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ARVA RICE
INTERIM CHAIR

MAY 18, 2023

**The Honorable Keechant L. Sewell
Police Commissioner of the City of New York
New York City Police Department
One Police Plaza
New York, NY 10038**

Re: Report on the Administrative Prosecution Unit First Quarter of 2023

Dear Commissioner Sewell:

This report will address the following matters: (i) trial verdicts issued by an Assistant Deputy Commissioner of Trials (“ADCT”); (ii) the treatment of Administrative Prosecution Unit (“APU”) pleas by the Police Commissioner (“PC”); (iii) the retention of cases under Provision Two of the April 2, 2012, Memorandum of Understanding (“MOU”); (iv) cases administratively closed by the Police Commissioner; (v) cases closed due to the statute of limitations (“SOL”); (vi) the size of the APU’s docket; and (vii) the time to serve Charges and Specifications on Respondents.

The report contains information concerning the following case closures in the first quarter of 2023: two (2) trial verdicts, nine (9) pleas, three (3) retained cases, seven (7) PC administratively closed cases, and twenty-nine (29) APU administratively closed cases.

We hope that the Police Commissioner will continue to uphold negotiated plea agreements without modification and reduce the amount of retained cases so that they have a full opportunity to be put before the tribunal.

Thank you for your consideration.

Sincerely,

Jonathan Darche
Executive Director

Cc: CCRB Acting Chair Arva Rice
Deputy Commissioner Rosemarie Maldonado
Department Advocate Chief Amy Litwin

I. TRIALS

At the conclusion of an administrative trial, the presiding ADCT renders a finding of guilty or not guilty on each of the Charges and Specifications against the member(s) of service ("MOS").¹ For guilty verdicts, the ADCT recommends a penalty for each member of service involved in the case and the Police Commissioner either approves, modifies, or reverses the verdict and recommended penalty.² There is no penalty recommendation for not guilty verdicts. In the first quarter of 2023, the verdicts for two (2) APU trials were finalized. The verdicts can be found below.

COMPLAINT	OFFICER	CHARGES & SPECIFICATIONS	APU RECOMMENDED PENALTY	ADCT DECISION & PC DECISION
202003695 Read Closing Report Here	PO Michael Kovalik	1. Abuse of Authority – threatened individuals with the use of force. 2. Abuse of Authority - threatened the Victim with the use of force.	Forty (40) days' vacation forfeiture	ADCT rendered not guilty verdict on all charges. PC approved not guilty verdict. Read Final Documents Here
202008256 Read Closing Report Here	PO Jason Garcia	1. Force – used a chokehold against the Victim.	Termination	ADCT rendered not guilty verdict on all charges. PC approved not guilty verdict. Read Final Documents Here

¹ The APU treats each officer against whom an allegation is substantiated as a separate "case." As such, all APU data discussed in this report uses the same terminology. While there may be trials or incidents that involve multiple officers, the word "case" should be interpreted as "case against a single officer."

² As the final arbiter of discipline, the Police Commissioner can modify the ADCT penalty and/or reverse a verdict.

II. PLEAS

In lieu of a trial, the officer can reach a plea agreement with the APU. This agreement must be approved by both an ADCT and the Police Commissioner. The APU uses several factors to determine plea recommendations, including, but not limited to, MOS length of service, MOS rank, MOS disciplinary history, the facts of the case, the strength of the case, vulnerability of the victim, the extent of any injury, the number of complainants, precedent from cases involving analogous charges, and the delineated penalty categories from the New York City Police Department's ("NYPD") Disciplinary Matrix. In the first quarter of 2023, the APU finalized nine (9) plea agreements.

