

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nicole Stern	Team: Squad #05	CCRB Case #: 202500541	☒ Force	☐ Discourt.	☐ U.S.
			☒ Abuse	☐ O.L.	☐ Injury
Incident Date(s) Wednesday, 01/15/2025 6:42 PM	Location of Incident: 2033 1st Avenue (Stop 1 Gourmet Deli)	18 Mo. SOL 7/15/2026	Precinct: 23		
Date/Time CV Reported Wed, 01/15/2025 12:00 AM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Wed, 01/15/2025 10:23 PM		

Complainant/Victim	Type	Home Address
██████████	██████████	██
██████████	██████████	██

Witness(es)	Home Address
██████████	██

Subject Officer(s)	Shield	TaxID	Command
1. PO Dennis Maroldo	24794	969194	023 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Matthew Crudele	13243	968351	023 PCT
2. PO Joseph Medina	14432	967602	023 PCT

Officer(s)	Allegation	Inv. Div. Recommendation
A . PO Dennis Maroldo	Force: Police Officer Dennis Maroldo used physical force against § 87(2)(b) ██████████	A . Substantiated
B . PO Dennis Maroldo	Abuse: Police Officer Dennis Maroldo threatened § 87(2)(b) ██████████ with the use of force.	B . Substantiated
C . PO Dennis Maroldo	Abuse: Police Officer Dennis Maroldo interfered with § 87(2)(b) ██████████ use of a recording device.	C . Substantiated
D . PO Dennis Maroldo	Abuse: Police Officer Dennis Maroldo failed to activate his body-worn camera.	D . Substantiated

Case Summary

On January 15, 2025, § 87(2)(b) filed this complaint in person at the PSA 3 stationhouse on behalf of her 14-year-old son, § 87(2)(b) generating original log number § 87(2)(b). The CCRB received the complaint on January 15, 2025. § 87(2)(b) did not witness the incident.

On January 15, 2025, at approximately 6:42 p.m., § 87(2)(b) was standing inside a deli located at 2033 First Avenue in Manhattan when PO Dennis Maroldo, PO Matthew Crudele, and PO Joseph Medina of the 23rd Precinct entered. § 87(2)(b) began filming the officers, and PO Maroldo pushed him (**Allegation A: Force, substantiated**). PO Maroldo threatened § 87(2)(b) with the use of force (**Allegation B: Abuse of Authority, substantiated**). PO Maroldo interfered with § 87(2)(b) use of a recording device (**Allegation C: Abuse of Authority, substantiated**). PO Maroldo failed to activate his body-worn camera (**Allegation D: Abuse of authority, substantiated**). This incident did not result in an arrest or summons.

The investigation obtained cell phone video recorded by § 87(2)(b) during the incident (BR01, summarized at BR02). As noted above, PO Maroldo failed to activate his BWC during the incident. The Field Team visited the deli nine days after the incident, but they learned that the store's CCTV system only stored video for eight days.

Findings and Recommendations

Allegation (A) Force: Police Officer Dennis Maroldo used physical force against § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Dennis Maroldo threatened § 87(2)(b) with the use of force.

Allegation (C) Abuse of Authority: Police Officer Dennis Maroldo interfered with § 87(2)(b) use of a recording device.

Allegation (D) Abuse of Authority: Police Officer Dennis Maroldo failed to activate his body-worn camera.

It is undisputed that § 87(2)(b) was approximately 5'5" tall and weighed 150 pounds at the time of the incident, and that PO Maroldo was 5'10" tall and weighed 245 pounds.

§ 87(2)(b) stated (BR03) that he went into the deli alone and sat on the ice cooler next to the door while waiting for a friend. Two teenagers that he recognized from his apartment complex ran into the deli as if they were being chased and told him to start filming. Approximately ten seconds later, PO Maroldo, PO Crudele, and PO Medina entered the deli. PO Crudele and PO Medina walked past § 87(2)(b) without any issue, but PO Maroldo walked directly toward him. PO Maroldo had plenty of space to walk into the deli without bumping into § 87(2)(b) and § 87(2)(b) did not extend his arm or hold his phone out so it was near PO Maroldo. Without warning, PO Maroldo pushed § 87(2)(b). PO Maroldo told § 87(2)(b) that he should not put a camera in an officer's face. PO Maroldo walked away, but § 87(2)(b) cursed at him, and PO Maroldo pushed him again. PO Maroldo aggressively said either, "You didn't learn the first time?", "You gonna learn," or "You didn't learn the first time, you're gonna learn the second time." PO Maroldo pushed § 87(2)(b) again as he was leaving the deli, with an open palm on § 87(2)(b) chest. PO Maroldo's hand may have made contact with § 87(2)(b) phone during this push. The force of the push was strong enough to jerk § 87(2)(b) neck back, knock his phone into his chin, and push him into the shelf behind him. All three officers then left the store.

