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OCTOBER 2023

The Honorable Edward A. Caban
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 Third Quarter of 2023

Dear Commissioner Caban:

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; (vii) the time to serve Charges and Specifications on Respondents; and (viii) the discipline concurrence rate.

The report contains information concerning the following case closures in the third quarter of 2023: eleven (11) trial verdicts, nineteen (19) pleas, four (4) retained cases, eleven (11) PC administratively closed cases, and seventy-four (74) APU administratively closed cases. Finally, it includes information regarding the discipline and concurrence rates for the quarter which stand at 65% and 63% respectively.

We hope that the Police Commissioner will reduce the number 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 third quarter of 2023, the verdicts for eleven (11) APU trials were finalized. The verdicts can be found below.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	APU RECOMMENDED PENALTY	ADCT DECISION & PC DECISION
201808743 Read Closing Report Here	PO Jeanene Martinez	1. Force - attempted to discharge a Taser at the Victim. 2. Force - struck the Victim with a Taser.	Ten (10) days' vacation forfeiture	ADCT rendered a guilty verdict. ADCT recommended five (5) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and modified the penalty to ten (10) days' vacation forfeiture. Read Final Documents Here
201808743 Read Closing Report Here	PO Dylan Mattern	1. Force - used a chokehold against the Victim. 2. Abuse of Authority - did not obtain medical treatment for an individual.	Termination	ADCT rendered a guilty verdict. ADCT recommended five (5) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and did not modify the penalty. 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.

201808743 Read Closing Report Here	PO Jimmy Romero	<ol style="list-style-type: none"> 1. Force - restricted the Victim's breathing. 2. Abuse of Authority - did not obtain medical treatment for an individual. 	Ten (10) days' vacation forfeiture	<p>ADCT rendered a guilty verdict. ADCT recommended five (5) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and did not modify the penalty.</p> <p>Read Final Documents Here</p>
202004055 Read Closing Report Here	LT Joel Witriol	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 	Ten (10) days' suspension	<p>ADCT rendered a guilty verdict. ADCT recommended ten (10) days' suspension. The Police Commissioner approved the guilty verdict and modified the penalty to ten (10) days' suspension and ten (10) days' vacation forfeiture.</p> <p>Read Final Documents Here</p>
201902222 Read Closing Report Here	PO John Brennan	<ol style="list-style-type: none"> 1. Force - restricted the Victim's breathing. 2. Force - used a chokehold against the Victim. 	Termination	<p>ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p>Read Final Documents Here</p>
201904273 Read Closing Report Here	PO Nicholas Canepa	<ol style="list-style-type: none"> 1. Force - used a chokehold against the Victim. 	Thirty (30) days' vacation forfeiture	<p>ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p>Read Final Documents Here</p>

201905160 Closing Report Will be Available Upon Closure of all related APU Cases	CPT Daniel Bianco	1. Force - used physical force against the Victim.	Five (5) days' vacation forfeiture	ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict. Read Final Documents Here
202005168 Read Closing Report Here	DC Michael Pilecki	1. Abuse of Authority - seized an individual's property. 2. Abuse of Authority - seized the Victim's property.	Six (6) days' vacation forfeiture	ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict. Read Final Documents Here
202102720 Read Closing Report Here	PO Anthony Williams	1. Discourtesy - spoke discourteously to the Victim. 2. Offensive Language - made remarks to the Victim based upon the perceived mental status of the Victim.	Eleven (11) days' vacation forfeiture	ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict. Read Final Documents Here
202105975 Read Closing Report Here	LT Ravi Singh	1. Force - used his asp against the Victim.	Twenty (20) days' vacation forfeiture	ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict. Read Final Documents Here
202200788 Read Closing Report Here	INSP James Palumbo	1. Force - used physical force against the Victim.	Termination	ADCT dismissed all charges. The Police Commissioner approved the dismissal of charges. Read Final Documents Here

II. PLEAS

In lieu of a trial, the MOS 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 third quarter of 2023, the APU finalized nineteen (19) plea agreements.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
201801835 Closing Report Will be Available Upon Closure of all related APU Cases	PO Christopher Cianicullo	<ol style="list-style-type: none"> 1. Force - used physical force against Victim 1. 2. Force - used physical force against Victim 2. 3. Abuse of Authority - threatened to take action based on Victim 1's immigration status. 4. Discourtesy - spoke discourteously to Victim 1. 	<p>Officer accepted nine (9) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
201902317 Read Closing Report Here	LT SA Cesar Imbert	<ol style="list-style-type: none"> 1. Abuse of Authority - strip-searched the Victim. 	<p>Officer accepted twenty (20) days' vacation forfeiture. The Police Commissioner approved the plea but modified the penalty to ten (10) days' vacation forfeiture.</p> <p>Read Final Documents Here</p>
201902845 Closing Report Will be Available Upon Closure of all related APU Cases	DT3 David Hudgens	<ol style="list-style-type: none"> 1. Abuse of Authority - damaged the Victim's property. 2. Abuse of Authority - entered the Victim's home. 3. Abuse of Authority - searched the Victim's home. 4. Discourtesy - spoke discourteously to the Victim. 	<p>Officer accepted six (6) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>

