CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	Team:	CCRB Case #:	☑ Force ☑ Discourt. ☐ U.S.
Francesca Chery	Squad #14	202311445	☑ Abuse ☐ O.L. ☐ Injury

Incident Date(s)	Location of Incident:	18 Mo. SOL	Precinct:
Monday, 12/04/2023 11:50 PM	§ 87(2)(b)	6/4/2025	49

Date/Time CV Reported	CV Reported At:	How CV Reported:	Date/Time Received at CCRB
Wed, 12/06/2023 12:43 PM	CCRB	Phone	Wed, 12/06/2023 12:43 PM

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Jose Santory	05457	941398	049 PCT
2. PO Olivia Dengler	29086	936672	049 PCT
3. PO Terry Davis	22333	947691	049 PCT
4. PO Estarlin Rodriguez	12759	970148	049 PCT
5. PO Steven Allen	00307	948606	049 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Joseph Signore	02945	973166	049 PCT

Officer(s)	Allegation	Inv. Div. Recommendation
A . SGT Jose Santory	Abuse: Sergeant Jose Santory entered § 87(2)(b) in the Bronx.	A . Within NYPD Guidelines
B . SGT Jose Santory	Force: Sergeant Jose Santory used a chokehold against § 87(2)(b)	B . Unable to Determine
C . SGT Jose Santory	Force: Sergeant Jose Santory restricted § 87(2)(b) breathing.	C . Unable to Determine
D . SGT Jose Santory	Discourtesy: Sergeant Jose Santory acted discourteously toward § 87(2)(b)	D . Unfounded
E . PO Olivia Dengler	Abuse: Police Officer Olivia Dengler searched § 87(2)(b) in the Bronx.	E . Miscellaneous - Subject Retired
F . PO Terry Davis	Abuse: Police Officer Terry Davis searched § 87(2)(b) in the Bronx.	F . Within NYPD Guidelines
G . PO Estarlin Rodriguez	Abuse: Police Officer Estarlin Rodriguez searched § 87(2)(b) in the Bronx.	G . Within NYPD Guidelines
H . PO Steven Allen	Abuse: Police Officer Steven Allen searched § 87(2)(b) in the Bronx.	H . Within NYPD Guidelines
I . SGT Jose Santory	Abuse: Sergeant Jose Santory threatened to arrest § 87(2)(b)	I . Substantiated
J . SGT Jose Santory	Abuse: Sergeant Jose Santory forcibly removed § 87(2)(b) to the hospital.	J . Substantiated
K . SGT Jose Santory	Abuse: Sergeant Jose Santory failed to provide § 87(2)(b) with a business card.	K . Substantiated

Case Summary

On December 6th, 2023, § 87(2)(b) filed the following complaint with the CCRB over the phone.

On December 4th, 2023, at approximately 11:30 p.m., § 87(2)(b) had just entered his apartment located at § 87(2)(b) in the Bronx. § 87(2)(b) was home from work for about 10 minutes when he heard incessant banging at his front door and Sergeant Jose Santory and Police Officer Joseph Signore, both of the 49th Precinct, entered his apartment (***Allegation A: Abuse of Authority, Within NYPD Guidelines***). While the officers handcuffed § 87(2)(b) Sgt. Santory allegedly placed his arm across § 87(2)(b) neck and restricted his breathing ***(Allegations B - C: Force, unable to determine)***. After § 87(2)(b) was handcuffed, Sgt. Santory allegedly stood on top of § 87(2)(b) feet (***Allegation D: Discourtesy, unfounded***). Additional officers arrived, including Police Officer Olivia Dengler, Police Officer Terry Davis, Police Officer Estarlin Rodriquez, and Police Officer Steven Allen, all of the 49th Precinct, and the officers searched § 87(2)(b) residence for anyone else requiring assistance (***Allegations E: Abuse of Authority, Miscellaneous Subject Retired; Allegations F-H: Abuse of Authority, Within NYPD Guidelines***). Sgt. Santory eventually informed § 87(2)(b) that he would be arrested for OGA (***Allegation I: Abuse of Authority, Substantiated***). § 87(2)(b) was led downstairs where his mother and EMS were waiting and Sgt. Santory made the decision to instead remove § 87(2)(b) to the hospital (***Allegation J: Abuse of Authority, Substantiated***). Sgt. Santory failed to provide § 87(2)(b) with a business card at the conclusion of the incident (***Allegation K: Abuse of Authority, Substantiated***).

No arrests or summonses resulted from this incident.

