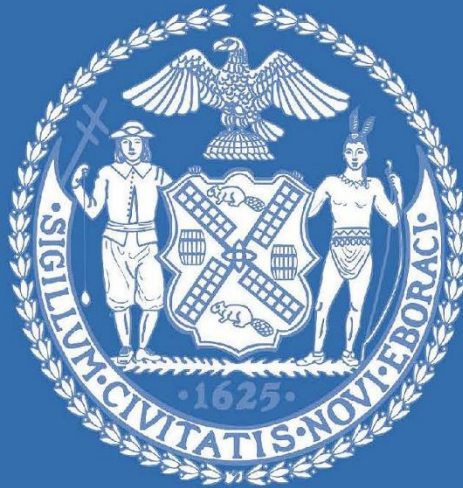


# CIVILIAN COMPLAINT REVIEW BOARD

ERIC L. ADAMS, Mayor   DR. MOHAMMAD KHALID, Interim Chair   JONATHAN DARCHE, Esq. Executive Director



## *Administrative Prosecution Unit*

### **4<sup>th</sup> Quarter 2024 Report**

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## **ADMINISTRATIVE PROSECUTION UNIT BACKGROUND**

When the Board substantiates a misconduct allegation(s) and recommends Charges and Specifications, in most instances the case is prosecuted by the CCRB's Administrative Prosecution Unit (APU) pursuant to a Memorandum of Understanding (MOU) between the CCRB and the NYPD.

The APU prosecutes cases before the NYPD Deputy Commissioner of Trials (DCT) or an Assistant Deputy Commissioner of Trials (ADCT). The member of service (MOS) can accept a plea offer in lieu of a trial. If the MOS goes to trial and is found guilty, the NYPD trial commissioner will recommend a penalty. The Police Commissioner may accept, reject, or modify any plea agreement, trial verdict, or penalty recommendation.

The APU treats each officer against whom an allegation is substantiated as a separate case. A single CCRB complaint may generate more than one APU case depending on the number of officers against whom the Board recommends Charges and Specifications.

## **INTRODUCTION**

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 fourth quarter of 2024: nine (9) trial verdicts, twenty-four (24) pleas, twenty-seven (27) retained cases, eight (8) PC administratively closed cases, and zero (0) APU administratively closed cases. Finally, it includes information regarding the discipline and concurrence rates for the quarter which stand at 73% and 40% respectively.

## SECTION 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 fourth quarter of 2024, the verdicts for nine (9) APU trials were finalized. The verdicts can be found below.

| COMPLAINT   | OFFICER         | CCRB SUBSTANTIATED ALLEGATIONS  | APU RECOMMENDED PENALTY | ADCT DECISION & PC DECISION  |
|---|-----------------|---|-------------------------|--|
| 201911054<br><a href="#">Read Closing Report Here</a> | PO Erica Fermin | <ol style="list-style-type: none"><li>1. Force -used a chokehold against Arianna Townsend.</li><li>2. Abuse of Authority - searched the Victim's home.</li><li>3. Untruthful Statement - provided a false official statement to the CCRB.</li></ol> | Forced Separation       | The ADCT rendered a guilty verdict on one (1) charge and a not guilty verdict on the remaining charge. The ADCT recommended thirty (30) days' suspension and one (1) year dismissal probation. The Police Commissioner disapproved the guilty verdict and imposed no disciplinary action.<br><br><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>  |
|---|---------------------|--|---------------------------------------|---|
| 202001026<br><a href="#">Read Closing Report Here</a> | PO Jamie Truglio    | <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> </ol> | Ten (10) days' vacation forfeiture    | <p>The ADCT rendered a guilty verdict on all charges. The ADCT recommended eight (8) days' vacation forfeiture and training. The Police Commissioner approved the guilty verdict and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p> |
| 202003632<br><a href="#">Read Closing Report Here</a> | PO Yuriy Demchenko  | <ol style="list-style-type: none"> <li>1. Force - struck the Victim with a police bicycle.</li> <li>2. Force - struck individuals with a police bicycle.</li> </ol>  | Twenty (20) 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>   |
| 202003632<br><a href="#">Read Closing Report Here</a> | INSP John O'Connell | <ol style="list-style-type: none"> <li>1. Force - struck the Victim with a police bicycle.</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>   |
| 202101293<br><a href="#">Read Closing Report Here</a> | DTS Frank Gagnon    | <ol style="list-style-type: none"> <li>1. Abuse of Authority - made a sexually suggestive remark to the Victim.</li> </ol>   | Five (5) 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>   |

