
Interview Details

On June 29, 2016, [REDACTED] was interviewed at the CCRB. [REDACTED] years old at the time of the incident, is a 5'6", 160-pound black male with black hair and brown eyes. He is currently employed as [REDACTED]. [REDACTED] recorded parts of the incident, and played the recordings during the interview. He also provided copies of each video at the end of his interview.

At approximately 4:30 p.m. on May 21, 2016, [REDACTED] exited a store near the intersection of [REDACTED] and [REDACTED] in Brooklyn. He observed a marked sedan parked on the side of the road, near a fire hydrant. Two uniformed officers were sitting inside. The sedan was parked the wrong way, with its front pointing into the flow of traffic. [REDACTED] felt that the vehicle was parked improperly, and that it might endanger oncoming traffic if it pulled out of its spot. [REDACTED] approached the vehicle and spoke to the two officers inside, PO Pina and PO DeVito. [REDACTED] recorded this interaction, and showed the video during the interview. [REDACTED] spoke to PO Pina, who was in the driver's seat, explaining his concerns over their position. PO Pina told him that they had been instructed to park in that position by the "commanding officer," and told [REDACTED] that if he wished to speak to somebody about the matter, he would have to call the 75th Precinct stationhouse directly. [REDACTED] asked the officers for their names and shield numbers, which they provided. He then walked away. [REDACTED] had no further interaction with these two officers on that day.

About ten minutes later, [REDACTED] called the 75th Precinct stationhouse directly to complain about the marked sedan. He was connected to an officer whom he later identified as PO Delaney. [REDACTED] did not record this conversation. [REDACTED] explained his complaint about the marked sedan to PO Delaney. PO Delaney asked [REDACTED] why he was complaining about such a minor issue. When [REDACTED] reiterated his complaint, PO Delaney told him to "leave them alone," "mind [his] own business" and to "shut up." Realizing that PO Delaney would not address his complaint over the phone, [REDACTED] told PO Delaney that he was going to go to the stationhouse directly to file a complaint against PO Pina and PO DeVito for their parking, as well as against PO Delaney for his rude behavior. He then asked PO Delaney for his name and shield number. PO Delaney initially declined to provide this information, but when [REDACTED] repeated his request, PO Delaney provided his name and shield number.

At about 6:00 p.m., [REDACTED] traveled to the stationhouse by himself to file a complaint against the three officers. Directly inside of the stationhouse's entrance is a waiting room. The waiting room is separated from the front desk by a set of doors with glass windows. [REDACTED] explained that you must wait outside of the doors and be waved into the room by an officer before approaching the front desk. [REDACTED] began recording on his cell phone once he entered the waiting room. [REDACTED] played the video showing his interaction with PO Oyague during his interview. [REDACTED] waited outside of the door for about forty seconds before he was waved in. He approached the desk, where he spoke to PO Oyague and another officer, PO1, whose name he did not learn. Both officers were in uniform. PO1 immediately told him to turn his phone off and put it in his pocket. [REDACTED] informed him that he was recording. PO1 then told him to "step outside," and that he would speak to him there. [REDACTED] asked if he was forbidden from recording inside. PO1 stated, "No, I'll talk to you outside." [REDACTED] objected, stating that he should be allowed to record inside. PO Oyague then told him, "If you don't step outside, you're going to be collared. Your choice." [REDACTED] asked, "What's 'collared?'" PO Oyague replied, "Arrested. Just step outside, we'll talk out there, all you want."

[REDACTED] then walked back into the waiting room. PO Oyague approached [REDACTED] and asked what his problem is. He was accompanied by another officer. When [REDACTED] read this officer's nameplate, he saw that it was PO Delaney, whom he had spoken to on the phone. [REDACTED] asked to speak to a supervisor. PO Oyague, however, stated that [REDACTED] would have to speak to him. [REDACTED] asked for a form to file a civilian complaint against a supervisor. PO Oyague asked what he wanted to file a complaint about. [REDACTED] not wanting to speak to PO Oyague about the complaint, asked to speak to a supervisor. PO Oyague stated that he would not get a supervisor, and that [REDACTED] had to speak to him. PO Oyague asked him who [REDACTED] was filing the complaint against. He stated that [REDACTED] would not be allowed to fill out the form, and that PO Oyague would fill it out for him. [REDACTED] stated that he had filed complaints at the stationhouse in the past, and had been able to complete the form himself. PO Oyague then told him that if he wants to file a complaint against an officer, he would have to call the CCRB. [REDACTED] stated that he should be able to file the complaint at the stationhouse, but PO Oyague again asked him who the complaint was against. PO Delaney also stated that he would not be given a form. PO Oyague then asked, "Either you make this difficult, or you make it easy, which one you want to do?" [REDACTED] replied, "We can do difficult. I really don't know what difficult means." PO Oyague replied, "Difficult means you go in handcuffs, go in the cells." [REDACTED] asked, "For what crime?"

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PO Oyague stated, "For being disorderly." [REDACTED] asked again for a form, but PO Delaney replied that they needed to know what kind of form he wanted.

The second video ended after this point. [REDACTED] stated that after the video ended, he continued arguing with these officers for several more minutes. Several other officers walked through the waiting room during this period. [REDACTED] asked several of these officers to get a supervisor, but PO Oyague told these officers not to speak to [REDACTED] [REDACTED] did know the names of these officers. He described only one of them, PO2. None of these officers assisted [REDACTED]

[REDACTED] started recording a third video about two or three minutes after the end of the second video. He played the video during his interview. PO Oyague left [REDACTED] in the waiting room and walked away. He warned [REDACTED] not to block the door to the front desk. Another black male officer, PO3, walked by. [REDACTED] asked him for assistance in getting a complaint report. When he saw [REDACTED] speak to this officer, however, PO Oyague walked back towards him. PO3 told [REDACTED] that he can file his complaint over the phone. When [REDACTED] replied that he wants a form to file a complaint against an officer, PO3 told him that complaint forms are not given out to civilians, and that only supervisors can fill out the reports. [REDACTED] complained that PO Oyague did not relay his complaint to a supervisor. PO Oyague replied that he did not have to inform a supervisor. He then walked up to [REDACTED] stepped back, telling PO Oyague to stay back. PO Oyague then told [REDACTED] "Get out." He placed his hand on [REDACTED] chest and starts walking forwards, pushing [REDACTED] backwards, through the front doors onto the sidewalk. PO Oyague told [REDACTED] to wait outside. [REDACTED] told PO Oyague that he was assaulting him. PO Oyague replied that he was not. Once [REDACTED] was outside, PO Oyague went back inside.

