CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	Team:	CCRB Case #:	☑ Force ☑ Discourt. ☐ U.S.
Alessandra Mularoni	Squad #14	202311442	☑ Abuse ☑ O.L. ☐ Injury

Incident Date(s)	Location of Incident:	18 Mo. SOL	Precinct:
Tuesday, 12/05/2023 4:31 PM	Broadway and Havemeyer Street	6/5/2025	90

Date/Time CV Reported	CV Reported At:	How CV Reported:	Date/Time Received at CCRB
Tue, 12/05/2023 6:50 PM	Precinct	In-person	Tue, 12/05/2023 8:36 PM

Complainant/Victim	Type	Home Address
[redacted]	[redacted]	[redacted]

Witness(es)	Home Address
[redacted]	[redacted]

Subject Officer(s)	Shield	TaxID	Command
1. PO Alejandro Pimentel	30078	967258	090 PCT
2. PO Kathy Debesse	23276	971896	090 PCT
3. PO Tejinder Singh	14167	959992	090 PCT

Officer(s)	Allegation	Inv. Div. Recommendation
A . PO Kathy Debesse	Abuse: Police Officer Kathy Debesse questioned § 87(2)(b) [redacted]	A . Within NYPD Guidelines
B . PO Tejinder Singh	Abuse: Police Officer Tejinder Singh questioned § 87(2)(b) [redacted]	B . Within NYPD Guidelines
C . PO Alejandro Pimentel	Force: Police Officer Alejandro Pimentel used physical force against § 87(2)(b) [redacted]	C . Within NYPD Guidelines
D . PO Alejandro Pimentel	Abuse: Police Officer Alejandro Pimentel refused to provide his shield number to § 87(2)(b) [redacted]	D . Substantiated
E . PO Tejinder Singh	Abuse: Police Officer Tejinder Singh refused to provide his shield number to § 87(2)(b) [redacted]	E . Substantiated
F . PO Alejandro Pimentel	Discourtesy: Police Officer Alejandro Pimentel spoke discourteously to § 87(2)(b) [redacted]	F . Substantiated
G . PO Alejandro Pimentel	Off. Language: Police Officer Alejandro Pimentel made remarks to § 87(2)(b) [redacted] based upon the gender of § 87(2)(b) [redacted]	G . Substantiated
H . PO Alejandro Pimentel	Discourtesy: Police Officer Alejandro Pimentel spoke discourteously to § 87(2)(b) [redacted]	H . Substantiated
I . PO Alejandro Pimentel	Abuse: Police Officer Alejandro Pimentel improperly used his body-worn camera.	I . Substantiated

Case Summary

On December 5, 2023, § 87(2)(b) filed the following complaint in-person at the 90th Precinct. On December 5, 2023, § 87(2)(b) complaint was received at the CCRB.

On December 5, 2023, at approximately 4:31pm, PO Kathy Debesse, PO Alejandro Pimentel, and PO Tejinder Singh, all of the 90th Precinct, initiated a vehicle stop after observing § 87(2)(b) make an illegal U-turn in a vehicle with tinted windows in the vicinity of Broadway and Havemeyer Streets in Brooklyn. The officers asked § 87(2)(b) and his fiancée, § 87(2)(b) to step out of the vehicle, and they complied. PO Debesse and PO Singh asked § 87(2)(b) if the officers could search his vehicle **(Allegations A-B: Abuse of Authority, within NYPD guidelines).** § 87(2)(b) refused, and he and § 87(2)(b) were allowed to return to the vehicle. While waiting for the summons, PO Pimentel grabbed § 87(2)(b) bicep and forcibly removed him from the vehicle **(Allegation C: Force, within NYPD guidelines).** § 87(2)(b) asked PO Pimentel and PO Singh for their shield numbers, and the officers failed to provide them **(Allegations D-E: Abuse of Authority, substantiated).** After § 87(2)(b) was issued the summons and allowed to return to the vehicle again, PO Pimentel told § 87(2)(b) "Now you're talking shit? You're a pussy, bro" **(Allegation F: Discourtesy, substantiated; Allegation G: Offensive Language, substantiated; Allegation H: Discourtesy, substantiated).** PO Pimentel de-activated his body-worn camera before the interaction with § 87(2)(b) ended **(Allegation I: Abuse of Authority, substantiated).**

