

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lily Kim	Team: Squad #06	CCRB Case #: 202002203	<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, 03/18/2020 5:30 AM	Location of Incident: § 87(2)(b)	18 Mo. SOL 5/5/2022	Precinct: 77		
Date/Time CV Reported Wed, 03/18/2020 8:14 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 03/18/2020 8:14 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DTS Joseph Rivera	00647	939321	1ST D.C

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Michael Connizzo	01391	932485	WARRSEC
2. DT3 Christophe Heredia	01339	938656	WARRSEC
3. SGT Kyle Hurst	01078	952872	PA UPTU
4. DT3 Paul Hoppinthal	03712	960678	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A . DTS Joseph Rivera	Abuse: Detective Joseph Rivera entered § 87(2)(b) § 87(2)(b) in Brooklyn.	A . Unsubstantiated
B . DTS Joseph Rivera	Abuse: Detective Joseph Rivera searched § 87(2)(b) § 87(2)(b) in Brooklyn.	B . Substantiated
C . DTS Joseph Rivera	Abuse: Detective Joseph Rivera refused to show the parole warrant to § 87(2)(b)	C . Unsubstantiated
D . DTS Joseph Rivera	Abuse: Detective Joseph Rivera entered § 87(2)(b) § 87(2)(b) in Brooklyn.	D . Substantiated

Case Summary

On March 18, 2020, § 87(2)(b) filed the following complaint over the DiRAD system with the CCRB.

On March 18, 2020, at approximately 5:30 a.m., § 87(2)(b) § 87(2)(b) sister, woke up to loud knocking on the inner front door of § 87(2)(b) in Brooklyn. Detective Joseph Rivera, Sgt. Michael Connizzo, Det. Christopher Heredia, Det. Kyle Hurst, and PO Paul Hoppinthal of the Warrant Squad allegedly gained entry through the locked outer steel door and stood in the vestibule (**Allegation A—Abuse of Authority, unsubstantiated**). § 87(2)(b) answered the door and Det. Rivera informed her that the officers had a parole warrant for § 87(2)(b) and asked to enter and search the premises. § 87(2)(b) walked Det. Rivera and the other officers through the house and they searched each floor, scanning the rooms with a flashlight (**Allegation B—Abuse of Authority, substantiated**). Det. Rivera allegedly refused to show § 87(2)(b) the warrant (**Allegation C—Abuse of Authority, unsubstantiated**). Det. Rivera went upstairs to another tenant, § 87(2)(b) apartment on the § 87(2)(b) floor and knocked on the locked door. Det. Rivera entered the apartment (**Allegation D—Abuse of Authority, substantiated**). No arrests or summonses were made during the incident.

The officers were not equipped with BWC at the time of incident.

Findings and Recommendations

Allegation A—Abuse of Authority: Detective Joseph Rivera entered § 87(2)(b) § 87(2)(b) in Brooklyn.

Allegation B—Abuse of Authority: Detective Joseph Rivera searched § 87(2)(b) § 87(2)(b) in Brooklyn.

§ 87(2)(b) testified (**BR 01**) that she was asleep in her room on the § 87(2)(b) floor of § 87(2)(b) in Brooklyn, a brownstone residence (**BR 02**) with a shared kitchen and dining space on the § 87(2)(b) floor, shared living space on the § 87(2)(b) floor, two bedrooms on the § 87(2)(b) floor, and a locked § 87(2)(b) floor apartment. The main entrance leads into the § 87(2)(b) floor, and all floors can be accessed via one staircase inside the building. § 87(2)(b) woke up to the sound of loud knocking on the inner door at the front entrance. There are two locked doors at the residence, with a vestibule in the middle. When § 87(2)(b) answered the door, she opened the door fully and saw Det. Rivera and one other officer in the vestibule. Three officers stood outside on the stoop. Det. Rivera informed § 87(2)(b) that the officers had a warrant for § 87(2)(b) who listed § 87(2)(b) as his address when he was released on parole. Det. Rivera showed § 87(2)(b) a photograph of § 87(2)(b) which was printed on a paper with the address and other information, who she did not recognize by name or by face. Det. Rivera asked for consent to enter and search the premises. § 87(2)(b) felt that she could refuse if she wanted to, but in the moment, she consented. § 87(2)(b) did not want them to return at a later time. The officers entered and asked § 87(2)(b) to escort them through the house. She walked the officers through each floor of the house from the § 87(2)(b) floor to the § 87(2)(b) floor. The officers opened every door, went into each room, and ran their flashlights through each room. They did not open any drawers or touch anything. After the incident, the lock on the front door did not look like it had been broken or tampered with.