[REDACTED] waited outside of the stationhouse. A plainclothes officer, PO4, wearing business attire walked by and entered the stationhouse. [REDACTED] asked PO4 if he was an officer at the precinct. PO4 identified himself as a detective, but stated that he could not speak to [REDACTED] as he was assisting a family that had recently lost a loved one. [REDACTED] allowed PO4 to enter the stationhouse without any further questions. He then saw another uniformed officer, PO5, walking into the stationhouse. [REDACTED] told PO5 that he had been "assaulted" by an officer when he tried to file a complaint, and that the officer had threatened to arrest him. PO5 replied that he didn't know what happened between them, and asked if [REDACTED] had been disorderly. [REDACTED] replied that he hadn't. PO5 told him that he could stay in the waiting room if he wanted to file a complaint. [REDACTED] asked PO5 to get a supervisor. PO5 replied, "You do what you got to do." He then walked into the room with the front desk, leaving [REDACTED] in the waiting room.

[REDACTED] stayed in the waiting room for several more minutes while recording. He knocked on the window on the desk doors, but received no response. A female civilian then walked up to the window and asked to be let in. An officer inside waved her in. [REDACTED] remained outside. Another officer, PO6, then walked out of the front desk area. [REDACTED] told him that the officer that he had been speaking to earlier had assaulted him and pushed him outside. He also stated that that officer had not notified a supervisor. PO6 told him that the supervisor was away from the desk at the moment, and that he could take a seat in the waiting room until the supervisor returned. [REDACTED] stopped recording his third video at that time. He did not record again, but did use his camera to take a picture of several officers with white-shirted uniforms that he saw sitting behind the desk.

Several minutes later, a plainclothes officer, PO7, walked into the stationhouse and headed towards the front desk. [REDACTED] asked PO7 if he was a supervisor. When PO7 told him that he was a supervisor, [REDACTED] told him that he had video of an officer assaulting him. PO7 told him to keep waiting. He then walked into the front desk area. PO7 did not return again.

About twenty minutes after the end of the third video, another uniformed officer, whose nameplate he read as PO McHale, came out. He stood quietly in the waiting room for several minutes, watching [REDACTED] He then approached [REDACTED] and started asking him questions about himself, including his name, address and place of employment. He also asked [REDACTED] if he had problems with "issues with cops." [REDACTED] feeling that PO McHale was prying unnecessarily, refused to answer any of his questions. PO McHale then left. [REDACTED] continued waiting for about an hour and a half. During that time, no further officers spoke to [REDACTED] Eventually, he gave up on trying to file the complaint and left the stationhouse. He was not arrested or issued a summons. He did not ultimately file a complaint at the stationhouse.

PO Pina: Hispanic male, 5'9", heavyset, black hair, uniform, shield #20488
PO DeVito: White male, 5'9", heavyset, black hair, uniform, shield #20108

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PO Oyague: White male, 5'9", athletic build, bald, [REDACTED] years old, uniform, shield #8107

PO1: Black male, 5'10", athletic build, bald, uniform

PO2: Black male, 5'10", heavyset, low-cut hair, 20s, uniform

PO3: Black male, 5'6", slim build, receding hairline, [REDACTED] uniform

PO4: Male, plainclothes, business attire

PO5: Black male, 6', 200 pounds, low-cut hair, 30s, uniform

PO6: White male, black hair, 30s

PO7: White male, 5'10", heavyset, late 30s, plainclothes

PO McHale: Hispanic male, 5'10", 170 pounds, black hair, uniform, shield #17625

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On August 11, 2016, PO David Oyague was interviewed at the CCRB as a subject officer. PO Oyague, [REDACTED] years old at the time of the incident, is a 5'10", 190-pound white male. He has a shaved head, and has brown eyes.

On May 21, 2016, PO Oyague worked from 3:00 p.m. until 11:35 p.m. He worked as the 75th Precinct's assistant desk officer. He did not have a partner, and did not recall who the desk officer was. PO Oyague was in uniform, and assigned to the stationhouse.

PO Oyague did not have any memo book entries regarding the incident.

On May 21, 2016, PO Oyague was working behind the front desk at the 75th Precinct stationhouse. PO Oyague described the layout of the entrance of the stationhouse, stating that the building's front doors lead into a civilian waiting room. The civilian waiting room is then separated from the front desk by a set of doors. The doors to the front desk area are not locked, and may be opened freely. Despite this, there are signs on these interior doors stating that the front desk area is for authorized individuals only. The waiting room and the front desk area are separated by several windows. As a result, the waiting room is nicknamed "the fishbowl."

At some time before the incident, the officer assigned to the command's telephone switchboard (TS) informed PO Oyague that somebody had called over the telephone to report a complaint about a police vehicle that was assigned to a shooting post in the precinct. PO Oyague initially did not recall the officer's identity, but after reviewing video footage of the incident was able to identify him as PO Delaney. He did not know the name of the desk officer. PO Oyague did not speak to the person filing this complaint, and did not know who the person was. PO Oyague, as the assistant desk officer, occasionally answered the stationhouse's phone when PO Delaney or the desk sergeant was not available. He denied speaking to the complainant, [REDACTED] over the telephone. He was not aware of [REDACTED] calling the precinct before the incident.

