

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ariana Thomas	Team: Squad #16	CCRB Case #: 202106755	<input 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) Tuesday, 10/26/2021 6:40 PM, Tuesday, 10/26/2021 6:45 PM	Location of Incident: Lincoln Place and Franklin Avenue 77th Precinct Stationhouse	Precinct: 77	18 Mo. SOL 4/26/2023	EO SOL 4/26/2023	
Date/Time CV Reported Wed, 10/27/2021 10:15 PM	CV Reported At: IAB	How CV Reported: E-mail	Date/Time Received at CCRB Mon, 11/08/2021 10:39 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Daniel Staffa	06523	957187	077 PCT
2. PO Elias Wallen	19845	960068	077 PCT
3. Officers			
4. PO Jonathan Mcdonald	13239	966178	077 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Umar Khitab	02964	952929	077 DET
2. PO Gerber Lizardo	15063	960814	077 PCT
3. PO John Polacsek	24323	946126	077 PCT
4. SGT Walid Ibrahim	02165	950611	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Daniel Staffa	Abuse: At Lincoln Place and Franklin Avenue in Brooklyn, Detective Daniel Staffa stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.DTS Daniel Staffa	Discourtesy: At Lincoln Place and Franklin Avenue in Brooklyn, Detective Daniel Staffa spoke discourteously to § 87(2)(b)	
C.DTS Daniel Staffa	Abuse: At Lincoln Place and Franklin Avenue in Brooklyn, Detective Daniel Staffa threatened to arrest § 87(2)(b)	
D.DTS Daniel Staffa	Abuse: At Lincoln Place and Franklin Avenue in Brooklyn, Detective Daniel Staffa searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants were occupants.	
E.DTS Daniel Staffa	Abuse: At Lincoln Place and Franklin Avenue in Brooklyn, Detective Daniel Staffa seized § 87(2)(b)'s property.	
F.PO Jonathan Mcdonald	Abuse: At Lincoln Place and Franklin Avenue in Brooklyn, Police Officer Jonathan Mcdonald searched the vehicle in § 87(2)(b) and § 87(2)(b) were occupants.	
G.PO Jonathan Mcdonald	Abuse: At Lincoln Place and Franklin Avenue in Brooklyn, Police Officer Jonathan Mcdonald refused to provide his name to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
H.PO Jonathan McDonald	Abuse: At Lincoln Place and Franklin Avenue in Brooklyn, Police Officer Jonathan McDonald refused to provide his shield number to § 87(2)(b)	
I.DTS Daniel Staffa	Abuse: At the 77th Precinct Stationhouse, Detective Daniel Staffa searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
J.PO Elias Wallen	Abuse: At the 77th Precinct Stationhouse, Police Officer Elias Wallen searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
K. Officers	Abuse: At the 77th Precinct Stationhouse, officers damaged § 87(2)(b)'s property.	

### Case Summary

On October 27, 2021, § 87(2)(b) filed this complaint with IAB. It was received by the CCRB on November 8, 2021.

On October 26, 2021, at approximately 6:40 p.m., § 87(2)(b) was driving in the vicinity of Lincoln Place and Franklin Avenue in Brooklyn with his girlfriend, § 87(2)(b) and her 10-year-old niece, § 87(2)(b). Detective Daniel Staffa, of the 77<sup>th</sup> Precinct, stopped the car (**Allegation A: Abuse of Authority**, § 87(2)(g)). Police Officer Elias Wallen, of the 77<sup>th</sup> Precinct, and Det. Staffa ordered § 87(2)(b) to exit the car, stating that he was under arrest. Det. Staffa allegedly told § 87(2)(b) “I wish you would just shut the fuck up,” and, “If you don’t shut the fuck up, I’m going to arrest you” (**Allegation B: Discourtesy**, § 87(2)(g)); (**Allegation C: Abuse of Authority**, § 87(2)(g)). Det. Staffa searched § 87(2)(b)’s car for his phone (**Allegation D: Abuse of Authority**, § 87(2)(g)). Det. Staffa made the decision to seize § 87(2)(b)’s car (**Allegation E: Abuse of Authority**, § 87(2)(g)). Police Officer Jonathan McDonald, of the 77<sup>th</sup> Precinct, arrived on scene to transport § 87(2)(b)’s car to the stationhouse and allegedly searched the glove compartment (**Allegation F: Abuse of Authority**, § 87(2)(g)). PO McDonald allegedly refused to provide his name and shield number to § 87(2)(b) (**Allegations G-H: Abuse of Authority**, § 87(2)(g)). At the 77<sup>th</sup> Precinct stationhouse, Det. Staffa and PO Wallen conducted a search of § 87(2)(b)’s car (**Allegations I-J: Abuse of Authority**, § 87(2)(g)). The officers allegedly left all the windows and sunroof open, and it had rained, so the entire interior of § 87(2)(b)’s car had water damage (**Allegation K: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(b) was charged with § 87(2)(b) (Board Review). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

