

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Talisayan	Team: Squad #11	CCRB Case #: 202001833	<input checked="" 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) Wednesday, 03/04/2020 3:40 PM	Location of Incident: Dawson Street and East 156 Street	Precinct: 41	18 Mo. SOL 9/4/2021	EO SOL 4/21/2022	
Date/Time CV Reported Wed, 03/04/2020 4:03 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/04/2020 4:03 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Victor Carrasquillo	16720	963904	PSA 7
2. PO Shawn Moynihan	03202	953147	PSA 7
3. PO Brian Greaige	13811	960616	PSA 7

Officer(s)	Allegation	Investigator Recommendation
A.POM Victor Carrasquillo	Abuse: Police Officer Victor Carrasquillo searched the vehicle in which § 87(2)(b) was an occupant.	
B.PO Brian Greaige	Abuse: Police Officer Brian Greaige stopped § 87(2)(b)	
C.PO Shawn Moynihan	Discourtesy: Police Officer Shawn Moynihan spoke discourteously to § 87(2)(b)	
D.PO Shawn Moynihan	Abuse: Police Officer Shawn Moynihan stopped § 87(2)(b)	
E.PO Brian Greaige	Discourtesy: Police Officer Brian Greaige spoke discourteously to § 87(2)(b)	
F.PO Brian Greaige	Force: Police Officer Brian Greaige used physical force against § 87(2)(b)	
G.PO Brian Greaige	Abuse: Police Officer Brian Greaige threatened to arrest § 87(2)(b)	
H.PO Brian Greaige	Discourtesy: Police Officer Brian Greaige acted discourteously toward § 87(2)(b)	
I.PO Brian Greaige	Abuse: Police Officer Brian Greaige refused to provide his name to § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		
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Officer(s)

Allegation

Investigator Recommendation

§ 87(4-b) § 87(2)(g)

[Redacted Allegation]

[Redacted Investigator Recommendation]

Case Summary

On March 4, 2020, § 87(2)(b) called the CCRB and filed this complaint.

On March 4, 2020, at approximately 3:40 p.m., § 87(2)(b) and his fiancée, § 87(2)(b) were inside their double-parked vehicle at the intersection of Dawson Street and East 156th Street in the Bronx. A black unmarked Chevrolet Malibu pulled up behind § 87(2)(b)'s vehicle. PO Victor Carrasquillo and PO Brian Greaike of Police Service Area (PSA) 7 approached the driver's side window. PO Shawn Moynihan, also of PSA 7, stood by the passenger's side, where § 87(2)(b) was sitting. PO Carrasquillo allegedly put his hand through the open window of the driver's side door and unlocked it (**Allegation A: Abuse of Authority**, § 87(2)(g)). PO Carrasquillo allegedly stopped § 87(2)(b) by asking him to exit the vehicle (**Allegation B: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) asked PO Carrasquillo for an explanation for the stop, and PO Moynihan allegedly used profanity while telling § 87(2)(b) to stop asking questions (**Allegation C: Discourtesy**, § 87(2)(g)). § 87(2)(b) stepped out of the vehicle. PO Carrasquillo asked for § 87(2)(b)'s driver's license and gave it to PO Greaike, who directed § 87(2)(b) to the rear of the vehicle.

§ 87(2)(b) asked PO Carrasquillo if she could leave the car, and he gave her permission. When § 87(2)(b) tried to open the passenger's side door, PO Moynihan allegedly used profanity while instructing § 87(2)(b) to remain inside (**within Allegation C: Discourtesy**, § 87(2)(g) and **Allegation D: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) reached for an unspecified object, and PO Moynihan allegedly used profanity while instructing her to not move (**within Allegation C: Discourtesy**, § 87(2)(g)).