Det. Rivera (**BR 02**) had no independent recollection of the incident that occurred on March 18, 2020, at approximately 5:30 a.m. Det. Rivera was provided a brief description of the incident. Det. Rivera was told that documents confirmed that he conducted a location visit regarding a parole warrant at § 87(2)(b) in Brooklyn. This did not refresh Det. Rivera's recollection

regarding the location or any interactions he had during this location visit. Viewing documents such as the movement log, warrant, and DD5s did not refresh Det. Rivera's recollection. Det. Rivera could not provide an explanation why § 87(2)(b) was visited. A physical description of the location and a summary of the incident as described by the civilians did not refresh Det. Rivera's recollection. Det. Rivera did not remember entering through the exterior door of a location because no one responded to knocks. Det. Rivera did not have any documentation regarding this incident location.

Sgt. Connizzo (**BR 03**) also did not remember the details of this location visit. Sgt. Connizzo did not know how or why Det. Rivera chose to visit the location or what connection § 87(2)(b) had to the location. Sgt. Connizzo's role was strictly supervisory, and he was not involved in the decision. Sgt. Connizzo did not remember who the officers interacted with. However, all individuals Sgt. Connizzo and his team interacted with throughout their multiple location visits on this date were cooperative and no tools were necessary to gain entry into any of the locations. Sgt. Connizzo did not remember how the individual(s) responded, if at all, but they allowed Sgt. Connizzo's team into the residence. Sgt. Connizzo did not remember getting past a locked external door of a brownstone building. Sgt. Connizzo did not remember if he or the other officers walked through this location.

PO Hoppinthal's testimony (**BR 04**) was consistent with Sgt. Connizzo's statement, but PO Hoppinthal stated that he remembered going to other floors in the residence via one staircase. He did not remember what investigative steps Det. Rivera took once inside, such as questions he asked or where he went inside the location.

Statements were not obtained from Det. Heredia and Det. Hurst, as Det. Rivera was the lead officer in the warrant and would have been responsible for any entries and searches during this incident.

Det. Rivera's activity log (**BR 05**) did not contain any entries due to technical issues. Sgt. Connizzo (**BR 06**) and PO Hoppinthal (**BR 07**) had memo book entries of a location visit to § 87(2)(b) with negative outcomes.

Warrant #§ 87(2)(b) is a parole warrant for § 87(2)(b) § 87(2)(b)

The incident location, § 87(2)(b) in Brooklyn, is not listed as a potential address. According to DD5's for the warrant (**BR 09**), § 87(2)(b) was arrested § 87(2)(b). There are no DD5's documenting what information was obtained regarding § 87(2)(b) the location visit was not documented, and there was no other mention of the location.

In order to effect the arrest, the police officer may, under circumstances and in the manner prescribed in this subdivision, enter any premises in which he reasonably believes the defendant to be present; provided, however, that where the premises in which the officer reasonably believes the defendant to be present is the dwelling of a third party who is not the subject of the arrest warrant, the officer shall proceed in the manner specified in article 690 of this chapter, NY CLS Criminal Procedure Law 120.08 (**BR 10**). A search warrant is a court order and process directing a police officer to conduct: (b) a search of a designated premises for the purpose of searching for and arresting a person who is the subject of: (i) a warrant of arrest issued pursuant to this chapter, a superior court warrant of arrest issued pursuant to this chapter, or a bench warrant for a felony issued pursuant to this chapter, where the designated premises is the dwelling of a third party who is not the subject of the arrest warrant, NY CLS CPL 690.05 (**BR 11**). Officers must adhere to when obtaining consent to conduct a search; (a)(1) – articulate, using plain and simple language delivered

