



ERIC L. ADAMS
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD
100 CHURCH STREET 10th FLOOR
NEW YORK, NEW YORK 10007 ♦ TELEPHONE (212) 912-7235
www.nyc.gov/ccrb



ARVA RICE
INTERIM CHAIR

AUGUST, 2023

**The Honorable Edward A. Caban
Police Commissioner of the City of New York
New York City Police Department
One Police Plaza
New York, NY 10038**

Re: Report on the Administrative Prosecution Unit Second Quarter of 2023

Dear Commissioner Caban:

This report will address the following matters: (i) trial verdicts issued by an Assistant Deputy Commissioner of Trials (“ADCT”); (ii) the treatment of Administrative Prosecution Unit (“APU”) pleas by the Police Commissioner (“PC”); (iii) the retention of cases under Provision Two of the April 2, 2012, Memorandum of Understanding (“MOU”); (iv) cases administratively closed by the Police Commissioner; (v) cases closed due to the statute of limitations (“SOL”); (vi) the size of the APU’s docket; (vii) the time to serve Charges and Specifications on Respondents; and (viii) the discipline concurrence rate.

The report contains information concerning the following case closures in the second quarter of 2023: twelve (12) trial verdicts, seventeen (17) pleas, three (3) retained cases, nine (9) PC administratively closed cases, forty-six (46) APU administratively closed cases. Finally, it includes information regarding the discipline and concurrence rates for the quarter which stand at 65% and 61% respectively.

We hope that the Police Commissioner will reduce the amount of retained cases so that they have a full opportunity to be put before the tribunal.

Thank you for your consideration.

Sincerely,

Jonathan Darche
Executive Director

Cc: CCRB Acting Chair Arva Rice
Deputy Commissioner Rosemarie Maldonado
Department Advocate Chief Amy Litwin

I. TRIALS

At the conclusion of an administrative trial, the presiding ADCT renders a finding of guilty or not guilty on each of the Charges and Specifications against the member(s) of service (“MOS”).¹ For guilty verdicts, the ADCT recommends a penalty for each member of service involved in the case and the Police Commissioner either approves, modifies, or reverses the verdict and recommended penalty.² There is no penalty recommendation for not guilty verdicts. In the second quarter of 2023, the verdicts for twelve (12) APU trials were finalized. The verdicts can be found below.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	APU RECOMMENDED PENALTY	ADCT DECISION & PC DECISION
201907212 Read Closing Report Here	PO James Stalikas	<ol style="list-style-type: none"> 1. Force - pointed his gun at the Victim. 2. Force - struck the Victim with an asp. 3. Force - used a chokehold against the Victim. 4. Force - used physical force against the Victim. 5. Abuse of Authority - threatened to arrest the Victim. 6. Discourtesy - spoke discourteously to the Victim. 	Termination	ADCT rendered guilty verdict. ADCT recommended five (5) days’ vacation forfeiture. The Police Commissioner approved the guilty verdict and did not modify the penalty. Read Final Documents Here

¹ The APU treats each officer against whom an allegation is substantiated as a separate “case.” As such, all APU data discussed in this report uses the same terminology. While there may be trials or incidents that involve multiple officers, the word “case” should be interpreted as “case against a single officer.”

² As the final arbiter of discipline, the Police Commissioner can modify the ADCT penalty and/or reverse a verdict.

<p>201907678 Read Closing Report Here</p>	<p>PO William Schumacher</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide Victim 1 with a business card. 2. Abuse of Authority - failed to provide Victim 2 with a business card. 3. Abuse of Authority - to provide individuals with a business card. 4. Abuse of Authority - failed to provide Victim 3 with a business card. 5. Abuse of Authority - interfered with Victim 2's use of a recording device. 6. Abuse of Authority - questioned Victim 1. 7. Abuse of Authority - questioned Victim 2. 8. Abuse of Authority - questioned individuals. 9. Abuse of Authority - questioned Victim 3. 10. Untruthful Statement - provided a false official statement to the CCRB. 11. Offensive Language - made remarks to Victim 1 based upon the gender of Victim 1. 12. Offensive Language - made remarks to Victim 2 based upon the gender of Victim 2. 13. Offensive Language - made remarks to individuals based upon the gender of individuals. 14. Offensive Language - made remarks to Victim 3 based upon the gender of Victim 3. 	<p>Termination</p>	<p>ADCT rendered guilty verdict. ADCT recommended five (5) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and modified the penalty to five (5) days' vacation forfeiture and formalized training.</p> <p>Read Final Documents Here</p>
--	------------------------------	---	--------------------	--

<p>201809421 Read Closing Report Here</p>	<p>DT3 Ryan Blair</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - frisked the Victim. 2. Abuse of Authority - searched the Victim. 3. Abuse of Authority - searched the vehicle in which the Victim was an occupant. 4. Abuse of Authority - at the 44th Precinct Stationhouse, strip-searched the Victim. 5. Discourtesy - spoke discourteously to the Victim. 	<p>Twenty (20) days' vacation forfeiture</p>	<p>ADCT rendered not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p>Read Final Documents Here</p>
<p>201809421 Read Closing Report Here</p>	<p>DT3 Edward Carrasco</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - searched the vehicle in which the Victim was an occupant. 2. Abuse of Authority - at the 44th Precinct Stationhouse strip-searched the Victim. 	<p>Twenty (20) days' vacation forfeiture</p>	<p>ADCT rendered not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p>Read Final Documents Here</p>
<p>201809421 Read Closing Report Here</p>	<p>DT3 John McGee</p>	<ol style="list-style-type: none"> 1. Abuse of Authority -at the 44th Precinct Stationhouse, searched the Victim's recording device. 2. Abuse of Authority - at the 44th Precinct Stationhouse, strip-searched the Victim. 3. Discourtesy - spoke discourteously to the Victim. 4. Discourtesy - at the 44th Precinct Stationhouse, spoke discourteously to the Victim. 	<p>Twenty (20) days' vacation forfeiture</p>	<p>ADCT rendered not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p>Read Final Documents Here</p>