This case was originally assigned to former Investigator Prakash and was reassigned to Investigator Thomas upon his departure from the agency.

Body-worn camera (“BWC”) footage was obtained and TARU footage (**Board Review 17-18**) from the NYPD Legal Bureau (**Board Review 02-06**). The TARU footage does not capture this incident. There is no other video evidence.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: At Lincoln Place and Franklin Avenue in Brooklyn, Detective Daniel Staffa stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**

§ 87(2)(b) testified that § 87(2)(b) was driving southbound on Franklin Avenue in Brooklyn in § 87(2)(b)’s father’s, § 87(2)(b)’s car, a pearl blue Mercedes-Benz sedan (**Board Review 07-08**). § 87(2)(b) was in the passenger seat and § 87(2)(b) - old sister, § 87(2)(b) was in the backseat. As § 87(2)(b) approached the intersection of Franklin Avenue and Fulton Street, a police vehicle pulled out of its parking spot and drove down Franklin Avenue. § 87(2)(b) double parked in front of the smoothie store “Veggies,” near Lincoln Place and turned on his hazard lights, so that they could get smoothies. The police vehicle drove directly behind them and activated its siren. § 87(2)(b) drove forward, approached the green light at Lincoln Place, and then turned right. There were no pedestrians standing in the street and there were no pedestrians crossing Lincoln Place as § 87(2)(b) was turning. § 87(2)(b) was going to double-park on Lincoln Place, but the police vehicle activated its siren again, so § 87(2)(b) pulled the car over. Det. Staffa approached the driver’s side of the car, and PO Wallen, identified via investigation, approached the passenger’s side. Det. Staffa laughed

and said to § 87(2)(b) "I didn't know that was you, man!" § 87(2)(b) said, "Come on, man, you know it's me." § 87(2)(b) had been driving around all day and saw Det. Staffa in his police car about four or five times. Det. Staffa ordered § 87(2)(b) to produce his license and registration and he complied. Det. Staffa went back to his police car and returned a few minutes later. One of the officers ordered § 87(2)(b) to exit the car and § 87(2)(b) asked why. Both officers said they would explain what was happening once the occupants exited the car. Both officers then handcuffed § 87(2)(b). The officers placed § 87(2)(b) in the police vehicle. § 87(2)(b) walked to the police vehicle and asked § 87(2)(b) if he knew why he was being arrested, and he said he did not. At some point later in the incident, Det. Staffa said § 87(2)(b) was pulled over for "a pedestrian." § 87(2)(b) was not informed why § 87(2)(b) was arrested.

§ 87(2)(b) was uncooperative during the investigation. In his initial complaint with IAB (**Board Review 27**), he stated that he was followed by Det. Staffa and pulled over for failing to yield to a pedestrian.

