

201506685  
Andrew Ventrella

During a Black Lives Matter protest on June 22, 2015, a man who was not involved in the protest was cycling down 104<sup>th</sup> Street when officers stopped him. The officers pulled the man to the ground and arrested him. He was taken to the 24<sup>th</sup> Precinct. The arrest was recorded by multiple civilians on their personal cell phones.

The CCRB found that the allegations that the arresting officers used excessive force were unsubstantiated. But a captain who arrived at the scene, Andrew Ventrella, gave a statement that, when he arrived, the civilian had pinned the officer to the ground, and that is what caused him to intervene. Upon repeated questioning, Captain Ventrella confirmed that he remembered the incident well, giving a detailed account, and that the civilian had pinned the uniform officer to the ground before other officers intervened.

This statement was false. Video footage from multiple angles confirmed that the man, while struggling, was always on the ground, with the officers on top of him. When confronted with the video, Captain Ventrella again confirmed that he saw the man pinning the officer down, and that it must have happened before or after the recording. The recording captured the entire interaction, beginning with the officers stopping the man on his bicycle and continuing until he was taken away from the scene.

The NYPD did not discipline Captain Ventrella, who is now a Lieutenant in the Strategic Response Group.

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Abigail Shuster	Team: Squad #15	CCRB Case #: 201506685	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 06/22/2015 8:45 PM	Location of Incident: [REDACTED]	Precinct: 24	18 Mo. SOL 12/22/2016	EO SOL 12/22/2016	
Date/Time CV Reported Tue, 08/11/2015 3:46 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Tue, 08/11/2015 3:46 PM		

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

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

Subject Officer(s)	Shield	TaxID	Command
1. Officer(s)			Unknown
2. POM Jonmichael Delarosa	17451	§ 87(2)(b)	SOD SRG
3. CPT Andrew Ventrella	00000	§ 87(2)(b)	SRG 1
4. POM Kevin Henry	12522	§ 87(2)(b)	PBMN
5. An officer			ESS 02
6. An officer			Unknown

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DI Donald Powers	00000	§ 87(2)(b)	PBMN
2. POM Francesco Dimeo	08376	§ 87(2)(b)	SOD SRG
3. POM Robert Kselman	25091	§ 87(2)(b)	025 PCT
4. SGT Anthony Famighetti	03585	§ 87(2)(b)	SOD SRG
5. SGT Michael Gonzalez	1865	§ 87(2)(b)	024 PCT
6. POM Benjamin Bello	21783	§ 87(2)(b)	SRG 1
7. SSA Angelica Torrespintos	02145	§ 87(2)(b)	PBMN
8. POM Jeffery Jones	04396	§ 87(2)(b)	028 PCT
9. POM Jason Ramirez	25765	§ 87(2)(b)	ESS 02
10. DTS Martin Duffy	03381	§ 87(2)(b)	ESS 02

Officer(s)	Allegation	Investigator Recommendation
A . POM Kevin Henry	Discourtesy: In front of 123 West 104th Street in Manhattan, Police Officer Kevin Henry spoke discourteously to Christen Conyers.	A . § 87(2)(g)
B . Officer(s)	Force: In front of 123 West 104th Street in Manhattan, officers used physical force against Christen Conyers.	B . § 87(2)(g)
C . POM Jonmichael Delarosa	Force: In front of the 24th Precinct stationhouse, Police Officer Jonmichael Delarosa used physical force against Christen Conyers.	C . § 87(2)(g)

Officer(s)	Allegation	Investigator Recommendation
D . An officer	Force: In front of the 24th Precinct stationhouse, an officer used physical force against Christen Conyers.	D . § 87(2)(g) [REDACTED]
E . POM Jonmichael Delarosa	Force: Inside of the 24th Precinct stationhouse, Police Officer Jonmichael Delarosa used physical force against Christen Conyers.	E . § 87(2)(g) [REDACTED]
F . An officer	Force: Inside of the 24th Precinct stationhouse, an officer used physical force against Christen Conyers.	F . § 87(2)(g) [REDACTED]
G . CPT Andrew Ventrella	Other: There is evidence suggesting Captain Andrew Ventrella provided a false official statement in violation of PG 203-08.	G . § 87(2)(g) [REDACTED]

### Case Summary

§ 87(2)(b) filed this complaint via mail on August 11, 2015, while incarcerated on Riker's Island.