<p>202003770 Closing Report Will be Available Upon Closure of all related APU Cases</p>	<p>LT Eduardo Silva</p>	<ol style="list-style-type: none"> 1. Force - struck individuals with an asp. 2. Force - used physical force against an individual. 	<p>Ten (10) days' vacation forfeiture</p>	<p>ADCT rendered not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p>Read Final Documents Here</p>
<p>202003788 Read Closing Report Here</p>	<p>LT Michael Butler</p>	<ol style="list-style-type: none"> 1. Force - used physical force against an individual. 2. Force - used physical force against individuals. 	<p>Twenty (20) days' vacation forfeiture</p>	<p>ADCT rendered not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p>Read Final Documents Here</p>
<p>202004301 Closing Report Will be Available Upon Closure of all related APU Cases</p>	<p>LT Adam Mellusi</p>	<ol style="list-style-type: none"> 1. Force - hit individuals against an object. 2. Force - hit the Victim against an object. 	<p>Twenty (20) days' vacation forfeiture</p>	<p>ADCT rendered not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p>Read Final Documents Here</p>
<p>202102795 Read Closing Report Here</p>	<p>PO Alfredo Alba</p>	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to individuals. 	<p>Five (5) days' vacation forfeiture</p>	<p>ADCT rendered not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p>Read Final Documents Here</p>

<p>202003815 Read Closing Report Here</p>	<p>PO Corey Johnson</p>	<ol style="list-style-type: none"> 1. Force - used physical force against Victim 1. 2. Untruthful Statement - provided a misleading official statement to the CCRB. 	<p>Twenty-five (25) days' vacation forfeiture</p>	<p>ADCT rendered guilty verdict. ADCT recommended three (3) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and modified the penalty to five (5) days' vacation forfeiture.</p> <p>Read Final Documents Here</p>
<p>202003815 Read Closing Report Here</p>	<p>INSP Jesse Lance</p>	<ol style="list-style-type: none"> 1. Force - struck Victim 2 with a nightstick/asp/baton. 2. Force - used physical force against Victim 2. 3. Untruthful Statement - provided a misleading official statement to the CCRB. 	<p>Thirty (30) days' vacation forfeiture and one (1) year dismissal probation.</p>	<p>ADCT rendered not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p>Read Final Documents Here</p>
<p>202006125 Read Closing Report Here</p>	<p>PO Marcelino Roman</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened to remove the Victim to the hospital. 	<p>Ten (10) days' vacation forfeiture</p>	<p>ADCT rendered guilty verdict. ADCT recommended five (5) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and did not modify the penalty.</p> <p>Read Final Documents Here</p>

II. PLEAS

In lieu of a trial, the officer can reach a plea agreement with the APU. This agreement must be approved by both an ADCT and the Police Commissioner. The APU uses several factors to determine plea recommendations, including, but not limited to, MOS length of service, MOS rank, MOS disciplinary history, the facts of the case, the strength of the case, vulnerability of the victim, the extent of any injury, the number of complainants, precedent from cases involving analogous charges, and the delineated penalty categories from the New York City Police Department’s (“NYPD”) Disciplinary Matrix. In the second quarter of 2023, the APU finalized seventeen (17) plea agreements.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
201800538 Closing Report Will be Available Upon Closure of all related APU Cases	DT3 Tomor Berisha	1. Abuse of Authority - frisked the Victim.	Officer accepted reprimand. The Police Commissioner disapproved the plea and dismissed the charges. The Police Commissioner imposed penalty formalized training. Read Final Documents Here
201800538 Closing Report Will be Available Upon Closure of all related APU Cases	DTS John Echevarria	1. Force - restricted the Victim’s breathing. 2. Force - used a chokehold against the Victim. 3. Abuse of Authority - searched the Victim.	Officer accepted reprimand. The Police Commissioner disapproved the plea and dismissed the charges. The Police Commissioner imposed penalty formalized training. Read Final Documents Here
201901922 Closing Report Will be Available Upon Closure of all related APU Cases	PO Ariel Eusebio	1. Abuse of Authority – entered the Victim’s home.	Officer accepted reprimand. The Police Commissioner disapproved the plea and dismissed the charges. The Police Commissioner imposed penalty formalized training. Read Final Documents Here

<p>201903406 Read Closing Report Here</p>	<p>LT Jonathan Rivera</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - stopped Victim 1. 2. Abuse of Authority - stopped Victim 2. 3. Abuse of Authority - stopped Victim 3. 4. Abuse of Authority - searched the vehicle in which Victim 1 was an occupant. 5. Abuse of Authority - seized Victim 1's property. 6. Abuse of Authority - frisked Victim 2. 7. Abuse of Authority - frisked Victim 3. 8. Abuse of Authority - at the 52nd Precinct stationhouse, searched the vehicle in which Victim 1 was an occupant. 9. Abuse of Authority - entered Victim 1's home. 10. Abuse of Authority - searched Victim 1's home. 	<p>Officer accepted reprimand. The Police Commissioner disapproved the plea and dismissed the charges. The Police Commissioner imposed penalty formalized training.</p> <p>Read Final Documents Here</p>
<p>201907401 Read Closing Report Here</p>	<p>SGT Frederick Manney</p>	<ol style="list-style-type: none"> 1. Abuse of Authority: entered the Victim's home. 2. Abuse of Authority: searched the Victims home. 	<p>Officer accepted reprimand. The Police Commissioner disapproved the plea and dismissed the charges. The Police Commissioner imposed penalty formalized training.</p> <p>Read Final Documents Here</p>
<p>201907896 Read Closing Report Here</p>	<p>PO Charles Alexander</p>	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Discourtesy - spoke discourteously to the Victim. 3. Offensive Language - made remarks to the Victim based upon the gender of the Victim. 	<p>Officer accepted six (6) days' vacation forfeiture. The Police Commissioner approved the plea but modified the penalty to ten (10) days' vacation forfeiture.</p> <p>Read Final Documents Here</p>

