

201408916
Lawrence Sloan
Nestor Martinez
Christopher Albanese

On August 27, 2014 at 5:30 pm, officers responded to reports of a fight at a facility in Queens. When the officers arrived, the staff had separated the people who had been in a fight and were restraining one of them, who suffers from multiple psychiatric disorders. When the officers arrived, two of them restrained the man, who resisted being handcuffed. Another officer approached, and based on the testimony of four independent staff witnesses, this officer punched the man in the face while he was restrained.

The CCRB investigation determined that PO Albanese and Martinez were holding the man when PO Sloan struck him in the face. The agency found that PO Martinez and PO Albanese made false statements when they stated that no officer punched the man, and that PO Sloan had made a false statement for claiming he had not punched the man.

The NYPD forced PO Sloan to forfeit 15 vacation days for the use of excessive force. It did not punish either PO Martinez or PO Albanese for the incident.

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sonia Landino	Team: Squad #15	CCRB Case #: 201408916	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wed, 08/27/2014 5:30 PM	Location of Incident: [REDACTED]	Precinct: 105	18 Mo. SOL 02/27/2016	EO SOL 2/27/2016	
Date/Time CV Reported Thu, 08/28/2014 4:22 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 08/28/2014 4:24 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Lawrence Sloan	23607	§ 87(2)(b)	105 PCT
2. POM Christopher Albanese	11717	§ 87(2)(b)	105 PCT
3. POM Nestor Martinez	02252	§ 87(2)(b)	105 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Dormer	25202	§ 87(2)(b)	105 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Lawrence Sloan	Force: PO Lawrence Sloan used physical force against § 87(2)(b).	A . § 87(2)(g)
B . POM Lawrence Sloan	Other: PO Lawrence Sloan provided a false official statement.	B . § 87(2)(g)
C . POM Nestor Martinez	Other: PO Nestor Martinez provided a false official statement.	C . § 87(2)(g)
D . POM Christopher Albanese	Other: PO Christopher Albanese provided a false official statement.	D . § 87(2)(g)

Case Summary

On August 28, 2014, § 87(2)(b) filed this complaint via the CCRB's online website on behalf of § 87(2)(b) but she did not witness the incident.

On August 27, 2014, at approximately 5:30 p.m., PO Nestor Martinez and PO Christopher Albanese of the 105th Precinct responded to a radio transmission regarding a fight at § 87(2)(b) in Queens. Once PO Martinez and PO Albanese arrived, they saw § 87(2)(b) being physically restrained on a couch by multiple staff members of the facility, identified by the investigation as § 87(2)(b) and § 87(2)(b). While PO Martinez and PO Albanese were physically restraining § 87(2)(b) on the couch, PO Lawrence Sloan and PO Michael Dormer of the 105th Precinct arrived at the incident location. During the struggle to restrain and handcuff § 87(2)(b), PO Sloan allegedly punched § 87(2)(b) in the face (**Allegation A**). After he was handcuffed, § 87(2)(b) was transported by ambulance to § 87(2)(b). § 87(2)(b) was not summonsed or arrested as a result of the incident.

§ 87(2)(b) and § 87(2)(b) are § 87(2)(b) and are solely witnesses to the incident.

This case was originally assigned to Inv. Keyne Jean Villert on September 12, 2014, and it was reassigned to the undersigned investigator on December 8, 2014.

Mediation, Civil, and Criminal Histories

- This case was deemed unsuitable for mediation because § 87(2)(b)
- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of May 12, 2015 with regard to the incident (encl. 18L).
- As of April 27, 2015, New York State Office of Court Administration records reveal the following criminal conviction for § 87(2)(b)
 - § 87(2)(b)
- Absent a NYSID or arrest number, a New York State Office of Court Administration database search could not be conducted for § 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint against PO Sloan during his 3 year tenure (encl. 2A).
- This is the first CCRB complaint against PO Albanese during his 4 year tenure (encl. 2B).
- This is the first CCRB complaint against PO Martinez during his 4 year tenure (encl. 2C).
- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. 2D-2E).

