



Office of the New York State Attorney General Letitia James

Office of Special Investigation

May 22, 2023

Report on the Investigation into the Death of Ronald Anthony Smith

DEATH OF RONALD ANTHONY SMITH
NYPD MOTOR VEHICLE COLLISION
APRIL 7, 2022

SUMMARY

New York Executive Law Section 70-b (Section 70-b) authorizes the Attorney General’s Office of Special Investigation (OSI) to investigate and, if warranted, to prosecute offenses arising from any incident in which the death of a person is caused by a police officer or peace officer. When OSI does not seek charges, Section 70-b requires issuance of a public report.

This is the public report of OSI’s investigation into the death of Ronald Anthony Smith, which was caused by Police Officer Orkhan Mamedov, a member of the New York City Police Department (NYPD). On April 7, 2022, at 8:06 pm,¹ at the intersection of Eastern Parkway and Schenectady Avenue, in Kings County, PO Mamedov, while transporting four prisoners from the 73rd Precinct to Brooklyn Central Booking in an NYPD van with the turret lights activated, struck and killed Mr. Smith, a pedestrian. Mr. Smith landed on the hood of the NYPD van and fell to the ground as PO Mamedov stopped the van, about 150 feet from the point of impact. Mr. Smith was taken to Kings County Hospital and declared dead at 8:26 pm; he died of blunt force injuries to the head, neck, and torso. Having thoroughly investigated the matter and analyzed the law, OSI will not seek charges against PO Mamedov because it would not be able to prove beyond a reasonable doubt that PO Mamedov committed a crime when he caused Mr. Smith’s death.

FACTS

Eastern Parkway and Schenectady Avenue

Eastern Parkway has four travel lanes (two eastbound and two westbound) in the main road, divided by a painted median (or “flush median island”), and a service road on each side of the main road.² Schenectady Avenue is a one-way, two-lane southbound street. At the intersection of Eastern Parkway and Schenectady Avenue, the main roadway of Eastern Parkway has a left-turn lane east of the intersection (in effect, an extension of the flush median) and a right turn lane west of the intersection (an “extra” lane that opens before the intersection), as shown in Figure 1, below. The intersection has overhead traffic signals and pedestrian signals.

¹ All times are approximate.

² According to the NYC Department of Transportation, a flush median island is a part of the roadway marked by painted solid double yellow lines and yellow hatch lines, dividing opposing traffic. It is not intended for vehicular travel, except for circumventing a stalled vehicle, work zone traffic control, emergency vehicle use, turning vehicle swept path, and other traffic calming measures.

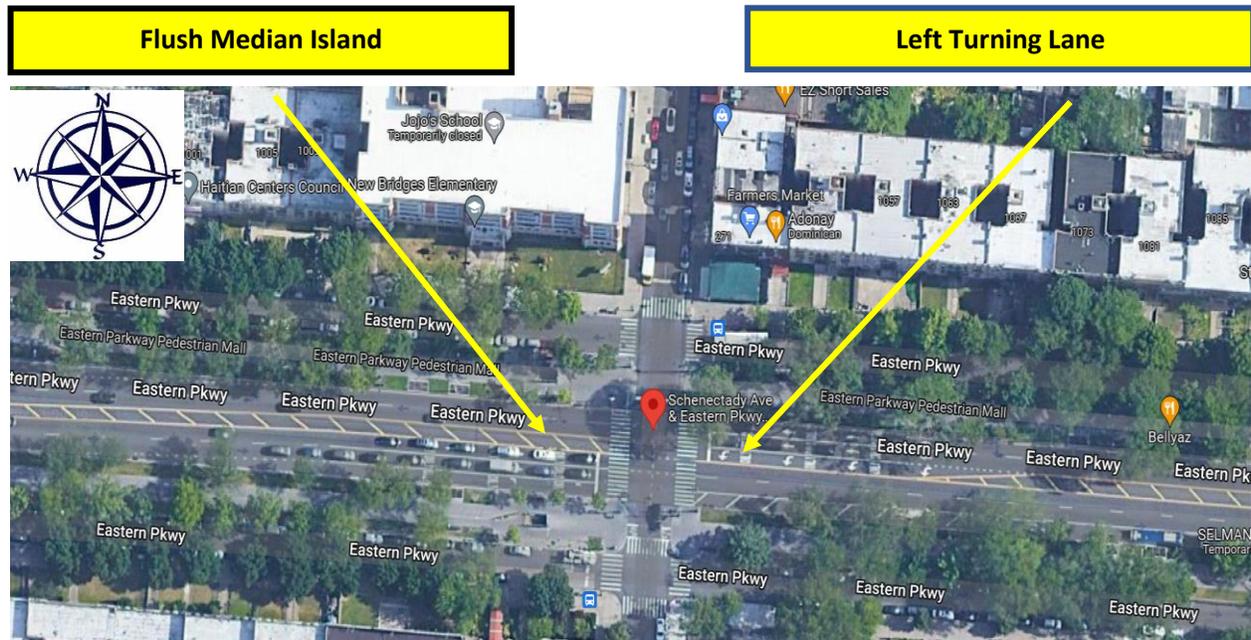


Figure 1: Aerial view of intersection at Eastern Parkway and Schenectady Avenue. Troy Avenue is out of the frame to the left (west), and Utica Avenue is out of the frame to the right (east).

Pre-Collision: Ronald Anthony Smith

OSI reviewed NYPD Argus camera³ footage from a fixed post at the northwest corner of Eastern Parkway and Schenectady Avenue. This Argus post has two cameras, see Figure 2, below. Argus Cam #2 is a west-facing camera and shows the main road of Eastern Parkway just west of Schenectady Avenue; Argus Cam #1 is a northeast-facing camera and shows the Eastern Parkway westbound service road and southbound traffic on Schenectady Avenue.⁴

³ Argus cameras are NYPD video surveillance cameras mounted on lampposts across the five boroughs of New York City. The cameras have a fixed view and no audio.

⁴ OSI did not obtain video footage from Argus Cam # 1 as it does not show the main road of Eastern Parkway where the incident occurred.



Figure 2: Northwest corner of Eastern Parkway and Schenectady Avenue, facing west, with overlay of Argus camera post.

Argus Cam #2 shows that on April 7, 2022, at 7:36 pm Mr. Smith walked eastbound on Eastern Parkway in the flush median toward Schenectady Avenue, from the direction of Troy Avenue. Mr. Smith was wearing a black winter coat and blue jeans.⁵ It was windy, raining, and dark, with lighting from streetlights and car headlights. When Mr. Smith got to the intersection of Eastern Parkway and Schenectady Avenue, Argus Cam #2 shows that he approached the cars in the eastbound lane stopped at the red light, beginning with the car closest to the intersection, and then walked back westbound along the flush median, approaching the other cars lined up at the red light (see Figure 3). At times, it appears Mr. Smith's arm was extended towards the drivers of the cars he approached. The footage shows that Mr. Smith walked back and forth in the median, approaching cars, for about thirty minutes. At video time stamp 8:06:30 pm, the footage shows Mr. Smith walking eastbound in the median towards the intersection with Schenectady Avenue; this is the last time video shows Mr. Smith alive. At video time stamp 8:06:44 pm, Argus Cam #2 footage shows that an NYPD van going westbound on Eastern Parkway, having just passed through the intersection at Schenectady, drove along the flush median lane west of the intersection. When the van came to a stop, about 150 feet past the intersection, the video shows Mr. Smith on the roadway next to the van.

⁵ BWC of PO Mamedov also shows the clothing Mr. Smith was wearing.

Mr. Smith in the flush median lane



Figure 3: A still from Argus Cam #2, facing west, showing Eastern Parkway just west of Schenectady Avenue, with Mr. Smith walking in the flush median.

Pre-Collision: PO Mamedov

PO Mamedov has been an NYPD police officer since April 25, 2018, and, at the time of this incident, was assigned to the 73rd Precinct in Brooklyn. On the evening of April 7, 2022, PO Mamedov and his partner, PO Evan Siegel, were assigned to transport four prisoners from the 73rd Precinct, located at 1470 East New York Avenue, to Brooklyn Central Booking, at the Kings County Criminal Courthouse, 120 Schermerhorn Street. The prisoners were HW, BK, SC, and LW.⁶ Precinct surveillance footage shows that at 8:03 pm PO Mamedov drove out of the precinct parking lot in a police van,⁷ with its turret lights activated.

The distance between the 73rd Precinct and the intersection of Eastern Parkway and Schenectady Avenue is 1.1 miles.⁸ The posted speed limit on Eastern Parkway is 25 mph. According to NYPD's Automatic Vehicle Locating (AVL)⁹ system, PO Mamedov drove above the posted speed limit at various points while traveling from the 73rd Precinct to the intersection of Eastern Parkway and Schenectady Avenue; near that intersection the AVL

⁶ Initials are used to protect the identities of civilian witnesses.

⁷ According to the records of the NYPD Driver Education and Training Unit (DETU), PO Mamedov was van-qualified. See, Training Transcript attached as Exhibit 1.

⁸ See, [Google Maps, direction from 73rd Precinct to Eastern Parkway and Schenectady Avenue](#)

⁹ NYPD's AVL system reports vehicle location, speed, and stops based on GPS data and registers the position and speed of a vehicle once every 10 seconds. See, https://www.dhs.gov/sites/default/files/publications/AVLSys-TN_0609-508.pdf

registered the van's speed as 45.7 mph at 8:06:41 pm, seconds before the collision with Mr. Smith.¹⁰ Additional Argus video footage shows PO Mamedov drove through two steady red lights while traveling westbound on Eastern Parkway, at Buffalo and Rochester Avenues, with turret lights activated. Argus video at the intersection of Eastern Parkway and Utica Avenue shows that PO Mamedov was traveling in the flush median lane on Eastern Parkway, east of the intersection, and appears to show he entered the flush median lane west of the intersection; Utica Avenue is one block before Schenectady Avenue. Video surveillance, Argus footage, and witness interviews show that PO Mamedov proceeded through a green light at the intersection of Eastern Parkway and Schenectady Avenue, just prior to the collision.

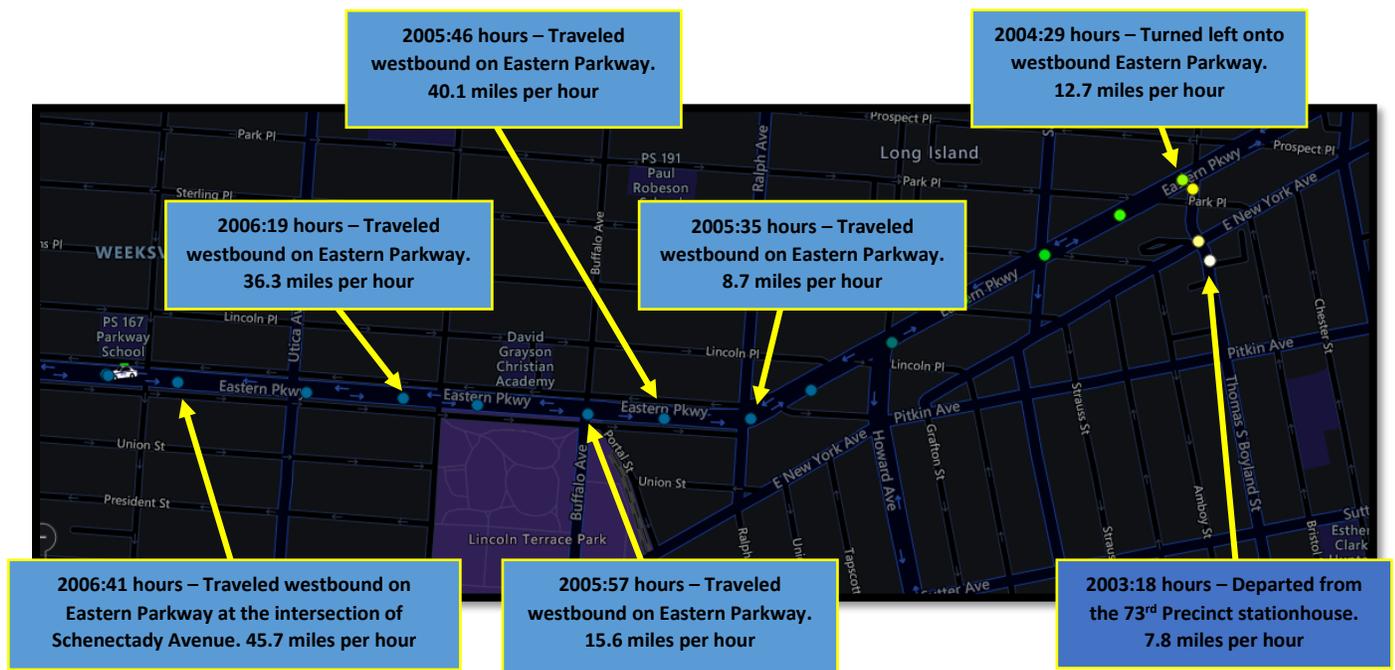


Figure 4: AVL plot map showing the route and speed at selected locations of the van driven by PO Mamedov.

Collision

Argus Cam #2 shows that at 8:06:44 pm the van driven by PO Mamedov traveled westbound on Eastern Parkway, with turret lights activated, into the flush median west of the intersection with Schenectady Avenue. The flow of traffic shown in the Argus video, security video from 1005 Eastern Parkway, and witness statements indicate that the van had the green light at Schenectady Avenue. The AVL system indicates the van was traveling 45.7 mph at 8:06:41 pm, about 3 seconds before the moment the van appears in the Argus video west of Schenectady Avenue. The collision between the van and Mr. Smith was not captured by Argus Cam #2, but OSI estimates it occurred from 0 to 2 seconds before the van's appearance in the video, or 42 to 44 seconds after 8:06 pm. The footage from Argus

¹⁰ See, NYPD AVL History for involved van attached as Exhibit 2.

Cam #2 shows that the van came to a stop in the flush median at 8:06:48 pm, 4 to 6 seconds after the collision, and that Mr. Smith was on the roadbed by the driver-side door.

According to the NYPD Intergraph Computer Aided Dispatch (ICAD) report, an ambulance was called at 8:07:46 pm, about 58 seconds after the van came to a stop.¹¹

Argus Cam #2 footage shows that PO Mamedov got out of the van at 8:06:55 pm, about 7 seconds after the van came to a stop. PO Mamedov activated his body-worn camera (BWC) at 8:08:50 pm, 2 minutes and 2 seconds after the van came to a stop; the BWC pre-event buffer shows the events, without audio, for 60 seconds prior to activation.¹² PO Siegel activated his BWC one second earlier, at 8:08:49 pm; the BWC pre-event buffer shows the events, without audio, for 60 seconds prior to activation.

The officers' BWCs show Mr. Smith on the ground, directly under the driver-side door of the van. At 8:08:05 pm (1 minute and 17 seconds after the van came to a stop), PO Mamedov unzipped Mr. Smith's winter coat and began chest compressions. BWC shows that at 8:10:30 pm a Senior Care ambulance arrived, PO Mamedov approached the driver and said, "I hit him." PO Mamedov resumed chest compressions until 8:10:41 pm when the EMT approached Mr. Smith and prepared to take over medical care.

Members of FDNY arrived at 8:11 pm and assisted the EMTs. PO Mamedov's BWC captured an EMT saying, "I couldn't feel a pulse." PO Mamedov's BWC shows that Sgt. Jonathan Cotter, from the 77th Precinct, arrived at 8:14 pm, and PO Mamedov said to him "yeah, I was doing a transport...I hit him. He's going to KCH." PO Mamedov said Mr. Smith "was in the middle lane...on the yellow lane...like in the middle, like on the yellow thing, like on this thing...." Sgt. Cotter asked PO Mamedov if he had a green light; PO Mamedov said, "I think so yeah...I had lights and sirens on." The Senior Care ambulance left with Mr. Smith at 8:15 pm. PO Mamedov's BWC shows that Sgt. Korkut Koseoglu, from the 73rd Precinct, arrived at 8:16 pm. PO Mamedov told Sgt. Koseoglu, "I hit him, I had lights and everything." Sgt. Koseoglu told PO Mamedov to turn off his BWC.

According to phone records and witness interviews, PO Mamedov was not speaking or texting on either his personal or NYPD issued cellphone prior to the collision.

¹¹ ICAD is the system used by emergency response operators and dispatchers to communicate with 911 callers and first responders. The ICAD system memorializes these communications through recordings and computer-generated reports.

¹² BWCs continuously record when not activated. Once activated, video (but not audio) up to one minute prior to activation is preserved; the audio is preserved from the moment of activation onward.

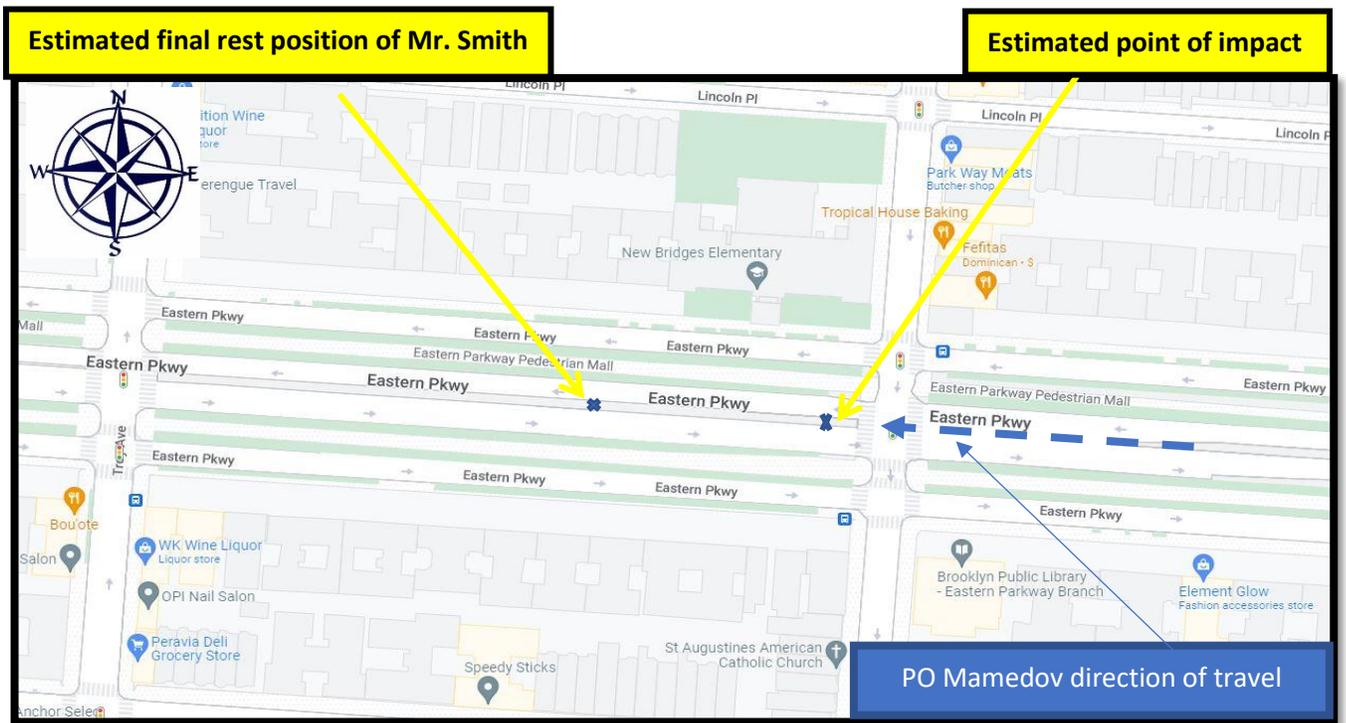


Figure 5: Estimated point of impact and final rest position of Mr. Smith.

The van was not equipped with a dashboard camera or an interior recording camera. OSI reviewed security and surveillance video from the following residential and commercial buildings near Eastern Parkway and Schenectady Avenue: 1005 Eastern Parkway, 1009 Eastern Parkway, 1014 Eastern Parkway, 1025 Eastern Parkway, and 1038-1040 Eastern Parkway. As mentioned, the video from 1005 Eastern Parkway shows the van had the green light at the intersection; apart from that, the security and surveillance videos do not shed light on the events because they do not show the intersection, or were too far away from the intersection to show the collision, or had a view that was too obscured to show the collision.

Witness Interviews

CB (911 caller)

CB called 911 and said, “A police car jeep hit someone...the person was crossing the street in the middle of the street and the police didn’t see him and hit him...he drove on the man like maybe a half of a block....”¹³

OSI interviewed CB, who said that prior to the incident he was driving westbound on Eastern Parkway in the right lane. He said there was heavy rain and wind, and traffic was congested. He said he was stopped at a red light when a police van, with emergency lights on,

¹³ The 911 call can be accessed [here](#).

approached from his rear left side.¹⁴ CB said as the van approached, the cars in the lanes moved to the right to allow the van to pass. CB said he did not see Mr. Smith through his windshield because of the rain and the glare from the headlights of the approaching cars. He said he first noticed Mr. Smith, who was about four car lengths west of the intersection, when CB moved to the right and saw Mr. Smith out of his driver-side window. Immediately after, CB said Mr. Smith was struck by the police van and dragged. CB said Mr. Smith was wearing dark clothing and the police van drove through a green light.¹⁵

DB (pedestrian)

OSI interviewed DB, who said he knew Mr. Smith from the neighborhood and had previously seen him, as well as others, panhandling at the same location.¹⁶ DB said it was raining “real hard” when he saw an NYPD van, with turret lights activated, no sirens, driving westbound in the left lane of Eastern Parkway. DB said a white SUV was driving in front of the NYPD van in the left (driving) lane, the SUV went into the left-turn lane at the Schenectady intersection but instead of turning left, the SUV “cut back over” (rightward) into the left (driving) lane at the traffic light in front of the NYPD van, causing the NYPD van to immediately turn (leftward) into the left-turn lane to avoid contact with the SUV. He said once the NYPD van was forced into the left-turn lane at the intersection it continued straight through the intersection, into the “two yellow lines” (referring to the flush median lane) after the intersection. DB said the traffic light and turning signal were green. According to DB, Mr. Smith “had his back turned” and “wasn’t looking” because he “was working” in the median, speaking to the driver of a car stopped at a red light just west of the intersection.¹⁷ DB said he saw the van strike Mr. Smith and drag his body until it came to a stop.¹⁸

SC (prisoner in NYPD van)

SC was interviewed by members of the NYPD Force Investigation Division (FID); OSI reviewed the audiotaped interview. OSI was unable to locate SC for an interview.

SC said she was in the NYPD van, seated in the third row, that it was “raining and pouring down” when the driver of the NYPD van swerved left into the “yellow lane” to avoid hitting

¹⁴ CB did not say whether he heard police sirens from the van.

¹⁵ CB was interviewed by members of the NYPD Force Investigation Division and Collision Investigation Squad. In addition to information consistent with his OSI interview, CB told NYPD that he saw Mr. Smith walking in the middle of the street between eastbound and westbound traffic from Troy Avenue towards Schenectady Avenue; he heard sirens from the police van; and he saw the van driving in the left lane and partially in the center of the street where he observed Mr. Smith walking.

¹⁶ On April 11, 2022 OSI Det. Carbone, while investigating the scene of the collision, observed a male panhandling at the intersection. On October 23, 2022, news media reported a male panhandling at the intersection was struck and killed by a civilian driver; see [NY Daily News](#) Article attached as Exhibit 3. According to the Kings County District Attorney’s Office, the driver was arrested and the case is pending prosecution.

¹⁷ According to DB, and confirmed by OSI, the traffic light for westbound traffic on Eastern Parkway (on the east side of the Schenectady Avenue intersection) includes a left-turn signal; when the left-turn signal is green, the traffic light for eastbound motorists is red.

¹⁸ DB was interviewed by NYPD Collision Investigation Squad; the information provided during that interview was consistent with the OSI interview.

another car on his right, which was when he struck Mr. Smith, who was inside the yellow lane. SC said Mr. Smith was dragged by the NYPD van as the officer tried to come to a stop.

BK (prisoner in NYPD van)

BK was interviewed by members of NYPD FID; OSI reviewed the audiotaped interview. BK declined to be interviewed by OSI.

BK said he was seated in the last row of the NYPD van, next to the passenger-side window. He said the turret lights were activated but not the emergency siren. BK said the officer driving the van was “speeding, flying” and “swerving through traffic” before “swerving” into the yellow lane and colliding with something “two seconds after.” BK said he heard a loud noise and the impact but was unable to see who or what was hit. BK said that after the impact the driver stopped the van and the driver and passenger got out of the van and one of them rendered aid to the person struck.

HW (prisoner in the NYPD van)

OSI interviewed HW, who said the NYPD van had the turret lights activated but not the siren, and he was seated in the last row between two other men. HW said it was a rainy night and the officer driving the van was “speeding,” “fishtailing,” and driving “reckless.” HW said the officer was driving in the “second lane and then comes to the emergency vehicle lane, that’s when the impact occurs.” HW said the officer was going “in and out” of traffic before the incident due to traffic; he said the officer was “riding in the middle, at times he was behind the cars, but traffic wasn’t moving so he came in the middle where the yellow lines are.” HW said he did not see Mr. Smith; he saw a “blur” in front of the driver’s side and then heard and felt the impact. The two officers got out of the van but HW was unable to see what was happening. He said they were on Eastern Parkway and had just passed the intersection at Schenectady Avenue when the incident occurred. HW said the NYPD van’s radio was not on and the driver was not using his cell phone.¹⁹

LW (prisoner in the NYPD van)

The fourth prisoner in the van, LW, declined to be interviewed by NYPD. OSI was unable to locate LW for an interview.

Police Officer Interviews

Police Officer Orkhan Mamedov (operator of the NYPD van)

PO Mamedov was the driver, or operator, of the NYPD van. PO Mamedov became a police officer on April 25, 2018; he was assigned to the 73rd Precinct in October 2018.

¹⁹ HW was interviewed by NYPD Force Investigation Division; the information provided during that interview was consistent with the OSI interview.

According to the NYPD Collision Report-Police Dept. Vehicle form prepared by Sgt. Koseoglu on April 8, 2022, PO Mamedov said he was doing a transport when he heard a commotion in the back of the van, which distracted him and “at that moment” he struck a male crossing the street.

OSI interviewed PO Mamedov. He said that on April 7, 2022, at around 7:30 pm, he was assigned to transport four prisoners to Brooklyn Central Booking. His partner for the evening was PO Siegel. PO Mamedov told OSI he was concerned about the transport because PO Siegel was a rookie and one of the prisoners, LW, had been violent during his arrest. PO Mamedov said that because his partner had very limited experience PO Mamedov felt a greater responsibility for their safety. PO Mamedov said he was apprehensive about LW and was consistently looking behind him to check on the prisoners, especially when he heard their cuff chains rattling

(Video footage from the 73rd Precinct shows SC was rear-cuffed with both hands behind her back while BK, HW and LW were cuffed to a single transport chain by their left hands, with their right hands uncuffed; they were not wearing leg restraints. See Figures 6 and 7.)