§ 87(2)(b) was issued a summons for improper use of plates **(BR 01).**

The investigation received BWC footage from PO Debesse, PO Pimentel, and PO Singh **(BR 02)**, the relevant aspects of which will be discussed below.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Kathy Debesse questioned § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Tejinder Singh questioned § 87(2)(b)

(BR 03) testified he was driving a white 2018 Infinity Q50 with tinted windows at the time he was pulled over and subsequently approached by PO Debesse, PO Singh, and PO Pimentel. § 87(2)(b) asked PO Debesse why he was being pulled over, and she replied that his tints were too dark. After about one minute of verbal exchange, the officers instructed § 87(2)(b) and § 87(2)(b) to step out of the vehicle and they complied. PO Debesse then asked § 87(2)(b) "Whose [license] plate is this?" and § 87(2)(b) told her that it was his plate. PO Debesse told § 87(2)(b) that she ran the plate and found that it was linked to a Smart car. § 87(2)(b) told PO Debesse that he had a Smart car, as well. PO Debesse then asked § 87(2)(b) why the plate did not match the vehicle he was driving at the time of the incident, and he replied that he had three vehicles and they may have been mixed up, as he gets his vehicles detailed monthly. PO Debesse then asked if the officers could search § 87(2)(b) car, and § 87(2)(b) replied that he just wanted the summons. PO Debesse replied, "No problem," and then let § 87(2)(b) and § 87(2)(b) return to the vehicle.

Beginning at 01:49 on the player timestamp, PO Debesse's BWC (**BR 12**) captures PO Debesse informing § 87(2)(b) that he is being pulled over for the window tints. At 03:32, PO Singh asks § 87(2)(b) where he got the [license] plate from, and § 87(2)(b) says that the plate belongs to him. At 03:36, PO Debesse says, "In our system, it's coming back to us as a Smart car, not this car." § 87(2)(b) informs her that he has a Smart car, too. At 03:48, PO Singh asks § 87(2)(b) if he put the correct plate on. § 87(2)(b) replies, "Apparently not," and adds that it was in the body shop the other day. PO Debesse asks § 87(2)(b) to step out of the vehicle at 04:17 on the player timestamp, and he complies. Between 05:27 and 05:50, PO Debesse's BWC captures PO Debesse and PO Singh asking § 87(2)(b) when the car was in the body shop and what he had fixed. § 87(2)(b) replies the car was detailed, along with his two other cars. At 07:50, PO Debesse asks § 87(2)(b) if there is anything in the car, to which § 87(2)(b) replies, "No." PO Debesse then asks § 87(2)(b) if he will give the officers permission to search the car. § 87(2)(b) says he will take the ticket but there is no reason for officers to search his car. At 08:00, PO Singh then asks § 87(2)(b)

"Do you mind if we check?" § 87(2)(b) continues to tell the officers that he just wants the ticket. At 08:14, PO Debesse tells § 87(2)(b) that it is up to him and that he may refuse consent. The officers then tell § 87(2)(b) and § 87(2)(b) that they can return to the vehicle at 08:33 on the player timestamp. None of the available BWC footage captures any officer searching § 87(2)(b) vehicle.

PO Debesse **(BR 04),** PO Singh **(BR 05),** and PO Pimentel **(BR 06)** all testified that they observed § 87(2)(b) commit a vehicle infraction prior to initiating the stop. PO Debesse and PO Pimentel testified that § 87(2)(b) conducted an illegal U-turn and that his windows were heavily tinted. Additionally, all officers stated that a search of § 87(2)(b) license plate revealed that it did not match the vehicle § 87(2)(b) was driving at the time of the stop.

