

Complaint Report (CCRB)

CCRB Case No : 201509988 **C/V Report Date :** Mon, 11/23/2015
Complaint Type : CCRB **Investigator :** Patrick Yu
Complaint Made At : CCRB **Ref. No**
Received Date (CCRB) : Mon, 11/23/2015 **Mode :** Call Processing System
Incident Date(s) : Sat, 11/21/2015 11:42 PM, Sun, 11/22/2015 , Mon, 11/23/2015 , Tue, 11/22/2016 , Wed, 11/23/2016
Place of Occurence: [REDACTED] **Precinct:** 40
Location : Street/highway **Boro:** Bronx
Reason for Initial Contact : PD suspected C/V of violation/crime - street
Charges: Arrest - other violation/crime

Complainant/Victim Details

Name: [REDACTED] **Type:** Comp/Victim
Address: [REDACTED]
Contacts: [REDACTED]
Gender: [REDACTED] **Ethnicity:** [REDACTED]
Person Assisting: [REDACTED] **Date of Birth:** [REDACTED]
Injury Details: Type of Injury Description
 Other Injury § 87(2)(b) [REDACTED] sustained burning in the eyes.

Name: [REDACTED] **Type:** Victim
Address: [REDACTED]
Contacts: [REDACTED]
Gender: [REDACTED] **Ethnicity:** [REDACTED]
Person Assisting: [REDACTED] **Date of Birth:** [REDACTED]

Officer(s) Named in Complaint

| Rank | Officer | S/W Officer | Tax No | Race | Cmd | Allegations/Board Dispositions |
|------|---------------|-----------------|------------|----------|-----|--|
| POM | John Zorrilla | Subject Officer | [REDACTED] | Hispanic | 807 | Pepper spray - (F) Substantiated (Command Discipline B) |
| POM | John Zorrilla | Subject Officer | [REDACTED] | Hispanic | 807 | Refusal to process civilian complaint - (A) Alleged Victim Uncooperative |
| POM | John Zorrilla | Subject Officer | [REDACTED] | Hispanic | 807 | Refusal to provide name/shield number - (A) Alleged Victim Uncooperative |

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|-----|---------------------|-----------------|------------|----------|-----|--|
| POM | John Zorrilla | Subject Officer | [REDACTED] | Hispanic | 807 | Retaliatory arrest - (A) Substantiated (Command Discipline B) |
| POM | John Zorrilla | Subject Officer | [REDACTED] | Hispanic | 807 | Word - (D) Unsubstantiated |
| POM | John Zorrilla | Subject Officer | [REDACTED] | Hispanic | 807 | Word - (D) Alleged Victim Unavailable |
| POM | John Zorrilla | Subject Officer | [REDACTED] | Hispanic | 807 | Race - (Black) - (E) Unsubstantiated |
| SGT | Jonathan Benintendo | Subject Officer | [REDACTED] | White | 042 | Refusal to process civilian complaint - (A) Unsubstantiated |
| SGT | Ervy Diaz | Subject Officer | [REDACTED] | Hispanic | 803 | Refusal to process civilian complaint - (A) Substantiated (Command Discipline B) |
| SGT | Ervy Diaz | Subject Officer | [REDACTED] | Hispanic | 803 | Word - (D) Alleged Victim Uncooperative |
| LT | Neil Zuber | Subject Officer | [REDACTED] | White | 807 | Retaliatory arrest - (A) Substantiated (Command Discipline A) |
| POM | Giovanni Laguna | Witness Officer | [REDACTED] | Hispanic | 807 | |
| POM | Jason Zupka | Witness Officer | [REDACTED] | White | 807 | |
| SGT | Pawel Lachowski | Witness Officer | [REDACTED] | White | 040 | |
| POM | Elvis Duran | Witness Officer | [REDACTED] | Hispanic | 807 | |
| POM | Manolin Molina | Witness Officer | [REDACTED] | Hispanic | 807 | |
| SGT | Sincerae Tinsley | Witness Officer | [REDACTED] | Black | 042 | |
| SGT | Miguel Frias | Witness Officer | [REDACTED] | Hispanic | 807 | |

Initial Complaint Narrative

DiRAD. On Saturday November 22, 2015, between 11:40 p.m. or 11:42 p.m., at East 158th Street and Brook Avenue in the Bronx, [REDACTED] reported that Police Officer John Zorrilla, whose tax number is [REDACTED] assigned to PSA 7, was rude, and is a "racist" who used excessive force. Police Officer Zorrilla put a Taser in [REDACTED]'s face and "pepper sprayed" him. Police Officer Zorrilla used excessive force, ran away from the scene, and provided no medical attention. Police Officer Zorrilla was in an unmarked white Nissan Altima, and is described as a 6'1" tall Hispanic male. [REDACTED] sustained a black eye and cuts on his eyes. No summons was issued or arrest made. The officers were in plainclothes. Follow up call was made to [REDACTED]. On Saturday, November 21, 2015, at approximately 11:42 p.m., at East 158th Street between Brook Avenue and Third Avenue in the Bronx, [REDACTED] and his cousin, [REDACTED] left from his friend's building, a residential building possibly NYCHA, to meet [REDACTED]'s friend [REDACTED] (surname not known). They approached a black taxicab to pay for [REDACTED] fare. Subsequently, a four door white Nissan Altima with license plate number [REDACTED] § 87(2)(e), § 87(2)(f) "drove up to them and told them to move, but [REDACTED] replied that they were paying for the fare. Police Officer Zorrilla and his unidentified partner (PO2) exited this vehicle and again told them to move. [REDACTED] then responded that they should tell the taxicab driver to move. Police Officer Zorrilla told [REDACTED] that he was the one with a "fucking" big mouth. Police Officer Zorrilla then pepper sprayed him in the eyes. [REDACTED] subsequently hit the officers' car because he was in pain and could not see. [REDACTED] tried talking to the police and was then handcuffed. Back up arrived, but Police Officer Zorrilla and PO 2 drove away from the location. [REDACTED] went to [REDACTED] § 87(2)(b) and was treated. The next day, on November 22, 2015, [REDACTED] went to PSA 7 and was subsequently arrested. He was sent to Bronx Central Booking, but never saw a judge. He also has no pending court date. [REDACTED] § 87(2)(b) also went to a precinct (command number not known) located at East 138th Street in the Bronx, and spoke to an unidentified sergeant who told him subject officer's name: Police Officer John Zorrilla. Description: Police Officer John Zorrilla: "Dominican"/Hispanic man, who spoke with a Spanish accent, who is 6'1" tall, between 35 to 37 years old, weighed 200 pounds, had an athletic build (exact weight not known). Also wore a hat and silver hooded sweatshirt and faded blue jeans.

Witness

Name of Witness: [REDACTED]

Address:

[REDACTED]

Contacts:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Gender :

[REDACTED]

Ethnicity:

[REDACTED]

Date of Birth :

[REDACTED]

Name of Witness:

[REDACTED]

Address:

[REDACTED]

Contacts:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Gender :

[REDACTED]

Ethnicity:

[REDACTED]

Date of Birth :

[REDACTED]