COMPLAINT	OFFICER	CHARGES & SPECIFICATIONS	PLEA AGREEMENT
201804434 Read Closing Report Here	SGT Ricardo Montilia	1. Abuse of Authority – authorized the strip-search of Victim 1. 2. Abuse of Authority – authorized the strip-search of Victim 2.	Officer accepted twenty (20) days' vacation forfeiture. PC approved the plea without modification. Read Final Documents Here
201809746 Read Closing Report Here	PO Nicolas Morris	1. Abuse of Authority – on social media propositioned Victim. 2. Abuse of Authority – on social media propositioned an individual.	Officer accepted formalized training. PC approved the plea without modification. Read Final Documents Here
201810315 Read Closing Report Here	SGT Michelle Figueroa	1. Abuse of Authority – entered Victim's home. 2. Abuse of Authority – searched Victim's home.	Officer accepted a reprimand. PC disapproved the plea and dismissed the charges. Read Final Documents Here

201909948 Read Closing Report Here	PO Florin Coste	<ol style="list-style-type: none"> 1. Abuse of Authority – threatened Victim 1 with the use of force. 2. Abuse of Authority – threatened Victim 2 with the use of force. 3. Abuse of Authority – frisked Victim 2 4. Abuse of Authority – threatened an individual with the use of force. 5. Abuse of Authority – threatened a second individual with the use of force. 6. Abuse of Authority – threatened Victim 1 with the use of force. 	<p>Officer accepted six (6) days' vacation forfeiture. PC disapproved the plea and dismissed the charges.</p> <p>Read Final Documents Here</p>
201903851 Read Closing Report Here	DT3 Jonathan Arias	<ol style="list-style-type: none"> 1. Abuse of Authority – searched Victim's home. 2. Abuse of Authority – failed to provide Victim with a business card. 	<p>Officer accepted reprimand. PC disapproved the plea and dismissed the charges. PC imposed penalty formalized training.</p> <p>Read Final Documents Here</p>
201903851 Read Closing Report Here	DT3 Carlos Zambrano	<ol style="list-style-type: none"> 1. Abuse of Authority – searched Victim's home. 2. Abuse of Authority – failed to provide Victim with a business card. 	<p>Officer accepted reprimand. PC disapproved the plea and dismissed the charges. PC imposed penalty formalized training.</p> <p>Read Final Documents Here</p>
201903851 Read Closing Report Here	SGT Frederick Manney	<ol style="list-style-type: none"> 1. Abuse of Authority – searched Victim's home. 2. Abuse of Authority – searched the Victim's home. 3. Abuse of Authority – failed to provide Victim with a business card. 	<p>Officer accepted reprimand. PC disapproved the plea and dismissed the charges. PC imposed penalty formalized training.</p> <p>Read Final Documents Here</p>

202100507 Read Closing Report Here	DT3 Ruben Alvarez	1. Abuse of Authority – strip-searched the Victim.	Officer accepted ten (10) days' vacation forfeiture. PC approved the plea without modification. Read Final Documents Here
201906887 Read Closing Report Here	DT1 Kaz Daughtry	1. Untruthful Statement – provided a misleading official statement to the CCRB. 2. Untruthful Statement – provided an inaccurate official statement to the CCRB.	Officer accepted twenty (20) days' vacation forfeiture. PC approved the plea without modification. Read Final Documents Here

III. RETAINED CASES

The Police Commissioner can retain a case, which means that the case is removed from the APU, in accordance with Provision Two of the MOU³, which states that:

in those limited circumstances where the Police Commissioner determines that CCRB's prosecution of Charges and Specifications in a substantiated case would be detrimental to the Police Department's disciplinary process, the Police Commissioner shall so notify CCRB. Such instances shall be limited to such cases in which there are parallel or related criminal investigations, or when, in the case of an officer with no disciplinary history or prior substantiated CCRB complaints, based on such officer's record and disciplinary history the interests of justice would not be served.

After a case is retained, the Police Commissioner can decide whether or not to impose discipline on an officer. In the first quarter of 2023, the Police Commissioner retained three (3) cases.