| <b>COMPLAINT</b>                                      | <b>OFFICER</b>     | <b>CCRB SUBSTANTIATED ALLEGATIONS</b>   | <b>APU RECOMMENDED PENALTY</b>        | <b>ADCT DECISION &amp; PC DECISION</b>   |
|---|--------------------|---|---------------------------------------|--|
| 202101815<br><a href="#">Read Closing Report Here</a> | DT3 Edward Barrett | <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>   | 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>  |
| 202103192<br><a href="#">Read Closing Report Here</a> | PO Roberson Tunis  | <ol style="list-style-type: none"> <li>1. Abuse of Authority - drew his gun.</li> <li>2. Abuse of Authority - strip-searched the Victim inside of the 24<sup>th</sup> Street precinct.</li> </ol>   | One (1) year Dismissal Probation      | <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>  |
| 202105659<br><a href="#">Read Closing Report Here</a> | PO Ricky Poh       | <ol style="list-style-type: none"> <li>1. Force - pointed his/her gun at 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> | Thirty (30) days' vacation forfeiture | <p>The ADCT rendered a guilty verdict on all three (3) charges. The ADCT recommended twenty-five (25) days' vacation forfeiture. The Police Commissioner disapproved the guilty verdict on one (1) charge 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>  |
|---|----------------------|--|--|---|
| 202201364<br><a href="#">Read Closing Report Here</a> | PO Roberson<br>Tunis | <ol style="list-style-type: none"> <li>1. Abuse of Authority - failed to provide Victim 2 with a business card.</li> <li>2. Abuse of Authority - searched a bedroom inside Victim 2's home.</li> </ol> | One (1) year<br>Dismissal<br>Probation | <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> |

## SECTION 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 fourth quarter of 2024, the APU finalized twenty-four (24) plea agreements.

| COMPLAINT   | OFFICER            | CCRB SUBSTANTIATED ALLEGATIONS                | PLEA AGREEMENT  |
|---|--------------------|---|---|
| 202000872<br><a href="#">Read Closing Report Here</a> | PO Michael McGuire | 1. Force - restricted the Victim's breathing. | The officer pled guilty and accepted Command Discipline B with ten (10) days' vacation forfeiture. The penalty was to run consecutively with the penalty issued for CCRB Case No. 202103424. The Police Commissioner approved the plea and modified the penalty to ten (10) days' vacation forfeiture.<br><br><a href="#">Read Final Documents Here</a> |



| COMPLAINT   | OFFICER          | CCRB SUBSTANTIATED ALLEGATIONS   | PLEA AGREEMENT   |
|---|------------------|--|--|
| 202001537<br><a href="#">Read Closing Report Here</a> | PO Joseph Canale | <ol style="list-style-type: none"> <li>1. Abuse of Authority - deleted information on Victim 1's electronic device.</li> <li>2. Abuse of Authority - failed to provide Victim 2 with a business card.</li> <li>3. Abuse of Authority - failed to provide Victim 1 with a business card.</li> <li>4. Abuse of Authority - failed to provide Victim 3 with a business card.</li> <li>5. Abuse of Authority - with Victim 1's use of a recording device.</li> <li>6. Abuse of Authority - refused to provide his shield number to Victim 1.</li> <li>7. Abuse of Authority - searched Victim 1's recording device.</li> <li>8. Abuse of Authority - searched the vehicle in which Victim 1, Victim 2, and Victim 3 were occupants.</li> <li>9. Untruthful Statement - provided a false official statement to the CCRB.</li> </ol> | <p>The officer pled guilty and accepted eighteen (18) days' vacation forfeiture. The Police Commissioner approved the plea and modified the penalty to twenty (20) days' vacation forfeiture.</p> <p><a href="#">Read Final Documents Here</a></p>   |
| 202002456<br><a href="#">Read Closing Report Here</a> | PO Brian Ramirez | <ol style="list-style-type: none"> <li>1. Abuse of Authority - drew his gun.</li> <li>2. Abuse of Authority - failed to provide an individual with a business card.</li> <li>3. Abuse of Authority - frisked an individual.</li> <li>4. Abuse of Authority - stopped an individual.</li> <li>5. Abuse of Authority - stopped the Victim.</li> </ol>  | <p>The officer pled guilty and accepted thirty (30) days' vacation forfeiture. The penalty was to run concurrently with the penalty issued for CCRB Case No. 202003377. 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>  |
|---|--------------------|---|--|
| 202003377<br><a href="#">Read Closing Report Here</a> | PO Brian Ramirez   | <ol style="list-style-type: none"> <li>1. Abuse of Authority - searched the Victim.</li> <li>2. Abuse of Authority - stopped 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> | <p>The officer pled guilty and accepted thirty (30) days' vacation forfeiture. The penalty was to run concurrently with the penalty issued for CCRB Case No. 202002456. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>   |
| 202102981<br><a href="#">Read Closing Report Here</a> | LT Michael Bowman  | <ol style="list-style-type: none"> <li>1. Abuse of Authority - threatened individuals with the use of force.</li> <li>2. Discourtesy - spoke discourteously to an individual.</li> <li>3. Offensive Language - made remarks to an individual based upon the gender of an individual.</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>  |
| 202103424<br><a href="#">Read Closing Report Here</a> | PO Michael McGuire | <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 ten (10) days' vacation forfeiture. The penalty was to run consecutively with the penalty issued for CCRB Case No. 202000872. The Police Commissioner approved the plea and modified the penalty to ten (10) 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>PLEA AGREEMENT</b>   |
|---|----------------------|--|---|
| 202103553<br><a href="#">Read Closing Report Here</a> | DT3 Christopher Diaz | <ol style="list-style-type: none"> <li>1. Abuse of Authority - threatened to damage/seize the Victim's property</li> <li>2. Abuse of Authority - threatened to issue a summons to the Victim.</li> </ol>   | <p>The officer pled guilty and accepted Command Discipline B 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> |
| 202103703<br><a href="#">Read Closing Report Here</a> | SGT Eric Samuels     | <ol style="list-style-type: none"> <li>1. Discourtesy - spoke discourteously to the Victim.</li> <li>2. Offensive Language - made remarks to the Victim based upon the gender of the Victim.</li> </ol>  | <p>The officer pled guilty and accepted Command Discipline A with one (1) 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>   |
| 202106546<br><a href="#">Read Closing Report Here</a> | DT3 Michael Magas    | <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's home.</li> <li>3. Abuse of Authority - seized the Victim's property.</li> <li>4. Abuse of Authority - threatened to arrest the Victim.</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> |

