

Complaint Report (CCRB)

CCRB Case No : 201806632 **C/V Report Date :** Mon, 08/13/2018 03:31 PM
Complaint Type : CCRB **Investigator :** Enoch Sowah
Complaint Made At : CCRB **Ref. No**
Received Date (CCRB) : Mon, 08/13/2018 03:31 PM **Mode :** In-person
Incident Date(s) : Fri, 08/10/2018 7:15 PM
Place of Occurrence: [REDACTED] **Precinct:** 44
Location : Street/highway **Boro:** Bronx
Reason for Initial Contact : PD suspected C/V of violation/crime - street
Charges: Summons - disorderly conduct

Complainant/Victim Details

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

Officer(s) Named in Complaint

Rank	Officer	S/W Officer	Tax No	Race	Cmd	Allegations/Board Dispositions
POM	Edward McClain	Subject Officer	[REDACTED]	White	163	Physical force - (punched/kicked/kneed) - (F) Unsubstantiated
POM	Edward McClain	Subject Officer	[REDACTED]	White	163	Threat of summons - (A) Unsubstantiated
POM	Edward McClain	Subject Officer	[REDACTED]	White	163	Word - (D) Unsubstantiated
POM	Edward McClain	Subject Officer	[REDACTED]	White	163	Word - (D) Unsubstantiated
POM	Edward McClain	Subject Officer	[REDACTED]	White	163	Word - (D) Unsubstantiated
LT	Paul Gaglio	Subject Officer	[REDACTED]	White	163	Chokehold - (F) Unsubstantiated
POM	Marcello Solano	Subject Officer	[REDACTED]	White	163	Word - (D) Unsubstantiated
POM	Robert Miceli	Witness Officer	[REDACTED]	White	163	
POM	Lanser Montilla	Witness Officer	[REDACTED]	Hispanic	163	
POM	Harry Pell	Witness Officer	[REDACTED]	White	163	

Initial Complaint Narrative

On August 13, 2018, [redacted] filed this walk-in complaint with the CCRB: On August 10, 2018, at approximately 7:15 p.m., [redacted] was standing at the corner of 161st Street and River Avenue in the Bronx, waiting for his son so they could go watch a New York Yankees game. PO Edward McClain and approximately four plainclothes officers approached. PO McClain pointed at [redacted] and said to other officers, "Hey, that's my friend the asshole." [redacted] told PO McClain that he did not want to be bothered and asked to be left alone. PO McClain said to [redacted] "Don't fucking tell me what to do. I do want I fucking want on this street." PO McClain threatened to issue [redacted] a summons if he did not leave the location. The officers then walked away. Approximately five minutes later, PO McClain and the four unidentified officers returned. PO McClain ordered [redacted] to produce his identification. [redacted] complied. PO McClain began to issue [redacted] a summons. [redacted] took out his cell phone and began to record the officers. PO McClain instructed the other officers to arrest [redacted]. PO2 and PO3 grabbed [redacted]'s arms, while PO4 took [redacted]'s phone and stopped the recording. PO5 placed his hands around [redacted]'s neck, but immediately removed his hands when [redacted] yelled, "Why are you trying to choke me?" [redacted] was handcuffed and transported to the stationhouse attached to Yankee Stadium, where he was lodged in a holding cell. PO McClain ordered [redacted] to remove his shoes. [redacted] refused because he did not want to walk barefoot and informed PO McClain that he had surgery on his foot. PO McClain called [redacted] an "asshole" and kicked [redacted]'s right ankle approximately three times. PO McClain left the cell, but returned approximately two hours later and together with PO2, transported [redacted] to Manhattan Central Booking for allegedly having open warrants. En route to Central Booking, PO McClain and PO2 repeatedly called [redacted] an "asshole" and used other profanities against [redacted] which he did not recall. [redacted] said his warrants were dismissed and he was released from Central Booking. He was issued two disorderly conduct summonses by PO McClain.

Witness

Name of Witness:

[redacted]

Address:

[redacted]

Contacts:

[redacted]
[redacted]
[redacted]

Gender :

[redacted]

Ethnicity:

[redacted]

Date of Birth :

[redacted]

Name of Witness:

[redacted]

Address:

[redacted]

Contacts:

[redacted]
[redacted]
[redacted]

Gender :

[redacted]

Ethnicity:

[redacted]

Date of Birth :

[redacted]