

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Anderson	Team: Squad #2	CCRB Case #: 201609900	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/30/2016 8:07 PM	Location of Incident: [REDACTED]	Precinct: 77	18 Mo. SOL 5/30/2018	EO SOL 5/30/2018	
Date/Time CV Reported Thu, 12/01/2016 5:35 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 12/01/2016 5:35 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Wael Jaber	15049	§ 87(2)(b)	077 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Stacey Coulter	01483	§ 87(2)(b)	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Wael Jaber	Discourtesy: Police Officer Wael Jaber acted discourteously toward § 87(2)(b) .	A . § 87(2)(g)
B . POM Wael Jaber	Abuse of Authority: Police Officer Wael Jaber refused to provide his name and shield number to § 87(2)(b) .	B . § 87(2)(g)
C . POM Wael Jaber	Other: There is evidence suggesting Police Officer Wael Jaber provided a false official statement in violation of Patrol Guide Section 203-08.	C . § 87(2)(g)

Case Summary

On December 1, 2016, § 87(2)(b) filed this complaint on the CCRB website.

On November 30, 2016, at 8:07 p.m., § 87(2)(b) called the 77th Precinct stationhouse to request information about how to gain access to the personal effects and residence of her brother-in-law, § 87(2)(b), who had died in July 2016. Police Officer Wael Jaber of the 77th Precinct answered the phone, announcing himself as what § 87(2)(b) thought to be “Officer Java.” § 87(2)(b) dissatisfied with Police Officer Jaber’s replies, requested to speak with a supervisor and was denied. When she reiterated her desire to speak with a supervisor, Police Officer Jaber, without warning, disengaged the call (**Allegation A**).

§ 87(2)(b) immediately called the 77th Precinct stationhouse again, and Police Officer Jaber answered. § 87(2)(b) requested Police Officer Jaber’s name and shield number. Police Officer Jaber, without warning, hung up the phone (within **Allegation A** and **Allegation B**). § 87(2)(b) immediately called the 77th Precinct stationhouse a third time, and Police Officer Jaber answered. When § 87(2)(b) asked for the spelling of his name and his shield number, Police Officer Jaber spelled his name “W-I-N-G” and provided his shield number as “2400” (within **Allegation B**). § 87(2)(b) replied that she did not believe the provided information was accurate and, again, without warning, Police Officer Jaber hung up the phone (within **Allegation A**).

§ 87(2)(b) called the 77th Precinct stationhouse again and was transferred to Sergeant Stacey Coulter of the 77th Precinct, who listened to her complaint about Police Officer Jaber. Sergeant Coulter provided § 87(2)(b) with details on how to file her complaint with the CCRB. § 87(2)(b) was not arrested or issued any summonses as a result of this incident.

There is no video footage in this case.

Mediation, Civil and Criminal Histories

- § 87(2)(b) was offered mediation, but she rejected § 87(2)(b)
- § 87(2)(b) has no prior criminal convictions (Board Review 01).
- As of January 5, 2017, § 87(2)(b) has not filed a Notice of Claim with the City of New York (Board Review 06).

Civilian and Officer CCRB Histories

- This is § 87(2)(b)’s first CCRB complaint (Board Review 02).
- Police Officer Jaber has been a member of the NYPD for 10 years and has a total of seven allegations against him in five complaints, with no substantiated allegations or other misconduct noted. § 87(2)(g)

Findings and Recommendations

Explanation of Subject Officer Identification

Though Police Officer Jaber categorically denied his involvement in this incident, testimony from Sergeant Coulter, coupled with her Command Log entry (Board Review 03), corroborate § 87(2)(b)’s version of events and specifically identify Police Officer Jaber as the officer who interacted with her.

Allegation A –Discourtesy: Police Officer Wael Jaber acted discourteously toward § 87(2)(b)

Allegation B –Abuse of Authority: Police Officer Wael Jaber refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) provided a telephone statement to the CCRB on December 5, 2016, (Board Review 04) and was interviewed at the CCRB on December 9, 2016. Sergeant Coulter was interviewed at the CCRB on December 19, 2016. Police Officer Jaber was interviewed at the CCRB on December 30, 2016.

§ 87(2)(b) alleged that she placed five calls to the 77th Precinct stationhouse at phone number (718) 735-0611 at 8:07 p.m., 8:13 p.m., 8:14 p.m., 8:16 p.m., and 8:25 p.m. on November 30, 2016. This number was confirmed by the investigation as being assigned to the 77th Precinct stationhouse (Board Review 07), and § 87(2)(b)'s calls, call times, and call durations are confirmed by her cell phone call log (Board Review 05). The first three calls were answered by the same officer, Police Officer Jaber, whose name, which he provided upon answering the phone, § 87(2)(b) heard as “Officer Java.” In the initial call (8:07 p.m.; duration of 6 minutes and 33 seconds), § 87(2)(b) explained that § 87(2)(b) died in July and, having recently learned this, she wanted to know how to access his “personal effects” and residence. After not finding satisfaction with Police Officer Jaber’s replies, § 87(2)(b) requested a supervisor, after which Police Officer Jaber disconnected the call without reply or informing her that he would do so.