COMPLAINT	OFFICER	CHARGES & SPECIFICATIONS	REASON FOR RETAINMENT
202005664 Read Closing Report Here	PO Hansel Rocha	1. Force – used physical force against an individual. 2. Force – used physical force against an individual.	PC retained case and issued no discipline to the officer. Read Final Documents Here
201909547 Closing Report Will be Available Upon Closure of all related APU Cases	PO Christopher Brower	1. Force – struck Victim 1 with a vehicle. 2. Abuse of Authority – damaged Victim 2's property.	PC retained case and issued no discipline to the officer. Read Final Documents Here
202105041 Read Closing Report Here	PO Amanda Marrero	1. Abuse of Authority – stopped the Victim. 2. Abuse of Authority – threatened to arrest the Victim. 3. Abuse of Authority – failed to provide Victim with a business card.	PC retained case and issued discipline to the officer – ten (10) days' vacation forfeiture (Command Discipline B) and formalized training. Read Final Documents Here

³ https://www.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf

IV. POLICE COMMISSIONER ADMINISTRATIVELY CLOSED CASES

The Police Commissioner will administratively close a case when an officer resigns, retires, or is disciplined by an internal NYPD process. Such cases require no further action from the APU. In the first quarter of 2023, the Police Commissioner administratively closed seven (7) cases.

COMPLAINT	OFFICER	CHARGES & SPECIFICATIONS	REASON FOR CASE CLOSURE
202102243 Closing Report Will be Available Upon Closure of all related APU Cases	PO Rico Iantorno	<ol style="list-style-type: none"> 1. Abuse of Authority – threatened Victim with the use of force. 2. Discourtesy – spoke discourteously to the Victim. 3. Discourtesy – at the precinct stationhouse, spoke discourteously to the Victim. 4. Untruthful Statement – provided a misleading official statement to the CCRB. 	Officer resigned.
202104956 Read Closing Report Here	DT2 Felix Garcia	<ol style="list-style-type: none"> 1. Abuse of Authority – entered Victim 1’s home. 2. Abuse of Authority – searched Victim 1’s home. 3. Abuse of Authority – entered Victim 2’s home. 4. Abuse of Authority – searched Victim 2’s home. 5. Abuse of Authority – entered Victim 1’s home on a second day. 6. Abuse of Authority – searched Victim 1’s home on a second day. 7. Abuse of Authority – entered Victim 2’s home on a second day. 8. Abuse of Authority – searched Victim 2’s home on a second day. 9. Abuse of Authority – entered Victim 2’s home on a third day. 10. Abuse of Authority – searched Victim 2’s home on a third day. 	Officer retired.
202102156 Read Closing Report Here	PO Rocco Martocci	<ol style="list-style-type: none"> 1. Abuse of Authority – entered Victim’s home. 2. Abuse of Authority – searched Victim’s home. 	NYPD took internal disciplinary action – issued instructions by borough level command.

202103268 Closing Report Unavailable in Accordance with Civil Rights Law Section 50-b	PO Debbie Jimenez	<ol style="list-style-type: none"> 1. Abuse of Authority – stopped the Victim. 2. Abuse of Authority – frisked the Victim. 3. Abuse of Authority – refused to provide her name to the Victim. 4. Abuse of Authority – failed to provide the Victim with a business card. 	Officer resigned.
202103616 Closing Report Unavailable in Accordance with Civil Rights Law Section 50-b	DT3 Michael McNelis	<ol style="list-style-type: none"> 1. Abuse of Authority – inappropriately touched the Victim. 	Officer retired.
201905717 Read Closing Report Here	PO James Foy	<ol style="list-style-type: none"> 1. Abuse of Authority – entered the Victim’s home. 2. Force – used physical force against the Victim. 	Officer resigned.
202105915 Read Closing Report Here	PO Thomas Sheehy	<ol style="list-style-type: none"> 1. Offensive Language – made remarks to the Victim based upon the perceived mental disability of the Victim. 2. Discourtesy – spoke discourteously to the Victim. 	Officer retired.

