CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	Team:	CCRB Case #:	☐ Force ☐ Discourt. ☐ U.S.
Tileyah Williams	Squad #06	202405383	☑ Abuse ☐ O.L. ☑ Injury

Incident Date(s)	Location of Incident:	18 Mo. SOL	Precinct:
Thursday, 05/30/2024 3:50 PM	Boston Road and East 179th Street	11/30/2025	48

Date/Time CV Reported	CV Reported At:	How CV Reported:	Date/Time Received at CCRB
Fri, 05/31/2024 10:13 AM	CCRB	Phone	Fri, 05/31/2024 10:13 AM

Complainant/Victim	Type	Home Address
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]

Subject Officer(s)	Shield	TaxID	Command
1. PO Joseph Whelan	24140	969426	048 PCT
2. PO Christopher Hendrickson	09384	970592	048 PCT
3. PO Phong Le	13478	969890	048 PCT

Officer(s)	Allegation	Inv. Div. Recommendation
A . PO Christopher Hendrickson	Abuse: Police Officer Christopher Hendrickson stopped § 87(2)(b) [redacted]	A . Substantiated
B . PO Phong Le	Abuse: Police Officer Phong Le stopped § 87(2)(b) [redacted]	B . Within NYPD Guidelines
C . PO Joseph Whelan	Abuse: Police Officer Joseph Whelan stopped § 87(2)(b) [redacted]	C . Substantiated
D . PO Christopher Hendrickson	Abuse: Police Officer Christopher Hendrickson frisked § 87(2)(b) [redacted]	D . Substantiated
E . PO Christopher Hendrickson	Abuse: Police Officer Christopher Hendrickson searched § 87(2)(b) [redacted]	E . Unable to Determine
F . PO Christopher Hendrickson	Abuse: Police Officer Christopher Hendrickson stopped § 87(2)(b) [redacted]	F . Within NYPD Guidelines
G . PO Phong Le	Abuse: Police Officer Phong Le stopped § 87(2)(b) [redacted]	G . Within NYPD Guidelines
H . PO Christopher Hendrickson	Abuse: Police Officer Christopher Hendrickson failed to provide § 87(2)(b) [redacted] with a business card.	H . Substantiated
I . PO Christopher Hendrickson	Abuse: Police Officer Christopher Hendrickson failed to provide § 87(2)(b) [redacted] with a business card.	I . Substantiated
J . PO Phong Le	Abuse: Police Officer Phong Le failed to provide § 87(2)(b) [redacted] with a business card.	J . Substantiated
K . PO Phong Le	Abuse: Police Officer Phong Le failed to provide § 87(2)(b) [redacted] with a business card.	K . Substantiated
L . PO Christopher Hendrickson	Abuse: Police Officer Christopher Hendrickson failed to explain to individuals the reason for a law enforcement activity.	L . Substantiated
M . PO Joseph Whelan	Abuse: Police Officer Joseph Whelan failed to explain to individuals the reason for a law enforcement activity.	M . Substantiated

Case Summary

On May 31, 2024, § 87(2)(b) filed this complaint on behalf of her 15-year-old son, § 87(2)(b) and her 15-year-old nephew, § 87(2)(b) over the phone with CCRB.

On May 30, 2024, at approximately 3:50pm, Police Officer Christopher Hendrickson, Police Officer Joseph Whelan and Police Officer Phone Le, all of the 48th Precinct, stopped § 87(2)(b) and § 87(2)(b) (**Allegations A and C: Abuse of Authority, Substantiated), (Allegations B, F and G: Abuse of Authority, Within NYPD Guidelines)** and PO Hendrickson allegedly frisked and searched § 87(2)(b) (**Allegation D: Abuse of Authority, Substantiated)** and **(Allegation E: Abuse of Authority, Unable to Determine**). PO Hendrickson did not offer § 87(2)(b) and § 87(2)(b) a business card and PO Le did not provide an opportunity for § 87(2)(b) and § 87(2)(b) to respond to his offer of a business card (**Allegations H -K Abuse of Authority, Substantiated**). Neither PO Hendrickson nor PO Whelan explained the reason that they stopped § 87(2)(b) and § 87(2)(b) (**Allegations L-M: Abuse of Authority, Substantiated).**

Neither § 87(2)(b) nor § 87(2)(b) was arrested or issued a summons.