| <b>COMPLAINT</b>                                      | <b>OFFICER</b>        | <b>CCRB SUBSTANTIATED ALLEGATIONS</b>  | <b>PLEA AGREEMENT</b>  |
|---|-----------------------|--|--|
| 202106546<br><a href="#">Read Closing Report Here</a> | DT3 Jerry Eustache    | <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's home.</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>  |
| 202201364<br><a href="#">Read Closing Report Here</a> | SGT Carlos Pappagallo | <ol style="list-style-type: none"> <li>1. Force - used a chokehold against Victim 1.</li> <li>2. 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 approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p>   |
| 202201378<br><a href="#">Read Closing Report Here</a> | PO Brendan Sullivan   | <ol style="list-style-type: none"> <li>1. Abuse of Authority - made sexually suggestive remarks to the Victim.</li> <li>2. Untruthful Statement - provided a misleading official statement to the CCRB.</li> </ol> | <p>The officer pled guilty and accepted (50) days' vacation forfeiture and one (1) year dismissal probation. The Police Commissioner approved the plea and modified the penalty to sixty (60) days' vacation forfeiture and one (1) year dismissal probation.</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>   |
|---|----------------------|---|---|
| 202201383<br><a href="#">Read Closing Report Here</a> | PO Anthony Arena     | 1. Abuse of Authority - threatened to arrest 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.<br><br><a href="#">Read Final Documents Here</a>  |
| 202201592<br><a href="#">Read Closing Report Here</a> | SGT Anthony Gonzalez | 1. Abuse of Authority - authorized an officer to arrest the Victim unlawfully.  | The officer pled guilty and accepted Command Discipline A with five (5) days' vacation forfeiture. The Police Commissioner approved the plea and modified the penalty to Command Discipline B with ten (10) days' vacation forfeiture.<br><br><a href="#">Read Final Documents Here</a> |
| 202203515<br><a href="#">Read Closing Report Here</a> | PO Claude Staten     | 1. Abuse of Authority -At the 46th Precinct stationhouse did not process the Victim's complaint regarding an officer. | 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.<br><br><a href="#">Read Final Documents Here</a>   |

