



ERIC L. ADAMS  
MAYOR

**CIVILIAN COMPLAINT REVIEW BOARD**  
100 CHURCH STREET 10th FLOOR  
NEW YORK, NEW YORK 10007 ♦ TELEPHONE (212) 912-7235  
[www.nyc.gov/ccrb](http://www.nyc.gov/ccrb)



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INTERIM CHAIR

**APRIL 2024**

**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 First Quarter of 2024

**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 first quarter of 2024: twenty-three (23) trial verdicts, thirty-eight (38) pleas, nine (9) retained cases, three (3) PC administratively closed cases, and three (3) APU administratively closed cases. Finally, it includes information regarding the discipline and concurrence rates for the quarter which stand at 77% and 47% respectively.

We hope that the Police Commissioner will increase the acceptance of already negotiated plea agreements and reduce the amount of retained cases.

Thank you for your consideration.

Sincerely,

Jonathan Darche  
Executive Director

Cc: CCRB Acting Chair Arva Rice  
Deputy Commissioner Rosemarie Maldonado  
Department Advocate Chief Paul M. Gamble

## 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").<sup>1</sup> 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.<sup>2</sup> There is no penalty recommendation for not guilty verdicts. In the first quarter of 2024, the verdicts for twenty-three (23) APU trials were finalized. The verdicts can be found below.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	APU RECOMMENDED PENALTY	ADCT DECISION & PC DECISION
201901685 <a href="#">Read Closing Report Here</a>	PO Anthony Torres	1. Abuse of Authority - entered the Victim's home. 2. Abuse of Authority - failed to provide the Victim with a business card.	Six (6) days' vacation forfeiture	The ADCT rendered a guilty verdict on all charges and recommended formalized training and three (3) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and did not modify the penalty.  <a href="#">Read Final Documents Here</a>

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<sup>1</sup> 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."

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

<b>COMPLAINT</b>	<b>OFFICER</b>	<b>CCRB SUBSTANTIATED ALLEGATIONS</b>	<b>APU RECOMMENDED PENALTY</b>	<b>ADCT DECISION &amp; PC DECISION</b>
201906066 <a href="#">Read Closing Report Here</a>	PO Alvin Guthrie	<ol style="list-style-type: none"> <li>1. Force - pointed his gun at Victim 1.</li> <li>2. Abuse of Authority - searched Victim 1's home.</li> </ol>	Twenty (20) days' vacation forfeiture	<p>The ADCT rendered a guilty verdict on one charge and a not guilty verdict on the other charge. The ADCT recommended three (3) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
201906066 <a href="#">Read Closing Report Here</a>	SGT Mark Xylas	<ol style="list-style-type: none"> <li>1. Abuse of Authority - damaged Victim 1's property.</li> <li>2. Abuse of Authority - damaged Victim 2's property.</li> <li>3. Abuse of Authority - entered Victim 1's home.</li> <li>4. Abuse of Authority - searched Victim 1's home.</li> </ol>	Ten (10) days' vacation forfeiture	<p>The ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p><a href="#">Read Final Documents Here</a></p>
201908026 <b>Closing Report Will be Available Upon Closure of all related APU Cases</b>	DTS Devin Baker	<ol style="list-style-type: none"> <li>1. Force - restricted the Victim's breathing.</li> <li>2. Force - slammed the Victim against a wall.</li> <li>3. Force - slammed the Victim against the ground.</li> <li>4. Force - used physical force against the Victim.</li> <li>5. Abuse of Authority - arrested the Victim.</li> </ol>	Thirty-five (35) days' vacation forfeiture	<p>The ADCT rendered a guilty verdict on one charge and a not guilty verdict on the remaining charges. The ADCT recommended ten (10) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>

<b>COMPLAINT</b>	<b>OFFICER</b>	<b>CCRB SUBSTANTIATED ALLEGATIONS</b>	<b>APU RECOMMENDED PENALTY</b>	<b>ADCT DECISION &amp; PC DECISION</b>
202002217 <a href="#">Read Closing Report Here</a>	PO Thomas Lee	<ol style="list-style-type: none"> <li>1. Abuse of Authority - failed to provide the Victim with a business card.</li> <li>2. Abuse of Authority - stopped the Victim.</li> <li>3. Abuse of Authority - threatened to damage the Victim's property.</li> </ol>	Forty (40) days' vacation forfeiture	<p>The ADCT rendered a guilty verdict on one charge and a not guilty verdict on the remaining charges. The ADCT recommended three (3) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
202002217 <a href="#">Read Closing Report Here</a>	PO Eugene Choi	<ol style="list-style-type: none"> <li>1. Abuse of Authority - failed to provide the Victim with a business card.</li> <li>2. Abuse of Authority - stopped the Victim.</li> <li>3. Abuse of Authority - threatened to damage the Victim's property.</li> </ol>	Forty (40) days' vacation forfeiture	<p>The ADCT rendered a guilty verdict on one charge and a not guilty verdict on the remaining charges. The ADCT recommended three (3) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>

