CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	Team:	CCRB Case #:	☐ Force ☑ Discourt. ☐ U.S.
Jeffrey Tsui	Squad #04	202411348	☑ Abuse ☐ O.L. ☐ Injury

Incident Date(s)	Location of Incident:	18 Mo. SOL	Precinct:
Wednesday, 11/13/2024 6:00 AM	§ 87(2)(b)	5/13/2026	33

Date/Time CV Reported	CV Reported At:	How CV Reported:	Date/Time Received at CCRB
Fri, 11/15/2024 2:11 PM	CCRB	Phone	Fri, 11/15/2024 2:11 PM

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Gerard Garced	29976	965122	NARCBMN
2. DT3 Jose Genao	01713	948031	VGANG TF
3. DT3 Richard Mcknight	04984	955170	NARCBMN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Nicholas Kane	01518	948057	034 DET
2. DT3 Michael Arini	03240	963379	NARCBMN
3. SGT Fidel Santiago	00379	951205	NARCBMN
4. DT3 John Avellino	02306	958273	NARCBMN
5. DT3 Yeraldy Bonifacio	03667	952482	NARCBMN
6. DT3 Giuseppe Cannova	06612	956486	NARCBMN
7. DT3 Matthew Ornstein	05513	965383	NARCBMN
8. DT2 Shannon Myers	01396	949383	NARCBMN
9. SGT Bryan Carney	05500	945555	NARCBMN
10. DT3 James Doheny	05312	950336	NARCBMN
11. CPT Patricio Ovando	00000	922922	047 PCT
12. DT3 Lauren Mcgowan	06805	963155	NARCBMN
13. DT3 Jeremy Ramos	00285	943716	NARCBMN

Officer(s)	Allegation	Inv. Div. Recommendation
A . PO Gerard Garced	Abuse: Police Officer Gerard Garced entered § 87(2)(b) , in Manhattan.	A . Within NYPD Guidelines
B . PO Gerard Garced	Abuse: Police Officer Gerard Garced searched § 87(2)(b) in Manhattan.	B . Within NYPD Guidelines
C . PO Gerard Garced	Abuse: Police Officer Gerard Garced seized § 87(2)(b) s property.	C . Within NYPD Guidelines
D . PO Gerard Garced	Abuse: Police Officer Gerard Garced seized § 87(2)(b) s property.	D . Within NYPD Guidelines
E . PO Gerard Garced	Abuse: Police Officer Gerard Garced seized § 87(2)(b) s property.	E . Within NYPD Guidelines

Officer(s)	Allegation	Inv. Div. Recommendation
F . PO Gerard Garced	Abuse: Police Officer Gerard Garced seized § 87(2)(b) s property.	F . Within NYPD Guidelines
G . DT3 Jose Genao	Discourtesy: Detective Jose Genao acted discourteously toward § 87(2)(b)	G . Unfounded
H . DT3 Richard Mcknight	Discourtesy: Detective Richard McKnight acted discourteously toward § 87(2)(b)	H . Unfounded

Case Summary

On November 15, 2024, § 87(2)(b) filed this complaint with the CCRB over the phone on behalf of herself; her adult children, § 87(2)(b) and § 87(2)(b) and § 87(2)(b) s girlfriend, § 87(2)(b)

On November 13, 2024, at approximately 6:00 AM, Police Officer Gerard Garced, Detective Richard McKnight, and additional officers from Manhattan North Narcotics along with Detective Jose Genao from the Violent Gang Task Force executed a search warrant at § 87(2)(b) s apartment located § 87(2)(b), in Manhattan. The officers entered and searched the apartment **(Allegations A-B: Abuse of Authority, within NYPD guidelines)**. The officers seized the cellphones belonging to § 87(2)(b) and § 87(2)(b) **(Allegations C-F: Abuse of Authority, within NYPD guidelines)**. Detective Genao and Detective McKnight allegedly threw § 87(2)(b) s identification card, PlayStation controller, and books out the second-floor window **(Allegations G-H: Abuse of Authority, unfounded)**.

According to Arrest Report # § 87(2)(b) **(BR1)**, § 87(2)(b) was arrested for § 87(2)(b).

The investigation received 20 BWC videos of this incident **(BR2)**.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Gerard Garced entered § 87(2)(b), in Manhattan.
Allegation (B) Abuse of Authority: Police Officer Gerard Garced searched § 87(2)(b), in Manhattan.
Allegation (C) Abuse of Authority: Police Officer Gerard Garced seized § 87(2)(b) s property.
Allegation (D) Abuse of Authority Police Officer Gerard Garced seized § 87(2)(b) s property.
Allegation (E) Abuse of Authority: Police Officer Gerard Garced seized § 87(2)(b) s property.
Allegation (F) Abuse of Authority: Police Officer Gerard Garced seized § 87(2)(b) s property.

§ 87(2)(g)

§ 87(2)(b) stated **(BR3)** that on the incident date, at approximately 8:55 AM, § 87(2)(b) returned to her apartment and discovered that her metal entrance door could not be closed. § 87(2)(b) walked inside and § 87(2)(b) and § 87(2)(b) were present. § 87(2)(b) told § 87(2)(b) that at approximately 6:00 AM on the same day, 15 officers responded to the location and executed a "knockdown warrant." The officers kicked down the front door and entered and searched the apartment. The officers seized all of their cellphones and exited with § 87(2)(b)

Police documentation **(BR4)** confirmed that a valid no-knock search warrant was issued by Justice § 87(2)(b) on § 87(2)(b). The warrant authorized an entry and search of § 87(2) in Manhattan, for any and all computers, cellphones, and electronic storage devices.