By the rear the vehicle, § 87(2)(b) argued with PO Greaike, and PO Greaike allegedly stated, "You don't even know the fucking speed limit" (**Allegation E: Discourtesy**, § 87(2)(g)). § 87(2)(b) allegedly heard PO Moynihan tell § 87(2)(b) to "Shut the fuck up" (**within Allegation C: Discourtesy**, § 87(2)(g)). PO Greaike allegedly pulled § 87(2)(b) toward the officer, told him to "mind his fucking business," and threatened to arrest him (**Allegation F: Force**, § 87(2)(g); **within Allegation C: Discourtesy**, § 87(2)(g); and **Allegation G: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) asked PO Greaike to activate his body-worn camera (BWC), and he allegedly said, "Why do you keep asking that fucking question?" (**Within Allegation E: Discourtesy**, § 87(2)(g)). PO Greaike allegedly flicked § 87(2)(b)'s driver's license at § 87(2)(b) (**Allegation H: Discourteous Action**, § 87(2)(g)). § 87(2)(b) asked for PO Greaike's name. He allegedly did not provide it to § 87(2)(b) (**Allegation I: Abuse of Authority**, § 87(2)(g)).

§ 87(4-b) § 87(2)(g)

Between March 17, 2020, and September 2, 2021, three requests for BWC footage were sent to the NYPD. These three requests were returned with negative results.

§ 87(2)(b) and § 87(2)(b) were not issued summonses, nor were they arrested during the incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Victor Carrasquillo searched the vehicle in which § 87(2)(b) was an occupant.

Cellphone footage was provided to the investigation by § 87(2)(b). It was recorded by a bystander named § 87(2)(b). The footage captures PO Carrasquillo standing by the open driver's side door of the vehicle. PO Moynihan is briefly visible by the passenger's side. PO Greaike and § 87(2)(b) are by the rear. PO Carrasquillo's left hand is on the roof of the vehicle while, at

one point, he lowers his head. The entirety of the footage does not capture PO Carrasquillo reach into the vehicle or place any of his feet inside the vehicle. The footage ends with PO Carrasquillo standing by the driver's side door and PO Greaiage and § 87(2)(b) speaking by the rear [Board Review 06, timestamps 00:00 to 01:05].

§ 87(2)(b) stated that PO Carrasquillo reached through the driver's side window of the vehicle, and pressed the unlock button, unlocking the door. § 87(2)(b) asked PO Carrasquillo to explain why he unlocked the door. PO Carrasquillo said he would explain later. § 87(2)(b) exited the vehicle [Board Review 01].

§ 87(2)(b) stated that PO Carrasquillo reached through the driver's side with his right arm and pulled the handle to open the door. Once § 87(2)(b) was outside of the vehicle, PO Carrasquillo also placed his foot inside the vehicle while § 87(2)(b) was asking the officers for permission to exit the vehicle [Board Review 07].

PO Carrasquillo did not recall reaching into the vehicle to open the door. His feet did not enter the vehicle. During his interview, he was presented with § 87(2)(b)'s cell phone footage [Board Review, 06 timestamps 00:00 to 00:56]. PO Carrasquillo stated that his left hand never entered the vehicle. His head was bent, and he was looking at "nothing special" [Board Review 03].

PO Greaiage did not recall PO Carrasquillo putting his foot or any part of his body into the vehicle [Board Review 02].

PO Moynihan did not recall the incident [Board Review 04].

§ 87(2)(g)

Allegation (B) Abuse of Authority: Police Officer Brian Greaiage stopped § 87(2)(b)

It is undisputed that § 87(2)(b) double parked his vehicle at the intersection of East 156th Street and Dawson Street.

Cellphone footage provided by § 87(2)(b) captures PO Greaiage and § 87(2)(b) by the rear the vehicle. § 87(2)(b) raises his arms while speaking to PO Greaiage. Their conversation is inaudible. The footage ends with § 87(2)(b) and PO Greaiage standing by the rear [Board Review 06, timestamps 00:00 to 01:05].

§ 87(2)(b) stated that PO Carrasquillo approached his driver's side vehicle and asked § 87(2)(b) to exit the vehicle. § 87(2)(b) refused to exit the vehicle until PO Carrasquillo activated his BWC. § 87(2)(b) asked the officers to explain why the officers approached. § 87(2)(b) exited the vehicle and spoke to PO Greaiage at the rear of the vehicle, where they argued about whether § 87(2)(b) exceeded the speed limit [Board Review 01].