He said he was worried that LW might become violent towards him in the van.²⁰ PO Mamedov said he knew the evening shift change at Brooklyn Central Booking was approaching, which is known to result in a delay with lodging the prisoners, so he wanted to get the prisoners to Brooklyn Central Booking as quickly as possible. He said he drove above the speed limit and through steady red lights on occasion.

²⁰ The van did not have a partition between the driver and the passengers. See Figure 11 which shows a view of the van from the front windshield through to the back doors.



Figure 6: The prisoners walking from the 73rd Precinct to the van. Circle shows one prisoner's free right hand.



Figure 7: The prisoners walking from the 73rd Precinct to the van. Circle shows prisoners' chained left hands.

PO Mamedov said he was driving westbound on Eastern Parkway, with lights and siren activated. PO Mamedov explained that the siren was not on continuously, but intermittently, depending on the road conditions and traffic lights.²¹ As he approached the intersection at Schenectady Avenue, he said he saw a car in front of him and had to swerve into the yellow lane to avoid colliding with it. PO Mamedov said that, after going into the yellow lane, he crossed through the intersection and struck Mr. Smith. PO Mamedov said he did not see Mr.

²¹ PO Mamedov could not recall if the siren was activated when he struck Mr. Smith.

Smith prior to the impact because it was dark and raining. He said that, after the impact, Mr. Smith landed on the hood of the van and fell off a few seconds later. PO Mamedov said he stopped the van and, when he got out, saw Mr. Smith directly below the driver-side door. PO Mamedov told OSI he immediately began chest compressions and called for an ambulance.

He said he was not texting or speaking on his phone prior to the collision. PO Mamedov's BWC shows what appeared to be a live soccer game on his cell phone when he took out the phone to call for assistance. When asked about the footage on his cell phone, PO Mamedov said it was his cell phone's screensaver. PO Mamedov provided OSI with his phone; the phone's screensaver appears to show the same soccer game footage as seen on his BWC (see Figures 8 and 9).



Figure 8 (on the left): still photo from PO Mamedov's BWC; Figure 9 (on the right): PO Mamedov's cell phone screensaver.

OSI has viewed PO Mamedov's BWC footage for the arrest of LW, which shows LW threatening police officers, including PO Mamedov, during his arrest and during his arrest processing at the precinct. PO Mamedov's BWC captured LW saying, to PO Mamedov, "you heard what I said though, don't talk to my bitch like that...cuz I'll straight deck you right in your mouth...." BWC also shows acquaintances of LW threatening to assault and spit on the officers as the officers were arresting LW. As officers attempted to place LW in a police car he physically resisted entering the car, requiring four officers to place him in the back seat. LW apologized to PO Mamedov for his behavior, but then physically resisted when PO Mamedov and other officers tried to re-position him in the back of the police car. PO Mamedov's BWC captured LW yelling at Sgt. Koseoglu, "Make sure you see me when we get to the precinct...I don't give a fuck that you the police...I'm going to violate this [slur deleted], word to my dead mother [slur deleted]." At the precinct, LW repeatedly berated Sgt.

Koseoglu, shouted at him and threatened to spit in his face. Several officers escorted LW to the precinct holding cell and when they attempted to remove his coat before placing him in the cell LW yelled at them not to remove his coat; video shows LW pressing his arms against his body to prevent officers from taking the coat off. Numerous officers physically restrained LW and placed him in the holding cell. Once in the holding cell video captured LW again insulting the officers, threatening to spit at them, and saying he would “rape” people in their families.

Police Officer Evan Siegel (partner)

PO Siegel was PO Mamedov’s partner and the front passenger, also referred to as the “recorder.” As of April 7, 2022, PO Siegel had been employed as a police officer for nine months, six months of which were his training in the NYPD academy. He was assigned to the 73rd Precinct on December 30, 2021.

According to the NYPD Collision Report-Police Dept. Vehicle form prepared by Sgt. Koseoglu on April 8, 2022, PO Siegel said he was in the passenger seat when he heard a commotion in the rear of the van involving the prisoners and then heard “a loud sound and Police Officer Mamedov did strike a pedestrian.”

According to the FID Preliminary Investigation Worksheet, during his official department interview PO Siegel said the prisoners were distracting the officers by yelling and causing a disturbance during the transport.

OSI interviewed PO Siegel who said that on April 7, 2022, he was working with PO Mamedov and assigned to transport four prisoners to Brooklyn Central Booking. PO Siegel said he was the recorder, and PO Mamedov was the operator. He said it was a rainy night; there was traffic on Eastern Parkway; the van’s turret lights were activated, but he could not recall if or when the siren was on. PO Siegel said that during the transport he was reviewing a warrant for one of the prisoners and was primarily focused on the warrant because it was his first time transporting a prisoner with a warrant. PO Siegel said that while his head was down reviewing the warrant, he felt the impact of the collision. PO Siegel said he did not see Mr. Smith prior to the collision. He said he got out of the van, walked around to the driver’s side, and saw PO Mamedov performing CPR on Mr. Smith.

Evasive Maneuver by PO Mamedov

PO Mamedov told OSI that, prior to entering the intersection at Eastern Parkway and Schenectady Avenue, he was driving westbound in a designated lane of traffic and entered the left-turn lane east of the intersection to avoid colliding with a car that veered in front of the van. PO Mamedov said he continued straight through the intersection and struck Mr. Smith.

DB and SC gave accounts of the lane change similar to PO Mamedov’s. DB said a white SUV “cut back over” from the left-turn lane into the left driving lane in front of PO Mamedov,

causing PO Mamedov to turn into the left-turn lane; SC said PO Mamedov swerved into the turning lane to avoid hitting another car.

Argus Cam #2 shows the NYPD van at 8:06:45 pm in the flush median driving westbound on Eastern Parkway and shows a white SUV driving westbound next to the van, in the lane to the right of the van, see Figure 10. The video shows the van stopped at 8:06:48 pm and the same white SUV stopped next to the van for a few seconds before it continued westbound on Eastern Parkway.



Figure 10: A still from Argus Cam #2 showing a white SUV next to the NYPD van at 8:06:45 pm.

The driver of the white SUV did not remain on scene and was not identified by NYPD or OSI.²²

Post Collision Investigation

NYPD

The NYPD Highway District (HWY) patrols the city's highways and maintains traffic safety. In addition to other responsibilities, HWY responds to car accidents on the highways, conducts investigations involving collisions that result in a death, and conducts sobriety tests.²³ If someone dies or is critically injured in a collision, the Highway District's Collision Technician Group (CTG) and Collision Investigation Squad (CIS) are assigned to investigate.

²² The license plate of the white SUV is not legible on Argus video.

²³ See [NYPD Transportation Bureau](#).

According to the ICAD report, a sergeant from the 77th Precinct requested that HWY respond to the collision at 8:16 pm. At 8:52 pm the ICAD report shows that a lieutenant from HWY confirmed Mr. Smith was critically injured and authorized CIS to respond.

The BWC footage of PO Douglas Gerber, of CTG, shows that at 9:38 pm he began the required 15 minute observation period of PO Mamedov.²⁴ At 9:53 pm the BWC footage shows PO Gerber performed a Preliminary Breath Test (“PBT”)²⁵ on PO Mamedov to determine his blood alcohol content. The result of the PBT was 0.000.²⁶ PO Gerber noted in the standardized field sobriety test form, “Subject shows no signs of impairment.”

PO Sandolo of CTG photographed the NYPD van, which shows left-side hood and front-end damage. PO Sandolo also photographed the interior of the van. See the photos below, Figures 11 and 12.²⁷



Figure 11: NYPD Van with hood and front-end damage. The view through the windshield shows that the van was not equipped with a partition between the front seats and the other seats.

²⁴ According to Det. Curt Cunningham, of CIS, officers are required to observe a subject for at least 15 minutes prior to performing a breath test.

²⁵ The PBT is a portable handheld blood alcohol test.

²⁶ See PBT attached as Exhibit 4

²⁷ PO Sandolo arrived at the collision scene at 10:33 pm. A review of PO Mamedov’s BWC immediately after the collision indicates that the lighting and weather conditions at the time of the collision and at the time these photos were taken were similar.



Figure 12: Operator's view from inside the van.

PO Brian Kehoe of CTG examined the NYPD van and noted that the brake pedal pressure was firm, the front windshield was clear, and the taillights, brake lights, and windshield wipers were all in working order. PO Kehoe also noted that the van had factory-installed reflective markings. PO Kehoe wrote in his report that it was raining; the lighting conditions were “dark-road lighted;” and the road condition was “wet.”²⁸

OSI reviewed the Crash Data Retrieval (CDR) download for the van’s Event Data Recorder (EDR), which shows that the van’s EDR was not triggered by the impact with Mr. Smith.²⁹

On April 12, 2022, PO Mamedov was placed on modified duty as a result of this incident. As of the date of his OSI interview, September 8, 2022, PO Mamedov was still on modified duty. On August 4, 2022, the NYPD Accident Review Board³⁰ held a meeting and concluded

²⁸ See, HWY Collision Technician Group Report, Page 1, attached as Exhibit 5 and HWY Collision Technician Group Report, Page 2, attached as Exhibit 6.

²⁹ An EDR records data, including accelerator use, brake use, and steering, for a number of seconds before, during, and after a crash; not all impacts are strong enough to trigger the EDR to preserve data. <https://www.nhtsa.gov/research-data/event-data-recorder>. See also the report of the accident reconstructionist retained by OSI, described below and available and attached as Exhibit 7, which states that Mr. Smith was physically too small to slow the van suddenly, which would have otherwise triggered the EDR response.

³⁰ When an officer is involved in an on-duty vehicle accident the precinct’s Accident Review Board determines whether he/she was at fault.

that PO Mamedov “was traveling on the yellow painted median that separates the E/B & W/B lanes at a high rate of speed in the rain on a wet roadway with poor visibility. Operator of Department Vehicle is at fault.” The Board recommended that the case be referred to the risk management bureau for discipline.³¹

Expert retained by OSI

OSI retained John Kwasnoski, a certified collision reconstructionist,³² to assist in this investigation. Mr. Kwasnoski conducted an analysis based on the time-distance-speed methodology.³³

As mentioned, no video shows the impact between the van and Mr. Smith and, therefore, the precise site of the impact cannot be seen on video.

According to Mr. Kwasnoski, assuming 90 to 100% braking pressure (how hard a driver would brake in an emergency), an Antilock Braking System (ABS, which the van was equipped with), and a speed of 45 mph (based on the AVL), the braking distance needed to stop the van would be 135 to 150 feet (100% and 90% braking, respectively). Therefore, the final resting position (FRP) of the NYPD van was 135-150 feet from the point where PO Mamedov started the braking process.

Based on witness accounts, Argus Cam #2, Google maps, and NYPD CIS diagram (see Figure 13), Mr. Kwasnoski concluded that Mr. Smith was on the flush median lane on Eastern Parkway, 35 to 45 feet west of the Schenectady Avenue intersection crosswalk at the time of the collision, and that this area of impact (AOI) was 139 to 149 feet from the FRP of the van.³⁴ When comparing the AOI and the FRP, Mr. Kwasnoski determined that PO Mamedov was applying the brakes at approximately the same moment as the collision, within a few feet before or after impact.

³¹ The Accident Review Board’s findings erroneously state that PO Mamedov was “not qualified to operate a Department Van.” OSI confirmed with NYPD Legal, through his training transcript and Van Qualified Certification Report, attached as Exhibit 8 that PO Mamedov was van-qualified at the time of this incident.

³² A collision reconstructionist is an expert who has been trained and qualified to recreate the circumstances of a motor vehicle incident.

³³ Mr. Kwasnoski’s full report can be found attached as Exhibit 7

³⁴ The distance between the FRP and the crosswalk was determined to be 184 feet based on CIS rendering, as seen in Figure 13.

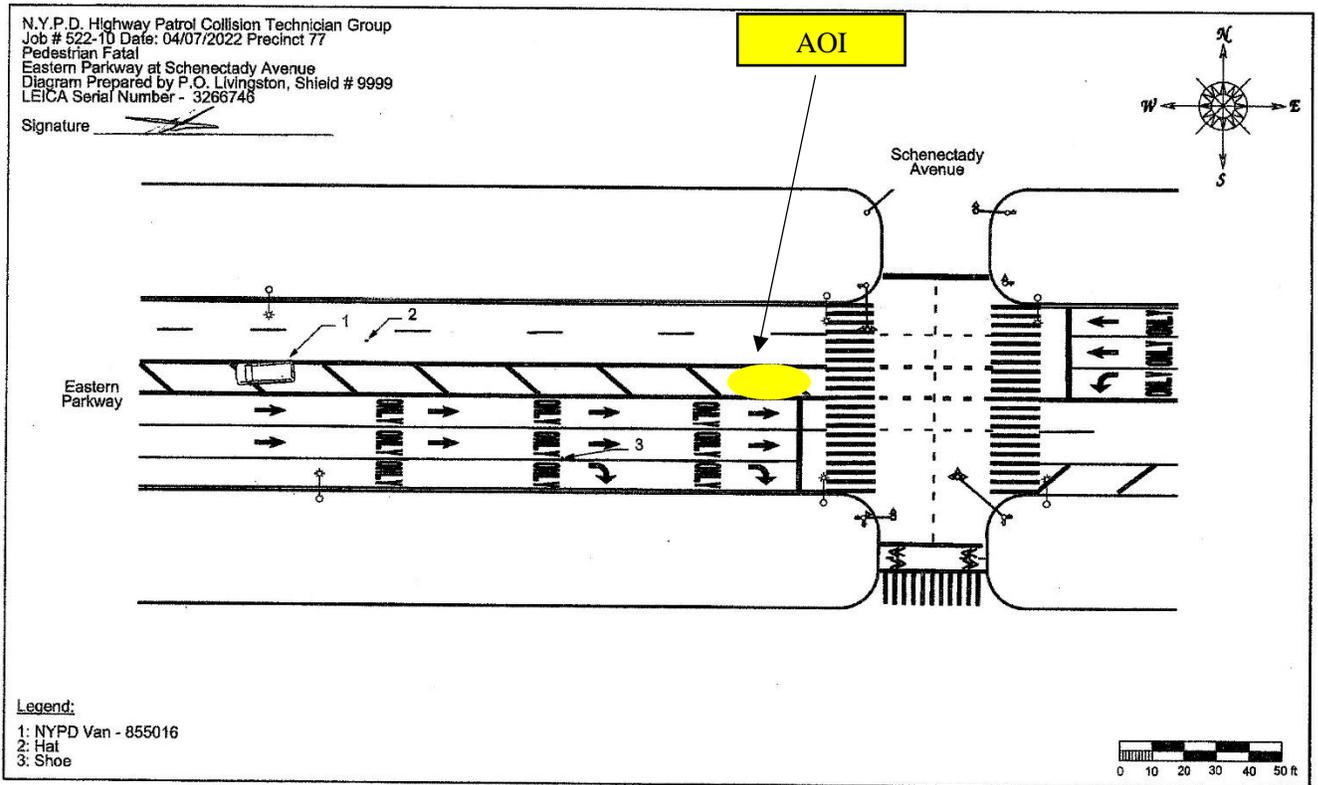


Figure 13: NYPD CIS prepared this black and white diagram. OSI added the yellow oval, which shows the estimated Area of Impact (AOI) according to Mr. Kwasnoski's assessment. NYPD CIS showed the final rest position of the van with arrow "1."

Mr. Kwasnoski noted several factors that would have hindered the driver's ability to see Mr. Smith, including:

- Rain, headlight glare from opposing traffic
- Ambient lighting creating a "masking" effect behind the pedestrian
- Reaction of the operator's eye to limit ambient light, which reduces visibility
- Dark clothing worn by the pedestrian
- The pedestrian walking parallel to the emergency lane, without left-right movement

Medical Treatment and Autopsy

Medical Response On-Scene

FID and CIS interviewed the responding Emergency Medical Technicians. EMT Zhihi Yang said he and EMT Lee were driving on Eastern Parkway to an unrelated call when they were flagged down by an NYPD police officer around 8:12 pm. When EMT Yang got out of the ambulance he saw a man lying on the ground in the roadway. EMT Yang said there was no visible trauma, and he was unable to find a pulse. EMT Yang said he and responding FDNY

personnel continued CPR on Mr. Smith for the duration of the transport to Kings County Hospital, where medical care was transferred to emergency room staff.

FDNY EMT Sean Moss said he and his partner, EMT Matthew Maldonado, received a radio transmission at around 8:08 pm for a pedestrian struck by a car. EMT Moss said when they arrived on scene he saw Mr. Smith was in traumatic cardiac arrest and unresponsive and had a broken lower right leg.

Kings County Hospital

According to Kings County Hospital medical records, Mr. Smith arrived at Kings County Hospital at 8:24 pm in full cardiac arrest. He had a broken right lower leg, abrasions and contusions on his right arm, along with some bleeding from the right side of his head. Mr. Smith was declared dead at 8:26 pm by Dr. James Willis.

Autopsy

Dr. Kunil Raval of the Office of Chief Medical Examiner (OCME) performed the autopsy of Mr. Smith.³⁵ OSI reviewed the autopsy report and interviewed Dr. Raval.

Dr. Raval noted that Mr. Smith was 5'2" and weighed 98 pounds. He told OSI that Mr. Smith suffered blunt force injuries of the head, neck, torso, and extremities, consistent with being struck by a motor vehicle and landing hard on the ground; the injuries were not consistent with being dragged by a motor vehicle. Dr. Raval determined the cause of death to be "blunt force injuries of the head, neck and torso," and the manner of death to be "accident (struck by motor vehicle)."

NYPD Driver Rules and Training

PO Mamedov Qualifications

According to his NYPD course transcript, as part of the Recruit Academic Program PO Mamedov completed the emergency vehicle operation course on April 25, 2018 and received RMP and 12-passenger van/utility vehicle qualification on July 27, 2018.

Driver Education Training Unit

OSI interviewed Lieutenant M. Cathy Boykin, Commanding Officer of the Driver Education and Training Unit (DETU) and DETU Curriculum Coordinator Officer William High. They told OSI that DETU trains new recruits at Floyd Bennet Field over the course of four days, including classroom and field instruction. PO High said the DETU training references NYPD Patrol Guide directives and provides recruits with a guideline for best practices on adhering to the directives.

³⁵ A copy of the autopsy report can be found attached as Exhibit 9.

The DETU training includes Emergency Vehicle Operator Course (EVOC) training, which teaches first responders to safely operate an emergency vehicle. Recruits are trained to exercise caution when approaching an intersection, approaching slowly and looking both ways for vehicular and pedestrian traffic. Recruits are trained to stop at red lights and “clear” each lane of the intersection before proceeding. According to PO High, DETU does not provide specific instruction on driving through a green light, beyond advising recruits to exercise caution at all times when driving. PO High said recruits are trained to activate their cars’ lights and siren during emergency responses.

According to PO High, once a recruit successfully completes the required radio motor patrol (RMP, meaning an ordinary marked police car) course they are eligible for the van qualification course, which teaches safe operation of larger NYPD vehicles. PO High said the van qualification course does not train recruits to respond to emergencies, such as a crime in progress, because vans are not used for emergency responses unless an officer is instructed otherwise by a superior.

PO High said DETU does not provide training on prisoner transport or on the use of non-vehicular lanes.

Regarding the manner in which PO Mamedov drove on April 7, 2022, PO High said PO Mamedov did not violate department guidelines or directives when he drove in a left-turn lane without turning and entered the flush median at high speed while transporting prisoners. PO High said speeding and driving in non-vehicular lanes was permissible under the Vehicle & Traffic Law (VTL), since PO Mamedov was transporting prisoners, which the VTL defines as an emergency vehicle operation.³⁶

PO High said best practices dictate an operator of an emergency vehicle should slow down and not drive in non-vehicular lanes but went on to say that there might have been factors of which he was unaware that made PO Mamedov’s actions best practice under the circumstances.

According to PO High, once a response is deemed an emergency the response is the same; there are not varying levels of response based on the type of emergency.³⁷

Patrol Guide and DETU Training Materials

OSI reviewed NYPD directives and DETU training materials related to arrest processing, prisoner transport, and police vehicle operation.

³⁶ PO High said vans are not used for emergency response and he said that transporting prisoners is an emergency operation. This report addresses the distinction between emergency response and emergency operation in the Law and Recommendations sections, below.

³⁷ However, this is contradicted by NYPD’s training materials, described below, which emphasize the need to consider the seriousness of an emergency when responding with lights and sirens and using the privileges set forth in VTL 1104.

NYPD Patrol Guide 202-02, “Radio Motor Patrol Operator,” says an RMP operator should “Operate car in manner to avoid injury to person or damage to property; Drive at slow rate of speed except under exceptional circumstances or extreme emergency.”

NYPD Patrol Guide 210-01, “Prisoners General Procedure,”³⁸ and Patrol Guide 208-06, “Arrests – Security Measures,” which delineate procedures for transporting prisoners in department vehicles,³⁹ are silent on speed and the use of turret lights and sirens during prisoner transport:

- Patrol Guide 210-01 advises on prisoner search procedures and required paperwork. The Patrol Guide also directs escorting officers to “ride in transporting vehicle and keep prisoners under constant surveillance while transporting to court, etc.,” and to “rear cuff all prisoners or place on transport chains if appropriate, before leaving cell block.”
- Patrol Guide 208-06 provides guidance for transporting prisoners in RMPs and 12-passenger vans; required paperwork for prisoner transport; and appropriate communication with court personnel. The Patrol Guide states: “When it is necessary to utilize a twelve-passenger van to transport more than three prisoners, e.g. transporting prisoners from a precinct to court...leg restraints will be utilized, if available. When members of the service are utilizing leg restraints, the use of transport chains may not be necessary and will not be mandated.... If transport chains are not utilized, prisoners will be rear handcuffed and handcuffs double locked. No more than seven prisoners will be transported in this manner and the prisoners will be secured on the 2nd and 3rd bench seats. The recorder and additional escort officer(s), if assigned, will ride in the 1st bench seat.” (See Figure 14).⁴⁰

³⁸ See Patrol Guide 210-01- Prisoners General Procedure attached as Exhibit 10 for directive.

³⁹ See Patrol Guide 208-06- Arrests Security Measures attached as Exhibit 11 for directive.

⁴⁰ According to Patrol Guide 208-06, PO Siegel was required to sit in the bench seat behind PO Mamedov; according to his interview and witness accounts, PO Siegel was in the front passenger seat.



Figure 14: NYPD Patrol Guide 208-06, “Arrests – Security Measures,” 12-passenger van seating illustration.

NYPD’s training materials on “NYPD Van 4x4,” prepared by Lt. Boykin in June 2014, state in part:⁴¹

“A van is a transportation vehicle. Due to the size, weight, and stopping distance the van should not be used for emergency response.”

“The primary use of a Department van is for transportation of Members of the Service, transportation of equipment and prisoner transport. There may be times that you will have to drive to an emergency in the Department van; however, it should only be at a last resort or under the direction of a supervisor.”

NYPD’s training materials on “Emergency Warning Devices,” prepared by Lt. Boykin on March 27, 2015, state in part:

“When used properly, emergency warning devices enhance the officer’s ability to maneuver in traffic and reduce the risk of collisions. The use of lights and sirens are recommended when responding to an emergency. This will increase a police vehicle’s visibility to the public and other emergency responders.”

“These warning devices will allow other motorists and pedestrians to see and hear you better.”

“The higher the visibility the greater the benefits at intersections.”

⁴¹ All the NYPD DETU training materials referenced in this report have undergone subsequent revisions. The revisions do not substantially alter the original training materials as they relate to this investigation.

NYPD's training materials on "Intersection Safety," prepared by Lt. Boykin on March 5, 2014, state in part (emphasis in original):

"Emergency vehicle operators must drive with due regard for the safety of the public and other members of the service. Rushing into an intersection is neither safe nor smart. Officers must perceive each intersection as a **THREAT** to personal safety. Police officers must take a deliberate and tactical approach to ensure safe passage through traffic, especially at intersections. Approximately ninety (90) percent of all RMP accidents resulting in serious injuries occurred at intersections."

"The RMP operator must give sufficient warning of the vehicle's approach to allow other motorists and pedestrians the opportunity to provide an opening and reach a safe location. A good practice is to change the siren tone as the RMP approaches the intersection. (**See and be seen**)."

The training focuses on intersection safety when driving during an emergency through an intersection at a red light. The materials do not expressly illustrate best driving practices when traveling through an intersection at a green light.

NYPD's training materials on "Pedestrian Awareness," prepared by Lt. Boykin in April of 2014, state in part:

"Driver awareness is crucial in order to do our part to keep our city's pedestrians safe. Here are a few things to be aware of while driving around our city's streets."

The materials explain the significance of time of day, knowledge of surroundings, distracted pedestrians, weather conditions, jaywalkers, scanning the crosswalk before turning, pedestrians with baby carriages, pedestrians standing in the street before crossing, seniors/handicapped, intoxicated pedestrians, cyclists in traffic, bike lanes, double parked cars, and opening a car door.

The training materials use the acronym S.E.E. to explain "basic driving techniques and strategies a driver would utilize along their journey."

"S = Search: The driver should perform a systematic search for information and clues within the driving environment to identify possible situations ahead, behind and on both sides of the vehicle. During the search, the driver should check twelve (12) seconds ahead of the vehicle, recheck the immediate four (4) second range, scan intersections to the left and right, check mirrors and finally

check blind spots before make [sic] a lane change, a turn or come to a stop.

“E = Evaluate: Decisions are based upon the observation of critical elements identified within the search of the driving environment. The scope of this element would include indicators such as road conditions, weather, intersections, time of day, location and other items affecting your planned course...The driver plays out the anticipated maneuver in his mind and the expected outcome. If a risk is recognized, then the maneuver is generally not taken. Factors considered in this domain are estimated speed of an approaching vehicle, space, and distance and weather conditions. Drivers will identify critical elements and calculate their bearing on the tactic prior to the actual maneuver. This is all part of the evaluation process.

“E = Execute: Your decision will be based upon the least risk. Evaluate the critical elements and decide on the best course of action to take. The final step to this sequence of events is to carry out your decision skillfully and within an acceptable time frame. Hesitation on the part of a driver can leave room for other drivers to interpret a different intention.”

NYPD’s training materials on “VTL Section 1104,” prepared by Lt. Boykin on March 15, 2014, state in part:⁴²

“The Vehicle and Traffic law provides many exceptions for Police officers during emergency operations. This allows Officers the freedom to perform enforcement duties without being bound by the same laws as civilian vehicles. These exceptions come with a heavy responsibility. The Officer operating the vehicle must ensure that the driving techniques used are both reasonable and within Department guidelines. When operating an emergency vehicle under the emergency exception it is the officer’s burden to give a reasonable explanation for techniques utilized during emergency response.”

“Making the decision to respond in emergency mode and use your lights and sirens is a huge responsibility. The seriousness of the nature of the assignment must be considered. Minor incidents such as petit larceny are not worth the risk to officer and public safety.