| <b>COMPLAINT</b>   | <b>OFFICER</b>     | <b>CCRB SUBSTANTIATED ALLEGATIONS</b>   | <b>PLEA AGREEMENT</b>  |
|--|--------------------|---|--|
| 202204053<br><a href="#">Read Closing Report Here</a>                                      | PO Robert Felts    | <ol style="list-style-type: none"> <li>1. Force - used physical force against the Victim.</li> <li>2. Abuse of Authority - detained the Victim.</li> <li>3. Abuse of Authority - threatened the Victim with the use of force.</li> <li>4. Abuse of Authority - threatened to remove the Victim to the hospital.</li> </ol>  | <p>The officer pled guilty and accepted twenty (20) days' vacation forfeiture. The penalty was to run concurrently with the penalty issued for CCRB Case No. 202302541. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p> |
| 202204945<br><a href="#">Read Closing Report Here</a>                                      | PO Joseph Perfetto | <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 - frisked the Victim.</li> <li>3. Abuse of Authority - searched the Victim.</li> <li>4. Untruthful Statement - provided a false official statement to the CCRB.</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>  |
| 202205856<br><b>Closing Report Will be Available Upon Closure of all related APU Cases</b> | SGT Edwin Espinal  | <ol style="list-style-type: none"> <li>1. Abuse of Authority - searched the Victim's home.</li> </ol>   | <p>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.</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>  |
|---|---------------------|---|--|
| 202205991<br><a href="#">Read Closing Report Here</a> | LT Florin Kuka      | 1. Abuse of Authority - threatened to arrest the Victim.  | The officer pled guilty and accepted training. The Police Commissioner approved the plea and did not modify the penalty.<br><br><a href="#">Read Final Documents Here</a>  |
| 202206015<br><a href="#">Read Closing Report Here</a> | PO Leander Feaggins | 1. Force - restricted the Victim's breathing.<br>2. Force - used a chokehold against 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.<br><br><a href="#">Read Final Documents Here</a>  |
| 202206453<br><a href="#">Read Closing Report Here</a> | SGT Edmundo Rivera  | 1. Abuse of Authority - failed to provide Victim 1 with a business card.<br>2. Abuse of Authority - frisked Victim 1.<br>3. Abuse of Authority - refused to provide his name to Victim 2.<br>4. Abuse of Authority - refused to provide his shield number to Victim 2.<br>5. Abuse of Authority - searched Victim 1.<br>6. Abuse of Authority - stopped Victim 1. | 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.<br><br><a href="#">Read Final Documents Here</a> |
| 202206926<br><a href="#">Read Closing Report Here</a> | SGT Rolando Deleon  | 1. Abuse of Authority - drew his gun.<br>2. Abuse of Authority - threatened the Victim with the use of force.<br>3. Discourtesy - spoke discourteously to the Victim.   | The officer pled guilty and accepted Command Discipline B with seven (7) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.<br><br><a href="#">Read Final Documents Here</a> |

| <b>COMPLAINT</b>                                      | <b>OFFICER</b>   | <b>CCRB SUBSTANTIATED ALLEGATIONS</b>   | <b>PLEA AGREEMENT</b>  |
|---|------------------|---|--|
| 202302541<br><a href="#">Read Closing Report Here</a> | LT Andrew Chance | <ol style="list-style-type: none"> <li>1. Abuse of Authority - entered the Victim's home.</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 home.</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>   |
| 202302541<br><a href="#">Read Closing Report Here</a> | PO Robert Felts  | <ol style="list-style-type: none"> <li>1. Force - used physical force against the Victim.</li> <li>2. Abuse of Authority - threatened to arrest the Victim.</li> </ol>  | <p>The officer pled guilty and accepted twenty (20) days' vacation forfeiture. The penalty was to run concurrently with the penalty issued for CCRB Case No. 202204053. The Police Commissioner approved the plea and did not modify the penalty.</p> <p><a href="#">Read Final Documents Here</a></p> |



### SECTION 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 fourth quarter of 2024, the Police Commissioner retained twenty-seven (27) cases.

| COMPLAINT  | OFFICER             | CCRB SUBSTANTIATED ALLEGATIONS   | REASON FOR RETAINMENT  |
|--|---------------------|--|--|
| 202004031<br><a href="#">Read Closing Report Here</a>                                      | PO Fatmir Gjonbalaj | 1. Force - used a Taser against Victim 1.<br>2. Force - used physical force against Victim 1.<br>3. Abuse of Authority - unlawfully arrested Victim 1.<br>4. Discourtesy - spoke discourteously to Victim 2. | The Police Commissioner retained the case and issued no discipline to the officer.<br><br><a href="#">Read Final Documents Here</a>  |
| 202206016<br><b>Closing Report Will be Available Upon Closure of all related APU Cases</b> | LT James Gebbia     | 1. Abuse of Authority - damaged the Victim's property.<br>2. Abuse of Authority - entered the Victim's home.<br>3. Abuse of Authority - searched the Victim's home.  | The Police Commissioner retained the case, but the officer elected to resolve their matter through formal Charges and Specifications.<br><br><a href="#">Read Final Documents Here</a> |