V. APU ADMINISTRATIVELY CLOSED CASES

The SOL is the 18-month timeframe within which a disciplinary proceeding must be commenced against an officer.⁴ Unless the case falls under the crime exception, once the SOL period elapses, a case may not proceed and will be closed without further action. In the first quarter of 2023, the APU administratively closed twenty (29) cases for SOL reasons.

COMPLAINT	OFFICER	CCRB Substantiated Allegations	REASON FOR CASE CLOSURE
202002725 Read Closing Report Here	SGT Frederick Manney	<ol style="list-style-type: none">1. Abuse of Authority - refused to provide his name to the Victim.2. Abuse of Authority - refused to provide his shield number to the Victim.3. Abuse of Authority - failed to provide the Victim with a business card.4. Abuse of Authority - failed to provide the Victim with a business card.	Charges served too close to SOL
202002726 Closing Report Will be Available Upon Closure of all related APU Cases	SGT Frederick Manney	<ol style="list-style-type: none">1. Discourtesy - At the 79th Precinct stationhouse, spoke discourteously to the Victim.2. Offensive Language - At the 79th Precinct stationhouse, made remarks to the Victim based upon the gender of the Victim.	Charges served too close to SOL

⁴ Under New York Civil Service Law § 75(4), a disciplinary proceeding cannot be commenced more than 18 months after the incident, but that time limitation does not apply where the alleged misconduct, as described in the Charges and Specifications, would constitute a crime.

The service of Charges and Specifications on a MOS is considered a commencement of a disciplinary proceeding.

202002825 Read Closing Report Here	DT3 Nicki Canady	<ol style="list-style-type: none"> 1. Abuse of Authority - At Howard Avenue and Sterling Place in Brooklyn, Police Officer Nicki Canady stopped an individual. 2. Abuse of Authority - At Howard Avenue and Sterling Place in Brooklyn, Police Officer Nicki Canady stopped Dylan Williams. 3. Abuse of Authority - At Howard Avenue and Sterling Place in Brooklyn, Police Officer Nicki Canady failed to provide an individual with a business card. 4. Abuse of Authority - Outside 1714 Park Place in Brooklyn, Police Officer Nicki Canady frisked Dylan Williams. 5. Abuse of Authority - Outside 1714 Park Place in Brooklyn, Police Officer Nicki Canady searched Dylan Williams. 6. Abuse of Authority - Outside 1714 Park Place in Brooklyn, Police Officer Nicki Canady did not obtain medical treatment for Dylan Williams. 	Charges served too close to SOL
202002825 Read Closing Report Here	DT3 Brian Doyle	<ol style="list-style-type: none"> 1. Abuse of Authority - Outside 1714 Park Place in Brooklyn, Police Officer Brian Doyle did not obtain medical treatment for Dylan Williams. 	Charges served too close to SOL
202002825 Read Closing Report Here	LT Gabriel Cuevas	<ol style="list-style-type: none"> 1. Abuse of Authority - At Howard Avenue and Sterling Place in Brooklyn, Sergeant Gabriel Cuevas stopped Dylan Williams. 2. Abuse of Authority - Outside 1714 Park Place in Brooklyn, Sergeant Gabriel Cuevas frisked Dylan Williams. 3. Abuse of Authority - Outside 1714 Park Place in Brooklyn, Sergeant Gabriel Cuevas did not obtain medical treatment for Dylan Williams. 	Charges served too close to SOL

