



POLICE DEPARTMENT

July 18, 2023

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In the Matter of the Charges and Specifications	:	Case No.
- against -	:	2023-27804
Lieutenant Ravi Singh	:	
Tax Registry No. 949670	:	
Information Technology Service Division	:	

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At: Police Headquarters
One Police Plaza
New York, NY 10038

Before: Honorable Vanessa Facio-Lince
Assistant Deputy Commissioner Trials

APPEARANCES:

For the CCRB-APU: Pamella Fairclough, Esq.
Civilian Complaint Review Board
100 Church Street, 10th Floor
New York, NY 10007

For the Respondent: James Moschella, Esq.
Karasyk & Moschella, LLP
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New York, NY 10279

To:

HONORABLE EDWARD A. CABAN
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

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CHARGES AND SPECIFICATIONS

1. Lieutenant Ravi Singh, on or about September 24, 2021, at approximately 1613, while assigned to the 10 Precinct and on duty, in the vicinity of 12th Avenue and West 34th Street, New York County, wrongfully used force, in that Lt. Singh used his asp against Person A without police necessity.

P.G 221-02, Page 2, Prohibitions 11 & 12

USE OF FORCE

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on May 24, 2023. Respondent, through his counsel, entered a plea of Not Guilty to the charged misconduct. On stipulation, the Civilian Complaint Review Board (CCRB) entered in evidence body-worn camera (BWC) footage and Department of Transportation (DOT) surveillance videos of the incident, as well as still images derived from that footage. Person A the Subject in the underlying case, did not report this incident to CCRB, did not participate in the investigation of the alleged misconduct and did not testify at this hearing. Sergeant Ricardo Roman testified on Respondent's case and Respondent testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having evaluated all of the evidence in this matter, the Tribunal finds Respondent Not Guilty of the charged misconduct.

ANALYSIS

It is uncontested that on September 24, 2021 Respondent and Sergeant Roman, who was Respondent's driver, received multiple calls over the radio for a disorderly person attacking people and removing their property along the West Side Highway. (Tr. 36, 93) On their way to the location of the incidents, they were flagged down by a victim who had also been attacked by

a person who tried to take his motorcycle. Respondent and Sergeant Roman instructed this victim to get into their marked RMP to conduct an area canvas for the perpetrator. (Tr. 36, 94) The victim provided them with a description of the alleged perpetrator. While they were driving northbound on the West Side Highway approaching 12th Avenue and 34th Street, Sergeant Roman testified that he observed a person fitting that description fighting with someone on the street. The victim pointed to the Subject in this matter and identified that person as his attacker. (Tr. 37)

Respondent and Sergeant Roman exited their marked RMP and approached the Subject, who appeared to be forcibly taking a scooter from yet another person. Respondent and Sergeant Roman issued verbal commands to the Subject to stop. (Tr. 94-95) CCRB Ex. 1- Respondent's BWC - captured Respondent attempting to grab the Subject but she began actively resisting, flailing her arms and attempting to flee. Respondent warned the Subject that if she didn't stop, she would be tased. (CCRB Ex. 1 at 01:04-01:07). Simultaneously, Sergeant Roman activated his Taser and told the Subject to get down. (Tr. 38) The Subject failed to comply with police directives, pushed Respondent, causing him to fall on the ground, and ran away. (Tr. 41, 95) Respondent attempted to grab the Subject again but she freed herself from her outermost garment and fled. (*Id.* at 01:07)

The Subject proceeded to run away from the officers across several lanes of traffic on the West Side Highway, forcing many cars to stop short to avoid hitting her (*Id.* at 01:08-01:20). As she was running away from the officers, she attempted to get into a white van that was stopped at a traffic light by pulling on the door handle on the driver's side. The van was able to drive away without her gaining entry. (CCRB Ex. 1 at 01:38) The Subject then ran toward Respondent's RMP where the victim was waiting. The victim attempted to grab the Subject. (Tr. 42) As the

officers chased the Subject, Sergeant Roman repeatedly commanded her to stop and get down. Sergeant Roman testified that he deployed his Taser in an attempt to stop her but the prongs missed. (Tr. 43; CCRB Ex. 1 at 01:45)

The victim was able to grab the Subject, giving Respondent and Sergeant Roman an opportunity to apprehend her. Sergeant Roman and the victim were able to drag the Subject to the ground. Sergeant Roman attempted to place handcuffs on her, but she was still actively resisting and flailing her arms. At that point, Sergeant Roman placed his Taser against the Subject's body and used the "drive-stun mode" to subdue her. (Tr. 44; CCRB Ex. 1 at 02:00)

At trial, Sergeant Roman recalled that at that time, Respondent attempted to assist him and he placed his asp on her back, but the Subject continued moving and prevented the officers from placing handcuffs on her. (Tr. 46) Sergeant Roman testified that Respondent did not strike the Subject with the asp but merely held it on her back while Sergeant tried to place handcuffs on her. After several seconds Sergeant Roman was able to get the Subject in handcuffs. Thereafter, additional units and EMS arrived at the scene. (Tr. 49-50)

At issue in this case is whether Respondent's use of an asp to control the Subject violated Department guidelines. The charges against Respondent alleged that he violated P.G. 221-01 paragraph 11 a (effective 7/1/20),¹ which states in relevant part that members of service should: "Avoid actions which may result in chest compression, such as sitting, kneeling, or standing on a subject's chest or back, thereby reducing the subject's ability to breathe." The preponderance of the credible evidence presented at trial failed to establish that Respondent used his asp in a prohibited manner.

