



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



ARVA RICE
INTERIM CHAIR

FEBRUARY 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 Fourth Quarter of 2023

Dear Commissioner Caban:

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

The report contains information concerning the following case closures in the fourth quarter of 2023: eight (8) trial verdicts, fifty-six (56) pleas, eleven (11) retained cases, five (5) PC administratively closed cases, and two (2) APU administratively closed cases. Finally, it includes information regarding the discipline and concurrence rates for the quarter which stand at 81% and 67% 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 Amy Litwin

I. TRIALS

At the conclusion of an administrative trial, the presiding ADCT renders a finding of guilty or not guilty on each of the Charges and Specifications against the member(s) of service (“MOS”).¹ For guilty verdicts, the ADCT recommends a penalty for each member of service involved in the case and the Police Commissioner either approves, modifies, or reverses the verdict and recommended penalty.² There is no penalty recommendation for not guilty verdicts. In the fourth quarter of 2023, the verdicts for eight (8) APU trials were finalized. The verdicts can be found below.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	APU RECOMMENDED PENALTY	ADCT DECISION & PC DECISION
202003918 Read Closing Report Here	PO Jamarr Burnett	<ol style="list-style-type: none"> 1. Untruthful Statement - provided a misleading official statement to the CCRB. 2. Offensive Language - made remarks to the Victim based upon an individual’s race. 	Forty (40) days’ vacation forfeiture	ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict. Read Final Documents Here
202103607 Read Closing Report Here	PO Mohammad Abdelfattah	<ol style="list-style-type: none"> 1. Abuse of Authority - strip-searched the Victim at the 79th Precinct stationhouse. 2. Discourtesy - spoke discourteously to the Victim. 	Ten (10) days’ vacation forfeiture	ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict. Read Final Documents Here

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

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

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	APU RECOMMENDED PENALTY	ADCT DECISION & PC DECISION
201907897 Closing Report Will be Available Upon Closure of all related APU Cases	PO Claudia Pinzon	1. Abuse of Authority - entered Victim 1 and Victim 2's home.	Ten (10) days' vacation forfeiture	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. Read Final Documents Here
201907897 Closing Report Will be Available Upon Closure of all related APU Cases	PO Louis Carrion	1. Abuse of Authority - entered Victim 1 and Victim 2's home.	Ten (10) days' vacation forfeiture	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. Read Final Documents Here
201907564 Read Closing Report Here	PO Pierre Pradieu	1. Force - hit the Victim against the ground. 2. Force - used physical force against the Victim.	Twenty (20) days' vacation forfeiture	ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict. Read Final Documents Here
202003710 Read Closing Report Here	PO Andrey Samusev	1. Force - struck Victim 1 with a vehicle. 2. Force - struck Victim 2 with a vehicle. 3. Force - struck Victim 3 with a vehicle. 4. Force - struck individuals with a vehicle.	Forced separation	ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict. Read Final Documents Here

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	APU RECOMMENDED PENALTY	ADCT DECISION & PC DECISION
202003710 Read Closing Report Here	PO Daniel Alvarez	1. Force - struck individuals with a vehicle.	One (1) year dismissal probation	ADCT rendered a guilty verdict on the sole charge and recommended forty (40) days' vacation forfeiture and one (1) year dismissal probation. The Police Commissioner disapproved the guilty verdict and imposed no disciplinary action on the officer. Read Final Documents Here
202006527 Read Closing Report Here	DT3 Salvatore Rizzo	1. Force - pointed his gun at the Victim.	Twenty (20) days' vacation forfeiture	ADCT rendered a not guilty verdict on all charges. The Police Commissioner approved the not guilty verdict. Read Final Documents Here

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 2023, the APU finalized fifty-six (56) plea agreements.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
201910507 Read Closing Report Here	PO Angel Ogando	1. Offensive Language - made remarks to the Victim based upon the gender of the Victim.	Officer pled guilty and accepted Command Discipline B with seven (7) days’ vacation forfeiture. The Police Commissioner set aside the plea and issued a penalty of Command Discipline A with one (1) day vacation forfeiture. Read Final Documents Here
201907149 Read Closing Report Here	PO Kamrul Islam	1. Abuse of Authority - stopped Victim 1. 2. Abuse of Authority - stopped Victim 2. 3. Abuse of Authority - stopped Victim 3. 4. Abuse of Authority - stopped Victim 4. 5. Abuse of Authority - stopped Victim 5.	Officer pled guilty and accepted three (3) days’ vacation forfeiture. The Police Commissioner set aside the plea, dismissed the charges, and issued a penalty of Command Discipline A with three (3) days’ vacation forfeiture. Read Final Documents Here