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<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   |
|--|------------------------------|--|---|
| 202206016<br><b>Closing Report Will be Available Upon Closure of all related APU Cases</b> | CPT Christopher Diakonikolas | <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 - searched the Victim's home.</li> </ol>  | <p>The Police Commissioner retained the case, but the officer elected to resolve their matter through formal Charges and Specifications.</p> <p><a href="#">Read Final Documents Here</a></p> |
| 202206519<br><a href="#">Read Closing Report Here</a>                                      | PO Jake Rotolo               | <ol style="list-style-type: none"> <li>1. Force - used a chokehold against 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>  |
| 202303046<br><a href="#">Read Closing Report Here</a>                                      | PO Ryan Cotter               | <ol style="list-style-type: none"> <li>1. Force - pointed his gun at Victim 1.</li> <li>2. Force - used physical force against Victim 2.</li> <li>3. Abuse of Authority - drew his gun.</li> <li>4. Abuse of Authority - threatened Victim 1 with the use of force.</li> <li>5. Discourtesy - spoke discourteously to Victim 2.</li> <li>6. Discourtesy - spoke discourteously to Victim 1.</li> <li>7. Offensive Language - made remarks to Victim 2 based upon ethnicity.</li> <li>8. Offensive Language -made remarks to Victim 2 based upon the gender of Victim 2.</li> <li>9. Offensive Language - made remarks to Victim 1 based upon ethnicity.</li> <li>10. Offensive Language - made remarks to Victim 1 based upon the gender of Victim 1.</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>  |

| <b>COMPLAINT</b>                                      | <b>OFFICER</b>        | <b>CCRB SUBSTANTIATED ALLEGATIONS</b>  | <b>REASON FOR RETAINMENT</b>  |
|---|-----------------------|--|---|
| 202303075<br><a href="#">Read Closing Report Here</a> | PO Damion Cunningham  | <ol style="list-style-type: none"> <li>1. Abuse of Authority - entered Victim 1's home.</li> <li>2. Abuse of Authority - improperly used his body-worn camera.</li> <li>3. Abuse of Authority - threatened to arrest Victim 1.</li> <li>4. Abuse of Authority - threatened to arrest individuals.</li> <li>5. Abuse of Authority - threatened to arrest Victim 2.</li> </ol>   | <p>The Police Commissioner retained the case and issued discipline to the officer – Command Discipline B with three (3) days' vacation forfeiture.</p> <p><a href="#">Read Final Documents Here</a></p>                         |
| 202303123<br><a href="#">Read Closing Report Here</a> | SGT Eduardo Dossantos | <ol style="list-style-type: none"> <li>1. Abuse of Authority - did not process the Victim's complaint regarding an officer.</li> <li>2. Discourtesy - acted discourteously toward 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>                          |
| 202303151<br><a href="#">Read Closing Report Here</a> | SGT Jadd Zahrieh      | <ol style="list-style-type: none"> <li>1. Force - used a non-lethal restraining device on the Victim.</li> <li>2. Abuse of Authority - threatened the Victim with the use of force.</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>  |
| 202303334<br><a href="#">Read Closing Report Here</a> | PO Erin Devoy         | <ol style="list-style-type: none"> <li>1. Abuse of Authority - detained the Victim.</li> <li>2. Abuse of Authority - interfered with the Victim's use of a recording device.</li> <li>3. Abuse of Authority - questioned the Victim.</li> <li>4. Abuse of Authority - threatened to remove the Victim to the hospital.</li> <li>5. Discourtesy - spoke discourteously to the Victim.</li> <li>6. Offensive Language - made remarks to the Victim based upon the gender of the Victim.</li> <li>7. Offensive Language - spoke offensively regarding the Victim's perceived disability.</li> </ol> | <p>The Police Commissioner retained the case and issued discipline to the officer – Command Discipline A with three (3) days' vacation forfeiture and formalized training.</p> <p><a href="#">Read Final Documents Here</a></p> |

| <b>COMPLAINT</b>                                      | <b>OFFICER</b>      | <b>CCRB SUBSTANTIATED ALLEGATIONS</b>  | <b>REASON FOR RETAINMENT</b>  |
|---|---------------------|--|---|
| 202303940<br><a href="#">Read Closing Report Here</a> | PO Kenneth Blazo    | <ol style="list-style-type: none"> <li>1. Force - used physical force against the Victim.</li> <li>2. Untruthful Statement - provided a false official statement to the CCRB.</li> </ol>   | <p>The Police Commissioner retained the case and issued discipline to the officer – Command Discipline A with five (5) day vacation forfeiture.</p> <p><a href="#">Read Final Documents Here</a></p>    |
| 202303961<br><a href="#">Read Closing Report Here</a> | DT1 Sean Wolfenhaut | <ol style="list-style-type: none"> <li>1. Abuse of Authority - entered Victim 1's home.</li> <li>2. Abuse of Authority - failed to provide Victim 2 with a business card.</li> <li>3. Abuse of Authority - failed to provide Victim 1 with a business card.</li> <li>4. Abuse of Authority - searched Victim 1's home.</li> </ol>  | <p>The Police Commissioner retained the case and issued discipline to the officer – Command Discipline B with ten (10) days' vacation forfeiture.</p> <p><a href="#">Read Final Documents Here</a></p>  |
| 202303981<br><a href="#">Read Closing Report Here</a> | PO Dennis Cobic     | <ol style="list-style-type: none"> <li>1. Abuse of Authority - failed to obtain language interpretation services for the Victim.</li> <li>2. Abuse of Authority - failed to provide the Victim with a business card.</li> <li>3. Abuse of Authority - questioned the Victim.</li> <li>4. Abuse of Authority - stopped the Victim.</li> <li>5. Abuse of Authority - took law enforcement action based upon actual or perceived national origin</li> </ol> | <p>The Police Commissioner retained the case and issued discipline to the officer – Command Discipline A with three (3) days' vacation forfeiture.</p> <p><a href="#">Read Final Documents Here</a></p> |