The investigation received body-worn camera footage (BWC) from the following officers: Sgt. Santory, PO Signore, PO Dengler, PO Davis, PO Rodriquez, and PO Allen. The relevant aspects of BWC footage will be discussed in further detail below.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Jose Santory entered § 87(2)(b) in the Bronx.

§ 87(2)(b) stated (**BR 01**) that he was standing in the backroom of his apartment when he heard loud banging, which scared him because he assumed it was a burglary. After a few moments, § 87(2)(b) observed the doorknob of his front door being twisted and heard banging and then the faint sound of radio chatter, closely followed by an unknown voice stating, "Police open the door." § 87(2)(b) asked why they were trying to get inside of his apartment. The banging became so aggressive that the lock on § 87(2)(b) apartment door began shaking and after a few moments, the front door opened and Sgt. Santory and PO Signore entered § 87(2)(b) apartment. Sgt. Santory ordered § 87(2)(b) to step forward several times, but he refused to do so. § 87(2)(b) told the officers that no one else was present as he lived alone and § 87(2)(b) then retreated to the back room and locked himself inside.

The Event Information for job § 87(2)(b) (**BR 02**) provided the following information: § 87(2)(b) caller contacted 911 § 87(2)(b)

Sgt. Santory's BWC (**BR 03**) shows that the officers arrived at 11:50 p.m., approximately 15 minutes after the initial 911 call. At 3:20, § 87(2)(b) '§ 87(2)(b) carpet is visible outside of the front door to his apartment. At 03:37, PO Signore bangs on the door, waits a few moments in which there is no response then bangs on the door three more times. At 04:15 Sgt. Santory tells PO Signore that he will try and call back. A 05:02 PO Signore knocks on the door again and still there is no response. At 05:21, Sgt. Santory walks away from the apartment door, down the hall, and is heard talking on the phone while saying, "Come to the door, it's the police." At 05:40, PO Signore leans over and twists the doorknob, then bangs on the door again. At 05:57

Sgt. Santory steps forward, twists the peep hole all the way around, knocks on the door, then announces police once more before Sgt. Santory bangs on the door again. At 06:19, Sgt. Santory twists the doorknob and the door immediately opens (<<03:37-06:19>>). By the 7:00 minute mark, Sgt. Santory has entered the location and informs § 87(2)(b) that he is there because there is an emergency inside. § 87(2)(b) orders Sgt. Santory to leave before retreating into the back room and closing the door behind him.

PO Signore's BWC is consistent with Sgt. Santory's BWC for this portion of the incident (**BR 04**). The remaining officers' BWCs do not capture this portion of the incident because they had not yet arrived on scene.

As Sgt. Santory was the supervisor present at the location, he was pled as the subject of the entry of premises allegation.

Sgt. Santory stated (**BR 09**) that he and his partner arrived at the location due to a reported assault in progress. The details regarding the assault were that someone was injured and locked inside of the apartment's bathroom. Upon announcing their presence at the door, there was no response. Sgt. Santory dialed the 911 caller to obtain more details and all Sgt. Santory heard was § [redacted] whispering before the 911 caller hung up. At this point, the officers began to bang loudly on the front door and Sgt. Santory believed he needed to enter the apartment because he believed that someone was in imminent danger inside. Sgt. Santory turned the doorknob, and it instantly opened, at which point, Sgt. Santory announced his presence and was met by § 87(2)(b) who stood inside and yelled for the officers to leave. Sgt. Santory gave § 87(2)(b) multiple orders to step outside, all of which he refused. At this point during the incident, Sgt. Santory had no idea what was going on in the apartment and his priority was to save someone's life. As Sgt. Santory continued to tell § 87(2)(b) to come outside and talk to the officers, § 87(2)(b) began to back up into a hallway and then went into a room and locked the door behind him.

In People v. Doll, 21 N.Y.3d 665 (**BR 12**), the court affirmed that "officers may perform a warrantless entry if they have reasonable grounds to believe that there is an emergency at hand, that there is an immediate need for their assistance for the protection of life or property, and this belief must be grounded in empirical facts." Further, "there must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched."

It is undisputed that Sgt. Santory entered § 87(2)(b) apartment. Sgt. § 87(2)(g) [redacted] it therefore recommended that ***Allegation A*** be closed as ***Within NYPD Guidelines***.