<b>COMPLAINT</b>	<b>OFFICER</b>	<b>CCRB SUBSTANTIATED ALLEGATIONS</b>	<b>APU RECOMMENDED PENALTY</b>	<b>ADCT DECISION &amp; PC DECISION</b>
202002217 <a href="#">Read Closing Report Here</a>	SGT Kevin Cameron	<ol style="list-style-type: none"> <li>1. Abuse of Authority - failed to provide the Victim with a business card.</li> <li>2. Abuse of Authority - stopped the Victim.</li> <li>3. Abuse of Authority - threatened to damage the Victim's property.</li> </ol>	Forty (40) days' vacation forfeiture	<p>The ADCT rendered a guilty verdict on one charge and a not guilty verdict on the remaining charges. The ADCT recommended three (3) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
202002550 <a href="#">Read Closing Report Here</a>	PO Chardy Alberto	<ol style="list-style-type: none"> <li>1. Force - used pepper spray against an individual.</li> <li>2. Force - used pepper spray against the Victim.</li> <li>3. Force - used physical force against an individual.</li> <li>4. Discourtesy - spoke discourteously to an individual.</li> <li>5. Discourtesy - spoke discourteously to the Victim.</li> <li>6. Untruthful Statement - provided a misleading official statement to the CCRB.</li> </ol>	Termination	<p>The ADCT rendered a guilty verdict on two charges and a not guilty verdict on the remaining charge. The ADCT recommended five (5) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>

<b>COMPLAINT</b>	<b>OFFICER</b>	<b>CCRB SUBSTANTIATED ALLEGATIONS</b>	<b>APU RECOMMENDED PENALTY</b>	<b>ADCT DECISION &amp; PC DECISION</b>
202005852 <a href="#">Read Closing Report Here</a>	PO Arianny Bernabel	<ol style="list-style-type: none"> <li>1. Abuse of Authority - refused to provide her name to the Victim.</li> <li>2. Abuse of Authority - refused to provide her shield number to the Victim.</li> <li>3. Discourtesy - acted discourteously toward the Victim.</li> <li>4. Untruthful Statement - provided a false official statement to the CCRB.</li> </ol>	Twenty (20) days' vacation forfeiture	<p>The ADCT rendered a guilty verdict on two charges and a not guilty verdict on the two remaining charges. The ADCT recommended three (3) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
202005916 <a href="#">Read Closing Report Here</a>	PO Anthony Carolei	<ol style="list-style-type: none"> <li>1. Force - used a chokehold against the Victim.</li> <li>2. Force - used pepper spray against individuals.</li> <li>3. Force - used physical force against the Victim.</li> <li>4. Abuse of Authority - did not obtain medical treatment for the Victim.</li> <li>5. Untruthful Statement - provided a false official statement to the CCRB.</li> </ol>	Termination	<p>The ADCT rendered a guilty verdict on one charge and a not guilty verdict on the remaining charges. The ADCT recommended ten (10) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>

<b>COMPLAINT</b>	<b>OFFICER</b>	<b>CCRB SUBSTANTIATED ALLEGATIONS</b>	<b>APU RECOMMENDED PENALTY</b>	<b>ADCT DECISION &amp; PC DECISION</b>
202005916 <a href="#">Read Closing Report Here</a>	PO Mateusz Wybraniec	<ol style="list-style-type: none"> <li>1. Force - used physical force against the Victim.</li> <li>2. Abuse of Authority - did not obtain medical treatment for the Victim.</li> <li>3. Abuse of Authority - refused to provide his shield number to the Victim.</li> <li>4. Abuse of Authority - threatened the Victim with the use of force.</li> </ol>	Fifteen (15) days' vacation forfeiture	<p>The ADCT rendered a guilty verdict on one charge and a not guilty verdict on the remaining charges. The ADCT recommended three (3) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
202006351 <a href="#">Read Closing Report Here</a>	PO Joseph Vitale	<ol style="list-style-type: none"> <li>1. Offensive Language - made an offensive comment towards the Victim.</li> </ol>	Twenty (20) days' vacation forfeiture	<p>The ADCT rendered a guilty verdict on the sole charge and recommended twenty (20) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
202100465 <a href="#">Read Closing Report Here</a>	PO Damian Weber	<ol style="list-style-type: none"> <li>1. Abuse of Authority - drew his gun.</li> <li>2. Abuse of Authority - stopped the Victim.</li> </ol>	Thirteen (13) days' vacation forfeiture	<p>The ADCT rendered a guilty verdict on all charges and recommended ten (10) days' vacation forfeiture. The Police Commissioner approved the guilty verdict and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>