<p>201902317 Closing Report Will be Available Upon Closure of all related APU Cases</p>	<p>PO Francis Pinales</p>	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Abuse of Authority - at the 43rd Precinct stationhouse, strip-searched the Victim. 3. Abuse of Authority - searched Carlos the Victim 4. Abuse of Authority - threatened the Victim with the use of force. 	<p>Officer accepted five (5) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
<p>201904529 Read Closing Report Here</p>	<p>PO Philip Huynh</p>	<ol style="list-style-type: none"> 1. Force - used a taser against Victim 1. 2. Force - used a taser against Victim 2. 3. Discourtesy - spoke discourteously to Victim 1. 4. Discourtesy - spoke discourteously to individuals. 	<p>Officer accepted ten (10) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
<p>201906886 Closing Report Will be Available Upon Closure of all related APU Cases</p>	<p>PO Marleny Estevez</p>	<ol style="list-style-type: none"> 1. Force - used physical force against Victim 1. 2. Abuse of Authority - threatened to damage Victim 2's property. 3. Abuse of Authority - threatened to remove Victim 2 to the hospital. 	<p>Officer accepted five (5) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
<p>202003636 Read Closing Report Here</p>	<p>SG Fredrick Manney</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened an individual with the use of force. 2. Abuse of Authority - at the 79th Precinct stationhouse, threatened the Victim with the use of force. 3. Discourtesy - at the 79th Precinct stationhouse, spoke discourteously to the Victim. 	<p>Officer accepted fifteen (15) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
<p>202003847 Read Closing Report Here</p>	<p>PO Brian Mahon</p>	<ol style="list-style-type: none"> 1. Force - struck the Victim with a baton. 2. Force - used physical force against an individual. 3. Force - used physical force against the Victim. 4. Discourtesy - spoke discourteously to the Victim. 5. Untruthful Statement - provided a false official statement to the CCRB. 	<p>Officer accepted one (1) year dismissal probation and forty (40) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>

<p>202100260 Read Closing Report Here</p>	<p>LT Juan Quiroz</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - frisked Victim 1. 2. Abuse of Authority - frisked Victim 2. 3. Abuse of Authority - questioned Victim 1. 4. Abuse of Authority - questioned Victim 2. 	<p>Officer accepted three (3) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
<p>202002284 Read Closing Report Here</p>	<p>LT David Vasquez</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - searched the vehicle in which the Victim was an occupant. 2. Untruthful Statement - provided a misleading official statement to the CCRB 	<p>Officer accepted ten (10) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
<p>202003715 Closing Report Will be Available Upon Closure of all related APU Cases</p>	<p>DTS Kyle Calenda</p>	<ol style="list-style-type: none"> 1. Force - struck the Victim with an asp. 	<p>Officer accepted ten (10) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
<p>201907678 Read Closing Report Here</p>	<p>DT3 Anthony Waite</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide Victim 1 with a business card. 2. Abuse of Authority - failed to provide Victim 2 with a business card. 3. Abuse of Authority - failed to provide individuals with a business card. 4. Abuse of Authority - failed to provide Victim 3 with a business card. 5. Abuse of Authority -frisked Victim 1. 6. Abuse of Authority - questioned Victim 3. 7. Abuse of Authority - stopped Victim 1. 	<p>Officer accepted two (2) days' vacation forfeiture. The Police Commissioner approved the plea but modified the penalty to a Command Discipline A formalized training.</p> <p>Read Final Documents Here</p>

<p>202103843</p> <p>Read Closing Report Here</p>	<p>PO Jose Gonzalez</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - interfered with the Victim's use of a recording device. 2. Discourtesy - spoke discourteously to the Victim. 	<p>Officer accepted ten (10) days' vacation forfeiture. The Police Commissioner disapproved the plea and dismissed the charges.</p> <p>Read Final Documents Here</p>
<p>202008469</p> <p>Read Closing Report Here</p>	<p>PO Michael Dunn</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - damaged the Victim's property. 2. Abuse of Authority - failed to provide the Victim with a business card. 3. Abuse of Authority - searched the Victim's home. 	<p>Officer accepted six (6) days' vacation forfeiture. The Police Commissioner disapproved the plea and dismissed the charges.</p> <p>Read Final Documents Here</p>

III. RETAINED CASES

The Police Commissioner can retain a case, which means that the case is removed from the APU, in accordance with Provision Two of the MOU,³ which states that:

in those limited circumstances where the Police Commissioner determines that CCRB's prosecution of Charges and Specifications in a substantiated case would be detrimental to the Police Department's disciplinary process, the Police Commissioner shall so notify CCRB. Such instances shall be limited to such cases in which there are parallel or related criminal investigations, or when, in the case of an officer with no disciplinary history or prior substantiated CCRB complaints, based on such officer's record and disciplinary history the interests of justice would not be served.

