

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|--------------------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------------------------|-----------------------------------------------|--------------------------------------------|
| Investigator: Greg Finch | Team: APU | CCRB Case #: 201801835 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input checked="" type="checkbox"/> O.L. | <input checked="" type="checkbox"/> Injury |
| Incident Date(s) Saturday, 03/03/2018 1:25 PM | Location of Incident: [REDACTED] | Precinct: 33 | 18 Mo. SOL 9/3/2019 | EO SOL 9/3/2019 | |
| Date/Time CV Reported Wed, 03/07/2018 1:42 PM | CV Reported At: CCRB | How CV Reported: On-line website | Date/Time Received at CCRB Wed, 03/07/2018 1:42 PM | | |

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

| Witness(es) | Home Address |
|-------------|--------------|
| [REDACTED] | [REDACTED] |

| Subject Officer(s) | Shield | TaxID | Command |
|-------------------------------|--------|------------|---------|
| 1. POM Christopher Cianicullo | 11109 | § 87(2)(b) | 033 PCT |
| 2. POM Vasyil Filchukov | 17295 | § 87(2)(b) | 033 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|---------------------------|-----------|------------|----------|
| 1. POM Edward Montoya | 14418 | § 87(2)(b) | 033 PCT |
| 2. POF Carmen Gomez | 26242 | § 87(2)(b) | PA UPTU |
| 3. POM Johnny Mitchell | 31023 | § 87(2)(b) | 033 PCT |
| 4. POF Yissel Feliz | 21603 | § 87(2)(b) | 033 PCT |
| 5. POM Dennis Garcia | 01895 | § 87(2)(b) | 033 PCT |
| 6. SGT Richard Lennox | 04103 | § 87(2)(b) | 033 PCT |
| 7. POM Philip Miranda | 22094 | § 87(2)(b) | PA UPTU |
| 8. POF Maria Jorgesanchez | 05265 | § 87(2)(b) | 033 PCT |
| 9. POF Cecilia Pineda | 07184 | § 87(2)(b) | 033 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| A . POM Christopher Cianicullo | Abuse of Authority: On March 3, 2018, outside of § 87(2)(b) in Manhattan, Police Officer Christopher Cianicullo threatened to take action based on § 87(2)(b)'s immigration status. | A . § 87(2)(g) |
| B . POM Christopher Cianicullo | Off. Language: On March 3, 2018, outside of § 87(2)(b) in Manhattan, Police Officer Christopher Cianicullo made remarks to § 87(2)(b) based upon the gender of § 87(2)(b). | B . § 87(2)(g) |
| C . POM Christopher Cianicullo | Discourtesy: On March 3, 2018, outside of § 87(2)(b) in Manhattan, Police Officer Christopher Cianicullo spoke discourteously to § 87(2)(b). | C . § 87(2)(g) |

| Officer(s) | Allegation | Investigator Recommendation |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| D . POM Vasyl Filchukov | Abuse of Authority: On March 3, 2018, Police Officer Vasyl Filchukov entered § 87(2)(b) in Manhattan. | D . § 87(2)(g) |
| E . POM Christopher Cianicullo | Abuse of Authority: On March 3, 2018, Police Officer Christopher Cianicullo entered § 87(2)(b) in Manhattan. | E . § 87(2)(g) |
| F . POM Vasyl Filchukov | Force: On March 7, 2018, outside § 87(2)(b) in Manhattan, Police Officer Vasyl Filchukov used physical force against § 87(2)(b). | F . § 87(2)(g) |
| G . POM Vasyl Filchukov | Force: On March 7, 2018, outside § 87(2)(b) in Manhattan, Police Officer Vasyl Filchukov used physical force against § 87(2)(b). | G . § 87(2)(g) |
| H . POM Christopher Cianicullo | Force: On March 7, 2018, outside § 87(2)(b) in Manhattan, Police Officer Christopher Cianicullo used physical force against § 87(2)(b). | H . § 87(2)(g) |
| I . POM Christopher Cianicullo | Force: On March 7, 2018, outside § 87(2)(b) in Manhattan, Police Officer Christopher Cianicullo used physical force against § 87(2)(b). | I . § 87(2)(g) |
| J . POM Vasyl Filchukov | Force: On March 7, 2018, outside § 87(2)(b) in Manhattan, Police Officer Vasyl Filchukov used physical force against § 87(2)(b). | J . § 87(2)(g) |
| K . POM Christopher Cianicullo | Force: On March 7, 2018, outside § 87(2)(b) in Manhattan, Police Officer Christopher Cianicullo used physical force against § 87(2)(b). | K . § 87(2)(g) |
| L . POM Vasyl Filchukov | Discourtesy: On March 7, 2018, outside § 87(2)(b) in Manhattan, Police Officer Vasyl Filchukov spoke discourteously to § 87(2)(b). | L . § 87(2)(g) |
| M . POM Christopher Cianicullo | Other: There is evidence suggesting Police Officer Christopher Cianicullo provided a false official statement in violation of PG 203-08. | M . § 87(2)(g) |
| N . POM Vasyl Filchukov | Other: There is evidence suggesting Police Officer Vasyl Filchukov provided a false official statement in violation of PG 203-08. | N . § 87(2)(g) |

Case Summary

On March 7, 2018, § 87(2)(b) filed this complaint via the CCRB's online website on behalf of § 87(2)(b) her husband, and § 87(2)(b) their three-year-old son. That same day, § 87(2)(b) § 87(2)(b) s neighbor) also filed this complaint with IAB, generating log #18-9654, and made additional offensive language allegations on behalf of § 87(2)(b). At the conclusion of the IAB investigation, all allegations (including force and offensive language allegations) against PO Cianicullo and PO Filchukov were closed as Information & Intelligence except for the Disputed Arrest allegation against PO Cianicullo, which was closed as Exonerated (Board Review 21).