In Det. Staffa's BWC footage (**Board Review 02**) at 00:45, Det. Staffa, who is operating a police car, motions for a pedestrian to walk across street and turns right onto Lincoln Place, activating the car's turret lights. Due to the angle of the BWC, it is unclear where in the crosswalk the pedestrian is standing and where § 87(2)(b)'s vehicle is at this point. At 01:04, Det. Staffa and PO Wallen exit their car and approach § 87(2)(b)'s car. At 01:15, Det. Staffa tells § 87(2)(b) that he failed to yield to a pedestrian who was in the crosswalk. § 87(2)(b) says he did not. At 01:30, § 87(2)(b) hands Det. Staffa his license and registration. At 01:55, Det. Staffa returns to the police car. At 06:55, Det. Staffa calls "PO Khitab," says he has § 87(2)(b) stopped, and asks, "You want him?" At 07:20, Det. Staffa and PO Wallen exit the police car. At 07:43, Det. Staffa orders § 87(2)(b) to exit the car. He complies. Det. Staffa orders § 87(2)(b) to turn around and informs him that he is under arrest. § 87(2)(b) asks why, and Det. Staffa says he has an open complaint against him, which they will explain at the stationhouse. § 87(2)(b) turns around and the officers handcuff him. At 08:18, Det. Staffa asks § 87(2)(b) if the car is his and he says it is his father's. § 87(2)(b) walks to the driver's side of the car and repeatedly asks what § 87(2)(b) is being arrested for. Det. Staffa tells her that § 87(2)(b) is wanted by the 77<sup>th</sup> Precinct Detective Squad. At 08:50, the officers walk § 87(2)(b) to the police car, which he enters.

Det. Staffa's statement was generally consistent with the BWC footage (**Board Review 09**). He testified that he and PO Wallen were driving down Franklin Avenue, when they observed § 87(2)(b)'s double-parked car. Det. Staffa did not recognize the car, nor could he see who was inside. Det. Staffa moved the car along by using the police vehicle's sirens. The car moved immediately, making a right turn on Lincoln Place. As the car turned right, there was a pedestrian a few feet in the crosswalk with the right of way, as the walk sign was illuminated, whom § 87(2)(b) failed to yield to. Det. Staffa initiated a car stop for this violation. Det. Staffa said that in his BWC footage, he motioned for the same pedestrian that § 87(2)(b) failed to yield to, to cross the street. After § 87(2)(b) produced his license and registration, Det. Staffa ran his information through the DAS system on his department-issued cellphone, which yielded a probable cause to arrest I-Card. Det. Staffa called Detective Umar Khitab, of the 77<sup>th</sup> Precinct Detective Squad, who issued the I-Card to confirm that § 87(2)(b) was still wanted. Det. Khitab confirmed that § 87(2)(b) was still wanted and told Det. Staffa to arrest him.

PO Wallen's statement was generally consistent with the BWC footage and Det. Staffa's testimony (**Board Review 10**). He testified that as the officers approached Lincoln Place, § 87(2)(b) made a right turn onto Lincoln Place as a woman was walking in the crosswalk. The woman had to

stop to avoid getting hit by the car. PO Wallen could not estimate about how far into the crosswalk the pedestrian got, but knew that she had stepped into the crosswalk and had the right of way. Det. Staffa made the decision to initiate the stop, as he, the operator, activated the police car's lights and sirens.

§ 87(2)(b) received a summons for failing to yield to a pedestrian at Lincoln Avenue and Lincoln Place (**Board Review 28**). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

According to the DD5s, Det. Umar Khitab activated a probable cause to arrest I-Card for § 87(2)(b) in connection to UF61 complaint #§ 87(2)(b) (**Board Review 30 (page 20)**). The DD5s also noted that § 87(2)(b) was apprehended on October 26, 2021.

Per the Rules of the City of New York, Title 34, § 4-03, vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians within the intersection or an adjacent crosswalk at the time a pedestrian control signal is exhibited (**Board Review 11**).

§ 87(2)(g)

**Allegation (B) Discourtesy: At Lincoln Place and Franklin Avenue in Brooklyn, Detective Daniel Staffa spoke discourteously to § 87(2)(b)**

**Allegation (C) Abuse of Authority: At Lincoln Place and Franklin Avenue in Brooklyn, Detective Daniel Staffa threatened to arrest § 87(2)(b)**

**Allegation (D) Abuse of Authority: At Lincoln Place and Franklin Avenue in Brooklyn, Detective Daniel Staffa searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**

**Allegation (E) Abuse of Authority: At Lincoln Place and Franklin Avenue in Brooklyn, Detective Daniel Staffa seized § 87(2)(b)'s property.**

§ 87(2)(b) testified that she asked if she could take the car, and one of the officers said she could not. § 87(2)(b) went to the car to get her purse and phone, which were on her seat. Det. Staffa told her she could not touch or take anything out of the car, or he could arrest her for "obstruction."