At approximately 6:00 p.m., [REDACTED] entered the stationhouse and knocked on the interior doors. PO Oyague and PO Delaney then waved [REDACTED] into the room. [REDACTED] entered holding a cell phone up in front of his chest. Either PO Oyague or PO Delaney told [REDACTED] to put his cell phone away. [REDACTED] replied that he was recording them. PO Oyague described [REDACTED] demeanor at the time as "belligerent" and "annoyed." He did not recall [REDACTED] raising his voice at the time. One of the officers then told [REDACTED] several times that he was not allowed to record in the vicinity of the front desk. PO Oyague explained that it is forbidden to bring a recording device into that particular area of the stationhouse, as there are confidential police documents containing sensitive information at the front desk. PO Oyague's union representative, Louis Albert, also suggested that it would be improper to record in the area because plainclothes officers, including undercover officers, and the victims of crimes also walk through that part of the building. PO Oyague confirmed that these factors also contribute to the ban on recording at the front desk. Either PO Oyague or PO Delaney told [REDACTED] about three times to stop recording, telling him that he was free to record in the waiting area but could not do so in the front desk area. When [REDACTED] refused for the last time, PO Oyague told him, "If you don't put the phone away, we can arrest you." He then stated that [REDACTED] could step into the waiting room and speak to them there if he wanted to record them. PO Oyague explained that if [REDACTED] had continued to record at the front desk, he would have arrested [REDACTED] for disorderly conduct and obstructing governmental administration. PO Oyague did not know which particular disorderly conduct subsection would apply to the situation.

[REDACTED] then walked back into the civilian waiting room. [REDACTED] walked on his own, and was not forcibly removed or escorted from the front desk. PO Oyague and PO Delaney followed him to the room to find out what he wanted. Since there are no restrictions on recording in the civilian waiting room, PO Oyague allowed [REDACTED] to record their conversation. PO Oyague denied taking any action to prevent [REDACTED] from recording after that point, and was not aware of any other officers doing so. PO Oyague believes that [REDACTED] recorded the entirety of their interaction from beginning to end, without interruption. Several other civilians were seated in the waiting room at the time. PO Oyague did not observe [REDACTED] interact directly with any of these individuals during the incident.

When they met in the waiting room, PO Oyague asked [REDACTED] what he wanted. [REDACTED] stated that he wanted to file a complaint. He did not initially provide any specific details about this complaint, including whether it was a criminal complaint or a civilian complaint. PO Oyague explained that when a civilian enters the stationhouse and asks to file a complaint against an officer, he has been trained to refer the complainant to the CCRB. PO Oyague is not aware of any forms kept at the stationhouse that a civilian can fill out in order to file such a complaint. He also stated that an officer of his rank is not allowed to take complaints against another officer, and that the matter would have to be referred to a supervisor. He then explained that if [REDACTED]

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█████ had wished to file a criminal complaint, he would have obtained a UF-61 complaint report, and filled it out himself. Since █████ did not initially indicate which type of complaint he wished to file, PO Oyague did not know which of these procedures to follow. PO Oyague did not have any suspicion as to which type of complaint █████ was referring to.

PO Oyague asked █████ to explain the nature of his complaint, but █████ refused to do so. █████ then asked to speak to a supervisor instead. PO Oyague, however, wished to learn the details of the incident before bringing the matter to a supervisor, so that he would be able to give all of the relevant information to the supervisor. He was not, however, forbidden from informing the supervisor of █████ issue before learning these details. He denied telling █████ that he was not allowed to speak to a supervisor. PO Oyague asked █████ several more times about the nature of the complaint. For several minutes, █████ refused to provide any information about the complaint, and reiterated his request to speak to a supervisor. █████ demeanor while in the waiting room was the same as it had been in the front desk area. During this exchange, PO Oyague denied that he asked █████ directly if he wanted to file a complaint against a police officer. PO Oyague did not recall if PO Delaney spoke to █████ at that time. He did not recall if PO Anthony Lee was present during this interaction.

PO Oyague did not recall telling █████ “Either you make this difficult, or you make it easy, which one you want to do?” He did not recall █████ asking what he meant by “difficult.” He did not recall telling █████ “Difficult means you go in handcuffs, go in the cells.” He did not recall telling █████ that he would be arrested for being disorderly. Besides telling █████ that he would be arrested if he continued to record by the front desk, PO Oyague did not recall telling █████ that he might be placed under arrest.

After PO Oyague asked █████ several times for details about the complaint, █████ finally stated that he wanted to file a complaint against a police officer. With the nature of the complaint now clarified, PO Oyague referred █████ to a poster in the waiting room that listed the CCRB’s contact information. █████ however, stated again that he wanted to speak to a supervisor, and that he wanted to file a complaint in-person at the stationhouse. PO Oyague then told █████ that he would go speak to a supervisor. PO Oyague invited █████ to take a seat in the waiting room while he spoke to a supervisor. He then returned to the front desk area to speak to a supervisor and inform him of █████ complaint. PO Oyague did not recall which supervisor he spoke to, stating that it was likely the desk officer.

While PO Oyague was in the front desk area, he was able to observe █████ conduct in the waiting area. Several officers walked through the waiting area at that time. PO Oyague did not recall who these officers were, or how many officers walked through in total. PO Oyague saw █████ try to wave down several of these officers to speak to them about his complaint. While PO Oyague did not observe █████ interact with any of the other civilians in the waiting room, he saw several of the civilians look towards himself and other officers at the front desk, giving alarmed looks. PO Oyague interpreted these to mean that the other civilians were alarmed by █████ behavior.

After several minutes, the unidentified supervisor told PO Oyague that █████ was being disorderly, and instructed PO Oyague to remove him from the waiting area. PO Oyague then walked out into the waiting area and told █████ “Leave the precinct.” He did not recall █████ exact response, but recalled that he refused to go. PO Oyague repeated this command several times, but █████ refused to move. PO Oyague then held one of his hands out in front of his chest, with his palm open. He then started walking towards █████ with his palm pointed towards █████ chest. He did not recall if his palm made contact with █████ began walking backwards. PO Oyague moved him towards the stationhouse’s entrance. PO Oyague did not recall if he had to open the door or if the door was already open, but he was able to move █████ through it. He left █████ directly in front of the stationhouse’s front doors. He denied that █████ resisted this action, but stated that █████ repeatedly claimed that PO Oyague was “assaulting” him. PO Oyague denied that he made any further physical contact with █████ beyond possibly touching his chest with his palm. He did not see any other officer make contact with █████ at any time.

After PO Oyague walked █████ out of the stationhouse, he went back inside to the front desk. He did not speak directly to Mr. Oyague after that. Several minutes later, he saw █████ walk back into the building and sit in the waiting room. PO Oyague did not know what, if anything, happened to █████ while he was outside of the stationhouse. When █████ returned, he sat quietly in the room, and did not attempt to flag anybody down. PO Oyague did not recall seeing him speak to any officers after he returned. Since he was no longer flagging people down, no officers took any action to remove him from the

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stationhouse. [REDACTED] continued to sit in the waiting room for an extended period. PO Oyague did not recall how long he was there for, and did not believe that [REDACTED] ultimately spoke to a supervisor or filed a complaint.

