

Officer(s)	Allegation	Investigator Recommendation
E.SGT Arthur Mccarthy	Abuse: Sergeant Arthur Mccarthy entered § 87(2)(b) First Floor, in Brooklyn.	[REDACTED]
F.POM Luis Fernandez	Abuse: Police Officer Luis Fernandez entered § 87(2)(b) Apartment 1, in Brooklyn.	[REDACTED]
G.POM Vincent Dandraia	Force: Inside § 87(2)(b) 1st Floor, Police Officer Vincent Dandraia pointed his gun at § 87(2)(b)	[REDACTED]
H.SGT Arthur Mccarthy	Abuse: Outside § 87(2)(b) in Brooklyn, Sergeant Arthur Mccarthy refused to show the search warrant to § 87(2)(b)	[REDACTED]
I.POM Christophe Furegno	Abuse: Police Officer Christophe Furegno entered § 87(2)(b) Apartment 2, in Brooklyn.	[REDACTED]
J.POM Christophe Furegno	Abuse: Police Officer Christophe Furegno searched § 87(2)(b) Apartment 2, in Brooklyn.	[REDACTED]
K.LT Alexander Bobo	Abuse: Outside § 87(2)(b) in Brooklyn, Lieutenant Alexander Bobo threatened to arrest § 87(2)(b)	[REDACTED]
L.POM Nicholas Gluth	Abuse: Police Officer Nicholas Gluth entered § 87(2)(b) Apartment 3, in Brooklyn.	[REDACTED]
M.LT Alexander Bobo	Abuse: Lieutenant Alexander Bobo entered § 87(2)(b) Apartment 3, in Brooklyn.	[REDACTED]
N.SGT Christophe Musa	Abuse: Sergeant Christophe Musa entered § 87(2)(b) Apartment 3, in Brooklyn.	[REDACTED]
O.LT Christophe Siani	Abuse: Lieutenant Christophe Siani entered § 87(2)(b) Apartment 3, in Brooklyn.	[REDACTED]
P.POM Dwane Edwards	Abuse: Police Officer Dwane Edwards entered § 87(2)(b) Apartment 3, in Brooklyn.	[REDACTED]
Q.LT Alexander Bobo	Force: Inside § 87(2)(b) Apartment 3, Lieutenant Alexander Bobo pointed his gun at § 87(2)(b)	[REDACTED]
R.LT Alexander Bobo	Force: Inside § 87(2)(b) Apartment 3, Lieutenant Alexander Bobo pointed his gun at § 87(2)(b)	[REDACTED]
S.SGT Christophe Musa	Force: Inside § 87(2)(b) Apartment 3, in Brooklyn, Sergeant Christophe Musa used a Taser against § 87(2)(b)	[REDACTED]

Case Summary

On September 13, 2019, § 87(2)(b) filed this CCRB complaint over the phone.

On August 8, 2019, at approximately 5:30 p.m., Sgt. Arthur McCarthy of Brooklyn South Intelligence and Detective Joseph Mcevoy of the 73rd Precinct Detective Squad, along with Sgt. Michael Nocerino, PO Jeffrey Goris, PO Vincent Dandraia, PO Luis Fernandez, Sgt. Christopher Musa, PO Dwane Edwards, PO Joseph Sicari, and PO Nicolas Gluth of the 73rd Precinct arrived at § 87(2)(b) in Brooklyn. Sgt. Nocerino, PO Goris, PO Dandraia, PO Fernandez, Det. Mcevoy and Sgt. McCarthy went to § 87(2)(b) in Brooklyn to execute a search warrant at Apartment 2. PO Goris, Sgt. Nocerino, PO Dandraia, Det. McEvoy, Sgt. McCarthy, and PO Fernandez entered § 87(2)(b) Apartment 1 (**Allegations A-F, Abuse of Authority, § 87(2)(g)**). While moving through Apartment 1, PO Dandraia pointed his firearm at § 87(2)(b) (**Allegation G: Force, § 87(2)(g)**). The officers arrested § 87(2)(b) asked Sgt. McCarthy to see the search warrant for the location but was not shown the warrant (**Allegation H: Abuse of Authority, § 87(2)(g)**).

Officers entered and searched § 87(2)(b) in Brooklyn pursuant to a search warrant (**Allegation I-J: Abuse of Authority, § 87(2)(g)**).

Sgt. Bobo spoke with § 87(2)(b) outside the residence and, in the course of this conversation, Lieutenant Alexander Bobo of the 73rd Precinct threatened to arrest § 87(2)(b) (**Allegation K: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) ran into the residence, followed by PO Gluth, Sgt. Musa, Sgt. Edwards, Lieutenant Bobo, and Lieutenant Siani. At the top of the stairs, PO Gluth, Sgt. Musa, Lieutenant Siani, Lieutenant Bobo, and PO Edwards entered the third floor apartment along with § 87(2)(b) (**Allegations L-P: Abuse of Authority, § 87(2)(g)**). When entering the apartment, Lieutenant Bobo pointed his firearm at § 87(2)(b) and § 87(2)(b) (**Allegations Q and R: Force, § 87(2)(g)**). Inside the apartment, Sgt. Musa discharged his taser at § 87(2)(b) (**Allegation S: Force, § 87(2)(g)**).

The investigation recovered BWC footage. This footage is located in Board Reviews 33-45, 67-77, and summarized in Board Reviews 2-26.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Jeffrey Goris entered § 87(2)(b) Apartment 1, in Brooklyn.

Allegation (B) Abuse of Authority: Sergeant Michael Nocerino entered § 87(2)(b) Apartment 1, in Brooklyn.

Allegation (C) Abuse of Authority: Police Officer Vincent Dandraia entered § 87(2)(b) Apartment 1, in Brooklyn.

Allegation (D) Abuse of Authority: Detective Joseph Mcevoy entered § 87(2)(b) Apartment 1, in Brooklyn.

Allegation (E) Abuse of Authority: Sergeant Arthur McCarthy entered § 87(2)(b) First Floor, in Brooklyn.

Allegation (F) Abuse of Authority: Police Officer Luis Fernandez entered § 87(2)(b) Apartment 1, in Brooklyn.