TARU footage, BWC, mobile video and were obtained (**01- 05 Board Review**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Christopher Hendrickson stopped § 87(2)(b)
Allegation (B) Abuse of Authority: Police Officer Phong Le stopped § 87(2)(b)
Allegation (C) Abuse of Authority: Police Officer Joseph Whelan stopped § 87(2)(b)
Allegation (F) Abuse of Authority: Police Officer Christopher Hendrickson stopped § 87(2)(b)
Allegation (G) Abuse of Authority: Police Officer Phong Le stopped § 87(2)(b)

TARU footage shows a view of the Southwest Corner of Boston Road and East 179th Street in the Bronx (**01 Board Review**). There is one lane of parked vehicles on each side of the street and one lane of traffic going each way. Prior to East 179th Street, Boston Road is covered by poles and framework, holding up the train tracks that go to and from West Farms Subway station. This framework disables a full view of the southwest sidewalk, as it is dark from the shadows of the framework. At 49:34 minutes, § 87(2)(b) and § 87(2)(b) emerge from the shadows and approach the intersection to cross along East 179th Street. A zoomed-in view of § 87(2)(b) and § 87(2)(b) shows § 87(2)(b) looking down at an unknown object in his hand, in a position that is consistent with typing on a mobile phone. § 87(2)(b) twists his neck to look toward both crosswalks (along East 179th Street and along Boston Road), while swinging both his arms back and forth. At the same time, an unmarked vehicle, that is separated from the boys by the lane of parked cars, drives into the opposite lane of traffic, passes two vehicles waiting at a red light and stops. The unmarked vehicle is blocking the intersection crossing along East 179th Street.

PO Hendrickson's BWC shows him exiting the unmarked vehicle at 30 seconds (**02 Board Review**). At 32 seconds the frame shows § 87(2)(b) holding his mobile phone with both hands in front of his body while § 87(2)(b) looks over § 87(2)(b) shoulder at the screen. Both of them are wearing fitted black sweatpants. § 87(2)(b) has on a black t-shirt and § 87(2)(b) is wearing a black hooded sweater with a black beanie hat. § 87(2)(b) has his right arm by his side, while the thumb of his left hand is resting in the front middle of his waistband. PO Hendrickson approaches § 87(2)(b) and § 87(2)(b) in the crosswalk at 36 seconds. PO Hendrickson is motioning with his hands as if he is

saying something but there is no audio. At 38 seconds, PO Hendrickson grabs § 87(2)(b) right shoulder, as § 87(2)(b) starts walking towards the opposite direction of PO Hendrickson. PO Hendrickson starts patting the front of § 87(2)(b) body and then his BWC falls. At 58 seconds, he picks his BWC up and the audio starts at one minute. § 87(2)(b) is telling the officers that he and § 87(2)(b) are minors. PO Hendrickson is no longer holding § 87(2)(b) The view shows PO Whelan pulling § 87(2)(b) by the straps of his bookbag, as § 87(2)(b) pulls his body away from the officer. PO Hendrickson approaches § 87(2)(b) asks PO Whelan if he was good, and whether he checked § 87(2)(b) PO Whelan does not respond and continues to hold § 87(2)(b) PO Hendrickson holds § 87(2)(b) by his left arm and his BWC falls again. As his BWC is positioned towards the ground, the audio captures § 87(2)(b) telling the officers to stop touching him and repeats to officers that § 87(2)(b) is a minor. PO Hendrickson picks up his BWC at 1:24 minutes and he and the other officers walk back to their vehicle.

PO Le's BWC footage shows that at 54 seconds, he assists PO Hendrickson with § 87(2)(b) by holding § 87(2)(b) arms (**03 Board Review**). When he lets go of § 87(2)(b) PO Le approaches § 87(2)(b) with PO Hendrickson. PO Hendrickson and PO Whelan hold § 87(2)(b) arms toward his back. § 87(2)(b) pulls forward toward PO Le. At 1:24 minutes, PO Le places two open palms against § 87(2)(b) chest, preventing him from moving and tells § 87(2)(b) to relax. PO Le then says that they are good and walks back toward his vehicle. None of the officers ever frisk or search § 87(2)(b)

stated that, on May 30, 2024, at approximately 3:50pm, he and § 87(2)(b) were walking along Boston Road, underneath the train tracks near the West Farms Square Station in the Bronx **(06 Board Review**). Just as § 87(2)(b) and § 87(2)(b) were about to approach East 179th Street, an unmarked black Ford with tinted windows stopped near them and PO Hendrickson and PO Whelan exited. Neither of the officers said anything prior to getting out of their car. PO Hendrickson asked § 87(2)(b) if he was lost. § 87(2)(b) was confused and asked what he was talking about. PO Hendrickson immediately held § 87(2)(b) right hand so he would not move and used his other hand to pat § 87(2)(b) left jeans pocket. PO Le got out of the vehicle at some point and just held § 87(2)(b) left arm so that he would not move. § 87(2)(b) started recording once the officers moved to § 87(2)(b) PO Hendrickson and PO Whelan held § 87(2)(b) arms in the same way that they held § 87(2)(b) They then moved § 87(2)(b) arms toward his back, and it looked like they were trying to arrest him. PO Le walked toward § 87(2)(b) and unknown male civilians in the area started approaching and recording. The officers then quickly re-entered their patrol vehicle and left the scene.