202002825 Read Closing Report Here	DT3 Reginald Smith	<ol style="list-style-type: none"> 1. Abuse of Authority - At Howard Avenue and Sterling Place in Brooklyn, Detective Reginald Smith stopped Dylan Williams. 2. Force - Outside 1714 Park Place in Brooklyn, Detective Reginald Smith used physical force against Dylan Williams. 3. Abuse of Authority - Outside 1714 Park Place in Brooklyn, Detective Reginald Smith did not obtain medical treatment for Dylan Williams. 	Charges served too close to SOL
202003273 Read Closing Report Here	PO Eric Borbee	<ol style="list-style-type: none"> 1. Abuse of Authority - Police Officer Eric Borbee did not obtain medical treatment for Sammie Eaddy. 	Charges served too close to SOL
202003273 Read Closing Report Here	PO Matthew Dunne	<ol style="list-style-type: none"> 1. Abuse of Authority - Police Officer Matthew Dunne did not obtain medical treatment for Sammie Eaddy. 	Charges served too close to SOL
202003620 Read Closing Report Here	PO Edin Bacovic	<ol style="list-style-type: none"> 1. Abuse of Authority - Police Officer Edin Bacovic stopped the vehicle in which was an occupant. 2. Discourtesy - Police Officer Edin Bacovic spoke discourteously to Marquise Simmons. 3. Abuse of Authority - Police Officer Edin Bacovic threatened Marquise Simmons with the use of force. 4. Abuse of Authority - Police Officer Edin Bacovic interfered with Marquise Simmons's use of a recording device. 5. Abuse of Authority - Police Officer Edin Bacovic threatened to arrest Marquise Simmons. 6. Abuse of Authority - Police Officer Edin Bacovic threatened to arrest Derek Edwards. 7. Abuse of Authority - Police Officer Edin Bacovic threatened to damage/seize Marquise Simmons's property. 	Charges served too close to SOL

202003642 Read Closing Report Here	PO Steven Dulcey	<ol style="list-style-type: none"> 1. Abuse of Authority - Police Officer Steven Dulcey failed to provide Emmanuel Browne with a business card. 2. Abuse of Authority - Police Officer Steven Dulcey threatened to remove Emmanuel Browne to the hospital. 	Charges served too close to SOL
202003688 Read Closing Report Here	PO Thomas Accomando	<ol style="list-style-type: none"> 1. Discourtesy - Police Officer Thomas Accomando spoke discourteously to Amy Gonzalez. 2. Offensive Language - At 2162 Valentine Avenue in the Bronx, Police Officer Thomas Accomando made a comment based upon the perceived mental health of Amy Gonzalez. 	Charges served too close to SOL
202003688 Read Closing Report Here	DT3 Ramon Garcia	<ol style="list-style-type: none"> 1. Abuse of Authority - At 2162 Valentine Avenue in the Bronx, Police Officer Ramon Garcia threatened to seize Amy Gonzalez's property. 2. Discourtesy - At the 46th Precinct Stationhouse, Police Officer Ramon Garcia spoke discourteously to Jonathan Gomez. 3. Abuse of Authority - At the 46th Precinct Stationhouse, Police Officer Ramon Garcia threatened to notify Administration for Children's Services. 	Charges served too close to SOL
202003791 Closing Report Will be Available Upon Closure of all related APU Cases	PO Damian Weber	<ol style="list-style-type: none"> 1. Discourtesy - At the intersection of West 114th Street and Frederick Douglas Boulevard in Manhattan, Police Officer Damian Weber spoke discourteously to Khiry Bennett. 2. Abuse of Authority - At the intersection of West 114th Street and Frederick Douglas Boulevard in Manhattan, Police Officer Damian Weber made sexually suggestive remarks to Khiry Bennett. 3. Abuse of Authority - At the intersection of West 114th Street and Frederick Douglas Boulevard in Manhattan, Police Officer Damien Weber threatened Khiry Bennett with the use of force. 	Charges served too close to SOL