The investigation determined that officers were in possession of a valid warrant for § 87(2)(b) Apartment 2, in Brooklyn. Search Warrant § 87(2)(b), which was signed § 87(2)(b) by Judge § 87(2)(b), authorizes officers to enter and search § 87(2)(b) Apartment 2, in

Brooklyn. This warrant is a no-knock warrant. The warrant notes that the residence is on the second floor and is marked with the number 2. The warrant also notes that they are to search the residence for evidence as well as contraband – specifically heroin and heroin paraphernalia – on 'the person of a black male, approximately 5' 5" in height, weighing approximately 150 pounds, and identified as § 87(2)(b) NYSID # § 87(2)(b) DOB § 87(2)(b), if found on the premises.' The requesting officer is listed as Officer Christopher Furegno (BR64).

As noted above, § 87(2)(b) was the target of the search warrant. § 87(2)(b)'s girlfriend is § 87(2)(b) § 87(2)(b) resides in § 87(2)(b) Apartment 3. § 87(2)(b)'s sons are § 87(2)(b) who resides at § 87(2)(b) Apartment 3, and § 87(2)(b) § 87(2)(b) refers to § 87(2)(b) as his stepson.

The investigation obtained a Google Maps photograph of a street view of § 87(2)(b) in Brooklyn (Board Review 101). The image depicts a three-story building with a gated driveway to the left of the building.

A request for all I-Cards associated with § 87(2)(b) returned negative results on March 11, 2021 (BR84).

The investigation determined that PO Goris, Sgt. Nocerino, PO Dandraia, Detective Mcevoy, Sgt. McCarthy, and PO Fernandez entered § 87(2)(b) Apartment 1, in Brooklyn. This residence is located on the ground floor of the building. Sgt. Nocerino, Sgt. McCarthy, and PO Dandraia affirmed that they entered Apartment 1 in statements to the CCRB. BWC footage confirms that PO Goris (BR68), Detective McEvoy (BR71), and PO Fernandez (BR70) also entered Apartment 1.

§ 87(2)(b) a resident of § 87(2)(b) Apartment 3, in Brooklyn. § 87(2)(b) is the boyfriend of § 87(2)(b) provided a statement to the CCRB in which he testified as he stood in the backyard of § 87(2)(b) on the afternoon of August 8, 2019, he heard a loud booming noise from inside the first floor. He conferred with § 87(2)(b) and § 87(2)(b) all stated they had heard the noise, and § 87(2)(b) and § 87(2)(b) entered the first floor to investigate the source of the noise. The first floor of § 87(2)(b) did not have a resident or occupant at the time of the incident. The layout of the first floor is bedrooms at the front, with a kitchen, then a living room, then a foyer covered with a room, then the backyard. § 87(2)(b) and § 87(2)(b) passed through the rear foyer and into living room. Upon entering the living room, § 87(2)(b) observed approximately four police officers (BR28).

In his statement to the CCRB (BR84), Sgt. McCarthy explained that he is the 73rd Precinct Field Intelligence Officer with PO Goris, PO Cavallero, and PO Feregno. Sgt. McCarthy testified to the CCRB that prior to the date of incident, the officers had conducted surveillance and completed DAS-LITE database checks of police responses to incidents at the location that lead them to believe that § 87(2)(b) the subject of their search warrant, resided on the second floor. The checks also indicated that Apartment 1 was abandoned. § 87(2)(e), § 87(2)(f) § 87(2)(b) confirmed that Apartment 1 was not occupied. The officers then obtained a search warrant for § 87(2)(b) Apartment 2. On the date of incident, § 87(2)(e), § 87(2)(f) § 87(2)(b) told Sgt. McCarthy or someone on his team that § 87(2)(b) was in front of the building and that it looked like he may be getting ready to leave. § 87(2)(e), § 87(2)(f) there were multiple people in the backyard or driveway, or both, of the location. § 87(2)(e), § 87(2)(f) § 87(2)(b) a male in the backyard had a firearm on his person. § 87(2)(e), § 87(2)(f) § 87(2)(b)

§ 87(2)(b) Sgt. McCarthy traveled to the vicinity of § 87(2)(b) to conduct surveillance prior to the execution of the warrant. Unspecified members of the Field Intelligence

unit communicated with § 87(2)(e), § 87(2)(f) and sent pictures of individuals on scene to the confidential informant. In these communications, § 87(2)(e), § 87(2)(f) identified § 87(2)(b) as the person with the firearm via his picture. Sgt. McCarthy did not recall when during the interaction § 87(2)(b) was identified, but he believed that the identification was made prior to officers entering the basement. Sgt. McCarthy coordinated with the supervisors for the 73rd Precinct Anti-Crime team, Sgt. Musa and Sgt. Nocerino, and informed them of the number and location of people at the building to ensure officer safety. He also informed them that the Field Intelligence unit had a warrant. Sgt. McCarthy, who was standing outside of the building, called Captain Edelman. Other officers on scene heard a commotion from the backyard and entered Apartment 1, moving through Apartment 1 to access the backyard. At the time, officers – he could not recall who – entered Apartment 1, Sgt. McCarthy and Sgt. Nocerino were on scene and were, to his knowledge, the highest-ranking officers. Based on Sgt. McCarthy’s understanding of police procedure, in this instance, he and Sgt. Nocerino shared responsibility for officers on scene in terms of overall command. Sgt. McCarthy stated that he did not instruct anyone to enter Apartment 1. He did not recall who made the initial determination to enter Apartment 1. Sgt. McCarthy did not recall if any officer informed him that they would be entering Apartment 1 before entering. Sgt. McCarthy entered Apartment 1 after other officers had entered, and did so because he believed the basement was not occupied and because he wanted to assist the officers who had entered before him in detaining the male with the firearm in the backyard. His belief about the armed male was based upon the confidential informant’s testimony. Sgt. McCarthy stated that he did not recall if officers knew there was an I-Card for § 87(2)(b) prior to entering the basement; he only learned about the existence of the I-Card after the entry from unidentified officers on scene and did not know who conducted the check that yielded the I-Card. Sgt. McCarthy did not recall what the I-Card was for, if it gave officers probable cause to arrest § 87(2)(b) or if it contained pedigree information or a photograph (BR84).