Several factors delayed the investigation past 90 days. First, the incident involved § 87(2)(b)'s arrest at a Black Lives Matter protest, an event which summoned dozens of officers from, at minimum, four different commands. Officer identification, for this reason, was a challenge throughout the investigation, not only because of the number of officers on scene but also because the officers largely did not know one another. Second, a concurrent investigation was conducted by the Special Operations Division Special Unit (SOD SU) in regard to this incident, for which officer interviews were conducted. The relevant interview recording was not released to the CCRB until the SOD SU closed its case, a fact which alone delayed the investigation nearly two months. Third, additional video footage was provided to the investigator partway through the investigation, which showed additional allegations at the 24<sup>th</sup> Precinct stationhouse, and necessitated acquiring additional witness and officer testimony as well as additional documentation from the Emergency Services Unit.

On June 22, 2015, at approximately 8:45pm, § 87(2)(b) was riding his bicycle on West 104<sup>th</sup> Street between Amsterdam and Columbus Avenues in Manhattan. He alleged the following: After telling him once to clear the street, PO Kevin Henry of the 28<sup>th</sup> Precinct allegedly stated, "I don't give a fuck. Get on the sidewalk!" (**Allegation A**). DI Donald Powers of Patrol Borough Manhattan North then stopped § 87(2)(b)'s bicycle handles and gestured for other officers to assist him in arresting him. § 87(2)(b) alleged that officers kicked at his feet in order to get him to the ground, causing him to allegedly lose a toenail. He also alleged that he sustained lacerations to his elbow and to his right eyebrow area during the struggle (**Allegation B**).

§ 87(2)(b) was then transported to the 24<sup>th</sup> Precinct stationhouse. Upon arrival, PO Jonmichael Delarosa of Strategic Response Group (SRG) 1 and another unidentified officer walked him from the police vehicle to the stationhouse. In doing so, PO Delarosa and another unidentified officer allegedly forced § 87(2)(b)'s head and torso down, and his rear-handcuffed arms upward, into a painful position (**Allegations C and D**). When walking him through the stationhouse doors, PO Delarosa allegedly pushed § 87(2)(b) to the side such that § 87(2)(b) struck his head on the doorframe (**within Allegation C**).

While standing in front of the stationhouse desk, § 87(2)(b) alleged that PO Delrosa kicked at § 87(2)(b)'s left leg, causing him to fall to the ground (**Allegation E**). He was not injured from this fall. An unidentified officer then picked § 87(2)(b) off of the ground by grasping his upper back and the back of his neck area (**Allegation F**).

The CCRB found evidence suggesting that Cpt. Andrew Ventrella of SRG 1 provided a false official statement regarding this incident. § 87(2)(g) (**Allegation G**).

§ 87(2)(b) was arrested for assaulting an officer, disorderly conduct, resisting arrest, harassment in the second degree, and a vehicular violation. § 87(2)(b)

Video footage was obtained for this case from two civilian witnesses. The videos are located in Board Review 5-7 and are transcribed in Board Review 3 and 4.

### Mediation, Civil and Criminal Histories

- Because § 87(2)(b) was incarcerated during this investigation, this case was not eligible to be mediated.
- A FOIL request was filed on May 9, 2016, with the New York City Office of the Comptroller, to determine whether any notices of claim were filed in regard to the incident. The results of this request will be added to the case file upon receipt.
- § 87(2)(b)

### Civilian and Officer CCRB Histories

- § 87(2)(b)
- During PO Henry's 17-year tenure with the NYPD, he has been the subject of two previous CCRB allegations involving one case, both of which were unfounded.
- This is PO Delarosa's first CCRB complaint during his 4-year tenure with the NYPD.
- During Cpt. Ventrealla's 25-year tenure with the NYPD, he has been the subject of two previous CCRB allegations involving two cases and resulting in no substantiated allegations. § 87(2)(g)

