CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	Team:	CCRB Case #:	☑ Force ☑ Discourt. ☐ U.S.
Harris Rogers	Squad #07	202206707	☑ Abuse ☑ O.L. ☐ Injury

Incident Date(s)	Location of Incident:	18 Mo. SOL	Precinct:
Monday, 08/29/2022 9:30 PM	§ 87(2)(b) 115 Precinct stationhouse	2/29/2024	115

Date/Time CV Reported	CV Reported At:	How CV Reported:	Date/Time Received at CCRB
Wed, 10/05/2022 5:06 PM	CCRB	Call Processing System	Wed, 10/05/2022 5:06 PM

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Cydnee Davis	30700	965032	115 PCT
2. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Christen Mills	29040	968007	115 PCT
2. SGT Jonathan Badillo	01170	950038	115 PCT
3. PO Luis Guevara	06435	958661	115 PCT
4. PO Danielle Schaefer	00837	966331	115 PCT
5. SGT Matthew Peters	00328	934461	115 PCT
6. PO James Vasek	01950	962147	115 PCT

Officer(s)	Allegation	Inv. Div. Recommendation
A . PO Cydnee Davis	Off. Language: On August 29, 2022, at § 87(2)(b) in Queens, Police Officer Cydnee Davis spoke offensively regarding § 87(2)(b) perceived mental health status.	A . Substantiated
B . PO Cydnee Davis	Discourtesy: On August 29, 2022, at § 87(2)(b) in Queens, Police Officer Cydnee Davis spoke discourteously to § 87(2)(b)	B . Substantiated
C . PO Cydnee Davis	Force: On August 29, 2022, at § 87(2)(b) in Queens, Police Officer Cydnee Davis used physical force against § 87(2)(b)	C . Unfounded
D . PO Cydnee Davis	Off. Language: On August 29, 2022, at § 87(2)(b) in Queens, Police Officer Cydnee Davis spoke offensively regarding § 87(2)(b) perceived mental health status.	D . Substantiated
E . PO Cydnee Davis	Discourtesy: On August 29, 2022, at § 87(2)(b) in Queens, Police Officer Cydnee Davis spoke discourteously to § 87(2)(b)	E . Substantiated
F . Officers	Abuse: On August 29, 2022, at the 115 Precinct stationhouse, officers made sexually suggestive remark to § 87(2)(b)	F . Officer(s) Unidentified

Case Summary

§ 87(2)(b) filed this complaint on October 10, 2022, via the CCRB's Call Processing System [**BR 1**].

On August 29, 2022, at approximately 9:30 p.m., a group of officers from the 115 Precinct, including Police Officer Cydnee Davis, Pisolice Officer Christen Mills, Police Officer Luis Guevara, Police Officer Danielle Schaefer, Police Officer James Vasek, and Sergeant Matthew Peters responded to a 911 call from § 87(2)(b) regarding his ex-wife, § 87(2)(b) who he had previously filed a report against for an assault that occurred earlier in the day. The officers arrived at § 87(2) in Queens, where they were met by § 87(2)(b) The group of officers were led to § 87(2)(b) where they were allowed inside by § 87(2)(b) who lives in the apartment with § 87(2)(b) PO Davis proceeded down a hallway and to a bedroom. Once inside the bedroom, PO Davis spoke with § 87(2)(b) During that conversation, PO Davis told § 87(2)(b) to "stop acting like a psycho" **[Allegation A: Offensive Language – Disability, Substantiated].** PO Davis also told § 87(2)(b) to "stop acting like you are in a shelter" **[Allegation B: Discourtesy – Word, Substantiated].** PO Davis then placed § 87(2) in handcuffs, allegedly throwing her onto a nearby bed **[Allegation C: Force – Physical Force, Unfounded].** PO Davis also stated "he did say she was crazy" to another officer referring to § 87(2)(b) **[Allegation D: Offensive Language – Disability and Allegation E: Discourtesy – Word, Substantiated]**

§ 87(2)(b) also alleged that, after she was placed in a holding cell at the 115 Precinct stationhouse, she heard PO Davis having a conversation with two other unidentified officers. One of these officers was male, while the other was female. The male officer is alleged to have said "You saw her naked? You should have taken pictures!" **[Allegation F: Abuse of Authority -- Sexual Misconduct – Sexual Harassment, Officer Unidentified**]. The female officer is alleged to have asked "Is she your type?" twice **[Subsumed within Allegation F].**

The CCRB is in possession of Body-Worn Camera (BWC) recordings generated by PO Davis **[BR 6**], PO Mills [**BR 11**], PO Guevara, PO Schaefer [**BR 14**], PO Vasek, PO Catalano, and Sgt. Peters.