Sgt. Nocerino, the supervisor of the Anti-Crime team (BR80), testified that on the date of the incident, he received a cell phone call from Sgt. McCarthy, one of the Field Intelligence Officers, who stated that a confidential informant had observed someone in front of § 87(2)(b) in Brooklyn holding a silver firearm. Sgt. Nocerino observed PO Goris standing outside of the door to the first floor. Sgt. Nocerino conferred with PO Goris and confirmed with PO Goris that officers had observed the individual § 87(2)(e), § 87(2)(f) possessing the firearm run inside the first floor of the location. Sgt. Nocerino did not discuss with anyone whether any civilian had provided officers with consent to enter the location. Prior to entering the location, Sgt. Nocerino did not know if officers had entered the first floor. Sgt. Nocerino entered the first floor due to the information provided by the call from the Field Intelligence Officer and from PO Goris. One of the Field Intelligence Officers informed Sgt. Nocerino that § 87(2)(b) had an I-Card and showed him the I-Card on the phone, though he did not know what crime the I-Card had been issued for, what information was on the I-Card, or if the I-Card listed § 87(2)(b)’s residence. Sgt. Nocerino did not know who § 87(2)(b) was when he went to the location. Sgt. Nocerino did not know if officers had made an attempt to arrest § 87(2)(b) prior to entering the location.

In PO Dandraia’s CCRB statement (BR81), he explained that he was on the Anti-Crime team. At the time and place of incident, another member of his team – either PO Fernandez or Sgt. Nocerino – received a phone call from Sgt. McCarthy informing them that § 87(2)(e), § 87(2)(f) a subject of a probable-cause I-Card had been observed outside of § 87(2)(b) in Brooklyn. § 87(2)(e), § 87(2)(f) the subject had a silver firearm and provided a description of the armed person to the field intelligence officer over the phone. At the time one member of the Field Intelligence Officer unit called, PO Dandraia believed they were aware § 87(2)(e), § 87(2)(f) had a probable cause I-Card. PO Dandraia did not know if the Field Intelligence Officers informed

whoever in his vehicle took the phone call regarding the I-Card. Immediately after the phone call occurred, PO Dandraia knew that he was going to the location that an individual had a firearm and had fled into the location. When he and his team arrived at the location, an officer on scene – PO Dandraia did not recall who – informed his team that they had observed the subject of the I-Card flee into the first floor. Prior to entering the location, PO Dandraia did not recall speaking to Sgt. McCarthy or Sgt. Nocerino. PO Goris entered the first floor first, followed by PO Dandraia. PO Dandraia did not recall if Sgt. Nocerino entered the location behind him. PO Dandraia did not recall any officer issuing him any specific instructions to enter the first floor. PO Dandraia’s understanding of the situation was that officers were going to enter the first floor because officers had observed a male flee inside that location, and that male was armed. Prior to entering the first floor, PO Dandraia did not recall speaking to PO Goris prior to entering the first floor. PO Dandraia did not recall any officer speaking to any civilian regarding entering the first floor or gaining consent to enter the first floor prior to entering the location (BR81).

PO Furegno provided testimony to the CCRB (BR32). PO Furegno stated that he had lost his Memo Book for the date of incident. He stated that he was part of the Field Intelligence Unit but did not recall with whom he worked. He stated that prior to the date of incident, he surveilled the first and second floors of § 87(2)(b) as part of a firearms investigation. He identified the targets of the investigation as § 87(2)(b) who resided on the first floor, and § 87(2)(b) who resided on the second floor. He believed that § 87(2)(b) was the father of § 87(2)(b). He obtained a search warrant for the second floor; he did not explain why no search warrant was obtained for Apartment 1. PO Furegno believed that § 87(2)(b) had an open I-Card, but he did not know what the I-Card was for, nor could he provide any details about the I-Card. PO Furegno stated that on the date of incident, he travelled to § 87(2)(b) after the search warrant had been executed and after civilians had been removed from the location. He stated that an unidentified officer showed him a Consent to Search form regarding Apartment 1; he did not know who obtained the signed Consent to Search.

PO Goris’ BWC captured the entry into Apartment 1 (Board Review 68, summarized in Board Review 03). The footage starts with PO Goris standing in front of a gated door. He pushes the door and enters the building. There is no audio for the first 29 seconds of the recording, but when the recording starts, an officer states, “Police,” as PO Goris walks towards the opened door of Apartment 1. At 0min41sec in the recording, PO Goris enters Apartment 1; he appears to be the first officer to enter. His BWC does not depict any civilians who entered the building or Apartment 1 before this. At 1min56sec the officers encounter a male. The officers ask the male, later identified as § 87(2)(b) if his family was in the back. § 87(2)(b) affirmed that they were and said that he and the family were barbecuing. An officer tells another that § 87(2)(b)’s family is in the back. At 2min15sec, § 87(2)(b) asks the officers what is going on, and a male officer informs him that the officers were looking for § 87(2)(b) who they said had an “open complaint.” At 2min26sec, a female voice can be heard though the female – identified by the investigation as § 87(2)(b) – is not depicted. The officers ask § 87(2)(b) and § 87(2)(b) if they know § 87(2)(b). At 2min47sec, an officer says, “He might be in the back. They’re barbecuing in the back.” At 3min00sec into the recording, the officers enter Apartment 1 via a rear doorway. At 3min26sec, the officers have a conversation amongst themselves about an individual who is located on the third floor of the building. At 3min50sec, a male officer asks § 87(2)(b) who resides in the third floor and when § 87(2)(b) stated that no male lived on the third floor, an officer responds by saying that they just watched a male climb up stairs to the second floor. § 87(2)(b) identified the male who climbed to the third floor as § 87(2)(b). Immediately after this conversation, PO Goris re-enters the apartment, walks through it, and exits via the door he entered. At 4min38sec, PO Goris informs another male officer that there was a barricaded perpetrator on the third floor and that the officers had witnessed the perpetrator run from the second to the third floor. PO Goris makes no mention

that this person was seen on the first floor or that the person who fled was observed to have a firearm.