In the second call (8:13 p.m.; duration of 11 seconds), § 87(2)(b) requested Police Officer Jaber’s name. He did not reply and again disengaged the call. § 87(2)(b) called a third time (8:14 p.m.; duration of 1 minute and 44 seconds) and spoke again with Police Officer Jaber. When she asked Police Officer Jaber again for his name and shield number, he spelled his name “W-I-N-G” and provided his shield number as “2400” (Police Officer Jaber’s actual shield number is 15049). When § 87(2)(b) told Police Officer Jaber that she did not believe this to be accurate, Police Officer Jaber stated that he could not provide his “full name” and again disengaged the call.

When § 87(2)(b) called the final time at 8:25 p.m. and spoke with Sergeant Coulter, § 87(2)(b) explained her interaction with Police Officer Jaber to Sergeant Coulter. Sergeant Coulter informed § 87(2)(b) that English was not Police Officer Jaber’s first language, provided information about the CCRB, and offered to take her complaint over the phone. § 87(2)(b) decided to file her complaint on the CCRB website because she heard a lot of background noise and did not want to take up more of Sergeant Coulter’s time.

During her CCRB interview, Sergeant Coulter corroborated various elements of § 87(2)(b)'s testimony, including § 87(2)(b) having spoken to Police Officer Jaber, the timeline of § 87(2)(b) death and the reporting of it, the use of the term “personal effects,” the discussion of Police Officer Jaber’s understanding of English, and § 87(2)(b)'s decision to file her complaint with the CCRB because of the busy stationhouse setting.

Sergeant Coulter testified that after she had taken over as the desk sergeant at the 77th Precinct stationhouse, Police Officer Jaber was also present at the desk, specifically at the telephone switchboard computer and phone. She stated that Police Officer Jaber had been initially assigned to patrol but had, at the time of this incident, returned to the stationhouse to process an arrest. After speaking with § 87(2)(b) Sergeant Coulter spoke with Police Officer Jaber, who seemed “confused” about the timeline of § 87(2)(b) death. She subsequently made an

entry in the Command Log at 8:35 p.m. detailing the incident and specifically naming both § 87(2)(b) and Police Officer Jaber.

Police Officer Jaber testified that after being on patrol with partner Police Officer Winghong Lau, he returned to the stationhouse to process an arrest, which is confirmed in his memo book (Board Review 08). He testified that for the remainder of his tour, which ended at 8:40 p.m., this was all he did, “nothing more, nothing less.” Police Officer Jaber denied that he answered any of the phones inside the stationhouse at any point on the incident date and denied that he spoke with any civilians over the phone. When presented with § 87(2)(b)'s allegation that she spoke with Sergeant Coulter and the possibility that Sergeant Coulter then spoke with Police Officer Jaber, Police Officer Jaber said, “I haven’t spoken to § 87(2)(b)” and “I haven’t spoken to Sergeant Coulter about it, period.”

When asked if § 87(2)(b)'s allegation that she asked for information on how to gain access to her brother-in-law’s “personal effects” and residence and that Police Officer Jaber hung up the phone refreshed his recollection of the incident, Police Officer Jaber denied that it do so. When presented with § 87(2)(b)'s allegation that Police Officer Jaber spelled his name “W-I-N-G,” Police Officer Jaber denied doing so. When asked if this spelling was familiar to him, Police Officer Jaber denied that it was. When then asked if he knew his partner’s first name, Police Officer Jaber replied that his partner’s first name was “Wing.” When asked if he ever provided his name to a civilian as “Wing,” Police Officer Jaber denied doing so.

Because of the consistencies between the testimonies of § 87(2)(b) and Sergeant Coulter and Sergeant Coulter’s Command Log entry, the investigation credits both of their statements that the alleged conversations between § 87(2)(b) and Police Officer Jaber and between Sergeant Coulter and Police Officer Jaber occurred. Police Officer Jaber neither denied having a firm recollection of the incident nor provided an alternate interpretation of events. Instead, he denied having any involvement whatsoever in an incident § 87(2)(g)

Furthermore, for § 87(2)(b) to provide the precise spelling of the shorthand version of the first name of Police Officer Jaber’s partner, Police Officer Lau, who Police Officer Jaber confirmed was not present at the time of the incident, is unlikely as a matter of coincidence. While Police Officer Jaber denied having familiarity with the spelling, when questioned about his partner’s first name, he provided the name “Wing.” § 87(2)(g)

§ 87(2)(g)

Allegation C –Other: There is evidence suggesting Police Officer Wael Jaber provided a false official statement in violation of Patrol Guide Section 203-08.

As discussed above, § 87(2)(b) made multiple calls, recorded in her call log, to the 77th Precinct and repeatedly spoke with Police Officer Jaber. Sergeant Coulter, who later spoke with § 87(2)(b) recounted minute details of their conversation in her CCRB interview and confirmed Police Officer Jaber’s physical location and the duties he performed around the time of the incident. Further, she stated that she spoke with Police Officer Jaber regarding the complaint and made a Command Log entry about the incident. In vehemently denying the existence of both of these interactions, Police Officer Jaber testified, “I haven’t spoken to § 87(2)(b) and I haven’t spoken to Sergeant Coulter about it, period.”

Intentionally making a false official statement is prohibited, including during an interview conducted pursuant to a CCRB investigation or in an official document or report, such as a memo book. Patrol Guide Section 203-08 (Board Review 09).

§ 87(2)(g)
[Redacted text block]

Squad: 2

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date