201904088 Closing Report Will be Available Upon Closure of all related APU Cases	SGT Piero Lasaponara	1. Abuse of Authority - entered the Victim's home.	Officer accepted five (5) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty. Read Final Documents Here
201905733 Read Closing Report Here	PO Brian Eshak	1. Abuse of Authority - searched the Victim. 2. Abuse of Authority - seized the Victim's property.	Officer accepted formalized training. The Police Commissioner approved the plea and did not modify the penalty. Read Final Documents Here
201909576 Read Closing Report Here	PO Joshua Ganshaw	1. Abuse of Authority - searched the Victim.	Officer accepted formalized training. The Police Commissioner approved the plea and did not modify the penalty. Read Final Documents Here
201909576 Read Closing Report Here	PO Rodney Greenidge	1. Abuse of Authority - searched the Victim.	Officer accepted formalized training. The Police Commissioner approved the plea and did not modify the penalty. Read Final Documents Here

202003770 Read Closing Report Here	PO Adib Algahiti	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to the Victim. 2. Offensive Language - made remarks to the Victim based upon the gender of the Victim. 	<p>Officer accepted ten (10) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
202004408 Read Closing Report Here	CPT Vitaliy Zelikov	<ol style="list-style-type: none"> 1. Force - used pepper spray against Victim 1. 2. Force - used pepper spray against Victim 2. 	<p>Officer accepted ten (10) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
202005863 Read Closing Report Here	PO Michael Sidorskiy	<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. Discourtesy - spoke discourteously to Victim 1. 4. Discourtesy - spoke discourteously to Victim 2. 5. Untruthful Statement - provided a false official statement to the CCRB. 	<p>Officer accepted thirty-five (35) days' vacation forfeiture. The Police Commissioner approved the plea but modified the penalty to thirty-eight (38) days' vacation forfeiture.</p> <p>Read Final Documents Here</p>
202006684 Closing Report Will be Available Upon Closure of all related APU Cases	PO Michael Sidorskiy	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to explain to Victim 1 the reason for a law enforcement activity. 2. Abuse of Authority - failed to provide Victim 1 with a business card. 3. Abuse of Authority - searched the vehicle in which Victim 1 and Victim 2 were occupants. 4. Untruthful Statement - provided a misleading official statement to the CCRB. 5. Untruthful Statement - provided a false official statement to the CCRB. 	<p>Combined penalty with CCRB Case No. 202005863</p> <p>Read Final Documents Here</p>

202100199 Read Closing Report Here	PO Michael Sidorskiy	<ol style="list-style-type: none"> 1. Abuse of Authority - searched the vehicle in which the Victim was an occupant. 2. Untruthful Statement - provided a misleading official statement to the CCRB 	<p>Combined penalty with CCRB Case No. 202005863</p> <p>Read Final Documents Here</p>
202006169 Read Closing Report Here	PO Farry Medinaramos	<ol style="list-style-type: none"> 1. Abuse of Authority - questioned an individual. 2. Abuse of Authority - questioned Victim 1. 3. Abuse of Authority - questioned Victim 2. 4. Abuse of Authority - searched Victim 1. 	<p>Officer accepted three (3) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
202102508 Read Closing Report Here	PO Kenneth Flynn	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide Victim 1 with a business card. 2. Abuse of Authority - failed to provide individuals with business cards. 3. Abuse of Authority - failed to provide Victim 2 with a business card. 4. Abuse of Authority - interfered with an individual's use of a recording device. 5. Abuse of Authority - threatened to issue summons to an individual. 6. Abuse of Authority - threatened to seize an individual's property. 	<p>Officer accepted ten (10) days' vacation forfeiture. The Police Commissioner approved the plea but modified the penalty to (10) days' vacation forfeiture and formalized training.</p> <p>Read Final Documents Here</p>
201907371 Closing Report Will be Available Upon Closure of all related APU Cases	SGT Ramon Reyes	<ol style="list-style-type: none"> 1. Abuse of Authority - frisked Victim 1. 2. Abuse of Authority - searched Victim 1. 3. Abuse of Authority - searched Victim 2. 4. Abuse of Authority - searched the vehicle in which Victim 1 was an occupant. 3. Discourtesy - spoke discourteously to Victim 1. 	<p>Officer accepted three (3) days' vacation forfeiture. The Police Commissioner downgraded the Charges to a Command Discipline and did not modify the penalty.</p> <p>Read Final Documents Here</p>

