

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Josellyn Jaime	Team: Squad #04	CCRB Case #: 202204911	☐ Force ☐ Discourt. ☐ U.S. ☒ Abuse ☐ O.L. ☐ Injury
Incident Date(s) Friday, 04/01/2022 2:00 PM	Location of Incident: in front of T-Mobile located at 1535 Broadway	18 Mo. SOL 10/1/2023	Precinct: 14
Date/Time CV Reported Mon, 07/25/2022 4:24 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 07/25/2022 4:30 AM

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO William Bilbao	26671	954551	MS TIMES SQ

Officer(s)	Allegation	Inv. Div. Recommendation
A . PO William Bilbao	Abuse: Police Officer William Bilbao propositioned § 87(2)(b)	A . Substantiated
B . PO William Bilbao	Abuse: Police Officer William Bilbao made sexually suggestive gestures towards § 87(2)(b)	B . Substantiated

Case Summary

On July 25, 2022, § 87(2)(b) filed the following complaint with the CCRB via the CCRB website.

On or about April 1, 2022, between 2:00 p.m. and 7:00 p.m., § 87(2)(b) was standing in front of T-Mobile at 1535 Broadway, in Manhattan, and was handing out flyers promoting the Chicago Broadway show on behalf of theater MAMA. PO William Bilbao from Patrol Borough Manhattan South allegedly approached § 87(2)(b) and told her, “You should go sit down, put your feet up, and have a massage” (**Allegation A: Abuse of Authority; Substantiated**). Simultaneously, PO Bilbao motioned toward red tables that were standing in front of the store, shook his left leg, made a facial expression that indicated pleasure from giving a foot massage, and imitated giving a foot massage with his hands by rubbing his thumbs against his index fingers putting his left leg up and shaking it, saying, “Oh yeah. Oh yeah,” and making a facial expression as if he was feeling pleasure from giving a massage (**Allegation B: Abuse of Authority; Substantiated**).

No arrests or summonses resulted from this incident.

No body-worn camera (BWC) videos or surveillance footage related to this incident were obtained.

There are two concurrent CCRB investigations (CCRB case numbers § 87(2)(b) with similar allegations against PO Bilbao and involving individuals who work for theater MAMA.

§ 87(2)(b) alleged continued verbal harassment from PO Bilbao as he constantly approaches her to talk about her shoes or shoes on Amazon and ends up offering her a foot massage. An IAB referral was created under CCRB case number § 87(2)(b) in regards.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer William Bilbao propositioned § 87(2)(b) at Times Square.

Allegation (B) Abuse of Authority: Police Officer William Bilbao made a sexually suggestive gesture towards § 87(2)(b) at Times Square.

§ 87(2)(b) stated that she was working by handing out flyers for the Chicago Broadway show on behalf of theater MAMA in front of T-Mobile in Times Square. § 87(2)(b) was wearing a “Chicago Girl” outfit which consisted of red tights, black shorts, character shoes with two-inch heels, and a black vest or jacket. PO Bilbao approached § 87(2)(b) and asked if her shoes were comfortable and if his old wife would like them. PO Bilbao asked § 87(2)(b) if he could show her some shoes on Amazon. PO Bilbao took out his phone, showed § 87(2)(b) shoes on Amazon, and asked § 87(2)(b) if she thought his wife would like them. PO Bilbao told § 87(2)(b) that her feet might have been hurting from standing in heels all day and insinuated that § 87(2)(b) needed a foot massage. § 87(2)(b) tried to avoid the conversation, but PO Bilbao pointed toward red tables in front of the store and said, “You should go sit down, put your feet up, and have a massage.” Simultaneously, PO Bilbao shook his left leg and made a facial expression that indicated pleasure from giving a foot massage. PO Bilbao insisted that § 87(2)(b) should sit down, put her feet up, and take a break so he could give her a massage, and mentioned that he usually sees other girls put their feet up and he gives them a foot massage. At the same time, PO Bilbao imitated giving a foot massage with his hands by rubbing his thumbs against his index fingers putting his left leg up and shaking it, saying, “Oh yeah. Oh yeah,” and making a facial expression as if he was feeling pleasure from giving a massage. § 87(2)(b) described this expression as an “orgasm face.” PO Bilbao eventually waved goodbye and walked away without saying anything (BR 01). PO Bilbao could not say if he was working when the incident occurred because of the time frame of the incident. Foot Post 10 patrols the area of the incident location by addressing conditions and

preventing larceny. The geographic boundaries of Foot Post 10 are within West 45th Street and West 46th Street on 7th Avenue and Broadway. PO Bilbao is usually assigned to different foot posts weekly but the foot posts that usually patrol 7th Avenue and Broadway, the incident location, are Foot Posts 5, 6, 9, 10, and 11. Show promoters and individuals soliciting in Times Square need to be within a green zone on Broadway, Monday through Saturday, until 11:00 p.m.