Potential Issues

- As mentioned in the Case Summary section, § 87(2)(b) did not witness the incident. In § 87(2)(b)'s email complaint (encl. 2F-2I), she indicated that it was reported to her that PO Sloan had punched § 87(2)(b) but she did not specify from whom she received this information.
 - On April 30, 2015, § 87(2)(b) was contacted and she stated that she was inside the facility at the time of the incident, but she was not present in the area where the

incident occurred. Once § 87(2)(b) heard the commotion from the incident, she called 911. § 87(2)(b) believed § 87(2)(b) had told her that PO Sloan had punched § 87(2)(b) because § 87(2)(b) had filed the internal incident report. However, § 87(2)(b) also indicated that PO Sloan's name was not mentioned in the internal incident report.

- § 87(2)(b) does not allow video cameras within the residence facility and as such, no video footage of the incident exists.
- Based on his medical records and witness statements, § 87(2)(b) suffers from multiple psychiatric disorders including: mild retardation, bipolar disorder, and Attention-Deficit-Hyperactivity Disorder, with a history of physical aggression (see Medical Records).
 - Although § 87(2)(b) suffers from multiple psychiatric disorders, his CCRB statement does include details that are consistent with witness statements, but his statement also includes details that are not corroborated by the witnesses or the officers interviewed in this case.
- The investigation lacks PO Dormer's CCRB statement because he resigned from the NYPD. The 105th Precinct indicated that PO Dormer resigned on December 12, 2014 (encl. 13B), while the NYPD-CCRB liaison indicated that PO Dormer resigned on December 15, 2014 (encl. 19F).
- A photo array was conducted with § 87(2)(b) and § 87(2)(b) but the results were contradictory and did not help with subject officer identification (encl.9A).
 - § 87(2)(b) was unable to participate in a photo array due to being hospitalized for an extended amount of time.
 - A photo array was not conducted with § 87(2)(b) due to his limited memory of the incident and lack of officer descriptions during his CCRB statement.

NYPD Documents

- **Event Summary (encl. 14A-14H):** Event Summary § 87(2)(b) indicates that a female by the name of § 87(2)(b) called 911 and that officers assigned to Patrol Sectors H and I first arrived at the incident location. Officers assigned to Patrol Sectors J and K arrived at the incident location several minutes later.
- **105th Precinct Tour 3 Roll Call (encl. 15C-15D):** PO Martinez and PO Albanese were assigned to Patrol Sectors H and I in marked RMP 4437, while PO Sloan and PO Dormer were assigned to Patrol Sectors J and K in marked RMP 5178.
- **105th Precinct Communication Routing Slip (encl. 13B):** Confirmed PO Dormer resigned from the NYPD on December 12, 2014.

Findings and Recommendations

Explanation of Subject Officer Identification

As discussed in the NYPD Documents section, PO Martinez, PO Albanese, PO Sloan, and PO Dormer responded to the incident location. Based on the Event Summary § 87(2)(b) (encl. 14D-14G), PO Martinez and PO Albanese were the first officers to arrive at the incident location, with PO Sloan and PO Dormer arriving at the location a few minutes afterwards.

CCRB statements from PO Sloan (encl. 10G), PO Albanese (encl. 11F), and PO Martinez (encl. 12F) corroborate the fact that PO Albanese and PO Martinez were the first officers at the incident location and were thus likely the first officers to interact with § 87(2)(b). According to PO Albanese and PO Martinez's statements, PO Sloan and PO Dormer arrived while they were struggling to handcuff § 87(2)(b) and neither PO Sloan nor PO Dormer had any physical or

verbal interaction with § 87(2)(b) during the incident. However, PO Sloan stated that he assisted one of the first responding officers in handcuffing § 87(2)(b) PO Sloan, PO Albanese, and PO Martinez stated that they did not punch § 87(2)(b) and that they did not see any officer do so.