⁴² See below, in the Law section, for a detailed discussion of Vehicle & Traffic Law Section 1104 (VTL 1104). Broadly speaking, VTL 1104 allows police drivers involved in emergency operation to go through red lights and to drive over the speed limit, but only with due regard for the safety of others; it specifically prohibits reckless driving.

Even some serious crimes, if committed in the distant past with the location of the perpetrator unknown, is [sic] not worth the risk of vehicular accident associated with an emergency response. Response factors that would cause you to respond in emergency mode, using your lights and sirens may include assignments involving: death or serious physical injury, violent crime in progress, significant property loss.”

The training materials continue with an explanation of VTL Section 1104 and its privileges, stating that its “provisions should only be used only [sic] when absolutely necessary,” that “VTL 1104 mandates that the driver of an authorized emergency vehicle must drive with due regard for the safety of all persons,” and that it “does not protect the driver from the consequences of reckless disregard for the safety of others.”

LAW

Under Penal Law 125.10, “A person is guilty of criminally negligent homicide when, with criminal negligence, he causes the death of another person.”

“Criminal negligence” is defined in Penal Law Section 15.05(4): “A person acts with criminal negligence with respect to a result [e.g., death] ... when he fails to perceive a substantial and unjustifiable risk that such result will occur The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.”

In a series of decisions, the New York Court of Appeals has required prosecutors to establish “criminal negligence” in vehicular cases resulting in death with evidence not clearly implied in the statutory definition. Under these decisions, proof of the defendant’s failure to perceive the risk of death is not sufficient to convict him or her of criminally negligent homicide, even if the failure is a “gross deviation” from a reasonable standard of care. Rather, the prosecutor must also prove that the defendant committed an “additional affirmative act” or engaged in “risk-creating behavior” amounting to “seriously blameworthy carelessness.” People v Cabrera, 10 N.Y.3d 370 (2008); People v Boutin, 75 N.Y.2d 692 (1990).

In Cabrera, the Court reversed a conviction of criminally negligent homicide based on the defendant driver’s excessive speed, saying “it takes some additional affirmative act by the defendant to transform speeding into dangerous speeding; conduct by which the defendant exhibits the kind of seriously blameworthy carelessness whose seriousness would be apparent to anyone who shares the community’s general sense of right and wrong.” Cabrera, 10 N.Y.3d at 377, citing Boutin, 75 N.Y.2d at 696 (internal quotation marks omitted; emphasis added). The Court continued:

“Thus, in the cases where we have considered the evidence sufficient to establish criminally negligent homicide, the defendant has engaged in some other ‘risk-

creating' behavior in addition to driving faster than the posted speed limit (**compare** People v Haney, 30 N.Y.2d 328 [defendant was speeding on city street and failed to stop at red light before killing pedestrian crossing street with green light in her favor]; People v Soto, 44 N.Y.2d 683 [defendant, who was speeding and drag racing on city street, struck and killed driver stopped at red light]; People v Ricardo B., 73 N.Y.2d 228 [defendant was drag racing at between 70 and 90 miles per hour on a busy metropolitan street, ran a red light and struck vehicle crossing intersection with light in its favor]; People v Loughlin, 76 N.Y.2d 804, 807 [intoxicated defendant was speeding on obstructed street under construction in residential neighborhood in Queens]; People v Maker, 79 N.Y.2d 978, 980 [intoxicated defendant drove at speeds of 50 to 100 miles per hour in 35 miles per hour zone in Manhattan, disobeying several traffic signals]; People v Harris, 81 N.Y.2d 850, 851-852 ['defendant, while legally intoxicated, drove his motor vehicle in the dark of night from a public highway into an unfamiliar farmer's field, accelerated at times to a speed approximating 50 miles per hour, intermittently operated the vehicle without headlights, and suddenly and forcefully drove through a hedgerow of small trees and shrubs, not knowing what obstacles and dangers lurked on the other side']; People v Ladd, 89 N.Y.2d 893, 894-895 [intoxicated defendant driving on wrong side of a foggy road at 4:30 A.M.], **with** People v Perry, 123 A.D.2d 492, 493 [4th Dept 1986], *affd* 70 N.Y.2d 626 [no criminal negligence present where defendant was driving approximately 80 miles per hour in a 55 miles per hour zone 'on a rural road, on a dark night,' struck a utility pole, and killed two passengers; defendant's 'conduct . . . d(id) not constitute a gross deviation from the ordinary standard of care held by those who share the community's general sense of right and wrong' (citations omitted)]). The question [is whether the conduct] constituted 'not only a failure to perceive a risk of death, but also some serious blameworthiness in the conduct that caused it' (Boutin, 75 N.Y.2d at 696)."

Cabrera, at 377-378, emphasis added, all material in square brackets in original.

In People v Badke, 21 Misc3d 471, (Suffolk Co. Ct. 2008), the court dismissed criminally negligent homicide counts, finding insufficient the grand jury evidence that defendant drove at excessive speed with passengers in his car, collided with another vehicle, and caused the deaths of three passengers. The court said, "Criminal negligence requires some additional affirmative act by the defendant to transform speeding into dangerous speeding, that is, conduct by which the defendant exhibits the kind of seriously blameworthy carelessness whose seriousness would be apparent to anyone who shares the community's general sense of right and wrong." 21 Misc3d at 476.

Another legal factor to consider is the effect of the Vehicle & Traffic Law (VTL) provisions on emergency driving by police officers.

VTL Section 1104 (b) permits the driver of an emergency vehicle engaged in an emergency operation to (3) “Exceed the maximum speed limits so long as he does not endanger life or property”; and (4) “Disregard regulations governing directions of movement or turning in specified directions.” Under VTL 1104 (e), the exemptions of VTL 1104 (b) “shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.”

VTL Section 101 defines “Authorized Emergency Vehicle” as “Every ambulance, police vehicle, fire vehicle, civil emergency vehicle, emergency ambulance service vehicle, environmental response vehicle, sanitation patrol vehicle, hazardous materials vehicle, and ordnance disposal vehicle of the armed services of the United States.”

VTL Section 114-b defines “Emergency Operation” of a vehicle as “The operation, or parking, of an authorized emergency vehicle, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual or potential release of hazardous material or other emergency [emphasis added].”

Courts have deemed prisoner transport to be emergency operation pursuant to VTL 114-b, Church v. City of New York, 268 A.D.2d 382, 383 (1st Dept. 2000) (police van transporting prisoners from a precinct to central booking was engaged in emergency operation); Nias v. City of New York, 2017 N.Y. Misc. LEXIS 1748, 18 (Sup. Ct. New York Co. 2017) (officer driving a police vehicle as part of a three car prisoner transport found to be “operating an emergency vehicle in an emergency operation” when the prisoner was in a separate police car ahead of the officer).

Although other emergency vehicles must use lights and sirens when engaged in emergency operation, a police vehicle need not do so, VTL 1104(c). Failing to activate sirens and lights does not by itself establish recklessness for police officers engaged in emergency operation, but evidence that officers used sirens and lights is relevant to establish non-recklessness, e.g., Martinez v. City of Rochester, 164 A.D.3d 1655, 1656, (4th Dept. 2018) (evidence of lights and sirens and of reduced speed established officer did not act with “reckless disregard”); Hodder v. United States, 328 F. Supp. 2d 335, 345 (E.D.N.Y. 2004) (officer’s use of lights and sirens and cautious driving showed officer drove reasonably without “reckless disregard”); Flynn v. Sambuca Taxi, LLC, 123 A.D.3d 501, 502 (1st Dept. 2014) (failure to activate police siren was not reckless conduct).

Even in civil cases involving police officers who injured people in the course of emergency driving, the Court of Appeals has required evidence of “conscious indifference to the outcome” to establish liability.

Saarinen v. Kerr, 84 N.Y.2d 494 (1994), was a civil case in which a police officer injured a civilian in a high-speed chase. The Court said:

“[A] police officer's conduct in pursuing a suspected lawbreaker may not form the basis of civil liability to an injured bystander unless the officer acted in reckless disregard for the safety of others. This standard demands more than a showing of a lack of ‘due care under the circumstances’—the showing typically associated with ordinary negligence claims. It requires evidence that ‘the actor has intentionally done an act of an unreasonable character in disregard of a known or obvious risk that was so great as to make it highly probable that harm would follow’ and has done so with conscious indifference to the outcome.” (Saarinen at 501, citations omitted, emphasis added).

The Court went on to say that VTL 1104

“... represents a recognition that the duties of police officers and other emergency personnel often bring them into conflict with the rules and laws that are intended to regulate citizens’ daily conduct and that, consequently, they should be afforded a qualified privilege to disregard those laws where necessary to carry out their important responsibilities. Where the laws in question involve the regulation of vehicular traffic, the exercise of this privilege will inevitably increase the risk of harm to innocent motorists and pedestrians. Indeed, emergency personnel must routinely make conscious choices that will necessarily escalate the overall risk to the public at large in the service of an immediate, specific law enforcement or public safety goal. Measuring the ‘reasonableness’ of these choices against the yardstick of the traditional ‘due care under the circumstances’ standard would undermine the evident legislative purpose of Vehicle and Traffic Law § 1104, i.e., affording operators of emergency vehicles the freedom to perform their duties unhampered by the normal rules of the road [T]he possibility of incurring civil liability for what amounts to a mere failure of judgment could deter emergency personnel from acting decisively and taking calculated risks in order to save life or property or to apprehend miscreants.” (Saarinen at 502).

In Criscione v. City of New York, 97 N.Y.2d 152, 157-158 (2001), the Court of Appeals found that officers operating a police vehicle under circumstances specified in VTL 114-b are granted “a qualified privilege to disregard the ordinary rules of prudent and responsible driving, subject to a reckless disregard standard of liability” and not the ordinary negligence standard (internal quotation marks omitted).

In Frezzell v. City of New York, 24 N.Y.3d 213 (2014), also a civil case, the Court said that the approach in Saarinen v. Kerr,

“... avoids judicial second-guessing of the many split-second decisions that are made in the field under highly pressured conditions and mitigates the risk that possible liability could deter emergency personnel from acting decisively and taking calculated risks in order to save life or property or to apprehend miscreants.” (Frezzell at 217, internal quotation marks and citations omitted).

In Ferrer v. Harris, 55 N.Y.2d 285, 292 (1982), the Court of Appeals said an emergency situation, which leaves little or no time for reflection, “itself may be a significant circumstance which should enter into the determination of the reasonableness of the choice of action pursued.” See *also*, Gonzalez v. Zavala, 88 A.D.3d 946 (2d Dept. 2011) and Nurse v. City of New York, 56 A.D.3d 442 (2d Dept. 2008).

The Court in Staton v. State of New York, 29 A.D.2d 612, 614 (3d Dept. 1967), said the actions of a “police officer performing his duty in an emergency situation...must be weighed in the light of the circumstances as they developed and not by subsequent facts or in retrospect.” See *also*, Palella v. State of New York, 141 A.D.2d 999, 1000 (3d Dept. 1988) (“The reasonableness of the officer’s conduct must be gauged as of the time and under the circumstances in which he acted, not in retrospect”); and Kerwin v. County of Broome, 134 A.D.2d 812, 813 (3d Dept. 1987) (“the acts of the police officer are to be considered as of the time and under the circumstances in which they occurred”).

DISCUSSION AND CONCLUSION

In this case, PO Mamedov was speeding, traveling about 45 mph in a 25-mph zone, on a rainy night, when visibility was poor – conditions which should have caused a reasonable driver to moderate his or her speed. PO Mamedov had the van’s turret lights activated, but while there is evidence he had activated his siren at various points, the evidence is not clear that he activated the van’s siren as he approached the intersection with Schenectady Avenue. He did not go through a red light at the intersection, but he did travel in a straight line through a left-turn lane, and then into the flush median. The flush median is not a traffic lane, but may be used by emergency vehicles; the flush median is not a pedestrian crossing. There is evidence that PO Mamedov was in the left-turn lane to avoid hitting another car, which had made a sudden, unexpected move, but PO Mamedov’s speed may have contributed to the need for the avoidance maneuver and to the absence of the time he needed to return to a regular traffic lane before striking Mr. Smith.

Although transporting prisoners is defined as “emergency” driving in the VTL, under NYPD training guidelines it is not the same level of emergency as responding to a report of a violent crime in progress. Moreover, the emergency driving exceptions in the VTL permit the driver to “exceed the maximum speed limits” only “so long as he does not endanger life or property,” and the emergency provisions “shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor

shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.”

The NYPD’s process found PO Mamedov at fault in the accident. Under the precedents cited above, it is not clear whether PO Mamedov’s driving would be deemed wrongful in a civil lawsuit. However, neither departmental discipline nor civil liability is at issue here; rather the question is whether PO Mamedov committed criminally negligent homicide, and, if so, whether there is sufficient evidence to prove him guilty beyond a reasonable doubt.

An element of criminal negligence is the failure to perceive a substantial and unjustifiable risk. In this case the risk was that of striking and killing a pedestrian in the flush median because of excessive speed on a night of reduced visibility. Although PO Mamedov “failed to perceive” this risk, it is not clear that the risk was “substantial,” as Mr. Smith was a pedestrian in a non-pedestrian area of the roadway, and it is not clear that the risk was “unjustifiable,” as PO Mamedov was operating the van in emergency mode under the VTL, which authorizes police officers to take certain risks, such as speeding, which are not otherwise permitted.

Another element of criminal negligence is that the failure to perceive the risk amounts to a “gross deviation” from the care that a reasonable person would have exercised in the circumstances – in this case a reasonable police officer transporting prisoners. One of the prisoners in this case had physically resisted at times during his arrest and processing. In the van he and the other male prisoners were secured only by a transport chain on one hand and were not separated from the driver by a security partition. It is not clear that PO Mamedov’s actions, which were affected by his concern about the prisoners’ conduct, were a “gross deviation” from the standard of care of a reasonable officer in the same circumstances.

A third element of criminal negligence, added by the courts in vehicular homicide cases, is “additional blameworthy conduct,” described by the Court of Appeals as “risk-creating behavior” amounting to “seriously blameworthy carelessness.” Although PO Mamedov was speeding, it is not clear, under this standard, whether he committed an “additional affirmative act” that “transform[ed]” his speeding “into dangerous speeding.” On the one hand, the rainy, dark conditions made speeding more dangerous than it would have been on a clear, sunny day (because pedestrians were less visible and stopping distances were greater). On the other hand, the VTL exception for emergency driving of prisoners, LW’s prior conduct, and the van’s activated turret lights (and possibly its siren) make it unlikely that a properly instructed jury or grand jury would find the speeding in this case to be such “seriously blameworthy carelessness” that its wrongfulness “would be apparent to anyone who shares the community’s general sense of right and wrong.”

Even in a civil case in which a speeding police officer injured a civilian, the Court of Appeals said:

“[A] police officer's conduct in pursuing a suspected lawbreaker may not form the basis of civil liability to an injured bystander unless the officer acted in reckless disregard for the safety of others. This standard demands more than a showing of a lack of ‘due care under the circumstances’—the showing typically associated with ordinary negligence claims. It requires evidence that ‘the actor has intentionally done an act of an unreasonable character in disregard of a known or obvious risk that was so great as to make it highly probable that harm would follow’ and has done so with conscious indifference to the outcome.” (Saarinen, 84 NY 2d at 501, emphasis added).

Based on the facts of the investigation, OSI cannot conclude that PO Mamedov acted with “reckless disregard” for the safety of others, or that he acted with “conscious indifference” to the risk that his driving could kill a pedestrian.

As a result, based on the investigation and the relevant statutes and case law, OSI concludes that there is insufficient evidence to prove that PO Mamedov committed criminally negligent homicide and, therefore, that criminal charges are not warranted in this case.

RECOMMENDATIONS

NYPD should clarify its policies and training to exclude prisoner transport as emergency operation, unless authorized by a supervisor based on clearly articulated factors.

Although VTL 114-b states that prisoner transport is an emergency operation and therefore entitled to the privileges enumerated under VTL 1104, NYPD has discretion to fashion policies more restrictive than those permitted by law. Because of New York City’s population, density, and traffic congestion, including pedestrians and cyclists, a cautious approach to emergency operation is needed to protect officers and civilians. Routine prisoner transport, absent articulable exigent circumstances or prior authorization by a supervisor, should not be deemed emergency operation.

A good comparison would be to NYPD Patrol Guide section 221-15, “Vehicle Pursuits,” which is more restrictive than the law permits, and lists specific factors to be taken into account before a pursuit is initiated: “a. Nature of the offense; b. Time of day; c. Weather condition; d. Location and population density; e. Capability of Department vehicle; [and] f. Familiarity with area.” In addition, the Patrol Guide states, “Department policy requires that a vehicle pursuit be terminated whenever the risks to uniformed members of the service and the public outweigh the danger to the community if suspect is not immediately apprehended. If chase is terminated, members will attempt to obtain sufficient information to effect apprehension.” In these provisions, NYPD acknowledges that New York City is a densely populated city and therefore requires officers to exercise caution when deciding to initiate

and terminate pursuits – and this policy is in turn more restrictive than that permitted by law.

PO Mamedov was speeding during the prisoner transport and occasionally proceeded through red traffic lights. This conduct was permissible under VTL 114-b and VTL 1104, and not clearly prohibited by NYPD policies or training. However, if NYPD policy had disallowed emergency operation during prisoner transport without supervisor authorization, and only on the basis of articulable standards, such as those governing pursuits, it is possible that the tragedy in this case could have been averted.

A related issue is whether NYPD is actually training its officers in conformance with its officially approved policies and training materials. When interviewed by OSI, PO High, the Curriculum Coordinator of NYPD driver training, said that the training is merely “best practices” and said there are no distinctions among types of driving emergencies, which clearly contradicts the training materials. Whether or not NYPD adopts the recommendations in this report, it must oversee its driver training to assure that the policies and training it officially approves are the policies and training actually conveyed in practice to recruits and officers.

Therefore, OSI recommends that NYPD clarify its policies and training to exclude prisoner transport as emergency operation, unless authorized by a supervisor based on clearly articulated factors.

NYPD should amend its policies to require a higher standard of safety and security for prisoner transport and should equip officers appropriately for the task; supervisors must make sure the rules are followed.

NYPD Patrol Guide 208-06 has guidelines for operating the twelve-passenger vans used for prisoner transport. The provision mandates that the recorder sit in the first bench behind the operator and monitor the prisoners, allowing the operator to focus on driving. PO Siegel violated Patrol Guide 208-06 when he sat in the front passenger seat of the van during the transport. If a supervisor had made sure that PO Siegel sat in the first bench as required, PO Mamedov might have been less distracted by his concern about prisoner behavior, and the tragedy in this case might have been averted.

The same Patrol Guide provision recommends the use of leg restraints when transporting three or more prisoners in a twelve-passenger van if leg restraints are available. It is not clear whether leg restraints were installed in the van used in this case; the van appeared to be a general-purpose van, often used by NYPD for transporting officers, and may not have been suitable equipment for transporting prisoners. In addition, the van did not have a secure barrier between the prisoners and the driver’s seat. NYPD should provide

appropriately equipped vehicles for prisoner transport and not rely on general-purpose vans, especially when a prisoner presents safety and security concerns, as here.

The Patrol Guide provision also states that if leg restraints are not used officers should either use transport chains or rear-cuff the prisoners. However, it is clear that the transport chain used in this case – which only attached to one hand on each prisoner, left them with almost complete hand and arm freedom, and could even have been used as a weapon – was inadequate under the circumstances. PO Mamedov had cause for concern about the behavior of LW, because of LW's actions during his arrest, which OSI confirmed through video review. If LW had been rear-cuffed – in fact, if all three male prisoners had been rear-cuffed, as the female prisoner was – PO Mamedov might have been less distracted and, again, the tragedy in this case might have been averted.

The Patrol Guide fails to address the transport of prisoners who present safety and security concerns and fails to require that such prisoners be restrained with the more secure options – either rear-cuffs or leg restraints – and therefore should be amended.

OSI therefore recommends that NYPD amend its policies to require a higher standard of safety and security for prisoner transport and equip officers appropriately for the task; supervisors must make sure that the rules are followed.

OSI recommends NYPD hold officers to the same standards as civilians and breath-test them as quickly as practicable after a serious motor vehicle collision.

PO Mamedov was not asked to take a portable breath test until nearly two hours after the collision. NYPD's Patrol Guide Section 217.06, "Department Vehicle Collisions," requires that, if a police officer is involved in a collision which results in death or serious physical injury, the patrol supervisor should administer the breath test if he is qualified to do so; if not qualified, the patrol supervisor should request a qualified Highway Unit officer to administer the PBT. Here, Sgt. Cotter, the 77th Precinct patrol supervisor who arrived at 8:14 pm, did not administer a breath test to PO Mamedov and requested the Highway Unit at 8:16 pm. At 8:52 pm the Highway Unit lieutenant, after confirming the injuries of Mr. Smith, authorized the response of CIS. PO Gerber, from CTG, responded and administered the PBT at 9:53 pm, almost two hours after the collision.

In the state of New York about 30% of fatal car crashes are alcohol-related. In accordance with NYPD's Patrol Guide section 217.02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury," civilian drivers are breath-tested on scene close in time to the collision even if they do not exhibit signs of impairment or intoxication. This same standard should be applied to police officers involved in motor vehicle incidents, especially collisions that result in death.

Alcohol is metabolized in the body at an average rate of 0.015g/100mL/hour, which means the average person's blood alcohol level falls by 0.015 per hour. For men, this is a rate of about one standard drink per hour. Consequently, the delay of almost two hours in administering a PBT to PO Mamedov could have had a significant effect on the results of the testing.

OSI therefore recommends that all patrol supervisors be trained in the administration of the PBT and field sobriety tests so that any on-duty or off-duty police officer (or any civilian) involved in a motor vehicle collision can be tested on scene as soon as practicable to determine with greater accuracy whether they were operating a vehicle while impaired by alcohol.

Dated: May 22, 2023

EXHIBIT 1



NEW YORK CITY POLICE DEPARTMENT

NEW YORK CITY POLICE ACADEMY
130-30 28TH AVENUE
COLLEGE POINT, NY 11354

Student: MAMEDOV, ORKHAN

Date of Appointment: 04/25/2018

Tax ID #: 965787

DOB: [REDACTED]

<u>Course Name</u>	<u>NCCRS Credit</u>	<u>Grade</u>	<u>Date</u>
Recruit Academic Program (Formerly Student Officer Training Program)			
Emergency Vehicle Operation July 07 - Present	1.00	P	04/25/2018
Field Training Program July 07 - Present	3.00	P	04/25/2018
Physical Education Part 1: Foundations of Physical Fitness	2.00	P	04/25/2018
Physical Education Part 2: Defensive Tactics July 07 - Present	2.00	P	04/25/2018
Physical Education Part 3: American Heart Association Basic Life Support	1.00	P	04/25/2018
Police Crisis Intervention July 07 - Present	4.00	P	04/25/2018
Police Field Problems July 07 - Present	4.00	P	04/25/2018
Police Investigation and Reporting July 07 - Present	3.00	P	04/25/2018
Policing a Democracy July 07 - Present	3.00	P	04/25/2018
Policing Special Populations July 07 - Present	3.00	P	04/25/2018
Procedural Law July 07 - Present	3.00	P	04/25/2018
Substantive Law July 07 - Present	4.00	P	04/25/2018
Terrorism Awareness and Response July 07 - Present	3.00	P	04/25/2018
Total Credits:	36.00		

This form is an unofficial transcript and not valid for credit.

Student: MAMEDOV, ORKHAN

Date of Appointment: 04/25/2018

Tax ID #: 965787

DOB: [REDACTED]

CERTIFICATIONS

<u>Certification Name</u>	<u>Certified</u>	<u>Date Effective</u>
Department Training		
2017-2019 In-Service Cycle-Integrated Tactics	YES	04/03/2019
2017-2019 In-Service Cycle-Investigative Encounters- Basic Training with scenarios	YES	09/13/2019
2019-20 In-Service Cycle - Critical Incident Tactics and Developing Effective Leadership Skills	YES	08/23/2019
2022 Equal Employment Opportunity Training-Sexual Harassment Awareness and Prevention	YES	08/05/2022
Active Bystandership for Law Enforcement (ABLE): One Day Course	YES	12/16/2021
Activity Log for iPhone Command - Unit Training	YES	02/25/2020
BTK (Belt Trauma Kit Distribution and Familiarization)	YES	10/15/2018
Car Stop Tactics for Patrol Officers - Module 1: Controlling the Stop	YES	06/18/2022
Car Stop Tactics for Patrol Officers - Module 2: Prohibited Maneuvers	YES	06/18/2022
Car Stop Tactics for Patrol Officers - Module 3: The Unknown Risk Stop	YES	06/18/2022
Car Stop Tactics for Patrol Officers - Module 4: The High-Risk Stop	YES	06/18/2022
Child Sensitive Arrest Policy Guidelines and Procedures	YES	05/14/2021
CLT-BWC Policy Updates	YES	01/15/2022
CLT-Communication Strategies and Aids	YES	03/13/2019
CLT-Community Engagement	YES	05/20/2021
CLT-Counterterrorism and Intelligence	YES	09/10/2021
CLT-Documentation and Forms	YES	05/29/2022
CLT-EJustice Order of Protection Search	YES	02/12/2022
CLT-Enforcement Actions	YES	07/12/2021
CLT-EPermit System	YES	01/17/2022
CLT-Equal Employment Opportunity	YES	10/31/2018
CLT-Human Resources and Personnel Matters	YES	10/21/2019
CLT-Information Technology	YES	06/18/2021
CLT-Legal Issues	YES	02/05/2021

This form is an unofficial transcript and not valid for credit.

Student: MAMEDOV, ORKHAN

Date of Appointment: 04/25/2018

Tax ID #: 965787

DOB: [REDACTED]

CERTIFICATIONS

<u>Certification Name</u>	<u>Certified</u>	<u>Date Effective</u>
CLT-NIBRS Roll Call Training	YES	07/07/2022
CLT-Occupational-Workplace Safety and Health	YES	03/23/2022
CLT-Procedural Operations	YES	07/07/2022
CLT-Professional Development	YES	07/24/2022
CLT-Searching Prisoners Module 1	YES	04/08/2022
CLT-Special Populations	YES	05/23/2022
CLT-Tactical Awareness and Officer Safety	YES	02/08/2022
CLT-Uniforms, Personal Appearance and Equipment	YES	10/29/2020
Convicted Offender DNA Databank Specimen Collection Kit	YES	08/05/2022
Counter Terrorism Initial Patrol Response to an Active Shooter	YES	12/09/2019
Crisis Intervention Team Training	YES	09/19/2019
Customer Service Program: Roll Call Module 1, Introduction to Precinct Greeter Program	YES	02/05/2021
Customer Service Program: Roll Call Module 2, Communication Skills	YES	03/08/2021
Customer Service Program: How Did We Do	YES	02/26/2021
Equal Employment Opportunity for New Hires	YES	05/03/2018
FTS - Annual CEW Recertification	YES	04/12/2021
Highway Drug Impaired Driving Course	YES	09/24/2018
Highway Preliminary Breath Test Instrument Training - PBT	YES	09/24/2018
Integrating Communication, Assessment and Tactics (ICAT) Module 1	YES	10/08/2021
Integrating Communication, Assessment and Tactics (ICAT) Module 3	YES	01/31/2022
Integrating Communication, Assessment and Tactics (ICAT) Module 4	YES	03/08/2022
Integrating Communication, Assessment and Tactics (ICAT) Module 5	YES	05/12/2022
Integrating Communication, Assessment and Tactics (ICAT) Module 6	YES	08/05/2022
Integrating Communication, Assessment, and Tactics (ICAT) Module 7	YES	07/22/2022
Local Law 45 of 2021-Traffic Encounters	YES	01/20/2022

This form is an unofficial transcript and not valid for credit.