202001927 Read Closing Report Here	PO Rahul Dass	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to the Victim. 2. Offensive Language - made remarks to the Victim based upon the gender of the Victim. 	<p>Officer accepted eleven (11) days' vacation forfeiture. The Police Commissioner approved the plea but modified the penalty to one (1) day vacation forfeiture.</p> <p>Read Final Documents Here</p>
202103206 Closing Report Will be Available Upon Closure of all related APU Cases	PO Umar Mirza	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 	<p>Officer accepted ten (10) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
202101160 Read Closing Report Here	PO Donald LeBlanc	<ol style="list-style-type: none"> 1. Abuse of Authority - took a photograph of the Victim. 2. Discourtesy - acted discourteously toward the Victim. 3. Discourtesy - spoke discourteously to the Victim. 4. Untruthful Statement - provided a false official statement to the CCRB. 5. Offensive Language - made offensive remarks to the Victim. 	<p>Officer accepted forty (40) days' vacation forfeiture and one (1) year dismissal probation. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
202104740 Read Closing Report Here	PO Donald LeBlanc	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened the Victim with the use of force. 2. Discourtesy - acted discourteously toward the Victim. 	<p>Combined penalty with CCRB Case No. 202101160</p> <p>Read Final Documents Here</p>

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 MOU,³ 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 third quarter of 2023, the Police Commissioner retained four (4) cases.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR RETAINMENT
202201120 Read Closing Report Here	PO Joseph Mirabello	1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - searched the vehicle in which the Victim was an occupant. 3. Abuse of Authority - stopped the Victim. 4. Discourtesy - spoke discourteously to the Victim.	The Police Commissioner retained case and issued discipline to the officer – (Command Discipline A). Read Final Documents Here
202106151 Read Closing Report Here	DTS Sean Donohue	1. Force - struck the Victim with a vehicle. 2. Abuse of Authority - damaged the Victim's property.	The Police Commissioner retained case and dismissed the charges against the officer. Read Final Documents Here
202201741 Read Closing Report Here	PO Bryan Coluccimolina	1. Abuse of Authority - interfered with the Victim's use of a recording device.	The Police Commissioner retained case and issued no discipline to the officer. Read Final Documents Here
202202293 Read Closing Report Here	PO James Drummy	1. Abuse of Authority - disseminated information regarding Victim 1's arrest history. 2. Abuse of Authority - disseminated information Victim 2's arrest history.	The Police Commissioner retained case and issued no discipline to the officer. 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 third quarter of 2023, the Police Commissioner administratively closed eleven (11) cases.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR CASE CLOSURE
202104598 Read Closing Report Here	SGT Jose Rosa	<ol style="list-style-type: none"> 1. Force - struck the Victim with a vehicle. 2. Untruthful Statement - provided a misleading official statement to the CCRB. 	NYPD took internal disciplinary action – issued a thirty-three (33) vacation days’ forfeiture.
202200624 Closing Report Will be Available Upon Closure of all related APU Cases	DTS Fabian Modesto	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened the Victim with the use of force. 2. Discourtesy - spoke discourteously to the Victim. 3. Offensive Language - made remarks to the Victim based upon race. 	NYPD took internal disciplinary action – issued a Command Discipline B.
202003221 Read Closing Report Here	PO Jason Velez	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened Victim 1 with the use of force. 2. Discourtesy - acted discourteously toward Victim 1. 3. Discourtesy - acted discourteously toward Victim 2. 4. Discourtesy - spoke discourteously to Victim 1. 5. Discourtesy - spoke discourteously to Victim 2. 	Officer retired.
202003368 Read Closing Report Here	PO Christopher Vedutis	<ol style="list-style-type: none"> 1. Discourtesy - acted discourteously toward Victim 1. 2. Discourtesy - acted discourteously toward Victim 2. 3. Discourtesy - acted discourteously toward Victim 3. 4. Untruthful Statement - provided a misleading official statement to the CCRB. 	Officer retired.

202004031 Closing Report Will be Available Upon Closure of all related APU Cases	PO Catherine Dejesus	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Discourtesy - spoke discourteously to the Victim. 3. Offensive Language - made remarks to the Victim based upon race. 	Officer retired.
202004592 Read Closing Report Here	DT2 Kenneth Ayala	<ol style="list-style-type: none"> 1. Abuse of Authority - stopped the vehicle in which the Victim was an occupant. 2. Abuse of Authority - threatened to arrest the Victim. 3. Abuse of Authority - took photographs of the Victim. 4. Discourtesy - acted discourteously toward the Victim. 5. Discourtesy - spoke discourteously to the Victim. 6. Untruthful Statement - provided a false official statement to the CCRB. 7. Offensive Language - made remarks to the Victim based upon her gender. 	Officer retired.
202104208 Read Closing Report Here	PO Luven Gilbertfigueroa	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Abuse of Authority - ejected the Victim from the transit system. 3. Abuse of Authority - made intentionally untruthful testimony against a member of the public in the performance & of official police functions. 	Officer retired.
202202407 Read Closing Report Here	PO Joseph Arbia	<ol style="list-style-type: none"> 1. Force - struck the Victim with a vehicle. 	Officer retired.
202002891 Closing Report Unavailable in Accordance with Civil Rights Law Section 50-b	PO Matthew Disilvestre	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Abuse of Authority - threatened to arrest the Victim. 3. Discourtesy - spoke discourteously to the Victim. 	Officer resigned.

