

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Adriaan Denbroeder	Team: Squad #15	CCRB Case #: 202101848	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/04/2020 9:30 PM	Location of Incident: Irving Place and East 14th Street	18 Mo. SOL 5/4/2022	Precinct: 09		
Date/Time CV Reported Mon, 03/22/2021 12:08 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 03/22/2021 12:08 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT2 Robert Klein	02872	936874	DB BXHM
2. SGT William Gaspari	01310	941799	SRG 3
3. PO Dynel Powell	09095	940544	SRG 3

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. CPT Julio Delgado	00000	918927	SRG 2
2. PO Christopher Foley	08327	955029	SRG 1
3. DI James Mcgeown	00000	889041	SRG
4. SGT Beatrice Shafidiya	04079	939456	SRG 3
5. DT3 Keri Preikschat	04522	930747	NARCB BX
6. SGT Jaline Bernier	05051	938061	PBMS
7. SGT DS Dunia Palacios	05307	940543	NBBX MAJOR
8. CPT Chase Maneri	00000	945948	NBBX MAJOR
9. SGT Paul Oconnor	02021	942285	NBBX MAJOR
10. DT3 Nicholas Levesque	06682	944736	NBBX MAJOR
11. PO Widny Cylet	25349	942703	SRG 3
12. DI Andrew Ventrella	00000	896907	SRG
13. INSP Thomas Connolly	00000	883265	PBMS
14. INSP John Corbisiero	00000	885437	PBMS
15. SGT Nicole Monaco	02977	953127	DBMS
16. Steven Hong	08345	960677	SRG 3
17. PO Robert Lee	22882	964112	009 PCT
18. LT Christopher Carlsen	00000	947998	SRG 3
19. PO David Bowman	16034	944015	009 PCT
20. PO Gerlando Marchetta	24596	962573	SRG 3
21. DC Michele Irizarry	00000	915113	TRN BUR

<b>Officer(s)</b>	<b>Allegation</b>	<b>Investigator Recommendation</b>
A . DT2 Robert Klein	Force: Detective Robert Klein used physical force against § 87(2)(b)	A . Unsubstantiated
B . DT2 Robert Klein	Force: Detective Robert Klein used physical force against § 87(2)(b)	B . Unsubstantiated
C . SGT William Gaspari	Force: Sergeant William Gaspari used physical force against § 87(2)(b)	C . Exonerated
D . SGT William Gaspari	Force: Sergeant William Gaspari used physical force against § 87(2)(b)	D . Exonerated
E . DT2 Robert Klein	Force: Detective Robert Klein restricted § 87(2)(b) s breathing.	E . Unsubstantiated
F . SGT William Gaspari	Force: Sergeant William Gaspari restricted § 87(2)(b) s breathing.	F . Unsubstantiated
G . DT2 Robert Klein	Discourtesy: Detective Robert Klein spoke discourteously to § 87(2)(b)	G . Substantiated
H . DT2 Robert Klein	Force: Detective Robert Klein used a chokehold against § 87(2)(b)	H . Unsubstantiated
I . DT2 Robert Klein	Force: Detective Robert Klein restricted § 87(2)(b) s breathing.	I . Unsubstantiated
J . DT2 Robert Klein	Off. Language: Detective Robert Klein made remarks based on § 87(2)(b) s gender identity.	J . Substantiated
K . PO Dynel Powell	Off. Language: Police Officer Dynel Powell made remarks based on § 87(2)(b) s gender identity.	K . Substantiated
L . DT2 Robert Klein	Abuse: An officer took a photograph of § 87(2)(b)	L . Exonerated

## Case Summary

The CCRB received this complaint filed by § 87(2)(b) via the website on March 22, 2021.  
§ 87(2)(b)