§ 87(2)(b) statement was consistent with the BWC and § 87(2)(b) statement (**07 Board Review**). § 87(2)(b) added that when PO Hendrickson and PO Whelan exited their vehicle, PO Hendrickson asked § 87(2)(b) and § 87(2)(b) where they were going. PO Hendrickson, PO Le and PO Whelan surrounded them and blocked them from going anywhere. PO Whelan held § 87(2)(b) right arm. While PO Hendrickson and PO Whelan held and pulled § 87(2)(b) arms back to prevent him from moving around, PO Le just stood in front of § 87(2)(b) Approximately six people started walking toward the incident and some people were recording. The officers then stopped, picked up their BWCs, got into their car and left.

§ 87(2)(b) mobile recording does not show any significant difference from the BWC (**05 Board Review**).

PO Hendrickson stated that he sat in the front passenger seat of his unmarked vehicle, with PO Le driving and PO Whelan in the back (**08 Board Review**). PO Hendrickson was the first person to see § 87(2)(b) and § 87(2)(b) Approximately 15 seconds after first noticing them on the block, § 87(2)(b) and § 87(2)(b) both started moving their heads around constantly, as if they were lost, concerned of their surroundings or looking for someone. Though PO Hendrickson was not sure who, either § 87(2)(b) or

§ 87(2)(b) started pointing in various directions, and he believed that they were pointing at people in the area. These actions raised PO Hendrickson's suspicion that § 87(2)(b) and § 87(2)(b) may be looking to rob someone. PO Hendrickson has four years of experience dealing with robbery victims and looking around, and pointing were common things that occur before people commit robberies. Though he could not recall the name or date of the training, he noted that in the Police Academy he received some training which informed him of the characteristics of a robbery. PO Hendrickson also has experience in the field, observing robberies as a Parks Enforcement Officer. PO Hendrickson noted that there is no amount of time that needs to pass of people exhibiting those behaviors before he becomes suspicions. § 87(2)(b) then began patting his waistband and though PO Hendrickson could not recall what exact movements § 87(2)(b) took, he knew that § 87(2)(b) moved his hands around the area of his waistband a lot of times. He suspected that § 87(2)(b) may be concealing a firearm. PO Hendrickson said that he could not recall what he said to PO Le and PO Whelan about § 87(2)(b) and § 87(2)(b) nor how he got PO Le to approach and stop near them. PO Hendrickson wanted to approach § 87(2)(b) and § 87(2)(b) to inquire about whether they were lost or required some other assistance. PO Hendrickson could not recall what he said to § 87(2)(b) and § 87(2)(b) as he approached them, and noted that usually, he would start with a friendly conversation. § 87(2)(b) and § 87(2)(b) were no longer looking around and § 87(2)(b) was no longer clutching his waistband. § 87(2)(b) and § 87(2)(b) immediately separated and began to walk away from the officers. PO Hendrickson wrapped his arms around § 87(2)(b) upper body, like a bear hug, to keep him from moving. After frisking § 87(2)(b) PO Hendrickson saw that § 87(2)(b) was pulling away from PO Whelan and went to hold § 87(2)(b) arm. PO Hendrickson only went to § 87(2)(b) because he thought something was going on with him and clarified that PO Whelan had § 87(2)(b) and he was only assisting. He did not recall what PO Whelan said or did to signal PO Hendrickson to let go of § 87(2)(b) but he did.

PO Le recalled a similar series of events (**09 Board Review**). When PO Hendrickson pointed § 87(2)(b) and § 87(2)(b) out, PO Le also noticed them looking around as if they were trying to find someone to rob. PO Le saw § 87(2)(b) fidgeting and gripping his pocket area as if he had a weapon. PO Le did not see how many times § 87(2)(b) did this. He did not recall word for word what PO Hendrickson said about § 87(2)(b) and § 87(2)(b) but knew that PO Hendrickson told him to slow the car down and PO Hendrickson made the decision to approach § 87(2)(b) and § 87(2)(b) PO Le stayed in the vehicle in case one of the males ran and he had to drive to catch them. PO Hendrickson was struggling with § 87(2)(b) From PO Le's viewpoint, he saw § 87(2)(b) make quick movements but could not tell exactly what was going on. PO Le got out of the vehicle to assist by holding one of § 87(2)(b) arms and tried to make him stay calm. From where PO Le was standing behind § 87(2)(b) he could not see whether PO Hendrickson searched § 87(2)(b) pockets. PO Le saw from the corner of his eye that § 87(2)(b) was pulling away from PO Whelan. Once PO Hendrickson let go of § 87(2)(b) PO Le walked to § 87(2)(b) and told him to calm down. § 87(2)(b) was irate and cursing. PO Le was not sure whether he touched § 87(2)(b) and said that if he did it would have been to calm him down. PO Le noted that he did not know the reason that § 87(2)(b) was stopped and was not sure what PO Whelan observed with § 87(2)(b) as he was positioned on the other side of § 87(2)(b)