in a non-threatening manner, that the person who is the subject of the search is being asked to voluntarily, knowingly, and intelligently consent to the search, and explain that the search will not be conducted if the person refuses to consent to the search; and (b)(2) – document the time, location, and date of such search, and the apparent race/ethnicity, gender, and age of the person who was the subject of such search, and such officer’s name, precinct, and shield number. In the event body worn cameras are not provided by the department to officers engaged in a patrol function, the department shall (i) develop and implement a procedure to obtain objective proof of voluntary, knowing, and intelligent consent to search by documenting the information communicated by an officer and the response of the person who is the subject of such search in writing and by offering such person to sign a statement confirming such consent, or by documenting such information through audio, through video and audio, or by other methods, excluding fingerprinting (h)(1), NYC Administrative Code 14-173 (BR 12).

§ 87(2)(b) alleged that Det. Rivera and his team gained entry past the locked external door, and stood in the vestibule before she consented to their entry. Det. Rivera was unable to remember this incident and could not provide his reasons for visiting the location or why he did not document the location visit. § 87(2)(g)

Moreover, documentation did not list § 87(2)(b) as a known address for § 87(2)(b) § 87(2)(g). PO Hoppinthal and Sgt. Connizzo denied gaining entry past a locked door and stated that an individual consented to their entry but did not remember the substance of Det. Rivera’s conversation with § 87(2)(b). § 87(2)(b) further stated that there was no evidence that the external door lock was damaged in any way. No video evidence was obtained of the incident, as there were no external surveillance cameras and the officers were not equipped with BWC, and the location was not noted in any documentation except for Sgt. Connizzo and PO Hoppinthal’s memo books.

PO Hoppinthal confirmed that he went to other floors via one staircase, although he did not remember specific places he went, or what actions Det. Rivera took. However, Det. Rivera did not remember anything he did or said during this location visit, and a description of the location and the individuals did not refresh his recollection. § 87(2)(g) § 87(2)(b)

§ 87(2)(g) it is recommended that **Allegation A** be closed as **unsubstantiated**.

PO Hoppinthal confirmed that he went to other floors within § 87(2)(b) and § 87(2)(b) confirmed that she provided consent for their search. § 87(2)(g) it is recommended that **Allegation B** be closed as **substantiated**.

Allegation C—Abuse of Authority: Detective Joseph Rivera refused to show the parole warrant to § 87(2)(b)

§ 87(2)(b) testified (**BR 13**) that he was in his bedroom on the § 87(2)(b) floor and woke up when an officer, likely Det. Rivera, shone a flashlight in his face. § 87(2)(b) asked what happened and if they had a warrant. Det. Rivera told § 87(2)(b) that they have an arrest warrant and that § 87(2)(b) sister already saw it. § 87(2)(b) asked Det. Rivera multiple times to see the warrant

and what it was for. Det. Rivera did not answer § 87(2)(b) Det. Rivera provided his business card to § 87(2)(b)

§ 87(2)(b) statement was consistent with § 87(2)(b)

Det. Rivera did not remember anything about the location visit to § 87(2)(b) or his interactions with individuals.

Sgt. Connizzo testified that he did not remember if Det. Rivera showed the warrant to anyone, or if anyone asked to see the warrant. PO Hoppinthal testified that he did not remember if the individual or any other residents requested to see a copy of the warrant or if it was shown to anyone at the location.

§ 87(2)(b) and § 87(2)(b) testified that Det. Rivera refused to show him the warrant, stating that he had already shown it to § 87(2)(b) The officers did not remember if anyone asked to see the warrant, if Det. Rivera showed it to anyone, or if he refused to do so.

§ 87(2)(g)

§ 87(2)(b) it is therefore recommended that **Allegation C** be closed as **unsubstantiated**.

Allegation D—Abuse of Authority: Detective Joseph Rivera entered § 87(2)(b) in Brooklyn.