In the BWC of Det. Mcevoy (BR 71; summary attached to BR 6), Det. Mcevoy is depicted walking through § 87(2)(b) Apartment 1, with other officers and then walking to the rear of the building. While there, he tells other officers, “That’s him.” Det. McEvoy then climbs a ladder at the rear of the building to the second floor.

Sgt. Nocerino activated his BWC prior to entering the first floor, the audio, which activates at 00m30s, first records him stating, “I’m live” at 00m39s. Officers move into the first floor, followed by Sgt. Nocerino, with no recorded conversation regarding the basis for their entry (BR67 summarized BR02). PO Dandraia’s BWC activates with audio on while he is already inside Apartment 1 (BR69, summarized BR09). Sgt. McCarthy did not activate BWC.

Although § 87(2)(b) was ultimately arrested during this incident, the arrest was sealed (BR99). § 87(2)(b) did not provide a statement to the CCRB, and the investigation was not able to obtain documents related to this arrest.

§ 87(2)(g) no officer stated that a warrant existed for this address and because a search for warrants at § 87(2)(b) did not yield any such search warrant.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) PO Goris' BWC footage does not depict officers making contemporaneous statements about the male's flight nor does PO Goris make any mention that the person who fled was in possession of a firearm.

§ 87(2)(g) [Redacted]

§ 87(2)(g) [Redacted]

In People v. McBride, 59A.D. 3d 151 (BR98), the court held that officers could conduct a warrantless entry into a residence if they had probable cause to arrest and exigent circumstances. The court identified several factors that useful for identifying the existence of exigency, including the gravity or the violent nature of the offense with which the suspect is to be charged, reasonable suspicion to believe that the suspect is armed, clear showing or probable cause to believe that the suspect committed the crime, strong reason to believe that the suspect is in the premises to be entered, a likelihood that the suspect would escape if not captured, and the peaceful circumstances of the entry.

§ 87(2)(g) [Redacted]

§ 87(2)(g) [Redacted]

§ 87(2)(g) [Redacted]

§ 87(2)(g)

Allegation (G) Force: Inside § 87(2)(b) Apartment 1, Police Officer Vincent Dandraia pointed his gun at § 87(2)(b)

Upon entering the living room of § 87(2)(b) Apartment 1, § 87(2)(b) observed approximately four police officers enter the living room. The living room was dark. PO Dandraia had his handgun drawn and pointed at § 87(2)(b). All four officers instructed § 87(2)(b) not to move. § 87(2)(b) put his hands up and asked what was going on (BR28).

PO Dandraia's BWC footage captures this portion of the incident. At 1m15s, he points his weapon at a male, identified by the investigation as § 87(2)(b). He states, "Police," then immediately holsters his weapon (BR69, summarized BR09).

PO Dandraia testified that upon entering the first floor, he had his firearm drawn while determining whether civilians were in each of the rooms. As PO Dandraia, PO Goris, and Det. Mcevoy moved through the first floor, civilians entered the first floor. PO Dandraia did not recall pointing his firearm at anyone on the first floor but did have his firearm drawn as he walked through the rooms, which he noted is the procedure for clearing rooms. PO Dandraia did not observe anyone when he cleared rooms. PO Dandraia stated that he did not point his firearm at anyone while clearing rooms. PO Dandraia did not recall if PO Goris pointed his firearm at any civilians. PO Dandraia holstered his firearm when he observed civilians inside the first floor. PO Dandraia did not recall if any other officers pointed their firearms at any civilians on the first floor (BR81).

All parties agree that PO Dandraia pointed his firearm at § 87(2)(b) and BWC evidence shows that PO Dandraia pointed his firearm at § 87(2)(b) for approximately one second before holstering it.

As discussed under Allegations A-F, Sgt. Nocerino, the supervisor of the Anti-Crime team (BR80), testified that on the date of the incident, he received a cell phone call from Sgt. McCarthy, one of the Field Intelligence Officers, who stated that a confidential informant had observed someone in front of § 87(2)(b) in Brooklyn holding a silver firearm. In his statement to the CCRB (BR84), Sgt. McCarthy affirmed that he relayed information about the confidential informant's alleged observation of the armed individual outside of the residence and the informant's subsequent identification of the armed individual as § 87(2)(b) to other officers.

In the OATH case *Police Department v. Gliner*, OATH Index 955/00 (BR97), the court held that "the policy of the Department is that an officer can draw his firearm and point it at another person so long as he has a reasonable fear for his own or another's personal safety."

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

Allegation (H) Abuse of Authority: Outside § 87(2)(b) in Brooklyn, Sergeant Arthur Mccarthy refused to show the search warrant to § 87(2)(b)

It is undisputed that officers were in possession of a warrant for § 87(2)(b) Apartment 2. It is also undisputed that § 87(2)(b) asked Sgt. McCarthy to see the search warrant while on scene, that Sgt. McCarthy was responsible for showing him the warrant, and that Sgt. McCarthy did not show § 87(2)(b) the warrant on scene. It is disputed whether Sgt. McCarthy showed § 87(2)(b) the warrant at any point.

§ 87(2)(b) testified that an officer identified by the investigation as Sgt. McCarthy told § 87(2)(b) that the officers needed to go into the house to get § 87(2)(b)'s stepson, § 87(2)(b) out of the apartment. § 87(2)(b) responded that his name was not on the lease. § 87(2)(b) informed Sgt. McCarthy that he could not provide the officers with consent because the officers did not have a warrant. Sgt. McCarthy responded that the officers had come to the location because § 87(2)(b) had an "I-Card warrant." § 87(2)(b) asked Sgt. McCarthy, "Do you have a warrant to go into my house?" Sgt. McCarthy responded, "We came here for your son off an I-Card warrant." § 87(2)(b) asked, "Do you have a warrant for my apartment?" Sgt. McCarthy responded again that they were there for an I-Card warrant. Sgt. McCarthy did not show § 87(2)(b) a warrant or an I-Card. § 87(2)(b) asked to see a warrant at least three times, Sgt. McCarthy did not show § 87(2)(b) any warrants or I-Cards (BR28).