PO Whelan's testimony was similar to PO Hendrickson and PO Le's (1**0 Board Review**). He did not recall who nor what was discussed about § 87(2)(b) and § 87(2)(b) PO Whelan saw both § 87(2)(b) and § 87(2)(b) looking around and thought that he saw them both clutch their waistbands, lift their waistbands up and move them side to side quickly. He noted the lane of parked vehicles in between the officers and § 87(2)(b) and § 87(2)(b) but said that nothing obstructed his view. Based on PO Whelan's training and experience, he became suspicious that § 87(2)(b) and § 87(2)(b) were casing the location and looking for someone to rob. The clutching of the waistband led PO Whelan to believe that they may have weapons. When § 87(2)(b) and § 87(2)(b) tried to run, PO Whelan held onto § 87(2)(b) arm. PO Whelan immediately looked at § 87(2)(b) waistband and saw that there was no bulge and that he did not have a weapon. § 87(2)(b) continued to pull away from PO Whelan, but

PO Whelan held onto him in hopes of calming him down to explain the reason they stopped him. He could not see what exact actions PO Hendrickson and PO Le took with § 87(2)(b) because he was focused on § 87(2)(b) PO Whelan did not know how long he held § 87(2)(b) after determining that § 87(2)(b) did not have a firearm. PO Hendrickson approached to hold § 87(2)(b) other arm.

According to civilian and officers' testimonies and BWC footage, PO Whelan did not stop § 87(2)(b) and no allegation has been pled alleging this.

NYPD Stop Report § 87(2)(b), completed by PO Hendrickson, notes that while he was on patrol, he observed two males wearing all black. While PO Hendrickson was stopped at a light, the males looked around as if their heads were on a swivel and pointed at different people on the street. The males clutched their waistbands. The combination of those actions made officers believe that the individuals were casing the location and looking for a person to rob. This observation took approximately one minute. The officers approached the males, at which point the males began to walk and attempted to run away from officers. PO Hendrickson stopped § 87(2)(b) and § 87(2)(b) immediately took a defensive posture and looked to run away. PO Hendrickson restrained him. After officers concluded their investigation § 87(2)(b) was free to leave (**11 Board Review**). NYPD Stop Report § 87(2)(b) completed by PO Whelan, notes the same statements for § 87(2)(b) (**11 Board Review**).

A police officer may stop a person to search for weapons where the officer reasonably suspects that the person is committing, has committed or is about to commit a crime. A stop based on reasonable suspicion will be upheld so long as the intruding officer can point to specific and articulable facts which, along with any logical deductions, reasonably prompted the intrusion. In contrast, however, actions that are at all times innocuous and readily susceptible of an innocent interpretation may not generate a founded suspicion of criminality. If the intruding officer lacks personal knowledge sufficient to establish reasonable suspicion, information that the intruding officer received as a result of communication with a fellow officer is presumed reliable. Nevertheless, a radio call from a fellow officer that defendant had made movements towards his right side absent any indication of a weapon such as the visible outline of a gun or the audible click of the magazine of a weapon, does not establish the requisite reasonable suspicion that defendant had committed or was about to commit a crime. Moreover, flight from an approaching police vehicle does not provide the requisite reasonable suspicion absent specific circumstances indicating that the suspect may be engaged in criminal activity People v. Mobley, 120 A.D.3d 916 (4th Dept. 2014) (**12 Board Review**).

§ 87(2)(g) The TARU footage is grainy, and due to high mounted position, is not clear enough to show § 87(2)(b) and § 87(2)(b) actions prior to being stopped and there was no additional evidence to prove or disprove the officers' statements. § 87(2)(g) It is therefore recommended that **Allegations A** and **C** be closed as ***Substantiated***.

PO Le said that he stopped § 87(2)(b) to assist PO Hendrickson after PO Hendrickson had already initiated the stop. BWC confirms this. BWC also confirms that PO Le and PO Hendrickson only assisted PO Whelan in stopping § 87(2)(b) § 87(2)(g) video evidence did not capture the verbal discussion between the officers about the stops. § 87(2)(g) it is recommended that **Allegations B, F** and **G** be closed as ***Within NYPD Guidelines***.

