

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Corwin	Team: Squad #10	CCRB Case #: 201900634	<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) Thursday, 01/17/2019 1:26 PM	Location of Incident: [REDACTED]	Precinct: 60	18 Mo. SOL 7/17/2020	EO SOL 3/3/2021	
Date/Time CV Reported Mon, 01/21/2019 6:24 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 01/21/2019 6:24 AM		

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

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

Subject Officer(s)	Shield	TaxID	Command
1. POF Alena Aminova	12222	[REDACTED]	060 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jose Cea	02173	[REDACTED]	060 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POF Alena Aminova	Discourtesy: Police Officer Alena Aminova spoke discourteously to [REDACTED]	A . § 87(2)(g) [REDACTED]
B . POF Alena Aminova	Abuse of Authority: Police Officer Alena Aminova threatened to arrest [REDACTED]	B . § 87(2)(g) [REDACTED]
C . POF Alena Aminova	Abuse of Authority: Police Officer Alena Aminova threatened to arrest [REDACTED]	C . § 87(2)(g) [REDACTED]
D . POF Alena Aminova	Abuse of Authority: Police Officer Alena Aminova threatened [REDACTED] with legal action.	D . § 87(2)(g) [REDACTED]
E . POF Alena Aminova	Abuse of Authority: Police Officer Alena Aminova refused to provide her name to [REDACTED]	E . § 87(2)(g) [REDACTED]
F . POF Alena Aminova	Other: There is evidence suggesting Police Officer Alena Aminova provided a false official statement in violation of PG 203-08.	F . § 87(2)(g) [REDACTED]

Case Summary

On January 21, 2019, § 87(2)(b) filed the following complaint with the CCRB.

At approximately 1:26 p.m. on January 17, 2019, § 87(2)(b) his girlfriend § 87(2)(b) and § 87(2)(b) s mother, § 87(2)(b) were at their residence at § 87(2)(b) when Police Officer Alena Aminova and Police Officer Jose Cea, of the 60th Precinct, knocked on their door to perform a wellness check on Ana. § 87(2)(b) and § 87(2)(b) opened the door and let the officers inside. PO Aminova and PO Cea spoke with § 87(2)(b) in her bedroom and then PO Aminova spoke with § 87(2)(b) in the living room about his status as a tenant. During this conversation, PO Aminova allegedly told § 87(2)(b) that she “did not give a damn about his health condition” (**Allegation A: Discourtesy: Word: § 87(2)(g)**).

They continued to speak and PO Aminova allegedly told § 87(2)(b) that he was not a legal tenant and that if he did not move out of the apartment by the following day, he and § 87(2)(b) would be arrested (**Allegation B and Allegation C: Abuse of Authority: Threat of Arrest: § 87(2)(g)**). § 87(2)(b) asked what he could go to jail for and PO1 said he could go to jail for stealing money from § 87(2)(b). PO Aminova then allegedly told § 87(2)(b) she would “get a restraining order on him” (**Allegation D: Abuse of Authority: Other: § 87(2)(g)**). § 87(2)(b) asked her what she had against him and PO Aminova allegedly said, “You’re a piece of shit. You’re full of shit and you’re a scumbag” (also **Allegation A**). § 87(2)(b) asked PO Aminova for her name and she allegedly covered her nameplate with her hand (**Allegation E: Abuse of Authority: Refusal to Provide Name: § 87(2)(g)**). The officers then left. No one was summonsed or arrested.

Additionally, there was evidence to suggest that PO Aminova falsified memo book entries (**Allegation F: Other Misconduct: False Official Statement**). On August 23, 2019, the CCRB referred PO Aminova’s false-official-statement allegation to IAB under CCRB case #201907485

The investigation did not obtain any video footage of the incident. As PO Aminova and PO Cea were performing a home visit and not investigating a crime, they were not required to activate their body worn cameras per the NYPD patrol guide.

Findings and Recommendations

Allegation A: Discourtesy: Police Officer Alena Aminova spoke discourteously to § 87(2)(b).

Allegation E: Abuse of Authority: Police Officer Alena Aminova refused to provide her name to § 87(2)(b)

§ 87(2)(b) provided a phone statement on January 30, 2019 (**Board Review 01**), an in-person statement on February 05, 2019 (**Board Review 02**), and another phone statement on February 19, 2019 (**Board Review 03**). § 87(2)(b) provided an in-person statement at the CCRB on February 05, 2019 (**Board Review 04**). PO Aminova provided a statement at the CCRB on August 33, 2019 (**Board Review 05**) and PO Cea provided a statement on August 28, 2019 (**Board Review 06**).