On November 4, 2020, at approximately 8:00pm, § 87(2)(b) joined a protest against police brutality and marched from 59<sup>th</sup> Street towards Union Square in Manhattan. At approximately 9:30pm, at the intersection of East 14<sup>th</sup> Street and Irving Place, the protest became disorderly in front of the Wells Fargo Bank located at 104 East 14<sup>th</sup> Street, and multiple people were placed under arrest. § 87(2)(b) was riding a Citibike and held the Citibike out to protect protestors from officers rushing onto the sidewalk. § 87(2)(b) allegedly struck then-Inspector Michele Irizarry in the face with their elbow. In response to seeing this, Detective Robert Klein of Bronx Homicide approached § 87(2)(b) struck them in the face twice, and took them to the ground (**Allegations A, B: Force, Unsubstantiated**). § 87(2)(b) proceeded to flail and struggle with Detective Klein. In response to seeing this, Sgt. William Gaspari of the Strategic Response Group approached the detective and § 87(2)(b) and pushed them to the ground, and pinned them by the shoulders (**Allegations C, D: Force, Exonerated**). At this point, Sgt. Gaspari and Detective Klein allegedly placed their legs on § 87(2)(b)'s back and head, at which point § 87(2)(b) had trouble breathing and told officers that they could not breathe (**Allegations E, F: Force, Unsubstantiated**). § 87(2)(b) was eventually placed into handcuffs and walked to a prisoner transport vehicle with Detective Klein and Sergeant Dunia Palacios of Bronx Narcotics. At one point on the way there, Detective Klein stated to § 87(2)(b) "Fucking relax" (**Allegation G: Discourtesy, Substantiated**). They continued to walk, and Detective Klein allegedly placed his hand around § 87(2)(b)'s neck causing bones to crack (**Allegations H, I: Force, Unsubstantiated**). Detective Klein continued to walk § 87(2)(b) to the prisoner transport vehicle, at which point he and Police Officer Dynel Powell of the Strategic Response Group asked § 87(2)(b) if they were male or female, to which they responded that they did not know and identified as non-binary. The officers continued to ask if they were male or female multiple times despite their answer (**Allegations J, K: Offensive Language, Substantiated**). § 87(2)(b) kicked Detective Klein in the shin. § 87(2)(b) was then escorted into a prisoner transport vehicle and taken to a Mass Arrest Processing Center, where Detective Klein took a photograph of them on his department phone (**Allegation L: Abuse of Authority, Exonerated**).

§ 87(2)(b) did not receive medical treatment at the time of the incident. § 87(2)(b) did sustain injuries as a result of the incident, including an abrasion on their head, bruising on their legs, and nerve damage to their thumb (**Board Review 11**). § 87(2)(b) was arrested on charges of § 87(2)(b)

§ 87(2)(b) (**Board Review 12**). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

This incident is captured on protestor § 87(2)(b)'s own Body Worn Camera footage (**Board Review 9**). The incident is also captured on Sgt. Gaspari and PO Foley's Body Worn Camera Footage (**Board Review 8**).

## Findings and Recommendations

**Allegation (A) Force: Detective Robert Klein used physical force against § 87(2)(b)**

**Allegation (B) Force: Detective Robert Klein used physical force against § 87(2)(b)**

**Allegation (C) Force: Sergeant William Gaspari used physical force against § 87(2)(b)**

**Allegation (D) Force: Sergeant William Gaspari used physical force against § 87(2)(b)**

§ 87(2)(b) stated in their CCRB interview (**Board Review 1**) that they started marching with a group of protestors on November 4, 2020, at approximately 8:00pm. § 87(2)(b) rode a Citibike. Approximately 90 minutes later, § 87(2)(b) arrived at East 14<sup>th</sup> Street and Irving Place with a group of between 50 and 70 protestors. A commotion started at this location. § 87(2)(b) did not hear any officers issue any commands. At the point that the commotion began protestors started to move onto the sidewalk. § 87(2)(b) set their bicycle down to block officers from advancing onto the sidewalk.

§ 87(2)(g)

Detective Klein stated in his CCRB interview (**Board Review 4**) that he followed the protest in a convoy for an unspecified amount of time in a police vehicle before exiting the vehicle at East 14<sup>th</sup> Street and Irving Place. As his vehicle approached the intersection of East 14<sup>th</sup> Street and Irving Place, Detective Klein stated that he saw § 87(2)(b) identified by the investigation as § 87(2)(b) elbowing an Inspector whom he could not identify in the face.

The Inspector has been identified by the investigation as now-Deputy Chief Michele Irizarry, and at the time of the incident was the Inspector of Patrol Borough Manhattan South. § 87(2)(g)

DC Irizarry was identified by the images provided by § 87(2)(b)'s attorney § 87(2)(b) (**Board Review 11**) as well as spotted on the right-hand side of the frame in Strategic Response Group Officer Gerlando Marchetta's Body Worn Camera at media player timestamp 1:49 and 2:17 (**Board Review 22**).