- **PO Sloan:** § 87(2)(b) old at the time of the incident, is a 6’3” tall, 225 pound white male who has brown hair and green eyes (encl. 10A).
- **PO Dormer:** § 87(2)(b) old at the time of the incident, is a 6 foot tall, 170 pound white male who has blonde hair and blue eyes (encl. 13A).
- **PO Albanese:** § 87(2)(b) old at the time of the incident, is 5’8” tall, 160 pound white male who has black hair and brown eyes (encl. 11A).
- **PO Martinez:** § 87(2)(b) old at the time of the incident, is a 5’8” tall, 180 pound Hispanic male who has black hair and brown eyes (encl. 12A).

§ 87(2)(b) was unable to fully describe or identify the officers with whom he interacted, besides stating that two of the officers present were white males in uniform (encl. 4B). CCRB statements from § 87(2)(b) (encl. 5B), § 87(2)(b) (encl. 6C), § 87(2)(b) (encl. 7C), and § 87(2)(b) (encl. 8A) corroborated that § 87(2)(b) was allegedly punched in the face by a white male officer in uniform who did not have black hair. Each of the four witnesses described the subject officer as follows:

- § 87(2)(b) Was 5’6” to 5’7” tall, had blonde hair, and a small build.
- § 87(2)(b) Was 6 feet to 6’1” tall, had brown hair, and a skinny build.
- § 87(2)(b) Was over 6 feet tall, had short hair, green/blue eyes, and a medium build.
- § 87(2)(b) Had light-colored hair and an average build.

§ 87(2)(b) indicated that the subject officer’s last name could have resembled the spelling “Sewinsky”; however, none of the officers who responded to the incident location had names matching “Sewinsky” or had a similar sounding last name. § 87(2)(b) stated that she was able to identify the subject officer as PO Sloan because she had seen his nameplate, but she did not indicate at what point she made this observation. As discussed in the Potential Issues section, § 87(2)(b) indicated that § 87(2)(b) had told her that PO Sloan had punched § 87(2)(b).

As mentioned in the Potential Issues section, a photo array was conducted because each of the four witnesses provided varying subject officer descriptions that matched both PO Sloan and PO Dormer’s pedigrees (encl. 9A). During § 87(2)(b)’s photo array, she stated that PO Dormer resembled the officer who punched § 87(2)(b) and that he had the same hair color as the subject officer, but indicated that the officer who punched § 87(2)(b) had a narrower bone structure. During § 87(2)(b)’s photo array, she confirmed that PO Dormer was the officer who punched § 87(2)(b). In comparison, § 87(2)(b) identified PO Sloan as the officer who punched § 87(2)(b) but indicated that PO Sloan’s hair color was different and his hair was receding at the time of the incident. Due to the witnesses’ contradictory statements, the photo arrays were inconclusive and did not aid with subject officer identification.

Based on the aforementioned officer pedigrees and the subject officer descriptions provided by the civilians, the investigation determined that PO Albanese and PO Martinez were not the officers who allegedly punched § 87(2)(b) leaving PO Sloan and PO Dormer as possible subject officers. Although the photo array provided one positive subject officer identification for both PO Sloan and PO Dormer, the fact that § 87(2)(b) and § 87(2)(b) identified PO

Sloan as the officer who punched § 87(2)(b) and the fact that PO Sloan placed himself as one of the officers who was struggling to detain § 87(2)(b) even when both PO Albanese and PO Martinez stated that PO Sloan had not contact with § 87(2)(b) has led the investigation to determine by a preponderance of the evidence that PO Sloan is the subject officer in this case. As such, **Allegation A** will be pleaded against him.

Allegation A – Force: PO Lawrence Sloan used physical force against § 87(2)(b)

§ 87(2)(g)

Whether § 87(2)(b) was handcuffed before or after he was punched, the exact number of times § 87(2)(b) was punched, and the extent of § 87(2)(b)'s resistance during his interaction with the officers are all in dispute.

§ 87(2)(b) (encl. 4B) stated that when the officers first approached him, they thought he was going to do something and directed him to calm down. § 87(2)(b) admitted to not complying with the officers' directive to calm down, but he did not describe his actions that caused the officers to tell him to calm down. PO Sloan then struck § 87(2)(b) in the face once and placed him on the floor. § 87(2)(b) did not detail how the officers handcuffed him or his demeanor during his interaction with the officers.

