

201601667
Mark Sinatra

On February 20, 2016, Sergeant Mark Sinatra and three other officers saw a man smoking a marijuana cigarette on the sidewalk. The man saw Sergeant Sinatra and another officer exit the vehicle they were in to approach the man. The man, seeing the officers, ran. In the process of apprehending the man, another officer and the man collided. A couple seconds later Sergeant Sinatra reached the man. Two seconds after Sergeant Sinatra approached the man, he punched him in the face. Security video captured the apprehension and the punch.

That day, Sergeant Sinatra reported to IAB that the man sustained an injury, stating that he “threw a punch” to affect the arrest of the man, because the man had been fighting with him.

Later, in his CCRB interview, Sergeant Sinatra testified he never intentionally punched the man. When pressed, he testified that he didn’t remember if he punched the man but that he was trying to grab the man’s arms. He testified that the struggle lasted for fifteen to twenty seconds.

Video footage confirmed that the man did not fight, there was no struggle, and that Sergeant Sinatra punched him in the face two seconds after he arrived.

When shown the video that contradicted his testimony, Sergeant Sinatra testified the video depicted the incident “exactly how he remembered it.”

The CCRB found that Sergeant Sinatra used excessive force by punching the man and made a false statement in his CCRB interview.

The NYPD disciplined Sergeant Sinatra by compelling him to forfeit 10 vacation days.

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ben Gilmore	Team: Squad #9	CCRB Case #: 201601667	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 02/20/2016 5:00 PM	Location of Incident: [REDACTED]	Precinct: 103	18 Mo. SOL 8/20/2017	EO SOL 8/20/2017	
Date/Time CV Reported Sat, 02/20/2016 6:13 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 02/29/2016 11:00 AM		

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

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

Subject Officer(s)	Shield	TaxID	Command
1. SGT Mark Sinatra	04720	§ 87(2)(b)	NARCBQN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Eric Moy	04042	§ 87(2)(b)	NARCBQN
2. POM Julio Meyreles	22000	§ 87(2)(b)	NAR DIV
3. DT3 Victor Rosario	06261	§ 87(2)(b)	NARCBQN

Officer(s)	Allegation	Investigator Recommendation
A . SGT Mark Sinatra	Force: Sgt. Mark Sinatra used physical force against § 87(2)(b) [REDACTED].	A . § 87(2)(g) [REDACTED]
B . SGT Mark Sinatra	Other: There is evidence suggesting Sergeant Mark Sinatra provided a false official statement in violation of Patrol Guide Procedure 203-08.	B . § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation, because § 87(2)(b) was arrested as a result of this incident (Board Review 03).
- As of April 20, 2016, the criminal case regarding this incident remains open (Board Review 04).
- § 87(2)(b)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- A Notice of Claim inquiry was submitted to the New York City Comptroller's Office on April 20, 2016 (Board Review 17). The results will be added to the case file upon receipt.

Civilian and Officer CCRB Histories

- This is the first complaint involving § 87(2)(b) (Board Review 06).
- Sergeant Mark Sinatra has been a member of service for nine years and has been the subject of 24 previous CCRB allegations, stemming from nine CCRB cases. Eight of the 24 previous CCRB allegations were substantiated, stemming from two CCRB cases, both of which regarded incidents that occurred in 2015.
 - In CCRB #201506484 a 'vehicle search' allegation and 'refusal to provide name/shield number' allegation were each substantiated, and the CCRB recommended Command Discipline B in regards to both substantiated allegations.
 - In CCRB #201506493 the following allegations were substantiated: force, vehicle search, property damaged, two refusals to provide name/shield, and a search of a person. The CCRB recommended charges for each of the above substantiated allegations.
 - Sgt. Sinatra is the subject of four additional CCRB allegations from CCRB cases that are currently open. These four allegations stem from three CCRB cases, all of which regard incidents that occurred in 2016. In these three cases, allegations of vehicle stop, vehicle search, and premises entered and/or searched have been pleaded against Sgt. Sinatra.

Potential Issues

- The sole victim in this case, § 87(2)(b) did not provide a statement to the CCRB regarding this incident. § 87(2)(b) told the CCRB that he did not wish to provide a statement to the CCRB until after his criminal case regarding this incident was resolved (Board Review 07). To date, § 87(2)(b)'s criminal case remains open (Board Review 04). After conferring with Deputy Chief of Investigations Winsome Thelwell, Supervisor Ethan De Angelo advised the undersigned to conduct a full investigation without a sworn statement from § 87(2)(b)

Findings and Recommendations

Allegation A – Force: Sergeant Mark Sinatra used physical force against § 87(2)(b)

On February 20, 2016, at approximately 5:00 p.m., while inside of an unmarked police vehicle with three other officers, Sgt. Sinatra observed § 87(2)(b) walking on the sidewalk along § 87(2)(b) in Queens, allegedly smoking a marijuana cigarette. Sgt. Sinatra and PO Meyreles exited their vehicle and approached § 87(2)(b) in regards to the alleged marijuana cigarette. It is undisputed that there was no other reason to approach § 87(2)(b)

As PO Meyreles and Sgt. Sinatra approached § 87(2)(b) from behind, § 87(2)(b) looked over his shoulder and began to run away from Sgt. Sinatra and PO Meyreles. Sgt. Sinatra and PO Meyreles gave chase on foot, while PO Moy and Det. Rosario reversed the police vehicle in the direction of § 87(2)(b)'s flight.