Criminal Procedural Law Section 690.50 **(BR5)** expressly authorizes entry without notice, and grants that an officer may forcibly enter such premises and seize any property pursuant to the search warrant.

§ 87(2)(g) As such, it is therefore recommended that **Allegations A** through **F** be closed as ***within NYPD guidelines***.

Allegation (G) Discourtesy: Detective Jose Genao acted discourteously toward § 87(2)(b)
Allegation (H) Discourtesy: Detective Richard McKnight acted discourteously toward § 87(2)(b)

§ 87(2)(b) stated **(BR3)** that she entered § 87(2)(b) s bedroom, opened the window, and observed § 87(2)(b) 's identification card, PlayStation controller, and books on the ground outside, as if someone had thrown them out from the second floor window.

According to Det. McKnight's BWC video **(BR6)**, at timestamp 2:02, Det. McKnight enters § 87(2)(b) s bedroom with Det. Genao. At timestamp 2:27, an officer tells Det. McKnight that § 87(2)(b) attempted to flee the scene by jumping out the window but returned and surrendered himself to officers. At timestamp 2:50, Det. McKnight confirms with Det. Genao that they are to seize every phone found in the apartment. Det. McKnight documents a cellphone found on the bed. At timestamp 4:40, Det. McKnight and Det. Genao flip the mattress and lean it against the wall. Det. McKnight and Det. Genao search the area under the bed. Det. McKnight shines his flashlight at the sneakers under the bed. At timestamp 5:30, Det. McKnight searches a jacket hanging on the wall. Det. Genao tells Det. McKnight, "Alright. I'll do the closets. I'll do that one closet…Do that corner. Throw everything in the middle." Det. looks around the area in the far left corner of the bedroom. At timestamp 7:48, Det. McKnight looks inside a tote bag that was hung on the wall. At timestamp 10:46, § 87(2)(b) enters § 87(2)(b) s bedroom with officers to look for additional clothing to point. At timestamp 24:08, officers leave § 87(2)(b) after dressing § 87(2)(b) in additional clothing.

According to Det. Genao's BWC video **(BR7)**, at timestamp 4:58, which captures video immediately after Det. Genao and Det. McKnight lean the mattress against the wall, Det. Genao and Det. McKnight look at the sneakers under the bed. At timestamp 5:25, Det. Genao tells Det. McKnight, "Alright. I'll do the closets. I'll do that one closet…Do that corner. Throw everything in the middle" At timestamp 5:44, Det. Genao shines his flashlight into the bed room closet on the right to the door way. At timestamp 5:52, Det. Genao takes out two pairs of sweat pants from a rack, pats them, and then throws them in the middle of the bedroom. At timestamp 5:56, Det. Genao take down clothing hung on the bedroom door and throws it on bedroom floor. At timestamp 6:20, Det. Genao returns to the closet, and removed clothing from the rack inside. Det. Genao squeeze each piece of clothing and throws it on the bedroom floor. At timestamp 6:45 Det. Genao returns to the closet, removes the remaining clothing, and throws it on the floor.

While the BWC video obtained captured Det. Genao and Det. McKnight conducting a thorough search of § 87(2)(b) s bedroom, the video does not capture the officers throwing any items in the room out the window. As such, it is recommended that **Allegations G** and **H** be closed as ***unfounded***.

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party **(BR8)**.
- This is the first CCRB complaint to which § 87(2)(b) has been a party **(BR9)**.
- This is the first CCRB complaint to which § 87(2)(b) has been a party **(BR10)**.
- This is the first CCRB complaint to which § 87(2)(b) has been a party **(BR11)**.
- This is the first CCRB complaint to which § 87(2)(b) has been a party **(BR12)**.
- PO Garced has been a member of service for seven years and has been a subject in one other CCRB complaints and three other allegations, of which one was substantiated.:
  - 202008242 involved substantiated allegations of entry of premises against PO Garced. The Board recommended Command Discipline A and the NYPD imposed no disciplinary action. § 87(2)(g)
- Det. McKnight has been a member of service for eleven years and has been a subject in eight other CCRB complaints and twenty-nine other allegations, of which eight were substantiated.:
  - 201506961 involved substantiated allegations of vehicle search against Det. McKnight. The Board recommended formalized training, and the NYPD imposed formalized training.
  - 202005973 involved substantiated allegations of stop, frisk and failure to provide RTKA card against Det. McKnight. The Board recommended Command Disciple B, and the NYPD imposed no disciplinary action.
  - 202206453 involved substantiated allegations of stop, refusal to provide name, refusal to provide shield number and failure to provide RTKA card against Det. McKnight. The Board recommended Command Disciple B, and the NYPD imposed Command Disciple B. § 87(2)(g)
- Det. Genao has been a member of service for sixteen years and has been a subject in five other CCRB complaints and fourteen other allegations, of which three were substantiated.:
  - 201607268 involved substantiated allegations of stop, and frisk against Det. Genao. The Board recommended Command Disciple A, and the NYPD imposed Command Disciple A.
  - 201803363 involved substantiated allegations of frisk against Det. Genao. The Board recommended Command Disciple A, and the NYPD imposed Command Disciple A. § 87(2) § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of February 27, 2025, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident **(BR13)**.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(g)

- § 87(2)(g) [redacted]

Squad No.: 04

Investigator:	Jeffrey Tsui	INV Jeffrey Tsui	03/05/2025
	Signature	Print Title & Name	Date
Squad Leader:	Raquel Velasquez	IM Raquel Velasquez	03/05/2025
	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date