It is undisputed that Detective Klein struck § 87(2)(b) in the head twice with his hands. § 87(2)(b) stated in their CCRB interview (**Board Review 1**) that after officers brought them to the ground they tried to get away, at which point an officer punched their bicycle helmet off. Detective Klein stated in his CCRB interview (**Board Review 4**) that he performed two hand strikes. Detective Klein specified that he performed strikes in the form of jabs, not punches. Detective Klein stated that strikes in the form of jabs are used to create distance, whereas punches are used to inflict injury. § 87(2)(b) faced Detective Klein as he performed the hand strikes. Detective Klein performed two jabs with his right hand to the side of § 87(2)(b)'s head in the area around their temple while they were still standing and took § 87(2)(b) to the ground. § 87(2)(b) was wearing a bike helmet at the time that Detective Klein performed the hand strikes. § 87(2)(b) was arrested and charged with § 87(2)(b) for pushing unspecified officers and kicking Detective Klein, but there is no mention of elbowing Inspector Irizarry in the arrest report (**Board Review 12**) or the TRI report (**Board Review 7**).

At the time that Sgt. Gaspari stated (**Board Review 5**) he first saw Detective Klein and § 87(2)(b) they were already engaged in a physical struggle. Sgt. Gaspari stated that Detective Klein and the protestor, identified by the investigation as § 87(2)(b) were grabbing each other, and pushing and pulling on one another's upper bodies. Sgt. Gaspari did not know why § 87(2)(b) was being placed under arrest. Sgt. Gaspari stated that he ran over to assist Detective Klein. Sgt. Gaspari knelt on the ground and used his hands to pin § 87(2)(b)'s shoulders to the ground.

It is undisputed that § 87(2)(b) actively resisted arrest after Detective Klein brought them to the ground. § 87(2)(b) stated in their CCRB interview (**Board Review 1**) that while on the ground, they were pushing against the force of the officers, trying to get up for air. § 87(2)(b) stated that for a moment they were able to get their head up after which § 87(2)(b) was not sure which part of the officer's body pushed § 87(2)(b)'s head back but their head was taken and hit back down onto the

ground.

Sgt. Gaspari of the Strategic Response Group documented in the TRI report he prepared (**Board Review 7**) that he observed Detective Klein attempting to place § 87(2)(b) under arrest. Sgt. Gaspari noted that § 87(2)(b) actively resisted, and Detective Klein subsequently effected a forcible takedown. Sgt. Gaspari assisted Del Klein in the takedown of the subject. Sgt. Gaspari notes in the TRI that § 87(2)(b) refused to place their arms behind their back and continued to resist by means of “flailing and body movements.” Sgt. Gaspari stated in his CCRB interview (**Board Review 5**) that § 87(2)(b) was “riling around,” constantly moving around in what seemed like an attempt to get up off the ground. § 87(2)(b) was moving their upper body and pushing up against Sgt. Gaspari. Sgt. Gaspari’s Body Worn Camera footage (**Board Review 8**) shows that at media player timestamp 1:23, as he pins § 87(2)(b)’s shoulders to the ground, they rear their head and shoulders up, and Sgt. Gaspari and Detective Klein both push § 87(2)(b) back down to the ground.

Witness and fellow protestor § 87(2)(b) stated in her CCRB interview (**Board Review 3**) that she saw § 87(2)(b)’s legs flailing as she was taken to the ground by officers.

In civilian video provided by § 87(2)(b) (**Board Review 9**) titled § 87(2)(b)”, the video shows that at media player timestamp 00:09 Detective Klein takes § 87(2)(b) to the ground and he strikes them twice with his hand. Sgt. Gaspari joins Detective Klein at timestamp 00:14. The video (**Board Review 9**) shows that right before Detective Klein strikes § 87(2)(b) § 87(2)(b) and DC Irizarry are engaged in a physical struggle where DC Irizarry appears to be pulling § 87(2)(b) by their shoulders. At this point, Detective Klein enters the frame and jabs § 87(2)(b) twice on the side of the head. Detective Klein stated in his CCRB interview (**Board Review 4**) the type of hand strikes he performed were “jabs,” which he stated are for the purpose of creating distance between officers and subjects, and not intended to cause injury. § 87(2)(b) is wearing their bike helmet prior to the jabs, and the helmet comes off as a result of the jabs. Detective Klein does not proceed to strike § 87(2)(b) after the helmet comes off.