After a case is retained, the Police Commissioner can decide whether or not to impose discipline on an officer. In the second quarter of 2023, the Police Commissioner retained three (3) cases.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR RETAINMENT
202107337 Read Closing Report Here	PO Gregory Clena	<ol style="list-style-type: none"> 1. Abuse of Authority - stopped the vehicle in which Victim 1, Victim 2, and Victim 3 were occupants. 2. Abuse of Authority - searched the vehicle in which Victim 1, Victim 2, and Victim 3 were occupants. 3. Abuse of Authority – frisked Victim 1. 4. Abuse of Authority – searched Victim 1. 5. Abuse of Authority - failed to provide Victim 1 with a business card. 	<p>The Police Commissioner retained case and issued discipline to the officer – three (3) days' vacation forfeiture (Command Discipline B).</p> <p>Read Final Documents Here</p>
202107117 Closing Report Will be Available Upon Closure of all related APU Cases	PO Cody Duffy	<ol style="list-style-type: none"> 1. Abuse of Authority - entered Victim 1's home. 2. Abuse of Authority - searched Victim 1's home. 3. Force - used physical force against Victim 1. 4. Force - used physical force against Victim 2. 5. Discourtesy - acted discourteously toward Victim 1. 6. Abuse of Authority - made a sexually suggestive remark to Victim 1. 	<p>The Police Commissioner retained case and issued no discipline to the officer.</p> <p>Read Final Documents Here</p>

³ https://www.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf

202200710 Read Closing Report Here	PO Edwin Olivo	1. Abuse of Authority - did not obtain medical treatment for the Victim.	The Police Commissioner retained case and issued no discipline to the officer. Read Final Documents Here
---	----------------	--	---

IV. POLICE COMMISSIONER ADMINISTRATIVELY CLOSED CASES

The Police Commissioner will administratively close a case when an officer resigns, retires, or is disciplined by an internal NYPD process. Such cases require no further action from the APU. In the second quarter of 2023, the Police Commissioner administratively closed nine (9) cases.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR CASE CLOSURE
202001793 Read Closing Report Here	PO Evangelos Galatas	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to the Victim. 2. Untruthful Statement - provided a false official statement to the CCRB. 	Officer retired.
202003999 Read Closing Report Here	PO Evangelos Galatas	<ol style="list-style-type: none"> 1. Offensive Language - gestured offensively at individuals. 	Officer retired.
202101974 Read Closing Report Here	PO Kendrew Kwan	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Untruthful Statement - provided a misleading official statement to the CCRB. 	Officer resigned.
202103794 Closing Report Will be Available Upon Closure of all related APU Cases	PO Daniel Pellegrino	<ol style="list-style-type: none"> 1. Abuse of Authority - stopped the Victim. 2. Force - restricted the Victim's breathing. 3. Force - used physical force against the Victim. 4. Abuse of Authority - forcibly removed the Victim to the hospital. 	Officer resigned.
201809895 Read Closing Report Here	PO David Ramirez	<ol style="list-style-type: none"> 1. Force - used physical force against Victim 1. 2. Abuse of Authority - at the 48th Precinct stationhouse, made sexually suggestive remarks regarding Victim 2. 3. Abuse of Authority - at the 48th Precinct stationhouse, refused to provide his name to Victim 2. 4. Abuse of Authority - at the 48th Precinct stationhouse, refused to provide his shield number to Victim 2. 5. Discourtesy - spoke discourteously to Victim 1. 	Officer retired.

201900868 Read Closing Report Here	PO David Ramirez	1. Discourtesy - acted discourteously toward the Victim.	Officer retired.
201901824 Read Closing Report Here	PO David Ramirez	1. Abuse of Authority - threatened the Victim with the use of force. 2. Abuse of Authority - threatened to arrest the Victim. 3. Discourtesy - acted discourteously toward the Victim. 4. Discourtesy - spoke discourteously to the Victim.	Officer retired.
201904950 Read Closing Report Here	PO David Ramirez	1. Abuse of Authority - made a sexually suggestive gesture towards the Victim.	Officer retired.
201910324 Closing Report Will be Available Upon Closure of all related APU Cases	PO Nicholas Horun	1. Force - struck the Victim with a blunt instrument. 2. Force - used physical force against the Victim. 3. Abuse of Authority - forcibly removed the Victim to the hospital. 4. Discourtesy - spoke discourteously to the Victim.	Officer retired.

V. APU ADMINISTRATIVELY CLOSED CASES

The SOL is the 18-month timeframe within which a disciplinary proceeding must be commenced against an officer.⁴ Unless the case falls under the crime exception, once the SOL period elapses, a case may not proceed and will be closed without further action. In the second quarter of 2023, the APU administratively closed forty (44) cases for SOL reasons.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR CASE CLOSURE
202002799 Read Closing Report Here	DT3 Daniel Twohig	<ol style="list-style-type: none"> 1. Abuse of Authority - searched the vehicle in which Victim 1 and Victim 2 were occupants. 2. Offensive Language - at the 73rd Precinct stationhouse, made offensive remarks to Victim 1. 	Charges not served
202002799 Read Closing Report Here	DT3 Keith Stark	<ol style="list-style-type: none"> 1. Discourtesy - at the 73rd Precinct stationhouse, spoke discourteously to Victim 1. 2. Untruthful Statement - provided a misleading official statement to the CCRB. 	Charges not served
202004250 Read Closing Report Here	PO Albert Germosen	<ol style="list-style-type: none"> 1. Abuse of Authority - stopped the vehicle in which Victim 1 and Victim 2 were occupants. 2. Abuse of Authority - threatened to arrest Victim 1. 3. Discourtesy - at the 76th Precinct stationhouse, spoke discourteously to Victim 1. 	Charges not served
202004254 Read Closing Report Here	CPT Frantz Souffrant	<ol style="list-style-type: none"> 1. Abuse of Authority - stopped Victim 1. 2. Abuse of Authority - stopped Victim 2. 3. Abuse of Authority - frisked Victim 1. 4. Abuse of Authority - frisked Victim 2. 5. Abuse of Authority - searched the vehicle in which Victim 2 was an occupant. 	Charges not served

⁴ Under New York Civil Service Law § 75(4), a disciplinary proceeding cannot be commenced more than 18 months after the incident, but that time limitation does not apply where the alleged misconduct, as described in the Charges and Specifications, would constitute a crime.

