

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Adriaan Denbroeder	Team: Squad #15	CCRB Case #: 202007314	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/04/2020 8:05 PM, Wednesday, 11/04/2020 8:23 PM, Wednesday, 11/04/2020 8:30 PM	Location of Incident: 14th Street one block from Union Square Park/Leroy Street and 7th Ave. /West 8th Street and 5th Ave.	Precinct: 13	18 Mo. SOL 5/4/2022	EO SOL 5/4/2022	
Date/Time CV Reported Thu, 11/05/2020 4:17 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 11/05/2020 4:17 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DI Elias Nikas	00000	902105	PBMS
2. PO Erik Olsen	16880	966749	MELD
3. PO Steven Mordente	14795	949362	114 PCT
4. DT2 Robert Klein	02872	936874	DB BXHM
5. SGT William Gaspari	01310	941799	SRG 3
6. LT Christopher Carlsen	00000	947998	SRG 3
7. PO Christopher Foley	08327	955029	SRG 1
8. PO Jason Ronin	06698	961559	009 PCT
9. PO Robert Lee	22882	964112	009 PCT
10. PO Jessica Torres	01909	939592	009 PCT
11. PO Robert Browne	15948	961654	009 PCT
12. PO David Bowman	16034	944015	009 PCT
13. PO Damercys Cepedasantana	20582	967806	009 PCT
14. PO Erika Prado	07322	964710	009 PCT

<b>Witness Officer(s)</b>	<b>Shield No</b>	<b>Tax No</b>	<b>Cmd Name</b>
15. SGT Christopher Joyce	02199	945862	108 PCT
16. SGT Nicole Monaco	02977	953127	DBMS
17. SGT DS Dunia Palacios	05307	940543	NBBX MAJOR
18. PO Dennis Samuels	15871	957128	SRG 1
19. DT3 Keri Preikschat	04522	930747	NARCBBX
20. PO Dynel Powell	09095	940544	SRG 3
21. SGT Jackson Seto	00628	934621	SRG 04
22. PO Gerlando Marchetta	24596	962573	SRG 3

<b>Officer(s)</b>	<b>Allegation</b>	<b>Investigator Recommendation</b>
A. Officers	Force: Officers used physical force against § 87(2)(b)	
B. Officers	Force: Officers used physical force against § 87(2)(b)	
C. An officer	Force: An officer struck § 87(2)(b) with a baton.	
D. Officers	Abuse: Officers stopped § 87(2)(b) at 8th Street and 5th Avenue in Manhattan.	

## Case Summary

§ 87(2)(b) filed this complaint on November 5, 2020, via the CCRB call processing system.  
§ 87(2)(b) filed this complaint via the online complaint form on December 31, 2020. § 87(2)(b)  
§ 87(2)(b) filed this complaint on November 4, 2020, via the CCRB's call processing system.

On November 4, 2020, several groups gathered at Washington Square Park in Manhattan in order to protest against police brutality. § 87(2)(b) arrived at the protest with her sister and her friend § 87(2)(b) between 5:00pm and 6:00pm. At approximately 9:30pm, § 87(2)(b) then travelled with a group of protestors and several friends, in the direction of Union Square from Washington Square Park, and other protest groups branched off to the West Village. As § 87(2)(b) travelled towards Union Square, several groups of officers followed the protestors. § 87(2)(b) then heard the Long Range Acoustic Device (LRAD), a loudspeaker system used by the NYPD. § 87(2)(b) heard the loudspeaker providing instructions ordering protestors to get off the street. § 87(2)(b) led the protestors around scaffolding that obstructed the sidewalk, and back around onto the sidewalk on the south side of East 14<sup>th</sup> Street at its intersection with Irving Place. As § 87(2)(b) instructed protestors to get back onto the sidewalk, several officers knocked her to the ground (**Allegation A: Force, § 87(2)(g)**). Several groups of officers advanced towards protestors and made multiple arrests on the sidewalk in front of a Wells Fargo Bank located at 104 East 14<sup>th</sup> Street, between Irving Place and 4<sup>th</sup> Avenue. As officers advanced and brought § 87(2)(b) to the ground, an officer kicked Ms. § 87(2)(b) in the head (**Allegation B: Force, § 87(2)(g)**). Another officer struck her knee and leg with a baton (**Allegation C: Force, § 87(2)(g)**). The officers then formed a perimeter around the protestors. § 87(2)(b) exited the perimeter.

