

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Esme Trontz	Team: Squad #07	CCRB Case #: 202004022	☒ Force	☒ Discourt.	☐ U.S.
			☒ Abuse	☐ O.L.	☐ Injury
Incident Date(s) Saturday, 06/06/2020 3:30 PM, Saturday, 06/06/2020 5:21 PM	Location of Incident: § 87(2)(b) between § 87(2)(b) and § 87(2)(b) and the 83rd Precinct stationhouse	18 Mo. SOL 5/4/2022	Precinct: 83		
Date/Time CV Reported Sat, 06/06/2020 5:53 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 06/06/2020 5:53 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. Officers			
3. PO Christopher Chacon	11082	963446	083 PCT

Officer(s)	Allegation	Investigator Recommendation
A . Officers	Abuse: Officers stopped the vehicle in which Individuals were occupants.	A . Officer(s) Unidentified
B . Officers	Abuse: Officers searched the vehicle in which Individuals were occupants.	B . Officer(s) Unidentified
C . An officer	Discourtesy: At § 87(2)(b) between § 87(2)(b) and § 87(2)(b) Brooklyn an officer spoke discourteously to an individual.	C . Officer(s) Unidentified
D . An officer	Discourtesy: At § 87(2)(b) between § 87(2)(b) and § 87(2)(b) Brooklyn an officer spoke discourteously to § 87(2)(b) § 87(2)(b)	D . Officer(s) Unidentified
E . An officer	Force: At § 87(2)(b) between § 87(2)(b) and § 87(2)(b) Brooklyn, an officer used physical force against § 87(2)(b) § 87(2)(b)	E . Officer(s) Unidentified
F . An officer	Abuse: At § 87(2)(b) between § 87(2)(b) and § 87(2)(b) Brooklyn, an officer refused to provide his name to § 87(2)(b) § 87(2)(b)	F . Officer(s) Unidentified
G . An officer	Abuse: At § 87(2)(b) between § 87(2)(b) and § 87(2)(b) Brooklyn, an officer refused to provide his shield number to § 87(2)(b) § 87(2)(b)	G . Officer(s) Unidentified
H . An officer	Abuse: At § 87(2)(b) between § 87(2)(b) and § 87(2)(b) Brooklyn, an officer refused to provide his name to Individuals.	H . Officer(s) Unidentified

Officer(s)	Allegation	Investigator Recommendation
I . An officer	Abuse: At § 87(2)(b) between § 87(2)(b) and § 87(2)(b) Brooklyn, an officer refused to provide his shield number to Individuals.	I . Officer(s) Unidentified
J . PO Christopher Chacon	Abuse: At the 83rd precinct stationhouse in Brooklyn, Police Officer Christopher Chacon did not process § 87(2)(b) § 87(2)(b)'s complaint regarding officers.	J . Substantiated

Case Summary

§ 87(2)(b) filed this complaint with the CCRB via telephone on June 8, 2020. § 87(2)(b) filed a duplicate complaint with the CCRB via the online portal on June 6, 2020.