### Potential Issues

- As discussed in the Case Summary, additional video footage was provided to the CCRB by a civilian witness after § 87(2)(b) had already provided a sworn statement. This video footage showed, or at least possibly showed, allegations that occurred inside of the 24<sup>th</sup> Precinct stationhouse which § 87(2)(b) himself had not reported. When a second interview was conducted with § 87(2)(b) he stated that he did not wish to provide any further statements to the CCRB on the advice of his criminal attorney. When his attorney, § 87(2)(b), was contacted, he confirmed that he did not wish for § 87(2)(b) to speak with the CCRB any further. As such, § 87(2)(b) provided no testimony about Allegation F.
- Three other arrests were made at 123 West 104<sup>th</sup> Street in Manhattan, and all three prisoners were taken back to the 24<sup>th</sup> Precinct stationhouse contemporaneously to § 87(2)(b). § 87(2)(b) one of these arrestees, provided an unverified telephone statement to the CCRB but was not in a position to see what happened between § 87(2)(b) and the officers. He provided the names and contact numbers of the two other arrestees, § 87(2)(b) and § 87(2)(b).
- § 87(2)(b) did not wish to participate in the investigation. § 87(2)(b) was interested in participating but wished to consult his criminal attorney, § 87(2)(b). Contact was made with § 87(2)(b) on December 22, 2015, who declined to have his client provide a statement until his criminal case had concluded. Because the investigation was delayed for various reasons, the investigator made contact again with § 87(2)(b) on March 29, 2016, by which time § 87(2)(b) criminal charges had all been dismissed.

However, § 87(2)(b) had filed a civil suit against the NYPD, and wished to consult his civil attorney before speaking to the CCRB. On two occasions § 87(2)(b) agreed to call the investigator back after speaking to his civil attorney, but did not make any attempts to do so. Lack of witness testimony pursuant to the stationhouse allegations was another challenge in this investigation.

## **Findings and Recommendations**

### **Explanation of Subject Officer Identification**

- § 87(2)(b) described the subject officer of Allegation A (a discourtesy allegation) as a black male, 5'9"-5'11" tall, stocky build, in his mid-30s to mid-40s, wearing a baseball cap and a community affairs polo shirt. According to PO Kevin Henry's pedigree sheet, he is a 6'2" tall, 213-pound black male who is § 87(2)(b) old. The alleged discourtesy occurred just prior to § 87(2)(b)'s apprehension. Video footage shows only one Community Affairs officer speaking to § 87(2)(b) at this point in time, and that officer was identified to be PO Henry by PO Henry himself. As such, Allegation A is pled against PO Henry.
- § 87(2)(b) made physical force allegations against the two officers who drove him to the 24<sup>th</sup> Precinct stationhouse. One of those two officers was identified as PO Delarosa, but PO Delarosa did not know who the other officer riding with him was. As discussed in the Case Summary, multiple commands responded to the scene of this protest, most of whom were familiar only with those officers from his or her command. As such, when video footage capturing this subject officer was shown to each of the 13 officers interviewed for this case, none could identify him. Based on the number of officers on scene, their unfamiliarity with one another, and a lack of documentary evidence to help identify this officer, the investigation was unable to determine the proper subject officer for Allegation D.
- As discussed in the Case Summary, a civilian witness provided the CCRB with video footage capturing the inside of the stationhouse. Among other things, the footage shows § 87(2)(b) on the ground in front of the desk and then being lifted up. All of the identified officers that were inside of the stationhouse at that time were interviewed, and none could specify which officer had lifted § 87(2)(b) off of the ground. The two Emergency Services Unit officers who responded, Det. Martin Duffy and PO Jason Ramirez, acknowledged lifting § 87(2)(b) together, but neither could recall which position they each had relative to § 87(2)(b) as they did so. The footage does not show the face of the officer making possible contact with § 87(2)(b)'s neck area, only the arm, and PO Ramirez and Det. Duffy are of a similar skin tone. As discussed, § 87(2)(b) declined to provide any testimony regarding this allegation, as did the other civilians who were inside of the stationhouse at this time. Based on the limited civilian testimony here, and the obstructions in the video footage, the investigation was unable to determine the proper subject officer for Allegation F.

### **Allegation Not Pled**

- Force – Physical Force: § 87(2)(b)'s wife, reported in an unverified telephone statement being inside of the stationhouse while § 87(2)(b) was on the ground. She alleged that an officer stepped on § 87(2)(b)'s neck, on his Adam's apple,

while § 87(2)(b) was on the ground. She made a force allegation which was not made by anyone else, including § 87(2)(b) (BR 11). More importantly, none of the officers interviewed for this case acknowledged § 87(2)(b) being present inside of the stationhouse, and the video footage capturing the stationhouse interior never shows her.

§ 87(2)(g)

**Allegation A – Discourtesy – In front of 123 West 104<sup>th</sup> Street in Manhattan, Police Officer Kevin Henry spoke discourteously to § 87(2)(b)**

§ 87(2)(b) testified that, while riding his bicycle on West 104<sup>th</sup> Street during a protest, he told the officers that he was not involved in the protest. PO Henry allegedly stated in response, “I don’t give a fuck. Get on the sidewalk!” (BR 8).