<b>COMPLAINT</b>	<b>OFFICER</b>	<b>CCRB SUBSTANTIATED ALLEGATIONS</b>	<b>APU RECOMMENDED PENALTY</b>	<b>ADCT DECISION &amp; PC DECISION</b>
202005170 <a href="#">Read Closing Report Here</a>	PO Ali Alomaisi	<ol style="list-style-type: none"> <li>1. Discourtesy - acted discourteously toward the Victim.</li> <li>1. Untruthful Statement - provided a false official statement to the CCRB.</li> </ol>	Termination	<p>ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p><a href="#">Read Final Documents Here</a></p>
201807333 <a href="#">Read Closing Report Here</a>	PO Ali Alomaisi	<ol style="list-style-type: none"> <li>2. Force - used a chokehold against the Victim.</li> </ol>	Termination	<p>ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p>Combined with CCRB Case No. 202005170.</p>
202000071 <b>Closing Report Will be Available Upon Closure of all related APU Cases</b>	PO Atisha Samuel	<ol style="list-style-type: none"> <li>1. Force - used physical force against Victim 1.</li> <li>2. Abuse of Authority - failed to obtain language interpretation services for Victim 1.</li> </ol>	Thirteen (13) days' vacation forfeiture	<p>ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p><a href="#">Read Final Documents Here</a></p>
202000071 <b>Closing Report Will be Available Upon Closure of all related APU Cases</b>	PO Jason Brown	<ol style="list-style-type: none"> <li>1. Force - used physical force against Victim 2.</li> <li>2. Abuse of Authority - threatened Victim 2 with the use of force.</li> <li>3. Discourtesy - spoke discourteously to Victim 2.</li> </ol>	Twenty (20) days' vacation forfeiture	<p>ADCT rendered a not guilty verdict on all charges. The Police Commissioner reversed the not guilty verdict on one of the charges and imposed a penalty of five (5) days' vacation forfeiture.</p> <p><a href="#">Read Final Documents Here</a></p>



<b>COMPLAINT</b>	<b>OFFICER</b>	<b>CCRB SUBSTANTIATED ALLEGATIONS</b>	<b>APU RECOMMENDED PENALTY</b>	<b>ADCT DECISION &amp; PC DECISION</b>
202003854 <a href="#">Read Closing Report Here</a>	PO Desean Mullings	<ol style="list-style-type: none"> <li>1. Untruthful Statement - impeded an investigation conducted by the CCRB.</li> <li>2. Untruthful Statement - provided a false official statement to the CCRB.</li> </ol>	Termination	<p>ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p><a href="#">Read Final Documents Here</a></p>
202003854 <a href="#">Read Closing Report Here</a>	DTS Junior Sesay	<ol style="list-style-type: none"> <li>1. Abuse of Authority - damaged an individual's property.</li> <li>2. Abuse of Authority - threatened individuals with the use of force.</li> <li>3. Untruthful Statement - impeded an investigation conducted by the CCRB.</li> <li>4. Untruthful Statement - provided a false official statement to the CCRB.</li> </ol>	Termination	<p>ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p><a href="#">Read Final Documents Here</a></p>
202004048 <a href="#">Read Closing Report Here</a>	PO Anthony Fernandez	<ol style="list-style-type: none"> <li>1. Force - struck the Victim with a baton.</li> </ol>	Fifteen (15) days' suspension	<p>ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p><a href="#">Read Final Documents Here</a></p>
202004326 <b>Closing Report Will be Available Upon Closure of all related APU Cases</b>	PO Liosmely Holguin	<ol style="list-style-type: none"> <li>1. Force - struck the Victim with a baton.</li> <li>2. Untruthful Statement - provided a misleading official statement to the CCRB.</li> </ol>	Fifteen (15) days' suspension	<p>ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.</p> <p><a href="#">Read Final Documents Here</a></p>