At approximately 8:23pm, § 87(2)(b) travelled with protestors to West 8<sup>th</sup> Street and 5<sup>th</sup> Avenue. As she approached, officers started to close in on the crowd, and protestors began to panic and request that officers let them disperse (**Allegation D: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) then made her way to the sidewalk and exited the protest.

Requests for Body Worn Camera footage yielded 166 results (**Board Reviews 23, 17, 32-35**). New York University surveillance captured the incident at East 14<sup>th</sup> Street and Irving Place (**Board Review 14**).

## Findings and Recommendations

### **Known facts and general descriptions:**

§ 87(2)(b) stated in her CCRB testimony (**Board Review 1**) that she arrived at the protest at approximately 5:00pm or 6:00pm at Washington Square Park. In a follow up call to § 87(2)(b) (**Board Review 4**), she stated that she was one of several individuals who organized the protest. The protest was a Black Lives Matter protest and was called the "March for Liberation." § 87(2)(b) stated in her CCRB interview (**Board Review 1**) that the protest was organized such that protestors on foot were surrounded by bicycles, intended to protect protestors who were on foot from police presence along the perimeter. During the incident, § 87(2)(b) wore black pants and a black sweater. § 87(2)(b) stated in a follow up call (**Board Review 4**) that there were multiple protests planned for the evening of November 4, 2020. § 87(2)(b) stated in her CCRB interview (**Board Review 3**) that she attended another protest that evening that also departed from Washington Square Park while the protest § 87(2)(b) attended proceeded to Union Square, the protest § 87(2)(b) attended travelled southwest towards the West Village.

§ 87(2)(b) did not remember the route the protestors took, however they ended up at Union Square. As they walked to Union Square, many officers followed them. Officers on bicycles rode very close to the protesters such that their tires or handlebars would make contact with the protesters. The officers on foot would become very close to the protesters, particularly when the protesters stopped walking. The protesters, including § 87(2)(b) would ask the officers to keep a six-foot distance which the officers would not do, forcing the protesters to move closer to one another to stay away from the officers. If the protesters moved, the officers moved right with them.

§ 87(2)(b) stated (**Board Review 1**) that at one point, she was approximately one block away from Union Square on 14<sup>th</sup> Street. She started to hear an LRAD message instructing protesters to get off the street. § 87(2)(b) led protesters onto the sidewalk and was in the process of leading protesters around scaffolding that was on one side of the sidewalk so that protestors could get back on the sidewalk. PO Quilty's Body Worn Camera titled \PO\_Quilty\_AXON\_Body\_2\_Video\_2020-11-04\_2122.mp4 (**Board Review 15**) shows that directly prior to the incident, protestors walk past scaffolding. After walking past the scaffolding, officers knocked § 87(2)(b) and a group of other protesters down to the ground. § 87(2)(b) did not remember any physical descriptions for the officers who did this but believed there had been at least six officers near her. The officers made contact with her back and thighs. § 87(2)(b) remained on the floor for approximately one minute. § 87(2)(b) got up off the ground after which officers took her and another protester to the ground one more time. § 87(2)(b) believed this was the same group of officers who took her to the ground the first time, but she did not know for sure. The officers did not issue any instructions or commands prior to taking § 87(2)(b) to the ground. This time, the officers were kicking her and the other protesters on the ground. The people around § 87(2)(b) saw her get kicked in the head and an officer hit her with a baton. One officer kicked her and was stepping on her hands and head, but she did not know how the officers took these actions specifically. § 87(2)(b) did not remember any physical description for the officers who kicked her on her head or hit her with a baton except that she believed the officers were wearing blue. The baton made contact with § 87(2)(b) knee and leg. § 87(2)(b) believed the officer who hit her with a baton had not aimed to hit her with his baton, but hit her nonetheless. This second time, § 87(2)(b) remained on the floor for approximately one minute. At this point, officers had created a perimeter around the protestors being arrested. § 87(2)(b) made her way out of the perimeter. § 87(2)(b) was not placed under arrest. § 87(2)(b) sustained back pain and scraped knees as a result of the incident but did not obtain medical attention.

New York University surveillance footage (**Board Review 14**) shows that at timestamp 3:24:48, civilians start to run westward on East 14<sup>th</sup> Street. At 3:25:52, § 87(2)(b) is seen in the right side of the frame to the left of a civilian with a yellow bicycle. Officers approach the individual with the yellow bicycle. At 3:26:00, officers and the civilian push back and forth. The video then freezes and unfreezes three seconds later. At 3:26:50, officers can be seen forming a perimeter around the incident by making a line with their bikes.