PO Henry denied making this statement, or any similar, to § 87(2)(b). No other officer acknowledged hearing PO Henry make such a statement to § 87(2)(b) and none of the civilian witnesses interviewed for this case corroborated this allegation.

The video shows § 87(2)(b) riding his bicycle in the street and interacting with police officers just prior to his apprehension. The scene is noisy and no specific conversation between § 87(2)(b) and the officers is audible (BR 6 and 7).

§ 87(2)(g)

**Allegation B – Force – In front of 123 West 104<sup>th</sup> Street in Manhattan, officers used physical force against § 87(2)(b)**

The apprehension of § 87(2)(b) was caught on video by multiple civilian witnesses, and as such, the majority of the circumstances surrounding this allegation are undisputed. The video shows DI Powers stopping § 87(2)(b) while riding his bicycle through the street during a protest, at which time several officers took § 87(2)(b) to the ground to restrain and handcuff him.



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These two videos (contained in Board Review 6 and 7 and transcribed in Board Review 3) show two different angles on § 87(2)(b)'s struggle with the officers. Both videos were taken by civilian witnesses.

§ 87(2)(b) reported that although he was not part of the protest and was trying to reach his destination, DI Powers and other officers stopped him while riding his bicycle. He testified to officers kicking at his feet to get him to the ground, resulting in a broken toenail on his right foot. He sustained lacerations to his elbow and the side of his right eyebrow area, which bled. § 87(2)(b) acknowledged locking his arms in front of his chest in a prayer position until he was taken to the ground, which he stated he did to demonstrate that he was not resisting arrest. He denied striking any officers and also denied moving his arms, legs, or upper body, around while on the ground (BR 8).

Nine officers were interviewed who were present for § 87(2)(b)'s apprehension. § 87(2)(g) The officers described § 87(2)(b) as a physically strong individual who refused lawful orders to place his hands behind his back, clenching his hands in front of his chest instead. The officers took him to the ground in order to gain compliance, but § 87(2)(b) was able to stand back up again. As a result, DI Powers testified to instructing the other officers to take him down again, and it was in this position – a few minutes later – that § 87(2)(b) was successfully handcuffed (BR 9 – 24).

Also of note here are the injuries which DI Powers sustained during this incident. According to Line of Duty paperwork and DI Powers's testimony, the sustained and violent struggle between himself, other officers, and § 87(2)(b) resulted in injuries to his back, neck, knee and elbow, for which he received medical treatment on the incident date at § 87(2)(b). DI Powers's injuries worsened over the summer of 2015, and took two weeks of sick leave in September of 2015 for those injuries before receiving urgent back surgery on October 8, 2015. He recovered from these injuries at home until February 22, 2016, and as of the date of his CCRB interview, was back at work in a limited capacity (BR 19).

§ 87(2)(b) was taken to § 87(2)(b) while in police custody on June 22, 2015. His medical records note lacerations to his right elbow and right eyebrow area, with no active bleeding. No other injuries are noted. He was given ibuprofen and discharged (see Medical Records folder).

Officers are to use the minimum force necessary to overcome resistance and effect an arrest. NYPD Patrol Guide Procedure 203-11 (BR 28).

§ 87(2)(g) Despite § 87(2)(b)'s statement that he clenched his hands at his front to avoid the appearance of resistance, in doing so he actively prevented the officers from placing him in handcuffs. Standing up while officers were positioned around him, attempting to restrain him, also constitutes clear resistance. DI Powers's injuries also speak to the way in which § 87(2)(b)'s apprehension constituted a minutes-long and physically violent struggle. The documented lacerations to § 87(2)(b)'s eyebrow and elbow areas are characteristic of a prolonged altercation on the pavement; the other injury § 87(2)(b) reported



(a broken toenail) was not noted in his medical records, and no officer acknowledged performing any actions that could have resulting in a broken toenail.

§ 87(2)(g)

**Allegation C – In front of the 24<sup>th</sup> Precinct stationhouse, Police Officer Jonmichael Delarosa used physical force against § 87(2)(b)**

**Allegation D – In front of the 24<sup>th</sup> Precinct stationhouse, an officer used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that, while escorting him from the police vehicle to the 24<sup>th</sup> Precinct stationhouse following his arrest, PO Delarosa and an unidentified second officer forced his head and torso downward and his rear-handcuffed arms upward, causing pain. He also reported that, when they reached the stationhouse doors, PO Delarosa pushed § 87(2)(b) (who was still in this hunched-over position described above) such that his head hit the doorframe. His head allegedly struck the doorframe in the same area that was already lacerated; § 87(2)(b) did not report any further injury as a result of being pushed into the doorframe (BR 8).