<b>COMPLAINT</b>	<b>OFFICER</b>	<b>CCRB SUBSTANTIATED ALLEGATIONS</b>	<b>APU RECOMMENDED PENALTY</b>	<b>ADCT DECISION &amp; PC DECISION</b>
202004326 <b>Closing Report Will be Available Upon Closure of all related APU Cases</b>	PO Katherine Osipowich	1. Untruthful Statement - provided a misleading official statement to the CCRB.	Twenty (20) days' vacation forfeiture	ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.  <a href="#"><u>Read Final Documents Here</u></a>
202100617 <b>Closing Report Will be Available Upon Closure of all related APU Cases</b>	PO Veronica Martino	1. Force - struck Victim 1 with a baton. 2. Abuse of Authority - interfered with Victim 2's use of a recording device. 3. Abuse of Authority - threatened to arrest Victim 2.	Twenty (20) days' vacation forfeiture	ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict.  <a href="#"><u>Read Final Documents Here</u></a>

## II. PLEAS

In lieu of a trial, the MOS can reach a plea agreement with the APU. This agreement must be approved by both the 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 2024, the APU finalized thirty-eight (38) plea agreements.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
201800538 <a href="#">Read Closing Report Here</a>	CPT Jeffrey Heilig	<ol style="list-style-type: none"> <li>1. Force - utilized a Taser against the Victim.</li> <li>2. Abuse of Authority - strip-searched the Victim.</li> <li>3. Abuse of Authority - stopped the Victim.</li> </ol>	<p>The officer pled guilty and accepted twenty-eight (28) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
201803893 <a href="#">Read Closing Report Here</a>	PO Daniel Sandberg	<ol style="list-style-type: none"> <li>1. Abuse of Authority - searched the Victim.</li> <li>2. Abuse of Authority - threatened the Victim with the use of force.</li> <li>3. Discourtesy - spoke discourteously to the Victim.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline B with nine (9) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
201902845 <a href="#">Read Closing Report Here</a>	CPT William Diab	<ol style="list-style-type: none"> <li>1. Abuse of Authority - entered the Victim's home.</li> <li>2. Abuse of Authority - searched the Victim's home.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline B with six (6) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
201904088 <a href="#">Read Closing Report Here</a>	CPT William Diab	<ol style="list-style-type: none"> <li>1. Abuse of Authority - failed to provide the Victim with a business card.</li> <li>3. Abuse of Authority - participated in the entry of the Victim's bedroom.</li> </ol>	<p>Shared penalty with CCRB Case No. 201902845</p>

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
201904088 <a href="#">Read Closing Report Here</a>	DT3 James Quirk	<ol style="list-style-type: none"> <li>1. Abuse of Authority – entered the Victim’s bedroom.</li> <li>2. Abuse of Authority - failed to provide the Victim with a business card.</li> <li>3. Abuse of Authority - searched the Victim’s bedroom.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline A with three (3) days’ vacation forfeiture. The Police Commissioner approved the plea and modified the penalty to Command Discipline A with five (5) days’ vacation forfeiture.</p> <p><a href="#">Read Final Documents Here</a></p>
201905389 <a href="#">Read Closing Report Here</a>	DT3 Michael Leclair	<ol style="list-style-type: none"> <li>1. Abuse of Authority - failed to provide the Victim with a business card.</li> <li>2. Abuse of Authority - threatened to notify the Administration for Children's Services.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline A with five (5) days’ vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
201905697 <a href="#">Read Closing Report Here</a>	LT Michael Verbrugge	<ol style="list-style-type: none"> <li>1. Abuse of Authority - arrested the Victim.</li> <li>2. Abuse of Authority - stopped the Victim.</li> <li>3. Untruthful Statement - provided a misleading official statement to the CCRB.</li> </ol>	<p>The officer pled guilty and accepted thirty (30) days’ vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
201909547 <a href="#">Read Closing Report Here</a>	PO Christopher Digioia	<ol style="list-style-type: none"> <li>1. Abuse of Authority - interfered with Victim 1's use of a recording device.</li> <li>2. Discourtesy - spoke discourteously to Victim 2.</li> <li>3. Discourtesy - was discourteous toward Victim 3.</li> <li>4. Discourtesy - was discourteous toward Victim 2.</li> <li>5. Discourtesy - was discourteous toward Victim 4.</li> <li>6. Discourtesy - was discourteous toward Victim 1.</li> <li>7. Discourtesy - was discourteous toward Victim 5.</li> <li>8. Offensive Language - was offensive toward Victim 3.</li> <li>9. Offensive Language - was offensive toward Victim 2.</li> <li>10. Offensive Language - was offensive toward Victim 4.</li> <li>11. Offensive Language - was offensive toward Victim 1.</li> <li>12. Offensive Language - was offensive toward Victim 5.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline B with ten (10) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
201910584 <a href="#">Read Closing Report Here</a>	DT3 Brandon Ravelo	<ol style="list-style-type: none"> <li>1. Force - used physical force against the Victim.</li> <li>2. Discourtesy - spoke discourteously to the Victim.</li> <li>3. Offensive Language - made remarks to the Victim based upon gender.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline A with five (5) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
202000485 <a href="#">Read Closing Report Here</a>	PO Christopher Kalinowski	<ol style="list-style-type: none"> <li>1. Force - used physical force against the Victim.</li> <li>2. Discourtesy - acted discourteously toward the Victim.</li> <li>3. Discourtesy - spoke discourteously to the Victim.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline B with eight (8) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
202002227 <a href="#">Read Closing Report Here</a>	PO Job Bellevue	1. Abuse of Authority - did not obtain medical treatment for the Victim.	The officer pled guilty and accepted Command Discipline A with five (5) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.  <a href="#">Read Final Documents Here</a>
202002227 <a href="#">Read Closing Report Here</a>	PO Dylan Mattern	1. Abuse of Authority - did not obtain medical treatment for the Victim. 2. Discourtesy - spoke discourteously to the Victim.	The officer pled guilty and accepted Command Discipline B with ten (10) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.  <a href="#">Read Final Documents Here</a>
202004899 <a href="#">Read Closing Report Here</a>	SGT Andrew Campbell	1. Force - used pepper spray against Individuals. 2. Untruthful Statement - provided a false official statement to the CCRB.	The officer pled guilty and accepted Command Discipline B with ten (10) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.  <a href="#">Read Final Documents Here</a>
202004976 <b>Closing Report Will be Available Upon Closure of all related APU Cases</b>	PO Howard Peralta	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. Discourtesy - acted discourteously toward the Victim.	The officer pled guilty and accepted Command Discipline B with eight (8) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.  <a href="#">Read Final Documents Here</a>