The service of Charges and Specifications on a MOS is considered a commencement of a disciplinary proceeding.

<p>202005460 Read Closing Report Here</p>	<p>LT Daniel Guida</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - stopped the vehicle in which the Victim was an occupant. 2. Abuse of Authority - searched the vehicle in which the Victim was an occupant. 3. Abuse of Authority - frisked the Victim. 4. Abuse of Authority - interfered with the Victim's use of a recording device. 5. Force - used a chokehold against the Victim. 6. Abuse of Authority - threatened to arrest the Victim. 7. Discourtesy - acted discourteously toward the Victim. 8. Discourtesy - spoke discourteously to the Victim. 9. Offensive Language - made remarks to the Victim based upon the gender of the Victim. 10. Abuse of Authority - failed to provide the Victim with a business card. 	<p>Charges not served</p>
<p>202006162 Read Closing Report Here</p>	<p>SGT William Mansour</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - did not obtain medical treatment for Victim 1. 	<p>Charges not served</p>
<p>202006162 Read Closing Report Here</p>	<p>SGT Reuben Antwi</p>	<ol style="list-style-type: none"> 1. Force - used physical force against Victim 1. 2. Abuse of Authority - did not obtain medical treatment for Victim 1. 3. Abuse of Authority - searched Victim 1. 4. Discourtesy - spoke discourteously to Victim 1. 5. Discourtesy - spoke discourteously to Victim 2. 	<p>Charges not served</p>
<p>202006325 Read Closing Report Here</p>	<p>PO Omar Ibrahim</p>	<ol style="list-style-type: none"> 1. Force - hit the Victim against a fence. 2. Force - used physical force against the Victim. 3. Abuse of Authority - threatened the Victim with the use of force. 4. Discourtesy - spoke discourteously to the Victim. 	<p>Charges not served</p>

<p>202006684 Closing Report Will be Available Upon Closure of all related APU Cases</p>	<p>LT Thomas Redmond</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - searched the vehicle in which Victim 1 and Victim 2 were occupants. 2. Abuse of Authority - failed to explain to Victim 1 the reason for a law enforcement activity. 3. Abuse of Authority - failed to provide Victim 1 with a business card. 	<p>Charges not served</p>
<p>202006684 Closing Report Will be Available Upon Closure of all related APU Cases</p>	<p>DTS Alvaro Contreras</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - stopped the vehicle in which Victim 1 and Victim 2 were occupants. 2. Abuse of Authority - searched the vehicle in which Victim 1 and Victim 2 were occupants. 3. Abuse of Authority - frisked Victim 2. 4. Abuse of Authority - searched Victim 1. 5. Abuse of Authority - threatened to arrest Victim 1. 6. Abuse of Authority - failed to explain to Victim 1 the reason for a law enforcement activity. 7. Abuse of Authority - failed to explain to Victim 2 the reason for a law enforcement activity. 8. Abuse of Authority - failed to provide Victim 1 with a business card. 9. Abuse of Authority - failed to provide Victim 2 with a business card. 	<p>Charges not served</p>

<p>202006718 Read Closing Report Here</p>	<p>DT2 James Tobin</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - stopped the vehicle in which Victim 1 was an occupant. 2. Abuse of Authority - stopped the vehicle in which Victim 2 was an occupant. 3. Abuse of Authority - detained Victim 1. 4. Abuse of Authority - detained Victim 2. 5. Abuse of Authority - questioned Victim 2. 6. Abuse of Authority - refused to provide his name to Victim 1. 7. Abuse of Authority - refused to provide his name to Victim 2. 8. Abuse of Authority - refused to provide his shield number to Victim 1. 9. Abuse of Authority - refused to provide his shield number to Victim 2. 	<p>Charges not served</p>
<p>202006874 Read Closing Report Here</p>	<p>SGT Artem Prusayev</p>	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Force - restricted the Victim's breathing. 3. Abuse of Authority - threatened to remove the Victim to the hospital. 4. Abuse of Authority - frisked the Victim. 5. Abuse of Authority - searched the Victim. 6. Abuse of Authority - forcibly removed the Victim to the hospital. 7. Discourtesy - spoke discourteously to the Victim. 8. Offensive Language - made remarks to the Victim based upon her mental status. 9. Discourtesy - spoke discourteously to the Victim. 10. Offensive Language - made remarks to the Victim based upon her mental status. 	<p>Charges not served</p>

