

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Genevieve Lamont	Team: Squad #08	CCRB Case #: 202001145	☒ Force ☒ Discourt. ☐ U.S. ☒ Abuse ☐ O.L. ☐ Injury
Incident Date(s) Friday, 01/24/2020 12:00 AM, Friday, 01/24/2020 6:57 PM	Location of Incident: 980 Third Avenue and the 17th Precinct stationhouse	18 Mo. SOL 3/10/2022	Precinct: 17
Date/Time CV Reported Sun, 01/26/2020 8:26 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 02/11/2020 11:17 AM

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			017 PCT
2. POM Derek Capponi	20106	958366	017 PCT
3. SGT Ravi Singh	03663	949670	017 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jacky Wong	16913	956339	017 PCT
2. POM Fernando Cazares	20695	929861	017 PCT
3. POM Andrew Weber	20525	963325	017 PCT

Officer(s)	Allegation	Investigator Recommendation
A . SGT Ravi Singh	Abuse: At 980 3rd Avenue in Manhattan, Police Officer Fernando Cazares stopped the vehicle in which § 87(2)(b) was an occupant.	A . Exonerated
B . POM Derek Capponi	Abuse: At 980 3rd Avenue in Manhattan, Police Officer Derek Capponi searched the vehicle in which § 87(2)(b) was an occupant.	B . Exonerated
C . SGT Ravi Singh	Abuse: At 980 3rd Avenue in Manhattan, Sergeant Ravi Singh searched the vehicle in which § 87(2)(b) was an occupant.	C . Exonerated
D . SGT Ravi Singh	Discourtesy: At 980 3rd Avenue in Manhattan, Sergeant Ravi Singh spoke discourteously to § 87(2)(b)	D . Substantiated
E . SGT Ravi Singh	Abuse: At 980 3rd Avenue in Manhattan, Sergeant Ravi Singh refused to provide his name to § 87(2)(b)	E . Unsubstantiated
F . SGT Ravi Singh	Discourtesy: At the 17th Precinct stationhouse, Sergeant Ravi Singh spoke discourteously to § 87(2)(b)	F . Substantiated
G . An officer	Force: At the 17th Precinct stationhouse, an officer used physical force against § 87(2)(b)	G . Unfounded

Case Summary

On January 26, 2020, § 87(2)(b) filed the following complaint with the Internal Affairs Bureau (IAB), generating original IAB Log #2020-3676. The CCRB received the complaint on February 11, 2020.

On January 24, 2020, § 87(2)(b) and an acquaintance, § 87(2)(b) were driven to the Home Depot located at 980 Third Avenue in Manhattan, by § 87(2)(b)'s wife, § 87(2)(b). While at Home Depot, § 87(2)(b) and § 87(2)(b) were arrested by four plainclothes officers, Sgt. Ravi Singh, PO Derek Capponi, PO Jacky Wong, and PO Andrew Weber, all from the 17th Precinct, for stealing merchandise from the store. Sgt. Singh and PO Capponi also stopped § 87(2)(b) who was waiting for § 87(2)(b) in her car outside, and recovered tools inside her trunk (**Allegation A through C: Abuse of Authority; Exonerated**). During the incident, Sgt. Singh used profanity while speaking with § 87(2)(b) (**Allegation D: Discourtesy; Substantiated**). Prior to leaving the scene, § 87(2)(b) allegedly asked Sgt. Singh for his name, which he refused to provide (**Allegation E: Abuse of Authority; Unsubstantiated**).

§ 87(2)(b) was transported to the 17th Precinct stationhouse in Manhattan. While in front of the desk, Sgt. Singh cursed multiple times at § 87(2)(b) (**Allegation F: Discourtesy; Substantiated**). § 87(2)(b) was brought to the holding cell, where he alleged Sgt. Singh pulled him by his arm and pushed him against the holding cell bars (**Allegation G: Force; Unfounded**). § 87(2)(b) was ultimately charged with petit larceny and criminal possession of stolen property in the fourth degree [BR01].

Body-worn camera (BWC) footage was received from Sgt. Singh, PO Capponi, PO Wong, PO Weber, and PO Fernando Cazares of the 17th Precinct [BR02 and BR09, respectively]. Stationhouse footage from the 17th Precinct stationhouse was also received [BR10].