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
201907149 Read Closing Report Here	SGT Tinina Alexander	<ol style="list-style-type: none"> 1. Abuse of Authority - stopped Victim 1. 2. Abuse of Authority - stopped Victim 2. 3. Abuse of Authority - stopped Victim 3. 4. Abuse of Authority - stopped Victim 4. 5. Abuse of Authority - stopped Victim 5. 	Officer pled guilty and accepted two (2) days' vacation forfeiture. The Police Commissioner set aside the plea and issued a penalty of Command Discipline A with two (2) days' vacation forfeiture. Read Final Documents Here
202100606 Read Closing Report Here	PO John Migliaccio	<ol style="list-style-type: none"> 1. Force - used pepper spray against Victim 1. 2. Force - used pepper spray against Victim 2. 3. Force - used pepper spray against individuals. 4. Force - used pepper spray against Victim 3. 	Officer pled guilty and accepted twenty (20) days' vacation forfeiture. The Police Commissioner set aside the plea, dismissed the charges, and issued a penalty of Command Discipline B with ten (10) days' vacation forfeiture. Read Final Documents Here
202004301 Closing Report Will be Available Upon Closure of all related APU Cases	PO John Migliaccio	<ol style="list-style-type: none"> 1. Force - struck individuals with a baton. 2. Abuse of Authority - damaged an individual's property. 	Officer pled guilty and accepted fifteen (15) days' vacation forfeiture. The Police Commissioner set aside the plea and dismissed the charges. Read Final Documents Here

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
201901922 Read Closing Report Here	DT3 Richard Podlovits	1. Abuse of Authority - entered the Victim's home,	Officer pled guilty and accepted formalized training. The Police Commissioner set aside the plea, dismissed the charges, and issued a penalty of formalized training. Read Final Documents Here
201904359 Read Closing Report Here	SGT Kevin Padilla	1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - frisked the Victim. 3. Abuse of Authority - searched the Victim. 4. Abuse of Authority - stopped the Victim. 5. Abuse of Authority - strip-searched the Victim.	Officer pled guilty and accepted Command Discipline A with five (5) days' vacation forfeiture. The Police Commissioner set aside the plea, dismissed the charges, and issued a penalty of formalized training. Read Final Documents Here
201904359 Read Closing Report Here	SGT Godwin Ngai	1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - strip-searched the Victim.	Officer pled guilty and accepted Command Discipline B. The Police Commissioner set aside the plea, dismissed the charges, and issued a penalty of formalized training. Read Final Documents Here

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
202104754 Read Closing Report Here	PO Conner Anzalone	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to Victim 1. 2. Discourtesy - spoke discourteously to Victim 2. 3. Offensive Language - made remarks to Victim 2 based upon race. 	Officer pled guilty and accepted Command Discipline A with two (2) days' vacation forfeiture. The Police Commissioner set aside the plea and dismissed the charges. Read Final Documents Here
201901685 Closing Report Will be Available Upon Closure of all related APU Cases	SGT Emily Harris	<ol style="list-style-type: none"> 1. Abuse of Authority - entered the 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. 	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. Read Final Documents Here
201901685 Closing Report Will be Available Upon Closure of all related APU Cases	SGT Hilton Jeanpierre	<ol style="list-style-type: none"> 1. Abuse of Authority - entered the Victim's home. 2. Abuse of Authority - failed to provide the Victim with a business card. 	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. Read Final Documents Here
201906036 Closing Report Will be Available Upon Closure of all related APU Cases	DT3 Robert Owens	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 	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. Read Final Documents Here