PO Oyague was shown two videos of the incident taken by [REDACTED] while at the stationhouse. At the beginning of the first video, PO Oyague identified the room that [REDACTED] is standing in as the waiting room, and the area beyond the windowed doors as the front desk area. At 0:47 on the recording, PO Oyague identified the voice of the person telling [REDACTED] to step outside as belonging to PO Raymond Welsh. At the time of the incident, PO Welsh was ending his scheduled tour and was leaving the stationhouse. PO Oyague did not recognize the voice that told [REDACTED] that he was not able to record there. At 0:53, PO Oyague identified the bald white officer seen standing behind the desk as himself. At 01:03, he identified the white male officer whose head is visible at the edge of the screen as PO Delaney.

At 01:50, [REDACTED] asks PO Oyague in the waiting room to see a supervisor. PO Oyague responds, "You don't got a supervisor, you got me. That's not his job." PO Oyague explained that he made this statement because he needed to ask [REDACTED] for details about his complaint before he summoned a supervisor. At 2:04, PO Oyague asks [REDACTED] if he wanted to file a CCRB. [REDACTED] had not up until that point stated that his complaint was against an officer. PO Oyague did not recall why he asked [REDACTED] at that time if he wanted to file a CCRB complaint. When [REDACTED] replies immediately afterwards that he would like a copy of a report to fill out himself, PO Oyague replies, "You cannot have the form, bro. That's for me to fill out, not you." PO Oyague explained that the form that he was referring to in this statement was a UF-61 complaint report, used to record criminal complaints. PO Oyague stated that officers, rather than civilians, prepare UF-61 reports.

At 3:22, PO Oyague tells "Either you make this difficult, or you make it easy. Which one you want to do?" [REDACTED] replies, "We can do difficult. I really don't know what difficult means." PO Oyague replies, "Difficult means you go in handcuffs, go in the cells." [REDACTED] asks, "For what crime?" PO Oyague replies, "You're being disorderly now." PO Oyague stated that he was considering charging [REDACTED] with disorderly conduct, as the other civilians sitting in the waiting room looked towards PO Oyague with expressions on their faces that he interpreted to mean that they were made uncomfortable by [REDACTED] behavior. None of these civilians complained to PO Oyague about [REDACTED] behavior. PO Oyague further explained that he would have likely issued [REDACTED] a summons for disorderly conduct if he continued his behavior, but would not have placed him under arrest. Seconds later, another voice states, "We have to know why you're giving out a form. What type of form." PO Oyague identified the voice as PO Delaney's.

PO Oyague was then shown the second video. The beginning of the second video is not continuous with the end of the first video. PO Oyague was not able to tell based on the videos exactly how much time passed between the two recordings. At 0:15, PO Oyague is seen telling [REDACTED] "Take a seat." He and PO Delaney then walk away from [REDACTED] moving down a hallway. PO Oyague confirmed that this was when he left [REDACTED] in the waiting room to speak to a supervisor. At 0:19, PO Oyague identified the black male officer seen in the hallway as PO Lee. At 0:23, PO Oyague identified the white male officer seen standing next to himself in the hall as PO Delaney. At 1:27, PO Oyague did not recognize the white male officer seen through the window sitting at the front desk.

At 2:19, PO Oyague is seen escorting [REDACTED] out of the stationhouse as he had described earlier. PO Oyague was not aware of any other officers who made contact with [REDACTED] during a period not recorded in the videos. It was pointed out to PO Oyague that between the time that he told [REDACTED] to take a seat and wait for a supervisor, and when [REDACTED] was removed from the building, PO Oyague did not leave the waiting area, and is not seen consulting with a supervisor. PO Oyague stated that he thought he did speak to a supervisor. Mr. Albert then interjected, stating that it was possible that the conversation with the supervisor could have taken place during the gap between the two recordings. When asked if he left [REDACTED] at any point not recorded on the video, PO Oyague replied, "Pretty sure I did." He did not, however, have a specific recollection of speaking to a supervisor or being told by a supervisor to remove [REDACTED] from the stationhouse.

PO Oyague was also shown five photographs that [REDACTED] took of several officers that were standing behind the front desk that he took from the waiting room. PO Oyague did not recognize any of these officers, including any of the officers with white-shirted uniforms. PO Oyague did not independently recall the names of any officers with white-shirted uniforms who might have been working at the front desk at the time.

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On September 22, 2016 PO Anthony Lee was interviewed at the CCRB as a subject officer. PO Lee, [REDACTED] years old at the time of the incident, is a 5'7", 148-pound black male with brown hair and blue eyes.

On May 21, 2016 PO Lee worked from 11:30 a.m. until 8:05 p.m. He was assigned as a neighborhood coordination officer, and worked with PO Steven Owens. PO Lee was in uniform, and was assigned to a marked vehicle, RMP# [REDACTED]

PO Lee did not have any memo book entries regarding the incident.

At approximately 6:00 p.m. on May 21, 2016, PO Lee traveled to the 75th Precinct stationhouse with his partner, PO Owens. The stationhouse's front entrance opens into a waiting area sometimes referred to as "the fishbowl." Past the waiting room, through a set of windowed doors, is another room that contains the stationhouse's front desk. PO Lee entered the building by himself, while PO Owens stayed outside. When PO Lee entered the waiting area, he saw the complainant, identified by the investigation as [REDACTED] speaking to another officer. PO Lee did not recall who the officer was, but stated that he was in uniform. PO Lee had not interacted with [REDACTED] before that time. PO Lee was unaware of [REDACTED] having called the stationhouse at any earlier time. [REDACTED] appeared irritated at the time, but he did not raise his voice while speaking. PO Lee did not recall if [REDACTED] was holding a phone or recording his interactions.