¹ It should be noted that Patrol Guide 221.02 was amended on 7/16/20 and Interim Order 66 amended it again on 7/6/21. The relevant portion of the Patrol Guide that was in effect at the time of this alleged misconduct is cited above.

The police encounter at issue here came to the attention of both IAB and CCRB as the result of Respondent's notification to IAB. As Respondent explained, "when someone is drive stunned we are required to call the duty captain and required to notify IAB." (Tr. 105) The Subject did not report this incident to CCRB, did not participate in the investigation of the alleged misconduct and did not testify at this hearing. Since the Subject did not testify, the record is devoid of credible evidence regarding how she physically felt during this incident, the amount of pressure she experienced when Respondent placed his asp with the back of her neck and back or whether the placement of the asp reduced her ability to breathe.

This tribunal credits Respondent's testimony that he did not exert pressure on the back of Subject's neck or back in a manner that would cause her breathing to be restricted, as suggested by CCRB. (Tr. 100) Respondent's testimony concerning the steps he took to gain the Subject's compliance was straightforward and convincing. Respondent testified that after the Subject initially ran away from him, a perilous chase ensued. All the while, he and his partner were trying to gain compliance with repeated verbal commands. Respondent further elaborated that when the Subject ran toward their RMP, he observed her open the passenger side door causing him to think that she was going to try to steal it. (Tr. 96; CCRB Ex. 1 at 01:49-01:53) While the victim and Sergeant Roman struggled with the Subject, Respondent was on the driver's side of the RMP making sure that the keys were not in the car and that it was secured.

Moreover, I credit Respondent's explanation that he then took out his asp to assist Sergeant Roman in gaining control of the Subject. He testified that he intended to use the asp "to strike her upon her body to gain compliance" (Tr. 97) He was not, however, able to do so because "there was no space to do that without hitting the civilian or hitting Officer Roman." (Tr. 97) In that moment, Respondent assessed that the potential for collateral injury to his partner

and the victim existed. He, therefore, opted to use the asp to hold down the Subject by placing it across her back in order to prevent her from running away so that Sergeant Roman could gain control and handcuff her. (Tr. 98-99) The use of the asp under these chaotic and dangerous circumstances was reasonable and within guidelines.

The relevant portions of the BWC footage (CCRB Ex. 1 and 2) and DOT video (CCRB Ex. 3) corroborate Respondent's account and explanation. They portray the Subject actively resisting arrest as Respondent and Sergeant Roman attempt to secure her. CCRB Ex. 3 shows the victim grabbing onto the Subject when she tries to enter the RMP and Sergeant Roman struggling with her as well. (CCRB Ex. 3 at 01:50) The victim and Sergeant Roman are then able to bring Subject to the ground. (*Id.* at 02:00) About two seconds later, Respondent can be seen standing over the Subject, who was lying face down on the ground but trying to get up, and bending over her while Sergeant Roman is bent over the lower half of Subject's body. The victim then moves to one side while Respondent and Sergeant Roman are still engaged with her. (*Id.* at 02:09) Other officers begin to arrive on scene shortly thereafter. It appears that Respondent and Sergeant placed the Subject in handcuffs by the time the other officers arrived. (*Id.* at 02:40).

CCRB Ex. 1 depicts the same interaction described above but from a different angle. In CCRB Ex. 1, the Subject can be seen on the ground being held down by the victim as Sergeant Roman is standing over the lower portion of her body. (CCRB Ex. 1 at 01:55-02:00) The sound of the electric current of a Taser can be heard simultaneously. Respondent approached them with his asp in hand and attempted to position himself between the victim and Sergeant. Respondent then moved toward Subject's upper torso and placed his asp across the nape of her neck while commanding her to put her hands behind her back. The Subject's arm is at her side as

Respondent is repeatedly telling her to put her hands behind her back. (*Id.* at 02:01-2:16) The Respondent then shifts the position of his asp from the back of Subject's neck to across her shoulder blades. (*Id.* at 02:19-02:23) The BWC shifts at 02:24 so the interaction between the officers and the Subject cannot be seen again until 02:35, at which point the Subject is being handcuffed by Sergeant Roman.

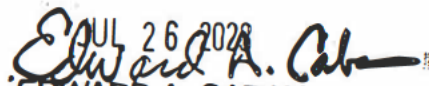
In sum, the evidence presented at trial is insufficient to establish that Respondent violated the Patrol Guide by using his asp during the apprehension of the Subject. Respondent's use of his asp was measured and calculated. Indeed, as captured on video, Respondent's asp was on the back of Subject's neck and back for a limited amount of time thus minimizing the opportunity for pressure to be applied in a manner that would restrict her breathing. Accordingly, I find Respondent Not Guilty of the charged misconduct.

Respectfully submitted,



Vanessa Facio-Lince
Assistant Deputy Commissioner Trials

APPROVED

JUL 26 2028

EDWARD A. CABAN
POLICE COMMISSIONER