Sgt. McCarthy testified that he spoke with § 87(2)(b) when § 87(2)(b) was detained outside the location. § 87(2)(b) was not initially under arrest. Sgt. McCarthy informed § 87(2)(b) of the investigation, the search warrant, and of the fact that § 87(2)(b) was not free to leave. Sgt. McCarthy provided his name and shield number to § 87(2)(b). Sgt. McCarthy told § 87(2)(b) that based on what was recovered by the search of the second-floor apartment, § 87(2)(b) either would or would not be placed under arrest. Sgt. McCarthy did not want to show § 87(2)(b) the warrant at the location due to the ongoing chaos at the location. People from across the street and other residents were moving around the location. Sgt. McCarthy did not want to show the search warrant to anyone at the location other than § 87(2)(b). § 87(2)(b) asked to see the warrant once, and Sgt. McCarthy told § 87(2)(b) he would show § 87(2)(b) the warrant prior to placing § 87(2)(b) under arrest. A few minutes after the warrant was executed, officers placed § 87(2)(b) in handcuffs and transported him to the 73rd Precinct stationhouse. At the precinct, Sgt. McCarthy showed § 87(2)(b) the warrant and explained the situation (BR84).

BWC footage from PO Benjamin Chen of the 73rd Precinct (BR74, Summarized BR11) depicts § 87(2)(b) while he is in handcuffs at the incident location and his transport to the 73rd Precinct stationhouse. The footage opens with PO Chen inside a vehicle. PO Chen's partner, leaning into the driver's side of the vehicle, is speaking with an individual identified by the investigation as § 87(2)(b) in the rear of the vehicle. After a brief conversation, the partner stops being in view. PO Chen leans on the outside of the vehicle, on the passenger side. At 1m43s, PO Chen enters the vehicle. PO Chen faces his BWC rearward to depict § 87(2)(b) in the rear of the vehicle. At 4m15s, PO Chen escorts § 87(2)(b) into the 73rd Precinct stationhouse. § 87(2)(b) was secured handcuffed in the rear of marked police vehicle on scene for two minutes and 34 seconds. During this time, no civilians are depicted in the vicinity of the police vehicle, and the situation appears to be calm.

NYPD Patrol Guide Procedure 221-17 section 23 the officer in possession of the search warrant must show a copy of the search warrant, upon request, safety permitting. In New York State,

members of the service do not have a legal obligation to show an occupant of a premise a copy of a search warrant unless requested to do so, safety permitting (BR85).

§ 87(2)(g) [REDACTED]

Allegation (I) Abuse of Authority: Police Officer Christophe Furegno entered § 87(2)(b) Apartment 2, in Brooklyn.

Allegation (J) Abuse of Authority: Police Officer Christophe Furegno searched § 87(2)(b) Apartment 2, in Brooklyn.

Search Warrant § 87(2)(b), which was signed § 87(2)(b) by Judge § 87(2)(b), authorizes officers to enter and search § 87(2)(b) Apartment 2, in Brooklyn. The warrant notes that the residence is on the second floor and is marked with the number 2. The warrant also notes that they are to search the residence for evidence as well as contraband on 'the person of a black male, approximately 5' 5" in height, weighing approximately 150 pounds, and identified as § 87(2)(b) NYSID # § 87(2)(b) DOB § 87(2)(b), if found on the premises. The requesting officer is listed as Officer Christopher Furegno (BR64).

§ 87(2)(g) [REDACTED]

Allegation (K) Abuse of Authority: Outside § 87(2)(b) in Brooklyn, Lieutenant Alexander Bobo threatened to arrest § 87(2)(b)

Lieutenant Bobo's body-worn camera footage depicts him speaking with § 87(2)(b) outside of the building. § 87(2)(b) is seated on the left side of the stairs. A plainclothes officer is standing on the right side of the stairs. § 87(2)(b)'s position does not impede Lieutenant § 87(2)(b)'s access to the doorway of the building. At 00m08s into the video, Lieutenant Bobo states, "Right now, this is like a crime scene. We are not here for you, we don't want to have ask like this or be bothering you, but if you don't leave I'm going to arrest you. I don't want to arrest you, but you're going to have to leave" (BR76, summary in BR13).

In her statement to the CCRB (BR27), § 87(2)(b) did not mention that Lieutenant Bobo threatened to arrest her. § 87(2)(b) informed the investigation that she spoke with Lieutenant Bobo while she sat on the steps of the building. Lieutenant Bobo told § 87(2)(b) multiple times that she needed to get off the stairs. § 87(2)(b) responded that she believed the officers were going to kill her son, § 87(2)(b) and refused to allow Lieutenant Bobo to enter the building. § 87(2)(b) asked if she could go into the building and convince § 87(2)(b) to come outside, and Lieutenant Bobo responded that if § 87(2)(b) entered the building, he would have to go with her to check her house. After arguing with Lieutenant Bobo for a few minutes, he informed § 87(2)(b) that

“SWAT” was coming, and that she would have to get off the steps.

Lieutenant Bobo approached the exterior stairs and spoke with a woman identified by the investigation as § 87(2)(b) who was sitting on the steps outside of the building. He told § 87(2)(b) that she had to leave because officers were going to preparing to enter the third-floor apartment. Lieutenant Bobo told § 87(2)(b) that he did not want to arrest her, but that she could be arrested if she continued to obstruct officers’ ability to enter the location. Lieutenant Bobo informed the investigation that § 87(2)(b) could have been arrested for obstruction of governmental administration for blocking officers’ ability to enter the location; he did not cite any other offense for which she could have been arrested (BR82).

New York State Penal Law 195.05 (BR85) defines obstructing governmental administration thusly: “A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by any means of intimidation, physical force or interference.”

§ 87(2)(g)
[Redacted]

§ 87(2)(g)
[Redacted]

§ 87(2)(g)
[Redacted]

Allegation (L) Abuse of Authority: Police Officer Nicholas Gluth entered § 87(2)(b) Apartment 3, in Brooklyn.

Allegation (M) Abuse of Authority: Lieutenant Alexander Bobo entered § 87(2)(b) Apartment 3, in Brooklyn.

