

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #10	CCRB Case #: 201807652	<input type="checkbox"/> Force	<input 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) Friday, 08/31/2018 8:00 PM	Location of Incident: [REDACTED]	Precinct: 44	18 Mo. SOL 2/29/2020	EO SOL 2/29/2020	
Date/Time CV Reported Sat, 09/08/2018 9:59 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 09/17/2018 11:09 AM		

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

Subject Officer(s)	Shield	TaxID	Command
1. POM Phillip Reyes	18580	923029	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Phillip Reyes	Abuse of Authority: Police Officer Phillip Reyes refused to provide his name to [REDACTED]	A . § 87(2)(g) [REDACTED]
B . POM Phillip Reyes	Abuse of Authority: Police Officer Phillip Reyes refused to provide his shield number to [REDACTED]	B . § 87(2)(g) [REDACTED]
C . POM Phillip Reyes	Other: There is evidence suggesting Police Officer Phillip Reyes provided a false official statement in violation of PG 203-08.	C . § 87(2)(g) [REDACTED]

Case Summary

On September 8, 2018, § 87(2)(b) filed this complaint with IAB by phone. It was received by the CCRB on September 17, 2018, under IAB original log number 2018-35778.

On August 31, 2018, at approximately 8 p.m., § 87(2)(b) went to § 87(2)(b) to file a criminal complaint about an incident involving her roommate. § 87(2)(b) went into the complaint room and explained her situation to PO Philip Reyes, of the 44th Precinct. PO Reyes wrote down § 87(2)(b)'s complaint and gave her an incident slip (**BR 01**) with his name written as "PO Spring" (**Allegation A: Abuse of Authority – Refusal to Provide Name, § 87(2)(g)**) and his shield number written as "3100" (**Allegation B: Abuse of Authority – Refusal to Provide Shield Number, § 87(2)(g)**).

The CCRB found evidence suggesting that PO Reyes provided a false official statement when he prepared the incident slip (**BR 01**), with the name "PO Spring" and the shield number "3100" (**Allegation C: Other Misconduct – False Official Statement**). This was referred to IAB under CCRB case number 201901337 on February 14, 2019.

The incident resulted in no summonses or arrests. Stationhouse video did not capture the incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Phillip Reyes refused to provide his name to § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Phillip Reyes refused to provide his shield number to § 87(2)(b)

§ 87(2)(g)
§ 87(2)(b) (**BR 02**) stated that on August 31, 2018, at approximately 6 p.m., she went to § 87(2)(b) to file a criminal complaint for harassment against her roommate. § 87(2)(b) spoke with a uniformed Hispanic male officer who was over 5'7" tall with dark wavy hair and explained her situation. This officer told § 87(2)(b) that her complaint did not rise to harassment, but § 87(2)(b) insisted on filing a complaint. This officer led § 87(2)(b) to a small room to the right of the main lobby and told her that an officer would speak with her about her complaint.

At approximately 8 p.m., PO Reyes, who § 87(2)(b) described as a white or Hispanic male, 5'10" tall, with gray hair, a receding hairline, a husky build, wearing a blue button-down shirt and slate gray pants § 87(2)(b) stated that this officer was dressed differently than the other uniformed officers in the stationhouse), approached § 87(2)(b) in this room. § 87(2)(b) explained her living situation and the nature of her complaint. PO Reyes wrote § 87(2)(b)'s complaint down on what appeared to be an official piece of paper with typewritten letters on it. PO Reyes then gave § 87(2)(b) an incident slip (**BR 01**) that included his name and shield number. The name PO Reyes wrote was "PO Spring" and the shield number was "3100." PO Reyes told § 87(2)(b) to call the stationhouse in a few business days to obtain the complaint report number.

A few days later, § 87(2)(b) called § 87(2)(b) and she was informed that no complaint had been filed and that there were no officers named "PO Spring" who worked at that precinct.

Spring 3100 (**BR 07 and BR 08**) is an NYPD alumni magazine issued to every police officer from the time they begin training at the police academy. The CCRB has a history of cases in which officers have provided “Spring” and “3100” as their name and shield number in lieu of providing accurate information. There are currently two officers with the last name “Spring” in the NYPD, neither of whom have the shield number “3100” or work in or around the 44th Precinct. Additionally, there are two different officers with the shield number “3100,” neither of whom work in or around the 44th Precinct.

PO Reyes (**BR 03**) stated that on August 31, 2018, he was assigned as the telephone switchboard operator. As such, his primary responsibility was to answer the phones. A secondary responsibility was to take complaints from people who came into the stationhouse. PO Reyes had no recollection of what he had done or who he interacted with during his tour that day, nor could he recall ever having interacted with § 87(2)(b) on any occasion.

PO Reyes was shown a copy of the Roll Call (**BR 04**), which indicated that he was assigned to the 124 Room, which is the room in which complaints are taken. PO Reyes stated that he could have made a mistake when he noted his assignment in his memo book. PO Reyes confirmed that the only people who would have taken complaints would have been officers or civilian members of service assigned to the desk area or specifically to the 124 Room. PO Reyes also confirmed that no male PAAs are assigned to Friday evening tours.

