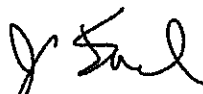


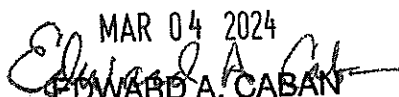
FIRST ENDORSEMENT

Executive Director Jonathan Darche, Civilian Complaint Review Board to Deputy Commissioner Nancy M. Slater, Department Advocate's Office, October 20, 2023. Contents noted. Recommend approval of the negotiated plea agreement in DADS No. 2023-27787 against Police Officer John Przybyszewski, Tax Registry No. 966284. This case was conferenced on September 12, 2023, before Assistant Deputy Commissioner of Trials Vanessa Facio-Lince, who approved the negotiated penalty of a Command Discipline Schedule A and the forfeiture of three (3) vacation days. Charges and Specifications were dismissed for plea purposes.



Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board

DISAPPROVED

MAR 04 2024

EDWARD A. CABAN
POLICE COMMISSIONER



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

CASE NO. 2023-27787
BOOK & PAGE NO. Page 1 of 2
PERSONNEL ORDER NO.

RANK/TITLE POM	SURNAME, PRZYBYSZEWSKI	FIRST JOHN	M.I. T	COMMAND PBSI SPECIALIZED UNITS
SHIELD NO. 29776	TAX REGISTRY NO. 966284	SOCIAL SECURITY NO.	DATE APPOINTED 07/02/2018	
RANK/NAME OF COMPLAINANT				COMMAND
DATE OF CHARGES		DATE TRIAL COMMENCED		DATE TRIAL CONCLUDED
TRIAL COMMISSIONER				

SPECIFICATION	DISPOSITION	RECOMMENDED PENALTY PLEA [X] TRIAL []
1. Police Officer John PRZYBYSZEWSKI, on or about September 13, 2021, at approximately 1400, while assigned to 066 PCT and on duty, in the vicinity of 1364 52nd Street, Kings County, was discourteous in that, they engaged in conduct prejudicial to good order, efficiency, or discipline of the Department in that they were discourteous to § 87(2)(b) by stating in sum and substance, "the next fucking thing you throw at me, thats it, you understand," "because youre saying a lot of corrupt shit" and "watch your fucking mouth" without police necessity.	DISMISSED	A - 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 A Command Discipline with the forfeiture of the amount of vacation days as indicated. VACATION DAYS 3.00 - It is recommended that the Respondent forfeit the amount of vacation days as indicated.
2. Police Officer John PRZYBYSZEWSKI, on or about September 13, 2021, at approximately 1400, while assigned to 066 PCT and on duty, in the vicinity of 1364 52nd Street, Kings County, abused their authority as a member of the New York City Police Department in that, they searched § 87(2)(b) bag without sufficient legal authority.	DISMISSED	
3. Police Officer John PRZYBYSZEWSKI, on or about September 13, 2021, at approximately 1400 while assigned to 066 PCT and on duty, in the vicinity of 1364 52nd Street, Kings County, abused their authority as a member of the New York City Police Department in that, they failed to provide § 87(2)(b)	DISMISSED	

DC Brubis
FIRST DEPUTY COMMISSIONER

11/30/23
DATE

POLICE COMMISSIONER'S APPROVAL

☐ Approved

☒ Disapproved

☐ Other Action (Describe)

Edward A. Caber
POLICE COMMISSIONER

3/4/24
DATE



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

CASE NO.
2023-27787
BOOK & PAGE NO.
Page 2 of 2
PERSONNEL ORDER NO.

RANK/TITLE POM	SURNAME, PRZYBYSZEWSKI	FIRST JOHN	M.I. T	COMMAND PBSI SPECIALIZED UNITS
SHIELD NO. 29776	TAX REGISTRY NO. 966284	SOCIAL SECURITY NO.		DATE APPOINTED 07/02/2018
RANK/NAME OF COMPLAINANT				COMMAND
DATE OF CHARGES		DATE TRIAL COMMENCED		DATE TRIAL CONCLUDED
TRIAL COMMISSIONER				
SPECIFICATION		DISPOSITION		RECOMMENDED PENALTY PLEA [X] TRIAL []
§ 87(2)(b) with a business card containing all required information under the Right to Know Act, without sufficient legal authority.				

DC B...
FIRST DEPUTY COMMISSIONER

11/30/23
DATE

POLICE COMMISSIONER'S APPROVAL

☐ Approved

☒ Disapproved

☐ Other Action (Describe)

Edward A. Cab...
POLICE COMMISSIONER

3/4/24
DATE



POLICE DEPARTMENT

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

February 23, 2024

Re: CCRB Case No. 202106456 (Incident Date: September 13, 2021) involving Police Officer John Przybyszewski, Tax No. 966284 (DADS No. 2023-27787)

Dear Mr. Darche:

The Police Commissioner has reviewed the recommendation of the Civilian Complaint Review Board (CCRB) regarding the disciplinary matter involving Police Officer John Przybyszewski and determined that his actions do not warrant the negotiated penalty.

