

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Corwin	Team: Squad #10	CCRB Case #: 201908527	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 06/08/2018	Location of Incident: 47th Precinct stationhouse	Precinct: 47	18 Mo. SOL 12/8/2019	EO SOL 12/8/2019	
Date/Time CV Reported Thu, 09/26/2019 12:07 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 09/26/2019 12:07 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT1 Ransford Wisdom	04350	907595	047 DET
2. DT3 Patrick Horkan	2375	947084	047 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Patrick Horkan	Discourtesy: Detective Patrick Horkan spoke discourteously to § 87(2)(b)	
B.DT1 Ransford Wisdom	Discourtesy: Detective Ransford Wisdom spoke discourteously to § 87(2)(b)	
C.DT3 Patrick Horkan	Abuse: Detective Patrick Horkan questioned § 87(2)(b)	
D.DT1 Ransford Wisdom	Abuse: Detective Ransford Wisdom questioned § 87(2)(b)	
E.DT3 Patrick Horkan	Abuse: Detective Patrick Horkan sexually humiliated § 87(2)(b)	
F.DT1 Ransford Wisdom	Abuse: Detective Ransford Wisdom sexually humiliated § 87(2)(b)	
G.DT3 Patrick Horkan	Off. Language: Detective Patrick Horkan made remarks based on gender identity	
H.DT1 Ransford Wisdom	Off. Language: Detective Ransford Wisdom made remarks based on gender identity.	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

### Case Summary

On September 26, 2019, § 87(2)(b) filed this complaint with the CCRB via phone. § 87(2)(b) had previously filed a complaint pertaining to this incident with IAB on June 08, 2018. IAB investigated § 87(2)(b)'s allegation that officers refused to take his criminal report seriously under IAB log 2018-22404 and closed their investigation on October 31, 2018, but no portion of that earlier complaint was ever referred to CCRB.

On June 07, 2018, § 87(2)(b) invited a woman he knew only as § 87(2)(b) into his home. He took a shower and when he got out of the shower, § 87(2)(b) was gone, as was his wallet, which contained approximately \$500 and his Chinchilla fur coat, which he had purchased for \$7,500.

On June 08, 2018, Detective Patrick Horkan, of the 47<sup>th</sup> Precinct Detective Squad called § 87(2)(b) and asked him to come to the § 87(2)(b) in the Bronx to discuss the robbery that took place the day before. § 87(2)(b) went to the § 87(2)(b) where he was interviewed in a room by Detective Horkan and Detective Ransford Wisdom, also of the 47<sup>th</sup> Precinct Detective Squad.

Throughout the 21 minute interview, Detective Horkan and Detective Wisdom repeatedly spoke to § 87(2)(b) using profanity including, “fuck,” “fucking,” “shit,” and “bullshit,” (**Allegation A and Allegation B: Discourtesy: Word:** § 87(2)(g)) During the course of the interview, Detective Horkan and Detective Wisdom repeatedly questioned and accused § 87(2)(b) of paying for sex with § 87(2)(b) (**Allegation C and Allegation D: Abuse of Authority: Question:** § 87(2)(g)). Furthermore, Detective Horkan allegedly said, “You paid for the pussy and didn’t get nothing,” and both he and Detective Wisdom both spoke to § 87(2)(b) about him “fucking” § 87(2)(b) (**Allegation E and Allegation F: Abuse of Authority: Sexual Misconduct: Sexual Humiliation:** § 87(2)(g)). Both detectives also discussed the gender identity of § 87(2)(b) with § 87(2)(b). Detective Wisdom repeatedly referred to § 87(2)(b) as a “tranny” and after engaging in a back and forth with § 87(2)(b) about whether § 87(2)(b) was a man or a woman, Detective Horkan said, “Two against one that looks like a guy” (**Allegation G and Allegation H: Offensive Language: Gender Identity:** § 87(2)(g)).

After approximately twenty minutes, Detective Horkan told § 87(2)(b) that they were not going to investigate his complaint because it was not a police matter. He told § 87(2)(b) that he “got beat and that was the end of it.” § 87(2)(b) then left the § 87(2)(b).

§ 87(4-b), § 87(2)(g)

§ 87(2)(b) recorded the interview with his cell phone and provided the investigation with a copy of this audio recording (**Board Review 01**), and the investigation prepared a detailed summary of the recording (**Board Review 02**).