After being asked if he encounters Broadway show promoters as part of his responsibilities, PO Bilbao said that he encounters a lot of people in Times Square. PO Bilbao is usually aware of show promoters and individuals soliciting in Times Square. PO Bilbao can tell the difference between show promoters and individuals soliciting in Times Square because usually show promoters are selling tickets for a company with a license around their necks and individuals soliciting can be either people who dressed in costumes to make tips or any other individual asking for money. When PO Bilbao encounters ticket sellers, he verifies that they have a license to sell in Times Square and that they follow the rules to sell only within the green zone and their specific times. PO Bilbao usually notices a person dressed in costumes and ticket sellers from the same company, but they do not stay together. Broadway Show promoters dressed in costumes are not required to be within the green zone. PO Bilbao did not recall if he encountered show promoters as part of his responsibilities, but he might have since he talks to a lot of people in Times Square.

PO Bilbao is aware of the Chicago Broadway show due to the billboards in Times Square. PO Bilbao usually observes show promoters on 7th Avenue, but he was not sure if he had ever been in contact with female promoters wearing the “Chicago Girl” outfit. PO Bilbao did not recall if he ever encountered show promoters wearing red tights, black shorts, a black leotard, a black vest, a black bullet hat, and a black T- straps. At the 26:55 time stamp of the interview recording, PO Bilbao was shown a photograph of the Chicago show promoters’ outfit (BR 07). PO Bilbao was not familiar with individuals wearing the Chicago show outfit handing out flyers for the Chicago show. PO Bilbao did not recall talking to individuals wearing the Chicago show outfit in Times Square. PO Bilbao did not know individuals that wear the Chicago show outfit.

PO Bilbao was informed that § 87(2)(b) was standing at T-Mobile located at 1535 Broadway in a full “Chicago Girl” outfit handing out flyers when an officer approached § 87(2)(b) and initiated a conversation about § 87(2)(b) shoes. PO Bilbao did not recall this information. PO Bilbao was informed that the officer asked § 87(2)(b) if his wife would like the shoes and showed her shoes on Amazon. PO Bilbao did not recall having a conversation with anyone about their shoes. PO Bilbao was told that the officer told § 87(2)(b) that her shoes might have been killing her and that she should sit at the red tables in front of T-Mobile and get a foot massage. PO Bilbao did not recall being part of this interaction. PO Bilbao did not recall having a conversation and offering a foot massage to § 87(2)(b) PO Bilbao did not recall offering foot massages to any of the “Chicago Girls” in Times Square. PO Bilbao stated that he never offered a foot massage to any of the “Chicago Girls” or make sexually suggestive gesture toward § 87(2)(b) (BR 02).

Administrative Guide 304-06 states that NYPD officers are prohibited to engage in conduct prejudicial to good order, efficiency, or discipline of the department. It also stated that officers should address the public using pronouns, and titles of respect (BR 03).

Based on the Patrol Guide Procedure 205-36, sexual harassment is described as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature (BR 04).

PO Bilbao admitted that he is familiar with Broadway show promoters and confirmed that he patrols the area where they are located. § 87(2)(g)

§ 87(2)(g)

it is recommended that **Allegations A** and **B** be closed as **Substantiated**.

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a part.
- Police Officer William Bilbao has been a member-of-service for 9 years and has been a subject in 2 other CCRB complaints and 2 allegations, none of which have been substantiated.
- § 87(2)(g) Three other Abuse of Authority (Sexual Misconduct Phase 1) allegations have been pleaded against police officer William Bilbao.
 - § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of December 19, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (BR 05).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 4

Investigator:	<u>Josellyn Jaime</u>	<u>Inv. Josellyn Jaime</u>	<u>06/20/2023</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Raquel Velasquez</u>	<u>IM Raquel Velasquez</u>	<u>06/20/2023</u>
	Signature	Print Title & Name	Date

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