On March 3, 2018, at approximately 1:25 p.m., Police Officer Vasyl Filchukov and Police Officer Christopher Cianicullo, both of the 33rd Precinct, stopped § 87(2)(b) in front of § 87(2)(b) in Manhattan. PO Cianicullo allegedly said to § 87(2)(b) “We can deport you, you’re an immigrant, you’re not from here,” “Your mother is a bitch,” and “I hope your mother dies and your grandmother” (**Allegation A: Abuse of Authority, § 87(2)(g)**; **Allegation B: Offensive Language, § 87(2)(g)**; **Allegation C: Discourtesy, § 87(2)(g)**). PO Filchukov and PO Cianicullo allegedly entered § 87(2)(b) in Manhattan (**Allegation D: Abuse of Authority, § 87(2)(g)**; **Allegation E: Abuse of Authority, § 87(2)(g)**).

On March 7, 2018, PO Filchukov and PO Cianicullo used physical force against § 87(2)(b) and § 87(2)(b) during a forcible takedown (**Allegation F: Force, § 87(2)(g)**; **Allegation G: Force, § 87(2)(g)**; **Allegation H: Force, § 87(2)(g)**; **Allegation I: Force, § 87(2)(g)**). PO Filchukov and PO Cianicullo used further physical force against § 87(2)(b) (**Allegation J: Force, § 87(2)(g)**; **Allegation K: Force, § 87(2)(g)**). PO Filchukov spoke discourteously to § 87(2)(b) (**Allegation L: Discourtesy, § 87(2)(g)**).

There is evidence suggesting PO Filchukov and PO Cianicullo provided false official statements to the CCRB during the investigation (**Allegation M: § 87(2)(g)**, **Allegation N: § 87(2)(g)**). A spin-off regarding the false official statements was generated on April 22, 2019, and referred to IAB under CCRB case number #201903387.

PO Filchukov and § 87(2)(b) both received medical attention at § 87(2)(b) for injuries sustained during this incident. § 87(2)(b) was transported to § 87(2)(b) for a bruise to his head. § 87(4-b), § 87(2)(g)

§ 87(2)(b) (Board Review 20; Board Review 22).

§ 87(2)(b) was arrested for § 87(2)(b), § 87(2)(a) CPL 160.50 § 87(2)(b) (Board Review 01). The criminal case was dismissed. § 87(2)(b)

§ 87(2)(b) (Board Review 09).

Video surveillance footage from § 87(2)(b) captured this incident (Board Review 02).

Findings and Recommendations

Allegation A – Abuse of Authority: On March 3, 2018, outside of § 87(2)(b) in Manhattan, Police Officer Christopher Cianicullo threatened to take action based on § 87(2)(b) s immigration status.

Allegation B – Offensive Language: On March 3, 2018, outside of § 87(2)(b) in Manhattan, Police Officer Christopher Cianicullo made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

Allegation C – Discourtesy: On March 3, 2018, outside of § 87(2)(b) in Manhattan, Police Officer Christopher Cianicullo spoke discourteously to § 87(2)(b)

The following facts are undisputed: that a heated argument followed after PO Cianicullo and PO Filchukov attempted to eject § 87(2)(b) from the sidewalk after the officers confiscated his sidewalk milkcrate, that both PO Cianicullo and § 87(2)(b) used profanity during this emotional argument, and that PO Cianicullo and § 87(2)(b) did not physically touch each other. It is also undisputed that at least some of this argument included whether or not § 87(2)(b) is “an American”, and that this argument was in both English and Spanish.

According to § 87(2)(b) he was talking with three of his friends outside of § 87(2)(b), located at § 87(2)(b) in Manhattan (Board Review 03). § 87(2)(b) was sitting on a milkcrate on the sidewalk. PO Filchukov and PO Cianicullo walked past § 87(2)(b) on foot, and told him to leave. § 87(2)(b) refused. Neither officer asked for § 87(2)(b) s identification and they had no interaction with his friends. After he refused to leave the sidewalk, PO Cianicullo said to him, “We can deport you. You’re an immigrant. You’re not from here.” § 87(2)(b) responded, “Fuck you” and said that if he was in another country, he would say more to PO Cianicullo. PO Cianicullo said, “I hope your mother dies and your grandmother” and “Your mother is a bitch.”