Allegation (N) Abuse of Authority: Sergeant Christopher Musa entered § 87(2)(b) Apartment 3, in Brooklyn.

Allegation (O) Abuse of Authority: Lieutenant Christophe Siani entered § 87(2)(b) Apartment 3, in Brooklyn.

Allegation (P) Abuse of Authority: Police Officer Dwane Edwards entered § 87(2)(b) Apartment 3, in Brooklyn.

It is undisputed that multiple officers entered § 87(2)(b) Apartment 3, in Brooklyn. As noted above, officers had a search warrant for § 87(2)(b) Apartment 2. None of the officers asserted that they were in possession of a search warrant for Apartment 3.

§ 87(2)(b) testified to the CCRB (BR27) that after she spoke with Lieutenant Bobo outside of the building, she asked if she could go into the building and convince § 87(2)(b) to come outside. Lieutenant Bobo responded that if § 87(2)(b) entered the building, he would have to go with her to check Apartment 3, which was her residence. After arguing with Lieutenant Bobo for a few minutes, he informed § 87(2)(b) that “SWAT” was coming, and that she would have to get off the steps. § 87(2)(b) then ran up the stairs into the building and to the third floor where Apartment 3 is located. § 87(2)(b) believed, but did not know specifically, that Lieutenant Bobo and multiple other police officers followed her up the stairs. When § 87(2)(b) got to the front door of Apartment 3, § 87(2)(b) opened the door. Officers entered the residence.

Lieutenant Bobo testified that as he spoke to § 87(2)(b) she stated that she was not leaving, stated, “Fuck you,” and in response to Lieutenant Bobo’s instructions, got up and ran upstairs, entered the house through the front door at the top of the steps, and ran up the stairs to the third floor apartment. Officers attempted to stop § 87(2)(b) from running up the stairs, evading officers’ attempts to stop her from entering the building by pushing their hands away from her body with her hands and movement. As she ran up the stairs, Lieutenant Bobo followed her, along with other officers. Lieutenant Bobo instructed § 87(2)(b) to stop as he pursued her up the stairway. Lieutenant Bobo and other officers pursued female up the stairs due the officers’ belief someone was armed with a firearm inside the location, and officers had a search warrant for the second floor, for a firearm. Lieutenant Bobo believed that at least one person inside the location was armed. As the officers who followed Lieutenant Bobo up the stairs began to attempt to place § 87(2)(b) in handcuffs, an individual identified by the investigation as § 87(2)(b) opened the door to the third floor. The first thing Lieutenant Bobo noticed was a black male approximately six feet tall, heavy-set in the door. Lieutenant Bobo had not been provided any physical descriptions of anyone inside the apartment. Due to information about the armed individual who had fled into the building and to the third floor, Lieutenant Bobo believed the individuals inside the third-floor apartment to be armed. He drew his firearm upon observing § 87(2)(b) inside. Lieutenant Bobo entered the third-floor apartment, pointing his firearm at § 87(2)(b) and instructed § 87(2)(b) to lay down on the ground (BR81).

Sgt. Musa’s testimony is largely consistent with § 87(2)(b) s. When Sgt. Musa saw § 87(2)(b) run upstairs, he ran after other officers who were running up the stairs behind § 87(2)(b) PO Edwards was in front of Sgt. Musa as they went up the stairs. Other officers on the 73rd Precinct anti-crime team, Sgt. Musa could not remember which exact other officers went into the house. § 87(2)(b) was in front of the officers. When § 87(2)(b) reached the top of the stairs, § 87(2)(b) banged on the door. The door opened. § 87(2)(b) and § 87(2)(b) were inside the

apartment. Sgt. Musa was on the stairs when the door opened. Sgt. Musa could not see into the apartment. Officers drew their firearms and shouted, “Show me your hands.” Officers entered the apartment and placed § 87(2)(b) and § 87(2)(b) in handcuffs to secure them. At the time Sgt. Musa arrived at the top of the stairs and looked inside, he believed at the time that neither of these individuals were in handcuffs. At the time the officers conducted the entry of § 87(2)(b) officers, including himself, believed that § 87(2)(b) – who they knew to be in Apartment 3 – was armed based upon information provided to them by other officers (BR31).

Lieutenant Siani’s testimony regarding the entry was consistent with Sgt. Musa’s. He additionally testified that inside the apartment, he may have instructed officers to ensure that the rooms were clear. Lieutenant Siani did not specifically recall issuing those instructions. Inside the apartment, Lieutenant Siani did not have any conversations with police officers about why officers were present at the location (BR30).

As discussed under Allegations A-F, Sgt. Nocerino, the supervisor of the Anti-Crime team (BR80), testified that on the date of the incident, he received a cell phone call from Sgt. McCarthy, one of the Field Intelligence Officers, who stated that § 87(2)(e), § 87(2)(f). In his statement to the CCRB (BR84), Sgt. McCarthy stated that he relayed information about § 87(2)(e), § 87(2)(f) an armed individual outside of the residence to other officers and supervisors. BWC footage filmed by PO Goris and Det McEvoy, officers state that they observed the person identified as the armed individual run from the second floor to the third floor, where Apartment 3 is located.

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In People v. McBride, 59A.D. 3d 151 (BR98), the court held that officers could conduct a warrantless entry into a residence if they had probable cause to arrest and exigent circumstances. The court identified several factors that useful for identifying the existence of exigency, including the gravity or the violent nature of the offense with which the suspect is to be charged, reasonable suspicion to believe that the suspect is armed, clear showing or probable cause to believe that the suspect committed the crime, strong reason to believe that the suspect is in the premises to be entered, a likelihood that the suspect would escape if not captured, and the peaceful circumstances of the entry.

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Allegation (Q) Force: Inside § 87(2)(b) Apartment 3, Lieutenant Alexander Bobo pointed his gun at § 87(2)(b)

Allegation (R) Force: Inside § 87(2)(b) Apartment 3, in Brooklyn, Lieutenant Alexander Bobo pointed his gun at § 87(2)(b)

Lieutenant Bobo's body-worn camera shows him entering the location at 00m34s as the door to Apartment 3 opens. § 87(2)(b) can be seen. Sgt. Bobo points his firearm, in his right hand, at § 87(2)(b) and states, "Get on the ground." § 87(2)(b) lays on the ground at 00m39s. At 00m43s, § 87(2)(b) enters the room behind a set of doors. Sgt. Bobo turns and points his firearm at this male, and repeatedly states, "Back up." (BR13, BR77).