Findings and Recommendations

Allegation (A) Abuse of Authority: At 980 3rd Avenue in Manhattan, Police Officer Fernando Cazares stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: At 980 3rd Avenue in Manhattan, Police Officer Derek Capponi searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (C) Abuse of Authority: At 980 3rd Avenue in Manhattan, Sergeant Ravi Singh searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (D) Discourtesy: At 980 3rd Avenue in Manhattan, Sergeant Ravi Singh spoke discourteously to § 87(2)(b)

Allegation (E) Abuse of Authority: At 980 3rd Avenue in Manhattan, Sergeant Ravi Singh refused to provide his name to § 87(2)(b)

It is undisputed that § 87(2)(b) was stopped by Sgt. Singh and that her vehicle was searched by Sgt. Singh and PO Capponi. § 87(2)(g)

§ 87(2)(b) it is undisputed that he used profanity during the incident.

§ 87(2)(b) testified that, at approximately 6:57 p.m., he asked § 87(2)(b) to take him and § 87(2)(b) whom he referred to as § 87(2)(b) § 87(2)(b) to Home Depot, to acquire new tools. § 87(2)(b) described his relationship with § 87(2)(b) as two individuals who “bump heads” and that § 87(2)(b) is “very active in the gigs economy” but did not elaborate as to whether they had a professional or friendly relationship. While at Home Depot, § 87(2)(b) picked up two drills and a hand-held vacuum; while he did not remember the exact contents of his cart, he believed he also acquired an extra battery (although he did not say for what) and a level. He placed the same items in § 87(2)(b) cart, as they had two crews working on a project. § 87(2)(b) went upstairs to pay for his tools, which came to about \$700.00 and “some change”, which he paid in cash. § 87(2)(b) then walked towards the elevators to leave and § 87(2)(b) followed him. He told § 87(2)(b) that he could not come upstairs with him, as he had not paid for his items. As they reached the ground floor of Home Depot, four plainclothes officers, Sgt. Singh, PO Weber, PO Wong, and PO Capponi approached § 87(2)(b) and § 87(2)(b) pulling them aside. § 87(2)(b) stated that he had the copy

of the receipt in his hand and told the officers that no one intended to steal the items. Sgt. Singh asked § 87(2)(b) where his car was, which he told them was outside. Sgt. Singh and PO Capponi went outside; § 87(2)(b) could not see them clearly, but saw Sgt. Singh speak with § 87(2)(b) and PO Capponi shine a flashlight into the car and open the trunk. Sgt. Singh returned inside and said, “Yeah they go from Home Depot to Home Depot stealing stuff”, which § 87(2)(b) refuted. Sgt. Singh then handcuffed § 87(2)(b) and brought him to a police vehicle. As he was being led out, § 87(2)(b) saw PO Capponi and Home Depot employees removing items from his car. As § 87(2)(b) was being led to the car, he asked for Sgt. Singh’s name, to which he responded, “It’ll be on your arrest report” [BR11].

§ 87(2)(b) testified that, as she was waiting for § 87(2)(b) in the no parking zone outside Home Depot, Sgt. Singh approached her vehicle and asked for her license. She asked him what this was about and Sgt. Singh responded multiple times that § 87(2)(b) knew what he was talking about. He then directed her attention inside, where § 87(2)(b) saw “a lot of movement”, but did not know what was occurring inside. She stated that, at this point, Sgt. Singh had not informed her that § 87(2)(b) and § 87(2)(b) were suspected of stealing from Home Depot. § 87(2)(b) repeatedly asked Sgt. Singh to explain what was going on, to which he responded that she was the one “who needed to explain what was going on” and that he knew she was “the runaway car”. PO Capponi told § 87(2)(b) to open the trunk. She complied and PO Capponi removed one or two boxes from the trunk again. Two Home Depot employees also approached her car and began removing boxes, but she did not state what was inside the boxes. § 87(2)(b) then exited her car and observed two officers escorting § 87(2)(b) out of Home Depot, in handcuffs. The officers then told § 87(2)(b) to leave the scene, which she did [BR12].

The investigation did not obtain a statement from § 87(2)(b) although he was also arrested as a result.