Allegation (D) Abuse of Authority: Police Officer Christopher Hendrickson frisked § 87(2)(b)

Allegation (E) Abuse of Authority: Police Officer Christopher Hendrickson searched § 87(2)(b)

Neither the TARU footage nor the mobile video captured PO Hendrickson frisking and searching § 87(2)(b) (**01, 05 Board Review**).

PO Hendrickson's BWC shows that at 38 seconds, after he grabs § 87(2)(b) PO Hendrickson starts patting the front of § 87(2)(b) body and then PO Hendrickson's camera falls (**02 Board Review**). At 58 seconds, he picks his camera up and the audio starts at one minute. § 87(2)(b) is telling the officers that he and § 87(2)(b) are minors. PO Hendrickson is no longer holding § 87(2)(b)

PO Le's BWC footage shows that at 54 seconds, when he approaches § 87(2)(b) PO Hendrickson has his arms wrapped from the back to the front of § 87(2)(b) body (**03 Board Review.** The camera angle never shows what exactly PO Hendrickson is doing to § 87(2)(b) because § 87(2)(b) back is facing the camera. The camera does not capture a frisk or search.

§ 87(2)(b) said that after PO Hendrickson stopped him, PO Hendrickson patted his left jeans pocket (**06 Board Review**). § 87(2)(b) told officers that he was a minor and that they could not search him. PO Hendrickson further put his hands into § 87(2)(b) front right jeans pocket, patted down his legs, his waist and the pockets of his sweater.

§ 87(2)(b) stated that he saw PO Hendrickson patting down § 87(2)(b) pockets but did not remember seeing officers go into § 87(2)(b) pockets (**07 Board Review**).

PO Hendrickson stated that prior to the stop, he witnessed both § 87(2)(b) and § 87(2)(b) moving their heads around constantly, as if they were lost, concerned of their surroundings or looking for someone (**08 Board Review**). Though PO Hendrickson was not sure who, either § 87(2)(b) or § 87(2)(b) started pointing in various directions, and he believed that they were pointing at people in the area. These actions raised PO Hendrickson's suspicion that § 87(2)(b) and § 87(2)(b) may be looking to rob someone. § 87(2)(b) then began patting his waistband and though PO Hendrickson could not recall what exact movements § 87(2)(b) took, he knew that § 87(2)(b) moved his hands around the area of his waistband a lot of times. He suspected that § 87(2)(b) may be concealing a firearm. PO Hendrickson wanted to approach § 87(2)(b) and § 87(2)(b) to inquire about whether they were lost or required some other assistance. PO Hendrickson could not recall what he said to § 87(2)(b) and § 87(2)(b) as he approached them, and noted that usually, he would start with a friendly conversation. § 87(2)(b) was no longer clutching his waistband. § 87(2)(b) and § 87(2)(b) immediately separated and began to walk away from the officers. PO Hendrickson wrapped his arms around § 87(2)(b) upper body, like a bear

hug, to keep him from moving. PO Hendrickson guided § 87(2)(b) into a pillar as a barrier to keep § 87(2)(b) from pulling away. PO Hendrickson frisked § 87(2)(b) pants and sweater waistband area. When he did not feel anything, he let § 87(2)(b) go. He did not put his hands into § 87(2)(b) pockets

PO Le recalled a similar series of events (**09 Board Review**). When PO Hendrickson pointed § 87(2)(b) and § 87(2)(b) out, PO Le also noticed them looking around as if they were trying to find someone to rob. PO Le saw § 87(2)(b) fidgeting and gripping his pocket area as if he had a weapon. PO Le did not see how many times § 87(2)(b) did this. He did not recall word for word what PO Hendrickson said about § 87(2)(b) and § 87(2)(b) but knew that PO Hendrickson told him to slow the car down and PO Hendrickson made the decision to approach § 87(2)(b) and § 87(2)(b) From where PO Le stood, behind § 87(2)(b) he could not see whether PO Hendrickson searched § 87(2)(b) pockets.

PO Whelan's testimony was similar to PO Hendrickson and PO Le's (**10 Board Review**). He did not recall who nor what was discussed about § 87(2)(b) and § 87(2)(b) PO Whelan saw both § 87(2)(b) and § 87(2)(b) looking around and thought that he saw them both clutch their waistbands, lift their waistbands up and move them side to side quickly. He noted the lane of parked vehicles in between the officers and § 87(2)(b) and § 87(2)(b) but said that nothing obstructed his view. The clutching of the waistband led PO Whelan to believe that § 87(2)(b) and § 87(2)(b) may have weapons.

NYPD Stop Report § 87(2)(b) completed by PO Hendrickson, notes that he frisked § 87(2)(b) (**11 Board Review**).