PO Debesse testified that she requested consent to search § 87(2)(b) vehicle because she suspected that § 87(2)(b) may have stolen the car or committed another kind of crime after observing that his license plate did not match that of the vehicle he drove. PO Debesse stated that grand larcenies, robbies, and burglaries are a big issue in the 90th precinct, and that people sometimes use stolen plates when they commit these crimes. PO Debesse further stated that officers can request consent to search an individual's vehicle if they believe the individual is committing a crime or is on their way to commit a crime.

PO Singh testified **(BR 05)** that he ran § 87(2)(b) license plate, which revealed that it did not match the vehicle § 87(2)(b) drove. PO Singh observed PO Debesse make an initial request for consent to search § 87(2)(b) vehicle, though he did not know why she made such a request. Shortly thereafter, PO Singh made a second request for § 87(2)(b) consent to search the vehicle to follow up on PO Debesse's request. PO Singh also suspected possible criminality because of § 87(2) mismatching license plates. PO Singh stated that in the case of mismatched plates, a person could be coming from a crime scene, or that the car could be stolen.

PO Pimentel's testimony **(BR 06)** echoed PO Debesse's and PO Singh's with regard to their observations about § 87(2)(b) license plate not matching the vehicle he was driving at the time, which indicated that the car may have been stolen.

People v. De Bour 40 N.Y. 2d 210 **(BR 08)** articulates a difference between a general request for information "in which an individual is approached for an articulable reason and asked briefly about his or her identity" and a common-law inquiry, in which an officer may ask more extended and accusatory questions, including request to search an individual's person or property. "A common-law inquiry must be supported by founded suspicion that criminality is afoot." In order to request consent to search, officers must establish founded suspicion that a crime has been committed beyond a person's perceived suspicious behavior.

People v. Battaglia 86 N.Y. 2d 755 **(BR 09)** states that officers must have founded suspicion that vehicle occupants are engaging in criminal activity in order to request consent to search the vehicle.

§ 87(2)(g)

The available BWC footage was consistent with § 87(2)(b) statement insofar as he acknowledged that the license plate may have been switched with another one of his vehicles prior to the incident. § 87(2)(g)

It is therefore recommended that **Allegations A** and **B** be closed as ***within NYPD guidelines.***

Allegation (C) Force: Police Officer Alejandro Pimentel used physical force against [redacted]

[redacted] **(BR 03)** testified that he pulled out his phone to look for his vehicle registration information after he and [redacted] were allowed to return to the vehicle. PO Pimentel told [redacted] to get off his phone, and [redacted] replied that he would not. PO Pimentel told [redacted] again to get off his phone, and [redacted] asked why he had to get off his phone. PO Pimentel replied that it was a safety issue. During this verbal exchange, which lasted about one minute, PO Pimentel told [redacted] "Get off the phone or I'm going to take you out the car." [redacted] then snapped a photo of PO Pimentel and began to call his dad. As the phone was ringing, PO Pimentel opened [redacted] door, put his hand on [redacted] left bicep and pulled him from the vehicle and continued to hold [redacted] upper left arm as he escorted him to the rear of the vehicle. PO Pimentel did not touch [redacted] anywhere else, or any other time during the interaction.

At 12:47 on the player timestamp, PO Pimentel's BWC **(BR 07)** captures PO Pimentel standing at the driver's side window as he asks [redacted] to hang up the phone. [redacted] asks why and PO Pimentel replies, "I don't want anything in your hands." Between 12:55 and 13:21, [redacted] says he will not hang up the phone, and PO Pimentel says, "That's fine. Place the phone down and put it on speakerphone." [redacted] continues to hold the phone in his hands. At 13:22 on the player timestamp, PO Pimentel tells [redacted] "Do me a favor, don't have anything in your hands." At 13:33 on the player timestamp, PO Pimentel opens the driver door, tells [redacted] to get up, and places his right left hand on [redacted] left forearm. At 13:39, PO Pimentel places his right hand on [redacted] left upper arm and tells him to get out of the vehicle twice as [redacted] begins to exit the vehicle. At 13:49, PO Pimentel places his right hand on [redacted] abdominal area and his left hand near [redacted] mid-back before [redacted] lifts his arms. PO Pimentel's hands drop from their positions at 13:50 on the player timestamp. No further physical interaction between [redacted] and the officers occurs during the interaction.