Student: MAMEDOV, ORKHAN

Date of Appointment: 04/25/2018

Tax ID #: 965787

DOB: [REDACTED]

CERTIFICATIONS

<u>Certification Name</u>	<u>Certified</u>	<u>Date Effective</u>
Patrol Door Bag - Rope and Wedge Introduction	YES	02/13/2019
Personnel Bureau - CAD - F.I.T. Point Program - Cardiovascular Endurance Run - PART 1	YES	04/07/2022
Personnel Bureau - CAD - F.I.T. Point Program - Job Standard Test - PART 2	YES	05/13/2022
Recruit Training Computer Course	YES	06/27/2018
RMB Body-Worn Camera Training with Scenarios	YES	10/15/2018
RMB Fair and Impartial Policing - All POs and Dets	YES	10/03/2018
Shield of Resilience Training Course	YES	09/17/2019
SRG - Rapid Mobilization (Patrol) Level 3	YES	08/05/2021
SRG - Rapid Mobilization (Patrol) Level 4	YES	08/02/2021
Text to 911 - Introduction	YES	02/13/2019
Vehicle Seizure Form	YES	08/05/2022

Department Training Video

Arrests - Religious Head Covering Guidelines (PG 208-83)	YES	12/01/2021
Best Practices in Structured Interviewing	YES	06/18/2022
Body-Worn Camera Review Part One	YES	10/23/2021
Body-Worn Camera Review Part Two	YES	10/23/2021
Illegal Evictions	YES	03/04/2022
Information Security Awareness Training 2021	YES	09/18/2021
National Incident-Based Reporting System (NIBRS) Updates to the Omniform Complaint System	YES	06/18/2022
Opioid Overdose Recognition and Narcan Administration -2021	YES	10/23/2021
Prohibited Methods of Restraint	YES	05/26/2022

Department Vehicle Qualifications

Recruit 12 Passenger Van / Utility Vehicle Qualification	YES	07/27/2018
Recruit RMP Qualification / RMP Operator Qualified	YES	07/27/2018

Distance Learning

Activity Log for iPhone	YES	12/31/2019
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This form is an unofficial transcript and not valid for credit.

Student: MAMEDOV, ORKHAN

Date of Appointment: 04/25/2018

Tax ID #: 965787

DOB: [REDACTED]

CERTIFICATIONS

<u>Certification Name</u>	<u>Certified</u>	<u>Date Effective</u>
Americans with Disabilities Act (ADA)	YES	11/05/2018
CJB - Desk Appearance Tickets: The NEW laws and guidelines for processing DATs	YES	12/05/2019
CJB - Overview of the New Discovery Laws	YES	12/05/2019
Collaborative Policing - Elder Abuse	YES	04/02/2019
Collaborative Policing - Mediation Referral Program for Non-Criminal Complaints	YES	05/30/2019
Collaborative Policing - The Deaf and Hard of Hearing Community	YES	05/15/2019
Collaborative Policing- Accessing Telephonic Interpreters via Language Line	YES	01/23/2019
COVID Vaccine Distribution and Education	YES	01/21/2021
Criminal Justice Bureau - DNA Training Video	YES	10/10/2019
Criminal Justice Bureau - Giglio Material Disclosures under the New Discovery Laws	YES	03/04/2020
Critical Decision Making Model	YES	10/10/2019
Crossfire Mitigation During Close Combat Incidents	YES	12/10/2019
Crossfire Mitigation During Close Combat Incidents - Part 2	YES	02/26/2020
Desk Appearance Tickets: The New Law and the New Guidelines for Processing DAT's - 2021 Refresher	YES	03/24/2021
Discharging Your Firearm at a Moving Threat	YES	11/13/2019
Discussion - Based Learning Module # 1-3	YES	07/09/2019
Domestic Violence Education and Counseling	YES	10/10/2019
Employee Assistance Unit-2021	YES	05/06/2021
Equal Employment Opportunity Training - Leave to Express Breast Milk	YES	12/01/2020
Equal Employment Opportunity Training - LGBTQIA+ Diversity and Inclusion / Executive Order 16 of 201	YES	05/06/2021
Equal Employment Opportunity Training - Sexual Harassment Awareness and Prevention 2021	YES	08/04/2021
Equal Employment Opportunity Training - Sexual Harassment, Awareness and Prevention	YES	07/16/2020
Equal Employment Opportunity Training - Sexual Harassment Awareness and Prevention	YES	12/25/2018
Force Policy Update Video	YES	10/10/2019

This form is an unofficial transcript and not valid for credit.

Student: MAMEDOV, ORKHAN

Date of Appointment: 04/25/2018

Tax ID #: 965787

DOB: [REDACTED]

CERTIFICATIONS

<u>Certification Name</u>	<u>Certified</u>	<u>Date Effective</u>
Health and Wellness Section - Module 1 - Psychological Health and Wellness	YES	08/06/2020
Health and Wellness Section - Module 10 - Seeking and Receiving Mental Health Support	YES	08/06/2020
Health and Wellness Section - Module 11 - Health and Resiliency	YES	08/06/2020
Health and Wellness Section - Module 12 - IN THAT DARK PLACE - An Officer's Journey	YES	08/06/2020
Health and Wellness Section - Module 2 - Job Counseling and Stress	YES	08/06/2020
Health and Wellness Section - Module 3 - Warning Signs	YES	08/06/2020
Health and Wellness Section - Module 4 - Cumulative Trauma	YES	08/06/2020
Health and Wellness Section - Module 5 - Gaining Perspective	YES	08/06/2020
Health and Wellness Section - Module 6 - Coping with Signs of Anxiety Depression	YES	08/06/2020
Health and Wellness Section - Module 7 - Leading with Compassion	YES	08/06/2020
Health and Wellness Section - Module 8 - Warning Signs, Support and Outreach	YES	08/06/2020
Health and Wellness Section - Module 9 - Managing Stress on the Job	YES	08/06/2020
Legal Bureau - Perjury Training Module	YES	04/02/2019
Legal Bureau Performance Metrics - Prohibited Conduct	YES	05/15/2019
Marijuana Burning Enforcement Policy	YES	12/30/2018
Marijuana Policy Update	YES	10/10/2019
Narcan Nasal Spray Training	YES	03/19/2019
New Laws Affecting Police Officers' Criminal and Civil Liability	YES	07/09/2020
NYC RIGHT TO KNOW ACT LEGISLATION - Part 1	YES	11/05/2018
NYC Right to Know Act Legislation - Part 2	YES	11/05/2018
Overview of the New Discovery Laws 2021 Refresher	YES	06/07/2021
P.A. Recruit NCIC/III Exam	YES	06/27/2018
P.A. Recruit NYPD Computer Use Policy And Monitoring Notice	YES	06/27/2018
P.A. Recruit Practice Exam April 2018	YES	06/04/2018

This form is an unofficial transcript and not valid for credit.

Student: MAMEDOV, ORKHAN

Date of Appointment: 04/25/2018

Tax ID #: 965787

DOB: [REDACTED]

CERTIFICATIONS

<u>Certification Name</u>	<u>Certified</u>	<u>Date Effective</u>
Patrol Guide 215-17 Police Actions Related Questioning Arrests and Investigations at a NYC Department	YES	06/07/2021
Processing Discovery Material in the FORMS Arrest Folder	YES	03/04/2020
Raise the Age	YES	09/18/2018
Responding to Commercial Robberies	YES	08/07/2019
Responding to Commercial Robberies Part II - Module 1 and Module 2	YES	11/30/2019
Responding to People in Crisis - Module 1: Sending the Right Signals	YES	01/09/2019
Responding to People in Crisis - Module 4: Using Department Mobile Digital Devices	YES	07/02/2019
Responding to People in Crisis - Modules 2 and 3: Active Listening Parts 1 and 2	YES	05/08/2019
Responding to People in Crisis-Introduction to CIT Video Series	YES	11/05/2018
Safeguarding Prisoners - Officer Safety Guidelines	YES	05/02/2019
Successfully Disarming an Emotionally Disturbed Person	YES	10/30/2019
Support Services Division - Class "C" Operator	YES	03/19/2019
Transit Bureau - Safety Considerations for patrolling the NYC Subway System	YES	07/23/2019
Transit Bureau - Safety Considerations for patrolling the NYC Subway System - Part 2	YES	07/09/2019
Transit Bureau - Timely Resumption of Service in NYC Transit	YES	07/09/2019
Utilizing Ballistic Protection in Department Vehicles (4:09)	YES	02/26/2020
Victim Blaming and Release of Information to the Media	YES	07/30/2020
WorldPride NYC 2019	YES	06/06/2019
Firearm Qualifications		
Firearms 5 Day Tactical Application V2	YES	07/23/2018
Off Duty Pistol Certified	YES	07/02/2018
Recruit Basic Firearms Qualification and Training	YES	06/22/2018
Non-Transcriptable		
Integrating Communication, Assessment and Tactics (ICAT) Module 2	YES	11/10/2021

This form is an unofficial transcript and not valid for credit.

Student: MAMEDOV, ORKHAN

Date of Appointment: 04/25/2018

Tax ID #: 965787

DOB: [REDACTED]

CERTIFICATIONS

<u>Certification Name</u>	<u>Certified</u>	<u>Date Effective</u>
Mayor Executive Order 78 Vaccination - Testing Compliance Policy	YES	09/15/2021
Police Academy Recruit PreReading Exam	YES	05/02/2018
Recruit Academic Training		
Police Academy Recruit 1st Trimester Exam	YES	06/11/2018
Police Academy Recruit 2nd Trimester Exam	YES	08/13/2018
Police Academy Recruit 3rd Trimester Exam	YES	10/05/2018
Police Academy Recruit Justification Written Exam	YES	08/10/2018
Police Academy Recruit Practice Written Exam	YES	06/04/2018
Police Academy Recruit Stop Question & Frisk Written Exam	YES	06/08/2018
Recruit Physical Training and Tactics		
Baton	YES	07/31/2018
Defensive Tactics	YES	06/07/2018
First Aid Exam	YES	07/10/2018
Frisking and Handcuffing	YES	06/29/2018
Ground Tactics	YES	09/25/2018
PTTD C.P.R / A.E.D. Exam	YES	08/22/2018
PTTD CPR Practical Exam	YES	05/29/2018
PTTD Defensive Tactics Review Written Exam	YES	10/02/2018
PTTD Expandable Baton	YES	08/22/2018
PTTD Water Safety	YES	10/02/2018
PTTD Weapons Defense	YES	08/16/2018
Recruit Rapid Deployment-Active Shooter	YES	10/04/2018

This form is an unofficial transcript and not valid for credit.

EXHIBIT 2

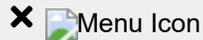


New York City Police Department AVL History



Resource	Vehicle	Date/Time	Street	Parol Boro	Sector	Speed (mph)	Course
73STONE	855016-73 PCT	04/07/2022 19:34:16	1457 E NEW YORK AVE	BN	73B	0.00	
73STONE	855016-73 PCT	04/07/2022 19:39:16	1457 E NEW YORK AVE	BN	73B	0.00	
73STONE	855016-73 PCT	04/07/2022 19:40:17	1457 E NEW YORK AVE	BN	73B	0.00	
73STONE	855016-73 PCT	04/07/2022 19:40:44	1457 E NEW YORK AVE	BN	73B	0.00	
73STONE	855016-73 PCT	04/07/2022 19:41:31	432 THOMAS S BOYLAND ST	BN	73B	7.52	E
73STONE	855016-73 PCT	04/07/2022 19:43:36	29 BRISTOL ST	BN	73B	7.63	W
73STONE	855016-73 PCT	04/07/2022 19:48:35	432 THOMAS S BOYLAND ST	BN	73B	0.00	
73STONE	855016-73 PCT	04/07/2022 19:53:35	432 THOMAS S BOYLAND ST	BN	73B	0.00	
73STONE	855016-73 PCT	04/07/2022 19:58:35	432 THOMAS S BOYLAND ST	BN	73B	0.00	
73STONE	855016-73 PCT	04/07/2022 20:03:18	430 THOMAS S BOYLAND ST	BN	73B	7.87	N
73STONE	855016-73 PCT	04/07/2022 20:04:08	419 THOMAS S BOYLAND ST	BN	73B	17.02	NW
73STONE	855016-73 PCT	04/07/2022 20:04:18	379 THOMAS S BOYLAND ST	BN	73B	6.51	N
73STONE	855016-73 PCT	04/07/2022 20:04:29	1636 EASTERN PKWY	BN	73B	12.80	SW
73STONE	855016-73 PCT	04/07/2022 20:04:40	1603 EASTERN PKWY	BN	73B	31.43	SW
73STONE	855016-73 PCT	04/07/2022 20:04:51	STERLING PL	BN	73B	28.01	SW
73STONE	855016-73 PCT	04/07/2022 20:05:02	1511 EASTERN PKWY	BN	73B	28.01	SW
73STONE	855016-73 PCT	04/07/2022 20:05:02	1511 EASTERN PKWY	BN	73B	28.01	SW
73STONE	855016-73 PCT	04/07/2022 20:05:13	1465 EASTERN PKWY	BN	73B	27.89	SW
73STONE	855016-73 PCT	04/07/2022 20:05:24	1427 EASTERN PKWY	BN	73B	29.64	SW
73STONE	855016-73 PCT	04/07/2022 20:05:35	1383 EASTERN PKWY	BN	73B	8.75	SW
73STONE	855016-73 PCT	04/07/2022 20:05:46	1335 EASTERN PKWY	BN	77D	40.20	W
73STONE	855016-73 PCT	04/07/2022 20:05:57	BUFFALO AVE	BN	77D	15.66	W
73STONE	855016-73 PCT	04/07/2022 20:06:08	1231 EASTERN PKWY	BN	77D	39.50	W
73STONE	855016-73 PCT	04/07/2022 20:06:19	1187 EASTERN PKWY	BN	77D	36.35	W
73STONE	855016-73 PCT	04/07/2022 20:06:30	1133 EASTERN PKWY	BN	77D	34.11	W
73STONE	855016-73 PCT	04/07/2022 20:06:41	1059 EASTERN PKWY	BN	77D	45.72	W
73STONE	855016-73 PCT	04/07/2022 20:06:52	1019 EASTERN PKWY	BN	77C	0.00	
73STONE	855016-73 PCT	04/07/2022 20:11:52	1016 EASTERN PKWY	BN	77C	0.00	
73STONE	855016-73 PCT	04/07/2022 20:16:52	1016 EASTERN PKWY	BN	77C	0.00	
73STONE	855016-73 PCT	04/07/2022 20:21:52	1016 EASTERN PKWY	BN	77C	0.00	
73STONE	855016-73 PCT	04/07/2022 20:26:52	1016 EASTERN PKWY	BN	77C	0.00	

EXHIBIT 3



Advertisement

[NYC Crime](#)

Panhandler struck and killed in median of busy Brooklyn street

By gardiner anderson and [Elizabeth Keogh](#)
New York Daily News

•
Oct 24, 2022 at 11:13 pm



A driver fatally struck a man panhandling in the median of a busy Brooklyn street on Sunday, police and witnesses said.

Walter Gonzalez, 56, was standing in the painted median near the intersection of Eastern Parkway and Schenectady Ave. in Crown Heights when he was hit around 6:30 p.m., cops said.

Advertisement

The NYPD Highway Patrol investigates after a pedestrian was fatally struck by a car on Eastern Parkway near Schenectady Avenue in Brooklyn, New York, on Sunday, October 23, 2022. (Gardiner Anderson/for New York Daily News)

Witnesses said the intersection — just blocks from his home — was Gonzalez's usual panhandling spot.

He died at the scene, where a blue pickup truck had extensive front-end damage.

Advertisement

Later, Gonzalez's wife arrived at the intersection and wailed as a friend tried to console her.

The driver who struck the man remained at the scene and did not immediately face charges, police said.

A blue pickup truck had extensive front-end damage from the collision. (Gardiner Anderson/for New York Daily News)

It's not the first time a pedestrian standing in the median was killed at this particular intersection.

Earlier this year, an [NYPD van struck and killed](#) Ronald Smith, 53, who was collecting change at the corner.

Smith was also standing in the median in the middle of the street when he was run down and dragged about 35 feet on April 7.

Officers tried to resuscitate him, but he could not be saved.

As the state Attorney General investigated the crash, the officer driving the van was [placed on modified duty](#) without a shield or gun.



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Advertisement

EXHIBIT 4

ORAL FLUID SAMPLE COLLECTION

Subjects must be observed for a minimum period of 10 minutes prior to the collection of Oral Fluid Samples

Consent Given per form? Yes No
Refused? Yes No

Cartridge Control Number _____

Dräger DrugTest 5000 Results:

COC..... Positive Negative Invalid
OPI..... Positive Negative Invalid
BZO..... Positive Negative Invalid
THC-5..... Positive Negative Invalid
AMP..... Positive Negative Invalid
MET..... Positive Negative Invalid
MTD..... Positive Negative Invalid

PRELIMINARY BREATH TEST

The subject shall be observed for at least 15 minutes prior to the collection of the breath sample, during which period the subject must not have ingested alcoholic beverages or other fluids, regurgitated, vomited, eaten, or smoked, or have placed anything in his/her mouth.

Actual Time the 15 Minutes Observation Period Began

2140

PBT Serial Number

ARFS -0098

PBT Reading Date Time
1000 04/07/22 2155

Officer's Signature/Shield

P.O. Gerber 17052

Subject Arrested? Yes No



STANDARDIZED FIELD SOBRIETY TEST NOTES
PD 383-141 (Rev. 02-20)

Subject's Name

Mamedov, Orkhan

DOB Sex Date
[Redacted] M 04/07/22

Officer Name Shield No.
P.O. Gerber 17052

Location of Testing (specify)

Eastern Pkwy. @ Schenectady Ave.

CIS Case Number (if applicable)
522-10

Notes
Subject shows no signs of impairment.

NUMBER 1: HORIZONTAL GAZE NYSTAGMUS TEST

Have subject remove glasses (if applicable). Position stimulus approximately 12-15 inches in front of subject's nose, slightly above eye level.

Glasses Yes No Equal Pupils Yes No
Contacts Yes No Resting Nystagmus Yes No
if Yes, Hard Soft Equal Tracking Yes No

(enter Yes or No)	Left	Right
Lack of Smooth Pursuit		
Distinct & Sustained Nystagmus @ Max Dev.		
Onset of Nystagmus prior to 45 degrees		

Vertical Gaze Nystagmus Yes No

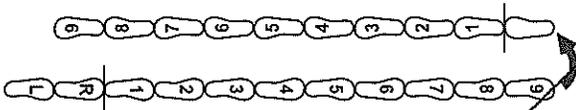
NUMBER 2: WALK AND TURN TEST

Instruction Stage

- Place your left foot on the line **DEMONSTRATE**
- Place your right foot on the line ahead of the left foot, with the heel of your right foot against the toe of the left foot **DEMONSTRATE**
- Place your arms down at your sides **DEMONSTRATE**
- Keep this position until I tell you to begin. Do not start to walk until told to do so.
- Do you understand the instructions so far?

Walking Stage

- When I tell you to start, take nine heel-to-toe steps on the line, turn, and take nine heel-to-toe steps back. **DEMONSTRATE 3 STEPS**
- When you turn, keep the front foot on the line, and turn by taking a series of small steps with the other foot like this **DEMONSTRATE TURN AND 3 STEPS**
- While you are walking, keep your arms at your sides, watch your feet at all times, and count your steps out loud
- Once you start walking, don't stop until you have completed the test.
- Do you understand the instructions?
- Begin, and count your first step from the heel-to-toe position as "one."



Cannot Keep Balance	Starts Too Soon	
	1 st Nine	2 nd Nine
Stops Walking		
Misses Heel-To-Toe (<i>more than 1/2"</i>)		
Steps Off Line		
Uses Arms to Balance (<i>more than 6"</i>)		
Actual Steps Taken		
Describe Turn		

Cannot Do Test (*explain*):

NUMBER 3: ONE LEG STAND TEST

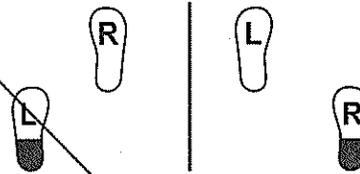
Instruction Stage

- Stand with your feet together with your arms down at your sides, like this **DEMONSTRATE**
- Do not start to perform the test until I tell you to do so.
- Do you understand the instructions so far?

Balance and Counting Stage

- When I tell you to start, raise one leg, either leg approximately 6 inches off of the ground, keeping your raised foot parallel to the ground. **DEMONSTRATE**
- Keep both legs straight and arms at your side.
- While holding that position, count out loud in the following manner "one thousand and one, one thousand and two, one thousand and three" and so on until told to stop.
- Keep both legs straight, and keep watching the raised foot.
- Do you understand?
- Go ahead and begin the test

Time test for 30 seconds. If the subject puts their foot down, instruct them to pick up the foot again, and continue counting from the point at which the foot touched the ground.



STAND ON EITHER FOOT FOR THE TEST

L (on ground)		R (on ground)
	Sways While Balancing (<i>Side to side, back to front</i>)	
	Uses Arms to Balance (<i>Raises arms more than 6" from their side</i>)	
	Hopping	
	Puts Foot Down	

If Subject Can Not Perform Test, Explain

Dräger

Dräger Mobile Printer

Location

Eastern Pkwy. e Schenectady
Ave.

Alcotest 7510

Device-No. : ARFJ-0098

Printer-No. : ARFE-5059

Rec.Ref.Nr. : 953

Sample-No. : 928

MM DD YYYY hh:mm:ss

04 07 2022 21:55:11

Surname:

Mamedov

First Name(s):

Orkhan

Date of Birth:

[REDACTED]

Operator:

P.O. Gerber

Subject Analysis

0.000 %

Signature

P.O. Gerber 17062

EXHIBIT 5



MOTOR VEHICLE COLLISION AND MECHANISM REPORT (PART 1)

PD 301-151 (Rev. 10-13)

No. Killed 1 No. Injured 0 No. of Vehicles 1 No. of Pedestrians 1 Leaving Scene NO Photos YES

Date of Report 04/07/2022 Date of Collision 04/07/2022 Time 2007 Day THURSDAY

Precinct 77 Collision No. 0320 Aided No. N/A Complaint No. 1925 Case No. 522-10

Collision Occurred On: EASTERN PARKWAY

N/A feet N S E W of / at SCHENECTADY AVENUE

Borough BROOKLYN PF PNF CF CNF BF BNF Supplementary NO Pick up NO

VEHICLES

Year 2016 Make CHEVROLET Model EXPRESS Type VAN Color WHITE Reg. No. 855016 State N/A

Operator MAMEDOV, ORKHAN Address 1470 EAST NEW YORK AVENUE BROOKLYN NY, 11212

Sex MALE D.O.B. Class Lic. N/A No. N/A State N/A

Vehicle Identification No. 1GAWGFG3G1340084 Cargo N/A Veh. Wt. 8600 lbs.

Ins. Code No. 994 Policy No. N/A Number of Occupants 6

Owner NYPD Address 53-15 58 STREET QUEENS NY, 11377

Year N/A Make N/A Model N/A Type N/A Color N/A Reg. No. N/A State N/A

Operator N/A Address N/A

Sex N/A D.O.B. N/A Class Lic. N/A No. N/A State N/A

Vehicle Identification No. N/A Cargo N/A Veh. Wt. N/A lbs.

Ins. Code No. N/A Policy No. N/A Number of Occupants N/A

Owner N/A Address N/A

PERSONS KILLED OR INJURED

Name SMITH, RONALD, A Address

Oper. Veh. No. N/A Pass. Veh. No. N/A Where Seated N/A Pedestrian YES Sex M Age 53

Date of Death 04/07/2022 Time 2026 Removed to KINGS COUNTY HOSPITAL Hospital/Morgue

Victim Ejected N/A Wore Safety Belt N/A Injury SEVERE HEAD AND BODY TRAUMA

Name N/A Address N/A

Oper. Veh. No. N/A Pass. Veh. No. N/A Where Seated N/A Pedestrian N/A Sex - Age -

Date of Death N/A Time N/A Removed to N/A Hospital/Morgue

Victim Ejected N/A Wore Safety Belt N/A Injury N/A

Name N/A Address N/A

Oper. Veh. No. N/A Pass. Veh. No. N/A Where Seated N/A Pedestrian N/A Sex - Age -

Date of Death N/A Time N/A Removed to N/A Hospital/Morgue

Victim Ejected N/A Wore Safety Belt N/A Injury N/A

Name N/A Address N/A

Oper. Veh. No. N/A Pass. Veh. No. N/A Where Seated N/A Pedestrian N/A Sex - Age -

Date of Death N/A Time N/A Removed to N/A Hospital/Morgue

Victim Ejected N/A Wore Safety Belt N/A Injury N/A

WITNESSES

Name N/A Address N/A Tel. No. N/A

Name N/A Address N/A Tel. No. N/A

Name N/A Address N/A Tel. No. N/A

WEATHER AND TERRAIN CONDITIONS

Table with columns: WEATHER, LIGHT CONDITION, AREA, LOCATION, ROAD, ROAD CONDITION, SURFACE. Rows include Clear, Cloudy, Rain, Snow, Sleet, Fog.

Table with columns: TRAFFIC CONTROL, VEHICLE DIRECTION, PEDESTRIAN ACTIONS. Rows include Police Officer, Signal Light, Stop Sign, Pedestrian Signal, Yield Sign, Other, None.

DRIVER VISION BLOCKED
VEH. No. 1 YES NO
VEH. No. YES NO

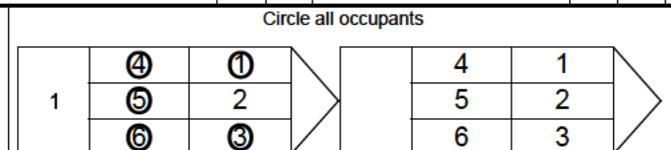


Table with columns: OPR./PED. CONDITION, OPR., PED. Rows include PHYSICAL DEFECT, INTOXICATED, APPARENTLY NORMAL, UNKNOWN.