As discussed under Allegations A-F, Sgt. Nocerino, the supervisor of the Anti-Crime team (BR80), testified that on the date of the incident, he received a cell phone call from Sgt. McCarthy, one of the Field Intelligence Officers, § 87(2)(e), § 87(2)(f)

As discussed under Allegations A - F, in the BWC footage filmed by PO Goris and Det. McEvoy, officers state that they observed the person identified as the armed individual run from the second floor to the third floor, where Apartment 3 is located.

As stated above, per Sgt. Musa's testimony, at the time the officers conducted the entry of § 87(2)(b) Apartment 3, officers, including himself, believed that § 87(2)(b) – who they knew to be in Apartment 3 – was armed based upon information provided to them by other officers (BR31).

Lieutenant Bobo testified that as the officers who followed Lieutenant Bobo up the stairs began to attempt to place § 87(2)(b) in handcuffs, an individual inside the third floor opened the door. This individual was a black male approximately six feet tall, heavy-set in the door. Lieutenant Bobo had not been provided any physical descriptions of anyone inside the apartment. Lieutenant Bobo believed the individuals inside the third-floor apartment to be armed and drew his firearm upon observing the male inside. Lieutenant Bobo entered the third-floor apartment, pointed his firearm at the male, and instructed him to lay down on the ground. Other officers entered and handcuffed the male. Another person exited a room into the living room/kitchen area. This person was a black male, five feet nine inches to five feet ten inches tall, approximately 180 pounds, with a thin build. As the second male entered the living room, Lieutenant Bobo turned and pointed his weapon at the other male, instructing him to put his hands up as he did so. The second male complied, and other officers placed this male in handcuffs. Lieutenant Bobo pointed his firearm at the males because of a combination of credible confidential informant information regarding the presence of a firearm inside the location, the search warrant for the second floor specifying officers were searching for a weapon, and that one of the males fit the descriptive information earlier provided by the

confidential informant. After both males were cuffed, Lieutenant Bobo holstered his firearm (BR82).

Search Warrant § 87(2)(b) for § 87(2)(b) was issued to authorize officers to search for heroin and heroin paraphernalia (BR64).

In Police Department v. Gliner, OATH Index 955/00 (BR97), the court held that police department policy is that an officer can draw or point their firearm when an officer has reasonable fear for his own or another person's safety.

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[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation (S) Force: Inside § 87(2)(b) in Brooklyn, Sergeant Christopher Musa used a non-lethal restraining device on § 87(2)(b)

It is undisputed that Sgt. Musa discharged his taser at § 87(2)(b)

TRI § 87(2)(b) is consistent with officer testimony and BWC that Sgt. Musa discharged his taser at § 87(2)(b). It states that Sgt. Musa was equipped with Taser # Serial X1300877F (BR58). A X-26 Taser Sheet for Taser # Serial X1300877F shows one trigger action for five seconds at 6:14 p.m. on August 8, 2019 (BR77).

§ 87(2)(b) testified (Board Review 27) that as police officers brought § 87(2)(b) to the ground in the kitchen, an officer stood behind § 87(2)(b). This officer had each of his hands on one of § 87(2)(b)'s wrists. § 87(2)(b)'s hands were in front of her. § 87(2)(b) stated that she was "moving up and down," and wiggling her body. She was asked multiple times to clarify and specify what she was doing with her body, but she only repeated that she was wiggling and moving up and down. She also stated she was screaming, "Don't kill my son" repeatedly. § 87(2)(b) stated she was not trying to pull away from the officer. § 87(2)(b) did not hear any police officers issue any commands to her. She stated she was entirely focused on police officers and § 87(2)(b). After a few minutes, Sgt. Musa, who was standing in the doorway, discharged a Taser at her. § 87(2)(b) did not hear if officers issued any commands prior to the discharge of the Taser. § 87(2)(b) could not say how long the current went through her body, but she believed that the current was enhanced by the fact that she was holding keys at the time of discharge. As a result of the Taser discharge, § 87(2)(b) fell to the floor. Officers then picked her up from the ground and sat her down in a chair in the living room.

Sgt. Musa stated that when he arrived at the top of the stairs, he looked into the apartment from the doorway and observed that PO Edwards was struggling with § 87(2)(b) PO Edwards, who was standing behind § 87(2)(b) was pulling on one of § 87(2)(b)'s arms as § 87(2)(b) pulled her body away from PO Edwards, attempting to move into the kitchen area where § 87(2)(b) and § 87(2)(b) were standing. Sgt. Musa did not believe that either were in handcuffs. Sgt. Musa believed PO Edwards was issuing § 87(2)(b) commands, though he did not recall what PO Edwards said. Sgt. Musa stated that § 87(2)(b)'s behavior constituted obstruction of governmental administration because she was attempting to move into the area where § 87(2)(b) was being arrested. Sgt. Musa said, "Taser," and instructed PO Edwards to step away from § 87(2)(b). Sgt. Musa aimed his CEW at § 87(2)(b)'s torso. Sgt. Musa deployed his CEW at § 87(2)(b). The darts impacted § 87(2)(b)'s side. § 87(2)(b) fell to the ground. Sgt. Musa deployed the CEW for one cycle. Sgt. Musa deployed his taser to end § 87(2)(b)'s resistance. After he deployed the CEW, an officer who Sgt. Musa did not recall moved to handcuff § 87(2)(b) (BR31).

The NYPD provided a copy of BWC footage that was labeled as belonging to Sgt. Musa and that appears to cover the time period when the Taser was deployed (BR72). The NYPD noted that the BWC footage was redacted, but did not indicate why this footage was redacted or how it was redacted (BR96). The footage does not depict Sgt. Musa's Taser deployment or any interaction with § 87(2)(b).

