

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #14	CCRB Case #: 201707891	☐ Force	☒ Discourt.	☐ U.S.
			☒ Abuse	☐ O.L.	☐ Injury
Incident Date(s) Wednesday, 09/13/2017 4:30 PM	Location of Incident: Queens Boulevard and 67th Avenue	18 Mo. SOL 3/13/2019	Precinct: 112		
Date/Time CV Reported Thu, 09/14/2017 3:13 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 09/22/2017 4:42 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. POM Kevin Arias	24132	932267	112 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Demitrios Raptis	31589	937345	112 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Kevin Arias	Discourtesy: Police Officer Kevin Arias spoke discourteously to § 87(2)(b).	A . Unsubstantiated
B . POM Kevin Arias	Abuse: Police Officer Kevin Arias threatened to seize § 87(2)(b)'s property.	B . Unsubstantiated
C . POM Kevin Arias	Abuse: Police Officer Kevin Arias threatened to arrest § 87(2)(b).	C . Unsubstantiated
D . An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b).	D . Officer(s) Unidentified

Case Summary

On September 14, 2017, § 87(2)(b) called the IAB Command Center and filed this complaint on behalf of himself and his co-workers, § 87(2)(b) and § 87(2)(b) (Board Review 05). The case was received at the CCRB on September 22, 2017.

On September 13, 2017, at approximately 3 p.m., Police Officers Kevin Arias and Demitrios Raptis from the 112th Precinct and NYC Health Department officials were conducting food and safety inspections in the vicinity of 67th Avenue and Queens Boulevard in Queens. When § 87(2)(b) attempted to call § 87(2)(b) PO Arias allegedly said, “Don’t fucking call him” (**Allegation A: Discourtesy: unsubstantiated**), and threatened to arrest § 87(2)(b) (**Allegation B: Abuse of Authority: unsubstantiated**) and seize the food truck (**Allegation C: Abuse of Authority: unsubstantiated**).

Approximately two hours later, as § 87(2)(b) arrived and exited his vehicle, an unidentified officer allegedly yelled over a patrol vehicle loudspeaker, “Move your fucking motor vehicle now” (**Allegation D: Discourtesy: officer(s) unidentified**).

No summonses or arrests resulted from this incident.

There is no video evidence in this case.

Findings and Recommendations

Allegation A - Discourtesy: Police Officer Kevin Arias spoke discourteously to § 87(2)(b)

§ 87(2)(b) (Board Review 01), who works on a food truck owned by § 87(2)(b) and § 87(2)(b) said he was preparing food alone on the food truck, which was parked on the street at the intersection of Queens Boulevard and 67th Avenue in Queens, when PO Arias and PO Raptis, identified via investigation (Board Review 02), approached the truck with approximately five NYC Health Department Inspectors. The officers informed § 87(2)(b) that they had received multiple complaints from the community concerning the truck and that he had to move the truck from the location. § 87(2)(b) said he was unable to drive and offered to call § 87(2)(b) to come and move the truck. PO Arias allegedly replied, “Don’t fucking call that guy. I know him.”

§ 87(2)(b) (Board Review 06) provided a brief phone statement to the CCRB, in which he said that he and § 87(2)(b) were operating the food truck when PO Arias said to them, “What the fuck are you doing here? Get the fuck out of here” and “I don’t want to see your fucking truck... Take your fucking truck and move.” § 87(2)(b) did not wish to provide a sworn statement or pursue a complaint about these additionally alleged discourteous statements § 87(2)(g)

§ 87(2)(b) (Board Review 03) and § 87(2)(b) (Board Review 04) were not present during this aspect of the incident.

PO Arias (Board Review 07) and PO Raptis (Board Review 08) both said they visited multiple locations within the 112th Precinct on the day of this incident with Health Inspectors, who were performing food and safety inspections. PO Arias and PO Raptis were primarily responsible for driving the Health Inspectors and providing security while they performed their inspections. PO Arias and PO Raptis acknowledged being at the incident location, but they both had no recollection of this incident. PO Arias also acknowledged having had prior interactions with § 87(2)(b) but he denied interacting with him or any of his associates that day. PO Arias denied using profanity towards § 87(2)(b) or any other individual, and PO Raptis denied hearing PO Arias do so.

PO Arias and PO Raptis did not know the Health Inspectors names nor did they note their names or identification numbers in their memo books or on any other police documents. A query

for § 87(2)(b) and § 87(2)(b) by names and dates of birth with the NYC Department of Health Mobile Vending Unit, which is responsible for food and safety inspections and licensing of food trucks, yielded negative results (Board Review 14). § 87(2)(b) and § 87(2)(b) have been uncooperative with providing the food truck's permit number, which would assist in identifying the Health Inspectors (Board Review 15, Board Review 16, Board Review 17, Board Review 18). To date, the Health Inspectors remains unidentified and as such, no witness could be obtained from them.

§ 87(2)(g)

It is therefore recommended that **Allegation A** be closed as **unsubstantiated**.

Allegation B – Abuse of Authority: Police Officer Kevin Arias threatened to arrest § 87(2)(b)

Allegation C – Abuse of Authority: Police Officer Kevin Arias threatened to seize § 87(2)(b)
s property.