§ 87(2)(b) ran across § 87(2)(b) and continued running on the sidewalk on the other side of the avenue. Sgt. Sinatra followed suit, trailing a couple of seconds behind § 87(2)(b) and PO Meyreles trailed behind Sgt. Sinatra. PO Moy reversed the police vehicle past § 87(2)(b) and stopped in the street. Det. Rosario exited the police vehicle and moved to the sidewalk in front of § 87(2)(b) and the two collided. This caused § 87(2)(b) to stop. Det. Rosario and § 87(2)(b) remained standing, facing one another for approximately two seconds, at which point Sgt. Sinatra reached § 87(2)(b)

Within two seconds of Sgt. Sinatra catching up to § 87(2)(b) was forced to the ground. Sgt. Sinatra testified that he grabbed § 87(2)(b) by the arms to bring him to the ground. When Sgt. Sinatra was asked by the CCRB what if any other physical contact he had with § 87(2)(b) before § 87(2)(b) went to the ground, he responded, “He did receive an injury to his face. I don’t recall if it was a punch or just from me grabbing him.”

Sgt. Sinatra testified that he did not recall ever punching § 87(2)(b) (Board Review 08). However, on the day of the incident, Sgt. Sinatra called the Internal Affairs Bureau (IAB) and reported that he “threw a punch” to affect the arrest of § 87(2)(b) (Board Review 01 and 16). Both Det. Rosario (Board Review 09) and PO Moy (Board Review 10) testified that Sgt. Sinatra told them he had hit § 87(2)(b). Det. Rosario testified that Sgt. Sinatra told him that he “punched § 87(2)(b) in the head.”

When Sgt. Sinatra was presented the audio recording of him reporting that he “threw a punch,” Sgt. Sinatra maintained that he never intentionally punched § 87(2)(b) but conceded that he may have inadvertently punched him. When asked if there was a reason Sgt. Sinatra did not report to IAB that the punch was inadvertent, Sgt. Sinatra responded, “No reason.”

Video footage indicates that within two seconds of reaching § 87(2)(b) Sgt. Sinatra punched him in the face.



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The video footage shows that after § 87(2)(b) collided with Det. Rosario, the only thing he appears to do physically is to slide a short distance to his left. This was corroborated by § 87(2)(g) witness, § 87(2)(b) who indicated that after Det. Rosario stopped § 87(2)(b)

§ 87(2)(b) appeared to move slightly to the left and right, but other than this, he remained still.

Aside from Sgt. Sinatra, Det. Rosario was the only officer in direct contact with § 87(2)(b) at the time of the apparent punch. Det. Rosario testified that he did not punch § 87(2)(b) “because [he] didn’t have to. I just grabbed him.”

On the day of the incident, Sgt. Sinatra reported to IAB that § 87(2)(b) sustained a bruise to his right eye. The bruise to § 87(2)(b)'s eye was noted in the Command Log (Board Review 11) and the Medical Treatment of Prisoner Report (Board Review 12).

All members of service at the scene of a police incident must use minimum necessary force, Patrol Guide Procedure 203-11 (Board Review 13).

§ 87(2)(g)

[REDACTED]

Allegation B: Other Misconduct- There is evidence suggesting Sergeant Mark Sinatra provided a false official statement in violation of Patrol Guide Procedure 203-08.

The CCRB found evidence suggesting that Sgt. Sinatra provided a false official statement regarding this incident. Sgt. Frank Sinatra provided an official statement to the CCRB on April 5, 2016. During this interview, Sgt. Sinatra made several statements which were false, inconsistent with his own prior testimony, or contradicted by material evidence. A spin-off case was referred to IAB in regards, under CCRB case number 201602888 (Board Review 03). The evidence is as follows:

(1) On the date of the incident, Sgt. Sinatra reported to IAB that he "threw a punch" to affect the arrest of § 87(2)(b) but he then testified to the CCRB that he never intentionally punched § 87(2)(b)

Both Det. Victor Rosario (tax § 87(2)(b)) and PO Eric Moy (tax § 87(2)(b)) testified to the CCRB that Sgt. Sinatra told them after the incident that he had hit § 87(2)(b). Sgt. Sinatra testified to the CCRB that he did not remember if he ever punched § 87(2)(b) although he might have accidentally punched him when he was trying to grab § 87(2)(b)'s arms. When Sgt. Sinatra was asked why he did not report to IAB that the punch was an accident, Sgt. Sinatra replied, "No reason."

(2) On the date of the incident, Sgt. Sinatra reported to IAB that § 87(2)(b) fought with him and his officers; however, video footage indicates that this did not occur. An independent

witness, § 87(2)(b) also indicated that § 87(2)(b) did not punch, kick, or otherwise fight with any officer.

(3) Sgt. Sinatra testified that he struggled with § 87(2)(b) for 15-20 seconds before § 87(2)(b) was taken to the ground and placed in handcuffs; however, video footage shows that Sgt. Sinatra interacted with § 87(2)(b) for approximately two seconds before § 87(2)(b) went to the ground.

(4) Sgt. Sinatra testified that prior to taking § 87(2)(b) to the ground, § 87(2)(b) flailed his arms, almost striking Sgt. Sinatra on his face and body; however, video footage and § 87(2)(b)'s testimony both indicate that this did not occur.

(5) Despite video footage contradicting substantive portions of Sgt. Sinatra's testimony, after viewing the video footage, Sgt. Sinatra testified that the video depicted the incident "exactly how [he] remember[ed] it."

An officer is prohibited from making a false official statement, and an officer found to have made such a statement will be subject to disciplinary action, Patrol Guide Procedure 203-08 (Board Review 14). A false official statement must be proven to have been made, material, and intentionally false, Correction v. Centeno OATH Index No. 2031/04 (2005) (Board Review 15).

§ 87(2)(g)
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Squad:

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date