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
202104522 <a href="#">Read Closing Report Here</a>	PO Howard Peralta	1. Abuse of Authority - did not process the Victim's complaint regarding an officer.	Penalty shared with CCRB Case No. 202004976.
202006159 <a href="#">Read Closing Report Here</a>	DT3 Hasan Elci	1. Discourtesy - spoke discourteously to the Victim. 2. Untruthful Statement - provided a false official statement to the CCRB.	The officer pled guilty and accepted twenty (20) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.  <a href="#">Read Final Documents Here</a>
202100617 <b>Closing Report Will be Available Upon Closure of all related APU Cases</b>	LT Ramiro Ruiz	1. Force - struck an individual with a baton. 2. Force - struck Victim 1 with a baton. 3. Force - used physical force against Victim 2. 4. Abuse of Authority - interfered with Victim 2's use of a recording device.	The officer pled guilty and accepted twenty (20) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.  <a href="#">Read Final Documents Here</a>
202101926 <a href="#">Read Closing Report Here</a>	PO Raheem Barnes	1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - questioned the Victim. 3. Abuse of Authority - searched the vehicle in which the Victim was an occupant. 4. Abuse of Authority - searched the Victim.	The officer pled guilty and accepted Command Discipline A with three (3) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.  <a href="#">Read Final Documents Here</a>
202102554 <a href="#">Read Closing Report Here</a>	DT3 Michael Dalia	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 - frisked Victim 1. 5. Abuse of Authority - frisked Victim 2.	The officer pled guilty and accepted Command Discipline A with three (3) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.  <a href="#">Read Final Documents Here</a>

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
202102554 <a href="#">Read Closing Report Here</a>	SGT William Dooley	<ol style="list-style-type: none"> <li>1. Abuse of Authority - failed to provide Victim 1 with a business card.</li> <li>2. Abuse of Authority - failed to provide Victim 2 with a business card.</li> <li>3. Abuse of Authority - frisked Victim 3.</li> <li>Abuse of Authority - searched the vehicle in which Victim 1, Victim 2, and Victim 3 were occupants.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline A with three (3) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
202103150 <a href="#">Read Closing Report Here</a>	PO Carlyle Jeanjoseph	<ol style="list-style-type: none"> <li>1. Abuse of Authority - damaged the Victim's property.</li> <li>2. Abuse of Authority - entered the Victim's home.</li> <li>3. Abuse of Authority - forcibly removed the Victim to the hospital.</li> <li>4. Abuse of Authority - threatened the Victim with the use of force.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline B with ten (10) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
202103385 <a href="#">Read Closing Report Here</a>	PO Brandon Rivera	<ol style="list-style-type: none"> <li>1. Force - struck the Victim with a radio.</li> <li>2. Discourtesy - spoke discourteously to the Victim.</li> </ol>	<p>The officer pled guilty and accepted twenty (20) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
202104163 <a href="#">Read Closing Report Here</a>	PO Malvi Moncion	<ol style="list-style-type: none"> <li>1. Force - struck the Victim with a nightstick/asp/baton.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline B with ten (10) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>