202003541 Read Closing Report Here	PO Joseph Going	1. Offensive Language - made offensive remarks to the Victim regarding mental health status.	Officer resigned.
202107236 Read Closing Report Here	PO Jason Garcia	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - questioned the Victim. 3. Discourtesy - spoke discourteously to the Victim. 	Officer resigned.

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 third quarter of 2023, the APU administratively closed seventy-four (74) for SOL reasons.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR CASE CLOSURE
201908868 Read Closing Report Here	SGT David Grieco	1. Abuse of Authority - entered the Victim's home. 2. Abuse of Authority - searched the Victim's home.	Charges not served.
202001652 Read Closing Report Here	PO Manolin Molina	1. Abuse of Authority - issued a summons to Victim 1. 2. Abuse of Authority - stopped the vehicle in which Victim 1, Victim2, and Victim 3 were occupants.	Charges not served.
202002635 Read Closing Report Here	PO Michael Napolitano	1. Force - used a chokehold against the Victim.	Charges not served.
202002691 Read Closing Report Here	PO Jon Derise	1. Force - used physical force against an individual. 2. Discourtesy - was discourteous to an individual.	Charges not served.
202002726 Read Closing Report Here	DT3 Mohamed Elhanafi	1. Force - used physical force against the Victim. 2. Abuse of Authority - refused to provide his shield number to the Victim.	Charges not served.
202002738 Read Closing Report Here	PO Victor Carrasquillo	1. Force - used physical force against the Victim. 2. Abuse of Authority - did not obtain medical treatment for the Victim.	Charges not served.

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.

202002738 Read Closing Report Here	PO Shawn Moynihan	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Abuse of Authority - did not obtain medical treatment for the Victim. 3. Discourtesy - spoke discourteously to the Victim. 4. Discourtesy - spoke discourteously to the Victim. 5. Untruthful Statement - provided a misleading official statement to the CCRB. 	Charges not served.
202002855 Read Closing Report Here	LT Henry Daverin	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Abuse of Authority - threatened the Victim with the use of force. 3. Discourtesy - spoke discourteously to the Victim. 	Charges not served.
202002863 Read Closing Report Here	PO Nicholas Santomero	<ol style="list-style-type: none"> 1. Force - pointed his gun at the Victim. 2. Abuse of Authority - threatened the Victim with the use of force. 	Charges not served.
202002891 Closing Report Unavailable in Accordance with Civil Rights Law Section 50-b	PO Gregory Flores	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Abuse of Authority - damaged the Victim's property. 3. Abuse of Authority - issued an unlawful summons to the Victim. 4. Abuse of Authority - threatened the Victim with the use of force. 5. Abuse of Authority - threatened to arrest the Victim. 6. Discourtesy - spoke discourteously to the Victim. 	Charges not served.
202003031 Read Closing Report Here	PO Thomas Bucholz	<ol style="list-style-type: none"> 1. Abuse of Authority - damaged the Victim's property. 2. Abuse of Authority - entered the Victim's home. 3. Abuse of Authority - threatened the Victim with the use of force. 4. Discourtesy - spoke discourteously to the Victim. 	Charges not served.
202003031 Read Closing Report Here	DT3 Ryan Donnellan	<ol style="list-style-type: none"> 1. Force - pointed his gun at the Victim. 2. Abuse of Authority - entered the Victim's home. 3. Discourtesy - spoke discourteously to the Victim. 	Charges not served.

202003054 Read Closing Report Here	LT Tancredo Contreras	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened to damage the Victim's property. 2. Abuse of Authority - entered the Victim's home. 3. Discourtesy - spoke discourteously to the Victim. 4. Discourtesy - spoke discourteously to the Victim. 5. Untruthful Statement - provided a misleading official statement to the CCRB. 	Charges not served.
202003118 Read Closing Report Here	PO Eroll Cherenfant	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened to remove the Victim to the hospital. 2. Abuse of Authority - on a different day threatened to remove the Victim to the hospital. 	Charges not served.
202003154 Read Closing Report Here	LT Yasin Elhaddad	<ol style="list-style-type: none"> 1. Discourtesy - was discourteous to the Victim. 2. Offensive Language - was offensive toward the Victim. 	Charges not served.
202003154 Read Closing Report Here	DT3 Abel Lovera	<ol style="list-style-type: none"> 1. Discourtesy - was discourteous to the Victim. 2. Offensive Language - was offensive toward the Victim. 	Charges not served.
202003167 Read Closing Report Here	PO Nicholas McKeever	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Untruthful Statement - provided a misleading official statement to the CCRB. 	Charges not served.
202003169 Read Closing Report Here	PO Marshalet Scott	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Abuse of Authority - issued an unlawful summons to the Victim. 	Charges not served.