<p>202007033 Read Closing Report Here</p>	<p>PO Kelly Waugh</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - stopped the vehicle in which the Victim was an occupant. 2. Offensive Language - made offensive remarks to the Victim. 	<p>Charges not served</p>
<p>202002202 Read Closing Report Here</p>	<p>PO Anthony Saline</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide Victim 1 with a business card. 2. Abuse of Authority - frisked Victim 1. 3. Abuse of Authority - refused to provide his shield number to Victim 1. 4. Abuse of Authority - refused to provide his shield number to Victim 2. 5. Abuse of Authority - searched Victim 1. 6. Abuse of Authority - stopped Victim 1. 	<p>Charges not served.</p>
<p>202002304 Read Closing Report Here</p>	<p>SGT Anthony Perlmutter</p>	<ol style="list-style-type: none"> 1. Force - used physical force against Victim 1. 2. Force - used physical force against Victim 2. 3. Abuse of Authority - stopped the vehicle in which an individual was an occupant. 4. Abuse of Authority - threatened Victim 1 with the use of force. 5. Discourtesy - spoke discourteously to Victim 1. 6. Offensive Language - made remarks to Victim 1 based upon gender. 7. Offensive Language - made remarks to Victim 1 based upon sexual orientation. 	<p>Charges not served.</p>
<p>202002387 Read Closing Report Here</p>	<p>LT Michael Nocerino</p>	<ol style="list-style-type: none"> 1. Force - used a chokehold against the Victim. 2. Force - used physical force against the Victim. 3. Abuse of Authority - threatened the Victim with the use of force. 4. Discourtesy - spoke discourteously to an individual. 	<p>Charges not served.</p>

<p>202002665 Read Closing Report Here</p>	<p>SGT Keith Cheng</p>	<ol style="list-style-type: none"> 1. Force - hit the Victim against a vehicle. 2. Force - used physical force against the Victim. 3. Abuse of Authority - did not obtain medical treatment for the Victim. 	<p>Charges not served.</p>
<p>202002720 Read Closing Report Here</p>	<p>SGT Raymond Ortiz</p>	<ol style="list-style-type: none"> 1. Discourtesy - at the 43rd Precinct stationhouse, spoke discourteously to the Victim. 2. Offensive Language - made remarks to the Victim based upon race. 	<p>Charges not served.</p>
<p>202002726 Closing Report Will be Available Upon Closure of all related APU Cases</p>	<p>LT Henry Daverin</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - arrested Victim 1 unlawfully. 2. Abuse of Authority - frisked Victim 2. 3. Abuse of Authority - participated in stopping the vehicle in which Victim 3 was an occupant. 4. Abuse of Authority - searched Victim 2. 5. Abuse of Authority - at the 79th Precinct stationhouse, threatened to notify Administration for Children's Services. 6. Discourtesy - spoke discourteously to Victim 2. 	<p>Charges not served.</p>
<p>202002737 Read Closing Report Here</p>	<p>PO Andrew Alvarado</p>	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Abuse of Authority - interfered with the Victim's use of a recording device. 3. Abuse of Authority -at the 44th Precinct stationhouse, did not obtain medical treatment for the Victim. 4. Abuse of Authority - at the 44th Precinct stationhouse, failed to provide the Victim with a business card. 5. Discourtesy - spoke discourteously to an individual. 6. Discourtesy - at the 44th Precinct stationhouse, spoke discourteously to the Victim. 	<p>Charges not served.</p>

<p>202002828 Read Closing Report Here</p>	<p>SGT Julia Griffin</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - frisked the Victim. 2. Abuse of Authority - searched the Victim. 3. Abuse of Authority - stopped the Victim. 4. Discourtesy - spoke discourteously to the Victim. 	<p>Charges not served.</p>
<p>202002839 Read Closing Report Here</p>	<p>DT3 Anthony Hamosfakidis</p>	<ol style="list-style-type: none"> 1. Force - hit Victim 1 against a vehicle. 2. Force - used physical force against Victim 1. 3. Abuse of Authority - refused to provide his shield number to Victim 2. 4. Discourtesy - spoke discourteously to Victim 2. 5. Discourtesy - spoke discourteously to Victim 1. 6. Offensive Language - made remarks to Victim 1 based upon gender. 	<p>Charges not served.</p>
<p>202002855 Closing Report Will be Available Upon Closure of all related APU Cases</p>	<p>DT3 Antonio Zorrilla</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - at the 79th Precinct stationhouse, strip-searched the Victim. 	<p>Charges not served.</p>
<p>202002878 Read Closing Report Here</p>	<p>DT3 David Porras</p>	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Abuse of Authority - searched the Victim. 3. Abuse of Authority - threatened the Victim with the use of force. 4. Discourtesy - spoke discourteously to the Victim. 	<p>Charges not served.</p>

<p>202003025 Read Closing Report Here</p>	<p>DT3 Kevin Morgan</p>	<ol style="list-style-type: none"> 1. Force - restricted the Victim's breathing. 2. Force - used a chokehold against the Victim. 3. Force - used physical force against the Victim. 4. Abuse of Authority - drew his gun. 5. Abuse of Authority - refused to provide his shield number to the Victim. 6. Abuse of Authority - stopped the Victim. 7. Abuse of Authority - threatened the Victim with the use of force. 8. Discourtesy - spoke discourteously to the Victim. 9. Offensive Language - made remarks to the Victim based upon race. 10. Offensive Language - made remarks to the Victim based upon the gender of the Victim. 11. Offensive Language - made remarks to the Victim based upon the perceived sexual orientation of the Victim. 	<p>Charges not served.</p>
<p>202003282 Read Closing Report Here</p>	<p>PO Leon Batson</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened to remove the Victim to the hospital. 	<p>Charges not served.</p>
<p>202003343 Read Closing Report Here</p>	<p>PO Bryan Scheblein</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to explain to Victim 1 the reason for a law enforcement activity. 2. Abuse of Authority - failed to explain to Victim 2 the reason for a law enforcement activity. 3. Abuse of Authority - failed to provide Victim 1 with a business card. 4. Abuse of Authority - failed to provide Victim 2 with a business card. 5. Abuse of Authority - searched the vehicle in which Victim 2 was an occupant. 6. Abuse of Authority - stopped Victim 1. 7. Abuse of Authority - stopped Victim 2. 	<p>Charges not served.</p>