<b>COMPLAINT</b>	<b>OFFICER</b>	<b>CCRB SUBSTANTIATED ALLEGATIONS</b>	<b>PLEA AGREEMENT</b>
202104163 <a href="#">Read Closing Report Here</a>	PO Edward Ventura	<ol style="list-style-type: none"> <li>1. Force - used physical force against the Victim.</li> <li>2. Abuse of Authority - forcibly removed the Victim to the hospital.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline B with eight (8) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
202104382 <a href="#">Read Closing Report Here</a>	CPT Erek Powers	<ol style="list-style-type: none"> <li>1. Abuse of Authority - threatened the Victim with the use of force.</li> <li>2. Discourtesy - spoke discourteously to the Victim.</li> <li>3. Untruthful Statement - provided a misleading official statement to the CCRB.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline B with ten (10) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
202104633 <a href="#">Read Closing Report Here</a>	LT Douglas Soriano	<ol style="list-style-type: none"> <li>1. Discourtesy - at the 50<sup>th</sup> Precinct stationhouse, spoke discourteously to the Victim.</li> <li>2. Discourtesy - at the 50<sup>th</sup> Precinct stationhouse, was discourteous to the Victim about his weight.</li> <li>3. Discourtesy - spoke discourteously to the Victim.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline A with five (5) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
202104865 <a href="#">Read Closing Report Here</a>	PO Kamrul Islam	<ol style="list-style-type: none"> <li>1. Discourtesy - spoke discourteously to an individual.</li> <li>2. Offensive Language - made remarks to an individual based upon race.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline B with ten (10) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
202105168 <b>Closing Report Will be Available Upon Closure of all related APU Cases</b>	DT3 William Dawson	1. Abuse of Authority - entered the Victim's home.	The officer pled guilty and accepted Command Discipline B with five (5) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.  <a href="#">Read Final Documents Here</a>
202105402 <a href="#">Read Closing Report Here</a>	SGT Jonathan Taveras	1. Abuse of Authority - frisked individuals. 2. Abuse of Authority - searched individuals. 3. Abuse of Authority - stopped individuals.	The officer pled guilty and accepted Command Discipline A with three (3) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.  <a href="#">Read Final Documents Here</a>
202201013 <a href="#">Read Closing Report Here</a>	DTS Darryle Lamb	1. Force - used physical force against the Victim. 2. Abuse of Authority - threatened the Victim with the use of force. 3. Abuse of Authority - threatened to arrest the Victim. 4. Discourtesy - spoke discourteously to the Victim.	The officer pled guilty and accepted Command Discipline B with ten (10) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.  <a href="#">Read Final Documents Here</a>
202201497 <b>Closing Report Will be Available Upon Closure of all related APU Cases</b>	PO Jean Prinston	1. Abuse of Authority - propositioned the Victim.	The officer pled guilty and accepted Command Discipline B with ten (10) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.  <a href="#">Read Final Documents Here</a>

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
202201877 <a href="#">Read Closing Report Here</a>	PO Alfredo Alba	<ol style="list-style-type: none"> <li>1. Force - used physical force against the Victim.</li> <li>2. Abuse of Authority - failed to provide the Victim with a business card.</li> <li>3. Abuse of Authority - stopped the Victim.</li> <li>4. Discourtesy - spoke discourteously to the Victim.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline B with ten (10) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
202202485 <a href="#">Read Closing Report Here</a>	PO Jasmin Nikocecic	<ol style="list-style-type: none"> <li>1. Abuse of Authority - issued a retaliatory summons to the Victim.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline B with ten (10) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>
202103922 <a href="#">Read Closing Report Here</a>	SGT Gary Leite	<ol style="list-style-type: none"> <li>1. Force – hit the Victim against a vehicle.</li> <li>2. Abuse of Authority - searched the Victim.</li> <li>3. Discourtesy - spoke discourteously to the Victim.</li> <li>4. Untruthful Statement - provided a false official statement to the CCRB.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline B with eight (8) days' vacation forfeiture. The Police Commissioner set aside the plea, dismissed the charges, and issued a penalty of Command Discipline A with one (1) days' vacation forfeiture.</p> <p><a href="#">Read Final Documents Here</a></p>