According to PO Cianicullo, he was assigned to a footpost on the northeast corner of § 87(2)(b) Avene to deter drug activity (Board Review 04). He saw a group of four or five individuals sitting on milkcrates in front of § 87(2)(b) approach him and PO Filchukov. PO Cianicullo recognized this group as individuals to be drug dealers with prior arrests, but could not recall the names of these individuals. PO Cianicullo had no previous interactions with § 87(2)(b) before March 3, 2018. § 87(2)(b) spit on the ground and cursed at the officers, saying “Fuck you, fuck the city, I will sell drugs on this corner.” After he asked § 87(2)(b) for his ID, he spat on the ground in front of PO Cianicullo and said, “Fuck you, fuck the city, I will sell drugs on this corner.” § 87(2)(b) added, “You’re nothing without your badge, if you didn’t have your badge, I’d take care of you, I will kill you” and “I’m an American.” PO Cianicullo denied responding to § 87(2)(b) s “I’m an American” comment. PO Cianicullo denied that he or PO Filchukov said to § 87(2)(b) “You’re an immigrant, we can deport you, you’re not from here.” PO Cianicullo did not know § 87(2)(b) s immigration status and denied making any comments about his immigration status. PO Cianicullo denied that he or PO Filchukov said to § 87(2)(b) in English or Spanish, “Your mother is a bitch” and “I hope your mother dies and your grandmother.” PO Cianicullo told § 87(2)(b) he was under arrest. § 87(2)(b) fled west to his apartment (see **Allegations D and E**). PO Cianicullo and PO Filchukov did not learn his name until March 7, 2018, after the second part of this incident. PO Cianicullo said that a threat assessment was made in regards to § 87(2)(b) s threat, but beyond the UF61 that was generated after March 7, 2018 there is no indication across the NYPD paperwork that a threat assessment was made in regards.

§ 87(2)(g) According to PO Filchukov, although he had never had a prior interaction with § 87(2)(b) before March 3, 2018, he saw § 87(2)(b) “every single day on that corner” when he was assigned to that footpost (Board Review 05). PO Cianicullo and PO Filchukov had on previous dates moved the group’s milkcrates, and § 87(2)(b) said, “You guys are taking our milkcrates, its our property.” PO Filchukov asked § 87(2)(b) for his ID, after which § 87(2)(b) called PO Cianicullo a “fucking asshole,” “fat,” an “idiot,” and said, “I’m gonna shoot you.” § 87(2)(b) grabbed a milkcrate “lunged” the milkcrate in the direction of PO Cianicullo, and was “gesticulating like he wants to fight.” The group “pulled him back.” PO Filchukov believed that § 87(2)(b) was acting “disorderly” because one pedestrian had difficulty crossing the sidewalk and had to walk around the group. PO Filchukov stood next to PO Cianicullo during this entire interaction. PO Cianicullo and § 87(2)(b) were “screaming and yelling at each other.” PO Cianicullo was “very emotional” and said to § 87(2)(b) “We’re gonna shut you down.” PO Cianicullo “might have used some profanity” with § 87(2)(b) later elaborating “Yes, he maybe used profanity.” When asked what profanity PO Cianicullo used, PO Filchukov said, “I cannot remember.” PO Filchukov at first denied that PO Cianicullo speaks Spanish, but later said he speaks “maybe a couple of words.” PO Filchukov added that he also speaks “a couple of words” of Spanish. PO Filchukov denied that PO Cianicullo said to § 87(2)(b) “I hope your mother dies and your grandmother, your mother is a bitch.” PO Filchukov did not recall if PO Cianicullo said to § 87(2)(b) “We can deport you, you’re an immigrant, you’re not from here.”

According to the Criminal Court Complaint, PO Cianicullo said that § 87(2)(b) screamed at him “I’m an American, this is my block, if I’d seen you in the D.R. I’d shoot you” (Board Review 06).

According to medical records, § 87(2)(b) § 87(2)(b) s girlfriend and § 87(2)(b) s mother) repeated to hospital staff that § 87(2)(b) told her that PO Cianicullo said, “You are an immigrant” and “Go back to your country” to § 87(2)(b) (Board Review 11).

Regarding **Allegation A**, although both officers initially denied that PO Cianicullo speaks Spanish, both officers later admitted that not only can PO Cianicullo speak Spanish, he did so during this argument. Therefore, the investigation determined that PO Cianicullo speaks Spanish, and that part of the argument between PO Cianicullo and § 87(2)(b) was in Spanish. PO Filchukov, although he was standing next to PO Cianicullo for the entirety of this interaction and recounted many specific statements PO Cianicullo made and incident details (such as exactly one pedestrian’s difficulty crossing the sidewalk around the arguing group) did not recall if PO Cianicullo said “We can deport you, you’re an immigrant, you’re not from here,” § 87(2)(g)

§ 87(2)(b) This allegation is documented on March 7 at 11:55 a.m. (after § 87(2)(b) s arrest) through § 87(2)(b) s secondhand account in the medical records, in which she told medical staff that PO Cianicullo told § 87(2)(b) “You’re an immigrant” and “Go back to your country” § 87(2)(b) was accompanying her son § 87(2)(b) to the hospital, see **Allegations F-I**). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g) [Redacted]
[Redacted]
§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]

Patrol Guide 203-10 prohibits officers from using discourteous or disrespectful remarks regarding a person’s ethnicity, race, religion or gender (Board Review 15). Patrol Guide 212-66 defines immigration status as confidential information and details when and how a member of service may or may not disclose confidential immigration status to city, state and federal agencies. Officers are prohibited from inquiring about a person’s immigration status unless investigating illegal activity other than mere status as an undocumented foreign national.