Patrol Guide Procedure 221-01 (**Board Review 15**) outlines the force guidelines to be used by members of the NYPD. One of the key eleven factors considered is whether the subject is trying to actively resist custody.

NYPD PG Procedure 221-03 (**Board Review 24**) designates hand strikes as Level 1 force.

§ 87(2)(g)

§ 87(2)(g)

Therefore, it is recommended that **Allegations A and B** be closed as **Unsubstantiated**.

§ 87(2)(g)

§ 87(2)(g)

Therefore it is recommended that **Allegations C and D be closed as Exonerated.**

**Allegation (E) Force: Detective Robert Klein restricted § 87(2)(b)'s breathing.**

**Allegation (F) Force: Sergeant William Gaspari restricted § 87(2)(b)'s breathing.**

It is undisputed that § 87(2)(b) told officers that they could not breathe, § 87(2)(g) § 87(2)(b) alleged in their CCRB interview (**Board Review 1**) that an officer placed a knee on their head and they started to struggle to breathe. § 87(2)(b) stated that they tried to breathe and told officers multiple times, "I can't breathe" for a duration of one to one and a half minutes.

Sgt. Gaspari stated in his CCRB interview (**Board Review 5**) that no officers were ever on § 87(2)(b)'s back. Sgt. Gaspari did not recall § 87(2)(b) stating that they were having trouble breathing. Sgt. Gaspari stated that no officers were obstructing § 87(2)(b)'s mouth or windpipe at that time. Sgt. Gaspari stated that the only contact he made with § 87(2)(b) was with his hands to pin down their shoulders.

Detective Klein stated in his CCRB interview (**Board Review 4**) that he did not see any officers making contact with § 87(2)(b)'s back or the back of their neck. In response to hearing that § 87(2)(b) could not breathe, Detective Klein continued to try to get control of § 87(2)(b)'s hands. Detective Klein stated that he thought § 87(2)(b) using the words "I can't breathe" was a use of "buzz words." Detective Klein then stated to § 87(2)(b) "No one's touching your neck. What are you talking about? Relax."

Civilian video provided by § 87(2)(b) (**Board Review 9**) titled "§ 87(2)(b)" shows that as Detective Klein takes § 87(2)(b) to the ground and handcuffs them, at 1:51 he straddles § 87(2)(b) with his legs. At this point, both of his knees are on the ground. § 87(2)(b) faces Detective Klein on their back. Detective Klein's right knee is on the ground on the outside of § 87(2)(b)'s left hip and his left knee is between their legs.

PO Bowman stated in his CCRB interview (**Board Review 20**) he did not recall any members of service placing their knees on any protestors' heads. PO Bowman did not recall any members of service placing their hands around any protestors' necks. PO Bowman was not familiar with Detective Klein. PO Foley of the Strategic Response Group stated in his CCRB interview (**Board Review 21**) he did not know of any officers making contact with § 87(2)(b)'s neck. PO Lee of the 9<sup>th</sup> Precinct, stated in his CCRB interview (**Board Review 18**) that he did not hear any of the protester's state that they were unable to breathe. Sgt. Palacios of Bronx Narcotics stated in her CCRB interview (**Board Review 16**) that she was not aware of any instances of Detective Klein restricting § 87(2)(b)'s breathing. Sgt. Palacios stated in her CCRB interview that she did not witness any officers on § 87(2)(b)'s back. Lt. Carlsen of the Strategic Response Group (**Board Review 23**) stated **he or she** did not remember any civilians complaining of any injuries or stating that they were having trouble breathing.

A fellow protestor, § 87(2)(b) stated in her CCRB interview (**Board Review**) that she saw officers kneeling on § 87(2)(b) and an officer had a hand on § 87(2)(b)'s head. She stated that the rest of § 87(2)(b)'s body was obstructed because it was "covered" in officers.

Another protestor, § 87(2)(b) stated in her CCRB interview (**Board Review 2**) that she saw § 87(2)(b) on the curb on East 14<sup>th</sup> Street. § 87(2)(b) observed § 87(2)(b)'s legs flailing. § 87(2)(b) did not see if any officers make contact with § 87(2)(b) head or neck.

§ 87(2)(g)

It is therefore recommended that **Allegations E and F** be closed as **unsubstantiated**.

