

## CCRB INVESTIGATIVE RECOMMENDATION

|                                                  |                                                                                                        |                                     |                                                       |                                               |                                 |
|--------------------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------|-----------------------------------------------|---------------------------------|
| Investigator:<br>Melanyn Rivas                   | Team:<br>Squad #09                                                                                     | CCRB Case #:<br>202203013           | <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)<br>Tuesday, 05/03/2022 5:10 PM  | Location of Incident:<br>South end of Foley Square, right by the stairs to the Chambers Street station | Precinct:<br>05                     | 18 Mo. SOL<br>11/3/2023                               | EO SOL<br>11/3/2023                           |                                 |
| Date/Time CV Reported<br>Wed, 05/11/2022 9:12 PM | CV Reported At:<br>CCRB                                                                                | How CV Reported:<br>On-line website | Date/Time Received at CCRB<br>Wed, 05/11/2022 9:12 PM |                                               |                                 |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
|                    |      |              |

| Subject Officer(s)      | Shield | TaxID  | Command |
|-------------------------|--------|--------|---------|
| 1. PO Rodney Rosado     | 00858  | 949574 | 005 PCT |
| 2. PO Nicolaos Iordanou | 26854  | 941043 | 001 PCT |
| 3. PO Brian Nelsen      |        | 930825 | 001 PCT |

| Witness Officer(s)   | Shield No | Tax No | Cmd Name |
|----------------------|-----------|--------|----------|
| 1. PO Nenad Savic    | 14725     | 957136 | 005 PCT  |
| 2. LT Anthony Miolan | 00000     | 942213 | PBMS     |
| 3. PO James Franklin | 26479     | 945732 | 005 PCT  |

| Officer(s)              | Allegation                                                                                            | Investigator Recommendation |
|-------------------------|-------------------------------------------------------------------------------------------------------|-----------------------------|
| A. PO Rodney Rosado     | Discourtesy: Police Officer Rodney Rosado spoke discourteously to § 87(2)(b) § 87(2)(b)               |                             |
| B. PO Nicolaos Iordanou | Abuse: Police Officer Nicolaos Iordanou refused to provide his name to § 87(2)(b) § 87(2)(b)          |                             |
| C. PO Nicolaos Iordanou | Abuse: Police Officer Nicolaos Iordanou refused to provide his shield number to § 87(2)(b) § 87(2)(b) |                             |
| D. PO Brian Nelsen      | Abuse: Brian Nelsen refused to provide their name to § 87(2)(b) § 87(2)(b)                            |                             |
| E. PO Brian Nelsen      | Abuse: Brian Nelsen refused to provide their shield number to § 87(2)(b) § 87(2)(b)                   |                             |

### Case Summary

On May 11, 2022, § 87(2)(b) filed the following complaint through the CCRB's website.

On May 03, 2022, at 5:10 p.m., § 87(2)(b) was at an abortion rally taking place at the south end of Foley Square, in Manhattan. Police Officer Rodney Rosado of the 5<sup>th</sup> Precinct, alongside PO Nicalous Iordanou and PO Brian Nelsen of the 1<sup>st</sup> Precinct, were present working as community affairs officers. § 87(2)(b) approached PO Rosado asked him for his name and shield, and after providing the information, PO Rosado called § 87(2)(b) a loser (**Allegation A: Discourtesy, § 87(2)(g)**).

§ 87(2)(b) also requested PO Iordanou and PO Nelsen's names and shields, but both officers ignored § 87(2)(b) and failed to provide the information (**Allegation B: Abuse of Authority, § 87(2)(g)**), (**Allegation C: Abuse of Authority, § 87(2)(g)**), (**Allegation D: Abuse of Authority, § 87(2)(g)**), (**Allegation E: Abuse of Authority, § 87(2)(g)**).

Ultimately, § 87(2)(b) walked away from the officers.

§ 87(2)(b) was not arrested and did not receive a summons in relation to this incident

On July 27, 2022, § 87(2)(b) provided video footage to the investigation captured on his cellphone (**Board Review 01**).

### Findings and Recommendations

**Allegation (A) Discourtesy: Police Officer Rodney Rosado was discourteous to § 87(2)(b)**

**Allegation (B) Abuse of Authority: Police Officer Nicolaos Iordanou refused to provide his name to § 87(2)(b)**

**Allegation (C) Abuse of Authority: Police Officer Nicolaos Iordanou refused to provide his shield number to § 87(2)(b)**

**Allegation (D) Abuse of Authority: Brian Nelsen refused to provide their name to § 87(2)(b)**

**Allegation (E) Abuse of Authority: Brian Nelsen refused to provide their shield number to § 87(2)(b)**

Beginning at the 1:31 minute mark, § 87(2)(b) video captures PO Rosado saying, "Did you wake up being a loser today?" In response, § 87(2)(b) says, "Did you just call me a loser" (**Board Review 05**). PO Rosado affirms, "You're a loser." § 87(2)(b) then asks PO Iordanou and PO Nelsen, "Can I get your badge number, please? Can you not hear me?" PO Iordanou and PO Nelsen ignore § 87(2)(b). § 87(2)(b) goes on to ask for PO Iordanou's and PO Nelsen's names and badge numbers once again, but the information is not provided to him.

During his CCRB interview, PO Rosado explained that he used the word "loser" toward § 87(2)(b) during the incident because, at the time, he thought § 87(2)(b) was a loser (**Board Review 04**).

During his CCRB interview, PO Iordanou explained that he did not provide his name and shield because at the time of the incident he was not taking any police action (**Board Review 03**).

The investigation received a separation of service form stating that PO Nelsen retired from the NYPD on July 7, 2022 (**Board Review 08**).

The NYPD's mission statement, contained in NYPD Patrol Guide Procedure 200-02 includes "Treating every citizen with compassion, courtesy, professionalism" (**Board Review 06**).

NYPD Patrol Guide Procedure 203-09, states that MOS are to courteously and clearly state their rank, name, shield number, and command, or otherwise provide them, to anyone who requests you to do so (**Board Review 09**).

§ 87(2)(g)

§ 87(2)(g) .

§ 87(2)(g)

§ 87(2)(g)

#### Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to eight CCRB complaints and has been named as a victim in three other allegations (**Board Review 02**):
  - § 87(2)(b)
- PO Rosado has been a member-of-service for twelve years and this is the first CCRB complaint to which he has been a subject.
- As of July 7, 2022, PO Nelsen has retired from the NYPD.
- PO Iordanou has been a member of service for sixteen years and has been a subject in one other CCRB complaint and three allegations, none of which were substantiated. § 87(2)(g)

#### Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of September 26, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (**Board Review 10**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 9

|               |                      |                                   |                   |
|---------------|----------------------|-----------------------------------|-------------------|
| Investigator: | <u>Melanyn Rivas</u> | <u>Investigator Melanyn Rivas</u> | <u>09/29/2022</u> |
|               | Signature            | Print Title & Name                | Date              |

|               |                         |                            |                   |
|---------------|-------------------------|----------------------------|-------------------|
| Squad Leader: | <u>Wassim Abedrabbo</u> | <u>IM Wassim Abedrabbo</u> | <u>11/23/2022</u> |
|               | Signature               | Print Title & Name         | Date              |

|           |           |                    |       |
|-----------|-----------|--------------------|-------|
| Reviewer: | _____     | _____              | _____ |
|           | Signature | Print Title & Name | Date  |