PO Pimentel **(BR 06**) testified that after [redacted] and [redacted] returned to their vehicle, PO Pimentel approached the driver's side and saw that [redacted] had his phone in his hand. PO Pimentel told [redacted] several times not to have anything in his hands for safety reasons, and [redacted] said he wanted to make a phone call. PO Pimentel told [redacted] that [redacted] could make the phone call if he put the call on speaker and put the phone down. [redacted] refused to put the phone down. PO Pimentel and [redacted] had a verbal exchange, but PO Pimentel did not remember exactly what [redacted] said. PO Pimentel then opened the driver's side door and told [redacted] to step out of the car. PO Pimentel then touched [redacted] arm to guide him to the back of the vehicle, and [redacted] shrugged his arm off. PO Pimentel stated [redacted] was thus resistant to the pull, but PO Pimentel did not have to use any additional force.

NYPD Patrol Guide Procedure 221-01 **(BR 10)** states that officers must use "only the reasonable force necessary to gain control or custody of a subject." It further adds that, "In determining whether the use of force is reasonable, members of the service should consider the following: nature and severity of the crime/circumstances; actions taken by the subject; duration of the action; immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders; whether the subject is actively resisting custody; whether the subject is attempting to evade arrest by flight; number of subjects in comparison to the number of MOS; size, age, and condition of the subject in comparison to the MOS; subject's violent history; presence of hostile crowd; subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence."

[redacted] PO Pimentel's BWC showed that PO Pimentel told [redacted] that he could continue his phone conversation over speaker if he did not hold the phone in his hands, and that [redacted] refused to comply with PO Pimentel's request. [redacted]

§ 87(2)(g) It is therefore recommended that **Allegation C** be closed as ***within NYPD guidelines.***

Allegation (D) Abuse of Authority: Police Officer Alejandro Pimentel refused to provide his shield number to § 87(2)(b)

Allegation (E) Abuse of Authority: Police Officer Tejinder Singh refused to provide his shield number to § 87(2)(b)

At 13:50 on the player timestamp, PO Pimentel's BWC **(BR 07)** captures § 87(2)(b) saying, "I need all y'all badge numbers" as he, PO Pimentel, and PO Singh walk to the rear of the vehicle. PO Pimentel and PO Singh are standing less than one foot away from § 87(2)(b) as he makes this request, and PO Debesse is standing approximately six feet away near the hood of the police vehicle while writing § 87(2)(b) summons. At 13:51, PO Pimentel replies, "That's fine" though neither officer verbally provides this information or makes any further gesture to their uniform.

PO Pimentel **(BR 06)** testified that § 87(2)(b) stated he wanted the officers' shield numbers after he was removed from the car. PO Pimentel told § 87(2)(b) that was fine. PO Pimentel did not verbally provide his shield number and did not provide a reason why he did not offer it at the time.

PO Singh **(BR 05)** testified that he did not verbally provide his shield number to § 87(2)(b) or point it out while standing at the rear of the vehicle because he thought § 87(2)(b) was standing close enough to PO Singh to see his shield number.

Patrol Guide Procedure No. 203-09 **(BR 11)** states that upon request, members of service are required to courteously and clearly state their rank, name, shield number and command, or otherwise provide such information.

§ 87(2)(g) PO Pimentel's BWC confirmed that neither PO Pimentel nor PO Singh § 87(2)(g) provided their shield numbers when § 87(2)(b) made this request. § 87(2)(g) it is therefore recommended that **Allegations D** and **E** be ***substantiated.***

Allegation (F) Discourtesy: Police Officer Alejandro Pimentel spoke discourteously to § 87(2)(b)

Allegation (G) Offensive Language: Police Officer Alejandro Pimentel made remarks to § 87(2)(b) **based upon the gender of** § 87(2)(b)

Allegation (H) Discourtesy: Police Officer Alejandro Pimentel spoke discourteously to § 87(2)(b)

(BR 03) testified that during the incident, PO Pimentel asked § 87(2)(b) "Why do you wait to get in the car to start talking shit?"