EXHIBIT 6

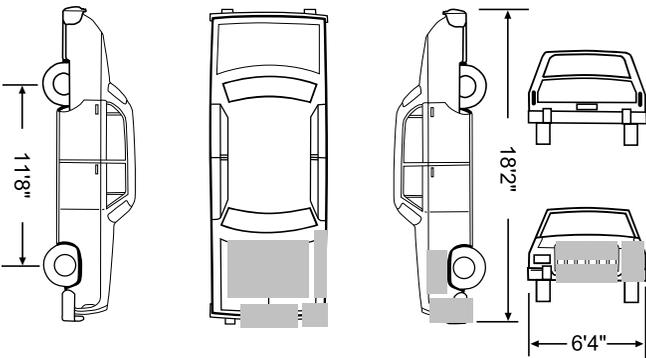


DESCRIPTION OF COLLISION

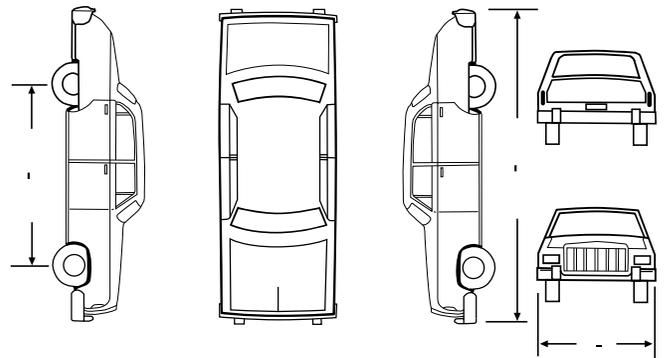
VEHICLE #1 (A MARKED NYPD VAN ASSIGNED TO THE 73RD PRECINCT) WAS TRAVELING WESTBOUND ON EASTERN PARKWAY AND CROSSED OVER THE INTERSECTION OF SCHENECTADY AVENUE. VEHICLE #1 CONTINUED WESTBOUND ON THE MARKED CENTER MEDIAN OF EASTERN PARKWAY WITH ITS EMERGENCY LIGHTS ACTIVATED AND STRUCK PEDESTRIAN #1 WHO WAS STANDING IN THE CENTER MEDIAN, WEST OF THE MARKED CROSSWALK. PEDESTRIAN #1 WAS THROWN TO THE ROADWAY AND DID SUSTAIN SEVERE HEAD AND BODY TRAUMA. THE PEDESTRIAN WAS REMOVED TO KINGS COUNTY HOSPITAL BY EMS AND PRONOUNCED DECEASED BY DR. WILLIS AT 2026 HOURS. THIS COLLISION IS BEING INVESTIGATED BY THE NYPD HIGHWAYPATROL COLLISION INVESTIGATION SQUAD #2, CIS #522-10.

SKIDMARK DATA			DECCELEROMETER BRAKE TEST CALIBRATED AT 20 MPH					
REG. No.	VEH. NO. <u>1</u>	VEH. NO. <u>-</u>	TIME	DATE	GRADE	LOCATION		
FRONT LEFT	N/A	N/A	N/A	N/A	N/A	N/A		
FRONT RIGHT	N/A	N/A	N/A	N/A	N/A	N/A		
REAR LEFT	N/A	N/A	Veh. No.	Decelerometer No.	Foot	Results	Emergency	Results
REAR RIGHT	N/A	N/A	<u>1</u>	N/A	N/A	N/A	N/A	N/A
LONGEST SKID	N/A	N/A	-	N/A	N/A	N/A	N/A	N/A
COEFF. FRICTION	N/A	N/A	PHYSICAL EXAMINATION OF BRAKE SYSTEM					
COMPUTED SPEED	N/A	N/A	Veh. No.	Pedal Pressure		Fluid/Air Leak		
LEGAL SPEED	25 MPH	N/A	<u>1</u>	FIRM		NONE		
			-	N/A		N/A		

DAMAGE TO VEHICLE — DESCRIBE AND SHADE DAMAGED AREAS



Veh. No. 1
 FRONT COLLISION DAMAGE
 FRONT HOOD COLLISION DAMAGE
 LEFT SIDE FRONT QUARTER PANEL COLLISION DAMAGE



Veh. No. -

SAFETY EQUIPMENT INSPECTION

	Veh. No. <u>1</u>	Reg. No. <u>NY - 855016</u>	Veh. No. <u>-</u>	Reg. No. <u>N/A</u>
Inspection Stamp — Expiration Date.	NY INSP #1136115 EXP: 07/31/2022		N/A	
Tire (Size & Condition)	QTY: (4) LT 245/75R16 (GOOD)		N/A	
Type Transmission/Position	AUTOMATIC/PARK		N/A	
Headlights/Condition	LEFT COLLISION DAMAGE		N/A	
Tail Lights/Condition	PRESENT/WORKING		N/A	
Brake Lights	PRESENT/WORKING		N/A	
Directionals	FRONT LEFT COLLISION DAMAGE		N/A	
Steering Mechanism	POWER STEERING		N/A	
Windshield Wipers	PRESENT/WORKING		N/A	
Mirror Locations	LEFT, REAR-VIEW, RIGHT		N/A	
Horn	PRESENT/WORKING		N/A	
Safety Belts Installed	QTY: (11) 3 POINT HARNESS		N/A	
Reflectors	FACTORY INSTALLED / REFLECTIVE MARKINGS		N/A	
Front Windshield	PRESENT/CLEAR		N/A	
Mileage	49,094		N/A	

POLICE ACTION

DEFENDANT N/A SUMMONS/ARREST No. N/A PCT. N/A
 CHARGES N/A
 ACTION BY: RANK N/A NAME N/A SHIELD N/A COMMAND N/A
 C.I.S. TECHNICIAN P.O. KEHOE *P.O. Kehoe* SHIELD 20767 COMMAND HWY CTG
 Type Name and Signature

EXHIBIT 7

John Kwasnoski

Collision Reconstruction Consultation

[REDACTED]

I am John B. Kwasnoski, retired from Western New England University, as Prof. Emeritus of Forensic Physics after 31 years on the faculty . I am a certified police trainer in more than twenty states, and I have instructed prosecutors, police, and civil attorneys on more than 400 occasions and in all fifty states. I am the crash reconstructionist on the “Lethal Weapon - DWI Homicide” team formed by the National Traffic Law Center to teach prosecutors how to utilize expert witness testimony and cross examine adverse expert witnesses. I have reconstructed more than 1,300 crashes, including multiple and single vehicle, pedestrian, motorcycle, and train crashes, and have given sworn testimony on more than 200 occasions; I have trained with the NYPD collision reconstruction unit for more than ten years, and continue to serve as a consultant to prosecutors nationwide on MV homicide cases. I have worked for more than twenty major insurers as a consultant/expert witness, and have conducted training for the claims adjusters and special investigators of a number of insurance companies.

I served as an expert in several cases of national significance including **S. Carolina v. Susan Smith** (a mother’s drowning murder of her two children) in which I participated in the re-enactment of the drowning in a submerged automobile and the creation of a video used in the sentencing phase of the trial, and was the reconstructionist for the plaintiff in the case of **Ulm v. Ford Motor Co.** in which a Vermont jury awarded the plaintiff more than one million dollars.

My writings and professional activity for the past 35 years is detailed in my professional resume in Appendix A of this report.

My assignment in this case was as follows:

Reconstruct the events of this vehicle-pedestrian collision

Develop information regarding reaction and braking distances for further discussions

Comment on facts not known, or issues unresolved by the investigation and reconstruction

Give an opinion on the avoidance of this collision at other hypothetical speeds

Ronald Smith pedestrian fatality

Synopsis of the collision:

An NYPD van was transporting prisoners to Court on the evening on April 7, 2022. It was raining and the roadway was wet. The 2016 Chevrolet Express van was traveling Westbound on Eastern Parkway; at some point the vehicle at some point moved to its left from the second lane and entered the emergency vehicle lane. The van was being operated by Officer Orkham Mamedov with Officer Evan Siegel in the front passenger seat and four prisoners in the rear of the van. A pedestrian was located in the emergency lane, which was marked by two solid yellow lines and diagonal striping (as shown in 522-10 (4)). A witness described that the pedestrian was walking Westbound with his back toward the Westbound traffic. The NYPD van struck the pedestrian with its left front, causing damage to the hood and left headlight area and the van come to a controlled final rest with the pedestrian lying just adjacent to the driver's side door. The pedestrian, Ronald Smith, was fatally injured in the collision.



522-10 (4) View Westbound in the direction the NYPD van was traveling

The methodology used in this reconstruction is time-distance-speed, which is generally accepted by the courts and used by collision reconstructionists.

The final rest position of the NYPD van is the starting point 1 See the drawing on the next page.

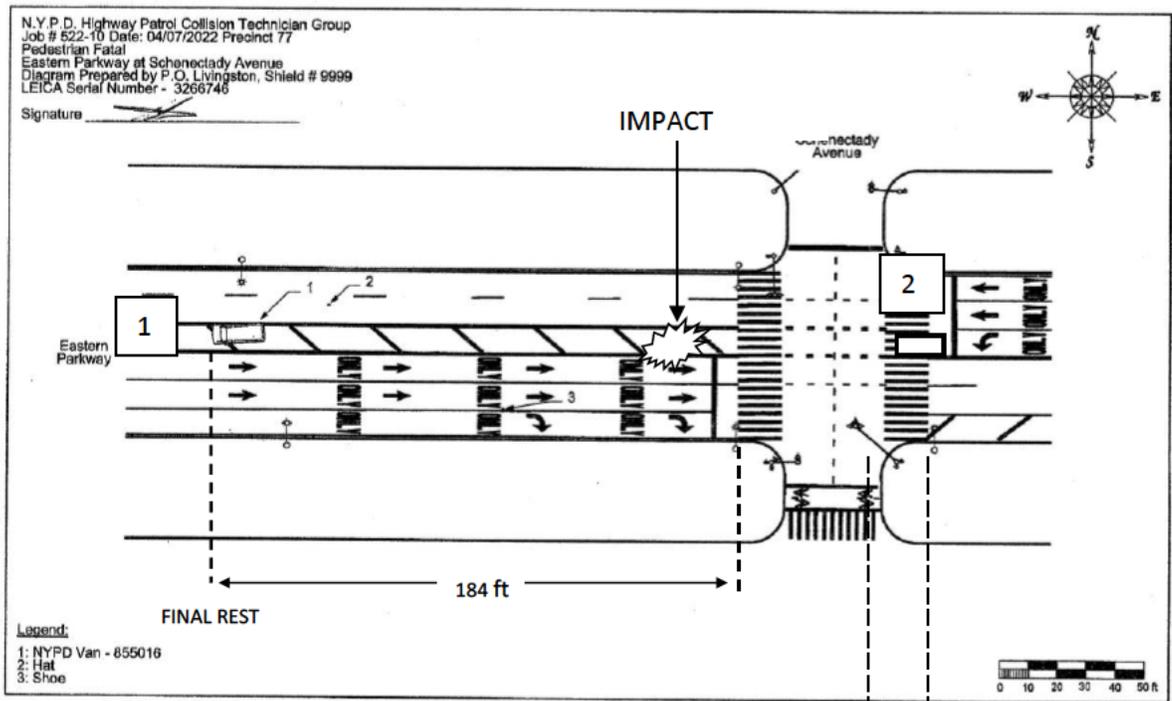
The distance from where the van driver first saw the pedestrian to the position of the van where it came to rest is then calculated for a range of ABS brake percentages (the amount of braking the driver used in the emergency stop is taken as a percentage of full braking, 90% - 100%).

The van is backed up a distance equal to the total stopping distance

2

This is the point where the van operator started the mental process that resulting in his applying the brakes. This process is called the perception-reaction process.

Then the reconstruction of the forward motion of the van at hypothetical speeds determines if the collision was avoidable.



The van was between the two dashed lines when the driver started reacting to the pedestrian

Glossary:

The following technical terms are used in the report and definition is given here to facilitate understanding of the report.

ABS braking – the brakes on the NYPD van were antilock brakes (Antilock Braking System)

drag factor – an index that describes how frictional or slippery a road surface is. The wet road had a low drag factor; the same road when it is dry would have a higher drag factor value. Physics books refer to this as “coefficient of friction”.

perception-reaction time – the time it takes a driver to complete the four cognitive phases of reacting (seeing, recognition of a danger, decision, and action)

perception-reaction distance – the distance a vehicle travels while the driver is going through the perception-reaction process.

braking distance – the distance it takes to stop the vehicle once the brakes have been applied

total stopping distance – the total of the reaction and stopping distances

lane change distance – the distance it takes for a vehicle to change from one lane to another in a swerving action.

AVL (Automatic Vehicle Location system) – a tracking system on the NYPD van that uses GPS technology to track the NYPD vehicle and record its speed and location.

point of impact (POI) – the point where contact was made between the vehicle and the pedestrian

area of impact (AOI) – a general area where the impact occurred, used when the exact point of impact is not known

Analysis of evidence.

Following a phone conference with AAG Sandra Roberts and Det. William Carbone a file of materials was made available to this author via the NY AG’s cloud service, which this author accessed on 9/16/22. The documents, videos, and photographs included (among others) the following files:

NYPD MOTOR VEHICLE COLLISION AND MECHANISM REPORT (PART 1)
PD 301-151 (Rev. 10-13)

NYPD MOTOR VEHICLE COLLISION AND MECHANISM REPORT (PART 2)

PD 301-151 (Rev. 10-13)

43 color photographs numbered 522-10 (1) through 522-10(43)

An NYPD scale diagram of the scene prepared by NYPD Off. Livingston

NYPD POLICE ACCIDENT REPORT (NYC) MV-104AN (7/11)

Dept of Motor vehicles Report

NY State Dept of Motor Vehicles Early Notification of a Fatal Accident

NYPD Photo Index (2 pages)

HIGHWAY DISTRICT Collision Investigation Squad PRELIMINARY INVESTIGATIVE WORKSHEET

522-10V (1) and 522-10V (2) videos

-----other documents, audio recordings, videos, etc -----

Calculations

Total stopping distance

The total stopping distance is determined by considering the **reaction distance** during which an operator is sensing a danger and making a decision to react and the **braking distance**, which is the distance it takes for the vehicle braking system to bring the vehicle to rest following the operator's applying the brakes. The sum of these two distances is called the vehicle's **total stopping distance**. This methodology is generally-accepted and taught to reconstructionists and has been accepted by the Courts. When an operator is presented with a potential danger the reaction process involves four phases – perception, recognition, decision, action. The entire process is called the **perception reaction time** or **PRT**. During these phases the operator's vehicle continues to move forward with no change in its speed since no braking action has yet occurred.

Once the brakes are applied by the operator the vehicle braking system takes over and it then requires a certain distance to bring the vehicle to a stop based on the vehicle speed and the friction (drag factor) of the road. Thus the total stopping distance is determined by factors including vehicle speed, operator PRT, and road drag factor. The stopping distance, D_s , is calculated using

$$D_s = 1.47 S t + S^2 / 30 f$$

S = vehicle speed (mph)

t = operator PRT (sec)

f = road drag factor

For these stopping distance calculations a PRT value of 1.5 sec was used. This is the value from the scientific literature (Olson¹) and is within other published ranges². The road friction or drag factor value of 0.45 is the lower end of the range for wet asphalt road surfaces, also taken from the literature.³ Note: when this value is adjusted for ABS braking a value of 0.50 is used in the calculations. The total stopping distance results are presented in Appendix A at the end of this report.

- 1 Olson, Forensic Aspects of Driver Perception and Response, Lawyers & Judges Publishing, 1996, p.187
- 2 Muttart, Handbook for Human Factors in Litigation, 2004.
- 3 Kwasnoski, Kwasnoski's Little Red Book, 3rd Edition, Legal Sciences, p. 43

AVL History data (The Automated Vehicle Location System in the police van)

Notes from the Narrative: (The complete narrative is on the following pages.)

Source: Force Investigation Division, NYPD, Preliminary Investigation Worksheet

Eastern Parkway runs east and west bound and consists of a main road with a service road on each side. The main road of Eastern Parkway consists of two lanes of travel in each direction separated by a double yellow line (median). Between the main road and service road, there is a pedestrian walkway. The service road consists of one lane of traffic with parking on both sides.

After traveling an additional two blocks, Police Officer Mamedov arrived at the intersection of Eastern Parkway and Schenectady Avenue [AVL]. There, he continued westbound through a steady green traffic signal while traveling at approximately 45.72 miles per hour [AVL]. The entire AVL chart is on p. 15 of this report.

(EDIT) Note: This position of the NYPD vehicle is placed at the Eastern edge of the intersection (at the Western edge of the pedestrian crosswalk, as indicated in Illustration RS-01b).

It should be noted that during Police Officer Seigel's official Department interview, he stated that the prisoners were distracting the officers by yelling incoherently and causing a disturbance during the transport.

Prior to van #8550 entering the intersection, Mr. Smith was walking eastbound on the median between eastbound and westbound traffic on Eastern Parkway. A review of Argus cameras revealed Mr. Smith arrived at the location at approximately 1936:32 hours. He walked on the median eastbound on Eastern Parkway from Troy Avenue until he arrived in the vicinity of Schenectady Avenue. While on the median, Mr. Smith approached eastbound vehicles that stopped at the red traffic signal, apparently panhandling. He remained there for approximately thirty minutes and continued to approach vehicles and raise his arms to garner the attention of the motorists.

Ronald Smith walking eastbound on the median of Eastern Parkway, toward Schenectady Avenue walking toward the approaching NYPD van immediately prior to the collision



At 2006:29 hours [Argus], Mr. Smith walked eastbound on the median toward the intersection of Eastern Parkway and Schenectady Avenue. Subsequently, Police Officer Mamedov proceeded through the intersection and continued to drive westbound on Eastern Parkway. Prior to Mr. Smith reaching the intersection, he was stuck by van # 8550. At 2006:43 hours [Argus], Police Officer Mamedov stopped the van on the median and he and Police Officer Siegel exited the vehicle [Argus].

Complete Narrative (unedited)

1. **Narrative:** The basis for the following narrative is comprised of the preliminary investigation, consisting of a review of body-worn camera footage, CCTV video, and Department records, as well as interview of civilians witnesses and witness members of the service under the provisions of Administrative Guide 318-11:

On Thursday, April 7, 2022, at approximately 2006:43 hours [Argus], Police Officer Orkhan Mamedov, tax # 965787 (*equipped with a body-worn camera –activated*), and Police Officer Evan Siegel, tax # 972253 (*equipped with a body-worn camera –activated*), assigned to 73rd Precinct sector C1 in marked van # 8550, struck a pedestrian, later identified as Ronald Smith, M/B/53, who was panhandling at the intersection of Eastern Parkway and Schenectady Avenue, Brooklyn, New York, within the confines of the 77th Precinct. The motor vehicle collision caused extensive internal and external injuries to Mr. Smith. He was transported to Kings County Hospital Center where he succumbed to his injuries and was pronounced deceased. At the time of the incident, Police Officer Mamedov and Police Officer Siegel were transporting four prisoners to Brooklyn Central Booking from the 73rd Precinct stationhouse. The details are as follows:

On Thursday, April 7, 2022, Sergeant Essence McDonald, tax # 949300 (*equipped with a body-worn camera – not activated*), 73rd Precinct desk officer, assigned Police Officer Mamedov and Police Officer Siegel to transport the following four prisoners to Brooklyn Central Booking: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], [REDACTED]. At 2000:24 hours [CCTV], Police Officer Mamedov and Police Officer Siegel exited the stationhouse with the prisoners and escorted them to the rear of van # 8550, which was parked in the rear parking lot of the 73rd Precinct stationhouse. Police Officer Mamedov (operator) and Police Officer Siegel (recorder), then entered the RMP and departed from the parking lot at 2003:00 hours [CCTV].

Police Officer Mamedov proceeded northbound on Thomas S. Boyland Street and turned left onto westbound Eastern Parkway at 2004:29 hours [AVL]. *Eastern Parkway runs east and west bound and consists of a main road with a service road on each side. The main road of Eastern Parkway consists of two lanes of travel in each direction separated by a double yellow line (median). Between the main road and service road, there is a pedestrian walkway. The service road consists of one lane of traffic with parking on both sides.* He proceeded westbound on Eastern Parkway for approximately seven blocks before reaching the intersection of Eastern Parkway and Buffalo Avenue at 2005:57 hours [Argus]. *During that span of travel, van #8550's maximum speed was 40.20 miles per hour [AVL].* Police Officer Mamedov approached the intersection with van #8550's turret lights and sirens activated and proceeded westbound through a steady red traffic signal. He then traveled an additional block and reached the intersection of Eastern Parkway and Rochester Avenue at 2006:15 hours [Argus]. At the intersection, Police Officer Mamedov proceeded through a second steady red traffic signal and continued westbound on Eastern Parkway [CCTV]. After traveling an additional two blocks, Police Officer Mamedov

arrived at the intersection of Eastern Parkway and Schenectady Avenue [AVL]. There, he continued westbound through a steady green traffic signal while traveling at approximately 45.72 miles per hour [AVL]. *It should be noted that during Police Officer Seigel's official Department interview, he stated that the prisoners were distracting the officers by yelling incoherently and causing a disturbance during the transport.*

Prior to van #8550 entering the intersection, Mr. Smith was walking eastbound on the median between eastbound and westbound traffic on Eastern Parkway. A review of Argus cameras revealed Mr. Smith arrived at the location at approximately 1936:32 hours. He walked on the median eastbound on Eastern Parkway from Troy Avenue until he arrived in the vicinity of Schenectady Avenue. While on the median, Mr. Smith approached eastbound vehicles that stopped at the red traffic signal, apparently panhandling. He remained there for approximately thirty minutes and continued to approach vehicles and raise his arms to garner the attention of the motorists.

At 2006:29 hours [Argus], Mr. Smith

Ronald Smith walking eastbound on the median of Eastern Parkway, toward Schenectady Avenue immediately prior to the collision

walked eastbound on the median toward the intersection of Eastern Parkway and Schenectady Avenue. Subsequently, Police Officer Mamedov proceeded through the intersection and continued to drive westbound on Eastern Parkway. Prior to Mr. Smith reaching the intersection, he was stuck by van # 8550. At 2006:43 hours [Argus], Police Officer Mamedov stopped the van on the median and he and



Police Officer Siegel exited the vehicle [Argus]. The officers approached Mr. Smith who was lying on the ground directly next to the van. At 2007:46 hours [ICAD], Police Officer Mamedov requested EMS to Eastern Parkway and Schenectady Avenue for a pedestrian struck by an automobile. He then began performing chest compressions on Mr. Smith while Police Officer Siegel returned to the van to secure the prisoners. *It should be noted that all four prisoners refused medical attention after being removed from the scene back to the 73rd Precinct.*

At 2009:10 hours [ICAD], EMS arrived at the scene and rendered medical aid to Mr. Smith. At 2013:45 hours [BWC – Police Officer Mamedov], EMS placed Mr. Smith in the ambulance and informed Police Officer Mamedov that they were transporting him to Kings

County Hospital Center. At 2014:54 hours [BWC – Police Officer Mamedov], Sergeant Jonathan Cotter, tax # 953785 (*equipped with a body-worn camera – not activated*), 77th Precinct Neighborhood Coordination sergeant, arrived at the scene. Police Officer Mamedov informed him that he was conducting a prisoner transport when he struck Mr. Smith with the van. Police Officer Mamedov added that he was traveling with the turret lights and sirens activated and Mr. Smith was walking on the median at the time of the collision [BWC – Police Officer Mamedov]. Sergeant Cotter established a crime scene and requested the response of the Highway District’s Collision Investigation Squad. At 2016:45 hours [BWC – Police Officer Mamedov], Sergeant Korkut Koseoglu, tax # 949176 (*equipped with a body-worn camera – not activated*), 73rd Precinct patrol supervisor, arrived at the location, at which point Police Officer Mamedov informed him “We hit him, he is going to KCH.”

Mr. Smith was removed from the scene by EMS and transported to Kings County Hospital Center Emergency Department where he was treated by Doctor James Willis. According to Doctor Willis, Mr. Smith arrived in the Emergency Department in cardiac arrest. He suffered a broken right leg, head trauma, and abrasions to the right arm and right leg. Doctor Willis conducted an ultrasound, which revealed substantial internal bleeding. Mr. Smith was intubated in the Emergency Department; however, he was unable to be revived and Doctor Willis determined that his injuries were not survivable. Doctor Willis subsequently pronounced Mr. Smith deceased at 2026 hours [Interview]. An autopsy of Ronald Smith was conducted on Friday, April 8, 2022, by Doctor Kunil Raval at the Office of the Chief Medical Examiner – Kings County. Doctor Raval ruled the cause of death as a result of a motor vehicle accident.

The Highway District’s Collision Investigation Squad responded to the scene and conducted an investigation into this incident under CIS case # 52210. In addition, the Force Investigation Division was notified and responded in order to conduct a concurrent investigation into the event(s) leading up to the pedestrian struck. An extensive canvass for witnesses and surveillance video cameras was conducted, which resulted in the recovery of probative video.

Various investigative steps have been taken in an attempt to ascertain any possible next of kin for Ronald Smith. At the time of this report, there has not been a next of kin notification made. The Highway District’s Collision Investigation Squad, in conjunction with the Missing Persons Squad, will continue to attempt to identify possible family members of the deceased.

AVL for RMP # 8550-16

This is the printout of the Automatic Vehicle Location (AVL) system that was on board the NYPD van. The point where the van entered the intersection of Eastern Parkway and Schenectady Ave is circled.