On June 6, 2020, at approximately 3:30 or 4:00 p.m., § 87(2)(b) and her friend, § 87(2)(b) were walking on § 87(2)(b) between § 87(2)(b) and § 87(2)(b) in Brooklyn when § 87(2)(b) saw several officers seeming to stop a few young men. Some officers appeared to be searching the boys' vehicle (**Allegations A and B: Abuse of Authority- Vehicle Stop and Vehicle Search, Officer(s) Unidentified**). § 87(2)(b) looking outside her window, witnessed the same scene. § 87(2)(b) and § 87(2)(b) stopped to watch what was happening and spoke with a few other unidentified individuals who were also observing the scene. One officer began speaking to a male individual on a bicycle. § 87(2)(b) believed she heard the officer say to the civilian, "You don't give a shit about this community" (**Allegation C: Discourtesy- Word, Officer Unidentified**). § 87(2)(b) told the officer he was rude, and they started arguing, during which she believed the officer said to her, "Shut the fuck up" (**Allegation D: Discourtesy- Word, Officer Unidentified**). Soon after, a second officer allegedly pushed § 87(2)(b) twice on the forearms, causing her to move back but not fall (**Allegation E: Force- Physical Force, Officer Unidentified**). § 87(2)(b) told the second officer not to touch her again before he started to walk away; she then allegedly asked for his name and shield number, but he did not respond (**Allegations F and G: Abuse of Authority- Refusal to Provide Name and Shield, Officer Unidentified**). § 87(2)(b) along with several other civilians on scene, yelled to the other officers on scene that she needed the name and shield number of the officer who pushed her (**Allegations H and I: Abuse of Authority- Refusal to Provide Name and Shield, Officer Unidentified**). All the officers left the scene in their vehicles. A civilian told § 87(2)(b) the officers were from the 83rd Precinct, so she went to the 83rd Precinct stationhouse to file a complaint. She spoke with Police Officer Christopher Chacon of the 83rd Precinct, who, rather than take her complaint there, gave her the contact information for the CCRB so she could file a complaint on her own (**Allegation J: Abuse of Authority- Refusal to Process Civilian Complaint, Substantiated**). No one was arrested or summonsed for the incident. Stationhouse footage from the 83rd Precinct stationhouse was obtained (Board Review #20). No BWC for this incident was received; after three requests to Legal Bureau, the only videos received were unrelated to this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: At § 87(2)(b) between § 87(2)(b) and § 87(2)(b) Brooklyn officers stopped the vehicle in which Individuals were occupants.
Allegation (B) Abuse of Authority: At § 87(2)(b) between § 87(2)(b) and § 87(2)(b) Brooklyn, officers searched the vehicle in which Individuals were occupants.
Allegation (C) Discourtesy: At § 87(2)(b) between § 87(2)(b) and § 87(2)(b) Brooklyn an officer spoke discourteously to § 87(2)(b)
Allegation (D) Discourtesy: At § 87(2)(b) between § 87(2)(b) and § 87(2)(b) Brooklyn, an officer spoke discourteously to § 87(2)(b)
Allegation (E) Force: At § 87(2)(b) between § 87(2)(b) and § 87(2)(b) Brooklyn, an officer used physical force against § 87(2)(b)
Allegation (F) Abuse of Authority: At § 87(2)(b) between § 87(2)(b) and § 87(2)(b) Brooklyn, an officer refused to provide his name to § 87(2)(b)
Allegation (G) Abuse of Authority: At § 87(2)(b) between § 87(2)(b) and § 87(2)(b) Brooklyn, an officer refused to provide his shield number to § 87(2)(b)

Allegation (H) Abuse of Authority: At § 87(2)(b) between § 87(2)(b) and § 87(2)(b) Brooklyn, an officer refused to provide his name to Individuals.
Allegation (I) Abuse of Authority: At § 87(2)(b) between § 87(2)(b) and § 87(2)(b) Brooklyn, an officer refused to provide his shield number to Individuals.

§ 87(2)(b) provided a statement to the CCRB on June 17, 2020 (Board Review #01).
§ 87(2)(b) provided a statement to the CCRB on June 22, 2020 (Board Review #02). Police Officer Davis of the 83rd Precinct was interviewed by the CCRB on September 14, 2021. Sergeant Brenden Lavelle of the 79th Precinct, who at the time was a police officer in the 83rd Precinct, was interviewed by the CCRB on November 17, 2021.

§ 87(2)(b) testified that, at around 3:30 p.m. on June 6, 2020, she and her friend, § 87(2)(b) were out in Bushwick walking § 87(2)(b)'s dog. They reached § 87(2)(b) between § 87(2)(b) and § 87(2)(b) and saw uniformed officers detaining three young black men against a wall. The officers appeared to be asking the men questions and looking in their vehicle. Several other civilians who § 87(2)(b) did not know personally were watching the scene. § 87(2)(b) and § 87(2)(b) left after about a minute and returned about 25 minutes later. By then, there were approximately eight officers on scene. A black male civilian on a bicycle turned to an approximately 6' tall, possibly Hispanic uniformed male with a tan complexion, in his early 30s, with dark brown hair and eyes, a little bit of facial hair, and an average build, and asked him why the men were being detained. The male and the officer began talking, and § 87(2)(b) believed she heard the officer say, "You don't give a shit about this community." In response, § 87(2)(b) said to the officer, "what you just said was really rude." The officer said, "Mind your business." § 87(2)(b) said she was not going to mind her business, and believed she told the officer he was an "asshole." § 87(2)(b) and the officer argued for approximately five to ten seconds, during which she believed he either said, "Shut up," or "Shut the fuck up."