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]

Allegation D – Abuse of Authority: On March 3, 2018, Police Officer Vasyl Filchukov entered § 87(2)(b) in Manhattan.

Allegation E – Abuse of Authority: On March 3, 2018, Police Officer Christopher Cianicullo entered § 87(2)(b) in Manhattan.

According to § 87(2)(b) he walked the half-block home to his apartment located at § 87(2)(b) in Manhattan, where he lived with his father, § 87(2)(b). § 87(2)(b) PO Filchukov and PO Cianicullo followed § 87(2)(b) home. § 87(2)(b) s father, § 87(2)(b) was alone in the apartment, sitting on a couch that was close to the front door. As § 87(2)(b) walked into the apartment and tried to close the door, PO Filchukov and PO Cianicullo, who were directly behind him, pushed his front door and ordered him to open it. § 87(2)(b) told the officers that they had no right to enter his apartment and successfully pushed the door shut while the officers were still pushing back on the door. The officers never crossed the threshold of the door and they left the scene. § 87(2)(b) denied smoking a cigarette or a marijuana cigarette in front of PO Cianicullo and PO Filchukov, or that the officers threatened to arrest him.

According to PO Cianicullo, a few minutes after § 87(2)(b) fled to his apartment, he and PO Filchukov observed § 87(2)(b) smoking a marijuana cigarette on the stoop in front of his building. § 87(2)(b) stomped on and destroyed the marijuana cigarette, entered the building and taunted the officers on the sidewalk from his apartment’s § 87(2)(b) floor window. There was no evidence to voucher in regards to this as § 87(2)(b) had destroyed the remains. PO Cianicullo knew that it was marijuana from his training and experience. PO Cianicullo and PO Filchukov entered the building lobby as another tenant walked out and, from outside the apartment door, told § 87(2)(b) to come out of his apartment, but he refused. When asked how he knew which apartment § 87(2)(b) lived in, PO Cianicullo said had previously seen § 87(2)(b) exit his building and yell at the officers from his apartment window. § 87(2)(b) answered and opened the door and spoke with PO Cianicullo and PO

Filchukov through the open door. § 87(2)(b) and PO Ciancullo spoke in Spanish. PO Ciancullo said, “We had a problem with your son, we need to speak with him.” § 87(2)(b) “refused to cooperate” and § 87(2)(b) refused to exit the apartment. PO Ciancullo denied pushing the apartment door. PO Ciancullo said that he would not have been justified in pushing the door to enter the apartment to arrest § 87(2)(b)

§ 87(2)(g) According to PO Filchukov, the officer approached § 87(2)(b) after he stomped out the marijuana cigarette and “moved to grab him,” but he entered the building. The officers waited outside the building for 10 minutes to wait for somebody to open the door so they could apprehend § 87(2)(b) As officers entered the building, § 87(2)(b) ran from his lobby into his apartment. § 87(2)(b) stood in the apartment doorway and spoke with the officers in Spanish, who informed him that § 87(2)(b) was wanted. § 87(2)(b) stood inside the apartment and said to the officers, “Fuck you, you can’t get me.” Standing two arms lengths from § 87(2)(b) PO Filchukov play-lunged at § 87(2)(b) Jr., thrusting his chest at and jerking his shoulders towards him, causing § 87(2)(b) to run farther inside the apartment. The officers did not cross the threshold of the apartment door and left the building. PO Filchukov denied that either officers pushed on the apartment door. When asked how § 87(2)(b) was “wanted”, PO Filchukov clarified no paperwork was generated towards § 87(2)(b) being “wanted” before March 7, 2018 as the officers “weren’t really sure if they wanted to open a case on him.” In fact, PO Filchukov “didn’t believe we could open a case.”

§ 87(2)(g)

Allegation F – Physical Force: On March 7, 2018, outside § 87(2)(b) in Manhattan, Police Officer Vasyl Filchukov used physical force against § 87(2)(b)

Allegation G – Physical Force: On March 7, 2018, outside § 87(2)(b) in Manhattan, Police Officer Vasyl Filchukov used physical force against § 87(2)(b)

Allegation H – Physical Force: On March 7, 2018, outside § 87(2)(b) in Manhattan, Police Officer Christopher Cianicullo used physical force against § 87(2)(b)

Allegation I – Physical Force: On March 7, 2018, outside § 87(2)(b) in Manhattan, Police Officer Christopher Cianicullo used physical force against § 87(2)(b)

The SnagIt clip captures § 87(2)(b) walking with § 87(2)(b) on his shoulders when he is stopped by PO Filchukov and PO Cianicullo and forcibly taken to the ground. The video transcription is located in IA#55 (Board Review 17).