202003240 Read Closing Report Here	PO Michael Napolitano	<ol style="list-style-type: none"> 1. Force - used physical force against Victim 1. 2. Force - restricted Victim 1's breathing. 3. Force - used a chokehold against Victim 1. 4. Force - used physical force against Victim 1. 5. Abuse of Authority - threatened Victim 2 with the use of force. 6. Abuse of Authority - threatened Victim 1 with the use of force. 7. Abuse of Authority - refused to provide his shield number to an individual. 8. Discourtesy - spoke discourteously to Victim 3. 9. Discourtesy - spoke discourteously to Victim 2. 10. Discourtesy - spoke discourteously to Victim 1. 11. Untruthful Statement - provided a misleading official statement to the CCRB. 12. Untruthful Statement - provided a false official statement to the CCRB. 	Charges not served.
202003240 Read Closing Report Here	PO Matthew Melendez	<ol style="list-style-type: none"> 13. Discourtesy - spoke discourteously to Victim 4. 14. Offensive Language - made offensive remarks to Victim 4. 	Charges not served.
202003245 Read Closing Report Here	SGT Tony Chacko	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened an individual with the use of force. 2. Abuse of Authority - threatened the Victim with the use of force. 3. Discourtesy - spoke discourteously to the Victim. 	Charges not served.
202003306 Read Closing Report Here	PO Nicole Fox	<ol style="list-style-type: none"> 1. Abuse of Authority - issued a retaliatory summons to the Victim. 	Charges not served.
202003368 Read Closing Report Here	PO Brendan Giardino	<ol style="list-style-type: none"> 1. Discourtesy - acted discourteously toward Victim 1. 2. Discourtesy - acted discourteously toward Victim 2. 3. Discourtesy - acted discourteously toward Victim 3. 4. Untruthful Statement - provided a misleading official statement to the CCRB. 	Charges not served.

202003372 Read Closing Report Here	PO Ashley Griffith	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide an individual with a business card. 2. Abuse of Authority - failed to provide the Victim with a business card. 3. Discourtesy - spoke discourteously to the Victim. 4. Untruthful Statement - provided a false official statement to the CCRB. 	Charges not served.
202003463 Read Closing Report Here	LT Aleksandr Kovalenko	<ol style="list-style-type: none"> 1. Discourtesy - acted discourteously toward Victim 1. 2. Discourtesy - gestured discourteously toward Victim 1. 3. Discourtesy - spoke discourteously to Victim 2. 	Charges not served.
202003480 Read Closing Report Here	DT3 Matthew Shostak	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to the Victim. 2. Offensive Language - made remarks to the Victim based upon the gender of the Victim. 	Charges not served.
202003482 Read Closing Report Here	DT3 Paul Rivera	<ol style="list-style-type: none"> 1. Abuse of Authority: Detective Paul Rivera entered the Victim's home. 2. Untruthful Statement: Detective Paul Rivera provided a false official statement to the CCRB. 	Charges not served.
202003482 Read Closing Report Here	SGT Michael Cangelosi	<ol style="list-style-type: none"> 1. Abuse of Authority - entered the Victim's home. 2. Abuse of Authority - searched the Victim's home. 	Charges not served.
202003482 Read Closing Report Here	LT Dixun Su	<ol style="list-style-type: none"> 1. Abuse of Authority - entered the Victim's home. 2. Abuse of Authority - searched the Victim's home. 	Charges not served.
202003482 Read Closing Report Here	DT3 Lindsay Agard	<ol style="list-style-type: none"> 1. Abuse of Authority - entered the Victim's home. 2. Abuse of Authority - searched the Victim's home. 	Charges not served.

202003525 Read Closing Report Here	DT3 Satinderpa Singh	<ol style="list-style-type: none"> 1. Force - used physical force against Victim 1. 2. Abuse of Authority - failed to provide Victim 2 with a business card. 3. Abuse of Authority - failed to provide Victim 3 with a business card. 4. Abuse of Authority - failed to provide Victim 4 with a business card. 5. Abuse of Authority - failed to provide Victim 1 with a business card. 6. Abuse of Authority - refused to provide his shield number to Victim 4. 7. Abuse of Authority - refused to provide his shield number to Victim 1. 	Charges not served.
202003525 Read Closing Report Here	PO Francis Pinales	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide Victim 2 with a business card. 2. Abuse of Authority - failed to provide Victim 3 with a business card. 3. Abuse of Authority - failed to provide Victim 4 with a business card. 4. Abuse of Authority - failed to provide Victim 1 with a business card. 5. Abuse of Authority - refused to provide his shield number to Victim 4. 	Charges not served.