During his initial CCRB interview, § 87(2)(b) said the Health Inspectors checked the food truck and cleared it of any violations, though in his previous phone statement (Board Review 09) § 87(2)(b) said that the Health Inspectors issued him a food safety regulation summons for not having clean chopping boards. § 87(2)(b) did not know the summons number and said § 87(2)(b) had the copy of the summons). During his CCRB interview, § 87(2)(b) said PO Arias and the Health Inspectors returned to their vehicle and before leaving, PO Arias allegedly said to § 87(2)(b) “If I come back and you are still here, I’ll put all your food in the garbage and then take you and your truck.” § 87(2)(b) then called either § 87(2)(b) or § 87(2)(b) and reported what had transpired.

§ 87(2)(b) said PO Arias said to him and § 87(2)(b) “Alright, I am giving the Health Inspectors a ride. When I come back, I don’t want to see your fucking truck or I’ll arrest you.” § 87(2)(b) did not wish to provide a sworn statement or pursue a complaint about the additionally alleged threat and discourteous statement § 87(2)(g).

§ 87(2)(b) did not witness this portion of the incident and he denied that a summons was issued in relation to the food truck.

§ 87(2)(b) said § 87(2)(b) called him and explained what had transpired. § 87(2)(b) arrived to the food truck within 20 minutes. § 87(2)(b) the Health Inspectors, and two police officers, one of whom he identified as “PO David Bleck of the 112th Precinct” were all still present. § 87(2)(b) recognized PO Bleck as the officer who had previously arrested him for operating a food truck at an unapproved location). § 87(2)(b) spoke to PO Bleck, who was seated in the driver’s seat of a patrol car, about why he was at the location with Health Inspectors. PO Bleck allegedly told § 87(2)(b) “You have to move the truck or when I come back, I’ll take the truck.” The officers and the Health Inspectors then left. § 87(2)(b) did not hear any officer threaten to arrest § 87(2)(b) and he also denied that the Health Inspectors issued a summons in relation to the food truck.

PO Arias and PO Raptis both said that they were the only two officers working with the Health Inspectors this day and that they did not see PO Bleck or any other officer at that location. They also denied interacting with § 87(2)(b) and § 87(2)(b). PO Arias denied threatening to arrest any of the vendors they visited with the Health Inspectors and denied threatening to seize any food trucks that day. PO Raptis denied hearing PO Arias make either threat. PO Arias and PO Raptis both said that any decision to remove a food truck from any of the locations they visited would have been made by the Health Inspectors and not the officers. PO Arias and PO Raptis did

not recall whether the Health Inspectors instructed them to seize any food trucks, nor did they recall the outcome of the inspection of § 87(2)(b)'s food truck.

PO Bleck (Board Review 10) and his partner, PO Robert Faulkner (Board Review 11) of the 112th Precinct, denied interacting with § 87(2)(b) and any other food vendor on this incident, and they denied being in the vicinity of the incident location that day. PO Bleck and PO Faulkner said they were at the 112th Precinct stationhouse processing an unrelated arrest they had made earlier that day, and that they remained at the stationhouse until the end of their tour at 4:35 p.m. PO Bleck's and PO Faulkner's memo books § 87(2)(g) document an arrest was made at 12:15 p.m., that day (Board Review 12, Board Review 13).

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

It is therefore recommended that **Allegations B and C** be closed as **unsubstantiated**.

Allegation D – Discourtesy: An officer spoke discourteously to § 87(2)(b)

§ 87(2)(b) said he arrived at the location at approximately 5:30 p.m., exited his vehicle, and spoke to § 87(2)(b) and § 87(2)(b) about what had happened earlier that day. While they were speaking, § 87(2)(b) heard a brief siren and heard someone allegedly yell from a patrol car loudspeaker, "Move your fucking motor vehicle now." § 87(2)(b) turned and saw two uniformed officers, one of whom he identified by name as PO Bleck, seated in the patrol car stopped at a red light located approximately 50 to 60 feet away. § 87(2)(b) recognized PO Bleck from a number of prior interactions, including the one that resulted in the arrest of § 87(2)(b). § 87(2)(b) did not see PO Bleck make the alleged statement, but said the voice he heard was consistent with PO Bleck's voice. Scared, § 87(2)(b) left the scene in his vehicle.

§ 87(2)(b) and § 87(2)(b) corroborated § 87(2)(b)'s account, adding that the officers in the patrol car stopped at the red light were the same officers who responded to the location earlier that day with the Health Inspectors. § 87(2)(b) said the officer who made the alleged statement towards § 87(2)(b) was the same officer who threatened to seize his truck, and he identified that officer as PO Bleck. § 87(2)(b) and § 87(2)(b) did not see which officer in the patrol car operated the loudspeaker.

PO Bleck, PO Faulkner, PO Arias and PO Raptis all acknowledged previously interacting with § 87(2)(b) but they denied being present during this aspect of the incident and they denied making the alleged discourteous statement. PO Raptis and PO Arias denied returning to the scene at all after they left with the Health Inspectors.

An NYPD AVL query for any police vehicles present in the vicinity of the incident location at the time this interaction is alleged to have occurred yielded negative results (Board Review 26).

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

It is therefore recommended that **Allegation D** be closed as **officer(s) unidentified**.

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been parties (Board Review 19, Board Review 20).
- § 87(2)(b) has been a party to one CCRB complaint and has been named as a victim in one allegation (Board Review 21):
 - § 87(2)(b)
- PO Arias has been a member-of-service for 14 years and has been a subject in one CCRB complaints and one allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of May 25, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (Board Review 25)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date