Allegation (B) Force: Sergeant Jose Santory used a chokehold against § 87(2)(b)
Allegation (C) Force: Sergeant Jose Santory restricted § 87(2)(b) **breathing.**
Allegation (D) Discourtesy: Sergeant Jose Santory acted discourteously toward § 87(2)(b) [redacted]

[redacted] stated (**BR 01**) that once officers reached him in his back room, PO Signore handcuffed § 87(2)(b) left arm and then Sgt. Santory began to bend § 87(2)(b) right wrist in an attempt to handcuff his other wrist. Sgt. Santory kept telling § 87(2)(b) to put his hand behind his back and § 87(2)(b) began resisting by straining his arm and keeping it stiff so that Sgt. Santory could not move it. § 87(2)(b) began shouting that he could not bend his wrist because he had an injury. Sgt. Santory then put his body over § 87(2)(b) so that they were nearly chest to chest, and reached behind § 87(2)(b) to get behind his arm. In the process, Sgt. Santory had his arm resting across § 87(2)(b) neck, which choked him. § 87(2)(b) yelled that Sgt. Santory was choking him and Sgt. Santory then pressed his arm even further into § 87(2)(b) neck, which

restricted his breathing for approximately 20 seconds. After a few more moments, § 87(2)(b) wrists were finally handcuffed.

Sgt. Santory's BWC (**BR 03**) shows that at 11:41, Sgt. Santory grabs § 87(2)(b) right wrist, and § 87(2)(b) holds his wrist out in front of him. Sgt. Santory continues to hold onto § 87(2)(b) right wrist, another officer or officers can be seen on § 87(2)(b) other side grabbing his left arm. Officers' voices are heard telling § 87(2)(b) not to resist. At 11:58, § 87(2)(b) states he has a broken wrist and tells Sgt. Santory to get off. At 12:06, Sgt. Santory is seen using both hands to press § 87(2)(b) arm down into the couch, seemingly trying to get his wrist behind his back. At 12:10 an officer's voice is heard saying, "Don't knee me. Don't kick me." Sgt. Santory's arm is not captured across § 87(2)(b) neck as alleged at any point around this time but at 12:15, the camera goes black due to the proximity of Sgt. Santory to § 87(2)(b) At 12:40, § 87(2)(b) is heard stating, "You choking me, you choking me," but due to camera's close proximity, it is unclear exactly what is happening at this point in time. Moments later, § 87(2)(b) is captured handcuffed. At 13:22 § 87(2)(b) kicks his feet up, and Sgt. Santory states, "You're going to kick me?" § 87(2)(b) replies, "You just stepped on my toes, I've got no fucking shoes on and you're stepping on my feet."

PO Davis's BWC (**BR 05**) depicts that at 03:16 Sgt. Santory shifts his position and gets on top of the couch in a bent position, hovering over § 87(2)(b) left leg in a straddling position. At 03:22 PO Davis begins to step closer and Sgt. Santory's body shifts and is once more obstructing the view of his distinct movements in the process of handcuffing § 87(2)(b) continues to yell that he has a broken wrist and at 03:36, PO Davis grabs a hold of § 87(2)(b) right outstretched leg and due to how his body is turned away, § 87(2)(b) is not in frame for a few moments. At 03:58 § 87(2)(b) is back in frame and Sgt. Santory is captured bent over § 87(2)(b) with his arm reached behind § 87(2)(b) The BWC footage does not depict Sgt. Santory stepping on § 87(2)(b) feet at any point, nor does it clearly depict Sgt. Santory placing his arm across § 87(2)(b) neck as alleged.

Sgt. Santory stated (**BR 09**) that § 87(2)(b) was guided to take a seat on a futon and Sgt. Santory recalled standing to the left of him with another officer to the right of § 87(2)(b) Sgt. Santory had to ensure that § 87(2)(b) would not hurt anyone, so Sgt. Santory made the decision to handcuff § 87(2)(b) while the officers continued to investigate the situation. § 87(2)(b) immediately resisted by twisting his body away, tensing his body, and refusing to give his arms. § 87(2)(b) resistance paired with the fact that Sgt. Santory was standing caused some logistical issues because the futon was in the way and prevented Sgt. Santory from having better leverage. Therefore, when Sgt. Santory went to grab § 87(2)(b) arm to handcuff him, Sgt. Santory fell awkwardly, and his hand got caught in § 87(2)(b) chain necklace that was dangling down. Sgt. Santory did not intentionally or unintentionally restrict § 87(2)(b) breathing.

PO Signore stated (**BR 04**) that he did not observe any officer place their hand across § 87(2)(b) neck.

NYPD Patrol Guide Procedure 221-01 (**BR 11**) specifies that a chokehold includes, but is not limited to, any pressure on the throat or windpipe, which may prevent or hinder breathing or reduce intake of the air. Chokeholds are strictly prohibited by the Patrol Guide.