202003525 Read Closing Report Here	DT3 Tomor Berisha	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide Victim 2 with a business card. 2. Abuse of Authority - failed to provide Victim 3 with a business card. 3. Abuse of Authority - failed to provide Victim 4 with a business card. 4. Abuse of Authority - failed to provide Victim 1 with a business card. 5. Abuse of Authority - interfered with Victim 4's use of a recording device. 6. Abuse of Authority - refused to provide his shield number to Victim 4. 	Charges not served.
202003531 Read Closing Report Here	DT3 Kevin Butler	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Discourtesy - spoke discourteously to the Victim. 	Charges not served.
202003552 Read Closing Report Here	SGT Eloise Walter	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - frisked the Victim. 3. Abuse of Authority - searched the Victim. 4. Abuse of Authority - stopped the Victim. 	Charges not served.
202003552 Read Closing Report Here	DTS Eric Bernard	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - searched the Victim's recording device. 3. Abuse of Authority - stopped the Victim. 	Charges not served.

202003552 Read Closing Report Here	DT3 Christopher Chin	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - frisked the Victim. 3. Abuse of Authority - searched the Victim. 4. Abuse of Authority - stopped the Victim. 5. Untruthful Statement - provided a misleading official statement to the CCRB. 6. Untruthful Statement - provided a misleading official statement to the CCRB. 	Charges not served.
202003576 Read Closing Report Here	DT3 Anthony Waite	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - frisked the Victim. 3. Abuse of Authority - questioned the Victim. 4. Abuse of Authority - searched the Victim. 5. Abuse of Authority - stopped the Victim. 6. Untruthful Statement - provided a false official statement to the CCRB. 	Charges not served.
202003614 Read Closing Report Here	PO Volkan Maden	<ol style="list-style-type: none"> 1. Abuse of Authority - frisked Victim 1. 2. Abuse of Authority - searched the vehicle in which Victim 1, Victim 2. and Victim 3 were occupants. 3. Abuse of Authority - threatened to arrest individuals. 4. Discourtesy - spoke discourteously to Victim 3. 5. Offensive Language - made offensive remarks to Victim 3. 	Charges not served.
202003958 Closing Report Will be Available Upon Closure of all related APU Cases	PO Matthew Salzman	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to an individual. 2. Offensive Language - made remarks to an individual based upon the gender of the individual. 	Charges not served.
202004551 Read Closing Report Here	PO Jose Garcia	<ol style="list-style-type: none"> 1. Force - struck the Victim with an asp. 	Charges not served.

202005005 Read Closing Report Here	DTS Anthony Ward	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened to remove the Victim to the hospital. 2. Discourtesy - acted discourteously toward the Victim. 3. Untruthful Statement - provided a false official statement to the CCRB. 4. Untruthful Statement - provided a misleading official statement to the CCRB. 	Charges not served.
202005086 Read Closing Report Here	PO Jolman Viera	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Abuse of Authority - forcibly removed the Victim to the hospital. 3. Abuse of Authority - refused to provide his shield number to the Victim. 	Charges not served.
202005086 Read Closing Report Here	PO Cesar Urrutia	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Abuse of Authority - forcibly removed the Victim to the hospital. 	Charges not served.
202006463 Read Closing Report Here	SGT Felix Acosta	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide Victim 1 with a business card. 2. Abuse of Authority - failed to provide Victim 2 with a business card. 3. Abuse of Authority - failed to provide Victim 3 with a business card. 4. Abuse of Authority - failed to provide Victim 4 with a business card. 5. Abuse of Authority - failed to provide Victim 5 with a business card. 6. Abuse of Authority - failed to provide Victim 6 with a business card. 7. Discourtesy - spoke discourteously to Victim 1. 8. Discourtesy - spoke discourteously to Victim 4. 	Charges not served.