Executed: 4/7/2022 21:58		Executed by: NYPDFINEST\K0947136						
		New York City Police Department AVL History						
Resource	Vehicle	Date/Time	Street	Parol Boro	Sector	Speed (mph)	Course	
73STONE	855016-73 PCT	04/07/2022 19:34:16	1457 E NEW YORK AVE	BN	73B	0.00		
73STONE	855016-73 PCT	04/07/2022 19:39:16	1457 E NEW YORK AVE	BN	73B	0.00		
73STONE	855016-73 PCT	04/07/2022 19:40:17	1457 E NEW YORK AVE	BN	73B	0.00		
73STONE	855016-73 PCT	04/07/2022 19:40:44	1457 E NEW YORK AVE	BN	73B	0.00		
73STONE	855016-73 PCT	04/07/2022 19:41:31	432 THOMAS S BOYLAND ST	BN	73B	7.52	E	
73STONE	855016-73 PCT	04/07/2022 19:43:36	29 BRISTOL ST	BN	73B	7.63	W	
73STONE	855016-73 PCT	04/07/2022 19:48:35	432 THOMAS S BOYLAND ST	BN	73B	0.00		
73STONE	855016-73 PCT	04/07/2022 19:53:35	432 THOMAS S BOYLAND ST	BN	73B	0.00		
73STONE	855016-73 PCT	04/07/2022 19:58:35	432 THOMAS S BOYLAND ST	BN	73B	0.00		
73STONE	855016-73 PCT	04/07/2022 20:03:18	430 THOMAS S BOYLAND ST	BN	73B	7.87	N	
73STONE	855016-73 PCT	04/07/2022 20:04:08	419 THOMAS S BOYLAND ST	BN	73B	17.02	NW	
73STONE	855016-73 PCT	04/07/2022 20:04:18	379 THOMAS S BOYLAND ST	BN	73B	6.51	N	
73STONE	855016-73 PCT	04/07/2022 20:04:29	1636 EASTERN PKWY	BN	73B	12.80	SW	
73STONE	855016-73 PCT	04/07/2022 20:04:40	1603 EASTERN PKWY	BN	73B	31.43	SW	
73STONE	855016-73 PCT	04/07/2022 20:04:51	STERLING PL	BN	73B	28.01	SW	
73STONE	855016-73 PCT	04/07/2022 20:05:02	1511 EASTERN PKWY	BN	73B	28.01	SW	
73STONE	855016-73 PCT	04/07/2022 20:05:02	1511 EASTERN PKWY	BN	73B	28.01	SW	
73STONE	855016-73 PCT	04/07/2022 20:05:13	1465 EASTERN PKWY	BN	73B	27.89	SW	
73STONE	855016-73 PCT	04/07/2022 20:05:24	1427 EASTERN PKWY	BN	73B	29.64	SW	
73STONE	855016-73 PCT	04/07/2022 20:05:35	1383 EASTERN PKWY	BN	73B	8.75	SW	
73STONE	855016-73 PCT	04/07/2022 20:05:46	1335 EASTERN PKWY	BN	77D	40.20	W	
73STONE	855016-73 PCT	04/07/2022 20:05:57	BUFFALO AVE	BN	77D	15.66	W	
73STONE	855016-73 PCT	04/07/2022 20:06:08	1231 EASTERN PKWY	BN	77D	39.50	W	
73STONE	855016-73 PCT	04/07/2022 20:06:19	1187 EASTERN PKWY	BN	77D	36.35	W	
73STONE	855016-73 PCT	04/07/2022 20:06:30	1133 EASTERN PKWY	BN	77D	34.11	W	
73STONE	855016-73 PCT	04/07/2022 20:06:41	1059 EASTERN PKWY	BN	77D	45.72	W	
73STONE	855016-73 PCT	04/07/2022 20:06:52	1019 EASTERN PKWY	BN	77C	0.00		
73STONE	855016-73 PCT	04/07/2022 20:11:52	1016 EASTERN PKWY	BN	77C	0.00		
73STONE	855016-73 PCT	04/07/2022 20:16:52	1016 EASTERN PKWY	BN	77C	0.00		
73STONE	855016-73 PCT	04/07/2022 20:21:52	1016 EASTERN PKWY	BN	77C	0.00		
73STONE	855016-73 PCT	04/07/2022 20:26:52	1016 EASTERN PKWY	BN	77C	0.00		

Point of impact, location of the impact on the roadway.

The impact caused injuries to Mr. Smith consistent with a car-pedestrian impact with a high, flat front profile vehicle like the NYPD van. The injuries to the neck/head match the damage to the hood of the van as depicted in the photograph. The damage to the vehicle is consistent with an impact speed of 45 mph



The location of the impact in the emergency lane was determined by information from witnesses, the location of one of Mr. Smith’s sneakers, and most importantly by Det. Carbone’s investigation at the scene. The presence of a baseball hat (believed to be Mr. Smith’s) in the roadway further to the West is not good evidence of the point of impact (POI) because it may have been carried forward after the impact and then fell of the hood of the van onto the roadway approximately 20 – 25 ft to the rear of the stopped van.



The location of the impact (identified as an area of impact AOI because of uncertainty) is depicted on illustration RS-01d in Appendix B. This was determined by information provided by an eyewitness, [REDACTED], by another witness, [REDACTED], who estimated the position of Mr. Smith (West of the crosswalk), and verified by the Argus video, a scale drawing of the scene, and Google video of the scene. The area of impact allows an evaluation of the possible avoidance of this collision at hypothetical speeds. Once the starting point for the driver’s reaction process is determined the distance from the start of the reaction process to the pedestrian defines how much distance the driver had to avoid the pedestrian. The calculations for this analysis follow on the next page.

If the distance available to avoid is greater than the total braking distance at any given speed then the collision is avoidable. For this analysis all distances are stated as East of the final rest position (FRP) of the NYPD van, which is the zero point. The area where the impact occurred is 139 – 149 ft from the FRP of the van.

At the van’s estimated speed of 45 mph from the AVL history, the braking distance to stop the van with 90 - 100% activation of the ABS braking is calculated to be 135 – 150 ft (shown in tables RS-02 and RS-03). This analysis’ results mean that the cognitive perception-reaction process was just ending and **the brakes were being applied at approximately the same point as the collision**, within a few feet before or after impact.

At the determined AVL speed of 45 mph the reaction distance, using the Olson PRT value, was found to be 99 ft. A calculation has been made of the reaction distance (table RS-02a) for other hypothetical speeds. If the reaction distance at a hypothetical speed is subtracted from the 99 ft at 45 mph the result will show the distance from the pedestrian that would have been available to avoid the collision. These calculations are as follows:

hypothetical speed	reaction distance	distance available to avoid the collision by braking	braking distance to stop @ 90% ABS activation
25 mph	55.00 ft	44.00 ft	46.30 ft
30 mph	66.15 ft	32.85 ft	66.67 ft
35 mph	77.00 ft	22.00 ft	90.74 ft
40 mph	88.00 ft	11.00 ft	118.52 ft
45 mph	99.00 ft	0.00 ft	150.00 ft

hypothetical speed	reaction distance	distance available to avoid the collision by braking	braking distance to stop @ 100% ABS activation
25 mph	55.00 ft	44.00 ft	41.67 ft
30 mph	66.15 ft	32.85 ft	60.00 ft
35 mph	77.00 ft	22.00 ft	81.67 ft
40 mph	88.00 ft	11.00 ft	106.66 ft
45 mph	99.00 ft	0.00 ft	135.00 ft

There is one condition for which the braking distance is less than the distance available to avoid the pedestrian (circled in the table above). For all other speeds the collision is UNAVOIDABLE.

The upper limit for speed that would result in being able to stop before striking the pedestrian can be calculated by setting the total stopping distance equal to the distance from the pedestrian where the

operator's PRT process started. The result is that the collision is UNAVOIDABLE at any speed of 26 mph greater.

Illustrations (these are in the Appendix B file)

A number of illustrations have been prepared to provide visual assistance with understanding the conclusions that have been made in this case. The illustrations, numbered RS-01 through RS-01d, are in the auxiliary file **(Appendix B)** of this report.

RS-01 This illustration shows the distance (184 ft) from final rest position of the NYPD van and the Western edge of the West crosswalk on Eastern Parkway and Schenectady St.

RS-01a This illustrates the location of the van at the point where the AVL system showed the van speed to be 45.72 mph.

RS-01b The NYPD van is depicted as a white rectangle with a white arrow showing its direction of travel. This location is approximately 230 ft from the final rest position of the van.

RS-01c In this illustration a range of distance of 234 - 239 ft from the final rest of the van is shown. This is where the van operator's perception-reaction process would have had to start to bring the van to rest as it is shown in the to-scale police scene drawing and photographs. The range of distance is because a range of emergency ABS activation percentages of 90% - 100% is considered.

RS-01d This illustration shows the area of the collision. This is based on the information from the eye witness, [REDACTED], and on Det. Carbone's at scene investigation; the area of the collision is shown West of the crosswalk.

Event data recorder.

The event data recorder (EDR) in a vehicle is continually capturing data about the vehicle's speed, braking, pre-impact steering, and other factors and when there is a collision the EDR may lock in the data immediately preceding the impact in either a deploy event (airbags deploy) or a non-deploy event (air bags do not deploy). If it is a non-deploy event, which this collision with a much lighter vehicle (the scooter) would be, the data storage is temporary and may be overwritten by a subsequent event. With regard to the vehicle EDR (Event Data Recorder) there are several factors that limit the expectation and/or admissibility of the EDR data. In this type of collision there is only a slight chance that data was ever stored, and if so in a "non-deploy" event where the vehicle air bags did not deploy the data could be overwritten by a subsequent event after the vehicle was repaired and driven.



In this case an attempt was made by CIS technicians to download (called "imaging") any data stored in the EDR (called "imaging" the EDR), but that effort revealed that the EDR had not triggered any storage; this is because the impact between the NYPD van and the pedestrian did not cause a great enough change in the van's motion, and that is consistent with the size of the pedestrian (5 ft 2 in tall and body weight = 98 lbs).

Conclusions.

1. An NYPD van #8550 operated Westbound by Off. Orkham Mamedov with Off. Evan Siegel riding in the front passenger seat was transporting one female and three males. The van's blue lights were in use. The date was Thursday, April 7, 2022.
2. It was raining and the road was shiny and reflected ambient light. This is shown in photo 522-10 (4) and depicted in a video 522-10V (1).MOV
3. As the NYPD van #8550 entered the intersection of Eastern Parkway and Schenectady Ave. its speed (indicated by the AVL data) was approximately 45 mph.
4. At this point the van was being operated in the third lane, which would transition after the intersection into an emergency lane marked by two double yellow lines with diagonal striping. Photo 522-10 (4)
5. A pedestrian, Mr. Ronald Smith was located West of the crosswalk in the striped emergency lane, where he had been observed on video and by a civilian witness, [REDACTED] (SP?). Mr. Smith was 5' 2" in height, and weighed 98 lbs.
6. At approximately 2006:43 hours Mr. Smith was struck by the left front of the NYPD van, damaging the hood and left headlight area of the van, as shown in the NYPD photographs. The impact speed was approximately 45 mph; the damage to the van is consistent with that that speed.
7. The location of the impact, which will be referred to as the "area of impact" (AOI) was determined by Det. Carbone while interviewing a civilian eye witness, [REDACTED]. Det. Carbone determined that the AOI was 35-45 ft West of the crosswalk.
8. The van was brought to a controlled stop and Mr. Smith's body reached its final rest position adjacent to the driver's door.
9. In this reconstruction the speed of 45 mph from the AVL system is used and also a range of speeds of 25 – 69 mph for hypothetical speeds, a wet road ABS drag factor of 0.50 is taken from the collision reconstruction literature, and a perception reaction time of 1.5 seconds is used in the calculations. A range of 90 – 100% ABS activation is used during this post-impact braking, which would be consistent with an emergency stop.
10. Reaction distances, braking distances, and total stopping distances are calculated for the range of speeds to potentially be helpful in future conversations. Generally-accepted collision reconstruction methodologies were used in this analysis.
11. Off. Mamedov's cognitive perception-reaction process was just ending and **the brakes were being applied at approximately the same time as the collision** was occurring.
12. Det. Carbone reported that the civilian witness, [REDACTED], indicated the impact location was 35-45 ft from the West edge of the crosswalk. The analysis leads to the conclusion that **a collision was UNAVOIDABLE at a speed of 26 mph or greater.**

13. Based on the witness observations, the flow of traffic observed in the Argus video, the AVL History report, and the statement of Off. Mamedov, the traffic light was green for Eastbound traffic on Eastern Parkway when the NYPD van went through the Schenectady Ave. intersection, just before the collision.

Quote from AVL report: "After traveling an additional two blocks, Police Officer Mamedov arrived at the intersection of Eastern Parkway and Schenectady Avenue [AVL]. There, he continued westbound through a steady green traffic signal while traveling at approximately 45.72 miles per hour [AVL]".

Comments:

Did the NYPD van take an evasive action to avoid a collision with a white SUV?

If this evasive action did occur there is no evidence to conclude that the van's swerving action to the left was part of a continuum that resulted in the pedestrian collision. It is noted that the operator of the van, Off. Mamedov, did not connect it directly to first seeing the pedestrian in the emergency lane (two witnesses mention this event in connection with a white SUV that had encroached into the lane in which the van was traveling, and Off. Mamedov also mentions it in a statement to investigators).

What was the visibility distance for the operator of the NYPD van?

It was raining at the time of this collision as evidenced by photographs/video at the scene in which a civilian is holding an umbrella. The rain and wet road condition was also noted in photographs, video, and other written documents that this author reviewed, as shown in photographs 522-10 (1 – 43). Photographs 522-10 (39,40) show the windshield of the NYPD van, and other photographs show the wet road condition. A visibility assessment to determine the visibility distance was not feasible, and therefore the visibility distance is unknown.



522-10 (39)



522-10 (40)

Visibility factors:

It should be noted that there are several factors that would adversely affect a Westbound operator's ability to detect the pedestrian, including

Rainy road condition, increasing headlight glare from Eastbound traffic. A 911 caller told Det. Carbone that because of the glare of lights on the wet roadway it was difficult for him to see the pedestrian.

Ambient lighting from other sources that would produce a "masking" effect behind the pedestrian.

Reaction of the operator's eye to limit ambient light, which reduces visibility.

Dark clothing worn by the pedestrian, black jacket and blue jeans, as evidenced in after-collision videos.

The fact that the pedestrian was walking parallel to the emergency lane, thus presenting no left-right movement that would help detection of him.

The effect of "expectancy", not expecting to find a pedestrian in the emergency lane, as discussed in the Olson book (p.89), referenced in this report.

What was the specific drag factor of the wet road surface at the time of the collision?

This is unknown. No testing was done by CIS to determine the frictional value of the road surface, called the "drag factor". This may not have been possible because the rain appears to have stopped, and therefore the road surface condition would not remain the same to allow testing.

What would be the effect of using a faster PRT used in the calculations.

The Olson book, referenced earlier, cites a PRT value of 0.75 sec as the lower end of the PRT range suggested to reconstructionists. This value is used in reconstructions to show the effect on the calculations, but it is never assumed that failure to achieve the faster PRT should be proof of negligence.

An analysis of the collision was done using a PRT value of 0.75, which is the lower end of the published Olson range. Using the PRT value of 0.75 the reaction distance at 45 mph is found to be 49.6 ft.

At this quicker PRT the start of the PRT would have occurred when the van was closer to the pedestrian; the NYPD van could have struck the pedestrian before Off. Mamedov had even completed the cognitive process of reacting; the brakes would have been applied after the impact.

Note:

When 90% ABS brake activation is used with a PRT of 0.75 sec the total stopping distance is determined to be 199.6 ft. This means the start of Off. Mamedov's perception-reaction process started 199.6 ft East of the final rest position of the van.

When 100% ABS brake activation is used with a PRT of 0.75 sec the total stopping distance is determined to be 184.6 ft. This means the start of Off. Mamedov's perception-reaction process started 184.6 ft East of the final rest position of the van.

What was the color of the traffic light at Schenectady Ave

Based on the witness observations, the flow of traffic observed in the Argus video, the AVL History report, and the statement of Off. Mamedov the traffic light was green when the NYPD van went through the intersection, just before the collision.

Unresolved issues.

There are several specific pieces of evidence that could not be obtained by either the CIS investigation, the investigative efforts of the Office of the Attorney General, or determined by this collision reconstruction which include:

The actual visibility distance of the operator of the NYPD van. This remains unknown.

The drag factor of the road at the time of the collision. The road condition had changed between the time of the collision and when CIS technicians were at the scene; this makes a measurement questionable.

The effect of any surface "puddling" of water or hydroplaning effect on the tires. There is no way to know this without testing with a vehicle, which was not possible.

The actual perception-reaction time of Off. Mamedov is unknown, and there is no way to determine this human factor (a benchmark value of 0.78 sec - 1.5 sec from the Olson literature¹ was used in the calculations).

The actual % activation of the ABS brakes that was used to bring the vehicle to post-impact rest is unknown (a range of 90% - 100% ABS braking was used in this analysis, consistent with the term emergency braking).

The exact location of an alleged left swerve of the NYPD van remains unknown

Appendix A

Lane change distance

This chart was constructed as a resource for discussions that might follow. More information about the alleged swerve to avoid a rear-end collision with a white SUV that had cut in front of the NYPD van may be developed. In that case the lane change distance at various speeds may be helpful, but at this time it does not seem relevant.

The witnesses describe that the NYPD van made a swerve maneuver in order to avoid a rear-end collision with a white SUV that had suddenly changed lanes into the path of the van; the distance required for the van to make this lane change has been calculated for the range of speeds that would be reasonable for the NYPD van prior to the collision with the pedestrian. This range of speeds comports with the distance after the pedestrian collision where the NYPD van came to its final rest position (as shown in photo 522-10 (6) and on the Argus video) and with the NYPD AVL (Automatic Vehicle Locator) History printout that was provided by the NYPD. The lane change equation⁴ is

$$D_{LC} = 0.732 S \sqrt{L / f}$$

S = vehicle speed in mph

L = lateral distance

f = road drag factor

A value of 9 ft has been used for L, and a drag factor of 0.45 has been used for f as described in the stopping distance information elsewhere in this report. Using those values the following lane change distances are determined:

Speed	Lane Change Distance, D_{LC}
25 mph	81.7 ft
30 mph	98.1 ft
35 mph	114.4 ft
40 mph	130.8 ft
45 mph	147.1 ft

4. Daily et al, Fundamentals of Traffic Crash Reconstruction, IPTM, 2006, p. 477

Illustration RS – 02

Braking distance, X_B , for various speeds with 100% - activated ABS braking

$$X_b = S^2 / (30 f)$$

Init Spd	Init Vel	Drag Factor	Braking Time	Distance
25.00 mph	36.67 fps	.50	2.28 sec	41.67 ft
27.00 mph	39.60 fps	.50	2.46 sec	48.60 ft
29.00 mph	42.53 fps	.50	2.65 sec	56.07 ft
31.00 mph	45.47 fps	.50	2.83 sec	64.07 ft
33.00 mph	48.40 fps	.50	3.01 sec	72.60 ft
35.00 mph	51.33 fps	.50	3.20 sec	81.67 ft
37.00 mph	54.27 fps	.50	3.38 sec	91.27 ft
39.00 mph	57.20 fps	.50	3.56 sec	101.40 ft
41.00 mph	60.13 fps	.50	3.74 sec	112.07 ft
43.00 mph	63.07 fps	.50	3.93 sec	123.27 ft
45.00 mph	66.00 fps	.50	4.11 sec	135.00 ft
47.00 mph	68.93 fps	.50	4.29 sec	147.27 ft
49.00 mph	71.87 fps	.50	4.47 sec	160.07 ft
51.00 mph	74.80 fps	.50	4.66 sec	173.40 ft
53.00 mph	77.74 fps	.50	4.84 sec	187.27 ft
55.00 mph	80.67 fps	.50	5.02 sec	201.67 ft
57.00 mph	83.60 fps	.50	5.20 sec	216.60 ft
59.00 mph	86.54 fps	.50	5.39 sec	232.07 ft
61.00 mph	89.47 fps	.50	5.57 sec	248.07 ft
63.00 mph	92.40 fps	.50	5.75 sec	264.60 ft
65.00 mph	95.34 fps	.50	5.93 sec	281.67 ft
67.00 mph	98.27 fps	.50	6.12 sec	299.27 ft
69.00 mph	101.20 fps	.50	6.30 sec	317.40 ft

Illustration RS – 02a

Reaction distance, X_R , for various speeds with 1.5 sec PRT

$$X_R = 1.47 S t$$

Speed	Velocity	Time	Distance
25.00 mph	36.67 fps	1.50 sec	55.00 ft
27.00 mph	39.60 fps	1.50 sec	59.40 ft
29.00 mph	42.53 fps	1.50 sec	63.80 ft
31.00 mph	45.47 fps	1.50 sec	68.20 ft
33.00 mph	48.40 fps	1.50 sec	72.60 ft
35.00 mph	51.33 fps	1.50 sec	77.00 ft
37.00 mph	54.27 fps	1.50 sec	81.40 ft
39.00 mph	57.20 fps	1.50 sec	85.80 ft
41.00 mph	60.13 fps	1.50 sec	90.20 ft
43.00 mph	63.07 fps	1.50 sec	94.60 ft
45.00 mph	66.00 fps	1.50 sec	99.00 ft
47.00 mph	68.93 fps	1.50 sec	103.40 ft
49.00 mph	71.87 fps	1.50 sec	107.80 ft
51.00 mph	74.80 fps	1.50 sec	112.20 ft
53.00 mph	77.74 fps	1.50 sec	116.60 ft
55.00 mph	80.67 fps	1.50 sec	121.00 ft
57.00 mph	83.60 fps	1.50 sec	125.40 ft
59.00 mph	86.54 fps	1.50 sec	129.80 ft
61.00 mph	89.47 fps	1.50 sec	134.20 ft
63.00 mph	92.40 fps	1.50 sec	138.60 ft
65.00 mph	95.34 fps	1.50 sec	143.00 ft
67.00 mph	98.27 fps	1.50 sec	147.40 ft
69.00 mph	101.20 fps	1.50 sec	151.80 ft

Illustration RS – 02b

Total stopping distance, X_S , for various speeds with 1.5 sec PRT and 100% activated ABS

$$X_S = 1.47 S t + S^2 / (30 f)$$

Speed	Velocity	Total stopping distance
25.00 mph	36.67 fps	96.67 ft
27.00 mph	39.60 fps	108.00 ft
29.00 mph	42.53 fps	119.87 ft
31.00 mph	45.47 fps	132.27 ft
33.00 mph	48.40 fps	145.20 ft
35.00 mph	51.33 fps	158.67 ft
37.00 mph	54.27 fps	172.67 ft
39.00 mph	57.20 fps	187.20 ft
41.00 mph	60.13 fps	202.27 ft
43.00 mph	63.07 fps	217.87 ft
45.00 mph	66.00 fps	234.00 ft
47.00 mph	68.93 fps	250.67 ft
49.00 mph	71.87 fps	267.87 ft
51.00 mph	74.80 fps	285.60 ft
53.00 mph	77.74 fps	303.87 ft
55.00 mph	80.67 fps	322.67 ft
57.00 mph	83.60 fps	342.00 ft
59.00 mph	86.54 fps	361.87 ft
61.00 mph	89.47 fps	382.27 ft
63.00 mph	92.40 fps	403.20 ft
65.00 mph	95.34 fps	424.67 ft
67.00 mph	98.27 fps	446.67 ft
69.00 mph	101.20 fps	469.20 ft

Illustration RS – 03

Braking distance, X_B , for various speeds with 90 % - activated ABS braking

$$X_b = S^2 / (30 f)$$

Init Spd	Init Vel	Drag Factor	Braking Time	Distance
25.00 mph	36.67 fps	.45	2.54 sec	46.30 ft
26.00 mph	38.13 fps	.45	2.64 sec	50.07 ft
27.00 mph	39.60 fps	.45	2.74 sec	54.00 ft
28.00 mph	41.07 fps	.45	2.84 sec	58.07 ft
29.00 mph	42.53 fps	.45	2.94 sec	62.30 ft
30.00 mph	44.00 fps	.45	3.04 sec	66.67 ft
31.00 mph	45.47 fps	.45	3.14 sec	71.19 ft
32.00 mph	46.93 fps	.45	3.25 sec	75.85 ft
33.00 mph	48.40 fps	.45	3.35 sec	80.67 ft
34.00 mph	49.87 fps	.45	3.45 sec	85.63 ft
35.00 mph	51.33 fps	.45	3.55 sec	90.74 ft
36.00 mph	52.80 fps	.45	3.65 sec	96.00 ft
37.00 mph	54.27 fps	.45	3.75 sec	101.41 ft
38.00 mph	55.73 fps	.45	3.85 sec	106.96 ft
39.00 mph	57.20 fps	.45	3.96 sec	112.67 ft
40.00 mph	58.67 fps	.45	4.06 sec	118.52 ft
41.00 mph	60.13 fps	.45	4.16 sec	124.52 ft
42.00 mph	61.60 fps	.45	4.26 sec	130.67 ft
43.00 mph	63.07 fps	.45	4.36 sec	136.96 ft
44.00 mph	64.53 fps	.45	4.46 sec	143.41 ft
45.00 mph	66.00 fps	.45	4.56 sec	150.00 ft
46.00 mph	67.47 fps	.45	4.67 sec	156.74 ft
47.00 mph	68.93 fps	.45	4.77 sec	163.63 ft
48.00 mph	70.40 fps	.45	4.87 sec	170.67 ft
49.00 mph	71.87 fps	.45	4.97 sec	177.85 ft
50.00 mph	73.34 fps	.45	5.07 sec	185.19 ft

Illustration RS – 03a

Reaction distance, X_R , for various speeds with 1.5 sec PRT

$$X_R = 1.47 S t$$

Speed	Velocity	Time	Distance
25.00 mph	36.67 fps	1.50 sec	55.00 ft
26.00 mph	38.13 fps	1.50 sec	57.20 ft
27.00 mph	39.60 fps	1.50 sec	59.40 ft
28.00 mph	41.07 fps	1.50 sec	61.60 ft
29.00 mph	42.53 fps	1.50 sec	63.80 ft
30.00 mph	44.00 fps	1.50 sec	66.00 ft
31.00 mph	45.47 fps	1.50 sec	68.20 ft
32.00 mph	46.93 fps	1.50 sec	70.40 ft
33.00 mph	48.40 fps	1.50 sec	72.60 ft
34.00 mph	49.87 fps	1.50 sec	74.80 ft
35.00 mph	51.33 fps	1.50 sec	77.00 ft
36.00 mph	52.80 fps	1.50 sec	79.20 ft
37.00 mph	54.27 fps	1.50 sec	81.40 ft
38.00 mph	55.73 fps	1.50 sec	83.60 ft
39.00 mph	57.20 fps	1.50 sec	85.80 ft
40.00 mph	58.67 fps	1.50 sec	88.00 ft
41.00 mph	60.13 fps	1.50 sec	90.20 ft
42.00 mph	61.60 fps	1.50 sec	92.40 ft
43.00 mph	63.07 fps	1.50 sec	94.60 ft
44.00 mph	64.53 fps	1.50 sec	96.80 ft
45.00 mph	66.00 fps	1.50 sec	99.00 ft
46.00 mph	67.47 fps	1.50 sec	101.20 ft
47.00 mph	68.93 fps	1.50 sec	103.40 ft
48.00 mph	70.40 fps	1.50 sec	105.60 ft
49.00 mph	71.87 fps	1.50 sec	107.80 ft
50.00 mph	73.34 fps	1.50 sec	110.00 ft

Illustration RS – 03b

Total stopping distance, X_s , for various speeds with 1.5 sec PRT and 90% activated ABS

$$X_s = 1.47 S t + S^2 / (30 f)$$

Speed	Velocity	Total stopping distance
25.00 mph	36.67 fps	101.30 ft
26.00 mph	38.13 fps	107.27 ft
27.00 mph	39.60 fps	113.40 ft
28.00 mph	41.07 fps	119.67 ft
29.00 mph	42.53 fps	126.10 ft
30.00 mph	44.00 fps	132.67 ft
31.00 mph	45.47 fps	139.39 ft
32.00 mph	46.93 fps	146.25 ft
33.00 mph	48.40 fps	152.27 ft
34.00 mph	49.87 fps	160.43 ft
35.00 mph	51.33 fps	167.74 ft
36.00 mph	52.80 fps	175.20 ft
37.00 mph	54.27 fps	182.81 ft
38.00 mph	55.73 fps	190.56 ft
39.00 mph	57.20 fps	198.47ft
40.00 mph	58.67 fps	206.52 ft
41.00 mph	60.13 fps	214.72 ft
42.00 mph	61.60 fps	223.07 ft
43.00 mph	63.07 fps	231.56 ft
44.00 mph	64.53 fps	240.21 ft
45.00 mph	66.00 fps	249.00 ft
46.00 mph	67.47 fps	257.94 ft
47.00 mph	68.93 fps	267.03 ft
48.00 mph	70.40 fps	276.27 ft
49.00 mph	71.87 fps	285.65 ft
50.00 mph	73.34 fps	295.19 ft

John B. Kwasnoski

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EDUCATION: B.S. Physics, Bloomsburg University, Bloomsburg, PA
M.S. Physics, Franklin & Marshall College, Lancaster, PA

EMPLOYMENT: Emeritus Professor of Forensic Physics, 1969 - 2000
WESTERN NEW ENGLAND UNIVERSITY, Springfield, MA
President, Legal Sciences, 1986 -

John Kwasnoski is Professor Emeritus of Forensic Physics at Western New England University in Springfield, MA, after 31 years on the faculty. He has been a collision reconstructionist since 1985, has reconstructed more than 1300 motor vehicle crashes, and has given sworn testimony more than 200 times. He is one of the authors of the NDAA "Lethal Weapon" curriculum, and has taught prosecutors and law enforcement on more than 400 occasions, in all fifty states.