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
201906894 Read Closing Report Here	PO Sean Keegan	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Discourtesy - at the 75th Precinct stationhouse spoke discourteously to the Victim. 3. Discourtesy - spoke discourteously to the Victim. 	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. Read Final Documents Here
202007357 Closing Report Will be Available Upon Closure of all related APU Cases	PO Sean Keegan	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - refused to provide his shield number to the Victim. 4. Abuse of Authority - stopped the Victim. 	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. Read Final Documents Here
201907371 Read Closing Report Here	PO Donovan Bunch	<ol style="list-style-type: none"> 1. Abuse of Authority - frisked Victim 1. 2. Abuse of Authority - searched the Victim 1. 3. Abuse of Authority - searched Victim 2. 4. Abuse of Authority - searched the vehicle in which Victim 1 was an occupant. 	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. Read Final Documents Here
201907553 Read Closing Report Here	DTS Denzil Trim	<ol style="list-style-type: none"> 1. Force - pointed his gun at the Victim. 2. Abuse of Authority - stopped the Victim. 3. Untruthful Statement - provided a false official statement to the CCRB. 	Officer pled guilty and accepted thirty (30) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty. Read Final Documents Here

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201908463 Read Closing Report Here	DT3 Christian Lopez	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - searched the Victim. 	<p>Officer pled guilty and accepted formalized training. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
201909838 Read Closing Report Here	SGT Gregg Minardi	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened Victim 1 with the use of force. 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. 	<p>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>Read Final Documents Here</p>
201910059 Read Closing Report Here	PO Juan Pinero	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - interfered with the Victim's use of a recording device. 3. Discourtesy - spoke discourteously to the Victim. 4. Offensive Language - made remarks to the Victim based upon race. 	<p>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>Read Final Documents Here</p>
202000487 Read Closing Report Here	DTS Salvator Granata	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened to arrest the Victim. 2. Abuse of Authority - threatened to damage the Victim's property. 	<p>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>Read Final Documents Here</p>

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202000487 Read Closing Report Here	DT3 Roberto Pagan	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened to arrest the Victim. 2. Abuse of Authority - threatened to damage the Victim's property. 	<p>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>Read Final Documents Here</p>
202000957 Read Closing Report Here	PO Adam Elmaadawy	<ol style="list-style-type: none"> 1. Abuse of Authority - sexually humiliated the Victim. 	<p>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>Read Final Documents Here</p>
202006659 Read Closing Report Here	PO Adam Elmaadawy	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Discourtesy - spoke discourteously to the Victim. 	<p>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>Read Final Documents Here</p>
202002344 Read Closing Report Here	PO Jillian Barbieri	<ol style="list-style-type: none"> 1. Abuse of Authority - searched the Victim. 	<p>Officer pled guilty and accepted formalized training. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>

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202002344 Read Closing Report Here	PO Samantha Saville	1. Abuse of Authority - searched the Victim.	Officer pled guilty and accepted formalized training. The Police Commissioner approved the plea and did not modify the penalty. Read Final Documents Here
202002649 Read Closing Report Here	PO Jacob Suarez	1. Force - used physical force against the Victim. 2. Abuse of Authority - threatened to arrest the Victim. 3. Discourtesy - spoke discourteously to the Victim.	Officer pled guilty and accepted eleven (11) days' vacation forfeiture. The Police Commissioner set aside the plea, dismissed the charges, and issued a penalty of Command Discipline A with one (1) day vacation forfeiture. Read Final Documents Here
202004112 Read Closing Report Here	DTS Anthony Mesa	1. Force - used physical force against an individual. 2. Force - used physical force against the Victim.	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. Read Final Documents Here
202004990 Read Closing Report Here	SGT Jan Rogowski	1. Force - a chokehold against the Victim. 2. Force - used physical force against the Victim. 3. Untruthful Statement - provided a false official statement to the CCRB.	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. Read Final Documents Here

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202005679 Read Closing Report Here	PO Shaun Healy	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to the Victim. 2. Offensive Language - made remarks to the Victim based upon the gender of the Victim. 	<p>Officer 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>Read Final Documents Here</p>
202005783 Read Closing Report Here	PO Andrew Nyberg	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened to arrest an individual. 2. Abuse of Authority- threatened to arrest the Victim. 	<p>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>Read Final Documents Here</p>
202100053 Read Closing Report Here	LT SA Timothy Brovakos	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - frisked the Victim. 3. Abuse of Authority - stopped the Victim. 4. Abuse of Authority - threatened to arrest the Victim. 	<p>Officer pled guilty and accepted thirteen (13) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
202100965 Read Closing Report Here	LT SA Timothy Brovakos	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - seized the Victim's property. 3. Discourtesy - spoke discourteously to the Victim. 4. Discourtesy - spoke discourteously to the Victim 	<p>Officer pled guilty and accepted nine (9) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>