### **Findings and Recommendations**

**Allegation A: Discourtesy: Detective Patrick Horkan spoke discourteously to § 87(2)(b)**

**Allegation B: Discourtesy: Detective Ranford Wisdom spoke discourteously to § 87(2)(b)**

**Allegation G: Offensive Language: Detective Patrick Horkan made remarks based on gender identity.**

**Allegation H: Offensive Language: Detective Ransford Wisdom made remarks based on gender identity.**

§ 87(2)(b) provided a sworn statement to the CCRB on October 07, 2019 (**Board Review 03**). Detective Wisdom provided a statement at the CCRB on October 18, 2019 (**Board Review 04**) and Detective Horkan provided a statement at the CCRB on October 25, 2019 (**Board Review 05**).

It was undisputed that the only three people in the room during this incident were § 87(2)(b) Detective Wisdom and Detective Horkan.

Between 00:26 and 00:31 of the audio recording, a voice can be heard saying, “Do you understand the report you made is complete bullshit.” It was undisputed that that voice was Detective Horkan’s.

Between 08:24 and 08:55, a voice can be heard saying, “There’s a guy from Manhattan, I have a case with him. He fucking brought a tranny up there to watch TV, then that person caught him, and once the tranny was going to get busy, He pulled out a gun on the tranny and kicked the tranny out because that’s what you do if (inaudible) fuck trannies. I’ll tell you right now, she probably was a tranny. That’s a tranny. You said her name was § 87(2)(b) It was undisputed that this voice was Detective Wisdom’s.

After this portion of the audio was played for Detective Wisdom during his CCRB interview he explained to the investigation, “That was the guy I was talking about in the same building, who came with the tranny.”

Between 09:42 and 09:47 of the audio, a voice can be heard saying, “That’s not a girl, that’s a tranny.” It was undisputed that this was Detective Wisdom’s voice.

Between 15:25 and 15:33 of the audio, a voice can be heard saying, “We got serious shit going on here.” It was undisputed that this was Detective Horkan’s voice.

Between 16:47 and 16:50 of the audio, a voice can be heard saying, “Cut this shit out.” It is undisputed that this voice was Detective Wisdom’s.

Between 12:02 and 12:07 of the audio, a voice can be heard saying, “Why would you show her the coat, it’s fucking June, man.” Both § 87(2)(b) and Detective Wisdom identified this voice as Detective Horkan’s. Detective Horkan was unable to determine if the voice was his or not.

Between 08:03 and 08:10 of the audio, a voice can be heard saying, “You’re fucking full of shit. You’re full of shit, man. You’re full of shit, bro.” § 87(2)(b) identified this voice as Detective Horkan’s. Detective Horkan was unable to determine if the voice was his or not.

Between 17:08 and 17:18 of the audio, a voice can be heard saying, “We get her, we bring you and her to the Bronx District Attorney, They ain’t prosecuting this shit, man. This is a fucking waste of time. You got beat and that’s the end of it.” § 87(2)(b) identified the voice saying that as Detective Horkan’s. Detective Horkan was unable to say if the voice was his or not.

Between 16: 15 and 16:25 of the audio, a voice can be heard saying, “You showed her your shit and you were naïve enough to let her into your place and take a shower without watching a woman that you just met, and she left with your shit.” § 87(2)(b) identified this voice as Detective Horkan’s, however Detective Horkan was unable to determine if the voice was his or not.

Between 20:15 and 20:20 of the audio, a voice can be heard saying, “This isn’t a fucking police matter.” § 87(2)(b) identified this voice as Detective Horkan’s. Detective Horkan was unable to say if the voice was his or not.

Between 13:05 and 13:11 of the audio, a voice can be heard saying, “You’ve been seeing her for a week, and you don’t know her fucking name? You don’t know her fucking name?” Between 13:28 and 13:40, § 87(2)(b) asks the detectives why his complaint does not constitute a crime. A voice can be heard saying, “Buyer beware. You understand we hear this story every fucking day.” Between 09:58 and 10:10, § 87(2)(b) tells the detectives that § 87(2)(b) is not a male and a voice can be heard in response, saying, “How do you know? You didn’t take a shower with her, how do you know? Looks like a guy to me. Two against one it looks like a guy. Either way it doesn’t matter.” In all of these instances, Detective Horkan was unable to say if this voice was his or not.

Detective Wisdom stated that determining the gender identity of the alleged perpetrator was important because there was a pattern of robberies involving transgendered perpetrators.

Detective Horkan stated that determining the gender of a suspect would be important in terms of identifying them. Detective Horkan did not recall if there was anything that led him to believe the alleged perpetrator was transgender. When asked if there were any reasons that he and Detective Wisdom might not have believed § 87(2)(b) when he described the alleged perpetrator as a woman, Detective Horkan could not remember.