PO Greaiage testified he activated his turret lights prior to pulling up behind § 87(2)(b)'s vehicle which was double-parked. He asked § 87(2)(b) to exit the vehicle to deescalate the situation because § 87(2)(b) and § 87(2)(b) were angry. Because two people were yelling at him through the window, PO Greaiage wanted to talk to § 87(2)(b) by the rear of the vehicle so that § 87(2)(b) could better understand the situation. Furthermore, PO Greaiage did not know what was inside their vehicle and their irate behavior raised his suspicion that § 87(2)(b) and § 87(2)(b) could pose a threat to himself or someone else. As such, he also asked § 87(2)(b) to step outside as a safety precaution [Board Review 02].

PO Carrasquillo testified that § 87(2)(b) stepped out of the vehicle on his own to speak to the officers [Board Review 03].

PO Moynihan did not recall the incident the incident [Board Review 04].

New York State Vehicle and Traffic Law § 1202 lists several prohibited parking areas, with certain exemptions. These prohibited areas include, but are not limited to, the roadway side of any

vehicle stopped, standing, or parked at the edge or curb of a street [Board Review 05].

Under People v. Class, 475, U.S. 106, a police officer may exercise their discretion to require that a driver who commits a traffic infraction exit the vehicle even though the officer lacks any particularized reason for believing the driver possesses a weapon, briefly detaining the driver outside of the vehicle until the completion of their investigation of the traffic infraction [Board Review 17].

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Discourtesy: Police Officer Shawn Moynihan spoke discourteously to § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Shawn Moynihan stopped § 87(2)(b)

Cellphone footage captured by a bystander named § 87(2)(b) does not capture any conversation between PO Moynihan and § 87(2)(b) [Board Review 06].

§ 87(2)(b) asked the officers to explain why they had been stopped. From the passenger's side, PO Moynihan told her twice, "Don't ask no fucking questions. Just do as I say." He explained that it was a traffic stop. After § 87(2)(b) exited the vehicle, § 87(2)(b) asked PO Moynihan if she could step out of the vehicle. He told § 87(2)(b) "No, the fuck you can't. Sit the fuck there. You can't get out the car." She tried to open the door, and PO Moynihan slammed the door shut and said, "I told you to stay in the fucking vehicle." PO Carrasquillo returned to the open driver's side door. § 87(2)(b) asked him if he she could step out of the vehicle, and PO Carrasquillo permitted her to do so. When § 87(2)(b) tried to open the passenger's side door again, PO Moynihan slammed the door shut and said, "I told you to stay in the fucking car. Do what the fuck I told you to do. Keep testing me and watch what the fuck happens to you today. Stay in the fucking car." § 87(2)(b) said, "What are you going to do? Lock me up?" PO Moynihan did not respond. § 87(2)(b) told PO Moynihan that PO Carrasquillo allowed her to step outside. PO Moynihan said that he did "not give a fuck." § 87(2)(b) tried to reach for an unspecified object, but PO Moynihan said, "Don't fucking move. Stay the fuck there. Put your hands up" [Board Review 07].

§ 87(2)(b) stated that as he was speaking to PO Carrasquillo from the driver's side, § 87(2)(b) asked the officers for their probable cause. PO Moynihan told § 87(2)(b) to "Shut the fuck up." § 87(2)(b) exited the vehicle and went to the rear with PO Greaige. From the rear of the vehicle, he heard PO Moynihan yelling and shouting profanity, telling § 87(2)(b) to "shut the fuck up" [Board Review 01].

PO Moynihan did not recall the incident or using any profanity toward § 87(2)(b) [Board Review 04].

PO Carrasquillo testified that PO Moynihan went to the passenger's side of § 87(2)(b)'s vehicle. § 87(2)(b) was using profanity such as "Fuck" and "Shit" toward the officers. He did not hear PO Moynihan use any profanity toward § 87(2)(b). He did not recall § 87(2)(b) trying to leave the vehicle [Board Review 03].

PO Greaige testified that PO Carrasquillo and PO Moynihan went to the passenger's side of § 87(2)(b)'s vehicle. § 87(2)(b) and § 87(2)(b) were irate about being approached by the officers. PO Greaige did not recall any officer using any profanity toward § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) were irate about being approached by the officers. PO Greaige believed § 87(2)(b) was free to leave the vehicle given that the infraction was for the driver, § 87(2)(b) [Board Review 02].