<p>202003343 Read Closing Report Here</p>	<p>DTS Christina Moncion</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to explain to Victim 1 the reason for a law enforcement activity. 2. Abuse of Authority - failed to explain to Victim 2 the reason for a law enforcement activity. 3. Abuse of Authority - failed to provide Victim 1 with a business card. 4. Abuse of Authority - failed to provide Victim 2 with a business card. 5. Abuse of Authority - frisked Victim 2. 6. Abuse of Authority - searched Victim 2. 7. Abuse of Authority - stopped Victim 1. 8. Abuse of Authority - stopped Victim 2. 	<p>Charges not served.</p>
<p>202003492 Read Closing Report Here</p>	<p>LT Forrest Hirsch</p>	<ol style="list-style-type: none"> 1. Force - hit Victim 1 against a vehicle. 2. Force - used physical force against Victim 2. 3. Force - used physical force against Victim 1. 4. Abuse of Authority - frisked Victim 3. 5. Abuse of Authority - stopped Victim 3. 6. Discourtesy - spoke discourteously to individuals. 7. Discourtesy - spoke discourteously to Victim 1. 8. Offensive Language - made remarks to Victim 1 based upon the gender of Victim 1. 	<p>Charges not served.</p>
<p>202004084 Read Closing Report Here</p>	<p>DTS David Mercado</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - refused to provide his name to the Victim. 2. Abuse of Authority - refused to provide his shield number to the Victim. 3. Abuse of Authority - threatened the Victim with the use of force. 	<p>Charges not served.</p>

<p>202004324 Read Closing Report Here</p>	<p>PO Joseph Jacobsen</p>	<ol style="list-style-type: none"> 1. Force - used physical force against Victim 1. 2. Abuse of Authority - failed to provide Victim 2 with a business card. 3. Abuse of Authority - failed to provide Victim 1 with a business card. 4. Abuse of Authority - frisked Victim 1. 5. Abuse of Authority - searched the vehicle in which Victim 1 was an occupant. 6. Abuse of Authority - searched Victim 1. 7. Abuse of Authority - stopped Victim 2. 8. Abuse of Authority - stopped Victim 1. 9. Abuse of Authority - threatened to arrest Victim 1. 	<p>Charges not served.</p>
<p>202203727 Read Closing Report Here</p>	<p>SGT John Zorrilla</p>	<ol style="list-style-type: none"> 1. Force - used physical force against an individual. 2. Force - used physical force against Victim 1. 3. Abuse of Authority - ejected an individual from the subway system. 4. Abuse of Authority - ejected Victim 2 from the subway system. 5. Abuse of Authority - ejected Victim 1 from the subway system. 6. Abuse of Authority - interfered with Victim 1's use of a recording device. 7. Abuse of Authority - issued a retaliatory summons to Victim 2. 8. Abuse of Authority - issued a retaliatory summons to Victim 1. 9. Abuse of Authority - threatened to arrest Victim 2. 10. Abuse of Authority - threatened to arrest Victim 1. 11. Discourtesy - spoke discourteously to Victim 1. 	<p>Charges not served.</p>

<p>202004470 Read Closing Report Here</p>	<p>PO Garry Tuma</p>	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Abuse of Authority - frisked individuals. 3. Abuse of Authority - searched individuals. 4. Abuse of Authority - threatened to arrest individuals. 5. Discourtesy - spoke discourteously to individuals. 6. Offensive Language - made remarks to individuals based upon the gender of individuals. 	<p>Charges not served.</p>
<p>202000478 Read Closing Report Here</p>	<p>DT3 Benjamin Perez</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - performed a cavity search of Victim 1. 	<p>SOL expired prior to APU receiving case</p>
<p>201910985 Read Closing Report Here</p>	<p>DT3 Daniel Leboff</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - stopped the vehicle in which Victim 1 and Victim 2 were occupants. 2. Abuse of Authority - searched the vehicle in which Victim 1 and Victim 2 were occupants. 3. Abuse of Authority - searched Victim 1. 4. Force - used physical force against Victim 1. 5. Abuse of Authority - frisked Victim 1. 6. Abuse of Authority - questioned Victim 1. 7. Abuse of Authority - threatened Victim 1 with the use of force. 8. Abuse of Authority - threatened Victim 1 with the use of force. 2. Discourtesy - spoke discourteously to Victim 1. 	<p>SOL expired prior to APU receiving case</p>
<p>201910985 Read Closing Report Here</p>	<p>DTS Joseph Cordova</p>	<ol style="list-style-type: none"> 1. Offensive Language - made offensive remarks to Victim 1. 3. Discourtesy - spoke discourteously to Victim 1. 	<p>SOL expired prior to APU receiving case</p>