§ 87(2)(b) asked if the car was under investigation, or whether it had anything to do with the reason § 87(2)(b) was arrested. Det. Staffa said no. § 87(2)(b) asked why she could not take anything in the car, and Det. Staffa again told her not to touch anything. § 87(2)(b) continued to ask why she could not go in the car, and Det. Staffa said, "I wish you would just shut the fuck up." § 87(2)(b) said, "Shut the fuck up?" and asked why she could not take the car. Det. Staffa said, "If you don't shut the fuck up, I'm going to arrest you." § 87(2)(b) told § 87(2)(b) to get out of the car. Det. Staffa said § 87(2)(b) had to call the owner of the car. § 87(2)(b) called § 87(2)(b)'s father, § 87(2)(b) and told him what happened. Det. Staffa said § 87(2)(b) still could not take the car. § 87(2)(b) asked to speak to a sergeant. Sergeant Walid Ibrahim, of the 77<sup>th</sup> Precinct and identified via investigation, arrived. While on the phone with § 87(2)(b) § 87(2)(b) explained to Sgt. Ibrahim what happened, and he said she could take the car because it had nothing to do with § 87(2)(b). § 87(2)(b) ended the call with § 87(2)(b) and then Sgt. Ibrahim said he needed to speak with Det. Staffa about the car. Sgt. Ibrahim spoke to Det. Staffa and then informed § 87(2)(b) that she could not take the car. § 87(2)(b) asked why, and

Sgt Ibrahim said Det. Staffa “did not feel like letting her take the car.” PO McDonald, identified via investigation, later transported § 87(2)(b) s car to the stationhouse.

In Det. Staffa’s BWC footage (**Board Review 02**) at 09:55, Det. Staffa approaches § 87(2)(b) who stands at the driver’s side of § 87(2)(b) s car, and orders § 87(2)(b) and § 87(2)(b) to get out of the car. § 87(2)(b) says she is a licensed driver. Det. Staffa asks if she owns the car and § 87(2)(b) says it is § 87(2)(b) s father’s car. Det. Staffa says she does not have permission to take it. At 10:48, § 87(2)(b) who stands just outside of the driver’s seat, asks if § 87(2)(b) is wanted in connection with the car. Det. Staffa says no but that the car must come with them. At 10:53, Det. Staffa says, “Ma’am, you’re obstructing,” and orders her to move. At 10:56, Det. Staffa says, “Ma’am, you are going to be arrested, too.” At 11:12, Det. Staffa again orders § 87(2)(b) to move from the car. § 87(2)(b) grabs her belongings out of the car and tells § 87(2)(b) to exit. At 12:18, PO Wallen asks, “Hey, you have his phone?” Det. Staffa asks § 87(2)(b) “Ma’am, is his phone in the car?” § 87(2)(b) says she does not know, as she walks away from the car. At 12:25, PO Wallen, who is not captured, tells Det. Staffa that § 87(2)(b) wants his phone. Det. Staffa tells PO Wallen to go stand by the police car, as he reaches over the driver’s seat of § 87(2)(b) s car and opens the center console. At 12:35, § 87(2)(b) says that the officers are searching the car. Det. Staffa says, “He wants his phone. What is wrong with you? Get out of here.” At 12:52, Det. Staffa opens a compartment under the driver’s seat, as § 87(2)(b) yells that the officers arrested him for no reason. At 12:55, Det. Staffa closes the driver’s door and walks away from the car. At 13:29, PO Wallen says that § 87(2)(b) is asking for his phone and asks if § 87(2)(b) has it. § 87(2)(b) does not respond. At 14:10, § 87(2)(b) reaches into her bag and hands § 87(2)(b) s phone to PO Wallen. At 15:45, Det. Staffa tells § 87(2)(b) that § 87(2)(b) s father has to come to the precinct to pick up the car after it is vouchered. At 18:55, an unknown man asks, “Why can’t his pops come get the car right here.” Det. Staffa asks, “Is he coming?” The man says he is around the corner. Det. Staffa tells the man to have him come and that he will verify his ID to the registration and then he can take the car. At 19:20, § 87(2)(b) yells that the officers are telling her she cannot take the car. Det. Staffa asks why she is yelling, and she says the officers are, “Dickheads” and, “You lucky I can’t slap the shit out of you.” Det. Staffa says that it is, “So unnecessary.” § 87(2)(b) says it is unnecessary that she cannot slap him. At 19:58, Sgt. Ibrahim arrives and exits a police car. Det. Staffa tells Sgt. Ibrahim, “Fail to signal, fail to yield to pedestrian, pulled him over here. I-Card for 77 Squad. Called 77, they want him.” § 87(2)(b) speaks to Sgt Ibrahim and tells him what happened. At 22:05, Sgt Ibrahim asks Det. Staffa why he does not want § 87(2)(b) to take the car. He says that it is § 87(2)(b) s father’s car and that he can pick it up. Sgt. Ibrahim tells § 87(2)(b) “He feels like the father should pick up the car.” § 87(2)(b) says, “He feels like, but you’re the sergeant.” At 24:36, Sgt. Ibrahim tells Det. Staffa he and PO Wallen can take § 87(2)(b) back to the stationhouse, and that he will wait for someone to take the car back to the stationhouse. The officers drive § 87(2)(b) to the stationhouse.