Camacho Video Long.mp4

The INPUTACE clip captures specifically the forcible takedown (00:22 – 00:57 of the longer surveillance video clip). The video has been cropped and adjusted for clarity (Board

Review 07). The video shows that PO Filchukov forcefully pulled § 87(2)(b) out from under § 87(2)(b) as he sat on his father's shoulders, causing him to tumble to the left and be caught mid-air by PO Cianicullo. Afterwards, PO Cianicullo pulls § 87(2)(b) down to the ground as he holds § 87(2)(b)



Camacho Video Short.mp4

According to medical records, § 87(2)(b) was diagnosed with a 2-3 cm hematoma in his left parietal area, and prescribed ice and painkillers (Board Review 11). § 87(2)(b)'s right ear was swollen and red with dried blood (Board Review 12). According to § 87(2)(b) § 87(2)(b) was developmentally delayed due to a sequelae of bacterial meningitis in childhood. He was diagnosed with pleurodynia, otalgia in his right ear and prescribed painkillers.

In § 87(2)(b)'s Arrest Photo, his right ear is partially visible and photographed from the front, but does not appear to show any discoloration (Board Review 27).

According to § 87(2)(b) he walked out of his building at § 87(2)(b), with his son, § 87(2)(b) who was sitting on his shoulders. As he crossed § 87(2)(b), PO Cianicullo and PO Filchukov approached him in the middle of the street. § 87(2)(b) walked back toward his apartment building and asked the officers (in English) to let him bring § 87(2)(b) back to his apartment or to call his mother to come get § 87(2)(b). The officers ordered him to stand still and § 87(2)(b) asked to put § 87(2)(b) down on the street, off of his shoulders. The officers refused to let him put § 87(2)(b) down. PO Filchukov grabbed § 87(2)(b)'s arm. PO Cianicullo "bear-hugged" § 87(2)(b) by wrapping his arms around his body. § 87(2)(b) fell to the ground and landed on his left side, and § 87(2)(b) fell onto the pavement and hit the left side of his head. The left side of § 87(2)(b)'s head became swollen and a bump formed on the left side of § 87(2)(b)'s head. § 87(2)(b) sat on the pavement within a few feet of § 87(2)(b) and the officers. § 87(2)(b) § 87(2)(b)'s girlfriend, accompanied § 87(2)(b) to § 87(2)(b) for medical treatment for his head. After he was arrest processed at the 33rd Precinct stationhouse, he requested medical attention and was transported to § 87(2)(b).

According to PO Cianicullo's account of the forcible takedown, when he and PO Filchukov observed § 87(2)(b) walking with § 87(2)(b) on his shoulders, they decided to place § 87(2)(b) under arrest for the March 3, 2018 offenses, but the officers did not have any conversation about how specifically they would place him under arrest. As § 87(2)(b) crossed the street, PO Cianicullo and PO Filchukov walked into the street and told § 87(2)(b) to walk back onto the north sidewalk. § 87(2)(b) complied. PO Cianicullo did not recall which officer told § 87(2)(b) that he was being placed under arrest. PO Cianicullo faced § 87(2)(b) who was against a building wall, and told him "Put the child down" multiple times. § 87(2)(b) said, "I just want to go home for a minute" and kept § 87(2)(b) on his shoulders. PO Cianicullo told § 87(2)(b) "You're being placed under arrest at this time." PO Cianicullo's first account of the stop was that his "biggest concern was the child's safety" so PO Cianicullo "grabbed his child to safeguard the child from being injured, because he refused to let the child go, and once the child was safeguarded, we placed him under arrest using minimal force." His second account was that he "grabbed the child,

safeguarded the child, put the child down onto the sidewalk to make sure the child wasn't injured." His third account was that he "grabbed the child" and that § 87(2)(b) "wouldn't let the child go, so child was dangling back and forth" as the child was on § 87(2)(b)'s shoulders. When asked how he removed the child from § 87(2)(b)'s shoulders, PO Ciancullo said that he "grabbed the child" by the arms and "safely pulled him away" as § 87(2)(b) continued to hold onto § 87(2)(b)'s legs and body. After being presented with video of the incident, PO Ciancullo's fourth and final account of how § 87(2)(b) was removed from his father's shoulders during the takedown that PO Filchukov pulled § 87(2)(b) by his arms and PO Ciancullo caught § 87(2)(b) mid-air. PO Ciancullo denied that § 87(2)(b) fell onto the ground or hit the ground.