202003930 Read Closing Report Here	PO Nenad Savic	<ol style="list-style-type: none"> 1. Discourtesy - Police Officer Nenad Savic spoke discourteously to Ron Sawney. 2. Offensive Language - Police Officer Nenad Savic made remarks to Ron Sawney based upon the gender of Ron Sawney. 	Charges served too close to SOL
202004010 Read Closing Report Here	DT3 Ibrahim Adam	<ol style="list-style-type: none"> 1. Abuse of Authority - Police Officer Ibrahim Adam frisked Jaydell Howard. 2. Abuse of Authority - Police Officer Ibrahim Adam searched the vehicle in which Kareem Whyte was an occupant. 3. Abuse of Authority - Police Officer Ibrahim Adam failed to provide Kareem Whyte with a business card. 4. Abuse of Authority - Police Officer Ibrahim Adam failed to provide Jaydell Howard with a business card. 	Charges served too close to SOL
202004012 Read Closing Report Here	LT Martin Cunningham	<ol style="list-style-type: none"> 1. Offensive Language - At Utica Avenue and Crown Street in Brooklyn, Sergeant Martin Cunningham made remarks to Kaori Fils-Aime based upon race. 2. Discourtesy - At Utica Avenue and Crown Street in Brooklyn, Sergeant Martin Cunningham spoke discourteously to Kaori Fils-Aime. 	Charges served too close to SOL

202004155 Read Closing Report Here	SGT Damany Ferril	<ol style="list-style-type: none"> 1. Abuse of Authority - Sergeant Damany Ferril entered 285 Quincy Street, Apt. D. in Brooklyn. 2. Abuse of Authority - Sergeant Damany Ferril searched 285 Quincy Street, Apt. D. in Brooklyn. 3. Abuse of Authority - Sergeant Damany Ferril failed to provide Matthew McPhie with a business card. 4. Abuse of Authority - Sergeant Damany Ferril failed to provide Bernadette McPhie with a business card. 5. Abuse of Authority - Sergeant Damany Ferril entered 285 Quincy Street, Apt. 1D. in Brooklyn. 6. Abuse of Authority - Sergeant Damany Ferril searched 285 Quincy Street, Apt. 1D. in Brooklyn. 	Charges served too close to SOL
202004214 Read Closing Report Here	CPT Andrew Johnson	<ol style="list-style-type: none"> 1. Discourtesy - Outside of the 40th Precinct stationhouse, Lieutenant Andrew Johnson spoke discourteously to Corey Marrant. 2. Offensive Language - Outside of the 40th Precinct stationhouse, Lieutenant Andrew Johnson made offensive remarks to Corey Marrant. 3. Discourtesy - Outside of the 40th Precinct stationhouse, Lieutenant Andrew Johnson spoke discourteously to Corey Marrant. 	Charges served too close to SOL
202004551 Closing Report Will be Available Upon Closure of all related APU Cases	PO Jarrett Dill	<ol style="list-style-type: none"> 1. Discourtesy - Police Officer Jarrett Dill spoke discourteously to an individual. 2. Offensive Language - Police Officer Jarrett Dill made offensive remarks to an individual. 3. Abuse of Authority - Police Officer Jarrett Dill made sexually suggestive remarks to an individual. 4. Discourtesy - Police Officer Jarrett Dill spoke discourteously to an individual. 5. Discourtesy - Police Officer Jarrett Dill spoke discourteously to an individual. 	Charges served too close to SOL