Either during this short argument or immediately after, when § 87(2)(b) was standing on the edge of the sidewalk facing away from the street, a second officer, who was an approximately 5'5" to 5'6" tall, 28-year-old uniformed Hispanic or Middle Eastern male with light skin and brown hair wearing a cotton police uniform that was slightly different from the other officers', came up to § 87(2)(b). He grabbed both of § 87(2)(b)'s upper arms and pushed her about a foot back while he said, "Six feet away." § 87(2)(b) said, "Why did you push her?" § 87(2)(b) told the officer not to touch her again, but he began to walk away. § 87(2)(b) said to him, "What's your name and badge number? I need your name and badge number." § 87(2)(b) then turned around to face the approximately 15 other officers behind her and said, "I need his name and badge number!" She yelled this over 10 times, and several other civilians said, "She's asking for his name and badge number!" § 87(2)(b) asked a third officer, an approximately 5'1" tall uniformed white male in his 30s with light eyes and tattoos on his arms, that she wanted the second officer's name and badge number. This officer, along with two female officers and one other officer who was apparently the highest-ranking officer on scene, all said they would try to help her find out the second officer's name and shield number but did not. All the officers then got in their respective vehicles (there were approximately three on scene, one or two of which were vans) and drove away.

§ 87(2)(b) witnessed the same scene from her apartment window on the § 87(2)(b) floor of § 87(2)(b). She saw a mix of marked and unmarked vehicles parked across the street, § 87(2)(b) and her friend with a dog, and a male civilian on a bike. Her description of the officer who pushed § 87(2)(b) was roughly similar to § 87(2)(b)'s description (uniformed, possibly white or Hispanic male in his mid- to late-20s with a medium/fit build and brown hair that was shaved on the sides and taller on the top, possibly with a light beard). However, while § 87(2)(b) said an officer she spoke to near the end of the incident had tattoos on his arms, § 87(2)(b)

§ 87(2)(b) said that the officer who pushed § 87(2)(b) was tattooed. § 87(2)(b) saw this officer push § 87(2)(b) twice and say, “Get back,” causing her to move back a total of about ten feet. She then saw § 87(2)(b) ask the officer who pushed her for his name and shield number, after which many of the other civilians started shouting and asking for the name and shield number as well. Afterward, the conversation § 87(2)(b) heard at the street level made it clear that no one had received the officer’s name or badge number.

§ 87(2)(g)

A phone call on June 16, 2020 to the number listed for § 87(2)(b) at § 87(2)(b) found that the number was not in service (Board Review #03). An employee at § 87(2)(b) at § 87(2)(b) stated on a phone call on June 16, 2020 that the store did not have any exterior cameras (Board Review #04). A phone call on September 10, 2020 to § 87(2)(b) at § 87(2)(b) found that the number listed on the restaurant’s website was not in service (Board Review #05). No phone number was found for § 87(2)(b) at § 87(2)(b), either on Google or on their awning as seen on Google Streetview. An email was sent on September 10, 2020 to the email address listed on the website of “§ 87(2)(b) at § 87(2)(b) but no response was received (Board Review #06).

A BADS search on August 25, 2020 for any arrests in the 83rd Precinct on the date of the incident resulted in only two arrests that did not match the description of the incident (Board Review #07). A request to DAO for the stop report log for the 83rd Precinct on the date of the incident was returned negative on June 30, 2020 (Board Review #08). Footage from the TARU camera at § 87(2)(b) and § 87(2)(b) was requested on June 15, 2020 (Board Review #09), but was not received by TARU until September, 2020; by then, the footage had expired (Board Review #10). A request to IAB on-site for Threat, Resistance, and Injury reports was returned negative on August 2, 2020 (Board Review #11). A request to IAB on-site for summonses issued on the date of the incident was returned negative on September 10, 2020 (Board Review #12). The first request for BWC videos was received on September 15, 2020, which corresponded to a job at 4:15 p.m. on § 87(2)(b) between § 87(2)(b) and § 87(2)(b), which is approximately four blocks away from the incident location (Board Review #13). This scene did not match the one § 87(2)(b) and § 87(2)(b) described; it took place in the gated front lot of a small apartment building and involved multiple members of a family. None of the officers who responded to this job appear in the BWC to have arm tattoos.

§ 87(2)(g)

A request from DAO for EVENTS from these precincts, and a request for the stop report logs, was returned negative on November 5, 2020. Memo books were requested from about a dozen 83rd Precinct officers who may have been in the area of the incident at around 3:30 p.m.; the memo books, which were received from IAB off-site on May 11, 2021, showed no entries relevant to the incident (Board Review #15). Memo books received on May 19, 2021 from four additional officers that were possibly in the area also listed no related incidents (Board Review #16). An AVL search was requested from the 83rd precinct for the movement of all the RMPs listed in the roll call from the date of the incident until 5:30 p.m. The AVL was received, but only up until 2:59 p.m. (Board Review #17). IAB was unable to provide the accurate AVL search.