Findings and Recommendations

Allegation (A) Offensive Language: On August 29, 2022, at § 87(2)(b) in Queens, Police Officer Cydnee Davis made offensive remarks to § 87(2)(b) based on her perceived mental health status.
Allegation (B) Discourtesy: On August 29, 2022, at § 87(2)(b) in Queens, Police Officer Cydnee Davis spoke discourteously to § 87(2)(b)
Allegation (C) Force: On August 29, 2022, at § 87(2)(b) in Queens, Police Officer Cydnee Davis used physical force against § 87(2)(b)
Allegation (D) Offensive Language: On August 29, 2022, at § 87(2)(b) in Queens, Police Officer Cydnee Davis made offensive remarks to § 87(2)(b) based on her perceived mental health status.
Allegation (E): On August 29, 2022, at § 87(2)(b) in Queens, Police Officer Cydnee Davis spoke discourteously to § 87(2)(b)

On August 29, 2022, at approximately 9:30 p.m. § 87(2)(b) placed a phone call to a 911 dispatcher. In that phone call, § 87(2)(b) expressed that he wished to have police officers respond

to his home at [redacted] explained that, earlier on the same day, he had filed a report for assault against his ex-wife, [redacted] The officers who handled his complaint instructed him to call the police if he encountered his wife. At the time he called 911, [redacted] believed that [redacted] was in the apartment at [redacted] **[BR 3]**

In her testimony to the CCRB [**BR 5**], [redacted] stated that she and [redacted] had a dispute earlier in the day on August 29, 2022, in their shared apartment, during which she punched [redacted] in the back with her fist. [redacted] then left the apartment.

Several officers responded to the 911 call placed by [redacted] A BWC recording generated by PO Davis **[BR 6]** shows PO Davis, PO Mills, PO Vasek, PO Mills, PO Guevara, and Sgt. Peters arriving at the location at approximately the same time. The group of officers then approach a male individual standing outside of [redacted] who later identifies himself as [redacted] confirms to the officers that he had called 911, and explains that his ex-wife, [redacted] assaulted him earlier in the day. [redacted] also tells PO Davis that [redacted] does not have any weapons, after PO Davis posits that she may be armed. [redacted] appears emphatic in his rejection of PO Davis's suggestion, and states that he lives in the apartment.

[redacted] led the group of officers to [redacted] is walking in front of the group of officers. PO Mills is walking directly behind [redacted] Upon reaching the apartment, [redacted] appears to unlock the door, and walks inside. PO Mills follows closely behind and is the first officer to enter the apartment. [redacted] having already unlocked the door, does not protest as the officers file into the apartment.

During her interview [**BR 5**], [redacted] stated that approximately one hour after [redacted] initially left the apartment she was in her children's bedroom, and was naked, having just finished taking a shower. [redacted] heard voices in the hallway outside of the bedroom. She opened the bedroom door and saw 10 female officers and several male officers in the hallway, including PO Cydnee Davis. PO Davis was the closest to the bedroom door. [redacted] asked the group of officers "are you kidding me right now?" The officers said nothing to her. [redacted] then let go of the bedroom door and began walking back into the bedroom to get dressed. Several seconds after [redacted] stepped back into the bedroom, PO Davis began to slowly open the door. In response, [redacted] approached the bedroom door, clasped her finger and thumb together, and placed her clasped fingers on PO Davis's wrist. In response, PO Davis shouted "don't touch an officer".

Once inside the bedroom, PO Davis and [redacted] engaged in a "personal" verbal dispute. [redacted] stated to PO Davis that PO Davis should not be treating [redacted] like PO Davis was arresting someone at a shelter. PO Davis responded, "then stop acting like you're at a shelter!" [redacted] also noted that when PO Davis handcuffed her, PO Davis threw her onto a nearby bed to handcuff her. [redacted] clarified that she remained on her feet and characterized PO Davis's use of force as a push. After [redacted] was placed in handcuffs, [redacted] started speaking in tongues because she did not know what else to do. Upon seeing [redacted] speaking in tongues, PO Davis turned to another officer and stated "yeah, he said that she was crazy."

PO Mill's BWC captures the moment the officers enter the apartment [**BR 11**], and when she and PO Davis approach the bedroom. PO Mills is the first officer to enter the apartment. At 04:26 on her BWC, as PO Mills enters the apartment, a door at the end of the hallway inside of the apartment entrance is cracked. There is no one visible at the end of the hallway. At 04:26, as PO Mills begins to walk towards the hallway, and towards the open door, the door closes. Up to this point, there was

no indication that someone was inside the room. PO Mills approaches the now closed door and opens it several inches. A female voice states "I'm getting dressed." PO Mills then closes the door. § 87(2)(b) quickly re-opens the door and asks the officers, "Are you guys serious right now? What are you guys doing here?" § 87(2)(b) is not wearing any clothes. PO Davis responds that § 87(2)(b) can get dressed if she would like. § 87(2)(b) replies that she would like to get dressed.