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202103599 Read Closing Report Here	LT SA Timothy Brovakos	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide the Victim with a business card. 5. Abuse of Authority - frisked the Victim. 	<p>Officer pled guilty and accepted three (3) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
202101374 Read Closing Report Here	LT Christopher Fusaro	<ol style="list-style-type: none"> 1. Abuse of Authority - pointed his taser at the Victim. 2. Abuse of Authority - questioned the Victim. 	<p>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>Read Final Documents Here</p>
202106759 Read Closing Report Here	LT Christopher Fusaro	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened to arrest Victim 1. 3. Discourtesy - spoke discourteously to Victim 2. 	<p>Joint plea agreement with CCRB Case No. 202101374 (see above).</p> <p>Read Final Documents Here</p>
202102541 Read Closing Report Here	PO Edgar Rivera	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - frisked the Victim. 3. Discourtesy - spoke discourteously to the Victim. 	<p>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>Read Final Documents Here</p>

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202102541 Read Closing Report Here	DTS Christina Moncion	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - searched the vehicle in which the Victim was an occupant. 	<p>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>Read Final Documents Here</p>
202103284 Read Closing Report Here	PO Daniel Moussannef	<ol style="list-style-type: none"> 1. Abuse of Authority - issued an unlawful summons to the Victim. 	<p>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>Read Final Documents Here</p>
202104505 Read Closing Report Here	SGT John Zorrilla	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Abuse of Authority - searched the Victim's purse. 	<p>Officer pled guilty and accepted eight (8) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
202104887 Read Closing Report Here	SGT John Zorrilla	<ol style="list-style-type: none"> 1. Force - used physical force against an individual. 2. Force - used physical force against Victim 1. 3. Force - used physical force against Victim 2. 4. Abuse of Authority - searched Victim 3. 5. Discourtesy - spoke discourteously to an individual. 	<p>Officer pled guilty and accepted nine (9) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>

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202105539 Read Closing Report Here	PO Glenn Bysterbusch	<ol style="list-style-type: none"> 1. Abuse of Authority - entered Victim 1's bedroom. 2. Abuse of Authority - damaged Victim 2's property. 3. Abuse of Authority - entered Victim 2's bedroom. 4. Abuse of Authority - forcibly removed Victim 2 to the hospital. 5. Abuse of Authority - searched Victim 2's bedroom. 6. Untruthful Statement - provided a false official statement to the CCRB. 	<p>Officer pled guilty and accepted twenty-six (26) days' vacation forfeiture and service retirement. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
202106606 Read Closing Report Here	SGT Anton Baird	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to the Victim. 2. Offensive Language - made offensive remarks to the Victim based on her perceived mental state. 	<p>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 issued a penalty of Command Discipline A with five (5) days' vacation forfeiture.</p> <p>Read Final Documents Here</p>
202106902 Read Closing Report Here	LT Cortney Cummings	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 	<p>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.</p> <p>Read Final Documents Here</p>

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202107296 Read Closing Report Here	PO Peter Leonello	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - frisked the Victim. 3. Abuse of Authority - questioned the Victim. 4. Abuse of Authority - searched the Victim. 5. Abuse of Authority - searched the vehicle in which the Victim was an occupant. 6. Abuse of Authority - stopped the vehicle in which the Victim was an occupant. 	Officer pled guilty and accepted Command Discipline A with three (3) days' vacation forfeiture A. The Police Commissioner approved the plea and did not modify the penalty. Read Final Documents Here
202205318 Read Closing Report Here	DT3 Michael Agunzo	<ol style="list-style-type: none"> 1. Abuse of Authority - entered the Victim's home on the first day. 2. Abuse of Authority - searched the Victim's home on the first day. 3. Abuse of Authority - entered the Victim's home on a second day. 4. Abuse of Authority - searched the Victim's home on a second day. 5. Abuse of Authority - entered the Victim's home on a third day. 6. Abuse of Authority - entered the Victim's home on a fourth day. 7. Abuse of Authority - searched the Victim's home on a fourth day. 8. Abuse of Authority - entered the Victim's home on a fifth day. 9. Abuse of Authority - searched the Victim's home on a fifth day. 10. Abuse of Authority - entered the Victim's home on a sixth day. 11. Abuse of Authority - searched Victim's home on a sixth day 	Officer pled guilty and accepted fifteen (15) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty. Read Final Documents Here