| COMPLAINT  | OFFICER                  | CCRB SUBSTANTIATED ALLEGATIONS  | REASON FOR RETAINMENT   |
|--|--------------------------|---|---|
| 202303981<br><a href="#">Read Closing Report Here</a>                                      | PO Annie Cosgrave        | <ol style="list-style-type: none"> <li>1. Abuse of Authority - failed to obtain language interpretation services for the Victim.</li> <li>2. Abuse of Authority - failed to provide the Victim with a business card.</li> <li>3. Abuse of Authority - questioned the Victim.</li> <li>4. Abuse of Authority - stopped the Victim.</li> <li>5. Abuse of Authority - threatened to remove the Victim to the hospital.</li> <li>6. Abuse of Authority - took law enforcement action based upon actual or perceived national origin.</li> </ol> | <p>The Police Commissioner retained the case and issued discipline to the officer – Command Discipline A with three (3) days’ vacation forfeiture.</p> <p><a href="#">Read Final Documents Here</a></p> |
| 202304127<br><a href="#">Read Closing Report Here</a>                                      | PO Omar Aguilar-Martinez | <ol style="list-style-type: none"> <li>1. Abuse of Authority - frisked the Victim.</li> <li>2. Abuse of Authority - questioned the Victim.</li> <li>3. Abuse of Authority - searched the Victim.</li> <li>4. Abuse of Authority - stopped the Victim.</li> </ol>  | <p>The Police Commissioner retained the case and issued formalized training to the officer.</p> <p><a href="#">Read Final Documents Here</a></p>  |
| 202304298<br><a href="#">Read Closing Report Here</a>                                      | SGT Weber Wesh           | <ol style="list-style-type: none"> <li>1. Abuse of Authority - arrested the Victim unlawfully.</li> <li>2. Abuse of Authority - threatened the Victim with the use of force.</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>  |
| 202304412<br><b>Closing Report Will be Available Upon Closure of all related APU Cases</b> | PO Eric Fabrizio         | <ol style="list-style-type: none"> <li>1. Force - hit an individual against a wall.</li> <li>2. Abuse of Authority - threatened to remove an individual to the hospital.</li> <li>3. Abuse of Authority - took law enforcement action based upon actual or perceived housing status.</li> <li>4. Discourtesy - spoke discourteously to an individual.</li> </ol>  | <p>The Police Commissioner retained the case and issued discipline to the officer – Command Discipline A with two (2) days’ vacation forfeiture.</p> <p><a href="#">Read Final Documents Here</a></p>   |

| COMPLAINT  | OFFICER             | CCRB SUBSTANTIATED ALLEGATIONS   | REASON FOR RETAINMENT  |
|--|---------------------|--|--|
| 202304448<br><b>Closing Report Will be Available Upon Closure of all related APU Cases</b> | PO Nicholas Guele   | 1. Abuse of Authority - issued an unlawful summons to the Victim.  | The Police Commissioner retained the case and issued no discipline to the officer.<br><br><a href="#">Read Final Documents Here</a>  |
| 202304482<br><a href="#">Read Closing Report Here</a>                                      | DTS Matthew Coffaro | 1. Abuse of Authority - failed to provide the Victim with a business card.<br>2. Abuse of Authority - frisked the Victim.<br>3. Abuse of Authority - questioned the Victim.<br>4. Abuse of Authority - searched the Victim.                      | The Police Commissioner retained the case and issued discipline to the officer – Command Discipline A with two (2) days’ vacation forfeiture.<br><br><a href="#">Read Final Documents Here</a>                           |
| 202304785<br><a href="#">Read Closing Report Here</a>                                      | SGT Shawn Morris    | 1. Abuse of Authority - frisked the Victim.<br>2. Abuse of Authority - provided a false official statement.<br>3. Abuse of Authority - searched the Victim.<br>4. Abuse of Authority - searched the vehicle in which the Victim was an occupant. | The Police Commissioner retained the case and issued discipline to the officer – Command Discipline B with three (3) days’ vacation forfeiture and formalized training.<br><br><a href="#">Read Final Documents Here</a> |
| 202304926<br><a href="#">Read Closing Report Here</a>                                      | DT3 Edwin Montanez  | 1. Force - pointed his gun at the Victim.<br>2. Abuse of Authority - frisked the Victim.<br>3. Abuse of Authority - searched the Victim.   | The Police Commissioner retained the case and issued discipline to the officer – Command Discipline A with one (1) day vacation forfeiture.<br><br><a href="#">Read Final Documents Here</a>                             |