In his initial complaint with IAB, § 87(2)(b) stated that the officers violated his rights by searching his father’s vehicle without consent and that Det. Staffa was rude to § 87(2)(b) by telling her to, “Shut the fuck up.”

Det. Staffa’s statement was generally consistent with the BWC footage. He testified that § 87(2)(b) said he wanted his cellphone, and that § 87(2)(b) did not want § 87(2)(b) to have it. Det. Staffa conducted a quick search of the “lunge-able, grabbable area” where § 87(2)(b) had been sitting because § 87(2)(b) wanted his cellphone. He safeguarded the car by taking the keys and locking it. PO McDonald came to the scene to transport the car to the 77<sup>th</sup> Precinct stationhouse for safekeeping since neither § 87(2)(b) nor § 87(2)(b) were the

registered owner of the car and Det. Staffa needed to return the car to the owner. If the owner arrived with his ID, and it matched up with the registration, the owner would have been able to take the car from the scene. § 87(2)(b) objected to the seizure of the car verbally, saying that, “The car had nothing to do with it,” and obstructed Det. Staffa’s ability to get into the driver’s side compartment of the car by physically standing in the way for approximately three minutes until she removed herself. Det. Staffa warned § 87(2)(b) that obstruction could lead to an arrest by saying, “You are going to be arrested, you are obstructing.” He did not arrest § 87(2)(b) for obstruction because he used his discretion. § 87(2)(b) also could have been arrested for threatening to, “Slap the shit out of [him],” for disorderly conduct, though he did not know which sub section. Det. Staffa never told § 87(2)(b) “I wish you would just shut the fuck up,” and did not think he told her to shut up and did not hear any officer do so.

PO Wallen’s statement was generally consistent with the BWC footage and Det. Staffa’s testimony. He testified that he never heard Det. Staffa say, “I wish you would just shut the fuck up,” “If you don’t shut the fuck up, I’m going to arrest you,” or using any profanity towards § 87(2)(b). He did not recall if Det. Staffa ever threatened to arrest § 87(2)(b). When § 87(2)(b) was in the back of the police car, he asked PO Wallen to get him his phone, which he said was in his car. Det. Staffa, who stood at the driver’s seat of the car, looked inside, but he did not locate the phone.

NYPD Patrol Guide, Procedure 218-19 (**Board Review 15**), permits officers to invoice vehicles to determine true owner and states officers may direct an occupied vehicle be taken into custody if true owner cannot be determined.

§ 87(2)(g)  
[REDACTED]

A warrantless arrest can be made for a petty offense, including violations and traffic infractions, and any crimes made in the presence of a police officer. NYPD Patrol Guide, Procedure 208-01 (**Board Review 12**). A person is guilty of obstructing governmental administration (“OGA”) (a class A misdemeanor) “When he intentionally obstructs, impairs, or perverts the administration of law or other government function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act.” (**Board Review 13**).

§ 87(2)(g)  
[REDACTED]

Officers may search a vehicle and any containers found therein when they have probable cause that the vehicle contains contraband, evidence of a crime, a weapon, or means of escape. People v. Belton, 55 N.Y.2d 49 (1981) (**Board Review 31**).