In his in-person statement, § 87(2)(b) said while speaking in the living room with PO Aminova, she told him that she “did not give a damn about his health condition,” and said, “You’re a piece of shit. You’re full of shit and you’re a scumbag.” In both of his phone statements, but not his CCRB interview, he said that before the officers left, he asked PO Aminova for her name because he was going to speak with her supervisor. PO Aminova told him she did not need to provide her name to

him and she covered her nameplate with her hand.

§ 87(2)(b) stated that while § 87(2)(b) and PO Aminova were speaking in the living room, she was inside her bedroom, but could hear parts of the conversation. She heard PO Aminova call § 87(2)(b) “good for nothing,” however, she did not allege that PO Aminova used any profanity toward § 87(2)(b) or refused to provide her name to him.

§ 87(2)(b)'s mother, Ana, was reached by phone, however she did not want to participate in the investigation.

PO Aminova acknowledged speaking to § 87(2)(b) in the living room, but denied saying “I don’t give a damn about your condition,” or telling § 87(2)(b) that he was “good for nothing.” She also denied calling § 87(2)(b) a “piece of shit,” “full of shit,” or a “scumbag,” and denied using any profanity throughout the incident. When § 87(2)(b) asked what her name was she wrote down her shield number and name on a piece of paper and gave it to him prior to leaving the apartment. She denied refusing to provide her name or covering her nameplate with her hand.

PO Cea said that he was in a separate room from PO Aminova, § 87(2)(b) and § 87(2)(b) for a large portion of the incident, but he did not hear PO Aminova say, “I don’t give a damn about your condition” to § 87(2)(b). He did not recall hearing PO Aminova tell § 87(2)(b) “You’re a piece of shit, you’re full of shit, and you’re a scumbag” or call him “good for nothing.” He did not hear anyone use profanity during the incident. He also did not hear anyone ask PO Aminova for her name.

§ 87(2)(g)
[REDACTED]

Allegation B: Abuse of Authority: Police Officer Alena Aminova threatened to arrest § 87(2)(b).

Allegation C: Abuse of Authority: Police Officer Alena Aminova threatened to arrest

§ 87(2)(b)

Allegation D: Abuse of Authority: Police Officer Alena Aminova threatened § 87(2)(b) with legal action.

§ 87(2)(b) said that while speaking to PO Aminova in the living room, she told him that § 87(2)(b) told her that § 87(2)(b) and § 87(2)(b) had been stealing money. After § 87(2)(b) denied this, PO Aminova put her hand up with her thumb and forefinger about an inch apart from each other and said “You’re this far away from going to jail. You need to be out of here by tomorrow. I’m coming here at 11:00 a.m. and if you’re here, I’m taking you and your girlfriend to jail.” § 87(2)(b) asked her what he could go to jail for and PO Aminova said he could go to jail for stealing money from § 87(2)(b). She also told him that if he was not out of the apartment by 11:00 a.m. the following day, she would obtain an order of protection against him.

§ 87(2)(b) said that from her bedroom, she heard PO Aminova tell § 87(2)(b) that he needed to move out of the apartment by the following day or he would be arrested. § 87(2)(b) did not allege PO Aminova threatened to arrest her or issue an order of protection. As noted above, she was in a separate room from § 87(2)(b) and PO Aminova for much of the incident and could not hear the entire conversation clearly.

PO Aminova said that PO Cea spoke to § 87(2)(b) in Spanish and then told PO Aminova that § 87(2)(b) reported that § 87(2)(b) threatened her with a hammer. When PO Aminova asked § 87(2)(b) through PO Cea, if she wanted them to arrest § 87(2)(b) for menacing, § 87(2)(b) told the officers that § 87(2)(b) was only hanging up a curtain and she repeatedly said that she did not want § 87(2)(b) arrested. PO Aminova could not arrest § 87(2)(b) because § 87(2)(b) did not want to cooperate with filing a criminal report. Although § 87(2)(b) and § 87(2)(b) were living together, the situation would not be considered a domestic violence situation because they were not connected through marriage. As a result, § 87(2)(b) would be considered a stranger, so it was not a situation where she was required to arrest § 87(2)(b) then told PO Aminova through PO Cea that she had no money for laundry because § 87(2)(b) and § 87(2)(b) took her money. PO Aminova explained that because § 87(2)(b) did not want to bring charges against § 87(2)(b) or § 87(2)(b) there was not much she could do.

When asked by the investigation if she had probable cause that a crime had been committed, PO Aminova said that she needed the cooperation of § 87(2)(b) to prove that § 87(2)(b) and § 87(2)(b) intended to steal from her.