**Allegation (G) Discourtesy: Detective Robert Klein spoke discourteously to § 87(2)(b)**

It is undisputed that Detective Klein used profanity with § 87(2)(b). After he handcuffed them, Detective Klein walked § 87(2)(b) to the prisoner transport vehicle.

Footage provided by protestor § 87(2)(b) (**Board Review 9**) shows that in video titled § 87(2)(b), Sgt. Palacios and Detective Klein walk § 87(2)(b) to the prisoner transport vehicle. At 1:50, Detective Klein tells § 87(2)(b) to, “Fucking relax.” At this point, § 87(2)(b) is in handcuffs and is being held by both Detective Klein and Sgt. Palacios.

Detective Klein initially stated in his CCRB interview (**Board Review 4**) that he did not recall using profanity with § 87(2)(b). Detective Klein stated in his CCRB interview (**Board Review 4**) that after seeing the video it was clear that he told § 87(2)(b) to “fucking relax” and that he took “full responsibility” for saying that and that he stood by it. Detective Klein stated he used profanity because the situation with § 87(2)(b) was “violent” and § 87(2)(b) was continuing to make the situation “unbearable.” He stated that § 87(2)(b) was “not relaxed.”

NYPD administrative guide procedure 304-06 (**Board Review 14**) reads that using discourteous language is prohibited.

§ 87(2)(g)

It is therefore recommended that **Allegation G** be closed as **substantiated**.

**Allegation (H) Force: Detective Robert Klein used a chokehold against § 87(2)(b)**

**Allegation (I) Force: Detective Robert Klein restricted § 87(2)(b)'s breathing.**

§ 87(2)(b) stated in their CCRB interview (**Board Review 1**) that Detective Klein placed his hands around their neck following the arrest, causing their neck to crack.

Footage provided by protestor § 87(2)(b) (**Board Review 9**) shows that in video titled “§ 87(2)(b)” at timestamp 1:01, Detective Klein holds § 87(2)(b)'s arm with his right arm from underneath the upper part of it around their armpit. § 87(2)(b) pulls away from Detective Klein's body and swings outward and to the left and

right. At 1:04, Detective Klein places his left arm on § 87(2)(b)'s upper chest towards their neck. At timestamp 1:05, § 87(2)(b) makes multiple statements to Detective Klein including "You fucking baby. Choke me again. Fucking choke me again."

Detective Klein stated in his CCRB interview (**Board Review 4**) that no one choked § 87(2)(b) and that no pressure was applied to their neck or windpipe area. Detective Klein stated that he never touched the front of § 87(2)(b)'s neck with his other hand.

Sgt. Palacios stated in her CCRB interview (**Board Review 16**) that she was never made aware of Detective Klein making contact with § 87(2)(b)'s neck. Detective Klein did not choke § 87(2)(b) in Sgt. Palacios' presence.

§ 87(2)(b) stated in her CCRB interview (**Board Review 3**) that after § 87(2)(b) was placed under arrest and officer brought them to their feet, an officer identified by the investigation pushed § 87(2)(b) backwards with his hand on their neck.

The NYPD Patrol Guide Procedure 221-01 (**Board Review 15**) defines a chokehold as something that shall include, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air.

§ 87(2)(g)

Therefore, it is recommended that **Allegations H and I** be closed as **unsubstantiated**.

**Allegation (J) Offensive Language: Detective Robert Klein made remarks based on § 87(2)(b)'s gender identity.**

**Allegation (K) Offensive Language: Police Officer DYNEL POWELL made remarks based on § 87(2)(b)'s gender identity.**

§ 87(2)(b) stated in their CCRB interview (**Board Review 1**) that as they were about to enter the police transport vehicle after being placed under arrest, an officer asked them if they were male or female. § 87(2)(b) explained that they identified as non-binary. § 87(2)(b) stated that during this conversation, a protester behind § 87(2)(b) said, "Is that seriously how you're gonna ask that question?" § 87(2)(b) did not respond so one of the officers looked at them longer and said, "Okay. Female." Or "We'll go with female."

PO Dynel Powell, the officer assigned to operate the prisoner transport vehicle at the location of the incident, stated in his CCRB Interview (**Board Review 19**) that he did not recall asking § 87(2)(b) if they were male or female. PO Powell stated that he would not typically ask arrestees their gender but has done so for the purpose of separating males to one side of the prisoner transport vehicle and females to the other. PO Powell did not recall asking § 87(2)(b)'s gender in this particular instance.