While § 87(2)(b) was at Union Square, § 87(2)(b) was marching with the protest that proceeded towards the West Village. § 87(2)(b) stated in her CCRB interview (**Board Review 3**) that at the intersection of West 9<sup>th</sup> Street and 5<sup>th</sup> Avenue, officers blocked her and a group of protestors from being able to march onwards. § 87(2)(b) stated that officers also blocked the rear of the protest and she was not able to leave. § 87(2)(b) provided a photograph (**Board Review 16**) of this moment. The photograph portrays a group of civilians, including one white female with bright green hair and a white shirt wearing Vans sneakers. § 87(2)(b) circled herself in yellow ink. The image is blurry but § 87(2)(b) appears to have brown hair with bangs and wears a black mask.

§ 87(2)(b) stated (**Board Review 3**) that at this point, the group of officers did not make physical contact with civilians. A couple of minutes later, the police started hitting people to the left of § 87(2)(b) with batons. § 87(2)(b) could not remember physical descriptions for the officers taking these actions. Approximately two or three people got hit by officers on § 87(2)(b)'s left side. It was also approximately two or three officers hitting people. These officers wore black uniforms with helmets that had blue stripes and numbers. There were several people between § 87(2)(b) and the individuals who were hit. § 87(2)(b) did not remember what the individuals did with their bodies upon being hit. § 87(2)(b) saw the officers pulling their batons out and starting to hit people and § 87(2)(b) heard screams and impact sounds but she did not see what the individuals' body reactions were or where specifically they were hit.

## **BWC:**

61 Body Worn Camera video files were reviewed regarding the incident involving § 87(2)(b) at Irving Place and East 14<sup>th</sup> Street. None of the Body Worn Camera files captures § 87(2)(b) being struck by any officer or being struck with a baton or asp.

Lt. Christopher Carlsen's Body Worn Camera footage labeled \PO\_Christopher\_Carlsen\_AXON\_Body\_2\_Video\_2020-11-04\_2126.mp4 (**Board Review 15**) shows that at 00:37, § 87(2)(b) stands in the center of the frame. An individual with a large wooden stick stands behind her. A civilian with a yellow bicycle walks in front § 87(2)(b) as Lt. Carlsen approaches § 87(2)(b) walks towards the front of the bicycle as Lt. Carlsen and reaches her hand out. Lt. Carlsen reaches his hand out and § 87(2)(b) walks backwards. Lt. Carlsen pushes back and forth with the individual with the bike. Other officer to the right of Lt. Carlsen assist him with pushing the bicycle. § 87(2)(b) is seen at 00:57 behind a group of civilians surrounding the bicycle. Several officers then come into the frame and § 87(2)(b) is no longer in view.

In Strategic Response Group Police Officer Richard Quilty's Body Worn Camera footage titled \PO\_Quilty\_AXON\_Body\_2\_Video\_2020-11-04\_2122.mp4 (**Board Review 15**), § 87(2)(b) can be seen at timestamp 2:23 walking down East 14<sup>th</sup> Street instructing protesters to get onto the sidewalk. PO Quilty walks behind § 87(2)(b) as she and the protesters continue westward in the direction of Union Square.

In Strategic Response Group Police Officer Christopher Foley's Body Worn Camera footage titled \PO\_Foley\_AXON\_Body\_2\_Video\_2020-11-04\_2125.mp4 (**Board Review 15**), at 00:57, PO Foley runs westward on East 14<sup>th</sup> Street towards a crowd of individuals on the south side of the sidewalk in front of a Wells Fargo Bank. PO Foley runs into the crowd and grasps onto the jacket of an officer. At 1:00, PO Foley grasps onto a yellow bicycle that a civilian holds. An officer, identified by the investigation as Lt. Christopher Carlsen. The civilian with the yellow bicycle falls back and PO Foley proceeds through the crowd. At 1:17, a female identified by the investigation as § 87(2)(b) sits on the sidewalk against the wall of a building. Officers stand around her in a semi-circle. The officers in § 87(2)(b) immediate vicinity have been identified by the investigation as Sgt. Monaco, PO Lee, PO Mordente, and PO Bowman. At 1:33, § 87(2)(b) stands up. Sgt. Monaco of Patrol Borough Manhattan South stands to § 87(2)(b) right. Sgt. Monaco holds a baton in her right hand.