On PO Davis' BWC [**BR 6**], at 04:45, PO Davis opens the door and says, "Don't touch me and get dressed." At 04:48, PO Davis opens the door and walks toward § 87(2)(b) who covers herself with a blanket. § 87(2)(b) then says "You're not in a shelter. You're in a personal home. You will respect me." PO Davis responds saying, "It doesn't matter. Will you shut your mouth?" A verbal back and forth continues between PO Davis and § 87(2)(b) in regards to § 87(2)(b) having grabbed PO Davis' arm upon her entering the room. PO Davis can be heard at 05:11 telling § 87(2)(b) to "get dressed and stop acting like a psycho."

During her interview **[BR 8**], PO Davis said that she made this statement because § 87(2) was irate and was yelling over officer's instructions.

Beginning at 05:23 in PO Davis' BWC, PO Davis grabs § 87(2)(b) by her forearm, turns § 87(2)(b) (who is covered by a blanket) around, places her hand on § 87(2) upper back and places her facedown onto a nearby bed. PO Davis then proceeds to handcuff § 87(2)(b)

PO Schaeffer's BWC captures this action, beginning at 05:20 [**BR 14**] showing PO Davis placing her hand against § 87(2)(b) upper back and guiding her to a nearby bed**.**

At 07:10 in PO Davis' BWC, § 87(2)(b) is sitting in a chair covered by a blanket and accuses the officers of arresting he for something "completely dumb" and complains that the officers are not listening to her. § 87(2)(b) continues to complain and at 07:30, PO Davis, says, "you grabbed my arm. That is why you are in cuffs…we let you speak. You're done. You're under arrest and going to jail." In response, at 07:40, § 87(2)(b) begins to chant for approximately 40 seconds. At 07:55, PO Davis appears to talk off-camera to another officer and quietly says, "he did say she was crazy, so".

At 09:02 in PO Davis' BWC, PO Davis it trying to put pants on § 87(2)(b) and there is a back and forth about § 87(2)(b) standing up and PO Davis trying to pick her up to put on the pants. At 09:13, § 87(2)(b) says, "don't treat me that way." In response, PO Davis says, "I'm not treating you like anything." § 87(2)(b) says "you didn't walk into a shelter. This is my private home." At 09:21, in response, PO Davis says, "Then stop acting like you're in a shelter."

In her interview with the CCRB [**BR 8**], PO Davis recalled that she first encountered § 87(2) as she first entered § 87(2)(b) Upon entering the apartment, PO Davis saw § 87(2) standing in the hallway of the apartment, wearing a towel. § 87(2)(b) then ran into a nearby room.

PO Mills approached the partially open door, where § 87(2)(b) was standing in the doorway. PO Davis followed PO Mills. PO Mills and PO Davis offered to allow § 87(2) the opportunity to get dressed, while they explained the reason for their presence in her apartment. PO Davis described § 87(2)(b) as uncooperative, a description she based on § 87(2)(b) becoming argumentative with the officers and yelling that the officers

couldn't "just walk in here."

§ 87(2)(b) then attempted to close the bedroom door. PO Davis placed her foot between the door and the doorframe, preventing § 87(2)(b) from closing the door fully to ensure that § 87(2)(b) was not concealing anything behind the door.

§ 87(2)(b) became increasingly agitated after PO Davis prevented her from closing the door. According to PO Davis, § 87(2)(b) then grabbed her by the left arm, gripping near her wrist. PO Davis pulled her arm away quickly in response. PO Davis then pushed the door open and entered the bedroom for the purpose of getting a better view of the room, and to ensure that § 87(2) did not have any weapons. PO Davis first realized that the room she was entering was a bedroom when she pushed the door open and entered. PO Davis explained that in order to handcuff § 87(2)(b) she placed her hand against § 87(2)(b) upper back and guided her to a nearby bed.

PO Davis acknowledged telling a fellow officer that § 87(2)(b) was "acting crazy" after § 87(2)(b) began speaking rapidly in Spanish. PO Davis believed that § 87(2) was chanting or singing. PO Davis stated that she made this statement because § 87(2) refused to listen to follow instructions, listen to officers, and was yelling loudly. PO Davis was also referring to a comment made earlier by § 87(2)(b) PO Davis could not recall if § 87(2)(b) provided her with any information about § 87(2)(b) mental condition.

PO Davis also acknowledged saying "so stop acting like you're in a shelter" to § 87(2) but could not provide a reason, and stated that she did not know what the purpose of the statement was.

According to Administrative Guide 304-06 [**BR 12**], officers are prohibited from using discourteous or disrespectful remarks regarding another person's disability. According to Patrol Guide Procedure 200-02 [**BR 13**], officers are expected to maintain a higher standard of integrity than is generally expected of others and render services with courtesy and civility.