The cellphone footage (BR01, from 00:00) is filmed with a wide-angle lens effect, such that the image is somewhat distorted and things in the center of the image appear larger and closer to the

camera. The footage shows PO Maroldo approaching § 87(2)(b) pushing him with enough force to jostle the camera, and saying, “Get out of my face bro.” As he walks away from § 87(2)(b) he says, “You can film all you want, but don’t put it in my face.” § 87(2)(b) asks PO Crudele and PO Medina why they are touching him, and they respond that they did not touch him. There is enough space in the deli entrance for both PO Crudele and PO Medina to stand without making physical contact with § 87(2)(b) pans the camera to PO Maroldo and says, “No, he did.” PO Maroldo responds, “I did, you’re right.” § 87(2)(b) tells PO Maroldo not to touch him, and PO Maroldo approaches § 87(2)(b) again. PO Maroldo says, “Put it in my face again, see what happens to you bro.” PO Maroldo pushes § 87(2)(b) again, this time with enough force to make him turn around, while saying, “See what happens to you bro.” PO Maroldo starts to walk away and reaches the deli’s open door, before turning back to § 87(2)(b) and saying, “Go ahead, do it again. Do it again. Let’s keep doing it. You don’t wanna learn. [Indecipherable] put it in my face.” § 87(2)(b) curses at PO Maroldo, and PO Maroldo takes a step toward § 87(2)(b) responds by taking a step toward PO Maroldo. PO Maroldo says, “Go ahead,” and appears to slap the phone. PO Maroldo says, “Put it in my face again bro. You’re not really learning, right?” and then walks out of the deli. It is clear from the video that § 87(2)(b) does not have his phone’s camera flash activated, as the phone gets close to PO Maroldo on multiple occasions and no bright light can be seen reflecting on him. Additionally, at 00:55, § 87(2)(b) follows the officers outside to obtain PO Maroldo’s name. It is dark outside, and the area is not illuminated by any bright light emanating from § 87(2)(b) phone. § 87(2)(b) obtains PO Maroldo’s shield number, and PO Maroldo tells him, “Now you know you don’t put a phone in a cop’s face.”

In his CCRB interview (BR04), PO Maroldo stated that he and his partners went to the deli to get food, and that they were not taking law enforcement action or following anyone into the store at the time. When he entered the deli, PO Maroldo saw § 87(2)(b) standing near the doorway with his cellphone out, presumably filming. PO Maroldo believed § 87(2)(b) was filming because the flash next to the camera was on. The light was shining in PO Maroldo’s face, which created a safety issue because it distorted his vision. PO Maroldo could not recall how close § 87(2)(b) or the phone were to his own face. He could not recall how § 87(2)(b) was positioned, if he was holding the phone with an outstretched arm or was swinging the phone around, or if § 87(2)(b) moved toward him at any point. PO Maroldo could not recall how much space there was in the deli’s entryway, or if he could have moved past § 87(2)(b) without interacting with him. PO Maroldo told § 87(2)(b) that he was allowed to record, but he had to move the phone away from his face because the light was a safety issue. PO Maroldo stated that he told § 87(2)(b) “Get the light out of my face.” Upon reviewing the cellphone video, PO Maroldo acknowledged that he did not use the word “light.” He explained instead that whenever he used the word “it” in the footage (e.g. “Don’t put it in my face” or “Put it in my face again, see what happens to you bro”), he was referring specifically to the light on the phone.

§ 87(2)(b) refused to move his phone, so PO Maroldo pushed it away from his face. He did not push the phone away to prevent § 87(2)(b) from filming, just to get the light out of his face. PO Maroldo also told § 87(2)(b) to move back, but he could not recall when he said this, or if there was space in the store for § 87(2)(b) to move back. § 87(2)(b) continued putting his phone in PO Maroldo’s face, and PO Maroldo instructed him again to move the phone. PO Maroldo did not have an independent recollection of saying, “Put it in my face, see what happens to you, bro,” but he acknowledged that the cellphone footage showed him doing so. He did not recall what he meant by that remark. He did not recall touching § 87(2)(b) or his phone again after pushing the phone away once.