PO Weisenburger Body Worn Camera footage titled \PO\_Weisenburger\_AXON\_Body\_2\_Video\_2020-11-04\_2126.mp4 (**Board Review 15**) approaches the crowd of civilians and officer in front of the Wells Fargo Bank at the same time. PO

Weisenburger pushes through the crowd and forms a line with several other officers. At 1:07, § 87(2)(b) and another individual push through the line of officers and run westward on East 14<sup>th</sup> Street. § 87(2)(b) then leaves the frame.

PO Swift's Body Worn Camera footage titled \PO\_Swift\_AXON\_Body\_2\_Video\_2020-11-04\_2126.mp4 (**Board Review 15**) shows that following the incident outside the Wells Fargo Bank at East 14<sup>th</sup> Street and Irving Place, at timestamp 2:19, § 87(2)(b) is at the center of the frame walking westwards on East 14<sup>th</sup> Street. PO Swift and several other officers move their respective bikes forward and instruct protestors to move back.

### **Ranking Members of Service:**

Deputy Chief John D'Adamo was the Incident Commander of the Strategic Response Group that evening. Based on the civilian statements obtained, he did not interact with § 87(2)(b) or § 87(2)(b) Schere on November 4, 2020.

### **Members of Service Interviewed:**

At approximately 8:30pm on November 4, 2020, Lt. Carlsen was assigned to the protest. Lt. Carlsen received instructions from Strategic Response Group Captain Delgado to follow behind and shadow the protest. Carlsen did not remember receiving any sort of instructions or intelligence about the coming protest. Lt. Carlsen did not remember any specific instructions regarding arrests. Lt. Carlsen stated (**Board Review 6**) that there were at least 50 protestors present. The protestors travelled southbound on foot and on bicycles.

Seven members of service were interviewed. Lt. Carlsen stated in his CCRB interview (**Board Review 6**) that he did not use a baton or asp. Lt. Carlsen stated he did not direct any officers to use their batons or asps. Lt. Carlsen did not take any protestors to the ground. Lt. Carlsen stated that he did not recall seeing § 87(2)(b) at the protest on November 4, 2020.

Detective Klein stated in his CCRB interview that he did not recognize § 87(2)(b) and had never used a baton during his tenure as a member of service (**Board Review 10**).

Sgt. Gaspari stated in his CCRB interview (**Board Review 8**) did not recall any members of service using their batons and did not carry one himself. Sgt. Gaspari did not observe any officers engaging with any individuals who had a yellow bike. Sgt. Gaspari stated that he was not familiar with § 87(2)(b) after seeing an image of her.

Sgt. Dunia Palacios stated in her CCRB interview (**Board Review 9**) that she did not strike § 87(2)(b) with a baton and did not recognize § 87(2)(b) when presented with an image of her.

Sgt. Monaco stated in her CCRB interview (**Board Review 7**) that she did not recall using her baton or asp that day and did not recall seeing any other officers using batons or asps. Sgt. Monaco stated that she did not recall striking or pushing any one with her baton or asp.

PO Bowman stated in his CCRB interview (**Board Review 5**) that he did not recall if he carried a baton or asp that day. PO Bowman did not use any force against any protestors that day. Police Officer David Bowman was a 9<sup>th</sup> Precinct officer assigned to a protest detail. PO Bowman stated in

his CCRB interview (**Board Review 5**) that he did not recall anything about this specific protest. PO Bowman's Body Worn Camera titled \2020-11-04\_21-25-44.AVI shows that at timestamp 00:59 (**Board Review 17**), that there is an individual sitting on the ground identified by the investigation as § 87(2)(b) PO Bowman did not recall striking this individual with his baton or asp and did not recall pushing them. PO Bowman did not recall kicking any protesters that day and specifically did not recall kicking an individual in the head. PO Bowman did not recall seeing any officers kick any protesters in the head. PO Bowman did not recall seeing any officers kick any protesters that day.

PO Lee stated in his CCRB interview (**Board Review 11**) that he did not use any force against any protestors and specifically did not use his baton. PO Lee stated that he did not recognize § 87(2)(b) when presented with Body Worn Camera footage and civilian footage of her.