As PO Lee entered the waiting area, [REDACTED] looked at PO Lee's nameplate. PO Lee asked [REDACTED] what he was doing in the waiting room. [REDACTED] explained that he had come to file a complaint against a police officer. PO Lee did not recall if [REDACTED] provided any additional information about his complaint, such as which officer the complaint was against. PO Lee explained the complaint process, stating that complaints can be filed either directly with a sergeant at the stationhouse, or over the telephone with the CCRB. PO Lee showed [REDACTED] poster hanging on the wall in the waiting area that listed the CCRB's telephone number. [REDACTED] did not ask PO Lee to summon a supervisor for him. PO Lee noted that [REDACTED] demeanor calmed as he spoke.

After PO Lee showed [REDACTED] the poster, [REDACTED] turned back towards the first officer and started talking to him. PO Lee felt that the first officer had the situation under control, so he walked out of the waiting area and went into the stationhouse's basement, where the locker room is located. PO Lee estimated that he spoke to [REDACTED] for about two minutes. He did not have any further interactions with [REDACTED]. He did not know if [REDACTED] was ultimately able to file his complaint. PO Lee did not discuss [REDACTED] complaint with anybody else at the stationhouse, including any supervisors, since the first officer was already assisting [REDACTED]

PO Lee was not aware of [REDACTED] being asked to leave the stationhouse at any point. PO Lee did not recall any officer physically removing [REDACTED] from the stationhouse, or pushing [REDACTED]. PO Lee did not hear any officer tell [REDACTED] that he arrested if he did not stop recording. PO Lee did not hear an officer inform [REDACTED] that he could not record within the precinct. PO Lee was not aware of any rules against civilians recording inside the stationhouse, nor was he aware of any particular areas of the stationhouse where recording is forbidden. He did not hear any officer tell [REDACTED] that he would be arrested for acting in a disorderly manner. PO Lee did not hear any officer threaten to arrest [REDACTED] at any time. PO Lee did not recall himself or any other officer telling [REDACTED] that he could not file a complaint at the stationhouse. PO Lee did not hear any officer tell [REDACTED] to wait for a supervisor to speak with him. PO Lee did not recall [REDACTED] exiting the stationhouse and then later returning. PO Lee was not aware of [REDACTED] speaking to any officers other than the officer who was in the waiting area.

PO Lee was shown pictures taken by [REDACTED] on May 21, 2016 at the 75th Precinct stationhouse. PO Lee identified the white-shirted officer seen in Photo #2 as Lt. Cain. PO Lee did not recognize the white-shirted officer seen in Photo #5.

PO Lee was then shown two screen captures taken from cell phone videos recorded by [REDACTED]. The first screen capture showed a male officer outside the stationhouse. PO Lee identified the officer as his partner, PO Owens. The second screen capture showed several officers through the windows of the stationhouse waiting room door. From the second screen capture, PO Lee identified the one on the furthest right side of the screen to be PO Ramos, and the officer on the left as PO Diaz. PO Lee identified the black male officer in the capture as PO Owens.

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PO Lee was then shown video footage taken by [REDACTED] during the incident. At 0:05, PO Lee stated that he recognize the bald male officer seen speaking to [REDACTED]. He did not, however, recall this officer's name. PO Lee noted that this was the officer who had been speaking to [REDACTED] when PO Lee arrived. At 0:19, PO Lee identified the black male officer as himself. PO Lee was then shown the section between 0:19 and 2:17, at which time the bald officer is seen pushing [REDACTED] out of the stationhouse. PO Lee stated that he did not recall this occurrence, and did not have any independent recollection of an officer making physical contact with [REDACTED].

At 2:58, PO Lee identified the officer that [REDACTED] approached outside of the stationhouse as PO Owens. PO Lee was shown the section between 2:58 and 4:02, in which [REDACTED] and PO Owens spoke. PO Lee did not recall witnessing the interaction shown in the video.

PO Lee recognized the officer seen through the window on the door leading to the front desk area shown at 5:01. He did not know the officer's name. PO Lee was shown the section of the video between 5:01 and 5:37, showing an interaction between [REDACTED] and the officer seen through the window. PO Lee did not recognize this officer's voice. He did, however, recall that the officer had recently resigned from the NYPD to take a job with another police department.

Interview Details

On September 27, 2016, PO Robert Delaney was interviewed at the CCRB as a subject officer. PO Delaney, [REDACTED] years old at the time of the incident, is a 5'11", 220-pound white male with blond hair and blue eyes.

On May 21, 2016, PO Delaney worked from 1:30 p.m. until 8:05 p.m. He was assigned as the 75th Precinct's telephone switchboard (TS) operator. He did not have a partner. PO Delaney was in uniform, and was not assigned to a motor vehicle.

PO Delaney did not have any memo book entries regarding the incident.

At approximately 6:00 p.m. on May 21, 2016, PO Delaney received a phone call from [REDACTED]. [REDACTED] stated that he wished to file a complaint against two officers who were parked along [REDACTED]. The officers were running their lights at the time. PO Delaney recognized that these two officers were assigned to a regular post along [REDACTED]. He did not recall [REDACTED] attributing any particular actions to these officers. He did not allege that they were doing anything other than parking at the location. PO Delaney did not recall [REDACTED] complaining about the officers parking against the flow of traffic. [REDACTED] was yelling and cursing as he spoke. PO Delaney told [REDACTED] that since he was not alleging any criminality or improper conduct against an officer, no action would be taken against the officers. PO Delaney made this determination by himself. He denied consulting any officers, including supervisors, regarding [REDACTED] statement. PO Delaney then ended the call. He estimated that he spoke to [REDACTED] over the phone for approximately ten minutes.

Later that evening, [REDACTED] appeared at the stationhouse in person. PO Delaney did not recall how much time passed between the phone call and [REDACTED] visit. [REDACTED] entered the stationhouse's waiting room, which is separated from the stationhouse's front desk by a set of doors with windows on them. The doors are locked to prevent civilians from approaching the desk without permission. The windows on the door have red lettering on them warning civilians not to enter the front desk room without permission. The waiting area is sometimes referred to by officers as the "fishbowl." PO Delaney, as the TS operator, was sitting behind the desk at the time. He did not recall if any other officers were working behind the desk with him, including the desk officer. He did not recall who the desk officer was at the time, or if Sgt. William Hall worked as the desk officer. [REDACTED] was by himself at the time. PO Delaney did not recall if there were any other civilians in the waiting room at the time.