§ 87(2)(g) It is therefore recommended that **Allegation A be closed as Substantiated.**

§ 87(2)(g) Therefore, it is recommended that **Allegations D and E be closed as Substantiated**.

According to Patrol Guide Procedure 200-02 [**BR 13**], officers are expected to maintain a higher standard of integrity than is generally expected of others and render services with courtesy and civility.

§ 87(2)(g) PO Davis did describe § 87(2)(b) behavior throughout the arrest as irate and uncooperative. § 87(2)(g)

§ 87(2)(g) Therefore, it is recommended that **Allegation B be closed as substantiated.**

§ 87(2)(g) Both PO Schaefer and PO Davis' BWC show that PO Davis placed her hand on § 87(2)(b) back and placed her on the bed to handcuff her. § 87(2)(g) it is recommended that **Allegation C be closed as Unfounded**.

Allegation (F) Abuse of Authority: On August 29, 2022, at the 115 Precinct stationhouse, officers made a sexually suggestive remark to § 87(2)(b)

also alleged in her interview that after she was taken to the 115 PCT stationhouse she was placed in a holding cell [**BR 5**]. While in the holding cell, § 87(2) alleged that she heard PO Davis conversing with two other officers. § 87(2) recognized PO Davis's voice from her earlier interaction with her, and because PO Davis, who seemed to be reflecting on § 87(2)(b) arrest, stated "pull my pants up, I have a big ass," during the overheard conversation. § 87(2)(b) had made the same statement to PO Davis at the time of her arrest.

§ 87(2)(b) was not able to see the officers from her holding cell and was not able to identify the officers aside from the fact that one of the two unidentified officers was male, while the other was female. During that conversation, § 87(2)(b) allegedly heard the male officer state "you saw her naked? You should have taken pictures!" and heard a female officer state "is she your type? Is she your type?".

The CCRB's request for Body-Worn Camera footage related to this incident yielded numerous videos. However, the last BWC recording generated, by PO Schaefer [**BR14]**, shows § 87(2) being initially lodged in a holding cell. Shortly after § 87(2)(b) was placed in the cell, PO Schaefer deactivated her BWC. Given the delay in the § 87(2)(b) filing this complaint, available stationhouse footage had expired by the date of request.

§ 87(2)(b) stated that she spoke with several supervisors at the stationhouse about the alleged comments. Specifically, § 87(2)(b) stated that she spoke with a supervisor whose name was "Bardillo" or "Badillo".

In his interview with the CCRB [**BR 15**] Sgt. Badillo stated that he was not working at the time that § 87(2)(b) was brought to the stationhouse, and that he did not speak with § 87(2) on the incident date. He did recall § 87(2)(b) coming to the 115 stationhouse several days later to file a complaint and speaking with her then. Sgt. Badillo is not visible on any of the Body-Worn Camera recordings generated while the responding officers were inside the stationhouse.

PO Schaefer's BWC **[BR 14]** indicates that she was also present at the time § 87(2)(b) was placed in a holding cell. After § 87(2)(b) was lodged in a holding cell, PO Schaefer took her meal in the SOL office of the stationhouse. PO Schaefer recalled having a general conversation with PO Guevara about the incident but could not recall any specific statements she made during that conversation. PO Schaefer did not hear any other officers, particularly any officers within earshot of the holding cell area, have any conversation about the arrest. PO Schaefer denied having heard any officer make a statement to the effect of "you saw her naked? You should

have taken pictures!" or "is she your type?". PO Schaefer also denied having made these statements herself. PO Schaefer did not see any officer go into the holding cell area to speak with § 87(2) at any point.

During her CCRB interview, PO Davis recalled that she was present at the 115 stationhouse for two to three hours after § 87(2)(b) was placed in a holding cell. PO Davis recalled that she discussed the arrest with Sgt. Paulino, the Domestic Violence sergeant on duty. That conversation consisted of PO Davis describing § 87(2)(b) behavior, including her screaming and yelling during her arrest. PO Davis did not recall any officer discussing § 87(2)(b) state of undress during the arrest. PO Davis did not recall seeing any sergeant or supervisor go to the holding cell area while she was at the stationhouse. PO Davis denied making the statement "Oh, you saw her naked? You should have taken pictures!" or "is she your type? Is she your type?". PO Davis also denied having heard any other officer say this.

§ 87(2)(g)

Therefore, it is recommended that Allegation F be closed as Officers Unidentified.

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- PO Cydnee Davis has been a member of service for 5 years and has been a subject in 4 CCRB complaints and 12 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.

A request has been submitted to the Office of the NYC Comptroller for any Notice of Claim regarding this incident and will be added to the case file upon receipt.

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

Squad: 7

Investigator:		Investigator Harris Rogers	
	Signature	Print Title & Name	Date
Squad Leader:		Manager Vanessa Rosen	September 7, 2023

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