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
202106456 <a href="#">Read Closing Report Here</a>	PO John Przybyszewski	<ol style="list-style-type: none"> <li>1. Abuse of Authority - failed to provide the Victim with a business card.</li> <li>2. Abuse of Authority - searched the Victim.</li> <li>3. Discourtesy - spoke discourteously to the Victim.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline A with three (3) days' vacation forfeiture. The Police Commissioner set aside the plea, dismissed the charges, and issued a penalty of Command Discipline A with two (2) days' vacation forfeiture.</p> <p><a href="#">Read Final Documents Here</a></p>
201908026 <b>Closing Report Will be Available Upon Closure of all related APU Cases</b>	SGT Carl Scogmanillo	<ol style="list-style-type: none"> <li>1. Abuse of Authority – arrested the Victim.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline B with ten (10) days' vacation forfeiture. The Police Commissioner set aside the plea, dismissed the charges, and imposed no discipline.</p> <p><a href="#">Read Final Documents Here</a></p>
202101651 <b>Closing Report Unavailable in Accordance with Civil Rights Law Section 50-b</b>	PO Ariel Perez	<ol style="list-style-type: none"> <li>1. Abuse of Authority - threatened the Victim with the use of force.</li> <li>2. Discourtesy - spoke discourteously to the Victim.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline B with ten (10) days' vacation forfeiture. The Police Commissioner set aside the plea, dismissed the charges, and imposed no discipline.</p> <p><a href="#">Read Final Documents Here</a></p>

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
202105575 <a href="#">Read Closing Report Here</a>	SGT Smithu Samuel	<ol style="list-style-type: none"> <li>1. Force - restricted the Victim's breathing.</li> <li>2. Force - used physical force against the Victim.</li> <li>3. Untruthful Statement - provided a false official statement to the CCRB.</li> </ol>	<p>The officer pled guilty and accepted Command Discipline B with ten (10) days' vacation forfeiture. The Police Commissioner set aside the plea, dismissed the charges, and imposed no discipline.</p> <p><a href="#">Read Final Documents Here</a></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,<sup>3</sup> 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 2024, the Police Commissioner retained nine (9) cases.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR RETAINMENT
202204404 <a href="#">Read Closing Report Here</a>	PO Christina O'Connor	1. Force - pushed the Victim. 2. Discourtesy - spoke discourteously to the Victim.	The Police Commissioner retained the case and issued discipline to the officer – Command Discipline A.  <a href="#">Read Final Documents Here</a>
202206066 Closing Report Will be Available Upon Closure of all related APU Cases	PO Shazana Zaman	1. Force - used physical force against the Victim. 2. Abuse of Authority - threatened to arrest the Victim.	The Police Commissioner retained the case and issued discipline to the officer – Command Discipline A.  <a href="#">Read Final Documents Here</a>
202207435 <a href="#">Read Closing Report Here</a>	PO Piotr Tandek	1. Abuse of Authority – entered the Victim's home. 2. Abuse of Authority - searched the Victim's home. 3. Abuse of Authority - threatened to arrest the Victim.	The Police Commissioner retained the case and issued discipline to the officer – Command Discipline B.  <a href="#">Read Final Documents Here</a>

<sup>3</sup> [https://www.nyc.gov/assets/ccrb/downloads/pdf/about\\_pdf/apu\\_mou.pdf](https://www.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf)

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR RETAINMENT
202303867 <a href="#">Read Closing Report Here</a>	PO Denis Cekic	<ol style="list-style-type: none"> <li>1. Abuse of Authority - threatened to damage the Victim's property.</li> <li>2. Discourtesy - spoke discourteously to the Victim.</li> </ol>	<p>The Police Commissioner retained the case and issued discipline to the officer – Command Discipline A with five (5) days' vacation forfeiture.</p> <p><a href="#">Read Final Documents Here</a></p>
202303881 <a href="#">Read Closing Report Here</a>	PO Rashawn Holman	<ol style="list-style-type: none"> <li>1. Force - used physical force against the Victim.</li> <li>2. Abuse of Authority - refused to provide his shield number to the Victim.</li> </ol>	<p>The Police Commissioner retained the case and issued discipline to the officer – Command Discipline A.</p> <p><a href="#">Read Final Documents Here</a></p>
202202328 <b>Closing Report Will be Available Upon Closure of all related APU Cases</b>	PO Luis Sotomayor	<ol style="list-style-type: none"> <li>1. Untruthful Statement - provided a false official statement to the CCRB.</li> </ol>	<p>The Police Commissioner retained the case and issued no discipline to the officer.</p> <p><a href="#">Read Final Documents Here</a></p>
202205666 <a href="#">Read Closing Report Here</a>	SGT Lalchan Singh	<ol style="list-style-type: none"> <li>1. Abuse of Authority - issued an unlawful summons to the Victim.</li> </ol>	<p>The Police Commissioner retained the case and issued no discipline to the officer.</p> <p><a href="#">Read Final Documents Here</a></p>
202206095 <a href="#">Read Closing Report Here</a>	PO Roberto Almanzar	<ol style="list-style-type: none"> <li>1. Discourtesy - discourteously to the Victim via text message.</li> <li>2. Untruthful Statement - provided a false official statement to the CCRB.</li> </ol>	<p>The Police Commissioner retained the case and issued no discipline to the officer.</p> <p><a href="#">Read Final Documents Here</a></p>
202206429 <a href="#">Read Closing Report Here</a>	PO Aaron Ayala	<ol style="list-style-type: none"> <li>1. Abuse of Authority - took a recording of individuals.</li> </ol>	<p>The Police Commissioner retained the case and issued discipline to the officer – Command Discipline A.</p> <p><a href="#">Read Final Documents Here</a></p>