§ 87(2)(g) While BWC footage from this aspect of the incident did not depict Sgt. Santory doing this, there were several seconds where the footage did not provide a definitive account of what was going on at this time due to the camera angles. § 87(2)(g) It is therefore recommended that ***Allegations B-C*** be closed as ***unable to determine.***

§ 87(2)(g) The

BWC footage also did not depict Sgt. Santory standing on top of § 87(2)(b) feet at any point. § 87(2) it is therefore recommended that ***Allegation D*** be closed as ***unfounded.***

Allegation (E) Abuse of Authority: Police Officer Olivia Dengler searched § 87(2)(b) in the Bronx.
Allegation (F) Abuse of Authority: Police Officer Terry Davis searched § 87(2)(b) in the Bronx.
Allegation (G) Abuse of Authority: Police Officer Estarlin Rodriguez searched § 87(2)(b) in the Bronx.
Allegation (H) Abuse of Authority: Police Officer Steven Allen searched § 87(2)(b) in the Bronx.

PO Dengler, PO Davis, PO Rodriquez, and PO Allen were present on scene to assist and all are captured (***BR 05-BR 08***) searching through various parts of § 87(2)(b) house for the 911 caller.

PO Davis's BWC (***BR 05***) at the 9:30 time stamp depicts him leaving the back room where § 87(2)(b) is detained and walking through the hallway and searching through § 87(2)(b) kitchen, bathroom, bedroom, and dining area. Then PO Davis walks back into the hallway leading to the door where § 87(2)(b) is being led out of the apartment. PO Dengler, PO Rodriquez, and PO Allen's BWC are all consistent with PO Davis's BWC for this portion of the incident.

In People v. Doll, 21 N.Y.3d 665 (**BR 12**), the court affirmed that "officers may perform a warrantless entry if they have reasonable grounds to believe that there is an emergency at hand, that there is an immediate need for their assistance for the protection of life or property, and this belief must be grounded in empirical facts." Further, "there must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched."

According to CTS, PO Dengler is no longer a member of service. Confirmation of PO Dengler's retirement will be added to the case file upon receipt.

It is undisputed that PO Dengler, PO Davis, PO Rodriquez, and PO Allen searched § 87(2) apartment. § 87(2)(g) It is therefore recommended ***Allegation F-H*** be closed as ***Within NYPD Guidelines***.

§ 87(2)(g) it is therefore recommended that **Allegation E** be closed as ***Miscellaneous-Subject Retired***.

Allegation (I) Abuse of Authority: Sergeant Jose Santory threatened to arrest § 87(2)(b)
Allegation (J) Abuse of Authority: Sergeant Jose Santory forcibly removed § 87(2)(b) to the hospital.

It is undisputed that Sgt. Santory threatened to arrest § 87(2)(b) and decided to remove § 87(2)(b) to the hospital.

In Sgt. Santory's BWC (**BR 09**) at 18:00, after officers have determined that no one else is present, Sgt. Santory says to a handcuffed § 87(2)(b) "You're going to end up going to jail." Moments later, Sgt. Santory reads out details from the event regarding § 87(2)(b) caller to explain why the officers had the right to enter his apartment. And at 18:40, Sgt. Santory says to § 87(2) "You're going to jail for OGA" and then tells another officer nearby, "Disregard the bus" (<<17:30-18:45>>).

Sgt. Santory's BWC (**BR 03**) further depicts § 87(2)(b) still handcuffed, standing outside his building with an awaiting EMT nearby at the 31:45 timestamp. Sgt. Santory begins to converse

with § 87(2)(b) mother. At 32:10, Sgt. Santory asks, "does he have any mental?…" and § 87(2) mother replies no but that he suffers from PTSD. At 32:15 "let's EDP him, we've got a bus in route," and a voice confirms one is on the way. Sgt. Santory continues to speak to § 87(2) mom and states that he is going to get checked out for his PTSD because he was not cooperative, and he was kicking the officers (<<31:45-33:00>>).

Sgt. Santory stated (**BR 09**) that initially § 87(2)(b) was under arrest for OGA because he did not cooperate with opening the door and allowing the officers to investigate; however, after speaking with § 87(2)(b) mother, he changed his mind because she said that § 87(2)(b) was suffering from PTSD. This knowledge, plus the fact that § 87(2)(b) was combative, uncooperative, and even kicked the officers during his arrest, led Sgt. Santory to believe that § 87(2)(b) needed to be evaluated. Sgt. Sanatory further stated that § 87(2)(b) behavior was unreasonable given the circumstances. Sgt. Sanatory thought § 87(2)(b) might have been on some sort of substance because § 87(2)(b) mother could not calm him down, § 87(2)(b) was noncompliant, and § 87(2) continued to verbally repeat himself when speaking with officers. Sgt. Sanatory did not articulate what type of intoxicant that he believed § 87(2)(b) had ingested nor did he provide any physical indications of intoxication that he observed from § 87(2)(b) Sgt. Santory believed § 87(2) was potentially a danger to himself or others.