§ 87(2)(g)

**Allegation (F) Abuse of Authority: At Lincoln Place and Franklin Avenue in Brooklyn, Police Officer Jonathan McDonald searched the vehicle in § 87(2)(b) and § 87(2)(b) were occupants.**

**Allegation (G) Abuse of Authority: At Lincoln Place and Franklin Avenue in Brooklyn, Police Officer Jonathan McDonald refused to provide his name to § 87(2)(b)**

**Allegation (H) Abuse of Authority: At Lincoln Place and Franklin Avenue in Brooklyn, Police Officer Jonathan McDonald refused to provide his shield number to § 87(2)(b)**

§ 87(2)(b) testified that a third police car arrived, and PO McDonald, identified via investigation, exited the car. He put one glove on, reached into the car, opened the glove compartment, and shuffled some papers around. § 87(2)(b) could not see if he took anything out of the glove compartment. When § 87(2)(b) was about half a car length away from this officer, she screamed, “Hey, excuse me, can I get your name and badge number?” PO McDonald briefly turned to look at § 87(2)(b) quickly got in the car, and drove it away.

In PO McDonald’s BWC footage (**Board Review 04**), at 00:20, PO McDonald exits the passenger’s seat of a police car and walks towards § 87(2)(b)’s car. At 00:36, as he stands on the driver’s side of the car, he puts gloves on. § 87(2)(b) is not captured and there is no audio. At 01:00, audio begins, as PO McDonald opens the driver’s door, enters the car, and adjusts the seat. At 01:15, PO McDonald drives the car back to the stationhouse. At 15:05, PO McDonald parks the car at the stationhouse and closes all the windows.

PO McDonald’s statement was generally consistent with the BWC footage (**Board Review 16**). He testified that upon his arrival on scene, he was instructed to transport a car back to the 77<sup>th</sup> Precinct, though he did not recall by whom. Sgt. Ibrahim and his partner were the only officers on scene. PO McDonald did not have any conversation with any civilians on scene nor did he observe any civilians, as they were already gone. No civilians ever asked PO McDonald for his name or shield number, and he never refused to provide that information. If a civilian would have asked PO McDonald for his name and shield number, he would have provided it to them. When provided with a description of § 87(2)(b) a 27-year-old black woman who is 5’10 tall, 152 pounds with brown hair and brown eyes, PO McDonald said he did not observe anyone matching that description on scene. He denied opening the glove compartment of the car. When presented with Det. Staffa’s BWC footage (**Board Review 02**), PO McDonald said he did not recognize § 87(2)(b) and never saw her on scene.

§ 87(2)(g)



§ 87(2)(g)

§ 87(2)(g)

**Allegation (I) Abuse of Authority: At the 77th Precinct Stationhouse, Detective Daniel Staffa searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**

**Allegation (J) Abuse of Authority: At the 77th Precinct Stationhouse, Police Officer Elias Wallen searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**

**Allegation (K) Abuse of Authority: At the 77th Precinct Stationhouse, officers damaged § 87(2)(b)'s property.**

After a couple of hours, § 87(2)(b) met § 87(2)(b) at the 77<sup>th</sup> Precinct stationhouse, where they spoke with Det. Staffa, who said he was not § 87(2)(b)'s arresting officer. § 87(2)(b) then went to the stationhouse parking lot to get the car and saw that all the windows and the sunroof, all of which had been closed when the officers took the car, were now all open. It had rained recently, so the entire inside of the car was soaking wet, including the seats, radio, and mirror. § 87(2)(b) knew the car had been searched because there were papers on the seats that had not been there before, and her perfume that had been in the center console was somewhere else in the car. The clothes that had been in a brown bag in the trunk were all taken out of the bag and thrown around the trunk. § 87(2)(b) took the car home. The next day, the car had a weird smell in it and the radio was not working properly because everything had gotten wet.

Det. Staffa (**Board Review 05**) and PO Wallen (**Board Review 06**) both recorded an inventory search of § 87(2)(b)'s car on their respective BWC's. At the conclusion of the search, beginning at 03:02, all the car windows appear closed. At the end of PO McDonald's BWC footage (**Board Review 04**), at 15:28, all the car windows appear closed.