PO Maroldo reviewed the portion of the cellphone video where he pushes § 87(2)(b) a second and third time (00:20-00:28 and 00:28-00:36). He stated that he saw himself make physical contact

with § 87(2)(b) or his phone in those portions of the video, but the video did not refresh his recollection of any physical actions he took after pushing § 87(2)(b) phone the first time. He could not recall how much force he used in these two instances or what his hand made contact with. PO Maroldo did not activate his BWC, make a memo book entry, or document this incident because he did not take any police action. When asked if pushing § 87(2)(b) phone constituted police action, PO Maroldo responded that he was merely pushing the phone to preserve his safety.

§ 87(2)(g)

§ 87(2)(b) The video footage does not support his assertion that § 87(2)(b) shined a bright light in his eyes, which was the sole factor that PO Maroldo claimed led him to push § 87(2)(b). In addition, the footage does not support his claim that he instructed § 87(2)(b) to move the phone and then only pushed him when he refused to comply. In fact, he pushed § 87(2)(b) almost immediately. Similarly, the footage shows that he pushed § 87(2)(b) two successive times, that § 87(2)(b) did not continue to put the phone near his face, and that he nearly exited the store before coming back toward § 87(2)(b) to push him a final time. Finally, although the language PO Maroldo used was ambiguous, the investigation found that § 87(2)(b) would have reasonably interpreted PO Maroldo's remarks as threats of force, especially as PO Maroldo continued to use force against him.

Per **NYPD Patrol Guide Procedure 221-01** (BR05), force may be used when it is reasonable to ensure the safety of the officer or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or prevent escape from custody. When appropriate and consistent with personal safety, officers will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In determining whether the use of force is reasonable, MOS should consider the following:

- a. The nature and severity of the crime/circumstances
- b. Actions taken by the subject
- c. Duration of the action
- d. Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders
- e. Whether the subject is actively resisting custody
- f. Whether the subject is attempting to evade arrest by flight
- g. Number of subjects in comparison to the number of MOS
- h. Size, age, and condition of the subject in comparison to the MOS
- i. Subject's violent history, if known
- j. Presence of hostile crowd or agitators
- k. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

NYPD Administrative Guide 304-10 (BR06) states, "Individuals have a right to lawfully observe and/or record police activity including, but not limited to detentions, searches, arrests or uses of force. The right to lawfully observe and/or record police activity extends to individuals in public places, such as streets, sidewalks, and parks, as well as private property in which the individual has a legal right to be present, such as buildings, lobbies, workplaces or an individual's own property. This right to observe and/or record police action can be limited for reasons such as the safety of officers or other members of the public, or when a violation of law is committed by the individual(s) who are observing/recording."

NYPD Patrol Guide Procedure 212-123 (BR07) states that officers are required to activate their BWCs prior to engaging in any police action. Police action is defined as, "Any police service, as well as law enforcement or investigative activity conducted in furtherance of official duties. Police

action includes responding to calls for service, addressing quality of life conditions, handling pick-up assignments, and any self-initiated investigative or enforcement actions such as witness canvasses, vehicle stops, and Investigative Encounters. Routine casual conversations with members of the public carried out as part of community engagement efforts are not considered police action.” Officers are also required to activate their BWCs during any interactions with civilians which “escalate to become adversarial.”

§ 87(2)(g)

The video footage showed that § 87(2)(b) did not take those actions, nor did he do anything else which posed a legitimate physical threat to PO Maroldo. § 87(2)(g)

It is therefore recommended that **Allegations A-B** be closed as **substantiated**.

§ 87(2)(g)

Although PO Maroldo announced during the incident that § 87(2)(b) could film so long as he did not put the phone in PO Maroldo’s face, § 87(2)(g)

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

§ 87(2)(g)

it is therefore recommended that **Allegation D** be closed as **substantiated**.

Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Maroldo has been a member of the NYPD for five years and has been a subject in seven CCRB complaints and 41 allegations, of which three were substantiated:
 - § 87(2)(g)
 - PO Maroldo has three open cases with 20 allegations.

Mediation and Civil Histories

- § 87(2)(b) declined to mediate this complaint.
- As of May 2, 2025, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (BR09).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

RPBP History

- The RPBP Unit reviewed this complaint and ultimately decided it did not contain actionable allegations of Racial Profiling or Bias-Based Policing.

Squad No.: 5

Investigator:	<u>Nicole Stern</u>	<u>Inv. Stern</u>	<u>July 11, 2025</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Daniel Giansante</u>	<u>IM Daniel Giansante</u>	<u>July 28, 2025</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date