In the audio recording, three distinctive voices can be heard. As it was undisputed that the only three people in the interview room were § 87(2)(b) Detective Horkan and Detective Wisdom, the investigation attributed every word said throughout the audio recording to one of those individuals. Based on the statements given by § 87(2)(b) Detective Wisdom, and Detective Horkan, along with the audio, the investigation was able to determine that Detective Horkan said, “bullshit”, “full of shit”, “fucking”, and “shit”, and the investigation also determined that Detective Wisdom said, “fucking”, “fuck”, and “shit.”

It is also undisputed that Detective Wisdom repeatedly referred to the alleged perpetrator in § 87(2)(b)'s complaint as a “tranny.” Although Detective Horkan was unable to determine if his voice was the one saying, “two against one it looks like a guy,” based on the portions of the audio in which Detective Horkan identified his voice as the one speaking, the investigation was able to match his voice to the above quote.

Patrol Guide Procedure 200-02 states that the department is committed to treating every citizen with compassion, courtesy, professionalism, and respect. Officers are expected to maintain a higher standard of integrity than in generally expected of others (**Board Review 06**).

According to Patrol Guide Procedure 203-10, officers are prohibited from using offensive or disrespectful remarks regarding another person’s gender or gender identity/expression (**Board Review 07**).

According to the New York City Human Resources Administration, “tranny” is a term to avoid as it has a complicated and/or derogatory meaning toward transgendered individuals (**Board Review 08**).

Detective Horkan engaged in a back and forth with § 87(2)(b) in which he questioned the gender identity of the woman that allegedly robbed § 87(2)(b) and he ultimately said, “Two against one, it looks like a guy.” While Detective Horkan stated that determining the gender of an alleged suspect was necessary in terms of identifying them, at no point during the audio recording, did he or Detective Wisdom ask § 87(2)(b) any other pedigree information about the alleged perpetrator or ask any other questions about what she looked like at all. Furthermore, Detective Horkan was unable to explain why he did not believe § 87(2)(b) when he said the perpetrator was a woman. § 87(2)(g)

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§ 87(2)(g)

**Allegation C: Abuse of Authority: Question: Detective Patrick Horkan questioned Johnny**

§ 87(2)(b)

**Allegation D: Abuse of Authority: Question: Detective Ransford Wisdom questioned Johnny** § 87(2)(b)

Between 07:00 and 07:07 of the audio, three voices on the audio recording can be heard. One voice asks, “You paid for the pussy and didn’t get nothing?” (The offensive word is addressed below under **Allegation E**) and a second voice says, “No, no, no.” Then a third voice says, “You promised her money?”

It was undisputed that § 87(2)(b) met “§ 87(2)(b)” on the street in the West Farms neighborhood in the Bronx. He did not know her last name, her phone number, or her address. He invited her into

his home, they both took showers, and while § 87(2)(b) was in the shower, “§ 87(2)(b) left the apartment with his wallet and coat.

§ 87(2)(b) identified Detective Horkan as the person that asked him if he “paid for pussy.”

Detective Wisdom noted that as a detective, he has come across a lot of cases involving prostitution in which robberies occur subsequent to sex. He also stated that § 87(2)(b) said he paid for sex. He was unable to determine if he asked § 87(2)(b) if he paid for sex.

Detective Horkan stated that the robbery that § 87(2)(b) described fit a pattern involving prostitution. He was also struck by the fact that § 87(2)(b) did not know where § 87(2)(b) lived, what her last name was, her phone number, and that had met her on the street in West farms, which according to Detective Horkan, was an area known for prostitution. He was unable to determine if he was the person that asked § 87(2)(b) if he “paid for the pussy?”

Based on § 87(2)(b)'s statement and based on the portions of the audio in which Detective Horkan identified his voice as the one speaking, the investigation was able to match his voice to the voice that said, “You paid for the pussy and didn’t get nothing?” Using the same method, the investigation was able to match Detective Wisdom’s voice to the voice that asked, “You promised her money?”

According to People v. De Bour, 40 N.Y.2d 210 (1976), the common-law right to inquire is activated by founded suspicion of criminality afoot (**Board Review 09**).

§ 87(2)(g)

**Allegation E: Abuse of Authority: Detective Patrick Horkan sexually humiliated § 87(2)(b)**

**Allegation F: Abuse of Authority: Detective Ransford Wisdom sexually humiliated § 87(2)(b)**

Between 04:40 and 04:48 of the audio recording, a voice can be heard saying, “Why you letting this chick come to your house for a week if you ain’t fucking her?” § 87(2)(b) identified Detective Horkan as the person saying this. Detective Horkan and Detective Wisdom were unable to identify the voice speaking.

Between 06:29 and 07:00 of the audio, a voice can be heard saying, “Listen, I’m gonna tell you right now, as a man, if you know her for a week, she’s not coming to my house... There are rules to the game playing. If I meet a girl over there (inaudible) you go to a hotel and fuck, but she’s not fucking in my house.” It was undisputed that this was Detective Wisdom’s voice.