§ 87(2)(b) testified (**BR 14**) that she was in her § 87(2)(b) floor apartment, which has its own keypad lock, when she heard the knocking downstairs through her window. By the time § 87(2)(b) got dressed, she heard knocking on her own door on the § 87(2)(b) floor. She repeatedly asked who it was, but no one answered. § 87(2)(b) opened the door fully and asked Det. Rivera and two or three other officers how she can help. § 87(2)(b) was in one of the rooms and said something. Upon hearing a male voice, Det. Rivera asked § 87(2)(b) if anyone else was in the apartment and stepped close to her as if to see what was going on behind her. Det. Rivera was closer than arm's length to § 87(2)(b) who then stepped back, asked them what they were doing and if they had a warrant. She did not step back to indicate that the officers could enter the apartment. § 87(2)(b) did not verbally consent to the entry. Det. Rivera and the other officers stepped into the apartment as she informed them that § 87(2)(b) was her boyfriend. Det. Rivera showed § 87(2)(b) the warrant for § 87(2)(b) § 87(2)(b) told Det. Rivera that he was not there and that she did not know him. The officers did not open any doors or enter any other rooms during the incident.

§ 87(2)(b) provided a phone statement (**BR 15**) that was mostly consistent with § 87(2)(b) with the following exceptions. § 87(2)(b) stood next to and behind § 87(2)(b) when she opened the door. Det. Rivera asked if they could enter the apartment and look around, and she said yes. The officers entered after § 87(2)(b) consented. The officers shined their flashlights into § 87(2)(b) and § 87(2)(b) room but did not do anything else. They may have shined their flashlights into another room, but § 87(2)(b) was not sure.

§ 87(2)(b) testified that Det. Rivera proceeded upstairs to the § 87(2)(b) floor, knocked on the door, stated that they had a warrant and requested to search the premises. § 87(2)(b) and § 87(2)(b) stayed on the § 87(2)(b) floor and did not hear § 87(2)(b) response or see the officers search the § 87(2)(b) floor. § 87(2)(b) heard the officers ask § 87(2)(b) if they could check specific rooms. § 87(2)(b) statement was consistent with § 87(2)(b)

Det. Rivera testified that he did not have any recollection of the incident location or any

investigative actions he took at the location. He did not remember that this location had separate § 87(2)(b) floor and § 87(2)(b) floor apartments.

Sgt. Connizzo and Det. Hoppinthal testified that they did not remember if there were locked apartments within the building.

Officers must adhere to when obtaining consent to conduct a search; (a)(1) – articulate, using plain and simple language delivered in a non-threatening manner, that the person who is the subject of the search is being asked to voluntarily, knowingly, and intelligently consent to the search, and explain that the search will not be conducted if the person refuses to consent to the search; and (b)(2) – document the time, location, and date of such search, and the apparent race/ethnicity, gender, and age of the person who was the subject of such search, and such officer’s name, precinct, and shield number. In the event body worn cameras are not provided by the department to officers engaged in a patrol function, the department shall (i) develop and implement a procedure to obtain objective proof of voluntary, knowing, and intelligent consent to search by documenting the information communicated by an officer and the response of the person who is the subject of such search in writing and by offering such person to sign a statement confirming such consent, or by documenting such information through audio, through video and audio, or by other methods, excluding fingerprinting (h)(1), NYC Administrative Code 14-173 (BR 12).

§ 87(2)(b) and § 87(2)(b) statements were consistent in that the officers entered the apartment, § 87(2)(g) § 87(2)(b) and § 87(2)(b) did not visually observe the officers enter the apartment, but they heard officers ask to look around specific rooms. § 87(2)(b) and § 87(2)(b) were unable to hear § 87(2)(b) response to the officers. Det. Rivera, PO Hoppinthal, and Sgt. Connizzo had no recollection of where they went or what they did during the location visit and did not remember a separate locked apartment at the location. No video evidence was obtained of the incident, as there were no external surveillance cameras, and the officers were not equipped with BWC. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) it is recommended that **Allegation D** be closed as **substantiated**.

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 16).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 17).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 18).
- Det. Rivera has been a member-of-service for 16 years and has been a subject in 18 CCRB complaints and 42 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