In this case Police Officer Przybyszewski was assigned to accompany an emotionally disturbed person to the hospital. During the transport in the ambulance, Police Officer Przybyszewski spoke discourteously to the individual, and the Police Commissioner agrees with the CCRB's substantiated charge of discourtesy. The Police Commissioner disagrees with the CCRB recommending discipline for the allegation that he searched the complainant's bag without sufficient legal authority. During the transport to the hospital, the individual threw his Target bag in the direction of Police Officer Przybyszewski. Police Officer Przybyszewski stated that, before the bag was thrown at him, he believed there were coins in the bag, as he was able to hear coins moving around in the bag, and therefore did not believe the complainant was armed. However, when the bag hit the officer, he stated he felt a heavy weight from the bag, which he believed gave him probable cause to search the bag to confirm there were no weapons in it. Police Officer Przybyszewski further stated that he had reason to believe the complainant possessed a weapon because he first held onto the bag tightly and then proceeded to roll it into a ball and throw it at the officer. Police Officer Przybyszewski opened the bag and held it open for approximately two seconds.

After considering the totality of the circumstances, the Police Commissioner has determined that Police Officer Przybyszewski's actions in regard to opening the bag, was done in good faith and to issue discipline would be inappropriate. Police Officer Przybyszewski owed a duty to ensure the safety of the complainant, the ambulance staff, and himself. The Police Commissioner has determined

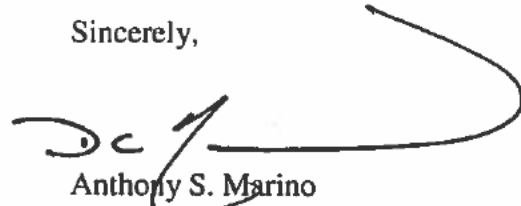
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Website: <http://nyc.gov/nypd>

Police Officer Przybyszewski's actions of briefly opening the complainant's Target bag was done in good faith to ensure the safety of all parties involved, and ensure the complainant's property was accounted for. Later in the transport, the complainant hands Police Officer Przybyszewski a stack of money and asks him to place it in his Target bag. Police Officer Przybyszewski proceeded to count the money on his Body Worn Camera and place the money in the Target bag, per the complainant's request.

Therefore, the Police Commissioner intends to dismiss the charges and specifications in this matter and issue a Schedule "A" Command Discipline with the forfeiture of two (2) vacation days for the discourtesy allegation and for failing to provide a business card. Additionally, the Police Commissioner intends to impose no disciplinary action for the search allegation.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony S. Marino". The signature is stylized with a large, sweeping loop at the end.

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

cc: Michael Martinez, 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

February 28, 2024

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

Re: CCRB Case No. 202106456 (Incident Date: September 13, 2021) involving Przybyszewski, John PO (DADS No. 2023-27787).

Dear Commissioner Caban:

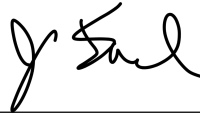
I am writing in response to the letter from Deputy Chief Anthony S. Marino, dated February 23, 2024, informing the Civilian Complaint Review Board (hereinafter referred to as “CCRB”) of your intent to dismiss the Charges and Specifications in these matters, and issue a Schedule “A” Command Discipline with the forfeiture of two (2) vacation days for the discourtesy allegation and for failing to provide a business card, and no disciplinary action with respect to the search allegation. 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.

Deputy Chief Marino stated that Police Officer Przybyszewski was assigned to accompany an emotionally disturbed person to the hospital. During the transport in the ambulance, Police Officer Przybyszewski spoke discourteously to the individual, and the Police Commissioner agrees with the CCRB's substantiated charge of discourtesy. The Police Commissioner disagrees with the CCRB recommending discipline for the allegation that he searched the complainant's bag without sufficient legal authority. During the transport to the hospital, the individual threw his Target bag in the direction of Police Officer Przybyszewski. Police Officer Przybyszewski stated that, before the bag was thrown at him, he believed there were coins in the bag, as he was able to hear coins moving around in the bag, and therefore did not believe the complainant was armed. However, when the bag hit the officer, he stated he felt a heavy weight from the bag, which he believed gave him probable cause to search the bag to confirm there were no weapons in it. Police Officer Przybyszewski further stated that he had reason to believe the complainant possessed a weapon because he first held onto the bag tightly and then proceeded to roll it into a ball and throw it at the officer. Police Officer Przybyszewski opened the bag and held it open for approximately two seconds.

While Deputy Chief Marino states that Police Officer Przybyszewski believed that he had probable cause to search the bag to confirm there were no weapons in it, he failed to acknowledge that Police Officer Przybyszewski stated during his CCRB interview that the complainant was frisked prior to entering the ambulance, per NYPD protocol.

It is requested that you impose CCRB's plea agreement, which was also agreed to with Policar Officer Przybyszewski's, and his attorney, Mike Martinez, to the Schedule Command A Discipline and forfeiture of three (3) vacation days.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Darche", written over a horizontal line.

Jonathan Darche
Executive Director
NYC Civilian Complaint Review Board

Cc: Mike Martinez, Esq.