§ 87(2)(g) According to PO Filchukov's account of the forcible takedown, in the street PO Filchukov told § 87(2)(b) "Sir, you're under arrest, please proceed with me to the sidewalk." Later in his interview, PO Filchukov said that he also told § 87(2)(b) "Stop." § 87(2)(b) was compliant and walked with the officers to the north sidewalk near the ice machine of § 87(2)(b). PO Filchukov chose this location because it was "safe" and "he would not have room to escape." § 87(2)(b) did not say anything, and was "shocked." PO Ciancullo and PO Filchukov did not have any discussion about how to remove § 87(2)(b) from § 87(2)(b)'s shoulders as they "didn't have time, it's all very quick." PO Filchukov stood facing § 87(2)(b) and held one of § 87(2)(b)'s arms as PO Ciancullo held his other arm "like they teach us in the academy." § 87(2)(b) started "jerking hands, doing movement to prevent us from controlling his arms" while § 87(2)(b) was still on his shoulders with his child's legs held under his armpits. PO Filchukov explained in his CCRB interview that, "Because he had a child on his shoulders, we couldn't use mace or any other option." PO Filchukov repeatedly told § 87(2)(b) "Stop resisting, stop resisting, he will be alright, the child will be alright, stop resisting" and "You're just under arrest, just comply with us." PO Filchukov asked § 87(2)(b) multiple times to remove § 87(2)(b) from his shoulders, but § 87(2)(b) refused. Eventually, PO Ciancullo "removed the child safely from his shoulders and put him on the side." More specifically, PO Ciancullo reached out with two arms outstretched, lifted § 87(2)(b) from § 87(2)(b)'s shoulders and put § 87(2)(b) on the ground next to PO Filchukov. § 87(2)(b) jumped up and down and said "don't touch" § 87(2)(b) and "Stop, stop." PO Filchukov denied that § 87(2)(b) struck the ground at any point, adding, "It's on the video, the video's available."

According to the ISAR generated by Captain Natale (Board Review 10), § 87(2)(b) had a visible scratch to his right ear. § 87(2)(b) had a bump on his head and was diagnosed at CPMC with "minor swelling" to the left side of his head.

Force may be used when it is reasonable to place a person into custody, and any application of force must be reasonable under the circumstances. When appropriate, officers will use de-escalation techniques to reduce to eliminate the necessity to use force. Patrol Guide 221-01 (Board Review 13).

Within five seconds of walking onto the sidewalk with § 87(2)(b) who complied with the officer's commands to stop and walk to the sidewalk with a § 87(2)(b)-old boy on his shoulders, PO Filchukov started a forcible takedown by forcefully pulling § 87(2)(b) by his arms out from under § 87(2)(b) knocking the boy off his father's shoulders before he was caught upside-down in mid-air by PO Ciancullo. PO Ciancullo and PO Filchukov had no

conversation beforehand about how to secure § 87(2)(b) before they attempted to arrest his father, and both officers repeatedly changed their statements about the mechanics of the double takedown during questioning. Although the officers denied that § 87(2)(b) ever struck the ground, this is contradicted by the surveillance video showing PO Cianicullo and PO Filchukov shove § 87(2)(b) and § 87(2)(b) to the ground, and further contradicted by medical records documenting the injury to § 87(2)(b)'s head. § 87(2)(g)

Allegation J – Physical Force: On March 7, 2018, outside § 87(2)(b) in Manhattan, Police Officer Vasyl Filchukov used physical force against § 87(2)(b)

Allegation K – Physical Force: On March 7, 2018, outside § 87(2)(b) in Manhattan, Police Officer Christopher Cianicullo used physical force against § 87(2)(b)

The SnagIt clip captures § 87(2)(b) walking with § 87(2)(b) on his shoulders when he is stopped by PO Filchukov and PO Cianicullo and forcibly taken to the ground. At 00:51, PO Cianicullo winds up his left arm and punches § 87(2)(b) twice, although the metal grate obscures where the punches landed. PO Cianicullo calls for additional units, and pushed § 87(2)(b)'s head against the metal grate nine times and delivers two kneestrikes to § 87(2)(b)'s torso before additional units arrive. PO Cianicullo and PO Filchukov lift § 87(2)(b) up and hold him against a metal grate. Additional officers arrive and assist in placing § 87(2)(b) into custody (Board Review 02). The video transcription is located in IA#55 (Board Review 17).

According to medical records, § 87(2)(b)'s right ear was swollen and red with dried blood, and he reported pain to his ribs and knees, and told medical staff he was hit with a radio (Board Review 12). He was diagnosed with pleurodynia, otalgia in his right ear and prescribed painkillers. According to § 87(2)(b) § 87(2)(b) was developmentally delayed due to a sequelae of bacterial meningitis in childhood.

In § 87(2)(b)'s Arrest Photo, his right ear is partially visible and photographed from the front, but does not appear to show any discoloration (Board Review 27).