§ 87(2)(b) (encl. 5B) indicated that once officers tried to place § 87(2)(b) in handcuffs, § 87(2)(b) became agitated and began to swing his arms in an effort to keep the officers from handcuffing him. While § 87(2)(b) was sitting on the couch and facing the officers, § 87(2)(b) observed PO Sloan punch § 87(2)(b) in the face four to six times. § 87(2)(b) continued to be noncompliant even after he was punched multiple times, but officers were eventually able to handcuff him. § 87(2)(b) did not detail how § 87(2)(b) did not comply with the officers after he was punched. § 87(2)(b) (encl. 7C) stated that while § 87(2)(b) was seated on the couch, PO Sloan punched § 87(2)(b) in the face three to four times and then handcuffed him. § 87(2)(b) did not describe § 87(2)(b)'s demeanor before, during, and after the punches, but she indicated that § 87(2)(b) had not been as "wild" as he had been before the officers arrived at the facility. § 87(2)(b) (encl. 8A) stated that once the staff members released their hold of § 87(2)(b) he immediately tried to stand up from the couch. PO Sloan pushed § 87(2)(b) back down on the sofa, punched him in the face three times, and then officers handcuffed him. During § 87(2)(b)'s phone statement (encl. 6A), she stated that she observed § 87(2)(b) stand up from the chair he was being held down on by the facility's staff members and the officers told him to calm down. § 87(2)(b) could not see § 87(2)(b)'s motions clearly, but she did see the officers struggle to sit § 87(2)(b) back on the chair and hold him down. PO Sloan then punched § 87(2)(b) in the face at least three times. However, in § 87(2)(b)'s sworn statement (encl. 6C), she indicated that officers had handcuffed § 87(2)(b) with no difficulty while he was seated on the sofa and then PO Sloan punched § 87(2)(b) in the face at least three times, without mentioning any resistance on § 87(2)(b)'s part.

According to PO Albanese (encl. 11F), he first observed staff members struggling to restrain § 87(2)(b) while he was sitting on a couch. Once he and PO Martinez directed § 87(2)(b) to place his hands behind his back, § 87(2)(b) began flailing his arms and attempted to get up from the couch. PO Albanese and PO Martinez then grabbed § 87(2)(b)'s arms, turned his body around so that he was lying face-first on the couch, and brought both of his arms behind his back, and handcuffed him. Throughout the entire process to handcuff § 87(2)(b) he continued to flail his § 87(2)(b). In PO Martinez's statement (encl. 12F), he indicated that once he and PO

Albanese had each grabbed one of § 87(2)(b)'s arms while he was still seated on the couch, § 87(2)(b) became violent by pushing his body back and forth. PO Martinez stated that § 87(2)(b) was eventually handcuffed while he was still in a seated position. PO Martinez and PO Albanese specified that PO Sloan and PO Dormer did not have any verbal or physical interaction with § 87(2)(b) and stated that none of the officers had punched § 87(2)(b) during the incident.

When PO Sloan (encl. 10G) arrived at the facility, he first observed § 87(2)(b) lying face down on a couch with his arms tucked firmly underneath his stomach, while simultaneously kicking his legs in the air and not allowing PO Martinez and PO Albanese to handcuff him. PO Sloan stated that he immediately grabbed one of § 87(2)(b)'s arms from underneath his stomach while one of the first responding officers grabbed § 87(2)(b)'s other arm. PO Sloan told § 87(2)(b) to stop resisting multiple times because § 87(2)(b) continually attempted to bring his arms back underneath his stomach. Eventually PO Sloan and the other first-responding officer were able to secure § 87(2)(b)'s arms behind his back, while he was still laying face-first on the couch, and handcuff him. PO Sloan stated that he did not punch § 87(2)(b) and he did not see any officer do so.