<p>201910985 Read Closing Report Here</p>	<p>DT3 Christopher Sanabria</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - questioned Victim 1. 2. Abuse of Authority - stopped the vehicle in which Victim 1 and Victim 2 were occupants. 3. Discourtesy - spoke discourteously to Victim 1. 4. Discourtesy - spoke discourteously to Victim 1. 4. Offensive Language - made offensive remarks to Victim 1. 	<p>SOL expired prior to APU receiving case</p>
<p>202106397 Read Closing Report Here</p>	<p>SGT Joanna Barletta</p>	<ol style="list-style-type: none"> 5. Abuse of Authority - inside the 90th Precinct stationhouse, authorized Police Officer Piotr Trusewicz to strip-search the Victim. 	<p>SOL expired prior to APU receiving case</p>
<p>202106674 Read Closing Report Here</p>	<p>PO Christian Salazar</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - conducted a sexually motivated question of the Victim. 2. Abuse of Authority - propositioned the Victim. 3. Abuse of Authority - made sexually suggestive remarks to the Victim. 6. Abuse of Authority - sent a sexually motivated photographs to the Victim. 	<p>SOL expired prior to APU receiving case</p>

<p>202000478 Read Closing Report Here</p>	<p>LT Adam Dumelle</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - unlawfully arrested Victim 1. 2. Abuse of Authority - unlawfully arrested Victim 2. 3. Abuse of Authority - unlawfully arrested Victim 3. 4. Abuse of Authority - authorized a strip search of Victim 2. 5. Abuse of Authority - strip-searched Victim 3. 6. Abuse of Authority - threatened Victim 2 with the use of force. 7. Abuse of Authority - threatened Victim 3 with the use of force. 8. Abuse of Authority - supervised a cavity search of Victim 3. 9. Discourtesy - spoke discourteously to Victim 3. 10. Discourtesy - acted discourteously toward Victim 3. 11. Discourtesy - spoke discourteously to Victim 2. 12. Discourtesy - spoke discourteously to Victim 3. 13. Untruthful Statement - provided a false official statement to the CCRB. 14. Untruthful Statement - provided a misleading official statement to the CCRB. 	<p>SOL expired prior to APU receiving case</p>
<p>202101163 Read Closing Report Here</p>	<p>PO John Backer</p>	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Abuse of Authority - entered the Victim's home. 3. Abuse of Authority - forcibly removed the Victim to the hospital. 4. Abuse of Authority - searched the Victim. 5. Discourtesy - spoke discourteously to the Victim. 	<p>SOL expired prior to APU receiving case</p>
<p>202102170 Read Closing Report Here</p>	<p>SGT Peter Litra</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - entered the Victim's home. 2. Abuse of Authority - threatened to arrest the Victim. 3. Abuse of Authority - threatened to damage the Victim's property. 	<p>SOL expired prior to APU receiving case</p>

<p>202102843 Read Closing Report Here</p>	<p>PO Steven Allen</p>	<p>1. Abuse of Authority - at the 113th Precinct stationhouse, did not process the Victim's complaint regarding officers.</p>	<p>SOL expired prior to APU receiving case</p>
<p>202003692 Read Closing Report Here</p>	<p>PO Vincent Dandraia</p>	<p>1. Force - used physical force against the Victim. 2. Abuse of Authority - damaged the Victim's property. 3. Abuse of Authority - did not obtain medical treatment for the Victim. 4. Abuse of Authority - interfered with the Victim's use of a recording device. 5. Discourtesy - spoke discourteously to the Victim. 6. Offensive Language - made offensive remarks to the Victim regarding perceived mental health. 7. Offensive Language - made remarks to the Victim based upon the gender of the Victim.</p>	<p>SOL expired prior to APU receiving case</p>
<p>202102983 Read Closing Report Here</p>	<p>SGT Kingsley Joachim</p>	<p>1. Force - pointed his gun at the Victim. 2. Abuse of Authority - stopped the vehicle in which the Victim was an occupant.</p>	<p>SOL expired prior to APU receiving case</p>
<p>202202884 Read Closing Report Here</p>	<p>PO Alan Lee</p>	<p>1. Force - used physical force against the Victim. 3. Discourtesy - spoke discourteously to the Victim.</p>	<p>SOL expired prior to APU receiving case</p>

VI. THE APU DOCKET

The APU's docket grew slightly in the first quarter of 2023 compared to the fourth quarter of 2022. This is attributable to the increased number of Charges and Specifications recommended by the CCRB's Board pursuant to the Disciplinary Matrix and APU staffing shortages.

Cases in Open Docket					
Period	Start of Quarter	Received During Quarter	Closed During Quarter	End of Quarter	Growth
3 rd Quarter 2022	545	102	23	624	14.5%
4 th Quarter 2022	624	90	27	687	10.1%
1 st Quarter 2023	687	78	49	716	4.2%
2nd Quarter 2023	716	72	87	701	-2.1%

VII. SERVICE OF RESPONDENTS

As of June 30, 2023, there were one hundred fifty-five (155) Respondents⁵ who had not been served with Charges. The average wait time for Respondents to be served reduced slightly between the fourth quarter of 2022 and the first quarter of 2023.

Time to Serve Respondents			
Period	Number of Respondents Served	Average Length to Serve Respondents	Average Length to Serve Respondents (Business Days)
3 rd Quarter 2022	64	24	17
4 th Quarter 2022	70	23	17
1 st Quarter 2023	74	17	12
2 nd Quarter 2023	55	26	19

⁵ An officer who has a substantiated complaint against them.

VIII. CONCURRENCE AND DISCIPLINE

The concurrence rate measures how often the Police Commissioner imposes the same (or more severe) discipline as recommended by the Board. The discipline rate measures how often the Police Commissioner imposes discipline of any kind. Certain “Not Adjudicated” case outcomes, such as when the officer left the force prior to discipline being imposed, do not factor into the concurrence or discipline rate.

Q2 2023 APU Concurrence and Discipline			
Discipline	20	Concurrence	15
No Discipline	12	Non-Concurrence	17
Not Adjudicated	55	Not Adjudicated	55
Discipline %	63%	Concurrence %	47%