The Resource Recap Log, received from IAB on-site, showed about a dozen officers from the 83rd Precinct responding to a call for an assault in progress at 3:15 p.m. at § 87(2)(b) – just East of the corner of § 87(2)(b) and only a block from § 87(2)(b) (Board Review #11). Five BWC videos were received for this job – two videos from Police Officer Austin Davis and three from Police Officer Juliet Pitt (now Frazier), both from the 83rd Precinct (Board Review #18). The videos only show the officers responding to § 87(2)(b), speaking with the woman who lives there, and leaving after a few minutes. There do not appear to be a group of officers or their vehicles parked along § 87(2)(b) as seen at the end of these BWC videos.

§ 87(2)(g) Police Officer Davis was interviewed. However, in his interview, he testified that he did not remember witnessing or being a part of any part of this incident. He did not remember stopping anyone. If anything happened in the 83rd Precinct which resulted in officers calling for backup, he would have responded to assist, but he did not remember anything specific happening on that day. He stated that he believed Police Officer Thomas Donnelly from the 83rd Precinct had several tattoos on his arms and thus could have been involved in the incident. However, Police Officer Donnelly's memo book, received on January 10, 2022, indicated that Police Officer Donnelly began his tour at 5:00 p.m. that day (after the incident) and that he was assigned to T/S Operator, and thus would not be on patrol (Board Review #19).

§ 87(2)(g)

§ 87(2)(g). It is therefore recommended that **Allegations A-I** be closed as **officer(s) unidentified**.

Allegation (J) Abuse of Authority: At the 83rd precinct stationhouse in Brooklyn, Police Officer CHRISTOPHER CHACON did not process § 87(2)(b)'s complaint regarding officers.

Police Officer Christopher Chacon of the 83rd Precinct was interviewed by the CCRB on December 7, 2021.

§ 87(2)(b) testified that she and § 87(2)(b) went to the 83rd Precinct stationhouse to file a complaint about the incident. They waited in the lobby of the stationhouse for some time, after which Police Officer Chacon came out and told her the supervisor was busy and that they were switching shifts. Police Officer Chacon then gave her a sheet of paper with the CCRB's phone number on it, and she called the CCRB to file her complaint.

The stationhouse footage is consistent with § 87(2)(b)'s testimony (Board Review #20). At 1:40:20, Police Officer Chacon is seen coming out to the lobby from inside the stationhouse holding a piece of paper, then speaking with § 87(2)(b) and § 87(2)(b). They speak for about six minutes, after which Police Officer Chacon hands § 87(2)(b) the paper and they leave. Police Officer Chacon does not appear to direct § 87(2)(b) to any other officers.

Though Police Officer Chacon did not remember speaking with § 87(2)(b) he confirmed that the officer seen in the stationhouse footage was himself and stated that the paper probably contained the phone number, email, and mailing address of the CCRB. He believed he learned in the academy that if a civilian came to the stationhouse requesting to file a complaint, his responsibility was to give them the contact information for the CCRB so they could file the complaint themselves. If the civilian wanted to file the complaint at the stationhouse, he would give that information to his sergeant. Police Officer Chacon was assigned to stationhouse security

outside the stationhouse on the date of the incident. When he was assigned to stationhouse security, he would normally refer civilians requesting to file a complaint to another officer (such as the one sitting at the front desk) or his sergeant so he could return to his required post outside, rather than taking the complaint right there himself.

§ 87(2)(g)

Patrol Guide Procedure 207-31 states that if a civilian wants to file a complaint against officers while at the stationhouse, an officer must interview the complainant and provide them with a Civilian Complaint Report Form (PD 313-154) to be prepared in the civilian's own handwriting (Board Review #21). Even if the civilian does not wish to file the complaint immediately in-person at the stationhouse, the officer is still required to provide them with the Civilian Complaint Report Form.

§ 87(2)(g)

, it is recommended that **Allegation J** be **substantiated**.

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) (Board Review #22) and § 87(2)(b) (Board Review #23) have been parties.
- This is the first complaint for which Police Officer Chacon, who has been a member-of-service for four years, has been named a subject.

Mediation, Civil, and Criminal Histories

- § 87(2)(g)
- A Notice of Claim search request was sent to the NYC Office of the Comptroller on January 19, 2022 (Board Review #24). The results of the search will be included in the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 7

Investigator: Esme Trontz
Signature

Inv. Esme Trontz
Print Title & Name

01/21/2022
Date

Manager Vanessa Rosen

January 24, 2022

CCRB Case # 202004022

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date