V of violation/crime - street		
Charges:	Arrest - other violation/crime		

Complainant/Victim Details

Name:	[REDACTED]	Type:	Comp/Victim
Address:	[REDACTED]		
Contacts:	[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>	
	Other Injury	§ 87(2)(b) sustained pain to his shoulder and a scratch to his head.	

Name:	[REDACTED]	Type:	Victim
Address:	[REDACTED]		
Contacts:	[REDACTED]	[REDACTED]	
	[REDACTED]	[REDACTED]	
	[REDACTED]		
Gender:	[REDACTED]	Ethnicity:	[REDACTED]
Person Assisting:		Date of Birth:	[REDACTED]

Name:	[REDACTED]	Type:	Victim
Address:	[REDACTED]		
Contacts:	[REDACTED]	[REDACTED]	
	[REDACTED]	[REDACTED]	
	[REDACTED]		
Gender:	[REDACTED]	Ethnicity:	[REDACTED]
Person Assisting:		Date of Birth:	[REDACTED]

Officer(s) Named in Complaint

Rank	Officer	S/W Officer	Tax No	Race	Cmd	Allegations/Board Dispositions
SGT	Miguel Frias	Subject Officer		Hispanic	807	Other - (A) Exonerated
POM	Giovanni Laguna	Subject Officer		Hispanic	807	Gun Pointed - (F) Exonerated
POM	Giovanni Laguna	Subject Officer		Hispanic	807	Physical force - (pushed/shoved/threw) - (F) Exonerated
POM	Giovanni Laguna	Subject Officer		Hispanic	807	Other - (F) Unfounded
POM	Giovanni Laguna	Subject Officer		Hispanic	807	Word - (D) Exonerated
POM	Giovanni Laguna	Subject Officer		Hispanic	807	Search (of person) - (A) Exonerated
POM	Giovanni Laguna	Subject Officer		Hispanic	807	Stop - (A) Exonerated
POM	Nicholas Rios	Subject Officer		Hispanic	807	Gun Pointed - (F) Exonerated
POM	Nicholas Rios	Subject Officer		Hispanic	807	Chokehold - (F) Unfounded
POM	Nicholas Rios	Subject Officer		Hispanic	807	Physical force - (punched/kicked/kneed) - (F) Exonerated
POM	Nicholas Rios	Subject Officer		Hispanic	807	Other - (F) Unfounded
POM	Nicholas Rios	Subject Officer		Hispanic	807	Other - (F) Unfounded
POM	Nicholas Rios	Subject Officer		Hispanic	807	Word - (D) Exonerated
POM	Elvis Duran	Subject Officer		Hispanic	807	Physical force - (pushed/shoved/threw) - (F) Exonerated
	An officer	Subject Officer				Physical force - (punched/kicked/kneed) - (F) Alleged Victim Uncooperative
	An officer	Subject Officer				Word - (D) Alleged Victim Uncooperative
	An officer	Subject Officer				Gender - (Male) - (E) Alleged Victim Uncooperative
	Officers	Subject Officer				Physical force - (pushed/shoved/threw) - (F) Alleged Victim Uncooperative
	Officers	Subject Officer				Strip-searched - (A) Alleged Victim Uncooperative
POM	Felix Baez	Witness Officer		Hispanic	807	

Initial Complaint Narrative

On March 11, 2016, between approximately 11:00 p.m. and 12:00 a.m., [REDACTED] was with a female friend (whose information [REDACTED] refused to provide) in front of [REDACTED] § 87(2)(b) in the Bronx, when they were approached by a male individual. [REDACTED] and his female friend did not know the individual. [REDACTED] and his friend were talking when the male walked up and began talking to [REDACTED]. The conversation turned into a verbal dispute, at which time [REDACTED] tried to "dismiss" the male; however, he refused to leave. [REDACTED]'s friend commented that the male had a gun. [REDACTED] grabbed the male and began to push the male against a wall and then against a vehicle and at some point, [REDACTED]'s friend maced the male. [REDACTED]'s friend said that the male had dropped the gun but [REDACTED] did not see a gun. However, [REDACTED] initially said that he felt the gun in the male's pocket but later said that he felt what he thought was a gun but also noted that it could have something else. [REDACTED] and the male were now engaged in a physical altercation that led them both into the street. [REDACTED] was able to push the male to the ground, at which time two plainclothes officers, PO1 and PO2, arrived in a black Chevy Impala. PO1 and PO2 exited the vehicle with their guns drawn. The officers approached the men and told [REDACTED] to get on the floor. The officers then pushed [REDACTED] against their vehicle and told him to get on the ground. PO1 had his gun pointed at [REDACTED]'s face. [REDACTED] told the officers that he was not going to get on the ground because it had been raining earlier. [REDACTED] was nervous and he held his hands up and unclenched his fists. [REDACTED] told the officers not to shoot, at which time PO1 holstered his gun and proceeded to place [REDACTED]'s hands behind his back; however, [REDACTED]'s hands were to the front of his body. [REDACTED] asked the officers what he did wrong while [REDACTED]'s friend began to explain what happened. PO2 was with the male individual and went on to place him in handcuffs. [REDACTED] still had his hands in front of body as PO1 instructed him to place them behind his back. [REDACTED] did not comply with PO1's instructions. As [REDACTED] tried to explain his side of the story, PO2 approached and began to punch [REDACTED] in his ribs and said, "Put your hands behind your fucking back." [REDACTED] asked PO2 why he was hitting him and then told the officers that he was not resisting. The officers managed to get [REDACTED]'s hands behind his back and then pushed him to the ground. The officers continued to pull [REDACTED]'s hands behind his back by bending them backwards. PO2 began to choke [REDACTED] by placing his palms against the front of [REDACTED]'s neck. [REDACTED] and his friend tried to tell PO2 that he has asthma. Approximately three more police cars arrived on scene with about six additional officers, some of whom were in uniform, at which time [REDACTED] was finally placed in handcuffs. A crowd of bystanders had gathered to observe the incident and some of the additional officers went to manage the crowd. [REDACTED] was taken to a marked patrol car and escorted to the PSA 7 stationhouse by PO3 and PO4. [REDACTED] told the officers that he wanted to go to the hospital because he was having difficulty breathing, but the officers told him that they had to speak with their supervisor at the stationhouse. [REDACTED] was the only civilian in the patrol car with the officers and PO3 was operating the vehicle. Upon arrival to the stationhouse, [REDACTED] was brought to the front desk, at which time he saw the desk sergeant and requested EMS. [REDACTED] told the sergeant that he had asthma. [REDACTED] was first taken to the holding cell and then was taken to a room where he was questioned about the incident and was released some time later. [REDACTED] was not processed and did not receive any summonses. [REDACTED] did not receive medical attention inside the stationhouse and was not taken to a hospital. PO1: Male, white, plainclothes, stocky build, 6'0"- 6'2" tall, dark hair, in his 40s PO2: Male, Hispanic, 6'0"-6'2" tall, glasses, plainclothes, stocky build, in his 40s, brown skin PO3: Male, white, uniform, very thin build, operator PO4: Male, white, uniform PO5: Male, white or Hispanic, light skin, uniform, in his 40s, bald, clean shaven

Witness