Between 07:00 and 07:03, a voice can be heard saying, “You paid for the pussy and didn’t get nothing.” § 87(2)(b) identified this voice as Detective Horkan’s. Detective Horkan was unable to determine if he was the one asking this question.

Between 08:00 and 08:14, a voice can be heard saying, “Come on. You brought a girl to your room and you’re not gonna try to fuck her?” § 87(2)(b) and Detective Wisdom identified this voice as Detective Horkan’s. Detective Horkan was unable to determine if it was his voice saying this.

Between 11:55 and 12:09, a voice can be heard saying, “If you’re not trying to fuck her why would you show her the coat?...You’re not trying to fuck her though. You’re just friends, so why would you show her the coat?” § 87(2)(b) identified the voice here as Detective Horkan’s. Detective Horkan was unable to say if he said that or if Detective Wisdom said that.

Between 12:15 and 12:22 a voice can be heard saying, “But you’re not trying to fuck her?” § 87(2)(b) identified this voice as Detective Horkan’s. Detective Horkan said he was unable to determine if it was his voice.

Between 16:30 and 16:56, a voice can be heard saying, “I guarantee you right now. She would say you had sex with her and you gave her that in exchange...Listen, listen, I’m a man. You had sex with her last night. You had sex with her last night! Cut the shit out. You got in the shower after having sex with her.” It is undisputed that this voice was Detective Wisdom’s.

Detective Wisdom stated that he spoke with § 87(2)(b) about him having sex in order to determine if he was involved in soliciting prostitution.

When asked by the investigation if or why it was important to determine if § 87(2)(b) had sex with the alleged perpetrator, Detective Horkan said, “He was all over in his story. He was contradicting himself left and right.” Detective Horkan stated that he was trying to get to the bottom of what happened. He said that the items he said that were taken could have been payment for sex. When asked why the word “fuck” was used repeatedly as the terminology for sex, he said that he did not know.

Based on the statements given by § 87(2)(b) Detective Wisdom, and Detective Horkan, along with the audio and the portions of the audio in which Detective Wisdom and Detective Horkan identified their own voices, the investigation was able to determine that Detective Horkan said, “Why you letting this chick come to your house for a week if you ain’t fucking her?,” “You paid for the pussy and didn’t get nothing,” “You brought a girl to your room and you’re not gonna try to fuck her?,” “If you’re not trying to fuck her why would you show her the coat?...You’re not trying to fuck her though. You’re just friends, so why would you show her the coat?” and “But you’re not trying to fuck her?”

According to Patrol Guide Procedure 205-36, conduct which can, in certain circumstances, be considered sexual harassment includes, but is not limited to, sexually suggestive remarks, pictures, gesturing, verbal harassment or abuse of a sexual nature (**Board Review 10**).

According to Patrol Guide Procedure 210-01, the department has a zero tolerance policy towards all forms of sexual harassment of prisoners by other prisoners or any other person (**Board Review 11**).

According to Patrol Guide Procedure 203-09, officers are prohibited from using offensive or disrespectful remarks regarding another person's gender, gender identity, or sexual orientation (**Board Review 07**).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has been party to five other CCRB complaints and has been named as a victim in 23 allegations (**Board Review 14**)
  - Case 201011267 involved allegations of a strip search, threats of force, stop, and search. All the allegations were unsubstantiated.
  - Case 201103380 involved allegations of a stop, frisks, questions, and a strip search. All the allegations were unsubstantiated.
  - Case 201107410 involved allegations of discourtesy, threat of force, and a strip search, which were unsubstantiated, and allegations of stop, question, and frisk, which were substantiated.



- Case 201405479 involved allegations of discourtesy and a vehicle search, which were unsubstantiated, and an allegation of threat of force which was closed as officer unidentified
- Case 201502498 involved allegations of discourtesy and refusal to provide name/shield, which were unsubstantiated.
- Detective Horkan has been a member of service for eleven years and has been a subject in four other CCRB complaints and eight allegations, none of which have been substantiated. § 87(2)(g)
- Detective Wisdom has been a member of service for 25 years and has been a subject in seven other CCRB cases and 17 allegations of which four were substantiated.
  - Case 200204243 involved substantiated allegations of premises entered and/or searched, threat of arrest, threat of force, and discourtesy (word) against Detective Wisdom. The board recommended charges and the NYPD imposed instructions.

#### **Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- A request for any Notice of Claim regarding this incident has been submitted to the New York City Comptroller's Officer, and the results will be added to the case file upon receipt.
- § 87(2)(b)

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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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