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Discourtesy: Police Officer Brian Greaige spoke discourteously to § 87(2)(b)

Allegation (F) Force: Police Officer Brian Greaige used physical force against § 87(2)(b)

Allegation (G) Abuse of Authority: Police Officer Brian Greaige threatened to arrest

§ 87(2)(b)

Allegation (H) Discourtesy: Police Officer Brian Greaige acted discourteously toward

§ 87(2)(b)

Allegation (I) Abuse of Authority: Police Officer Brian Greaige refused to provide his name to § 87(2)(b)

The footage from bystander § 87(2)(b) captures PO Greaige and § 87(2)(b) by the rear of § 87(2)(b)'s vehicle. § 87(2)(b)'s hands are raised. Their conversation is not audible in the footage. It does not capture PO Greaige using any physical force against § 87(2)(b). The footage ends with PO Carrasquillo by the driver's side; PO Greaige and § 87(2)(b) are speaking by the rear of the vehicle. The footage also does not capture PO Greaige flicking or throwing any documents at him at any point [Board Review 06, 00:00 to 01:05].

§ 87(2)(b) exited his vehicle after PO Carrasquillo commanded him to step out. PO Carrasquillo asked for his driver's license, which § 87(2)(b) provided. PO Carrasquillo provided the documents to PO Greaige. § 87(2)(b) went to the rear of the vehicle with PO Greaige. § 87(2)(b) had his arms raised. PO Greaige and § 87(2)(b) argued about whether § 87(2)(b) exceeded the speed limit. PO Greaige said, "You don't even know the fucking speed limit. It's 25." § 87(2)(b) heard PO Moynihan screaming and using profanity at § 87(2)(b). When § 87(2)(b) overheard § 87(2)(b) and PO Moynihan arguing, he tried to go to the passenger's side of the vehicle, but PO Greaige put his right arm around § 87(2)(b)'s waist and pulled him back so that they were facing one another. PO Greaige told § 87(2)(b) to mind his "fucking business." PO Greaige told § 87(2)(b) "What the fuck are you doing? Do you want to be fucking locked up for OJ?" § 87(2)(b) asked PO Greaige whether he had his BWC activated. PO Greaige said, "Yes, I do. Why do you keep asking that fucking question?" § 87(2)(b) looked at PO Greaige's BWC and said, "I fear for my life. At the moment, I'm not giving him no sign of aggression. I am compliant. I also have my hands up." PO Greaige returned § 87(2)(b)'s driver's license by flicking it to § 87(2)(b) which he caught. § 87(2)(b) asked for PO Greaige's name, but he walked away from him. The officers returned to their vehicle and left [Board Review 01].

§ 87(2)(b) did not hear or see what was happening to § 87(2)(b) while he was outside the vehicle [Board Review 07].

PO Greaige testified that he asked § 87(2)(b) for his driver's license and registration. He instructed § 87(2)(b) who was irate about the officers' approach, to exit the vehicle so that they could speak. He also asked him to leave the vehicle for safety reasons. He did not know what was inside the vehicle. Further, § 87(2)(b)'s irate demeanor raised his suspicions. PO

Greaige and § 87(2)(b) went to the rear of the vehicle. By the rear of the vehicle, § 87(2)(b) became less confrontational. PO Greaige explained the violation to § 87(2)(b) who asked questions and understood why the officers stopped him. PO Greaige did not recall reaching around § 87(2)(b)'s waist and pulling him towards him. He did not recall informing § 87(2)(b) that he could be arrested and did not believe he used any profanity toward § 87(2)(b) during their interaction. He did not believe he threw any documents at § 87(2)(b). PO Greaige did not recall § 87(2)(b) asking for his name. PO Greaige explained to § 87(2)(b) that being double parked on a main road is a parking violation and told him to not to do it again. PO Greaige used his discretion and did not issue § 87(2)(b) a summons. After their conversation, the officers then left **[Board Review 02]**.

PO Carrasquillo, who was by the driver's side, did not hear or see what was happening between PO Greaige and § 87(2)(b) at the rear **[Board Review 03]**.

PO Moynihan did not recall the incident **Board Review 04]**.

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Signature

Print Title & Name

Date