

FIRST ENDORSEMENT

Chief Prosecutor, APU, Andre Applewhite, Civilian Complaint Review Board to Deputy Commissioner Paul M. Gamble, Sr, Department Advocate's Office, May 13, 2024. Contents noted. Recommend approval of the negotiated plea agreement in DADS No. 2022-25736 against Sergeant Bilal Ates, Tax Registry No. 934429. The case was conferenced on May 2, 2024, before Assistant Deputy Commissioner of Trials Vanessa Facio-Lince, who approved the dismissal of the charges in return for the recommended negotiated penalty of a Command Discipline (B) and the forfeiture of ten (10) vacation days.

Andre D. Applewhite

Andre Applewhite
Chief Prosecutor, APU
New York City Civilian Complaint Review Board

DISAPPROVED

SEP 03 2024
Edward A. Caban
EDWARD A. CABAN
POLICE COMMISSIONER



DISPOSITION OF CHARGES
PD 468-142(Rev. 8-89)-2

CASE NO.
2022-25736

BOOK & PAGE NO.
Page 1 of 1

PERSONNEL ORDER NO.

RANK/TITLE SGT	SURNAME, ATES	FIRST BILAL	M.I. M	COMMAND NARCO BORO BLKYN SOUTH
SHIELD NO. 3374	TAX REGISTRY NO. 934429	SOCIAL SECURITY NO.	DATE APPOINTED 07/01/2004	
RANK/NAME OF COMPLAINANT				COMMAND
DATE OF CHARGES		DATE TRIAL COMMENCED		DATE TRIAL CONCLUDED
TRIAL COMMISSIONER				

SPECIFICATION	DISPOSITION	RECOMMENDED PENALTY PLEA [X] TRIAL []
1. Sergeant Bilal Ates, on or about June 2, 2020, at approximately 2215, while assigned to WARRSEC and on duty, in the vicinity of 4th Avenue between Atlantic Avenue and Pacific Street, Kings County, recklessly caused physical injury to § 87(2)(b) without police necessity by lifting and dropping him on his head and shoulder to the ground, causing cuts, bleeding, bruising, and substantial pain.	DISMISSED	B - COMMAND DISCIPLINE 1.00 - It is recommended that the Charges and Specifications be dismissed and that the matter be remanded to the Respondents command for imposition of a Schedule B Command Discipline with the forfeiture of the amount of vacation days as indicated. VACATION DAYS 10.00 - It is recommended that the Respondent forfeit the amount of vacation days as indicated.

DC Bonnis 7/11/24
FIRST DEPUTY COMMISSIONER DATE

POLICE COMMISSIONER'S APPROVAL

- ☐ Approved
- ☒ Disapproved
- ☐ Other Action (Describe)

Edward A. Cab... 9/3/24
POLICE COMMISSIONER DATE



POLICE DEPARTMENT

August 27, 2024

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

Re: CCRB Case No. 202003813 (Incident Date: June 2, 2020) involving Sergeant Bilal Ates, Tax No. 934429 (DADS No. 2022-25736)

Dear Mr. Darche:

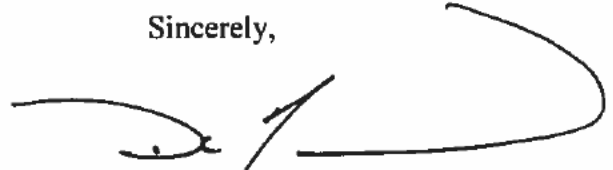
The Police Commissioner has reviewed the recommendation of the Civilian Complaint Review Board (CCRB) regarding the disciplinary matter involving Sergeant Bilal Ates and has determined that this disciplinary matter be dismissed.

In this case, the incident occurred on June 2, 2020. The statute of limitations was set to expire on December 2, 2021. However, the statute of limitations was extended until May 4, 2022. On May 5, 2022, CCRB sent their Memorandum and Investigative Recommendation to the Department. On October 11, 2022, CCRB sent Charges and Specifications to the Department, utilizing the criminal exception to the statute of limitations. On November 29, 2022, Sergeant Ates was served with the Charges and Specifications. However, after issuing the Charges and Specifications, CCRB negotiated with Sergeant Ates to dismiss the Charges and Specifications and issue a Schedule "B" Command Discipline with the forfeiture of ten (10) vacation days.

The Police Commissioner disagrees with how this matter proceeded procedurally and intends to dismiss this disciplinary case. The Police Commissioner believes the CCRB inappropriately utilized the criminal exception to the statute of limitations and then proceeded to negotiate for a Schedule "B" Command Discipline, routinely used for violations of Department rules and procedures. Had the CCRB attempted to issue a Command Discipline at the same time they sent the Department Charges and Specifications utilizing the criminal exception, it would have been outside the statute of limitations to issue discipline for a patrol guide violation. However, only because CCRB utilized the criminal exception did they have the opportunity to negotiate and instead issue a command discipline for a patrol guide violation. The Police Commissioner disagrees that Charges and Specifications should have been served by the CCRB using the criminal exception in this case.

Additionally, the Department conducted a parallel investigation into the underlying use of force in this case, which was deemed lawful and within Department guidelines. Based on the foregoing, the Police Commissioner intends to dismiss this disciplinary matter.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'M' shape with a horizontal line extending to the right.

Anthony S. Marino
Deputy Chief
Commanding Officer
Police Commissioner's Office

cc: John D'Alessandro, Esq.



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 30, 2024

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

Re: CCRB v. Sergeant Bilal Ates
Disciplinary Case No.: 2022-25736

Commissioner Caban:

I am writing in response to the letter from Deputy Chief Anthony S. Marino, dated August 27, 2024, informing the Civilian Complaint Review Board (hereinafter referred to as “CCRB”) that you determined that this disciplinary be dismissed pursuant to Paragraph 2 of the April 2, 2012, Memorandum of Understanding between CCRB and the New York City Police Department (hereinafter referred to as the “MOU”), I am responding to Deputy Chief Marino’s notification.

CCRB disagrees with your belief that “CCRB inappropriately utilized the criminal exception to the statute of limitations....” It is undisputed that Sergeant Bilal committed the misconduct of contained within the Charges and Specifications as depicted by cellphone footage in this case and should be held accountable for this misconduct.

Please note that the negotiated penalty was one mandated by the Disciplinary Matrix, as CCRB took into account the totality of the circumstances during this incident and the nature of the misconduct when choosing the presumptive penalty for the specification charged and the forfeiture of ten (10) vacation days. Additionally, this negotiated penalty was accepted by Assistant Deputy Commissioner of Trials Vanessa Facio-Lince during the plea conference held on May 2, 2024

An NYPD parallel investigation that concludes the use of force was “lawful and within Department guidelines does not preclude CCRB from independently investigating the same matter and reaching a contrary conclusion.

CCRB disagrees with your intention of not imposing any disciplinary action upon Sergeant Bilal. CCRB stands behind the filing of the Charges and Specifications against this Respondent using the criminal exception and asserts that the negotiated disposition and penalty for this case was appropriate. CCRB respectfully requests that you impose the negotiated and agreed upon penalty of a Command Discipline Schedule B and the total forfeiture of ten (10) vacation days.

Respectfully submitted,


Jonathan Darche

Jonathan Darche by Matthew Kadushin
Executive Director
NYC Civilian Complaint Review Board

CC: Matthew Schieffer, Esq.