| COMPLAINT  | OFFICER            | CCRB SUBSTANTIATED ALLEGATIONS   | REASON FOR RETAINMENT  |
|--|--------------------|--|--|
| 202305031<br><a href="#">Read Closing Report Here</a>                                      | SGT Ramon Cepeda   | 1. Force - used a non-lethal restraining device on the Victim.   | The Police Commissioner retained the case and issued no discipline to the officer.<br><br><a href="#">Read Final Documents Here</a>  |
| 202305225<br><a href="#">Read Closing Report Here</a>                                      | PO Jeffrey Minaya  | 1. Force - used physical force against the Victim.<br>2. Abuse of Authority - failed to provide the Victim with a business card.<br>3. Abuse of Authority - frisked the Victim.  | The Police Commissioner retained the case and issued no discipline to the officer.<br><br><a href="#">Read Final Documents Here</a>  |
| 202305225<br><a href="#">Read Closing Report Here</a>                                      | PO Devon Ruiz      | 1. Abuse of Authority - failed to provide the Victim with a business card.<br>2. Abuse of Authority - frisked the Victim.<br>3. Abuse of Authority - searched the Victim.<br>4. Abuse of Authority - threatened the Victim with the use of force.  | The Police Commissioner retained the case and issued no discipline to the officer.<br><br><a href="#">Read Final Documents Here</a>  |
| 202305267<br><b>Closing Report Will be Available Upon Closure of all related APU Cases</b> | PO Mia Martin      | 1. Abuse of Authority - interfered with the Victim's use of a recording device.<br>2. Discourtesy - spoke discourteously to the Victim.  | The Police Commissioner retained the case and issued discipline to the officer – Command Discipline A with formalized training.<br><br><a href="#">Read Final Documents Here</a>                 |
| 202306511<br><a href="#">Read Closing Report Here</a>                                      | PO Kevin McDermott | 1. Abuse of Authority - detained the Victim.<br>2. Abuse of Authority - failed to explain to the Victim the reason for a law enforcement activity.<br>3. Abuse of Authority - frisked the Victim.<br>4. Abuse of Authority - searched the Victim.<br>5. Abuse of Authority - stopped the Victim. | The Police Commissioner retained the case and issued discipline to the officer – Command Discipline B with three (3) days' vacation forfeiture.<br><br><a href="#">Read Final Documents Here</a> |

| COMPLAINT   | OFFICER             | CCRB SUBSTANTIATED ALLEGATIONS  | REASON FOR RETAINMENT   |
|---|---------------------|---|---|
| 202307373<br><b>Closing Report Unavailable in Accordance with Civil Rights Law Section 50-b</b> | PO Jermaine Webb    | <ol style="list-style-type: none"> <li>1. Force - struck the Victim with a blunt instrument.</li> <li>2. Force - used physical force against the Victim.</li> <li>3. 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 one (1) day vacation forfeiture.</p> <p><a href="#">Read Final Documents Here</a></p>                           |
| 202308215<br><a href="#">Read Closing Report Here</a>   | PO Matthew Guerrido | <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 - frisked the Victim.</li> <li>3. Abuse of Authority - improperly used his body-worn camera.</li> <li>4. Abuse of Authority - questioned the Victim.</li> <li>4. Abuse of Authority - stopped the Victim.</li> </ol> | <p>The Police Commissioner retained the case and issued discipline to the officer – Command Discipline B with three (3) day vacation forfeiture and formalized training.</p> <p><a href="#">Read Final Documents Here</a></p> |



#### SECTION 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 fourth quarter of 2024, the Police Commissioner administratively closed eight (8) cases.

| COMPLAINT   | OFFICER               | CCRB SUBSTANTIATED ALLEGATIONS  | REASON FOR CASE CLOSURE |
|---|-----------------------|---|-------------------------|
| 201907662<br><a href="#">Read Closing Report Here</a>   | SGT Michael Kreismer  | 1. Discourtesy - spoke discourteously to the Victim.<br>2. Offensive Language - made remarks to the Victim based upon the gender of the Victim.                     | Officer retired.        |
| 201907897<br><a href="#">Read Closing Report Here</a>   | DTS Thomas Costarella | 1. Abuse of Authority – entered the Victim’s home.  | Officer retired.        |
| 202000990<br><a href="#">Read Closing Report Here</a>   | PO Sandy Peralta      | 1. Untruthful Statement - provided a false official statement to the CCRB.  | Officer retired.        |
| 202204641<br><b>Closing Report Unavailable in Accordance with Civil Rights Law Section 50-b</b> | PO Daniel Demarco     | 1. Abuse of Authority - failed to provide the Victim with a business card.<br>2. Abuse of Authority - provided an inaccurate official statement against the Victim. | Officer resigned.       |