Sgt. Singh testified that on the incident date, he received a call from the loss prevention department at Home Depot. Sgt. Singh stated that he and his anti-crime team have a working relationship with this department. The department informed him that two males and a female, § 87(2)(b), § 87(2)(b), and § 87(2)(b) were attempting to commit a fraudulent return; Sgt. Singh did not know these individuals prior to this incident. Upon arriving at the location, a loss prevention associate informed Sgt. Singh that the three individuals frequent that Home Depot, where they fill up shopping carts with identical pairs of items; one individual then pays for the items in cash, and obtains a gift receipt in addition to the original receipt. The person who paid then gives the gift receipt to the second person, who waits by the elevator, and, if they are stopped, the second person shows the gift receipt. Upon arriving on scene, the associate, whose name is unknown to the investigation, pointed out § 87(2)(b) and § 87(2)(b) after observing § 87(2)(b) pay in cash and meet § 87(2)(b) by the elevator, the officers arrested both men. Based on his prior experience as an officer, Sgt. Singh assumed that § 87(2)(b) had a car waiting for him outside and asked § 87(2)(b) if he had someone waiting outside. § 87(2)(b) told him that § 87(2)(b) was outside. § 87(2)(b)s vehicle matched the description provided by the Home Depot employees. Sgt. Singh and the other officers spoke with § 87(2)(b) and observed power tools in the car, which a Home Depot employee identified as belonging to the store. Sgt. Singh and the other officers then removed the tools from the vehicle and vouchered them as evidence. Sgt. Singh believed that § 87(2)(b) requested his name and shield number either on scene or at the 17th Precinct stationhouse. He stated that he provided his name multiple times and informed § 87(2)(b) that his information would be on the arrest paperwork [BR13].

Sgt. Singh’s BWC captures his and the other officers’ interaction with § 87(2)(b) and § 87(2)(b). At the 2:00 minute mark, an officer hands Sgt. Singh § 87(2)(b)s receipt, which he compares with the receipt from § 87(2)(b) commenting, “he gets two receipts and gives one to him”, referring to § 87(2)(b). From 3:40 minutes to 5:40 minutes, Sgt. Singh reviews the items in the cart with a Home Depot employee, who identifies which items were paid for and which were not. Sgt. Singh then leaves to speak with § 87(2)(b) but turns his camera off as he leaves the store

[BR02]. PO Wong's BWC captured Sgt. Singh using profanity with § 87(2)(b) at the 6:21 minute mark, saying, "I'm not fucking gonna do this" and "I saw you get the receipt, I saw you fill the carts with the same shit." § 87(2)(b) is not captured asking Sgt. Singh for his name on the BWC, and Sgt. Singh is not captured providing his name [BR06].

Sgt. Singh acknowledged cursing at § 87(2)(b) stating that his reason for doing so was to "get what was going on, I don't know." [BR13].

§ 87(2)(b)'s prisoner movement slip stated that he was charged with petit larceny and criminal possession of stolen property in the fourth degree [BR01].

According to NY CLS Penal §155.25, a person is guilty of petit larceny when he steals property [BR14].

As per *People v Cooke* (267 A.D.2d 104) (1989), a police officer, pursuant to the "automobile exception" law, may search a vehicle, including the trunk, when information provided by the crime victim provides sufficient predicate to do so [BR15].

As per Patrol Guide Procedure 203-09, members of service are required to interact with members of the public in a professional manner [BR16].

In DCT-DAO Case #2018-18951, it was ruled by the Assistant Deputy Commissioner of Trials Jeff S. Adler, that there are certain stressful and chaotic situations in which profane remarks would not constitute misconduct [BR17].

§ 87(2)(g)

§ 87(2)(b). It is therefore recommended that **Allegations A through C** be closed as **Exonerated**.

§ 87(2)(g)

§ 87(2)(b). It is therefore recommended that **Allegation D** be closed as **Substantiated**.

§ 87(2)(g)

§ 87(2)(b) It is therefore recommended that **Allegation E** be closed as **Unsubstantiated**.