PO Reyes identified himself in a screen-shot (**BR 05**) taken from stationhouse footage from the evening of the incident. PO Reyes noted that he was in uniform but, because he was working an administrative assignment, he was wearing light colored blue jeans, and a short-sleeved, button-down, dark blue, NYPD shirt. PO Reyes confirmed that while this is technically a uniform, it is not the typical dark blue uniform that the other officers in the stationhouse were wearing.

PO Reyes denied ever providing anyone with the name “PO Spring” or the shield number “3100.” PO Reyes reviewed a photograph of the incident slip (**BR 01**) given to § 87(2)(b) along with his memo book (**BR 06**) for a reference for his handwriting, and he denied that he completed the incident slip. PO Reyes was asked if he could identify anyone else in his command with similar handwriting, but he was not able to do so. PO Reyes stated that he was familiar with the magazine, *Spring 3100*.

The Roll Call (**BR 04**) listed Sgt. Armando Colon as the desk sergeant, PO Adam Landau as the assistant desk officer, and PO William Granacher as the telephone switchboard officer. PO Reyes’ assignment was the 124 room. No other officers were listed as having stationhouse assignments during the tour. Sgt. Colon, as shown in the MOS photo terminal, was a Hispanic male with straight black hair, brown eyes, a beard and moustache, 5’7” tall, a thin build and was 36 years old. PO Landau, as shown in the MOS photo terminal, was a white male, 5’10” tall, with wavy brown hair, brown eyes, 200 pounds, with an average build, and was 40 years old. PO Granacher, as shown in the MOS photo terminal, was a white male with brown eyes, straight brown hair, 5’9” tall, 170 pounds, with an average build, and was 36 years old. PO Reyes, as shown in his MOS photograph, was a Hispanic male with black hair (in person and on his picture the hair on his head appears to be gray, and his eyebrows appear to be black), a receding hairline, hazel eyes, 6’1” tall, 250 pounds, with a heavy build, and was 47 years old.

The Civilian Sign-In Sheet (**BR 09**) confirmed that no male PAAs were working on the night of August 31, 2018.

A comparison of PO Reyes' memo book (BR 06) and the incident slip (BR 01) that was given to § 87(2)(b) appears to show multiple handwriting similarities. Specifically, the date (BR 10), and the letters, "ment" (BR 11), "R" (BR 12), and "G" (BR 13).

It is undisputed that PO Reyes had a stationhouse assignment during the time that § 87(2)(b) was at the stationhouse to file a complaint and that taking complaints was, at a minimum, a part of his assigned responsibilities. Although PO Reyes noted in his memo book that his assignment was the telephone switchboard operator, the Roll Call listed his assignment as the 124 room, which was the room where complaints are filed, and PO Reyes stated that he may have incorrectly written his assignment in his memo book. PO Reyes closely matched § 87(2)(b)'s physical description of the officer who provided her with the name "PO Spring" and the shield number "3100", and the other officers with stationhouse assignments, Sgt. Colon, PO Landau, and PO Granacher, did not. § 87(2)(g)

§ 87(2)(g)

Patrol Guide Procedure 203-09 (BR 14) states that officers must clearly say or otherwise provide their name, shield number, rank, and command when members of the public request them.

§ 87(2)(g)

Allegation (C) Other Misconduct: There is evidence suggesting Police Officer Phillip Reyes provided a false official statement in violation of PG 203-08.

There is evidence that PO Reyes provided a false official statement. On February 14, 2018, an IAB Spin-off (#201901337) was generated. The evidence is as follows.

§ 87(2)(g)

During his sworn statement to the CCRB (BR 03), PO Reyes had the following exchange with Inv. Roche of the CCRB: Inv. Roche stated, "I have a slip that was given to § 87(2)(b) I have your memo book. You can take a look at your handwriting (PO Reyes' memo book was placed next to the incident slip provided to § 87(2)(b) Did you write this (referencing the incident slip)?" PO Reyes responded, "No." Inv. Roche asked, "No?" and PO Reyes replied, "No." Inv. Roche asked, "Does that handwriting look like anybody else's in your precinct?" PO Reyes replied, "I'm not a handwriting expert." Inv. Roche stated, "I know, but does it look like someone else's who writes like that in your precinct?" PO Reyes responded, "No." Inv. Roche asked, "Did you ever provide anybody with information that your name and shield number was Spring 3100 during your tour?" PO Reyes replied, "No. I always provide it. If anyone asks my shield, my name and shield number, I always provide them with it."

Patrol Guide Procedure 203-08 states that all officers are strictly prohibited from intentionally making a false official statement, and are subject to disciplinary action, up to and including dismissal, for doing so (BR 18).

Patrol Guide Procedure 211-14 states that all questions posed by the Civilian

Complaint Review Board shall be answered fully and truthfully (**BR 19**).

§ 87(2)(g)
[Redacted]

Civilian and Officer CCRB Histories

- § 87(2)(b)
[Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- PO Reyes has been a member of service for 20 years and has been a subject in eight CCRB complaints with a total of 16 allegations, which were not substantiated. PO Reyes’s CCRB history does not reflect any apparent pattern pertinent to this investigation.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of February 12, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (**BR 16**).
- § 87(2)(b)
[Redacted]

Squad No.: 10

Investigator: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Squad Leader: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Reviewer:

Signature

Print Title & Name

Date