

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Hanley	Team: Squad #10	CCRB Case #: 201608484	<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) Wednesday, 10/05/2016 9:42 PM	Location of Incident: Beach 65th Street and Rockaway Beach Boulevard	Precinct: 100	18 Mo. SOL 4/5/2018	EO SOL 4/5/2018	
Date/Time CV Reported Thu, 10/06/2016 3:53 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 10/06/2016 3:53 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Bilal Ates	03374	934429	100 PCT
2. POM Timothy Terrillion	16714	952286	100 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Hilton Jeanpierre	22282	941954	100 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Bilal Ates	Abuse: Sergeant Bilal Ates stopped the vehicle in which § 87(2)(b) was an occupant.	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

Case Summary

On October 6, 2016, § 87(2)(b) filed this complaint via telephone with the CCRB

On October 5, 2016, at approximately 9:45 PM, § 87(2)(b) was driving his grandmother, § 87(2)(b) to her residence on 320 Beach 100th Street in Rockaway Park, Queens with his girlfriend, § 87(2)(b). At the intersection of Beach 65th Street and Rockaway Beach Boulevard, Anti-Crime Sgt. Bilal Ates, accompanied by PO Timothy Terrillion, and PO Hilton Jean-Pierre of the 100th Precinct, stopped § 87(2)(b)'s vehicle (**Allegation A**). PO Terrillion requested § 87(2)(b)'s license and registration and informed him that he had been stopped for speeding. Sgt. Ates let § 87(2)(b) go with a warning after running a warrant check. § 87(2)(b) was not issued a summons.

§ 87(2)(b) provided cell phone video footage he recorded of the interaction. This footage captured the last several minutes of the incident (Board Review 03).



201608484_20161213_1704_DM.mp4

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation because he did not want to speak to the officers.
- No notice of claim has been filed by § 87(2)(b) regarding this incident according to the NYC Comptroller's Office as of December 19, 2016.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) has filed five prior CCRB complaints.
 - § 87(2)(b) [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- Sgt. Ates has been a member of service for twelve years and has one concurrent and fourteen prior CCRB cases with a total of forty three allegations. In case #200704116, an allegation of an entry against Sgt. Ates was substantiated. Sgt. Ates was given instructions in this case by the NYPD. Sgt. Ates has one concurrent and two prior allegations of vehicle stops. His prior complaints were exonerated. § 87(2)(g) [REDACTED]

- PO Terrillion has been a member of service for four years. He has two prior CCRB cases with a total of 8 allegations. None of the allegations were substantiated § 87(2)(g)

Potential Issues

- § 87(2)(b) could not recall the incident and therefore did not provide a sworn statement.

Findings and Recommendations

Subject Officer Identification: The vehicle stop is being pleaded against Sgt. Ates. Although PO Terrillion and PO Jean-Pierre both acknowledged to having observed § 87(2)(b) driving above the speed limit, Sgt. Ates was the supervisor and stated it was his decision to stop § 87(2)(b) ' vehicle. § 87(2)(g)

Allegation A –Abuse of Authority: Sergeant Bilal Ates stopped the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that Sgt. Ates stopped § 87(2)(b) s vehicle at Beach 65th Street and Rockaway Beach Boulevard. § 87(2)(g)

§ 87(2)(b) stated that he was driving at the posted speed limit of twenty five miles per hour consistently on Rockaway Freeway when he noticed an unmarked car driving parallel to his vehicle (Board Review, 01). At Beach 59th Street, § 87(2)(b) made a left and noticed the unmarked car behind him in the left lane. The unmarked car turned on its sirens and pulled § 87(2)(b) over. PO Terrillion approached the driver's side and asked § 87(2)(b) for his license and registration. Sgt. Ates and PO Jean-Pierre approached on the passenger side, however PO Jean-Pierre walked back to the unmarked car a few seconds later. § 87(2)(b) provided his paperwork to PO Terrillion and asked why he had been pulled over. PO Terrillion told him he would be informed once the officers ran § 87(2)(b) s information. After a few minutes, PO Terrillion returned and stated that he had observed § 87(2)(b) on Rockaway Freeway driving forty miles an hour. § 87(2)(b) denied this and stated the officers had been driving erratically and speeding themselves. PO Terrillion became angry and insisted this was not true. PO Terrillion walked to the rear of § 87(2)(b) s vehicle and spoke briefly to Sgt. Ates who then approached § 87(2)(b) s driver's side and handed § 87(2)(b) his license and registration and told him to show respect to law enforcement and not speed. The officers did not issue any summons to ### ##.