A police officer may stop a person to search for weapons where the officer reasonably suspects that the person is committing, has committed or is about to commit a crime. A stop based on reasonable suspicion will be upheld so long as the intruding officer can point to specific and articulable facts which, along with any logical deductions, reasonably prompted the intrusion. In contrast, however, actions that are at all times innocuous and readily susceptible of an innocent interpretation may not generate a founded suspicion of criminality. Moreover, flight from an approaching police vehicle does not provide the requisite reasonable suspicion absent specific circumstances indicating that the suspect may be engaged in criminal activity. People v. Mobley, 120 A.D.3d 916 (4th Dept. 2014) (**12 Board Review**).

It is undisputed that PO Hendrickson frisked § 87(2)(b) PO Hendrickson's BWC footage shows him moving his hands around § 87(2)(b) body and both § 87(2)(b) and PO Hendrickson said that the frisk occurred. § 87(2)(g) [redacted] Video footage did not capture any of these alleged movements. § 87(2)(g) [redacted] it is recommended that **Allegation D** be closed as ***Substantiated***.

§ 87(2)(g) [redacted] The video evidence either does not record this portion of the incident or the camera is not angled in a position to capture PO Hendrickson's actions. § 87(2)(g) [redacted] it is recommended that **Allegation E** be closed as ***Unable to Determine***.

Allegation (H) Abuse of Authority: Police Officer Christopher Hendrickson failed to provide

§ 87(2)(b) **with a business card.**
Allegation (I) Abuse of Authority: Police Officer Christopher Hendrickson failed to provide § 87(2)(b) with a business card.
Allegation (J) Abuse of Authority: Police Officer Phong Le failed to provide § 87(2)(b) with a business card.
Allegation (K) Abuse of Authority: Police Officer Phong Le failed to provide § 87(2)(b) with a business card.

PO Hendrickson's BWC shows that at 1:24 minutes, he had just let go of § 87(2)(b) arm and picked up his fallen BWC (**02 Board Review**) § 87(2)(b) follows the officers to their vehicle and yells, asking them where they are from. PO Hendrickson says, "Right here," "They wilding out here," and he "knows what they did." There are two additional unidentified males who are walking with the officers and recording them. None of the officers specify that they are assigned to the 48th Precinct. The officers get into their vehicle and leave.

PO Le's BWC footage shows that at 1:30 minutes, as he walks back toward his vehicle, he passes one of the unidentified young males recording the incident (**03 Board Review**). At 1:45 minutes, as PO Le walks to his car, § 87(2)(b) walks past using obscenities against the officers. At the same time, PO Le quickly says, "Anybody needs a business card from any of us, take care," as he gets into his vehicle and deactivates his camera.

PO Whelan's BWC records his camera falling at 1:08 minutes, as he holds § 87(2)(b) He picks up the camera at 1:25 minutes, as he lets § 87(2)(b) go (**04 Board Review**). § 87(2)(b) says, "For what," as both the officers and § 87(2)(b) and § 87(2)(b) walk away from the scene. PO Whelan says to no one in particular, as he continues walking, "Want a business card?" § 87(2)(b) is standing within an arm length of PO Whelan and § 87(2)(b) at three arm lengths. Neither § 87(2)(b) nor § 87(2)(b) responds to this.

TARU footage clarifies at 50:30 minutes, that there is only one young male standing behind § 87(2)(b) while PO Hendrickson and PO Whelan hold him (**01 Board Review**). He is the only person that got that close to the incident. The other two young males, in addition to a male in a wheelchair and a male with a cane approached the sidewalk recording as the officers were leaving.

§ 87(2)(b) said that the officers did not offer their business cards, and he did not request one (**05 Board Review**). § 87(2)(b) also did not request officers' names or shield numbers.

§ 87(2)(b) did not mention being offered business cards nor his request for the officers' command (**04 Board Review**).

PO Hendrickson said that he did not offer anyone a business card because the environment was tumultuous and escalating (**08 Board Review**). PO Hendrickson was focused on the actions of § 87(2)(b) and § 87(2)(b) to make sure everybody left there safely. PO Hendrickson said that he heard § 87(2)(b) ask where the officers were from, but § 87(2)(b) started recording and PO Hendrickson believed that he had all their information. He noted that people were coming towards him and that § 87(2)(b) was irate. PO Hendrickson did not know why he did not tell § 87(2)(b) that he was from the 48th Precinct.

PO Le said that as he was getting into this vehicle, he believed that § 87(2)(b) was right behind him and that § 87(2)(b) and § 87(2)(b) heard him offer his business card (**09 Board Review**). They were both highly combative and irate, walking away from him and PO Le did not believe that they were going to answer him. PO Le did not wait for a response. He did not hear § 87(2)(b) asking where they were from during the incident, and it was probably because § 87(2)(b) was behind him.