According to § 87(2)(b) after he and § 87(2)(b) were taken to the ground by the officers, PO Cianicullo and PO Filchukov rolled § 87(2)(b) onto his stomach, handcuffed him, and called for backup on their radios. One of the officers pressed their knee into § 87(2)(b)'s neck while the other pressed their knee into § 87(2)(b)'s lower back. § 87(2)(b) did not allege that his breathing was restricted, and screamed "Help me." § 87(2)(b) could not recall the specific force used on the ground in detail, as it was a blur. § 87(2)(b) cried and screamed next to the officers, and tried to tap the officers on their backs as they handcuffed § 87(2)(b). Approximately six police vehicles responded to the scene as PO Cianicullo and PO Filchukov lifted § 87(2)(b) off the sidewalk. § 87(2)(b) § 87(2)(b)'s girlfriend, accompanied § 87(2)(b) to § 87(2)(b) for medical treatment for his head. After he was arrest processed at the 33rd

Precinct stationhouse, he requested medical attention and was transported to § 87(2)(b)

According to PO Cianicullo's account, after § 87(2)(b) was on the ground, the officers then resumed placing § 87(2)(b) under arrest and into handcuffs using "minimal force" as § 87(2)(b) was pressed against the metal grate. PO Cianicullo lifted § 87(2)(b) on the sidewalk to move him farther away from the struggle. § 87(2)(b) resisted arrest by flailing his arms, refusing to put his hands behind his back, throwing elbows which at one point struck PO Filchukov, injuring PO Filchukov with pain to his ribcage. PO Cianicullo "was not sure" if § 87(2)(b)'s body was on the ground before backup arrived. PO Cianicullo denied that he himself fell to the ground before backup arrived. PO Cianicullo denied striking § 87(2)(b) with a closed fist, but said that he "once or twice had to push and shove to gain compliance, get his hands." More specifically, PO Cianicullo used his "arms and chest region to try to get his arms to be placed behind his back." PO Cianicullo did not recall the position of his body to § 87(2)(b)'s body, but said that most of the time § 87(2)(b) was between PO Cianicullo and a wall. PO Cianicullo denied that he or PO Filchukov struck § 87(2)(b) with a radio. § 87(2)(b) and § 87(2)(b) had no visible injuries, but later § 87(2)(b) requested medical attention and was treated at § 87(2)(b). PO Filchukov went to § 87(2)(b) after this incident to be treated for the pain to his ribcage and was treated with aspirin, but did not go LOD as a result of this incident. As discussed in **Potential Issues**, when presented with video footage of the kneestrikes and headstrikes against the metal grate, PO Cianicullo's legal counsel repeatedly said, "We're not contesting what's in the video, you can see what's going on."

§ 87(2)(g) According to PO Filchukov's account of the force on the ground, § 87(2)(b) did not stiffen his arms but rapidly moved his left and right arms up and down. PO Filchukov denied that § 87(2)(b) was brought to the ground by PO Cianicullo and PO Filchukov, but after being presented video of the incident remembered that § 87(2)(b) was on the ground. On the ground, PO Filchukov held § 87(2)(b)'s left arm and PO Cianicullo held his right arm. PO Filchukov and PO Cianicullo used handstrikes against § 87(2)(b)'s torso to gain his compliance. PO Filchukov used five handstrikes against § 87(2)(b). After the officers forcibly took § 87(2)(b) to the ground, § 87(2)(b) held onto a metal grate adjacent to an ice machine. PO Filchukov denied that he or PO Cianicullo struck § 87(2)(b) with a radio. PO Filchukov denied that any point he or PO Cianicullo pressed against § 87(2)(b)'s neck, or punched his right ear, adding that he "never touched his face." PO Filchukov did not recall if PO Cianicullo struck § 87(2)(b) in the head. PO Filchukov and PO Cianicullo lifted § 87(2)(b) up from the ground and held him against a metal grate as they waited for back up to arrive. When backup arrived, § 87(2)(b) "didn't really fight back." PO Filchukov did not recall if PO Cianicullo struck § 87(2)(b) in the head.

According to the ISAR generated by Captain Natale, as § 87(2)(b) was being lodged into the RMP, he said that an officer struck him with a radio and remembered feeling pain to his face from a strike (Board Review 10). § 87(2)(b) had a visible scratch to his right ear.

§ 87(2)(g)

§ 87(2)(g)

Force may be used when it is reasonable to place a person into custody, and any application of force must be reasonable under the circumstances. Patrol Guide 221-01 (Board Review 13).

§ 87(2)(g)

The surveillance video clearly shows that as the PO Cianicullo and PO Filchukov stand pinning § 87(2)(b) against the metal grate as the officers wait for backup to arrive, PO Cianicullo kneestrikes § 87(2)(b) twice and appears to push his head nine times against a metal grate. § 87(2)(g)

Allegation L – Discourtesy: On March 7, 2018, outside § 87(2)(b) in Manhattan, Police Officer Vasyl Filchukov spoke discourteously to § 87(2)(b)

The video clip provided by § 87(2)(b) captures multiple officers, including PO Filchukov, arresting § 87(2)(b) on the sidewalk. PO Filchukov can be seen screaming, “Shut the fuck up.” (Board Review 14).



PO Filchukov Discourtesy.mov

According to PO Filchukov, he denied that he or PO Cianicullo used profanity with any civilian on March 7, 2017. Cell phone video was played depicting multiple officers placing § 87(2)(b) in custody on the ground, including PO Cianicullo and PO Filchukov. After viewing the video, PO Filchukov confirmed that he was the officer wearing an eight-point hat on who says, “Shut the fuck up.” PO Filchukov did not explain why he said, “Shut the fuck up.”

PO Cianicullo also confirmed that PO Filchukov was the officer wearing an eight-point hat in the presented video.