[REDACTED] started shouting and cursing in the waiting room, repeatedly stating, "I want to file a report! I want to file a report!" PO Delaney exited the front desk room and approached [REDACTED] in the waiting room to address his issue. PO Delaney explained that as the TS operator, it is his duty to speak to and assist civilians who appear in-person at the stationhouse. He was not instructed to go outside by any officer, and denied speaking to a supervisor before approaching [REDACTED]. No other officers accompanied PO Delaney. When PO Delaney approached him in the waiting room, [REDACTED] told PO Delaney that he wanted to file a complaint regarding the officers parked on [REDACTED]. PO Delaney recognized [REDACTED] voice, identifying him as the person that he had spoken to on the phone earlier in the evening. [REDACTED] did not provide any further information beyond what he had stated over the phone. [REDACTED] did not specify what kind of report that he wanted to file at the time.

PO Delaney told [REDACTED] again that since he was not alleging any criminal activity or misconduct, there was no complaint for him to report. [REDACTED] was angered by PO Delaney's decision, and continued shouting that he wanted to "file a report." PO Delaney referred [REDACTED] to a poster on the wall in the waiting room that displayed the CCRB's contact information, and stated that he could contact the CCRB if he wished to pursue the matter. PO Delaney was not aware of any paperwork at the stationhouse that [REDACTED] could have filled out to file a complaint against a police officer. [REDACTED] however, continued to insist to PO Delaney that he wanted to file a complaint. PO Delaney then told [REDACTED] that he was acting in a disruptive manner, and that he would have to leave the stationhouse if he continued to shout. PO Delaney repeated this statement several times to [REDACTED]. Eventually, [REDACTED] walked out of the waiting room. No other officers besides PO Delaney spoke to [REDACTED] during this interaction.

When [REDACTED] left, PO Delaney returned to the front desk. He did not speak to anybody else, including any supervisors, about his interaction with [REDACTED]. Approximately ten to fifteen minutes later, [REDACTED] walked back into the stationhouse's waiting room. [REDACTED] was holding a cell phone in front of him, which PO Delaney interpreted to mean that [REDACTED] was recording a video. [REDACTED] approached a small slot located below one of the windows separating the front desk room from the waiting area. PO Delaney explained that this slot is generally used to pass paperwork out to civilians in the waiting area. The slot is directly adjacent to the front desk, and is located about four feet away from where PO Delaney was seated. At the time, several police documents, including the roll call, were sitting on the front desk next to the slot. [REDACTED] reached into the slot while

Interview Details

holding his cell phone. He held the phone out over the roll call. PO Delaney believed that [REDACTED] was trying to record the contents of police documents on the desk. PO Delaney told [REDACTED] to take his hand, stating that he was not allowed to stick his hand through the slot. [REDACTED] reacted by shouting once again, stating that he wanted to file a report. PO Delaney then got up to speak to [REDACTED] in the waiting area again. Once PO Delaney stood up, [REDACTED] withdrew his hand from the slot.

PO Delaney went back out into the waiting room to speak to [REDACTED] held out his phone towards PO Delaney, holding it about a foot or two away from PO Delaney's face. [REDACTED] again started to shout at PO Delaney, stating that he wanted to file a report. He did not provide any additional information about his complaint beyond what he had mentioned over the phone. PO Delaney was initially the only officer speaking to him. Later, PO David Oyague joined PO Delaney in the waiting room. PO Delaney did not recall any other officers joining him. PO Delaney and PO Oyague both informed [REDACTED] that since he was shouting and acting in a disruptive manner, he would be issued a summons for disorderly conduct if he did not leave the stationhouse. They also told him that he might be arrested for trespassing. [REDACTED] initially reacted to these threats by stating, "Fuck you, I want to file a report." PO Delaney and PO Oyague repeated these threats several times. PO Delaney denied that he or PO Oyague told [REDACTED] that only a supervisor would be able to take his complaint at that time.

Eventually, [REDACTED] left the stationhouse voluntarily. He was not arrested or issued a summons. [REDACTED] stopped recording after he left the stationhouse for the second time. PO Delaney was not aware of [REDACTED] returning to the stationhouse after he left for the second time. PO Delaney did not discuss [REDACTED] issues with any supervisors. He was not aware of [REDACTED] re-entering the building or sitting in the waiting room. PO Delaney was not aware of [REDACTED] formally filing a complaint at the stationhouse on May 21, 2016.

PO Delaney was not aware of any officer telling [REDACTED] that he would be arrested for any reason beyond disorderly conduct or trespassing. PO Delaney did not hear any officer tell him that he would be arrested for recording inside of the stationhouse. He did not recall any officer telling [REDACTED] that he was only allowed to record in certain parts of the stationhouse. PO Delaney was not aware of any officer forcibly removing [REDACTED] from the stationhouse or making physical contact with [REDACTED]

PO Delaney was shown video footage of the incident taken by [REDACTED] PO Delaney identified the room seen at the beginning of the first video as the waiting room, and the room seen through the windows as the front desk area. At 0:18, he identified the slot seen in a window separating the two rooms as the slot that [REDACTED] stuck his arm through. PO Delaney was shown the section of the video between 0:20 and 1:38 during which [REDACTED] is seen speaking to officers behind the front desk. PO Delaney denied having any recollection of this interaction. When asked when [REDACTED] allegedly place his camera in the slot relative to this section of the video, PO Delaney stated that he must have done this during his first visit to the stationhouse, rather than during his second visit as he had stated previously. At 0:58, PO Delaney identified the bald white officer standing behind the front desk as PO Oyague. At 1:03, he identified himself as the white officer seen in the top-right corner of the screen. At 1:06, he identified the black male officer as PO Raymond Welsh. At 1:19, PO Delaney was shown where PO Oyague told [REDACTED] that he would have been arrested if he did not leave the front desk room. PO Delaney stated that at that time, [REDACTED] could have been arrested for trespassing, as civilians are not allowed in the front desk area.