LECTURER,

INSTRUCTOR: Reducing Losses in MV Accidents, Roadway Trucking, Cincinnati, OH
A.I.M. Commercial Vehicle Accident Training, Travelers Ins. Co.
Fraud Awareness Seminar, The Hanover Insurance Co.
Insurance Brokers & Agents of the West, Sacramento, CA
MV Fraud Awareness Seminar, Commonwealth Auto Reinsurers
MV Fraud Investigation, Nationwide Insurance Co.
MV Fraud Investigation, Premier Insurance Co.
MV Fraud Investigation Seminar, The Travelers Ins. Co.
Civil Litigation Seminar, Utah Attorney General, Utah D.O.T.
Pennsylvania DWI Annual Conference
Roadway Issues and Tort Liability, MA Highway Dept.
Roadway Issues and Tort Liability, MVT Transportation Agency.
New England Institute of Transportation Engineers
CRASH! The Science of Collisions, Metlife Auto and Home
CRASH! The Science of Collisions, RI Dept. of Education
CRASH! The Science of Collisions, Hawaii Dept. of Education
CRASH! The Science of Collisions, Hawaii JROTC Spring Camp
Adjunct Professor of Physics, Springfield Technical Community College
Adjunct Professor of Physics, Holyoke Community College
Law School, Western New England University
Massachusetts Bar Association
National College Of District Attorneys, Houston, TX

POLICE

TRAINING: Police trainer - WV, NV, GA, IA, ID, NE, FL, MI, OH, NH, SD, NY, MO, WI,
MT, IN, CO, ME, MA, OR, TN, HI, RI, WA, CT, MIN, CA, NM, PA, SC,
NJ, RI, DE, ND, AZ, CA, IA, KY

WY,

**TRAININGS and PRESENTATIONS:
(in all fifty states)**

1)	9/15/22	Newark, NJ Anticipating Defenses	31)	5/30, 5/31/19	Toledo, OH Courtroom Success
2)	5/5/22	FL Pros Webinar Preparing for Trial	32)	5/17/19	Orlando, FL Lethal Weapon
3)	6/27 – 6/29/22	Lexington, KY Lethal Weapon	33)	5/14, 5/15/19	Lake George, NY Lethal Weapon
4)	1/20,21/22	Lake Mary, FL Lethal Weapon	34)	5/7, 5/8/19	Traverse City, MI Lethal Weapon
5)	12/23/21	MI remote Lethal Weapon	35)	4/30/19	Kingston, NY Courtroom Success
6)	10/4/21	Hutchinson, KS Lethal Weapon	36)	4/29/19	Paul Smiths, NY Courtroom Success
7)	11/4/21	Meridien, ID Courtroom Success	37)	3/21, 3/28/19	Rocky Hill, CT Courtroom Success
8)	3/26/21	NY Off of the AG Investigation , remote	38)	3/12/19	Canandaigua, NY Courtroom Success
9)	12/2/21	Michigan (remote) Courtroom Success	39)	3/11/19	Buffalo, NY Courtroom Success
10)	1/7, 1/8/20	Orlando, FL Lethal Weapon	40)	1/22, 1/23/19	Edneyville, NC Courtroom Success
11)	1/31/20	San Antonio, TX Lethal Weapon	41)	12/10,11/18	Phoenix, AZ Courtroom Success
12)	2/4/20	Millis, MA Courtroom Success	42)	11/5/18	Albany, NY Courtroom Success
13)	9/23,24/20	MI remote Lethal Weapon	43)	11/7 – 11/8/2018	Grand Rapids, MI Courtroom Success
14)	11/13/20	CO remote Preparing Your Case	44)	9/20/18	Cleveland, OH MV Homicide
15)	12/1.2/20	MI remote Courtroom Success	45)	9/18,19/2018	South Bend, IN Courtroom Success
16)	4/29, 4/30/19	Traverse City, MI Lethal Weapon	46)	8/30,31/2018	Irvine, CA Courtroom Success
17)	6/3-6/5/18	Baton Rouge, LA Lethal Weapon	47)	8/27, 28/ 2018	San Bernardino, CA Courtroom Success
18)	6/9, 6/10/18	King of Prussia, PA Lethal Weapon	48)	7/24, 25/2018	Syracuse, NY Lethal Weapon
19)	7/14-7/16/18	Lexington, KY Lethal Weapon	49)	7/23/18	Waco, TX MV Homicide
20)	8/24, 8/25/18	Cleveland, OH Lethal Weapon	50)	7/10/18	Rocky Hill, CT Lethal Weapon
21)	8/27, 8/28/18	Akron, OH Courtroom Success	51)	6/18 – 6/20/18	Nassau County, NY Lethal Weapon
22)	9/16-9/18	Spokane, WA Lethal Weapon	52)	6/12 – 6/14/18	Louisville, KY Lethal Weapon
23)	10/2 – 10/4/19	Hutchinson, KS Lethal Weapon	53)	5/3 – 5/4/18	Gardiner, ME Courtroom Success
24)	9/9, 9/10/19	Auburn, MA Lethal Weapon	54)	1/6 – 1/7/18	Northampton, MA Lethal Weapon
25)	8/15, 8/16/19	Boise, ID Courtroom Success	55)	3/13-3/14/18	Concinnati, OH Courtroom Success
26)	7/10 – 7/12/19	Hilo, HI Lethal Weapon	56)	4/16 – 4/17/18	Traverse City, MI Lethal Weapon
27)	6/26, 27, 2019	Dover, DE Lethal Weapon	57)	10/18 – 10/19/17	Marquette, MI Courtroom Success
28)	6/24/19	Oswego, NY Courtroom Success	58)	10/16/17	Bad Axe, MI Courtroom Success
29)	6/11 – 6/13/19	Pigeon Forge, TN Lethal Weapon	59)	9/25 – 9/27/17	Hutchinson, KS Lethal Weapon
30)	6/3/19	Ft. Edward, NY Courtroom Success	60)	9/18 – 9/19/17	Doylestown, PA Courtroom Success
			61)	9/11 – 9/13/17	Baton Rouge, LA Lethal Weapon
			62)	9/5 – 9/6/17	Hudson, OH

63)	6/13-6/15/17	Courtroom Success Pigeon Forge, TN	99)	5/21/2015	Rockland Cty, NY
64)	6/7-6/9/17	Lethal Weapon Auburn, ME	100)	5/27-31/2015	Courtroom Success Nashville, TN
65)	5/16-5/18/17	Lethal Weapon Pittsburgh, PA	101)	6/2, 3/2015	Lethal Weapon Rocky Hill, CT
66)	4/15-5/4/17	Lethal Weapon NYPD	102)	6/4, 5/2015	Lethal Weapon Farmington, CT
67)	4/18-4/19/17	Mt. Pleasant, MI	103)	6/9, 10/20154	Courtroom Success Orlando, FL
68)	3/15/17	Lethal Weapon Murfreesboro, TN	104)	6/15, 16/2015	Lethal Weapon Monroe Cty, NY
69)	2/27-2/28/17	Judicial Conference Somerville, NJ	105)	6/17, 18/2015	Courtroom Success Cortland Cty, NY
70)	9/20-21/2016	Courtroom Success Westborough, MA	106)	6/23, 24/2015	Courtroom Success Bend, OR
71)	9/29/2016	Lethal Weapon State College, PA	107)	8/17-21/2015	Lethal Weapon Philadelphia, PA
72)	10/3-6/2016	PA State Police Recon Seminar Delaware Prosecuting Attys	108)	10/21, 22/2015	Lethal Weapon Traverse City, MI
73)	8/23-25/2016	Lethal Weapon Indianapolis, IN	109)	10/14/2014	Courtroom Success Concord, NH
74)	8/1-3/2016	Lethal Weapon Waco, TX	110)	10/27/2014	Courtroom Success Phoenix, AZ
75)	7/19/2016	Advanced Advocacy School Orlando, FL	111)	9/16/2014	Lethal Weapon Kansas City, MO
76)	7/6/2016	Lethal Weapon Edneyville, NC	112)	10/6/2014	Lethal Weapon Traverse City, MI
77)	6/20/2016	Courtroom Success Cadiz, KY	113)	8/4/2014	Courtroom Success Orlando, FL
78)	6/13/16	Lethal Weapon New York City	114)	9/8/2014	MV Homicide Raleigh, NC
79)	6/6/2016	NYPD training Longmont, CO	115)	6/10/2014	Reconstruction Refresher Littleton, MA
80)	5/23/2016	Lethal Weapon Anaheim, CA	116)	6/17/2014	Courtroom Success Sacramento, CA
81)	4/21/2016	Lethal Weapon Rochester, NY	117)	6 6/24/2014	Lethal Weapon Bowling Green, KY
82)	4/11/2016	ESLETS present Mt. Pleasant, MI	118)	4/22/2014	Lethal Weapon Mt. Pleasant, MI
83)	3/4/2016	Lethal Weapon San Antonio, TX	119)	1/28/2014	Lethal Weapon Albany, NY
84)	2/8 – 2/12, 2016	Lethal Weapon NYSP	120)	10/14/2014	Courtroom Success Concord, NH
85)	2/22 – 2/24, 2016	Courtroom Success Manhattan DA Office	121)	10/27/2014	MV Homicide Phoenix, AZ
86)	1/27/2016	Lethal Weapon Bend, OR	122)	2/6/2014	Lethal Weapon Lexington, KY
87)	11/4/2015	Courtroom Success Concord, NH	123)	2/26/2014	MV Homicide Saratoga Springs, NY
88)	11/17,18,2015	Pedestrian Collisions Albany, NY	124)	11/14/2013	Lethal Weapon Huthcinson, KS
89)	10/27,28/2015	Lethal Weapon NYPD	125)	9/21/2013	Lethal Weapon Santa Fe, NM
90)	10/21,22/2015	Courtroom Success Lansing, MI	126)	9/16/2013	Courtroom Success Binghamton, NY
91)	9/14/2015	Courtroom Success Hutchinson, KS	127)	9/26/2013	Courtroom Success Cleveland, OH
92)	9/29/2015	Lethal Weapon West Chester, PA	128)	10/15/2012	MV Homicide Manhattan, NY
93)	12/4/2014	Courtroom Success Salem, MA	129)	1/23/2012	Lethal Weapon Albany, NY NYSP
94)	2/23/2015	Courtroom Success Bozeman, MT	130)	8/7/2012	Courtroom Success Waco, TX
95)	3/9/2015	Lethal Weapon Charlotte, NC	131)	5/21/2012	Lethal Weapon Meridian, ID
96)	4/9/2015	Lethal Weapon Lansing, MI	132)	5/7/2012	Lethal Weapon Santa Barbara, CU
97)	4/28-5/7/2015	Lethal Weapon NYPD	133)	10/11/2011	MV Homicide Bronx, NY
98)	5/18/2015	Advanced Investigation Washington Cty, NY	134)	7/14/2010	NYPD Training Tallahassee, FL
		Courtroom Success			MV Homicide

135) 8/12/2010	Montgomery, AL Lethal Weapon	171) 3/19/1999	Indianapolis, IN Lethal Weapon
136) 6/25/2010	Sandusky, OH MV Homicide	172) 4/6/1998	Charleston, WV Courtroom Success
137) 9/24/2009	Suffolk County, NY Lethal Weapon	173) 12/14/1998	Portland, ME Courtroom Success
138) 7/21/2009	Bronx, NY Recon Training	174) 11/25/1998	Springfield, MA Courtroom Success
139) 4/30/2009	Minneapolis, MN Lethal Weapon	175) 4/26/1998	Billings, MT Courtroom Success
140) 5/4/2009	Lexington, KY Lethal Weapon	176) 9/24/1998	Columbia, SC Lethal Weapon
141) 7/22/2009	Syracuse, NY Lethal Weapon	177) 9/8/1998	Sparks, NV Courtroom Success
142) 5/1/2008	Indianapolis, IN Lethal Weapon	178) 3/20/1998	Ankaney, IA Courtroom Success
143) 4/8/2008	NYPD Training Advanced Investigation	179) 1/28/1998	Bridgeport, CT Courtroom Success
144) 9/17/2007	Raleigh, NC Courtroom Success	180) 3/17/1997	Forsyth, GA Lethal Weapon
145) 9/11/2007	Forsyth, GA Lethal Weapon	181) 10/26/1996	Orlando, FL Lethal Weapon
146) 11/13/2007	Concord, NH MV Homicide	182) 11/5/1996	St Louis, MO Lethal Weapon
147) 11/30/2007	Bronx, NY MV Homicide	183) 12/9/1996	Phoenix, AZ Lethal Weapon
148) 6/23/2003	National Advocacy Center, Lethal Weapon	184) 6/4/1995	Park City, UT Lethal Weapon
149) 5/22/2003	Orlando, FL Lethal Weapon	185) 3/2/1995	Concord, NH MV Homicide
150) 5/14/2003	Flint, MI Lethal Weapon	186) 3/11/2009	Milwaukee, WI MV Homicide
151) 5/31/2003	Ludlow, MA MV Homicide	187) 10/1/1999	West Palm Beach, FL Courtroom Success
152) 6/2/2003	Bedford, MA Courtroom Success	188) 9/20/2013	Cleveland, OH MV Homicide
153) 8/5/2002	Oklahoma City, OK MV Homicide	189) 12/10/1998	Concord, MA Courtroom Success
154) 6/6/2002	Barnstable, MA Courtroom Success	190) 1/25/1996	Lake of the Ozarks, MO MV Homicide
155) 5/14/2002	Marina del Ray, CA Lethal Weapon	191) 10/23/2001	Indianapolis, IN Lethal Weapon
156) 3/12/2001	Lake of the Ozarks, MO Lethal Weapon	192) 10/1/2001	Forsyth, GA Lethal Weapon
157) 6/19/2001	Denver, CO Lethal Weapon	193) 11/3/1999	Albany, NY Courtroom Success
158) 6/8/2000	Denver, CO Courtroom Survival	194) 4/23/1998	Syracuse, NY Courtroom Success
159) 2/22/2000	Kansas City, MO Lethal Weapon	195) 9/15/2009	Boise, ID MV Homicide
160) 8/11/2000	Springfield, MA MV Homicide	196) 6/16/2000	Little Rock, AR Lethal Weapon
161) 9/21/2000	Mesquite, NV Courtroom Success	197) 9/8/1999	Hyannisport, MA Courtroom Success
162) 11/12/2000	Concord, NH MV Homicide	198) 9/7/2009	Columbia, SC Lethal Weapon
163) 5/28/1999	Billings, MT Courtroom Success	199) 6/16/2011	Sevierville, TN MV Homicide Investigation
164) 5/19/2000	Orlando, FL MV Homicide	200) 3/16/1998	Forsyth, GA Lethal Weapon
165) 10/13/1999	Pierre, SD Courtroom Survival	201) 2/18/1996	Charleston, WV Courtroom Success
166) 10/21/1999	Harrisburg, PA MV Homicide	202) 9/11/1995	Kansas City, MO Lethal Weapon
167) 7/11/1999	Memphis, TN Lethal Weapon	203) 4/9/1999	West Palm Beach, FL Courtroom Success
168) 5/13/1999	Fallon, NV Courtroom Success	204) 5/14/1998	Orlando, FL Lethal Weapon
169) 8/17/1999	Syracuse, NY Lethal Weapon	205) 1/14/1994	Orlando, FL Lethal Weapon
170) 3/1/1999	Greeley, CO Courtroom Success	206) 3/29/1999	Forsyth, GA Lethal Weapon

207) 11/13/1996	Manchester, NH MV Homicide	243) 11/5/1996	St. Louis, MO Lethal Weapon
208) 2/26/2008	Salt Lake City, UT Lethal Weapon	244) 5/21/2001	Anchorage, AK MV Homicide
209) 6/11/2008	Albany, NY NYSTARS Conference	245) 7/16/2001	Miami, FL MV Homicide
210) 8/1/2000	Syracuse, NY Lethal Weapon	246) 6/21/2001	St. Paul, MN MV Homicide
211) 6/5/2009	Columbia, MO Lethal Weapon	247) 6/5/2001	Bolton Valley, VT MV Homicide
212) 11/12/1999	Concord, NH MV Homicide	248) 3/2/2010	Bronx, NY (NYPD) Collision Reconstruction
213) 11/16/1997	Lake of the Ozarks, MO Lethal Weapon	249) 7/22/1995	Tampa, FL Lethal Weapon
214) 11/6/2001	Concord, NH MV Homicide	250) 11/14/1994	Orlando, FL Lethal Weapon
215) 3/1/1999	Jackson Hole, WY Courtroom Success	251) 5/11/2001	Key West, FL Lethal Weapon
216) 3/29/2002	Honolulu, HI MV Homicide Investigation	252) 9/10/1996	Portland, OR Lethal Weapon
217) 4/1/2002	Yarmouth, MA MV Homicide Investigation	253) 8/23/2010	Columbia, SC Lethal Weapon
218) 1/25/1996	Lake of the Ozarks, MO Lethal Weapon	254) 5/21/1999	Maui, HI Lethal Weapon
219) 2/25/2010	Lake Placid, NY Lethal Weapon	255) 3/10/1997	Salt Lake City, UT Lethal Weapon
220) 8/9/1999	Columbia, SC Lethal Weapon	256) 5/29/1997	Tampa, FL Lethal Weapon
221) 3/21/1995	Forsyth, GA Lethal Weapon	257) 9/14/2010	Portland, OR Lethal Weapon
222) 11/2/1998	Portland, OR Lethal Weapon	258) 8/8/1999	Columbia, SC Lethal Weapon
223) 5/23/2011	Sacramento, CA Lethal Weapon	259) 5/1/2002	Lake of the Ozarks, MO Lethal Weapon
224) 2/9/1997	Englewood, CO Courtroom Success	260) 10/2/1998	Toledo, OH Courtroom Success
225) 3/21/1995	Forsyth, GA Lethal Weapon	261) 4/19, 1999	Charleston, WV Courtroom Success
226) 5/16/2000	Kalispell, MT Lethal Weapon	262) 10/15/1999	Boise, ID Courtroom Success
227) 11/12/1999	Spokane, WA Courtroom Success	263) 5/21/2002	Newport, RI Courtroom Success
228) 10/25/1999	Waterville, ME Courtroom Success	264) 12/8/1998	Macon, GA Courtroom Success
229) 9/26/2000	Kansas City, MO Lethal Weapon	265) 1/11/1999	Toledo, OH Courtroom Success
230) 12/14/1998	Portland, ME Courtroom Success	266) 4/15/1998	Las Vegas, NV Courtroom Success
231) 9/14/1997	Leesburg, VA Lethal Weapon	267) 11/11/1998	Concord, NH MV Homicide
232) 5/21/2001	Anchorage, AK MV Homicide	268) 2/20/1997	Lake of the Ozarks, MO MV Homicide
233) 3/2/2010	NY City (NYPD) MV Homicide Investigation	269) 9/22/2002	Baton Rouge, LA Lethal Weapon
234) 5/8/1998	Sparks, NV Courtroom Success	270) 7/30/2001	Columbia, SC Lethal Weapon
235) 10/30/1997	Manchester, NH Courtroom Success	271) 5/8/2002	Orlando, FL Lethal Weapon
236) 5/11/2001	Lincoln, NE Courtroom Success	272) 1/12/1997	Leesburg, VA Lethal Weapon
237) 9/26/2009	Kansas City, MO Lethal Weapon	273) 9/21/1999	St. Louis, MO Lethal Weapon
238) 9/14/1997	Leesburg, VA Lethal Weapon	274) 5/2/1996	Orlando, FL Lethal Weapon
239) 5/17/2010	Anaheim, CA Lethal Weapon	275) 5/15/2001	Morristown, NJ MV Homicide
240) 12/16/2009	Manhattan, NY Lethal Weapon	276) 10/8/1998	Battle Creek, MI Courtroom Success
241) 7/20/2010	Kona, HI Lethal Weapon	277) 5/18/1998	Macon, GA Courtroom Success
242) 9/14/1998	Columbia, SC Lethal Weapon	278) 8/19/2008	Sevierville, TN MV Homicide Investigation

279) 5/29/2000	Albany, NY Courtroom Success	315) 7/27/2006	Nashville, TN Lethal Weapon
280) 7/15/2011	Sun Valley, ID Lethal Weapon	316) 9/13/2006	Indianapolis, IN Lethal Weapon
281) 7/29/2009	Stillwater, OK Lethal Weapon	317) 6/13/2012	Minneapolis, MN Lethal Weapon
282) 10/26/2010	Morgantown, WV Lethal Weapon	318) 7/27/2011	Syracuse, NY Lethal Weapon
283) 10/11/2000	Forsyth, GA Lethal Weapon	319) 6/25/2006	Columbia, SC Lethal Weapon
284) 10/6/1999	Concord, NH MV Homicide	320) 5/26/2005	Orlando, FL Lethal Weapon
285) 3/22/2010	Stevens Point, WI Lethal Weapon	321) 4/25/2005	Albany, NY Lethal Weapon
286) 11/18/1999	Calispel, WY Lethal Weapon	322) 3/21/2012	Riverhead, NY Lethal Weapon
287) 2/22/2010	Chapel Hill, NC Lethal Weapon	323) 1/11/2005	Miami, FL Lethal Weapon
288) 3/31/2003	Woburn, MA Courtroom Success	324) 5/4/2010	Lansing, MI Lethal Weapon
289) 4/9/2003	Kerrville, TX Lethal Weapon	325) 6/14/2004	Columbia, SC Lethal Weapon
290) 9/1/1998	Charles City, IA Courtroom Success	326) 11/19/2003	Bronx, NY Lethal Weapon
291) 3/28/2002	Honolulu, HI Homicide Investigation	327) 8/6/2008	Syracuse, NY Lethal Weapon
292) 4/5/1999	Boise, ID Courtroom Success	328) 4/22/2011	Oklahoma City, OK MV Homicide
293) 7/30/2002	Columbia, SC Lethal Weapon	329) 7/9/2007	Kansas City, MO Lethal Weapon
294) 9/5/2001	Green Lake, WI MV Homicide	330) 9/13/2006	Indianapolis, IN Lethal Weapon
295) 5/29/2002	Stowe, MA Courtroom Success	331) 5/16/2006	Garland, MI Lethal Weapon
296) 9/22/1998	Kansas City, MO Lethal Weapon	332) 9/24/2013	Lansing, MI Courtroom Success
297) 4/12/1992	Houston, TX MV Homicide	333) 5/2/2006	Bronx, NY NYPD Reconstruction
298) 10/29/2002	Natick, MA Advanced Investigation	334) 10/20/2008	Syracuse, NY MV Homicide
299) 9/18/2002	Indianapolis, IN Lethal Weapon	335) 11/24/2008	Concord, NH MV Homicide
300) 10/20/2002	Concord, NH MV Homicide	336) 4/6/2005	Kona, HI Lethal Weapon
301) 12/9/2002	Schenectady, NY Courtroom Success	337) 2/13/2012	Missoula, MT Lethal Weapon
302) 10/12/2002	Des Moines, IA Courtroom Success	338) 11/4/2003	Medford, MA Courtroom Success
303) 1/15/2003	Miami, FL Lethal Weapon	339) 4/1/2004	Milford, MA Advanced Investigation
304) 1/6/2003	Coventry, CT Courtroom Success	340) 2/5/2004	Schenectady, NY Courtroom Success
305) 11/18/1999	Columbia, MO Courtroom Success	341) 4/1/2005	Boston, MA MV Homicide
306) 4/19/2009	Syracuse, NY Lethal Weapon	342) 6/13/2005	Columbia, SC Lethal Weapon
307) 1/11/2011	Manhattan, NY Lethal Weapon	343) 5/3/2005	Bronx, NY NYPD Advanced Investigation
308) 1/1/2009	Bronx, NY NYPD Reconstruction	344) 4/4/2005	Kerrville, TX Lethal Weapon
309) 5/31/2009	San Diego, CA Lethal Weapon	345) 3/16/2006	Canandaigua, NY Courtroom Success
310) 3/24/2009	Galveston, TX Lethal Weapon	346) 4/27/2011	Syracuse, NY MV Homicide
311) 11/13/2012	St. Louis, MO Homicide	347) 4/11/2013	Mt. Pleasant, MI Lethal Weapon
312) 4/28/2008	Indianapolis, IN Lethal Weapon	348) 1/31/2009	Santa Fe, NM Lethal Weapon
313) 3/13/2007	Lansing, MI Lethal Weapon	349) 2/9/2007	Miami, FL MV Homicide
314) 6/14/2011	Gatlinburg, TN Lethal Weapon	350) 4/3/2011	Tallahassee, FL Lethal Weapon