Patrol Guide 203-09 requires officers to be courteous and respectful when interacting with the public (Board Review 15).

§ 87(2)(g)

§ 87(2)(g)

Allegation M – Other Misconduct Noted: There is evidence suggesting Police Officer Christopher Cianicullo provided a false official statement in violation of PG 203-08, which the CCRB referred to IAB on April 22, 2019, under CCRB case number 201903387.

The CCRB found evidence suggesting that PO Cianicullo provided a false official statement regarding this incident. On April 22, 2019, a spin-off case was referred to IAB in regards, under CCRB case number 201903387. The evidence is as follows:

Surveillance video of the incident obtained from § 87(2)(b) § 87(2)(b) in Manhattan depicts PO Filchukov and PO Cianicullo forcibly taking § 87(2)(b) and § 87(2)(b) to the sidewalk ground (Board Review 07). The video shows that PO Filchukov forcefully pulled § 87(2)(b) out from under § 87(2)(b) as he sat on his father's shoulders, causing § 87(2)(b) to tumble to the left and be caught mid-air by PO Cianicullo. Afterwards, PO Cianicullo pulls § 87(2)(b) down to the ground as he holds § 87(2)(b). All four to fall to ground and strike the sidewalk.

PO Cianicullo said that he “grabbed § 87(2)(b) to safeguard the child from being injured” (Board Review 04). When asked how § 87(2)(b) was removed from § 87(2)(b)'s shoulders, PO Cianicullo said that he “put the child down on the ground to make sure the child wasn't injured” and that he “grabbed the child” by the arms and “safely pulled him away” from § 87(2)(b)'s shoulders as § 87(2)(b) continued to hold § 87(2)(b)'s legs. PO Cianicullo denied that § 87(2)(b) fell onto the ground or hit the ground during this incident.

According to medical records, § 87(2)(b) was diagnosed with a 2-3 cm hematoma in his left parietal area, and prescribed ice and painkillers (Board Review 11).

Patrol Guide Procedure 203-08 states that an officer is prohibited from making a false official statement and that an officer found to have made such a statement will be subject to disciplinary action (Board Review 19).

The surveillance video shows PO Filchukov and PO Cianicullo forcibly taking § 87(2)(b) to the ground as he holds § 87(2)(b) and medical records document § 87(2)(b)'s head injury. § 87(2)(g)

Allegation N – Other Misconduct Noted: There is evidence suggesting Police Officer Vasyil Filchukov provided a false official statement in violation of PG 203-08, which the CCRB referred to IAB on April 19, 2019, under CCRB case number 201903387.

The CCRB found evidence suggesting that PO Filchukov provided a false official statement regarding this incident. On April 19, 2019, a spin-off case was referred to IAB in regards, under CCRB case number 201903387. The evidence is as follows:

Surveillance video of the incident obtained from § 87(2)(b) § 87(2)(b) in Manhattan depicts PO Filchukov and PO Cianicullo forcibly taking § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) to the sidewalk ground (Board Review 07). The video shows that PO Filchukov forcefully pulled § 87(2)(b) out from under § 87(2)(b) as he sat on his father's shoulders, causing § 87(2)(b) to tumble to the left and be caught mid-air by PO Cianicullo. Afterwards, PO Cianicullo pulls § 87(2)(b) down to the ground as he holds § 87(2)(b). All four to fall to ground and strike the sidewalk.

PO Filchukov denied that § 87(2)(b) was brought to the ground by PO Cianicullo and PO Filchukov (Board Review 05). PO Filchukov denied that § 87(2)(b) struck the ground during the incident. PO Cianicullo "removed the child safely from his shoulders and put him on the side." More specifically, PO Filchukov testified that PO Cianicullo reached out with two arms outstretched, lifted § 87(2)(b) from § 87(2)(b)'s shoulders and put § 87(2)(b) on the ground next to PO Filchukov.

According to medical records, § 87(2)(b) was diagnosed with a 2-3 cm hematoma in his left parietal area, and prescribed ice and painkillers (Board Review 11).

Patrol Guide Procedure 203-08 states that an officer is prohibited from making a false official statement and that an officer found to have made such a statement will be subject to disciplinary action (Board Review 19).

§ 87(2)(g)
[REDACTED]

Potential Issues

§ 87(2)(g)
[REDACTED] PBA Attorney Richard Murray repeatedly objected to PO Cianicullo answering questions about the video footage ("We're not contesting what's on the video, you see what's going on.") and called Inv. Finch and Inv. Abedrabbo "fucking assholes."

The investigation was unable to obtain a statement from § 87(2)(b) after exhausting contact attempts.

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been a party.
- PO Cianicullo has been a member-of-service for 12 years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated.
 - #200716304 involved an allegation of physical force, which was exonerated.
- PO Filchukov has been a member-of-service for 5 years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation.
- As of January 10, 2019, there has been no Notice of Claim filed regarding this incident with the NYC Comptroller’s office (Board Review 23).

- § 87(2)(b) [Redacted]

Squad No.: _____

Investigator: _____

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| Signature | Print Title & Name | Date |
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Squad Leader: _____

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Reviewer: _____

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