The BWC footage of PO Edwards (Board Review 33) depicts at length PO Edward's struggle with § 87(2)(b). At 6s in the recording, an officer blocks § 87(2)(b) from entering the apartment by standing in the doorway. At 9s, § 87(2)(b) attempts to enter the apartment, and PO Edwards grabs her wrist. § 87(2)(b) uses the weight of her body to pull away from PO Edwards and moves towards the kitchen area, where an individual is being placed in handcuffs. At 13s, one of the officers involved in the handcuffing hold up an arm to ward off § 87(2)(b). At 17s, PO Edwards grasps her arm, after which the view of the camera is blocked – seemingly by § 87(2)(b)'s body. At 21s, the view from the camera is no longer blocked and § 87(2)(b) is depicted in front of PO Edwards. During this time, § 87(2)(b) makes repeated motions towards the kitchen. At 24s, § 87(2)(b) is depicted on the ground. There is no audio during this portion of the video.

Lieutenant Siani's BWC footage (Board Review 66) is largely consistent with Sgt. Musa's testimony. At 40s Sgt. Musa enters the apartment on the third floor behind another officer. At 42s, Sgt. Musa points his taser at § 87(2)(b) who is being restrained by PO Edwards. PO Edwards has a hand on each of § 87(2)(b)'s arms. § 87(2)(b) is pulling forward from PO Edwards' grasp. At 43s, someone says the word, "Tase," or, "Taser." At 44s, Sgt. Musa discharges his taser at § 87(2)(b). A crackling sound can be heard for three or four seconds, consistent with one taser cycle (BR04).

NYPD Patrol Guide 221-08 governs when officers are allowed to discharge their tasers. It states: "A CEW should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s) present." (BR56)

NYPD Patrol Guide 221-01 governs NYPD use of force. It states that officers use of force must be reasonable, and must take into consider the following factors when using force: The nature and severity of the crime/circumstances, the actions taken by the subject [of the force], the duration of the action, the immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders, whether the subject is actively resisting custody, whether the subject is attempting to evade arrest by flight, the number of subjects in comparison to the number of

members of service, the size, age, and condition of the subject in comparison to the members of service, the subject's violent history. if known, the presence of a hostile crowd or agitators, whether the subject was under the influence of any substance which would affect pain tolerance (BR55).

§ 87(2)(g) [REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party.
- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party.
- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party.
- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party.
- PO Gluth has been a member of service for two years and this is the first CCRB complaint to which he has been a party.
- Lieutenant Siani has been a member of service for 23 years and has been the subject of 19 CCRB complaints and 56 allegations, two of which were substantiated.
 - 200717516 involved a substantiated allegation of abuse of authority. The Board recommended no discipline, and the NYPD imposed Command Discipline B.
 - 201008648 involved a substantiated allegation of abuse of authority. The Board recommended Command Discipline B and the NYPD imposed Command Discipline B.
 - § 87(2)(g) [REDACTED]
- Lieutenant Bobo has been a member of service for 11 years and has been the subject of 20 CCRB complaints and 66 allegations, of which four were substantiated.
 - 200915588 involved a substantiated allegation of force. The Board recommended Charges, and the NYPD imposed Command Discipline B.
 - 201212122 involved substantiated allegations of abuse of authority. The Board recommended Charges, Lieutenant Bobo was found not guilty at APU trial of two allegations of abuse of authority, found guilty of one allegation of abuse of authority. The NYPD imposed 2 forfeited vacation days.
 - § 87(2)(g) [REDACTED]
- Sergeant Mccarthy has been a member of service for 11 years and has been the subject of 15 CCRB complaints and 52 allegations, of which four were substantiated.
 - 202002972 involved substantiated allegations for an improper stop, two frisks, and a search. The Board recommended charges for these allegations and the NYPD has not yet imposed discipline.
 - § 87(2)(g) [REDACTED]

- Sergeant Nocerino has been a member of service for fifteen years and has been the subject of sixteen CCRB complaints and 45 allegations, of which three were substantiated.
 - 201902270 involved substantiated allegations of abuse of authority. The Board recommended formalized training, the NYPD imposed instructions for two allegations and formalized training for one allegation.
 - § 87(2)(g) [REDACTED]
- PO Goris has been a member of service for ten years and has been the subject of ten CCRB complaints and eighteen allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
- Detective Joseph McEvoy has been a member of service for 14 years and has been the subject of 11 CCRB complaints and 29 allegations, of which one was substantiated.
 - 201206499 involved a substantiated allegation of an improper vehicle search. The Board recommended charges. The case was dismissed at APU and no penalty was issued by the NYPD.
 - § 87(2)(g) [REDACTED]
- PO Vincent Dandraia has been a member of service for six years and has been the subject of 12 CCRB complaints and 31 CCRB allegations, of which four were substantiated.
 - 201902270 involved allegations of a vehicle stop, frisk, search, and failure to provide a Right to Know Act card. The Board recommended instructions and formalized training; the NYP imposed formalized training.
 - § 87(2)(g) [REDACTED]
- PO Christophe Furegno has been a member of service for 17 years and has been the subject of 7 CCRB complaints and 18 CCRB allegations, of which one was substantiated.
 - 201608154 involved an allegation of a frisk. The Board recommended formalized training; the NYP imposed formalized training.
 - § 87(2)(g) [REDACTED]
- PO Dwane Edwards has been a member of service for 9 years and has been the subject of 7 CCRB complaints and 15 CCRB allegations, of which one was substantiated.
 - 202002972 involved an allegation of a frisk. The Board recommended Command Discipline A; the NYPD imposed Command Discipline A.
- Sergeant Musa has been a member of service for eight years and has been the subject of nine CCRB complaints and seventeen allegations, of which two were substantiated.
 - 201605419 involved substantiated allegations of abuse of authority. The Board recommended Formalized Training and the NYPD imposed Formalized Training.
 - § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- On October 7, 2020, received a negative response regarding any notices of claim filed regarding this case (BR01).
- Per the New York City Office of Court Administration (OCA), § 87(2)(b) [REDACTED] has not been convicted of a crime in New York City (BR64).
- Per the New York City OCA, § 87(2)(b) [REDACTED] has not been convicted of a crime in New York City (BR64).