PO Delarosa did not recall walking § 87(2)(b) into the stationhouse in the painful position § 87(2)(b) alleged. Although PO Delarosa stated that § 87(2)(b) was uncooperative during the ride to the stationhouse and called the officers “faggots,” he stated that § 87(2)(b) walked willingly to the stationhouse from the vehicle. PO Delarosa did not recall § 87(2)(b) colliding with the doorframe as they walked him in. He “did not believe” that he pushed § 87(2)(b) in such a way that his head collided with the door, nor did he observe the unidentified other officer do so (BR 12).

No civilians observed § 87(2)(b) being walked from the police vehicle into the stationhouse. As discussed above, the second officer was never identified because § 87(2)(b) did not know his name, PO Delarosa did not know his name, and no officer observed which officers walked § 87(2)(b) into the stationhouse. None of the available video footage captured § 87(2)(b) being walked into the stationhouse.

§ 87(2)(g)

**Allegation E – Force – Inside of the 24<sup>th</sup> Precinct stationhouse, Police Officer Jonmichael Delarosa used physical force against § 87(2)(b)**

§ 87(2)(b) reported that PO Delarosa kicked him while he was standing in front of the desk, causing him to trip and fall onto the ground. He reported no injuries from the fall (BR 8).

PO Delarosa testified that, while PO Delarosa was speaking to the desk sergeant, § 87(2)(b) threw himself to the ground in front of the desk and refused to stand up. He denied having tripped § 87(2)(b) or caused him to fall down in any way, and denied seeing any other officer do so (BR 12).

Of the officers inside of the stationhouse at the time that were interviewed, only some recalled seeing § 87(2)(b) on the ground. Of those that did, none testified to seeing how § 87(2)(b) got to the ground. DI Powers testified that it was his understanding that § 87(2)(b) had taken himself to the ground and refused to stand up, but could not recall how he learned this information and he affirmed that he did not actually observe it happen (BR 19).

Video footage taken by a civilian witness outside of the stationhouse shows § 87(2)(b) already lying on the ground, but does not capture his getting there. None of the civilians who provided testimony about the stationhouse events saw how § 87(2)(b) got to the ground. As discussed, § 87(2)(b) and § 87(2)(b) the two arrestees who were inside of the stationhouse at this time, did not cooperate with the investigation.

§ 87(2)(g)  
[REDACTED]

**Allegation F – Force – Inside of the 24<sup>th</sup> Precinct stationhouse, an officer used physical force against § 87(2)(b)**

The video footage taken at the 24<sup>th</sup> Precinct stationhouse shows § 87(2)(b) being lifted off of the ground. Shortly thereafter, he is sighted again in the footage, seated in a nearby chair. The video has various obstructions; it is taken through two sets of doors that enclose the front of the 24<sup>th</sup> Precinct stationhouse, and the view is further obstructed by the bodies of other officers, as well as by a wire gate.



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The footage (full video contained in Board Review 27 and transcribed in Board Review 4) does not show the face of the officer who picked § 87(2)(b) up in this manner. The video is also inconclusive with respect to the exact placement of that officer's hand relative to § 87(2)(b)'s body; it appears to be making contact with § 87(2)(b)'s upper back area or the back of his neck, but it is also plausible that contact was limited to § 87(2)(b)'s shirt. Further information with respect to the placement was not obtained, as § 87(2)(b) declined to provide testimony in regard to this allegation, no witnesses were found for the reasons discussed above, and the two Emergency Services Unit officers interviewed – Det. Duffy and PO Ramirez – could not recall how they were positioned relative to § 87(2)(b) when they helped him off of the ground (BR 22, BR 23).

The ESU report states only that § 87(2)(b) was lying rear-cuffed on the floor in front of the desk when ESU arrived, and that the officers “negotiated voluntary compliance and sat prisoner in a chair”(BR 26).