202004652 Read Closing Report Here	LT Daniel Guida	<ol style="list-style-type: none"> 1. Abuse of Authority - On March 11, 2020, Lieutenant Daniel Guida entered 921 Montgomery Street, Basement Apartment in Brooklyn. 2. Abuse of Authority - On March 11, 2020, Lieutenant Daniel Guida threatened to arrest Kerryann Haughton. 3. Abuse of Authority - On March 11, 2020, Lieutenant Daniel Guida threatened to notify Administration for Children's Services. 4. Discourtesy - On March 11, 2020, Lieutenant Daniel Guida spoke discourteously to Individuals. 5. Abuse of Authority - On March 11, 2020, Lieutenant Daniel Guida frisked Individuals. 6. Abuse of Authority - On March 11, 2020, Lieutenant Daniel Guida frisked Joseph Simon. 7. Abuse of Authority - On March 11, 2020, Lieutenant Daniel Guida threatened to notify Administration for Children's Services. 8. Offensive Language - On March 11, 2020, Lieutenant Daniel Guida made remarks to Jama Simon based upon race. 9. Discourtesy - On March 11, 2020, Lieutenant Daniel Guida spoke discourteously to Jama Simon. 10. Abuse of Authority - On March 11, 2020, Lieutenant Daniel Guida failed to provide Individuals with a business card. 11. Abuse of Authority - On March 11, 2020, Lieutenant Daniel Guida failed to provide Joseph Simon with a business card. 	Charges served too close to SOL
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202002393 Read Closing Report Here	PO Bryan Scheblein	<ol style="list-style-type: none"> 1. Discourtesy - On March 19, 2020, in the vicinity of West Fordham Road and Sedgewick Avenue in the Bronx, Police Officer Bryan Scheblein spoke discourteously to Hector Ledesma. 2. Discourtesy - On March 19, 2020, in the vicinity of West Fordham Road and Sedgewick Avenue in the Bronx, Police Officer Bryan Scheblein spoke discourteously to Hector Ledesma. 3. Discourtesy - On March 19, 2020, in the vicinity of West Fordham Road and Sedgewick Avenue in the Bronx, Police Officer Bryan Scheblein spoke discourteously to Hector Ledesma. 	SOL expired prior to APU receiving case
202003813 Closing Report Will be Available Upon Closure of all related APU Cases	DT3 Alfred Davidson	<ol style="list-style-type: none"> 1. Force - Detective Alfred Davidson used physical force against Mabel Sanchez. 2. Force - Detective Alfred Davidson used physical force against Adalberto Rodriguez-Izquierdo. 	SOL expired prior to APU receiving case
202007629 Read Closing Report Here	SGT Michael Thomas	<ol style="list-style-type: none"> 1. Abuse of Authority - Sergeant Michael Thomas threatened to arrest Individuals. 2. Abuse of Authority - Sergeant Michael Thomas threatened to arrest Saadisha Martin. 3. Abuse of Authority - Sergeant Michael Thomas threatened to notify Administration for Children's Services. 	SOL expired prior to APU receiving case
202104710 Read Closing Report Here	PO Matthew Fox	<ol style="list-style-type: none"> 1. Abuse of Authority - On July 1, 2021, Police Officer Matthew Fox failed to obtain language interpretation services for Jing Jing Chen. 2. Abuse of Authority - On July 1, 2021, Police Officer Matthew Fox entered the rear first floor apartment located in 37-15 93rd Street in Queens. 3. Abuse of Authority - On July 1, 2021, Police Officer Matthew Fox searched the rear first floor apartment located in 37-15 93rd Street in Queens. 4. Abuse of Authority - On July 1, 2021, Police Officer Matthew Fox failed to provide Jing Jing Chen with a business card. 	SOL expired prior to APU receiving case