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201909527 Read Closing Report Here	SGT Brian Martin	<ol style="list-style-type: none"> 1. Abuse of Authority - entered the Victim's home. 2. Abuse of Authority - searched the Victim's home. 	<p>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>Read Final Documents Here</p>
201911039 Read Closing Report Here	PO Erik Leonardo	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened Victim 1 with the use of force. 2. Abuse of Authority - threatened to arrest Victim 1. 3. Discourtesy - acted discourteously toward an individual. 4. Discourtesy - acted discourteously toward Victim 2. 5. Discourtesy - spoke discourteously to an individual. 6. Discourtesy - spoke discourteously to Victim 1. 7. Discourtesy - spoke discourteously to Victim 2. 8. Offensive Language - made offensive remarks to an individual. 9. Offensive Language - made offensive remarks to Victim 1. 	<p>Officer pled guilty and accepted fifteen (15) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
202001588 Read Closing Report Here	PO Galo Lopez	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - threatened to arrest the Victim. 	<p>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>Read Final Documents Here</p>

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
202002972 Read Closing Report Here	LT Christopher Siani	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide the Victim with a business card. 2. Abuse of Authority - frisked the Victim. 3. Abuse of Authority - searched the Victim. 4. Abuse of Authority - stopped the Victim. 5. Discourtesy - spoke discourteously to the Victim. 6. Offensive Language - made remarks to the Victim based upon the perceived sexual orientation of the Victim. 	<p>Officer pled guilty and accepted eleven (11) days' vacation forfeiture. The Police Commissioner approved the plea and did not modify the penalty.</p> <p>Read Final Documents Here</p>
202002972 Read Closing Report Here	DT3 Jeffrey Goris	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened the Victim with the use of force. 	<p>Officer pled guilty and accepted Command Discipline A with one (1) day vacation forfeiture. The Police Commissioner set aside the plea and modified the penalty to Command Discipline A with five (5) days' vacation forfeiture.</p> <p>Read Final Documents Here</p>
202002972 Read Closing Report Here	SGT Arthur McCarthy	<ol style="list-style-type: none"> 1. Abuse of Authority - frisked an individual. 2. Abuse of Authority - frisked the Victim. 3. Abuse of Authority - searched the Victim. 4. Abuse of Authority - stopped an individual. 	<p>Officer pled guilty and accepted formalized training. The Police Commissioner set aside the plea and modified the penalty to Command Discipline A with three (3) days' vacation forfeiture.</p> <p>Read Final Documents Here</p>

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
<p>202105864 Closing Report Will be Available Upon Closure of all related APU Cases</p>	<p>DT3 Nicholas McQuail</p>	<ol style="list-style-type: none"> 1. Force - used physical force against Victim 1. 2. Abuse of Authority - threatened Victim 2 with the use of force. 	<p>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>Read Final Documents Here</p>
<p>201907564 Read Closing Report Here</p>	<p>PO Ryan Barba</p>	<ol style="list-style-type: none"> 1. Abuse of Authority - threatened the Victim with the use of force. 	<p>Officer pled guilty and accepted Command Discipline A with three (3) days' vacation forfeiture. The Police Commissioner did not approve the plea and dismissed the charges.</p> <p>Read Final Documents Here</p>
<p>201906886 Closing Report Will be Available Upon Closure of all related APU Cases</p>	<p>DT3 Robert Vargas</p>	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to the Victim. 2. Offensive Language - made offensive remarks to the Victim based on perceived mental health status. 	<p>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 issued a penalty of Command Discipline B with five (5) days' vacation forfeiture.</p> <p>Read Final Documents Here</p>