202006881 Read Closing Report Here	PO Christopher Bracco	<ol style="list-style-type: none"> 1. Force - hit the Victim against a bench. 2. Force - used physical force against the Victim. 3. Force - used physical force against the Victim. 4. Discourtesy - spoke discourteously to the Victim. 	Charges not served.
202006917 Read Closing Report Here	CPT Bekim Kalicovic	<ol style="list-style-type: none"> 1. Force - used physical force against Victim 1. 2. Force - used physical force against Victim 2. 3. Discourtesy - spoke discourteously to Victim 1. 4. Offensive Language - made remarks to Victim 1 based upon the gender of Victim 1. 	Charges not served.
202007141 Read Closing Report Here	PO William Wang	<ol style="list-style-type: none"> 1. Abuse of Authority - entered the Victim's home. 2. Abuse of Authority - failed to obtain language interpretation services for the Victim. 3. Abuse of Authority - searched the Victim's home. 	Charges not served.
202007144 Read Closing Report Here	SGT Ernest Diggs	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide Victim 1 with a business card. 2. Abuse of Authority - failed to provide Victim 2 with a business card. 3. Abuse of Authority - searched Victim 1's home. 	Charges not served.
202007372 Read Closing Report Here	PO Harry Cai	<ol style="list-style-type: none"> 1. Force - hit the Victim against a wall. 2. Force - used a chokehold against the Victim. 	Charges not served.
202007451 Read Closing Report Here	PO Vincent Mandracchia	<ol style="list-style-type: none"> 1. Abuse of Authority - arrested Victim 1 unlawfully. 2. Abuse of Authority - threatened to arrest Victim 2. 3. Untruthful Statement - provided a false official statement to the CCRB. 	Charges not served.
202007459 Read Closing Report Here	SGT DS Derwent Williams	<ol style="list-style-type: none"> 1. Abuse of Authority - arrested the Victim unlawfully. 2. Abuse of Authority - threatened the Victim with the use of force. 	Charges not served.
202007642 Read Closing Report Here	PO Juan Navarro	<ol style="list-style-type: none"> 1. Force - pointed his gun at Victim 1. 2. Abuse of Authority - searched Victim 2. 	Charges not served.

202007642 Read Closing Report Here	LT John Rajan	<ol style="list-style-type: none"> 1. Force - pointed his gun at Victim 1. 2. Abuse of Authority - frisked Victim 1. 3. Abuse of Authority - searched the vehicle in which Victim 2 was an occupant. 4. Abuse of Authority - stopped the vehicle in which Victim 1 was an occupant. 	Charges not served.
202007642 Read Closing Report Here	PO Gabriel Abreu	<ol style="list-style-type: none"> 1. Force - pointed his gun at Victim 1. 2. Abuse of Authority - searched the vehicle in which Victim 2 was an occupant. 	Charges not served.
202007667 Read Closing Report Here	SGT Anthony Buonomo	<ol style="list-style-type: none"> 1. Abuse of Authority - refused to provide his shield number to the Victim. 2. Discourtesy - spoke discourteously to the Victim. 3. Offensive Language - made remarks to the Victim based upon the gender of the Victim. 	Charges not served.
202007713 Read Closing Report Here	PO Romeo Poliard	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to the Victim. 2. Discourtesy - spoke discourteously to the Victim. 	Charges not served.
202007855 Read Closing Report Here	SGT Andrew Freeman	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Abuse of Authority - unlawfully arrested the Victim. 	Charges not served.
202008106 Read Closing Report Here	PO George Layng	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to the Victim. 2. Offensive Language - made remarks to the Victim based upon race. 3. Offensive Language - made remarks to the Victim based upon the gender of the Victim. 	Charges not served.
202101076 Read Closing Report Here	DT3 Casey Thomas	<ol style="list-style-type: none"> 1. Abuse of Authority - searched the Victim's home. 2. Abuse of Authority - entered the Victim's home. 	Charges not served.
202102281 Read Closing Report Here	SGT Omar Elsayed	<ol style="list-style-type: none"> 1. Abuse of Authority - strip-searched the Victim. 	Charges not served.
202102582 Read Closing Report Here	PO Nicole Krauss	<ol style="list-style-type: none"> 1. Force - used a non-lethal restraining device on the Victim. 	Charges not served.

202103439 Read Closing Report Here	SGT Timothy Burke	<ol style="list-style-type: none"> 1. Force - used physical force against Victim 1. 2. Abuse of Authority - damaged Victim 1's property. 3. Abuse of Authority - detained Victim 2. 4. Abuse of Authority - detained Victim 3. 	Charges not served.
202003772 Read Closing Report Here	DT3 Andrew Belcher	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Abuse of Authority - failed to provide the Victim with a business card. 	SOL expired prior to APU receiving case.
202003867 Read Closing Report Here	DT3 Brian Greaige	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Discourtesy - spoke discourteously to an individual. 	SOL expired prior to APU receiving case.
202105156 Read Closing Report Here	LT Roy Kim	<ol style="list-style-type: none"> 1. Abuse of Authority - damaged Victim 1's property. 2. Abuse of Authority - entered Victim 1's home. 3. Abuse of Authority - searched Victim 1's home. 4. Abuse of Authority: Sergeant Roy Kim threatened to damage Victim 1's property. 	SOL expired prior to APU receiving case.
202105156 Read Closing Report Here	PO Angela Polancobrito	<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 - seized Victim 2's property. 4. Abuse of Authority - threatened to damage Victim 1's property. 	SOL expired prior to APU receiving case.