At 18:35 on the player timestamp, PO Debesse's BWC **(BR 12)** captures PO Pimentel telling § 87(2)(b) "Make sure you put the right plate on your car," after PO Debesse issues § 87(2) his summons. § 87(2)(b) enters the vehicle at 18:36 on the player timestamp and responds, "Fuck [inaudible]." PO Debesse turns and begins walking to the police vehicle with PO Singh at 18:37. At 18:42 on the player timestamp, PO Debesse turns back around to face PO Pimentel, who can be heard saying in an escalated voice, "Now you're talking shit? You're a pussy, bro." These statements are not captured on PO Pimentel's BWC because PO Pimentel deactivated his BWC before the conclusion of the incident (see Allegation I).

PO Pimentel **(BR 06)** acknowledged that he told § 87(2)(b) "Now you're talking shit? You're a pussy, bro." PO Pimentel made these comments to § 87(2)(b) because it was a heated situation.

NYPD Patrol Guide Procedure 200-02 **(BR 14)** states that members of service are to value human life, respect the dignity of each individual and render their services with courtesy and civility. Members of service are expected to maintain a higher standard of integrity than is generally

expected of others. Officers may use profanities "in the context of a dynamic situation over which [he or she is] attempting to gain control," but may not do so when it "[serves] no legitimate purpose but to belittle" a civilian (PD v. Pichardo, DAO DCT Case Number 2015-15012) **(BR 13).**

Administrative Guide Procedure 304-06 **(BR 18)** states that members of service are prohibited from "using discourteous or disrespectful remarks regarding another person's age, ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability."

PO Debesse's BWC showed that police interaction with § 87(2)(b) had concluded at the time that PO Pimentel spoke § 87(2)(g) towards § 87(2)(b) as the officers were walking back to their police vehicle after issuing § 87(2)(b) summons. § 87(2)(g) [redacted] It is therefore recommended that **Allegations F, G,** and **H** be ***substantiated.***

Allegation (I) Abuse of Authority: Police Officer Alejandro Pimentel improperly used his body-worn camera.

Beginning at 18:41 on the player timestamp, PO Pimentel's BWC **(BR 07)** captures PO Pimentel saying, "All that talk inside the car" before the video ends at 18:43. PO Pimentel's BWC thus does not capture the rest of the verbal interaction with § 87(2)(b) including when PO Pimentel told § 87(2)(b) ""Now you're talking shit? You're a pussy, bro."

PO Pimentel **(BR 06)** testified that he deactivated his BWC as he was still verbally engaging with § 87(2)(b) because he was already walking back to the police vehicle, and he thought the interaction was over. PO Pimentel did not know why he did not re-activate his BWC as he continued speaking to § 87(2)(b)

Patrol Guide Procedure 212-123 **(BR 15)** states that uniformed members of service are required to activate BWC prior to engaging in any police action, including "any interactions that escalate to become adversarial or may hold evidentiary value."

§ 87(2)(g) [redacted] It is therefore recommended that **Allegation I** be ***substantiated.***

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- PO Debesse has been a member of service for two years and has been a subject in one CCRB complaint and two allegations, none of which were substantiated. § 87(2)(g) [redacted]
- PO Singh has been a member of service for eight years and has been a subject in seven CCRB complaints and 16 allegations, two of which were substantiated.
  - 201807314 involved substantiated allegations of discourtesy and offensive language against PO Singh. The NYPD recommended and imposed a penalty of instructions. § 87(2)(g) [redacted]
- PO Pimentel has been a member of service for five years and has been a subject in two CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g) [redacted]

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of March 1, 2024, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident **(BR 16).**

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

RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad No.: 14

Investigator:	AM	Inv. Alessandra Mularoni	03/03/2025
	Signature	Print Title & Name	Date
Squad Leader:	Cassandra Fenkel	IM Cassandra Fenkel	03/03/2025
	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date