PO Whelan stated that as he [PO Whelan] walked away, he asked aloud whether any of them in earshot wanted business cards and he believed that § 87(2)(b) heard him because he was standing right in front of his face (**10 Board Review**). He did not hear § 87(2)(b) ask where the officers were from during the incident and said that it was probably because of all the commotion of § 87(2)(b) and § 87(2)(b) yelling. By that time, there was another civilian present, but PO Whelan did not know who that was nor when they got there. This made PO Whelan feel unsafe and that he should leave the area. The officers then left.

There was no allegation of failure to provide an RTKA card against PO Whelan because although § 87(2)(b) was speaking loudly on the side of him, PO Whelan offered a card in a loud enough voice to be heard. In addition, no civilian made an allegation that PO Whelan failed to offer a business card.

Officers should offer a business card when they stop a person with individualized, reasonable suspicion that the person has committed, is committing or is about to commit a crime, except in cases where a summons or arrest is made and when there are no factors which make such procedure impractical. When a uniformed member of service interacts with a member of the public and/or concludes a law enforcement activity, they should courteously and clearly state their rank, name, shield number, and command or otherwise provide them to anyone who requests it. NYPD Administrative Guide 304-11(**13 Board Review**).

PO Hendrickson and PO Le both physically stopped § 87(2)(b) and § 87(2)(b) while they either led or assisted an investigation into whether § 87(2)(b) and § 87(2)(b) were concealing weapons. § 87(2)(g) TARU footage showed that when the incident ended, there was only one male in the officer's immediate vicinity, while the three other males who started walking toward the incident were across the street. The males approached slowly. BWC footage shows that the males were not making any threatening statements or movements toward the officers. § 87(2)(g) It is therefore determined that **Allegations H** and **I** be closed as ***Substantiated***.

§ 87(2)(g) The BWC showed that PO Le faced away from § 87(2)(b) and § 87(2)(b) and was getting into his vehicle when he altogether said, "Anybody need a business card from any of us, take care," before immediately sitting inside his vehicle and closing the door. The BWC also shows that though PO Le made this statement, it was in such a low tone that it was barely audible on the BWC. § 87(2)(g) It is therefore recommended that **Allegations J** and **K** be closed as ***Substantiated***.

Allegation (L) Abuse of Authority: Police Officer Christopher Hendrickson failed to explain to individuals the reason for a law enforcement activity.
Allegation (M) Abuse of Authority: Police Officer Joseph Whelan failed to explain to individuals the reason for a law enforcement activity.

PO Hendrickson's BWC shows that at 1:24 minutes, he has just let go of § 87(2)(b) arm and picked up his fallen BWC (**02 Board Review**) § 87(2)(b) follows the officers to their vehicle and yells, asking them where they are from. PO Hendrickson says, "Right here," "They wilding out here," and "He know what they did." There are two additional unidentified males who are walking with the officers and recording them. None of the officers specify that they are assigned to the 48th Precinct. The officers get into their vehicle and leave.

PO Whelan's BWC records him first hold § 87(2)(b) at 46 seconds **(04 Board Review**). When the audio begins at one minute, he repeatedly tells § 87(2)(b) to relax as § 87(2)(b) pulls away and asks why PO Whelan is touching him. PO Whelan's BWC falls off at 1:09 minutes. § 87(2)(b) is then heard nearby saying that § 87(2)(b) is a minor. PO Whelan picks up his camera at 1:26 minutes and he is no longer holding § 87(2)(b) PO Whelan walks away and gets into his vehicle while § 87(2)(b) is heard in the near background asking officers where they are from.

PO Le's BWC records a young male civilian at 1:26 minutes, with a backpack standing right behind § 87(2)(b) as he is being held by PO Whelan and PO Hendrickson (**03 Board Review**). The male is not saying anything but appears to hold onto § 87(2)(b) backpack.

None of the officers' BWC capture the officers providing § 87(2)(b) or § 87(2)(b) any explanation of the reasoning for the stop (**02-04 Board Review**).

Neither § 87(2)(b) nor § 87(2)(b) alleged that the officers failed to explain the reason that they were stopped, and these allegations are pleaded based on BWC (**05, 06 Board Review**).

PO Hendrickson said that when he approached § 87(2)(b) became irate and started saying obscenities, so he did not have the opportunity to explain the reason that he was stopping him (**08 Board Review**). Once he finished frisking § 87(2)(b) he became concerned with PO Whelan struggling with § 87(2)(b) PO Hendrickson did not explain the reason for the stop even after the incident concluded because he did not get a chance to as the environment was "hostile." He clarified that by hostile, he meant that a small crowd was gathering, but he did not recall the number of people that were present. PO Hendrickson felt unsafe with the crowd forming because he has experienced being surrounded and having things thrown at him, so he wanted to leave before it escalated.