All of the witnesses corroborate that § 87(2)(b) was punched while he was seated on the sofa. § 87(2)(b) and § 87(2)(b) corroborate that § 87(2)(b) was punched then handcuffed, while § 87(2)(b) stated that § 87(2)(b) was handcuffed then punched. § 87(2)(b) and § 87(2)(b) corroborate that PO Sloan had punched § 87(2)(b) in the face three to four times, while § 87(2)(b) indicated that § 87(2)(b) was punched in the face four to six times. Meanwhile, § 87(2)(b) indicated that he was punched in the face only once. Although the witnesses corroborated that § 87(2)(b) was punched in the face a minimum of three times, § 87(2)(b) and § 87(2)(b) did not see any injuries or blood on § 87(2)(b) at the conclusion of the incident. Additionally, PO Sloan and PO Albanese did not see any blood or injuries on § 87(2)(b). However, § 87(2)(b) stated that § 87(2)(b) sustained lacerations inside of his mouth from the punches since he wears braces and PO Martinez indicated that he first observed § 87(2)(b) with a bloody lip and ripped shirt. § 87(2)(b)'s medical records from § 87(2)(b) noted that § 87(2)(b) had bit his own lips during the physical altercation with a peer, leading him to have notable bleeding to his lips (see Medical Records encl. 1T). § 87(2)(g)

Based on all of the civilian and officer statements, it is undisputed that § 87(2)(b) provided some level of resistance when officers were attempting to handcuff him. § 87(2)(g)

Allegation B – Other: PO Lawrence Sloan provided a false official statement.

The investigation determined, based on the statements of five civilian witnesses, that PO Sloan punched § 87(2)(b) in the face at least once and likely several times. Staff members § 87(2)(b) and § 87(2)(b) (in a phone statement) –all of whom had a clear opportunity to observe the officers, stated that PO Sloan punched § 87(2)(b) in the face at least three times. § 87(2)(b) the victim, said that PO Sloan punched him in the face once.

During PO Sloan’s January 6, 2015 interview at the CCRB, the following questions were asked and PO Sloan provided the following responses:

Interview – at 6 mins, 48 secs:

Q: Did you make any other physical contact with § 87(2)(b) besides grabbing his arm?

PO Sloan: No.

Interview at 9 mins, 12 secs:

Q: Did you ever make contact with § 87(2)(b) s face?

PO Sloan: No, I did not.

PO Sloan, while denying the punch, admitted that he had assisted one of the first responding officers in restraining and handcuffing § 87(2)(b)

According to NYPD Patrol Guide Procedure 203-08, the intentional making of a false official statement by a police officer is prohibited (encl. 1A).

§ 87(2)(g)
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Allegation C – Other: PO Nestor Martinez provided a false official statement.

Allegation D – Other: PO Christopher Albanese provided a false official statement.

As previously discussed, the investigation determined that PO Sloan punched § 87(2)(b) in the face at least once and likely several times. Both PO Martinez and PO Albanese stated that PO Sloan did not interact with § 87(2)(b) during the incident, contrary to PO Sloan’s admission that he had assisted one of the first responding officers in restraining and handcuffing § 87(2)(b). When referring to PO Sloan and PO Dormer’s positions inside the facility during the time of § 87(2)(b) s detainment, PO Martinez stated, “They were right next to us; PO Dormer was to my left and I don’t know where PO Sloan was.”

During PO Martinez’s February 3, 2015 interview at the CCRB, at 13:07 in the audio recording of the interview, the following question was asked and PO Martinez provided the following response:

Q: Did you see any other officer make contact with § 87(2)(b) s face?

PO Martinez: I didn’t see anybody else; I was just focused on him.

During PO Albanese's January 15, 2015 interview at the CCRB, at 11:04 in the audio recording of the interview, the following question was asked and PO Albanese provided the following response:

Q: Did you or any other officer punch the patient in the face?

PO Albanese: No.

According to NYPD Patrol Guide Procedure 203-08, the intentional making of a false official statement is prohibited (encl. 1A).

PO Martinez himself, along with four facility staff members, confirm that all the officers were standing in close proximity to each other while § 87(2)(b) was being physically restrained and physically restrained § 87(2)(b) together. PO Albanese and PO Martinez were even closer to each other and § 87(2)(b) than the four staff members, who all clearly saw PO Sloan punch

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Pod: 15

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
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