202104710 Read Closing Report Here	PO Daniella Berge	<ol style="list-style-type: none"> 1. Abuse of Authority - On July 1, 2021, Police Officer Daniella Berge failed to obtain language interpretation services for Jing Jing Chen. 2. Abuse of Authority - On July 1, 2021, Police Officer Daniella Berge entered the rear first floor apartment located in 37-15 93rd Street in Queens. 3. Abuse of Authority - On July 1, 2021, Police Officer Daniella Berge searched the rear first floor apartment located in 37-15 93rd Street in Queens. 4. Abuse of Authority - On July 1, 2021, Police Officer Daniella Berge entered the basement of 37-15 93rd Street in Queens. 5. Abuse of Authority - On July 1, 2021, Police Officer Daniella Berge searched the basement of 37-15 93rd Street in Queens. 6. Abuse of Authority - On July 1, 2021, Police Officer Daniella Berge failed to provide Jing Jing Chen with a business card. 	SOL expired prior to APU receiving case
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202104710 Read Closing Report Here	PO Gabriel Abreu	<ol style="list-style-type: none"> 1. Abuse of Authority - On July 1, 2021, Police Officer Gabriel Abreu failed to obtain language interpretation services for Jing Jing Chen. 2. Abuse of Authority - On July 1, 2021, Police Officer Gabriel Abreu entered the rear first floor apartment located in 37-15 93rd Street in Queens. 3. Abuse of Authority - On July 1, 2021, Police Officer Gabriel Abreu searched the rear first floor apartment located in 37-15 93rd Street in Queens. 4. Abuse of Authority - On July 1, 2021, Police Officer Gabriel Abreu entered the basement of 37-15 93rd Street in Queens. 5. Abuse of Authority - On July 1, 2021, Police Officer Gabriel Abreu searched the basement of 37-15 93rd Street in Queens. 6. Abuse of Authority - On July 1, 2021, Police Officer Gabriel Abreu failed to provide Jing Jing Chen with a business card. 	SOL expired prior to APU receiving case
202106291 Read Closing Report Here	LT SA Timothy Brovakos	<ol style="list-style-type: none"> 1. Abuse of Authority - Lieutenant Timothy Brovakos arrested Isamar Butter unlawfully. 	SOL expired prior to APU receiving case
202106373 Read Closing Report Here	PO James Weck	<ol style="list-style-type: none"> 1. Abuse of Authority - Police Officer James Weck interfered with Michael Walton's use of a recording device. 2. Abuse of Authority - Police Officer James Weck failed to provide Michael Walton with a business card. 	SOL expired prior to APU receiving case
202206072 Read Closing Report Here	PO Georin Duran	<ol style="list-style-type: none"> 1. Abuse of Authority - At 1425 Stanley Avenue in Brooklyn, Police Officer Georin Duran threatened Jessica Velez with the use of force. 2. Force - At 1425 Stanley Avenue in Brooklyn, Police Officer Georin Duran hit Madison Malave against an object. 	SOL expired prior to APU receiving case

VI. THE APU DOCKET

The APU's docket grew slightly in the first quarter of 2023 compared to the fourth quarter of 2022. This is attributable to the increased number of Charges and Specifications

recommended by the CCRB's Board pursuant to the Disciplinary Matrix and APU staffing shortages.

Cases in Open Docket					
Period	Start of Quarter	Received During Quarter	Closed During Quarter	End of Quarter	Growth
2 nd Quarter 2022	348	215	22	541	55.5%
3 rd Quarter 2022	540	102	15	628	16.8%
4 th Quarter 2022	623	87	29	681	9.3%
1st Quarter 2023	685	76	53	708	3.4%

VII. SERVICE OF RESPONDENTS

As of March 31, 2023, there were one hundred fifty-five (155) Respondents⁵ who had not been served with Charges. The average wait time for Respondents to be served reduced slightly between the fourth quarter of 2022 and the first quarter of 2023.

Time to Serve Respondents			
Period	Number of Respondents Served	Average Length to Serve Respondents	Average Length to Serve Respondents (Business Days)
2 nd Quarter 2022	134	38	27
3 rd Quarter 2022	67	24	17
4 th Quarter 2022	68	24	17
1 st Quarter 2023	72	18	13

VIII. CONCURRENCE AND DISCIPLINE

The concurrence rate measures how often the Police Commissioner imposes the same (or more severe) discipline as recommended by the Board. The discipline rate measures how often the Police Commissioner imposes discipline of any kind. Certain “Not Adjudicated” case outcomes, such as when the officer left the force prior to discipline being imposed or when the SOL expired prior to the service of charges, do not factor into the concurrence or discipline rate.

Q1, 2023 APU Concurrence and Discipline			
Discipline	8	Concurrence	7
No Discipline	6	Non-Concurrence	7
Not Adjudicated	36	Not Adjudicated	36
Discipline %	57%	Concurrence %	50%

⁵ An officer who has a substantiated complaint against them.