Allegation (F) Discourtesy: At the 17th Precinct stationhouse, Sergeant Ravi Singh spoke discourteously to § 87(2)(b)

Allegation (G) Force: At the 17th Precinct stationhouse, an officer used physical force against § 87(2)(b)

§ 87(2)(b) testified that, upon arriving at the 17th Precinct stationhouse in Manhattan, he was brought before the desk, where he observed some items from § 87(2)(b)'s vehicle, including tools he knew were from the vehicle. He commented that the officers needed a warrant for the tools, to which Sgt. Singh were responded, "I know [your wife] was in the fucking Home Depot. I saw the camera"; § 87(2)(b) later stated that he was not sure if Sgt. Singh used profanity when he said this. He was then led to the holding cells, where Sgt. Singh unhandcuffed his right arm, keeping his left wrist in handcuffs. § 87(2)(b) was then placed in the holding cell and he asked the officers present to unhandcuff his other arm. Sgt. Singh then dragged his arm around by the cuff and spun the handcuffs around his wrist. He then approached § 87(2)(b) from behind and pushed him against the cell bars. § 87(2)(b) was ultimately unhandcuffed. While being held at the stationhouse,

he asked other officers, he was not sure who, for Sgt. Singh's name, which they told him would be on his arrest report [BR11].

Sgt. Singh testified that when they returned to the 17th Precinct stationhouse, § 87(2)(b) was acting very aggressive, cursing at the officers. He acknowledged using profanity with § 87(2)(b) while he was at the desk, stating that he did so in the "heat of the moment". § 87(2)(b) was then taken to the holding cells; Sgt. Singh initially testified that § 87(2)(b) stiffened his body while being handcuffed, which he stated was a common occurrence, but did not recall any issues with lodging him in the holding cells [BR13].

PO Weber's BWC footage shows Sgt. Singh cursing at § 87(2)(b) from 41:00 minutes to 42:00 minutes, telling § 87(2)(b) to "shut the fuck up" repeatedly and that he is "a fucking criminal". At 42:30 minutes, § 87(2)(b) attempts to enter the holding cell still wearing his belt and PO Weber leads him out of the holding cell; no force is used [BR08].

Stationhouse footage from the holding cells captures the incident between § 87(2)(b) and the officers. At 7:10:22 minutes, an officer uncuffs one of § 87(2)(b)'s hands. § 87(2)(b) begins to walk into the holding cell when Sgt. Singh grabs onto one of his arms. § 87(2)(b) continues to walk into the holding cell with Sgt. Singh still holding onto his arm. Sgt. Singh grabs the back of his shirt collar and another officer grabs § 87(2)(b)'s other arm, and the two officers walk him out of the holding cell. At 7:11:30, an officer pats down § 87(2)(b) and then lodges him in the holding cell [BR10].

After reviewing the stationhouse footage, Sgt. Singh recalled that § 87(2)(b) refused to remove his belt and shoelaces prior to entering the cell. He also attempted to enter the cell still wearing a handcuff, which is not allowed. Sgt. Singh stated that no officer pulled on § 87(2)(b)'s for no reason and that they were only attempting to remove § 87(2)(b)'s handcuffs [BR13].

As per Patrol Guide Procedure 203-09, members of service are required to interact with members of the public in a professional manner [BR16].

In DCT-DAO Case #2018-18951, it was ruled by the Honorable Jeff S. Adler, that there are certain stressful and chaotic situations in which profane remarks would not constitute misconduct [BR17].

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g), it is therefore recommended that **Allegation F** be closed as **Substantiated**.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g) it is recommended that **Allegation G** be closed as **Unfounded**.

Civilian and Officer CCRB Histories

- This is the first CCRB complaint that § 87(2)(b) has been party to [BR18].
- § 87(2)(b) has been a party in two additional CCRB complaints [BR19].
- Sgt. Singh has been a member of service for ten years and has been a subject in two prior CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)
§ 87(2)(g)
 - Sgt. Singh has one open CCRB complaint, case #202003598, in which a question allegation is pled, that is currently under investigation.
- PO Capponi has been a member of service for five years and has no prior CCRB complaints.

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation.
- According to the NYC Comptroller's office, neither § 87(2)(b) nor § 87(2)(b) nor § 87(2)(b) has filed a Notice of Claim regarding this incident [BR20].
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 8

Investigator: Genevieve Lamont Inv. Genevieve Lamont 11/17/2021
Signature Print Title & Name Date

Squad Leader: Ethan De Angelo IM Ethan De Angelo 11/17/2021
Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____