PO Whelan said that after he held § 87(2)(b) and saw that there was no bulge, he continued to hold him in hopes of calming him down to explain the reason they stopped him (**10 Board Review**). § 87(2)(b) was yelling obscenities and pulling away. He also noted that after some time, § 87(2)(b) calmed down and PO Whelan told his partners that § 87(2)(b) did not have any weapons, so they let § 87(2)(b) go. By that time, there was another civilian present, but PO Whelan did not know who that was nor when they got there. This made PO Whelan feel unsafe and that he should leave the area. The officers then left. PO Whelan attempted to offer § 87(2)(b) a business card and explain the reason he stopped him, but he was yelling obscenities, was irate and uncooperative. He did not tell PO Hendrickson that § 87(2)(b) no longer needed to be detained because he was in the process of letting § 87(2)(b) go. After some time, § 87(2)(b) calmed down and PO Whelan told his partners that § 87(2)(b) was good. They let § 87(2)(b) go.

Officers should explain the reason for the law enforcement activities unless providing this information would impair a criminal investigation, or exigent circumstances (such as physical resistance, flight, imminent danger of physical injury or damage to property) exist. NYPD Administrative Guide 304-11 (**13 Board Review**).

When officers approached § 87(2)(b) and § 87(2)(b) they suspected that they were concealing weapons. According to the Administrative Guide, the officers were not required to tell § 87(2)(b) and § 87(2)(b) the reason they were stopping them at that point. PO Hendrickson said that he did not explain the reason for the stop afterward because people were gathering, and the environment was hostile. The BWC showed that the environment was "hostile," because officers had just stopped two minors, and they did not know the reason they were being stopped. At that time, there was only one additional male beside § 87(2)(b) and § 87(2)(b) that were near the officers. PO Hendrickson had the opportunity to say, "They wilding out here [sic]," and "He know what they did [sic]," to that additional male but said that he did not have the opportunity to say the reason for the stop.

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

§ 87(2)(g) The BWC records that 14 seconds later, he still held onto § 87(2)(b) and the only thing he is saying is for § 87(2)(b) to relax. § 87(2)(g) The BWC showed that there was only one male who arrived and stood in close proximity to the stop, but the male did not make any threatening motions or remarks towards the officers. § 87(2)(g)

It is therefore recommended that **Allegation M** be closed as ***Substantiated.***

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**14 Board Review**).
- § 87(2)(b)
- PO Hendrickson has been a member of service for three years and has been a subject in six other CCRB complaints and 14 other allegations, none of which were substantiated
  - Case 202400146 involves an allegation of failure to provide RTKA card against PO Hendrickson. This case is still active.
  - Case 202406413 involves a stop and frisk against PO Hendrickson. This case is still active.
  - § 87(2)(g)
  - Case 202407504 involves a frisk, a search and two stops against PO Hendrickson and was closed as complaint withdrawn.
  - Case 202408365 involves a frisk against PO Hendrickson. This case is still active.
  - § 87(2)(g)
- PO Whelan has been a member of service for four years and has been a subject in five other CCRB complaints and other allegations, two of which were substantiated.

- Case 202105658 involved a substantiated allegation of a threat of force against PO Whelan. The Board recommended Command Discipline B and the NYPD imposed it.
- Case 202300395 involved substantiated allegations of Improper use of BWC against PO Whelan. The Board recommended Command Discipline A and the NYPD imposed no discipline.
- Case 202207119 involves an allegation of a stop pled against PO Whelan, which was closed as Unable to Determine.

- PO Le has been a member of service for three years and has been a subject in twelve other CCRB complaints and 53 other allegations, none of which were substantiated.
  - Case 202303122 involved allegations of failure to provide an RTKA card and a stop against PO Le, which were closed as Unable to Determine.
  - Case 202304145 involved three stops against PO Le, which were closed as Complainant Unavailable.
  - Case 202304168 involved an allegation of a stop and failure to provide RTKA card against PO Le, which were closed as Unable to Determine.
  - Case 202311687 involved an allegation of a stop and failure to provide RTKA card against PO Le. This case is still active.
  - § 87(2)(g)
  - Case 202400146 involves an allegation of failure to provide RTKA card against PO Le. This case is still active.
  - § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- On September 16, 2024, a Notice of Claim inquiry was made to the New York City Office of the Comptroller (**16 Board Review**) It will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad No.: 6

Investigator:	Tileyah Williams	SI Tileyah Williams	10/10/2024
	Signature	Print Title & Name	Date
Squad Leader:	Jessica Peña	IM Jessica Peña	10/10/2024
	Signature	Print Title & Name	Date
Reviewer:			

Squad No.: 6

Signature Print Title & Name Date