§ 87(2)(b)'s father, provided a phone statement to the CCRB (**Board Review 21**). He stated that that he and § 87(2)(b) went to the stationhouse to pick up the car. The sunroof and front passenger's window were open and there was water damage. The upholstery inside the car was ripped, including the driver's seat and on the door of the driver's seat.

In his initial complaint with IAB, § 87(2)(b) stated that the officers left the window open causing water damage to the buttons and tearing apart the interior of the car.

Det. Staffa's statement was generally consistent with the BWC footage. He testified that he conducted an inventory search of § 87(2)(b)'s vehicle, looking for § 87(2)(b)'s valuables to safeguard and return to the owner. No contraband was found. From his BWC, it appeared that all the windows were shut upon conclusion of the search. Det. Staffa vouchered the car at 19:14 hours and returned it to the owner at 19:34 hours (**Board Review 22**). The owner signed for the property, and Det. Staffa walked him to the car and gave him the keys. When Det. Staffa walked the owner over the car, it had not really started raining yet. There was a storm later that evening. There was no water damage inside the car when Det. Staffa handed the owner the keys nor when he conducted the inventory search.

PO Wallen's statement was generally consistent with the BWC footage and Det. Staffa's testimony.

He testified that Det. Staffa began the inventory search before he arrived outside of the stationhouse. PO Wallen and PO Staffa searched the trunk and PO Wallen then searched the passenger's side of the car, looking in the glove compartment and under and below the seats. PO Wallen and Det. Staffa did not prepare an inventory list. However, Det. Staffa prepared vouchers. After the search was conducted, the windows were all closed. PO Wallen did not recall the condition of the car or if there was any damage to the interior of it. PO Wallen believed that it rained on the evening that the officers conducted the inventory search, though he did not recall if it rained before, after, or during the search. PO Wallen denied seeing any water damage in the car.

PO McDonald testified that he did not observe any damage to the vehicle upon entering § 87(2)(b)'s car. When he parked the car at the stationhouse, he raised all the windows up and locked the car. When told that it was alleged that the windows were left open and that it rained, which caused water damage, PO McDonald denied doing anything to cause damage to the car and said that on his BWC all the windows were closed. The last time PO McDonald saw the car was when he parked it at the 77<sup>th</sup> Precinct stationhouse. He never saw or interacted with the car again.

Det. Staffa vouchered § 87(2)(b)'s vehicle for safekeeping (**Board Review 22**). Det. Khitab vouchered § 87(2)(b)'s currency, marijuana, cellphone, earrings, and shoelaces for safekeeping (**Board Review 19**).

Neither Det. Staffa nor PO Wallen documented the inventory search in their respective memo books (**Board Review 32**).

Whenever a vehicle comes into the custody of the police department, an inventory search will be conducted to protect property, ensure against unwanted claims of theft, and protect uniformed members of the service and others against dangerous instrumentalities. During an inventory search of a vehicle, any area of the vehicle which may contain valuables are to be searched. Any valuables found in the vehicle are to be removed and vouchered. Property of little value that is left inside the vehicle, including clothing, should within reason, be listed in the officer's memo book and cross referenced to the invoice number covering any valuables removed. NYPD Patrol Guide, Procedure 218-13 (**Board Review 20**).

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)  
[REDACTED]

#### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been a party (**Board Review 23, 24**).

- Det. Staffa has been a member of service for eight years and has been a subject in four CCRB complaints and six allegations, none of which were substantiated. § 87(2)(g)
- PO Wallen has been a member of service for seven years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)
- PO McDonald has been a member of service for four years and has been a subject in two CCRB complaints and two allegations, of which one was substantiated.
  - Case #201906325 involved a substantiated allegation of a refusal to process a civilian complaint. The Board recommended Formalized Training and the NYPD imposed Instruction. § 87(2)(g)

### Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- On February 7, 2023, a Notice of Claim inquiry was submitted to the New York City's Comptroller's Officer (**Board Review 25**). The results will be added to the case file upon receipt.

• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Squad: \_\_\_\_\_ 16 \_\_\_\_\_

Investigator:	Ariana Thomas Signature	Inv. Ariana Thomas Print Title & Name	02/08/2023 Date
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Squad Leader:	Patrick Yu Signature	IM Patrick Yu Print Title & Name	02/08/2023 Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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