At 1:38, PO Delaney identified the officer seen speaking to [REDACTED] in the waiting area as PO Oyague. At 2:07, he identified the other officer seen next to PO Oyague as himself. At 2:20, PO Oyague is heard in the video stating that the form that [REDACTED] was requesting could only be filled out by the police. PO Delaney did not know what form PO Oyague was referring to. At the very end of the recording, PO Delaney stated that he was unable to identify the voice that states that the officers need know what kind of form [REDACTED] is requesting. He did not know if it was his voice. PO Delaney stated that at the time that he spoke to [REDACTED] he did not know what kind of form [REDACTED] was requesting from the officers in order to file his report. He also stated that when civilians file criminal complaints, they do not fill out the associated UF-61 complaint report themselves. The officer receiving their complaint will fill out the form instead. PO Delaney did not interpret [REDACTED] remarks about the officers parked alongside [REDACTED] as a complaint against police officers.

PO Delaney was then shown a second video provided by [REDACTED] The second video is not continuous with the first. PO Delaney was shown the beginning of the second video running until 0:18. This segment showed himself and PO Oyague walking away from [REDACTED] in the waiting area. PO Delaney was unable to tell based on the footage how much time had elapsed between the two recordings. He did not know if the two videos captured two parts of the same continuous interaction, or two separate interactions.

Interview Details

At 0:21, PO Delaney identified the black male officer as PO Anthony Lee. PO Delaney was then shown a segment between 0:21 and 2:17, during which [REDACTED] spoke to both PO Lee and PO Oyague. PO Delaney had no independent recollection of this interaction. At 0:53, PO Delaney identified a poster seen on the waiting room wall as the poster containing the CCRB's contact information that he had shown to [REDACTED] during his first visit to the stationhouse. At 1:26, [REDACTED] told PO Lee that he was filing a complaint against a police officer. PO Delaney noted that this was the first time on the video that [REDACTED] clarified that his complaint was against a police officer. At 2:17, PO Oyague is seen walking [REDACTED] out of the stationhouse. PO Delaney had no independent recollection of this action. He did not recall any officers escorting [REDACTED] out of the stationhouse. He did not recall any officer making physical contact with [REDACTED] at any time.

At 5:04, the video showed [REDACTED] back inside of the waiting room. The camera showed several uniformed officers standing inside of the front desk room. PO Delaney was then shown a segment between 5:04 and 5:35, during which time an officer enters the waiting room area and speaks to [REDACTED] briefly. PO Delaney did not recognize that officer's voice.

After viewing the two videos, it was pointed out to PO Delaney that [REDACTED] was not recorded using any profanity during any of the videos. When asked to account for the lack of recorded profanity, PO Delaney recalled that [REDACTED] might have put his camera away at some point while in the stationhouse. He did not know when this gap in [REDACTED] recording might have occurred.

PO Delaney was then shown still photographs #1, 2 and 5, which were taken by [REDACTED] inside of the stationhouse. He recognized the white-shirted officer seen in photographs #1 and #2 as "Lieutenant Keane," the platoon commander. He did not recognize any of the other officers seen in the photos.

Interview Details

On October 7, 2016, Sgt. William Hall was interviewed at the CCRB as a subject officer. Sgt. Hall, [REDACTED] years old at the time of the incident, is a 5'9", 195-pound white male with blond hair and blue eyes.

On May 21, 2016, Sgt. Hall worked from 3:00 p.m. until 11:23 p.m. He was assigned as the 75th Precinct desk officer. He did not have a partner. Sgt. Hall was in uniform, and was not assigned to a motor vehicle.

Sgt. Hall has been assigned to administrative duties for the past two years. As a result, he does not keep a memo book.

Sgt. Hall had no independent recollection of the incident. He did not recognize a photograph of the complainant, [REDACTED]. At the time of the incident, Sgt. Hall worked as the desk officer, and worked behind the command's front desk. The desk is located in a room adjacent to the waiting area, which is in turn adjacent to the building entrance. The waiting area and the front desk room are separated by a set of glass doors. Civilians do not have free access to the front desk area. There are signs posted on the windows designating the front desk room as a restricted area. Numerous other officers besides Sgt. Hall work behind the front desk, including officers assigned as the telephone switchboard operator or the assistant desk officer. He did not recall any officers who were behind the desk on May 21, 2016. He did not recall if PO David Oyague or PO Robert Delaney were working behind the desk at the time. From his position at the front desk, Sgt. Hall can see into the waiting area. Due to the doors between the rooms, Sgt. Hall generally cannot hear what is said inside of the waiting area unless the speaker is yelling. Sgt. Hall would occasionally visit other rooms in the stationhouse to inspect them. He did not recall if he conducted any such inspections at the time of the incident.

Sgt. Hall did not recall any civilians coming to the stationhouse to file a complaint. He was not made aware of any civilian attempting to file a complaint by any other officers. Sgt. Hall explained that when civilians come to the stationhouse to file complaints against police officers, they are directed to a supervisor such as himself. The supervisor provides them with a form to fill out. The civilian must fill the form out in their own handwriting. The form is then forwarded to the CCRB intake unit. IAB is also notified. Sgt. Hall was not aware of any officer telling any civilians that they would not be allowed to file a complaint. He was not aware of any officer telling a civilian that they would not be able to fill out a complaint form themselves, or that they could only file the complaint with the CCRB directly.

Sgt. Hall did not recall any civilians using a cell phone to make recordings inside of the stationhouse. Sgt. Hall explained that there is a small slot in the glass windows between the waiting area and the front desk room. He did not recall any individuals sticking their hand through the slot, or attempting to record through the slot using a phone. Sgt. Hall did not recall any officer telling an individual to stop recording inside of the stationhouse. Sgt. Hall did not know if civilians are entitled to record inside of the stationhouse. He did not know if there were any specific regulations regarding areas inside of the building where recording is forbidden. He felt that there are practical reasons why recording should be forbidden by the front desk, as it would intrude on the privacy of both suspects and victims of crimes at the stationhouse, and because a person recording the layout of the stationhouse might be doing so to plan for an assault or terrorist attack on the stationhouse.

Sgt. Hall did not recall any civilians shouting or causing a disturbance inside of the stationhouse. He did not recall any civilians being asked to leave the stationhouse, or escorted out of the stationhouse. He did not recall any officers pushing any civilians inside of the stationhouse.

