



## POLICE DEPARTMENT

November 6, 2023

Jonathan Darche  
Executive Director  
New York City Civilian Complaint Review Board  
100 Church Street, 10<sup>th</sup> Floor  
New York, NY 10007

Re: CCRB Case No. 202202968 (Incident Date: May 10, 2022) regarding Police Officer Lissa Solermarte, Tax No. 967346 (DADS No. 2023-28488)

Dear Mr. Darche:

The Police Commissioner has reviewed the request for Charges and Specifications in connection with CCRB Case No. 202202968, pertaining to Police Officer Lissa Solermarte. Having analyzed the facts and circumstances of this matter, the Police Commissioner has determined that to pursue Charges and Specifications against Police Officer Solermarte would be detrimental to the Police Department's disciplinary process.

In this matter, Police Officer Solermarte and her partner were alerted that a nearby double-parked vehicle was stolen by the license plate reader on their patrol vehicle. The alert stated "stolen vehicle" without giving any further information. Officer Solermarte immediately exited the patrol vehicle and proceeded to the driver side door with her weapon drawn and pointed in that direction. The driver of the vehicle was directed to, and eventually complied and exited the vehicle and Officer Solermarte, deeming the situation safe, holstered her weapon. At the time, the officers lacked any further information as to the facts surrounding the alleged theft of the vehicle. It was reasonable for her to display her firearm when she was approaching a vehicle that had been reported stolen, as the driver was reasonably believed to be, at a minimum, in possession of a stolen vehicle, a felony.

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Therefore, as provided for within the 2012 Memorandum of Understanding between the CCRB and the Police Department, the Police Commissioner intends, in the interest of justice, to retain jurisdiction over this matter and take no disciplinary action against Police Officer Solermarte.

Sincerely,

A handwritten signature in black ink, appearing to read 'AS Marino', with a long horizontal flourish extending to the right.

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



ERIC L. ADAMS  
MAYOR

**CIVILIAN COMPLAINT REVIEW BOARD**  
100 CHURCH STREET 10th FLOOR  
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ARVA RICE  
INTERIM CHAIR

November 6, 2023

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

Re: CCRB Case No. 202202965 PO Lissa Solermarte Tax# 967346

Dear Commissioner, Caban:

I am writing in response to the letter from the Chief of Staff, Raul Pintos, dated September 27, 2023, informing the Civilian Complaint Review Board (hereinafter referred to as “CCRB”) of your intent to dismiss the Charges and Specifications against PO Solermarte. Pursuant to Paragraphs 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 Chief Pintos’ notification.

The Police Commissioner stated that “it was reasonable for her to display her firearm when she was approaching a vehicle that had been reported stolen, as the driver was reasonably believed to be, at a minimum, in possession of a stolen vehicle, a felony.” However, the CCRB respectfully disagrees with this analysis.

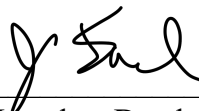
Per Patrol Guide Procedure 221-01, the decision to draw a firearm should be based on an articulable belief that the potential for serious physical injury is present, and the officer will holster their firearm as soon as practicable when the potential for serious physical injury is no longer present. Under Penal Law §155.30(8), a person is guilty of grand larceny in the fourth degree when he steals property and when the value of the property exceeds one-hundred dollars, and the property consists of a motor vehicle. Grand larceny is a nonviolent Class E felony.

It is undisputed that PO Solermarte drew and pointed her gun at § 87(2)(b) until she exited her vehicle. PO Solermarte said that she drew and pointed her gun because it was procedure to do so. During her CCRB interview, PO Solermarte did not articulate a belief that the potential for serious physical injury was present as required by the Patrol Guide. § 87(2)(b) ignition was off when PO Solermarte initially pointed her gun, and at that moment, § 87(2)(b) did not pose a flight risk. Furthermore, PO Solermarte did not know anything about the circumstances of how § 87(2)(b) car was allegedly stolen, and grand larceny in the fourth degree alone is a non-

violent felony. Thus, PO Solermarte should not have aimed her gun at § 87(2)(b) without an articulable belief that the potential for serious physical injury was present.

While the Police Commissioner is the final arbiter regarding disciplinary actions against members of service, based upon the foregoing, the CCRB requests that the Charges and Specifications against PO Solermarte be served.

Respectfully submitted,

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

Jonathan Darche  
Executive Director  
NYC Civilian Complaint Review Board



POLICE DEPARTMENT

November 9, 2023

Jonathan Darche  
Executive Director  
New York City Civilian Complaint Review Board  
100 Church Street, 10<sup>th</sup> Floor  
New York, NY 10007

Re: CCRB Case No. 202202968 (Incident Date: May 10, 2022) regarding Police Officer Lissa Solermarte, Tax No. 967346 (DADS No. 2023-28488)

Dear Mr. Darche:

The Police Commissioner has reviewed your letter, dated November 6, 2023 concerning the Civilian Complaint Review Board ("CCRB") case involving Police Officer Police Officer Lissa Solermarte, and nevertheless maintains that it would be detrimental to the Police Department's disciplinary process to allow the Civilian Complaint Review Board to continue its prosecution of Police Officer Solermarte, for the reasons expressed in my November 6, 2023 letter.

Therefore, the Police Commissioner affirms his decision to exercise Provision Two of the Memorandum of Understanding and now directs that Police Officer Lissa Solermarte receive no disciplinary action in connection with this matter.

Sincerely,

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