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	PLEA AGREEMENT
202103105 Read Closing Report Here	SGT Charles Arnone	<ol style="list-style-type: none"> 1. Abuse of Authority - entered the Victim's home. 2. Abuse of Authority - searched Victim's home. 	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 issued a penalty of Command Discipline A with five (5) days' vacation forfeiture. Read Final Documents Here
202003715 Closing Report Will be Available Upon Closure of all related APU Cases	CPT Joseph Taylor	<ol style="list-style-type: none"> 1. Discourtesy - acted discourteously toward Victim 1. 2. Discourtesy - spoke discourteously to Victim 2. 3. Untruthful Statement - provided a false official statement to the CCRB. 	Officer pled guilty and accepted twenty (20) days' vacation forfeiture. The Police Commissioner set aside the plea and dismissed the charges. Read Final Documents Here

III. RETAINED CASES

The Police Commissioner can retain a case, which means that the case is removed from the APU, in accordance with Provision Two of the MOU,³ which states that:

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

After a case is retained, the Police Commissioner can decide whether or not to impose discipline on an officer. In the fourth quarter of 2023, the Police Commissioner retained eleven (11) cases.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR RETAINMENT
202202357 Closing Report Will be Available Upon Closure of all related APU Cases	PO Steven Sanchez	<ol style="list-style-type: none"> 1. Abuse of Authority - interfered with the Victim's use of a recording device. 2. Discourtesy - spoke discourteously to the Victim. 	<p>The Police Commissioner retained the case and issued discipline to the officer – Command Discipline B.</p> <p>Read Final Documents Here</p>
202202357 Closing Report Will be Available Upon Closure of all related APU Cases	PO Crisbel Lopez	<ol style="list-style-type: none"> 1. Abuse of Authority - interfered with the Victim's use of a recording device. 2. Discourtesy - spoke discourteously to the Victim. 3. Offensive Language - made offensive remarks to the Victim. 	<p>The Police Commissioner retained the case and issued no discipline to the officer.</p> <p>Read Final Documents Here</p>
202208690 Read Closing Report Here	PO Carolyn Daley	<ol style="list-style-type: none"> 1. Abuse of Authority - stopped the Victim. 	<p>The Police Commissioner retained the case and issued discipline to the officer – formalized training.</p> <p>Read Final Documents Here</p>

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

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR RETAINMENT
202208690 Read Closing Report Here	SGT Ariel Cruz	<ol style="list-style-type: none"> 1. Abuse of Authority - frisked the Victim. 2. Abuse of Authority - stopped the Victim 	<p>The Police Commissioner retained the case and issued discipline to the officer – Command Discipline A.</p> <p>Read Final Documents Here</p>
202004684 Read Closing Report Here	DC Gerard Dowling	<ol style="list-style-type: none"> 1. Force - used physical force against Victim 1. 2. Force - used physical force against Victim 2. 	<p>The Police Commissioner retained the case and issued no discipline to the officer.</p> <p>Read Final Documents Here</p>
202202774 Read Closing Report Here	PO Matthew Regan	<ol style="list-style-type: none"> 1. Force - used physical force against the Victim. 2. Abuse of Authority - refused to provide his name to the Victim. 	<p>The Police Commissioner retained the case and issued no discipline to the officer.</p> <p>Read Final Documents Here</p>
202202968 Closing Report Will be Available Upon Closure of all related APU Cases	PO Lissa Solermarte	<ol style="list-style-type: none"> 1. Force - pointed her gun at the Victim. 	<p>The Police Commissioner retained the case and issued no discipline to the officer.</p> <p>Read Final Documents Here</p>
202203510 Read Closing Report Here	LT Brian Klarman	<ol style="list-style-type: none"> 1. Abuse of Authority - failed to provide Victim 1 with a business card. 2. Abuse of Authority - frisked Victim 1. 3. Discourtesy - spoke discourteously to Victim 2. 	<p>The Police Commissioner retained the case and issued discipline to the officer – Command Discipline A with one (1) day vacation forfeiture.</p> <p>Read Final Documents Here</p>
202203990 Read Closing Report Here	PO Joshua Lawrence	<ol style="list-style-type: none"> 1. Abuse of Authority - searched the Victim. 2. Abuse of Authority - threatened to remove the Victim to the hospital. 	<p>The Police Commissioner retained the case and issued discipline to the officer - Command Discipline A.</p> <p>Read Final Documents Here</p>