PO Powell can be seen on PO Foley's Body Worn Camera (**Board Review 8**) sorting arrestees outside of the prisoner transport vehicle. At timestamp 8:18, PO Powell moves one arrestee to his right. At 8:30, PO Powell approaches § 87(2)(b) and asks, "Male or female?" He asks a second time. At 8:36, he waves over the next arrestee.

Later in PO Foley's Body Worn camera recording (**Board Review 8**), at media player timestamp



9:39, Sgt. Shifidiya of the Strategic Response Group asks if § 87(2)(b) is female or male and asks what § 87(2)(b) identifies as. § 87(2)(b) responds, “Don’t fucking ask that question.” Sgt. Shifidiya was out sick with no return date and could not be interviewed for this case. What appears to be Detective Klein’s voice says, “Gonna say female.”

Detective Klein stated in his CCRB interview (**Board Review 4**) that at the point Detective Klein and § 87(2)(b) stood at the prisoner transport vehicle. Detective Klein stated in the interview that he had no idea the gender of the person that he was dealing with. The prisoner wagon attendant asked § 87(2)(b) if they were male or female for their safety and § 87(2)(b) refused to answer. It appeared that § 87(2)(b) was offended by the question. Detective Klein may have asked what gender § 87(2)(b) wanted to claim so that they could be placed in the proper van. Detective Klein stated during the interview that the conversation regarding gender showed that § 87(2)(b) “was just being difficult, instead of asserting something.”

Following Detective Klein’s initial narrative during his CCRB interview (**Board Review 4**), Detective Klein was informed that § 87(2)(b) identified as non-binary and used they/them pronouns. For the next 80 minutes of the interview, Detective Klein referred to § 87(2)(b) using she/her pronouns.

NYPD Administrative Guide 304-06 (**Board Review 15**) reads that members of service shall address the public using pronouns, titles of respect, and preferred name appropriate to an individual’s gender identity as expressed by the individual.

The Investigative Manual reads that officers are not allowed to question arrestees regarding their gender identity or expression without a reasonable basis to do so. There is no corresponding Patrol Guide procedure regarding sorting arrestees by gender into different sides of transport vehicles.

§ 87(2)(g)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Therefore, it is recommended that  
**Allegations J and K** be closed as **substantiated**.

**Allegation (L) Abuse of Authority: An officer took a photograph of § 87(2)(b)**

It is undisputed that Detective Klein took a photograph of § 87(2)(b) § 87(2)(b) stated in their CCRB interview (**Board Review 1**) that Detective Klein took a photograph of them at another location that may have been One Police Plaza. § 87(2)(b) stated that Detective Klein took out what appeared to be a personal telephone and took a photo. § 87(2)(b) stated that they asked Detective Klein what they were doing and he responded, “We’re supposed to do this.”

Detective Klein stated in his CCRB interview (**Board Review 4**) that while inside the Mass Arrest Processing Center that evening, he took a photograph of § 87(2)(b) for the purposes of the TRI Report (**Board Review 7**) under file name \C21-2835\PIC 1 TRI 144-2.jpg.

According to Patrol Guide Procedure 221-03 (**Board Review 24**), officers must document any injuries by taking photographs of subjects and upload any photographs taken that were taken in

connection with the TRI report.

§ 87(2)(g)

It is therefore recommended that **Allegation L** be closed as **Exonerated**.

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- Detective Robert Klein has been a member of service for 17 years and has been a subject in seven other CCRB complaints and 12 allegations, none of which were substantiated.

§ 87(2)(g)

- Sgt. William Gaspari has been a member of service for 15 years and has been a subject in eight other CCRB complaints and 16 allegations, none of which were substantiated. § 87(2)(g)

- PO Dynel Powell has been a member of service for 16 years and has been a subject in six other CCRB complaints and 14 allegations, none of which were substantiated. § 87(2)(g)

### Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of March 31, 2022, a Notice of Claims request has been sent to the New York City Comptroller's Office.

• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 15

Investigator: Adriaan Denbroeder Inv. Denbroeder March 31, 2022  
Signature Print Title & Name Date

Squad Leader:  IM Simon Wang 03/31/22

CCRB Case # 202101848

Signature

Print Title & Name

Date

Reviewer:

Signature

Print Title & Name

Date