

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Gabriella Carpenter	Team: Squad #5	CCRB Case #: 201706735	<input type="checkbox"/> Force	<input 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) Tuesday, 08/15/2017 2:30 PM	Location of Incident: 725 5th Avenue	Precinct: 18	18 Mo. SOL 2/15/2019	EO SOL 2/15/2019	
Date/Time CV Reported Wed, 08/16/2017 4:13 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/16/2017 4:13 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Christophe Newsom	00201	902095	INT PSS
2. DT3 Jorge Pujols	04709	939255	INT PSS
3. DT3 Michael Espinosa	05454	934794	INT PSS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Peter Villahoz	05067	945083	INT PSS
2. DT3 John Mason	00328	916151	INT PSS
3. DT3 Matthew Marmorowski	04389	948088	INT PSS
4. DT3 Steven Jilling	03613	941961	INT PSS

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Michael Espinosa	Abuse: Detective Michael Espinosa stopped § 87(2)(b)	
B.SGT Christophe Newsom	Abuse: Sergeant Christopher Newsom detained § 87(2)(b)	
C.SGT Christophe Newsom	Abuse: Sergeant Christopher Newsom questioned § 87(2)(b)	
D.DT3 Michael Espinosa	Abuse: Detective Michael Espinosa searched § 87(2)(b)	
E.SGT Christophe Newsom	Abuse: Sergeant Christopher Newsom refused to provide his shield number to § 87(2)(b)	
F.DT3 Jorge Pujols	Abuse: Detective Jorge Pujols refused to provide his shield number to § 87(2)(b)	

Case Summary

§ 87(2)(b) filed a complaint with the CCRB over the phone on August 16, 2017. This case was placed on the CCRB's sensitive case list due to the extensive media coverage it received (BR 01).

On August 15, 2017, at approximately 2:30 p.m., Detective Michael Espinosa of the Protective Intelligence Division stopped § 87(2)(b) after she unfurled a banner over the second floor balcony in Trump Tower (located at 725 5th Avenue in Manhattan) (**Allegation A: Abuse of Authority, § 87(2)(g)**). Det. Espinosa took § 87(2)(b) to a room on the first floor where Sergeant Christopher Newsom of the Protective Intelligence Division and Secret Service agents detained (**Allegation B: Abuse of Authority, § 87(2)(g)**) and questioned her (**Allegation C: Abuse of Authority, § 87(2)(g)**). While there, Det. Espinosa searched § 87(2)(b)'s purse (**Allegation D: Abuse of Authority, § 87(2)(g)**). When Sgt. Newsom and Police Officer Jorge Pujols of the Protective Intelligence Division escorted § 87(2)(b) out of the building, she asked both officers for their names and shield numbers but they only provided their names (**Allegations E and F: Abuse of Authority, § 87(2)(g)**).

One of § 87(2)(b)'s acquaintances, § 87(2)(b) took a video of Det. Espinosa stopping § 87(2)(b) the video does not show any other allegations and no other video footage was available.

Findings and Recommendations

Allegation A: Abuse of Authority: Detective Michael Espinosa stopped § 87(2)(b)

§ 87(2)(g)
It is undisputed that Det. Espinosa stopped § 87(2)(b) for unfurling a banner immediately after she hung the banner over the second floor balcony in Trump Tower. President Trump was scheduled to give a speech at the location approximately an hour and a half later. Police were about to freeze the location in preparation for President Trump's appearance.

§ 87(2)(b) testified that the banner she unfurled was approximately ten feet long and four feet wide (BR 03 and BR 11).

Det. Espinosa testified that he approached § 87(2)(b) because he saw her drop a banner, which is against the rules of the building; he had no other reasons for stopping her (BR 02). § 87(2)(b) said that she was finished and was leaving the building, then tried to walk away. Det. Espinosa told her that she had to speak to Secret Service agents before she could leave, handcuffed her, and took her downstairs. Per Det. Espinosa, it is Secret Service policy for anyone who tries to speak with or get the attention of President Trump to be questioned by Secret Service agents so that they can determine whether the person is a threat.

The signs posted at each entrance to Trump Tower state, "You are now entering a 'restricted building or grounds,' as defined in Title 18, United States Code, Section 1752. By entering this area, you are consenting to a search of your person and belongings. Persons entering or remaining in this area without lawful authority are in violation of federal law and will be subject to arrest and prosecution" (BR 08).

Officers are permitted to stop an individual if they have reasonable suspicion that the individual is committing, has committed, or is about to commit a crime. *People v. DeBour*, 40 N.Y.2d 210, 216 (1976) (BR 09).

It is illegal for individuals to knowingly, and with intent to impede or disrupt the orderly conduct of government business or official functions, engage in disorderly or disruptive conduct in any restricted building when such conduct impedes or disrupts the orderly conduct of government business or official functions. 18 U.S. Code § 1752 (BR 07).