| <b>COMPLAINT</b>   | <b>OFFICER</b>       | <b>CCRB SUBSTANTIATED ALLEGATIONS</b>   | <b>REASON FOR CASE CLOSURE</b>   |
|--|----------------------|---|--|
| 202204715<br><b>Closing Report Will be Available Upon Closure of all related APU Cases</b> | PO Daniel Demarco    | <ol style="list-style-type: none"> <li>1. Abuse of Authority - frisked the Victim.</li> <li>2. Abuse of Authority - stopped the Victim.</li> </ol>  | Officer resigned.  |
| 202300681<br><b>Closing Report Will be Available Upon Closure of all related APU Cases</b> | PO Daniel Demarco    | <ol style="list-style-type: none"> <li>1. Abuse of Authority - improperly used his/her/their body-worn camera.</li> <li>2. Abuse of Authority - the Victim.</li> <li>3. Abuse of Authority - took law enforcement action based upon actual or perceived race.</li> </ol>  | Officer resigned.  |
| 202303096<br><a href="#">Read Closing Report Here</a>                                      | PO Rabeel Ahmad      | <ol style="list-style-type: none"> <li>1. Abuse of Authority - improperly used his body-worn camera.</li> <li>2. Abuse of Authority - propositioned the Victim.</li> <li>3. Abuse of Authority - stopped the vehicle in which the Victim was an occupant.</li> </ol>  | Adjudicated at Boro Level – issued a Command Discipline B with ten (10) days’ vacation forfeiture. |
| 202306526<br><b>Closing Report Will be Available Upon Closure of all related APU Cases</b> | PO Christopher Boyce | <ol style="list-style-type: none"> <li>1. Abuse of Authority - failed to activate his body-worn camera.</li> <li>2. Abuse of Authority - failed to provide individuals with a business card.</li> <li>3. Abuse of Authority - frisked individuals.</li> <li>4. Abuse of Authority - searched Victim 1’s business.</li> <li>5. Abuse of Authority - searched individuals.</li> </ol> | Adjudicated at Boro Level – issued a Command Discipline A.   |

## SECTION 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 fourth quarter of 2024, the APU administratively closed zero (0) cases for SOL reasons.

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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.

## SECTION VI: THE APU DOCKET

The APU's docket slightly decreased in the fourth quarter of 2024 compared to the third quarter of 2024. 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 the overall increase in the number of complaints received by the Agency.

| Cases in Open Docket         |                  |                         |                       |                |        |
|------------------------------|------------------|-------------------------|-----------------------|----------------|--------|
| Period                       | Start of Quarter | Received During Quarter | Closed During Quarter | End of Quarter | Growth |
| 1 <sup>st</sup> Quarter 2024 | 656              | 103                     | 75                    | 684            | 4.3%   |
| 2 <sup>nd</sup> Quarter 2024 | 684              | 120                     | 102                   | 702            | 2.6%   |
| 3 <sup>rd</sup> Quarter 2024 | 702              | 106                     | 114                   | 694            | -1.1%  |
| 4 <sup>th</sup> Quarter 2024 | 694              | 116                     | 68                    | 742            | 6.9%   |

## SECTION VII: SERVICE OF RESPONDENTS

The average wait time for Respondents to be served decreased between the third and fourth quarters of 2024.

| Time to Serve Respondents    |                              |                                     |   |
|------------------------------|------------------------------|-------------------------------------|---|
| Period                       | Number of Respondents Served | Average Length to Serve Respondents | Average Length to Serve Respondents (Business Days) |
| 1 <sup>st</sup> Quarter 2024 | 58                           | 25                                  | 18  |
| 2 <sup>nd</sup> Quarter 2024 | 91                           | 28                                  | 20  |
| 3 <sup>rd</sup> Quarter 2024 | 107                          | 23                                  | 16  |
| 4 <sup>th</sup> Quarter 2024 | 110                          | 18                                  | 13  |

## SECTION 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.

| Q4 2024 APU Concurrence and Discipline |     |                       |     |
|--|-----|-----------------------|-----|
| Discipline Count                       | 44  | Concurrence Count     | 24  |
| No Discipline Count                    | 16  | Non-Concurrence Count | 36  |
| Not Adjudicated Count                  | 8   | Not Adjudicated Count | 8   |
| Discipline %                           | 73% | Concurrence %         | 40% |