As PO Aminova did not have § 87(2)(b)'s cooperation to file criminal charges against § 87(2)(b) she told him that he “can’t commit these crimes.” § 87(2)(b) asked PO Aminova why she was saying he was committing crimes and asked what proof she had. PO Aminova replied, “You might get caught. One of these times, they’re gonna slip, and we’re gonna have to arrest you. We might get the proof that we need. We might get one of them to cooperate.” § 87(2)(b) again denied doing anything wrong. PO Aminova explained to the investigation that she told § 87(2)(b) if he committed a crime, he would be arrested. She elaborated that the initial accusation made by § 87(2)(b) was a crime and an arrestable offense before § 87(2)(b) changed her mind. PO Aminova also told § 87(2)(b) that if he was arrested in the home, there would be an order of protection that would prevent him from being allowed to reenter the home. PO Aminova denied telling § 87(2)(b) or § 87(2)(b) that they would be arrested if they did not move out of the apartment by the following day.

PO Cea’s statement was generally consistent with PO Aminova except he did not recall hearing PO Aminova make any threats of arrest against § 87(2)(b) or § 87(2)(b) or tell § 87(2)(b) she would obtain an order of protection for § 87(2)(b) against him. He also did not remember observing or being informed of any behavior that § 87(2)(b) or § 87(2)(b) could be arrested for.

According to PO Aminova, she merely told § 87(2)(b) that if he committed a crime and § 87(2)(b) or § 87(2)(b) reported it, he would be arrested and explained that if he were arrested in the home, that could lead to the court issuing an order of protection against him. She denied ever threatening to arrest § 87(2)(b). According to § 87(2)(b) on the other hand, PO Aminova told him he could be arrested for stealing and that if he did not move out of the apartment, she would arrest him and obtain an order of protection against him and also threatened to arrest § 87(2)(b) § 87(2)(g)

§ 87(2)(b)
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§ 87(2)(b)

Allegation F: Other Misconduct: There is evidence suggesting Police Officer Alena Aminova provided a false official statement in violation of PG 203-08.

On January 31, 2019, the investigation requested a copy of PO Aminova’s memo book entries for January 17, 2019 from IAB. This request was fulfilled by IAB and the CCRB received the copy on March 07, 2019 (**Board Review 07**). In this copy of her memo book, PO Aminova made entries recording multiple home visits, including this incident.

On August 22, 2019, PO Aminova appeared at the CCRB to be interviewed. As is standard procedure, she brought her memo book with her and provided an additional copy of the entries made for the incident date before her interview (**Board Review 08**). The entries made for the incident date in this copy were on a different part of the page of her memo book and contained far less information than the entries provided in the IAB request. These entries place PO Aminova at the 60th Precinct stationhouse during the incident and only show that she was assigned to administrative duties. She did not make entries for any home visits, including this incident.

In her interview at the CCRB, the investigation asked PO Aminova to explain why the memo book copy the CCRB initially obtained was different than the one she brought with her to the interview. PO Aminova was unable to explain why the two copies were different.

NYPD Patrol Guide Procedure 203-08 (Board Review 09) states that intentionally making a false official statement is prohibited and will be subject to disciplinary action, up to and including dismissal from the department. An example of a situation where a false official statement may arise includes, but is not limited to, lying in an official department document or report.

§ 87(2)(g) [REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- § 87(2)(b) [REDACTED] has been party to two other CCRB complaints and four allegations (**Board Review 11**).
 - 201901663 involved allegations of threat of arrest and discourtesy. To date, this case is still open.
 - 201901669 involved allegations of discourtesy, refusal to process civilian complaint, and threat of force. To date, this case is still open.
- PO Aminova has been a member-of-service for eleven years and has been a subject in eight CCRB complaints and 21 allegations, of which four were substantiated.
 - 201509727 involved substantiated allegations of Abuse-other, search, stop, and threat of arrest. The board recommended formalized training and the NYPD imposed formalized training.

- PO Aminova’s CCRB history does not reflect any patterns pertinent to the investigation.

Mediation, Civil and Criminal Histories

- § 87(2)(b) and § 87(2)(b) declined to mediate this complaint.
- A request for any Notice of Claim regarding this incident has been submitted to the New York City Comptroller’s Office, and the results will be added to the case file upon receipt.
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**Board Review 13**).

Squad No.: 10

Investigator:	Signature	Print Title & Name	Date
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Squad Leader:	Signature	Print Title & Name	Date
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Reviewer:	Signature	Print Title & Name	Date
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