PO Signore stated (**BR 10**) that Sgt. Santory made the decision to remove § 87(2)(b) to the hospital and he followed along with it. PO Signore did not believe § 87(2)(b) was a danger to himself or others but ultimately believed § 87(2)(b) should be arrested because his behavior was alarming.

New York Penal Law § 195.05 states that a person is guilty of obstructing government administration by preventing a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act, or by means of interfering, whether or not physical force is involved, with radio, telephone, television or other telecommunications systems owned or operated by the state, or a county, city, town, village, fire district or emergency medical service or by means of releasing a dangerous animal under circumstances evincing the actor's intent that the animal obstruct governmental administration (**BR 13**).

In *Payton v. New York, 445 U.S. 573* (**BR 19**), the Court found that civilians have the right to remain in their homes to avoid a warrantless arrest absent exceptional circumstances such as hot pursuit, exigency, and emergencies. It further adds, "The right of a man to retreat into his own home and there be free from unreasonable government intrusion is at the very core of the *Fourth Amendment*."

According to NYPD Patrol Guide 221-13 (**BR 14**), an emotionally disturbed person is any person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others.

It was undisputed that officers entered the location to investigate a possible assault and determined that there was no one other than § 87(2)(b) present. It is further undisputed that Sgt. Santory threatened to arrest § 87(2)(b) for OGA for non-compliance and locking the bathroom door, § 87(2)(g) It is therefore recommended that ***Allegation I*** be closed as ***Substantiated***.

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§ 87(2)(g) It is therefore recommended that ***Allegation J*** be closed ***substantiated***.

Allegation (K) Abuse of Authority: Sergeant Jose Santory failed to provide § 87(2)(b) with a business card.

It is undisputed that § 87(2)(b) (**BR 01**) did not receive any business card despite the search of his apartment and § 87(2)(b) was not arrested or summonsed during this incident.

Sgt. Santory, the supervisor on scene, was pled as the subject of this allegation. Sgt. Santory stated (**BR 09**) that he did not provide § 87(2)(b) with a business card because he did not have a good rapport with § 87(2)(b) at the end of the incident. § 87(2)(b) was upset and irate towards Sgt. Santory; thus Sgt. Santory did not have an appropriate opportunity to give § 87(2)(b) a business card.

Administrative Code 14-174 (**BR 15**) and NYPD Patrol Guide Procedure 203-09 (**BR 20**) state that members of service are required to offer a business card to individuals at the conclusion of a search of premises that does not result in an arrest or summons. The code establishes an exception for rule in cases of emergency circumstances, dangerous situations to officers, and specific exigent circumstances like flight, resistance, or imminent danger.

It is undisputed that § 87(2)(b) did not receive a business card from Sgt. Santory, who was obligated to provide one after the search of § 87(2)(b) residence. § 87(2)(g) It is therefore recommended that ***Allegation K*** be closed as ***substantiated***.

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 16**).
- PO Davis has been a member of service for 16 years and has been a subject in four CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)
- PO Rodriquez has been a member of service for four years and has been a subject in two CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Santory has been a member of service for 18 years and has been a subject in 17 CCRB complaints and 64 allegations, of which four were substantiated:
  - 201116462 involved substantiated allegations of offensive language gender against Sgt. Santory. The Board recommended Command Discipline A and the NYPD imposed no penalty.
  - 201902829 involved a substantiated allegation of threat of force against Sgt. Santory. The Board recommended instructions and the NYPD imposed no penalty.
  - 202208334 involved substantiated allegations of question and two vehicle search allegations against Sgt. Santory. The board recommended Command Discipline B and the NYPD imposed no penalty.
  - 201504669 involved a substantiated allegation of frisk against Sgt. Santory. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A. § 87(2)(g)

- 201806609 involved a substantiated allegation of question against Sgt. Santory. The Board recommended Command Discipline B and the NYPD imposed Command Discipline A.

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Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of October 23rd, 2025, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (**BR 18**).
- [§ 87(2)(b)] [§ 86(1)

RPBP History

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

Squad No.: 14

Investigator:	Francesca Chery	Inv. Francesca Chery	03/03/2025
	Signature	Print Title & Name	Date
Squad Leader:	Cassandra Fenkel	IM Cassandra Fenkel	03/04/2025
	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date