Sgt. Hall was shown video footage of the incident recorded by [REDACTED]. When shown the section of [REDACTED] second video between 0:00 and 0:13, Sgt. Hall confirmed that the room depicted was the waiting area. At 0:20, he identified the doors seen as the doors leading into the front desk area. At 0:54, he identified the bald male behind the desk as PO Oyague. He identified the voice heard telling [REDACTED] that he cannot record as his own. He did not recognize the other white male officer seen at 1:03, but recognized the black officer as PO Welsh. While Sgt. Hall recognized his voice, he did not recall the interaction himself in detail. When shown the interaction at 1:18 where PO Oyague tells [REDACTED] that he will be arrested if he did not step outside, Sgt. Hall stated that [REDACTED] could potentially have been arrested for trespassing if he remained by the front desk area without permission, as it is labeled as a restricted area that civilians have limited access to. While Sgt. Hall did not think that it was appropriate to record by the front desk area, he himself would not have arrested [REDACTED] just for doing so.

Sgt. Hall was then shown the section of [REDACTED] third video between 0:00 and 2:15, showing PO Oyague expelling [REDACTED] from the stationhouse. Sgt. Hall did not recall this interaction. He was unaware of PO Oyague making any contact with [REDACTED].

Interview Details

██████████ and did not recall observing any contact beyond what was seen in the video. Sgt. Hall did not recognize the officer seen approaching ██████████ at 5:01. He did not recognize that officer's voice during his subsequent conversation with ██████████

Sgt. Hall was shown still photographs #1-5, showing officers behind the front desk. He recognized the white-shirted officer in photographs #1-3 as Lt. Cain, the platoon commander. He recognized the officer standing next to Lt. Cain as PO Morgan. Sgt. Hall believed that the white-shirted officer in photos #4-5 might have been Captain Melendez, but he was not certain.

Interview Details

On October 14, 2016, PO Steven Owens was interviewed at the CCRB as a subject officer. PO Owens, [REDACTED] years old at the time of the incident, is a 5'11", 203-pound black male with black hair and brown eyes.

On May 21, 2016, PO Owens worked from 11:30 a.m. until 8:05 p.m. He was assigned as a Neighborhood Coordination Officer, and worked with PO Anthony Lee. PO Owens was in uniform, and assigned to a marked vehicle, RMP # [REDACTED]

PO Owens did not have any memo book entries regarding the incident.

At approximately 6:00 p.m. on May 21, 2016, PO Owens returned to the 75th Precinct stationhouse after going on patrol. PO Lee had already gone into stationhouse and was not with PO Owens. No other officers were with PO Owens. PO Owens entered the stationhouse's front door, which opens into a lobby that also functions as a waiting area for civilians. The lobby is connected to another room which contains the front desk. The two rooms are separated by a series of doors with glass windows. An individual seated behind the front desk would be able to see into the lobby through the windows, but would not have a full view of the entire lobby. The lobby is sometimes referred to as "the fishbowl."

When PO Owens walked into the door, he was approached by an individual identified by the investigation as [REDACTED]. [REDACTED] was by himself at the time. PO Owens did not recall if there were any other civilians or officers in the lobby at the time, but stated that the lobby is a busy area with lots of foot traffic. [REDACTED] told PO Owens that he had come to file a civilian complaint against an officer. PO Owens described [REDACTED] demeanor as "excited." [REDACTED] spoke in a "medium" tone of voice. PO Owens did not consider his behavior to be disorderly. PO Owens did not recall [REDACTED] providing any specific details about the nature of his complaint.

PO Owens explained that the general procedure for dealing with civilian complaints against officers is to refer them to a sign posted in the lobby which lists the CCRB's contact information. PO Owens is also aware of forms that civilians can fill out in order to file the complaint in-person. Civilian complaint forms are to be filled out by the civilians themselves, rather than by an officer. Copies of these forms are kept at the 75th Precinct stationhouse.

When [REDACTED] told PO Owens that he wanted to file a complaint, PO Owens pointed towards the CCRB sign and told him that he could file the complaint with the CCRB. He did not recall [REDACTED] making any response to this information. He did not recall [REDACTED] requesting a complaint form, or to speak to a supervisor. PO Owens then continued walking across the lobby and went down a set of stairs into the stationhouse's lower floor. [REDACTED] remained in the lobby at the time. PO Owens had no further interaction with [REDACTED] after that point. PO Owens did not recall discussing the incident with any other officers that day. He did not notify any supervisors of [REDACTED] complaint.

PO Owens recalled that [REDACTED] was holding a cell phone during their interaction. He was not aware at the time of the incident that [REDACTED] was recording. PO Owens was later informed by other officers interviewed by the CCRB in regards to this case that video footage existed of his interaction with [REDACTED]. PO Owens did not recall any officer trying to prevent [REDACTED] from recording or threatening to arrest him if he recorded. PO Owens was not aware of any regulations governing civilians' ability to record inside of the stationhouse. He was not aware of any officer threatening to arrest [REDACTED] for disorderly conduct.

PO Owens did not initially recall if there is an officer named "Drury" assigned to the 75th Precinct. When asked if he recalled an officer by that name transferring from the NYPD to a police department in Suffolk County, he recalled that there was an officer by that name at the command. He did not recall the officer's first name.

PO Owens was shown cell phone footage of the interaction taken by [REDACTED]. He identified himself as the officer whom [REDACTED] approached outside of the stationhouse at 2:55. He stated that he had recalled meeting [REDACTED] inside of the stationhouse, rather than outside as the video shows. He confirmed that the room they enter and speak inside of is the lobby mentioned earlier. He also confirmed that the poster shown at 3:43 was the CCRB sign. When shown that [REDACTED] subsequently asked PO Owens both to get a complaint form and to speak to a supervisor after viewing the CCRB sign, PO Owens stated that he did not recall this happening. He did not know why he did not obtain a form or notify a supervisor. He knew of no reason why he would have been unable to provide a form to [REDACTED] at that time.

Interview Details

PO Owens was then shown a section of the video at 5:04, showing several uniformed officers through a door affixed to a window. Of the five officers shown, he recognized the officer standing on the right as PO Ramos, the officer standing on the left as PO Diaz, and the officer standing to the right of PO Diaz as PO Drury.

PO Owens was also shown still photographs #1, #2 and #5, taken by [REDACTED] inside of the stationhouse. He identified the white-shirted officer in the first two photographs as Lt. Cain. He identified the white-shirted officer in photograph #5 as Captain Melendez. He did not recognize the other individuals shown in the photographs.