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR RETAINMENT
202204060 Read Closing Report Here	PO Paramveer Singh	<ol style="list-style-type: none"> 1. Discourtesy - at the 107th Precinct stationhouse, spoke discourteously to the Victim. 2. Discourtesy - inside a police vehicle, spoke discourteously to the Victim. 3. Discourtesy - spoke discourteously to the Victim. 	The Police Commissioner retained the case and issued discipline to the officer – Command Discipline A. Read Final Documents Here
202204273 Read Closing Report Here	PO Gregory Gromling	<ol style="list-style-type: none"> 1. Force – used physical force against the Victim. 2. Discourtesy - at the 103rd Precinct Stationhouse, spoke discourteously to the Victim. 	The Police Commissioner retained the case and issued discipline to the officer - Command Discipline A. Read Final Documents Here

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 2023, the Police Commissioner administratively closed five (5) cases.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR CASE CLOSURE
202106172 Closing Report Will be Available Upon Closure of all related APU Cases	PO James Farrell	<ol style="list-style-type: none"> 1. Force - used physical force against an individual. 2. Force - used physical force against the Victim. 3. Discourtesy - spoke discourteously to an individual. 	Officer left the Police Department.
202004257 Read Closing Report Here	PO Josue Torres	<ol style="list-style-type: none"> 1. Discourtesy - spoke discourteously to the Victim. 2. Offensive Language - made remarks to the Victim based upon ethnicity. 	Terminated by the Police Department.
202203843 Read Closing Report Here	PO Michael Lugo	<ol style="list-style-type: none"> 1. Force - used a non-lethal restraining device on the Victim. 	Officer resigned.
202101702 Closing Report Will be Available Upon Closure of all related APU Cases	PO Benjamin Chu	<ol style="list-style-type: none"> 1. Abuse of Authority - in front of the 63rd Precinct stationhouse, did not process the Victim's complaint regarding an officer. 	Officer retired.
202104657 Read Closing Report Here	PO Alvin Askew	<ol style="list-style-type: none"> 1. Abuse of Authority - did not process the Victim's complaint regarding (an) officer(s). 2. Abuse of Authority - threatened to remove the Victim to the hospital. 	Officer retired.

V. APU ADMINISTRATIVELY CLOSED CASES

The SOL is the 18-month timeframe within which a disciplinary proceeding must be commenced against an officer.⁴ Unless the case falls under the crime exception, once the SOL period elapses, a case may not proceed and will be closed without further action. In the fourth quarter of 2023, the APU administratively closed two (2) cases for SOL reasons.

COMPLAINT	OFFICER	CCRB SUBSTANTIATED ALLEGATIONS	REASON FOR CASE CLOSURE
202208267 Read Closing Report Here	PO Alexander Caballery	<ol style="list-style-type: none"> 1. Abuse of Authority - entered Victim 1’s home. 2. Abuse of Authority - searched Victim 1’s home. 3. Abuse of Authority - arrested Victim 1 unlawfully. 4. Abuse of Authority - arrested Victim 3 unlawfully 	SOL expired prior to APU receiving case.
202208267 Read Closing Report Here	PO Anthony Carolei	<ol style="list-style-type: none"> 1. Abuse of Authority - arrested Victim 2 unlawfully. 2. Abuse of Authority - entered Victim 1’s home. 3. Abuse of Authority - searched Victim 1’s home. 	SOL expired prior to APU receiving case.

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

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

VI. THE APU DOCKET

The APU's docket reduced in the fourth quarter of 2023 compared to the third 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
1 st Quarter 2023	687	78	49	716	4.2%
2 nd Quarter 2023	716	72	87	701	-2.1%
3 rd Quarter 2023	707	55	122	640	-9.5%
4 th Quarter 2023	646	83	83	646	0%

VII. SERVICE OF RESPONDENTS

The average wait time for Respondents to be served remained unchanged between the third and fourth quarters of 2023.

Time to Serve Respondents			
Period	Number of Respondents Served	Average Length to Serve Respondents	Average Length to Serve Respondents (Business Days)
1 st Quarter 2023	74	17	12
2 nd Quarter 2023	55	26	19
3 rd Quarter 2023	51	27	19
4 th Quarter 2023	56	27	19

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 2023 APU Concurrence and Discipline			
Discipline	61	Concurrence	46
No Discipline	14	Non-Concurrence	29
Not Adjudicated	7	Not Adjudicated	7
Discipline %	81%	Concurrence %	61%