101 Body Worn Camera videos were received regarding the portion of the incident in the West Village. All Body Worn Camera footage has been reviewed and § 87(2)(b) was not viewed on any file.

#### **NYPD Documents received:**

Prior to the protests on November 4, 2020, the Strategic Response Group prepared a Demonstration Response sheet in preparation for the day's protests dated for November 4<sup>th</sup>, 2020 (**Board Review 12**). The sheet designated 10 lieutenants, 32 sergeants, and 232 Strategic Response Group officers were assigned to the protest. Lt. Carlsen, assigned to lead the Strategic Response Group Mobiles Vans according to the Demonstration Response Sheet (**Board Review 12**). Prior to the protest, Lt. Carlsen responded to LaGuardia and West 3<sup>rd</sup> Street, and mustered there. Lt. Carlsen started shadowing the protest somewhere around Columbus Circle and traveled south in a vehicle on 2<sup>nd</sup> Avenue. Lt. Carlsen followed the protest for approximately one hour before exiting his vehicle. Lt. Carlsen was not sure how many other members of service were following the protest. Lt. Carlsen did not know which other commands were present.

The request for Unusual Occurrence Reports came back with negative results. (**Board Review 18**).

Searches of the police database showed no arrest reports for § 87(2)(b) and § 87(2)(b) (**Board Review 19**).

There were no AIDED reports found for this incident (**Board Review 20**).

The Demonstration Response Sheet received from the Strategic Response Group (**Board Review 12**) designated 6 captains, 10 lieutenants, 32 sergeants, and 232 Strategic Response Group to the protest.

The detail roster for this incident was copied from CCRB Case #202101617 (**Board Review 13**). The roster notes 30 police officers, 6 sergeants, and 6 lieutenants assigned to this protest from various commands in the vicinity.

#### **Concurrent Investigations:**

Two other cases, CCRB Case 202101617 and CCRB Case 202007549 were submitted to the CCRB for investigation regarding this incident.

No other CCRB case involved any of the witnesses or victim in this case.

**Allegation Recitation and Disposition:**

**Allegation (A) Force: Officers used physical force against § 87(2)(b)**

**Allegation (B) Force: Officers used physical force against § 87(2)(b)**

**Allegation (C) Force: An officer struck § 87(2)(b) with a baton.**

The investigation was able to obtain three civilian statements for this incident. While § 87(2)(b) provided a detailed description of what had occurred, she did not have any physical descriptions or identifying information of any officer who struck her with a baton. The investigation was able to locate § 87(2)(b) in several BWC videos before, during, and after the incident at Irving Place and East 14<sup>th</sup> Street, but none of the videos captured the use of force § 87(2)(b) alleged. The investigation was able to identify that Sgt. Monaco of Patrol Borough Brooklyn South and Police Officer David Bowman were in § 87(2)(b) direct vicinity when she alleged that she had been kicked and struck by a baton or asp. PO Bowman and Sgt. Monaco stated in their respective CCRB interviews (**Board Review 5, 7**) that they did not recall using any force that day.

The investigation was not able to obtain any documentation or video footage concerning the alleged use of force against § 87(2)(b). Due to the large number of police officers present at the protest and the lack of any identifying information of the subjects, the investigation was not able to determine the identity of the police officer who struck § 87(2)(b) with a baton.

§ 87(2)(g) .

**Allegation (D) Abuse of Authority: Officers stopped § 87(2)(b) at 8th Street and 5th Avenue in Manhattan.**

The investigation was unable to locate § 87(2)(b) on any Body Worn Camera footage for the protest. The investigation was not able to obtain any other documentation or video footage regarding the incident involving § 87(2)(b). Due to the large number of police officers present at the protest and the lack of any identifying information of the subjects, the investigation was not able to identify the police officer who stopped the group of protestors at West 8<sup>th</sup> Street and 5<sup>th</sup> Avenue.

§ 87(2)(g) .

**Civilian and Officer CCRB Histories**

- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]

**Mediation, Civil, and Criminal Histories**



This complaint was not suitable for mediation.

According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**Board Reviews 28-31**).

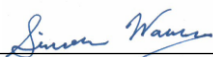
According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**Board Review 27**).

As of March 31, 2022, Notice of Claims have been requested.

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Squad: 15

Investigator:	<u>Adriaan Denbroeder</u>	<u>Inv. Denbroeder</u>	<u>March 31, 2022</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u></u>	<u>IM Simon Wang</u>	<u>03/30/22</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date