§ 87(2)(b) § 87(2)(b) s girlfriend, was in the front passenger seat. § 87(2)(b) stated she noticed an unmarked car on Edgmere Avenue, however, she did not pay it any attention. § 87(2)(b) § 87(2)(b) acknowledged that § 87(2)(b) may have been driving thirty miles an hour, however, nothing beyond this (Board Review, 02). After § 87(2)(b) turned onto Rockaway Beach Boulevard, § 87(2)(b) noted the unmarked car was to their left, tailgating another vehicle. The unmarked car activated its lights and § 87(2)(b) remarked, "I knew they were police." PO Terrillion informed § 87(2)(b) he was speeding and asked for his license and registration. § 87(2)(b) § 87(2)(b) provided his information to PO Terrillion and after a few minutes, Sgt Ates returned § 87(2)(b) s paperwork and let him go.

§ 87(2)(b) § 87(2)(b) s elderly grandmother, did not recall the incident.

Sgt. Ates, PO Terrillion, and PO Jean-Pierre were consistent in their statements that they observed § 87(2)(b) driving above the speed limit on Rockaway Freeway, as they drove parallel to § 87(2)(b)'s vehicle (Board Review, 07, 08, 09). After § 87(2)(b) turned onto Edgmere/Rockaway Beach Boulevard, the officers continued to observe § 87(2)(b) speeding for approximately three to five blocks on Rockaway Beach and initiated a vehicle stop at Beach 65th Street. All officers were consistent in stating the reason for the stop was due to § 87(2)(b)'s driving above the speed limit.

Sgt. Ates estimated § 87(2)(b) was driving at between fifty and sixty miles an hour. Sgt. Ates stated it was his decision to stop § 87(2)(b) as he wanted to ascertain whether or not § 87(2)(b) was intoxicated, given his speeding. Sgt. Ates stated that § 87(2)(b) was not summonsed because the officers took into consideration the fact that he was driving his elderly grandmother home and that § 87(2)(b) had no open warrants.

PO Terrillion estimated that § 87(2)(b) was driving at forty to fifty miles an hour. PO Terrillion stated the purpose of the stop was to investigate if § 87(2)(b) was speeding due to some emergency which required police assistance, and to warn him of the danger of speeding at that particular location due to construction in the area, rather than summons him.

PO Jean-Pierre stated § 87(2)(b) was driving at over thirty miles an hour but did not recall the incident in detail as he had returned to the unmarked car and did not interact with § 87(2)(b) or his passengers. PO Jean-Pierre did not know why § 87(2)(b) was not summonsed.

Video footage of the incident shows PO Terrillion explaining to § 87(2)(b) that the officers observed him driving at forty miles an hour and § 87(2)(b) denying this. The footage is consistent with the interaction between officers and civilians as described by both officers and civilians (Board Review 03). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

According to *People V Robinson* 741 N.Y.S.2d 147 (2001), if a police officer has probable cause to detain a person temporarily for a traffic violation, that seizure does not violate the Fourth Amendment even though the underlying reason for the stop might have been to investigate some other matter (Board Review 09).

According to Patrol Guide Procedure 202-25, Anti-Crime officers are permitted to stop a vehicle upon observing the vehicle, reasonable suspicion exists that a violation of the traffic laws has been committed; or upon observing the vehicle, probable cause exists that a violation of the traffic laws has been committed (Board Review 10).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) [Redacted]

§ 87(4-b) § 87(2)(g) [Redacted]

[Redacted]

[Redacted]

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date