#### 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 2024, the Police Commissioner administratively closed three (3) cases.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR CASE CLOSURE
201801900 <a href="#">Read Closing Report Here</a>	CPT Merani Rotte	<ol style="list-style-type: none"><li>1. Abuse of Authority - damaged Victim 1 and Victim 2's property.</li><li>2. Abuse of Authority - participated in frisking individuals.</li><li>3. Abuse of Authority - participated in searching individuals.</li><li>4. Abuse of Authority - participated in stopping individuals.</li><li>5. Abuse of Authority - seized Victim 1 and Victim 2's property.</li><li>6. Abuse of Authority - entered Victim 1's commercial property.</li><li>7. Abuse of Authority - searched Victim 1's commercial property.</li></ol>	Officer retired.
201904870 <b>Closing Report Will be Available Upon Closure of all related APU Cases</b>	PO Minator Kryeziu	<ol style="list-style-type: none"><li>1. Force - used physical force against the Victim.</li></ol>	Officer left the Police Department.
201906425 <a href="#">Read Closing Report Here</a>	PO Shantell Mckinnies	<ol style="list-style-type: none"><li>1. Force - used pepper spray against the Victim.</li><li>2. Force - used pepper spray against individuals.</li></ol>	Officer left the Police Department.



## V. APU ADMINISTRATIVELY CLOSED CASES

The SOL is the 18-month timeframe within which a disciplinary proceeding must be commenced against an officer.<sup>4</sup> 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 2024, the APU administratively closed three (3) cases for SOL reasons.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR CASE CLOSURE
202003945 <a href="#">Read Closing Report Here</a>	PO Jianwei Chen	1. Untruthful Statement - provided a misleading official statement to the CCRB.	APU dismissed the case.
202003945 <a href="#">Read Closing Report Here</a>	PO Martin Ortiz	1. Untruthful Statement - provided a false official statement to the CCRB.	APU dismissed the case.
202203473 <a href="#">Read Closing Report Here</a>	SGT Daniel Cody	1. Abuse of Authority – entered Victim’s home. 2. Abuse of Authority - failed to provide the Victim with a business card. 3. Abuse of Authority – searched the Victim’s home.	Charges not served.

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<sup>4</sup> 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.

## VI. THE APU DOCKET

The APU's docket slightly increased in the first quarter of 2024 compared to the fourth 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.

Cases in Open Docket					
Period	Start of Quarter	Received During Quarter	Closed During Quarter	End of Quarter	Growth
2 <sup>nd</sup> Quarter 2023	716	72	87	701	-2.1%
3 <sup>rd</sup> Quarter 2023	707	55	122	640	-9.5%
4 <sup>th</sup> Quarter 2023	646	83	83	646	0%
1 <sup>st</sup> Quarter 2024	651	34	26	659	1.2%

## VII. SERVICE OF RESPONDENTS

The average wait time for Respondents to be served reduced between the fourth quarter of 2023 and the first quarter of 2024.

<b>Time to Serve Respondents</b>			
Period	Number of Respondents Served	Average Length to Serve Respondents	Average Length to Serve Respondents (Business Days)
2 <sup>nd</sup> Quarter 2023	55	26	19
3 <sup>rd</sup> Quarter 2023	51	27	19
4 <sup>th</sup> Quarter 2023	56	27	19
1 <sup>st</sup> Quarter 2024	24	19	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, do not factor into the concurrence or discipline rate.

<b>Q1 2024 APU Concurrence and Discipline</b>			
Discipline	54	Concurrence	34
No Discipline	16	Non-Concurrence	36
Not Adjudicated	6	Not Adjudicated	6
Discipline %	77%	Concurrence %	47%