§ 87(2)(g)

Allegation B: Abuse of Authority: Sergeant Christopher Newsom detained § 87(2)(b)

Allegation C: Abuse of Authority: Sergeant Christopher Newsom questioned § 87(2)(b)

Allegation D: Abuse of Authority: Detective Michael Espinosa searched § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) testified that Det. Espinosa took her to a room on the first floor where there were NYPD officers and Secret Service agents. Det. Espinosa asked for her ID and she told him that she had a photo of it on her cell phone, which he could get from her friend, § 87(2)(b). Det. Espinosa left and returned with § 87(2)(b)'s purse. Det. Espinosa searched § 87(2)(b)'s purse but did not find anything. All of the NYPD officers and Secret Service agents in the room asked § 87(2)(b) questions, including asking for her social security number and address, if she had a history of mental health issues, why she had a New York license, whether she respected the president, whether she would hurt the president or his family members, what time she left for New York, how she got there, where she stayed, when she was leaving, if she got along with her parents, who she works with, what organizations she belongs to, if she was a "people-person," if she was easily manipulated by people, if she had ever been in the White House, and what her banner meant. § 87(2)(b) was released after about an hour and fifteen minutes.

Det. Espinosa testified that § 87(2)(b)'s friends gave him her backpack without him asking for it, after they overheard him asking § 87(2)(b) for her ID. Det. Espinosa searched her bag in front of her without asking for consent, which he stated he did not need as there are signs in the building stating that by entering you are subject to be searched. Det. Espinosa did not find an ID but found a debit card with § 87(2)(b)'s name on it. He removed the card from the bag without taking anything else out and gave the card to a Secret Service agent. The agent did not return the card to him and he did not know what the agent did with it. Det. Espinosa did not see anyone else go through § 87(2)(b)'s bag, nor was he present when NYPD officers or Secret Service agents questioned her. He only saw Sgt. Newsom interact with § 87(2)(b). Det. Espinosa left and returned to his post after being in the room for three minutes or less and did not have any further interaction with § 87(2)(b).

Sgt. Newsom testified that officers brought § 87(2)(b) to his office and told him that she had unfurled a banner from the second floor of the building; the officers did not have any other reasons for stopping her (BR 04). Sgt. Newsom was not sure what § 87(2)(b) would have been

charged with, but thought that it might have been a type of trespassing to violate the building rules. Sgt. Newsom was the only NYPD officer questioning her. In addition to asking for her pedigree information, he asked about her psychiatric history as he does to everyone he debriefs because many people who go to Trump Tower have mental problems and agree to be taken to the hospital. Sgt. Newsom did not know if an officer got or searched § 87(2)(b)'s purse. After Sgt. Newsom finished questioning § 87(2)(b) which took half an hour or less, building security said that they did not want to prosecute her and just wanted her to leave the building.

Det. Pujols testified that he went to the MOS room in Trump Tower and saw § 87(2)(b) with NYPD officers and Secret Service agents (BR 05). Det. Espinosa told him that § 87(2)(b) had unfurled a banner over the second floor bannister. Det. Pujols thought that some officers and Secret Service agents were asking § 87(2)(b) questions while he was in the room but he could not recall who and did not hear what they asked, and he did not ask her any questions. § 87(2)(b) had her purse with her and Det. Pujols did not recall seeing any officers with her purse or searching her purse.

It is illegal for individuals to knowingly, and with intent to impede or disrupt the orderly conduct of government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of government business or official functions. 18 U.S. Code § 1752.

An investigative detention must be temporary and last no longer than is necessary to effectuate the purpose of the stop. Similarly, the investigative methods employed should be the least intrusive means reasonably available to verify or dispel the officer's suspicion in a short period of time. *Florida v. Royer*, 460 U.S. 491, 500 (1983) (BR 10).

Officers are permitted to question an individual if they have founded suspicion that the individual is committing, has committed, or is about to commit a crime. *People v. DeBour*, 40 N.Y.2d 210, 215 (1976).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

Allegation E: Abuse of Authority: Sergeant Christopher Newsom refused to provide his shield number to § 87(2)(b)

Allegation F: Abuse of Authority: Detective Jorge Pujols refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) testified that two Secret Service agents, Det. Pujols, and Sgt. Newsom, escorted her out of the building. § 87(2)(b) asked Det. Pujols and Sgt. Newsom for their cards, then when they said they did not have their cards, she asked for their names and shield numbers. Det. Pujols said that his name was “Bujol” but refused to spell it and Sgt. Newsom said that his name was Sgt. Christopher Newsom, but neither officer provided his shield number.

Sgt. Newsom testified that he and Det. Pujols walked § 87(2)(b) out of the building. She asked Sgt. Newsom for his name and shield number and he provided them verbally; he could not recall if § 87(2)(b) asked him for his card or asked Det. Pujols for his information.

Det. Pujols testified that Sgt. Newsom asked him to escort § 87(2)(b) out of the building. He did not recall § 87(2)(b) asking him or any other officers for their names or shield numbers. He was not wearing his badge or a visible name plate, and did not provide his name because he did not remember her asking.

§ 87(2)(g)

Det. Pujols testified that § 87(2)(b) did not ask for his name or shield number, and he did not provide them to her. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b) (BR 12).
- Sgt. Newsom has been a member of the service for 25 years and has not had any other CCRB allegations pled against him.
- Det. Espinosa has been a member of the service for 13 years and has had eight other CCRB allegations pled against him in six cases. Two search (of person) allegations have been pled against him, one in CCRB 200803606 that was exonerated, and one in CCRB 201012347 that was closed as complainant uncooperative.
- Det. Pujols has been a member of the service for 12 years and has had four other CCRB allegations pled against him in three cases, none of which were substantiated § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation § 87(2)(g) [REDACTED]
- As of December 8, 2017, no notice of claim has been filed with the comptroller's office in regard to this incident (BR 06).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date