POLICE DEPARTMENT

January 9, 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. 202206095 (Incident Date: July 12, 2022) regarding Police Officer Roberto Almanzar, Tax No. 969475 (DADS No. 2023-28963)

Dear Mr. Darche:

The Police Commissioner has reviewed the request for Charges and Specifications in connection with CCRB Case No. 202206095, pertaining to Police Officer Roberto Almanzar. Having analyzed the facts and circumstances of this matter, the Police Commissioner has determined that to pursue Charges and Specifications against Police Officer Almanzar would be detrimental to the Police Department's disciplinary process. The Police Commissioner has determined that the CCRB has failed to prove by a preponderance of the evidence that Police Almanzar committed the alleged misconduct in this case.

Therefore, as provided for within the 2012 Memorandum of Understanding between the CCRB and the Police Department, the Police Commissioner, in the interest of justice and to retain jurisdiction over this matter, intends to impose no disciplinary action for the allegation of discourtesy and making a false statement to CCRB.

Sincerely,

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

CIVILIAN COMPLAINT REVIEW BOARD
100 CHURCH STREET 10th FLOOR
NEW YORK, NEW YORK 10007 ♦ TELEPHONE (212) 912-7235
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ERIC L. ADAMS
MAYOR

ARVA RICE
INTERIM CHAIR

January 11, 2024

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

Re: CCRB Case No. 202206095, Police Officer Roberto Almanzar, Tax # 969475, (DADS 2023-28963)

Dear Commissioner Caban:

I am writing in response to the letter from Deputy Chief, Anthony Marino, dated January 9, 2024, informing the Civilian Complaint Review Board (hereinafter referred to as "CCRB") of your intent to dismiss the Charges and Specifications against Police Officer Roberto Almanzar. 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 Marinos' notification.

Deputy Chief Marino writes that Commissioner Caban determined that the CCRB has failed to prove by a preponderance of the evidence that Police Almanzar committed the misconduct in this case. The CCRB respectfully disagrees with the Commissioner's analysis. Administrative Guide 304-11 states that members of the service are to interact with members of the public in a courteous and professional manner.

§ 87(2)(b) received text messages from phone number § 87(2)(b) that referred to him as a "rat". OTI records and the NYPD's "Find your sector" tool reveal that these messages were sent after § 87(2)(b) filed seven 311 complaints within the confines of Sector A of the 28th Precinct between 8:16 PM and 9:10 PM on the incident date. PO Almanzar and his partner PO Weber, each testified that their assignment, Sector A patrol, involves responding to 311 complaints located within their sector, and that, once assigned a 311 complaint, they can review 311 complaint information, including the complainant's name and phone number, on their department phones.

The investigation confirmed that § 87(2)(b) provided his name and phone number, § 87(2)(b) in each of his 311 complaints. PO Almanzar and PO Weber worked from 3 PM to 11:45 PM, meaning they were on duty within the sector in question when § 87(2)(b) complaints were submitted and when he received the text messages of concern. Account

information received from TextMe Inc. for the number § 87(2)(b) shows that the account was created with an email that reads § 87(2)(b) PO Almanzar testified that his personal email is § 87(2)(b) which is nearly identical to the email used to create the TextMe account that sent the text messages in question to § 87(2)(b)

The only difference between the email created to contact § 87(2)(b) and PO Almanzar's personal email is the addition of numbers 27 and 28, which correspond to the day of the month § 87(2)(b) § 87(2)(b), as well as his command, the 28th Precinct. When PO Almanzar was asked about the text messages in his interview, PO Almanzar denied any knowledge of the messages and the email which is identical to the officer's name and has personal identifying information. It is our position that the CCRB did in fact meet their burden of the preponderance of the evidence with all the above-mentioned records and the civilian's testimony. It is evident that PO Almanzar was not forthcoming because he knew that his actions constituted misconduct.

Based upon the foregoing, the CCRB would request that the Charges and Specifications be served upon PO Almanzar.

Respectfully submitted,

Jonathan Darche
Executive Director
NYC Civilian Complaint Review Board

POLICE DEPARTMENT

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

January 12, 2024

Re: CCRB Case No. 202206095 (Incident Date: July 12, 2022) regarding Police Officer Roberto Almanzar, Tax No. 969475 (DADS No. 2023-28963)

Dear Mr. Darche:

The Police Commissioner has reviewed your letter, dated January 11, 2024 concerning the Civilian Complaint Review Board ("CCRB") case involving Police Officer Roberto Almanzar, 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 Almanzar, for the reasons expressed in my January 9, 2024 letter.

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

Sincerely,

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