202105350 Read Closing Report Here	LT SA Timothy Brovakos	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to explain to individuals the reason for a law enforcement activity. 2. Abuse of Authority - failed to provide Victim 1 with a business card. 3. Abuse of Authority - failed to provide individuals with a business card. 4. Abuse of Authority - searched Victim 2. 5. Abuse of Authority - searched Victim 3 6. Abuse of Authority - stopped Victim 1. 7. Abuse of Authority - stopped Victim 2. 8. Abuse of Authority - stopped Victim 4. 9. Abuse of Authority - stopped individuals. 10. Abuse of Authority - stopped Victim 6. 11. Abuse of Authority - stopped Victim 7. 12. Abuse of Authority - stopped Victim 3 13. Abuse of Authority - stopped Victim 5. 14. Abuse of Authority -supervised the frisk of Victim 1. 15. Abuse of Authority - supervised the frisk of Victim 2. 16. Abuse of Authority - supervised the frisk of Victim 4. 17. Abuse of Authority - supervised the frisk of individuals. 18. Abuse of Authority - supervised the frisk of Victim 6. 19. Abuse of Authority - supervised the frisk of Victim 7. 20. Abuse of Authority - supervised the frisk of Victim 3 21. Abuse of Authority - supervised the frisk of Victim 5. 22. Abuse of Authority - supervised the search of Victim 1. 	SOL expired prior to APU receiving case.
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		<p>23. Abuse of Authority - supervised the search of Victim 4.</p> <p>24. Abuse of Authority - supervised the search of individuals.</p> <p>25. Abuse of Authority - supervised the search of Victim 6.</p> <p>26. Abuse of Authority - supervised the search of Victim 7.</p> <p>27. Abuse of Authority - supervised the search of Victim 5.</p> <p>28. Abuse of Authority - supervised the search of the vehicle in which Victim 2 was an occupant.</p>	
<p>202105350</p> <p>Read Closing Report Here</p>	SGT Mubbashar Zahid	1. Force: Police Officer Mubbashar Zahid used physical force against Victim 6.	SOL expired prior to APU receiving case.
<p>202203080</p> <p>Read Closing Report Here</p>	SGT Heriberto Hernandez	<p>1. Force - used physical force against the Victim.</p> <p>2. Discourtesy - acted discourteously toward the Victim.</p>	SOL expired prior to APU receiving case.
<p>202203080</p> <p>Read Closing Report Here</p>	SGT Ernest Hernandez	1. Force - used physical force against the Victim.	SOL expired prior to APU receiving case.
<p>201908966</p> <p>Read Closing Report Here</p>	SGT Charles Schwartz	<p>1. Force - used physical force against the Victim.</p> <p>2. Abuse of Authority - stopped the vehicle in which the Victim was an occupant.</p>	SOL expired in APU.
<p>202002782</p> <p>Read Closing Report Here</p>	PO Regina Fiumano	<p>1. Abuse of Authority - threatened to arrest the Victim.</p> <p>2. Discourtesy - spoke discourteously to the Victim.</p> <p>3. Untruthful Statement - provided a misleading official statement to the CCRB.</p>	SOL expired in APU.
<p>202002820</p> <p>Read Closing Report Here</p>	DT3 Michael Gonzalez	<p>1. Abuse of Authority - questioned the Victim.</p> <p>2. Abuse of Authority - threatened the Victim with the use of force.</p> <p>3. Discourtesy - spoke discourteously to the Victim.</p> <p>4. Discourtesy - spoke discourteously to the Victim.</p> <p>5. Untruthful Statement - provided a false official statement to the CCRB.</p> <p>6. Offensive Language - made remarks based upon the perceived mental status of the Victim.</p>	SOL expired in APU.

VI. THE APU DOCKET

The APU's docket reduced slightly in the third quarter of 2023 compared to the second quarter of 2023. The sustained docket size 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
4 th Quarter 2022	624	90	27	687	10.1%
1 st Quarter 2023	687	78	49	716	4.2%
2 nd Quarter 2023	716	72	87	701	-2.1%
3 rd Quarter 2023	707	55	122	640	-9.5%

VII. SERVICE OF RESPONDENTS

As of September 30, 2023, there were forty (40) Respondents⁵ who had not been served with Charges. The average wait time for Respondents to be served remained relatively the same between the second and third quarters of 2023.

Time to Serve Respondents			
Period	Number of Respondents Served	Average Length to Serve Respondents	Average Length to Serve Respondents (Business Days)
4 th Quarter 2022	70	23	17
1 st Quarter 2023	74	17	12
2 nd Quarter 2023	55	26	19
3 rd Quarter 2023	51	27	19

⁵ An officer who has a substantiated complaint against them.

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, do not factor into the concurrence or discipline rate.

Q3 2023 APU Concurrence and Discipline			
Discipline	25	Concurrence	24
No Discipline	13	Non-Concurrence	14
Not Adjudicated	84	Not Adjudicated	55
Discipline %	65%	Concurrence %	63%