All of the officers interviewed for this case who were in the stationhouse vicinity were questioned about this allegation and shown the above video. None acknowledged seeing the manner in which § 87(2)(b) was picked up, and all denied seeing specific contact made with § 87(2)(b)'s neck at any point. § 87(2)(g)

**Allegation G – Other – There is evidence suggesting that Captain Andrew Ventrella provided a false official statement in violation of Patrol Guide Procedure 203-08.**

The CCRB found evidence suggesting that Cpt. Ventrella provided a false official statement regarding this incident. § 87(2)(g)

§ 87(2)(b) The evidence is as follows:

Cpt. Ventrella, a witness officer, provided a relatively detailed account of the struggle for officers to apprehend § 87(2)(b) at 123 West 104<sup>th</sup> Street in Manhattan (BR 17). In so doing, Cpt. Ventrella repeatedly and with certainty described § 87(2)(b) having pinned DI Donald Powers to the ground with his body. Cpt. Ventrella testified that it was seeing § 87(2)(b) on top of DI Powers that caused Cpt. Ventrella to respond to the struggle and assist DI Powers, whose body was underneath § 87(2)(b). He positively identified § 87(2)(b) from his arrest photograph as the individual he observed on top of DI Powers. Cpt. Ventrella reiterated this specific sighting in response to numerous questions, such as the following exchange which began at 7:18 on the recording:

Inv. Shuster: “Do you know who communicated via the radio [in regard to this job], if it was Central or if it was a specific officer on scene?”

Cpt. Ventrella: “I don’t remember that, I don’t remember. What I do remember is when I got to the scene, then I did see, Inspector Powers on the floor and an individual on top of him and it was something we needed to break up.”

Cpt. Ventrella was unable to estimate how many officers were attempting to remove § 87(2)(b) but stated that at his first notice of them, § 87(2)(b) was “on top” of DI Powers and that they were struggling in some manner. He affirmed that both DI Powers and § 87(2)(b) were fully on the ground and that § 87(2)(b)'s body was physically on top of DI Powers’s body.

At 15:13 on the recording, after the investigator asked what happened between the time that Cpt. Ventrella arrived on scene and the time that § 87(2)(b) was transported to the stationhouse, Cpt. Ventrella stated:

“Like I said, when I got to the scene, there’s a lot of people seeing, I’m seeing what’s going on, and then I get to focus where I see a uniformed officer on the floor with another individual on top of him, rolling around, and I have to correct that.”

At 20:10 on the recording, when asked whether Cpt. Ventrella observed the cause of DI Powers’s injuries, Cpt. Ventrella stated:

“The only thing I saw was Powers on the floor. So obviously if he got hurt, that’s how he got hurt.”

It is established that DI Powers was never pinned to the ground by § 87(2)(b) nor was § 87(2)(b) s body ever on top of DI Powers’s in any manner during the struggle. There is video footage from two angles which captures the entirety of the struggle, and no such moment occurs, nor any events that could reasonably have been mistaken for what Cpt. Ventrella described. DI Powers testified that § 87(2)(b) was never on top of him, nor was he ever on the ground.

When the footage of § 87(2)(b) s apprehension was shown to Cpt. Ventrella during his interview, he noted that the video did not show DI Powers getting pinned to the ground by § 87(2)(b). He reiterated his statement that this had happened, but conjectured, “It’s definitely not this part, so I don’t know, was it after? I don’t know. ‘Cause he got hurt. So how’d he get hurt. That’s what I want to know.”(33:42 on the recording). At 47:57, Cpt. Ventrella stated, “I do recall - I know Inspector Powers did engage. I don’t know if it was this individual or another individual. I’m not sure. I recall that he was having a tussle with someone, with another individual. He ends up going to the hospital, I don’t know if it was with this guy or another guy. When we were at the street, he ends up - I remember seeing him on the floor with someone. But I wanna know, who, who he engaged with in that fight, ‘cause now I’m trying to figure out...who this guy is.”

DI Powers testified that he was not physically involved with any other arrests made on scene.

§ 87(2)(g) First, Cpt. Ventrella identified § 87(2)(b) from the photograph as the individual who he saw on top of DI Powers. Second, by all counts, § 87(2)(b) was the only one on scene with whom DI Powers had any physical interaction whatsoever.

Patrol Guide Procedure 203-08 states that an officer is prohibited from making a false official statement, and that an officer found to have made one will be subject to disciplinary action (BR 29). According to Correction v. Centeno OATH Index No. 2031/04 (2005)(BR 30), the statement must be proven to have been made, intentionally false, and material.

§ 87(2)(g)

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Squad: 15

Investigator: \_\_\_\_\_  
Signature Print Date

Pod Leader: \_\_\_\_\_  
Title/Signature Print Date

Attorney: \_\_\_\_\_  
Title/Signature Print Date