351) 5/7/2007	Albany, NY Lethal Weapon	387) 4/28/2006	Lethal Weapon Miami, FL
352) 8/19/2008	Gatlinburg, TN Lethal Weapon	388) 11/1/2005	MV Homicide Minneapolis, MN
353) 9/11/2008	Forsyth, GA Lethal Weapon	389) 12/12/2005	Lethal Weapon San Francisco, CA
354) 8/8/2007	Hilo, HI Lethal Weapon	390) 9/4/2003	Lethal Weapon Indianapolis, IN
355) 5/15/2007	San Diego, CA Lethal Weapon	391) 8/14/2001	Lethal Weapon Cedar City, UT
356) 10/3/2011	Salina, KS Lethal Weapon	392) 6/10/2005	Lethal Weapon Oklahoma City, OK
357) 4/16/2007	Columbia, SC Lethal Weapon	393) 6/24/2008	Lethal Weapon Chicago, IL
358) 6/15/2007	Queens, NY MV Homicide	394) 5/13/2008	MV Homicide Traverse City, MI
359) 7/24/2007	Worcester, MA Lethal Weapon	395) 11/20, 12/5/2013	Lethal Weapon New Britain, CT
360) 7/24/2013	Springfield, IL Lethal Weapon	396) 5/28/2014	Lethal Weapon Galveston, TX
361) 2/27/2007	Raleigh, NC Lethal Weapon	397) 5/14/2014	MV Homicide Lake Mary, FL
362) 2/9/2007	Ocala, FL Lethal Weapon	398) 6/10/2014	Lethal Weapon Littleton, MA
363) 7/20/2006	Worcester, MA Lethal Weapon	399) 6/18/2014	Lethal Weapon Sacramento, CA
364) 9/12/2006	Forsyth, GA Lethal Weapon	400) 6/24/2014	MV Homicide Bowling Green, KY
365) 10/16/2006	Rochester, NY MV Homicide	401) 9/9/2004	Lethal Weapon Raleigh, NC
366) 9/19/2012	Auburn, NY Lethal Weapon	402) 5/5/2006	Lethal Weapon Bronx, NY
367) 1/31/2009	Santa Fe, NM Lethal Weapon	403) 5/21/2004	NYPD Reconstruction Course Orlando, FL
368) 6/17/2013	Providence, RI Courtroom Success	404) 6/14/2010	Lethal Weapon Covington, KY
369) 4/25/2006	Indianapolis, IN Lethal Weapon	405) 4/28/2004	Lethal Weapon Pittsburgh, PA
370) 9/24/2012	Kitty Hawk, NC Lethal Weapon	406) 7/23/2009	Courtroom Success Mineola, NY
371) 4/14/2008	Binghampton, NY Courtroom Success	407) 11/17/2004	Lethal Weapon Baton Rouge, LA
372) 3/13/2006	Colonie, NY Courtroom Success	408) 9/15/2004	Lethal Weapon Upper Penninsula, MI
373) 9/28/2008	Indianapolis, IN Lethal Weapon	409) 8/16/2004	Lethal Weapon Saco, ME
374) 12/6/2005	Bronx, NY MV Homicide	410) 12/21/2004	Pedestrian Crashes Concord, NH
375) 10/18/2005	Lake Placid, NY Lethal Weapon	411) 9/1/2004	MV Homicide Indianapolis, IN
376) 9/22/2003	Kansas City, MO Lethal Weapon	412) 4/1/2008	Lethal Weapon Oklahoma City, OK
377) 9/26/2003	Cleveland, OH MV Homicide	413) 7/29/2003	MV Homicide Syracuse, NY
378) 8/14/2003	Lexington, KY Lethal Weapon	414) 2/27/2004	Lethal Weapon Worcester, MA
379) 8/13/2003	Binghampton, NY Courtroom Success	415) 4/20/2004	Lethal Weapon Indianapolis, IN
380) 10/17/2008	Sacramento, CA Lethal Weapon	416) 1/14/2004	Lethal Weapon Miami, FL
381) 6/5/2012	Lexington, KY Lethal Weapon	417) 10/22/2003	MV Homicide Memphis, TN
382) 8/15/2007	Santa Fe, NM Lethal Weapon	418) 6/4/2008	Lethal Weapon Lake Tahoe, CA
383) 3/27/2007	Kerrville, TX Lethal Weapon	419) 5/6/2008	Lethal Weapon New York City, NY
384) 4/22/2006	Binghampton, NY Courtroom Success	420) 6/17/2008	Lethal Weapon Springfield, IL
385) 1/9/2007	Bronx, NY NYPD Crush Course	421) 1/11/2008	MV Homicide Miami, FL
386) 5/26/2006	Altamont Springs, FL		Lethal Weapon

Multiple-day technical courses:

Advanced Crash Investigation	Medford, MA	2003
Special Topics in Pedestrian Reconstruction (2-day)	NYPD Brooklyn, NY	2003
Crash Reconstruction	Milford, MA	2004
Advanced Crash Investigation	NYPD Bronx, NY	2004
Special Topics in Pedestrian Reconstruction (2-day)	Saco, ME	2004
Crash Reconstruction	NYPD Bronx, NY	2005
Crash Measurements and Analysis	NYPD Bronx, NY	2005
Advanced Crash Investigation	NYPD Bronx, NY	2007
Crash Reconstruction	NYPD Bronx, NY	2008
Crash Measurements and Analysis	NYPD Bronx, NY	2009
Advanced Crash Investigation	NYPD Bronx, NY	2010
Crash Reconstruction	NYPD Bronx, NY	2010
Courtroom Testimony Skills	NC State Police	2010
Crash Measurements and Analysis	NYPD Bronx, NY	2011
Collision Reconstruction for Prosecutors	Manhattan, NY	2011
Collision Reconstruction for Prosecutors	Suffolk Cty, NY	2012
Collision Reconstruction for Prosecutors	Manhattan, NY	2012
Field Testing and Validation Studies	NYPD, Bronx, NY	2013
Reconstruction Refresher	NC State Police	2014
Advanced Crash Investigation	NYPD Bronx, NY	2017

PROSECUTOR/LAW ENFORCEMENT CONSULTING:

Hampden County, MA, Office of the District Attorney	Franklin County, MA, Office of the District Attorney
Worcester County, MA, Office of the District Attorney	Hampshire County, MA, Office of the D A
Office of the Massachusetts Attorney General	Wayne County, NY, Office of the District Attorney
Oswego County, NY, Office of the District Attorney	Monroe County, NY, Office of the District Attorney
Columbia County, NY, Office of the District Attorney	Prosecuting Attorney, McDonald County, MO
Suffolk County, NY, Office of the District Attorney	Office of the D.A. New York County, NY
Westchester County, NY, Office of the District Attorney	Washington County (VT) State's Attorney
Union County, SC, Office of the Solicitor	Office of the D.A., Franklin County NY
(reconstructionist on the Susan Smith double murder case)	Office of the City Attorney, Los Angeles, CA
Office of the New Hampshire Attorney General	Sonoma County Atty, CA
Hillsborough County (NH) Attorney	Rockingham County (NH) Attorney
City Attorney, Keene, NH	Cheshire County (NH) Attorney
State's Attorney, Orlando, FL	Broward County, FL, State Attorney
State's Attorney, Tavares, FL	State's Attorney, Ocala, FL
State's Attorney, Pinellas, FL	State's Attorney, Inverness, FL
Jefferson County (KS) Attorney	District Attorney, Baton Rouge, LA
Jefferson County (IA) Attorney	Jefferson County (MO) Attorney
Hamilton County (TN) District Attorney	Calhoun County (MI) Prosecuting Attorney
Solicitor General, Cobb County, GA	Solicitor General Marietta, GA
Solicitor, Gwinnett County, GA	Solicitor General, Columbus, GA
District Attorney, Savannah, GA	District Attorney, Macon, GA
City Solicitor, Muscogee, GA	District Attorney, Cuthbert, GA
Solicitor Gen., Jonesboro, GA	District Attorney, Decatur, GA
	Solicitor, Carroll County, GA

Jackson County (MO) County Prosecutor
 Office of the Prosecutor, Hunterdon County, NJ
 County and Prosecuting Attorney, Douglas, WY
 Office of the D.A., Boulder, CO
 Office of the Missouri Attorney General
 State's Attorney, Richland County, ND
 Lake County (FL) State Attorney's Office
 Prosecuting Attorney, County of Maui, HI
 Windsor Co. State's Atty, VT
 Office of the District Attorney, Calais, ME
 Office of the District Attorney, Richmond County, NY
 State Attorney, Sarasota County, FL
 County, South Bend, Indiana
 Office of the Commonwealth Attorney, Alexandria, VA
 Carver County Attorney, Chaska, MN
 Solicitor General, Richmond County, GA
 King's County DA, New York City
 Circuit Attorney, St. Louis, MO
 Waseca County Attorney, Waseca, MN
 Madison County (IN) Prosecutor's Office
 Hawaii County P.D.
 State Attorney, 7th Judicial Circuit, FL
 Office of the D.A., Cheyenne, WY
 Lancaster County Atty, Lincoln, NE
 Office of the D.A., Albuquerque, NM
 Middlesex County, MA, Office of the District Attorney
 Suffolk County, MA, Office of the D A
 Office of the District Atty, Nassau County, NY
 Commonwealth Attorney, Burlington, KY
 Office of the D.A., Oneida County NY
 Fulton County (GA) District Attorney
 State's Attorney, Sonoma, CA
 U.S. Attorney, District of New Mexico
 Dist. Atty, Cleveland and Lincoln Cty, NC
 Office of the Dist. Atty, McMinnville, TN
 Off. of the D.A., Imperial County, CA
 County Attorney, Cuyahoga County, OH
 Prosecutor's Office, Stark County, OH
 Williamson County (TX) District Attorney
 Office of the Utah Attorney General
 U.S. Army JAG, Wurzburg, Germany
 D.A., Prince Georges County, MD
 Ravalli County Attorney, MT
 Franklin County D.A., Malone, NY
 Office of the DA, Hennepin County, MN
 Office of the D.A., Ulster County, NY
 Office of the D.A., Chemung County, NY
 Office of the D.A., Bexar Cty TX
 Circuit Attorney, St. Louis, MO
 Rock Springs, WY Office of the County Attorney
 Office of the Utah Attorney General
 County Attorney, Sidney, NE
 Office of the District Attorney, Providence, RI
 Office of the New Hampshire Attorney General
 Scott County (TN) District Attorney
 Madison County Atty, IA
 Office of the District Atty, Bronx County, NY
 Office of the District Attorney, Vilas County, WI
 Office of the District Attorney, Dutchess County, NY
 Office of the Prosecuting Attorney, St. Joseph
 Office of the County Attorney, Louisville, KY
 Office of District Attorney, Sedgwick County, KS
 Office of Corporation Council, Maui, HI
 Queens County D.A., New York City
 Carver County Attorney, MN
 County Attorney, Jackson County, MO
 Salt Lake City (UT) Office of the District Attorney
 Office of the State's Attorney, Enfield, CT
 Office of the Solicitor, 15th Jud. Ct., Conway, SC
 Office of the D.A., Stanislaus County, CA
 Office of the Attorney General, Des Moines, IA
 Bennington County (VT) State's Attorney
 Bristol County, MA, Office of the District Attorney
 Orleans County (VT), Off. Of the States Attorney
 Bristol County, MA, Office of the D A
 Commonwealth Attorney, Covington, KY
 District Attorney, Green Lake, WI
 Office of the D.A., Weber County, UT
 State Attorney's Office, Tampa, FL
 District Attorney, 15th Jud. Circuit, Montgomery, AL
 District Attorney, Travis County. TX
 District Attorney, Lake County, CA
 Office of the Dist. Atty, Chattanooga, TN
 County Attorney, Nassau Cty, NY
 Whitley County Sheriff's Department, Whitley, IN
 District Attorney, DeSoto Parish, LA
 Manhattan (NY) District Attorney's Office
 Porter County (IN) Prosecuting Attorney
 Lincoln, NE Police Department
 Ministry of the Atty Gen, Toronto, Canada
 Office of the District Attorney, Hall County, GA
 Office of the DA, Ventura County, CA
 Montgomery County Attorney, OH
 Office of the D.A., Montgomery Cty, NY
 Office of the D.A., Brazos Cty, TX
 Office of the Attorney General, State of NY

PUBLICATIONS:

- 92 **Lethal Weapon curriculum update**, National Traffic Law Center, 2022
- 91 **Anticipating Defenses in a MV Crash Case**, Legal Sciences, 2021
- 90 **Investigating the MV Crash Case** , Legal Sciences, 2021
- 89 **Low BAC Driver Impairment** , Legal Sciences, 2021
- 88 **Preparing Your MV Crash Case for Trial**, Legal Sciences, 2020
- 87 **Large Truck Crash Reconstruction for Prosecutors**, National District Attorneys Association, 2019
- 86 “Junk Science” in Motor Vehicle Crash Cases, Justice Speakers Institute blog, April 10, 2018
- 85 “Junk science” in MV cases – a challenge for the judge”, Ohio Judicial Newsletter, Sept, 2017
- 84 “Junk science” in MV cases – a challenge for the judge”, Highway to Justice, ABA, Summer, 2017
- 83 **Courtroom Success**, Legal Sciences, 2019
- 82 **Online Digital Library**, legalsciences.com (21+ hours of Lethal Weapon presentations in a video library)
- 81 **The Handbook of Collision Reconstruction**, Legal Sciences, 2015
- 80 “Results of Braking Tests over a Wide Range of Parameters”. NYPTI online resource, 2014
- 79 “Discouraging the Dubious Mechanical Failure Defense”, Between the Lines, 2014, Vol 22, No 5
- 78 “Crash Reconstruction: The Drag Factor”, Driven published by MS Pros Attys, Spring, 2012
- 77 “Less Math is the Best Math”, MO Traffic Safety News, May 2012
- 76 **Kwasnoski’s Little Red Book**, Legal Sciences, 2012
- 75 **From Crash to Courtroom, Supplement Vol. 2**, Legal Sciences, 2011
- 74 **From Crash to Courtroom, Supplement Vol. 1**, Legal Sciences, 2008
- 73 Releasing the Vehicle: When, How, to Whom?, The Green Light News, Michigan Pros. Attys, October, 2007
- 72 Drag Factor for Post-Impact Motion, The Green Light News, Michigan Pros. Attys, October, July, 2007
- 71 Post-Impact Trajectory Investigation”, The Green Light News, Michigan Pros. Attys, October, February, 2007
- 70 “Analyzing the Head-on Collision”, Green Light News, Michigan Pros. Attys, October,, November, 2006
- 69 “A Collision Reconstruction Checklist for Prosecutors”, Prosecutor’s BRIEF, California DAA, Vol. XXIX, 2007
- 68 “Analyzing the Head-on Collision”, Vol 3, Issue 4, *Georgia Traffic Prosecutor.*, 2006
- 67 **From Crash to Courtroom: DVD Library**, Legal Sciences, 2006
- 66 “Defeating the Operator ID Defense”, The Green Light News, Michigan Pros. Attys, October, July, 2006
- 65 "Effect of Missing Information on the Proof of Impaired Driving" Vol 3, Issue 3, *GA Traffic Prosecutor.* 2006
- 64 “Effect of Missing Information on the Proof of Impaired Driving”, The Green Light News, March, 2006
- 63 “Effect of Missing Information on the Proof of Impaired Driving”, Florida DUI Network News, Spring, 2006
- 62 **From Crash to Courtroom: Collision Reconstruction for Lawyers and Law Enforcement**, Tower, 2005
- 61 “The Use of Photogrammetry in Collision Investigation”, The Green Light News, December, 2005

- 60 "The Credibility Match-up - Potential Attacks on Defense Experts", The Green Light News, Sept, 2005
- 59 "Admissibility of Computer-Generated Animations", The Green Light News, October, 2004
- 58 "Who Cares What Brand of Beer ?", Green Light News, Michigan Prosecuting Attorneys, April, 2005
- 57 "Helping the Jury to Understand Reckless Behavior", Green Light News, Michigan Pros Attys, February 2005
- 56 "The Expert Witness as a Storyteller", Green Light News, Michigan Prosecuting Attorneys, September, 2004
- 55 **Crash Reconstruction Basics for Prosecutors**, APRI, 2003
- 54 "The Drag Factor in Crash Reconstruction", Green Light News, Michigan Prosecuting Attorneys, April, 2004
- 53 "Potential Misuse of the Critical Speed (Yaw) Equation", Michigan Prosecuting Attorneys, February, 2004
- 52 "Curved Tire Marks - Yaw or ABS Scuff ?", Green Light News, Michigan Prosecuting Attorneys, Nov, 2003
- 51 "Drag Factor Tests on Grass Using ABS and Non-ABS Braking, ARC Network Newsletter", June/July, 2003
- 50 "Tests Show Drag Factor Not Velocity-Dependent", ARC Network Newsletter, June/July, 2003
- 49 "Crash Reconstruction for Prosecutors", SOARce, Summer, 2003
- 48 "Was the pedestrian impact avoidable?", Green Light News, Michigan Prosecuting Attorneys, April, 2003
- 47 "Building Credibility in Police Testimony", Michigan Prosecuting Attorneys, January, 2003
- 46 "Building Credibility in Police Testimony", National Traffic Law Center web site, September, 2002
- 45 "Reconstruction - What do I really know for certain?", Michigan Prosecuting Attorneys, Sept. 2002
- 44 "Investigating the DUI/DWI Crash", Impaired Driving Update, Summer 2002
- 43 **CRASH! Supplemental Activities for Science and Math**, Spring, 2002
- 42 "Validity of Average Drag Factor Values from VC2000 Measurements", NATARI, Fourth Quarter, 2000
- 41 **Courtroom Survival, Making the Traffic Officer a Powerful Witness**, 1999, Lexis law Publishing
- 40 **Investigation and Prosecution of DWI and Vehicular Homicide**, 1998, Lexis Law Publishing
- 39 **Officer's DUI Handbook**, 1998, Lexis Law Publishers, Second Edition", 1999, Third Edition", 2000
- 38 "Effect of Assumptions on Speed Estimates", NATARI, 1995
- 37 "A Cross Examination of Computer Assisted Reconstruction", The SOARce, 1998
- 36 "Accident Reconstruction - Perception - Reaction Time". The SOARce, 1996
- 35 "Physics of Automobile Crashes", 1996
- 34 "Beyond Medicals", training manual, The Travelers Insurance Co., 1991
- 33 "Constructing Hypotheticals in MV Homicide Cases", The Champion, NACDL, November, 1992
- 32 "Effect of Simplifying Assumptions on Momentum Calculations", IMPACT (Britain), 1995
- 31 "Speed Estimates from Skip Skid Marks", The Accident Investigation Quarterly, 1996
- 30 "Drag Sled Measurements Yield Valid Minimum Speed Estimates", NATARI, Third Quarter, 1998
- 29 "Science and Traffic Safety", Nation Highway Traffic Safety Administration, 1996
- 28 Defeating Attacks on the Police Reconstructionist - Part I , "Between the Lines", National Traffic Law Center
- 27 Defeating Attacks on the Police Reconstructionist - Part II , "Between the Lines", NTLC
- 26 Admissibility in Advance , "Between the Lines", National Traffic Law Center
- 25 Can You Find the Answers to Defeat the Defense Expert? , "Between the Lines", NTLC
- 24 Special Topics in Pedestrian Reconstruction (seminar manual)
- 23 Cross Examining the Collision Expert (seminar manual)
- 22 "Winning the DWI Crash Case", Legal Sciences, Inc., 1998

- 21 "Low BAC Driver Impairment", Legal Sciences, Inc., 1998
- 20 "The Credibility Match-up - Potential Attacks on Defense Experts", Florida Pros. Newsletter, Fall, 2005
- 19 "What Every Criminal Justice Professional Should Know About CR", MADDVOCATE, Fall, 1992
- 18 "Analyzing Momentum in MV Homicide Cases", CACJ, 1992

- 17 "The INVESTIGATOR" computer software, 1992
- 16 "2nd OPINION" computer software, 1994
- 15 "BACSim" software to simulate DWI perception-reaction, 1996
- 14 **Establishing Liability in Vehicular Accidents**, 1989, Legal Sciences, Inc.
- 13 "Accident Reconstruction in H.S. Physics". S.T.S. Winter Meeting, 1996
- 12 "The Vehicle Autopsy" , Between the Lines, National Traffic Law Center
- 11 "It Was the Car's Fault - Part I" , Between the Lines, National Traffic Law Center
- 10 "It Was the Car's Fault - Part II" , Between the Lines, National Traffic Law Center
- 09 "Cross Examination of Computer Assisted Reconstruction" , Between the Lines, National Traffic Law Center
- 08 "Cross Examining the Defense Accident Reconstructionist" , Between the Lines, National Traffic Law Center
- 07 "Preparing for Cross Examination of the Defense Reconstructionist" , Between the Lines, NTLC
- 06 "No Math is the Best Math" , Between the Lines, National Traffic Law Center
- 05 "What Kind of an Expert?" , Between the Lines, National Traffic Law Center
- 04 "It's All in the Evidence" , Between the Lines, National Traffic Law Center
- 03 "Prosecuting the Pedestrian Fatality" , Between the Lines, National Traffic Law Center
- 02 "Identifying the Operator" , Between the Lines, National Traffic Law Center
- 01 "Accident Reconstruction: Perception-reaction Time" , Between the Lines, National Traffic Law Center

EXHIBIT 8



Certification Report

Ordered By Rank

Name : Van Qualified

Description: All member of the service, UMOS or CMOS, who are qualified to operate a Department Van.

Certification Totals						
Total Count: 203		Qualified Count: 203			Not Qualified Count: 0	
Last Name	First Name	Tax Id	Command	Date Effective	Date Expires	Certified
DEPUTY INSPECTOR(s) Total: 1						
GIL	HIPOLITO	943296	HOUSING PSA 2	01/10/2007	N/A	Yes
CAPTAIN(s) Total: 2						
CALLAGY	ERIC	946817	HOUSING PSA 2	07/08/2008	N/A	Yes
MOHAN	DEWKOEMAR	920622	HOUSING PSA 2	12/08/1997	N/A	Yes
LIEUTENANT(s) Total: 7						
CAVINESS	ALUTHEA	915435	HOUSING PSA 2	06/30/1995	N/A	Yes
GRONEMAN	WILLIAM	930276	HOUSING PSA 2	07/01/2002	N/A	Yes
LYNCH	PATRICK	942092	HOUSING PSA 2	07/10/2008	N/A	Yes
MALDONADO	JOLENE	938919	HOUSING PSA 2	07/11/2005	N/A	Yes
QUIZHPI	FAVIO	948119	HOUSING PSA 2	01/14/2009	N/A	Yes
RICHARDS	SHENA	932806	HOUSING PSA 2	07/01/2003	N/A	Yes
SCAPICCHIO	ANTHONY	937501	HOUSING PSA 2	01/10/2005	N/A	Yes
SERGEANT(s) Total: 24						
ABDALKWY	MAGDY	949948	HOUSING PSA 2	07/06/2011	N/A	Yes
ABRAHAM	STEPHANE	946717	HOUSING PSA 2	04/05/2017	N/A	Yes
CASTILLO	SUGEY	936319	HOUSING PSA 2	01/10/2005	N/A	Yes
CERILLO	JOHN	938329	HOUSING PSA 2	01/10/2005	N/A	Yes
CHOWDHURY	ALI	955819	HOUSING PSA 2	10/26/2015	N/A	Yes
CRAIGG	TREMAYNE	943412	HOUSING PSA 2	01/23/2007	N/A	Yes
CUNNINGHAM	THOMAS	952630	HOUSING PSA 2	12/21/2012	N/A	Yes
ENDERS	CHRISTOPHE R	950379	HOUSING PSA 2	07/06/2011	N/A	Yes
FLYNN	MATTHEW	953870	HOUSING PSA 2	05/16/2013	N/A	Yes
FRANCO	KEVIN	951745	HOUSING PSA 2	02/17/2012	N/A	Yes
GOMEZ	EDUARDO	945417	HOUSING PSA 2	01/07/2008	N/A	Yes
GONZALEZ	WILSON	944604	HOUSING PSA 2	07/09/2007	N/A	Yes
GRAJALES	JONATHAN	952807	HOUSING PSA 2	08/07/2015	N/A	Yes
LARKINS	SHUN	947156	HOUSING PSA 2	07/08/2008	N/A	Yes
LITTLE	THOMAS	953001	HOUSING PSA 2	11/22/2012	N/A	Yes
LOGATTO	ANDREW	950765	HOUSING PSA 2	07/06/2011	N/A	Yes
NESTAN	LOURDES	946056	HOUSING PSA 2	05/05/2019	N/A	Yes
NOLAN	ERICK	924258	HOUSING PSA 2	07/07/1999	N/A	Yes
PENA	LISANDRO	952101	HOUSING PSA 2	05/30/2019	N/A	Yes
SINGH	LALCHAN	955499	HOUSING PSA 2	11/01/2013	N/A	Yes
SUCHOICKI	MARIUSZ	929225	HOUSING PSA 2	07/02/2001	N/A	Yes

THAPA	BIBEK	955572	HOUSING PSA 2	02/20/2017	N/A	Yes
VONG	TAT-MENG	951405	HOUSING PSA 2	01/25/2019	N/A	Yes
WELLBROCK	JOHN	955658	HOUSING PSA 2	10/14/2017	N/A	Yes
DETECTIVE(s) Total: 4						
BRANT	WALTER	914303	HOUSING PSA 2	08/31/1993	N/A	Yes
GIALLORENZO	RICHARD	934921	HOUSING PSA 2	07/01/2004	N/A	Yes
GRECO	HENRY	950529	HOUSING PSA 2	07/06/2011	N/A	Yes
VARGAS	MIGUEL	945075	HOUSING PSA 2	07/09/2007	N/A	Yes
POLICE OFFICER(s) Total: 165						
ABDALLAH	SALEM	956363	HOUSING PSA 2	05/05/2019	N/A	Yes
AKLIL	SAMIR	960138	HOUSING PSA 2	05/05/2019	N/A	Yes
AL AMIN	MOHAMMAD	953623	HOUSING PSA 2	01/30/2017	N/A	Yes
ALAM	MD	962896	HOUSING PSA 2	07/24/2020	N/A	Yes
ALICEA	VENUS	945010	HOUSING PSA 2	02/18/2020	N/A	Yes
ALMANZAR	GAVIER	956380	HOUSING PSA 2	08/15/2014	N/A	Yes
ANDRE	GREGORY	958249	HOUSING PSA 2	11/06/2015	N/A	Yes
ARDOUIN	ROODJERY	971805	HOUSING PSA 2	10/25/2021	N/A	Yes
ARMENIO	DOMINIQUE	961626	HOUSING PSA 2	12/13/2016	N/A	Yes
AUSTIN	HEATHER	964900	HOUSING PSA 2	08/15/2022	N/A	Yes
AUSTIN	TIFFANI	962232	HOUSING PSA 2	02/26/2019	N/A	Yes
AVILA	RAUL	962932	HOUSING PSA 2	11/12/2019	N/A	Yes
BARRELL	JASON	938027	HOUSING PSA 2	07/11/2005	N/A	Yes
BEAMON	RALEK	964387	HOUSING PSA 2	01/19/2018	N/A	Yes
BELIOS	ELIOT	934471	HOUSING PSA 2	07/01/2004	N/A	Yes
BISOGNO	JOSEPH	960251	HOUSING PSA 2	12/05/2018	N/A	Yes
BOURJOLLY	RACHEL	951554	HOUSING PSA 2	02/26/2014	N/A	Yes
BRANCA	MICHAEL	956450	HOUSING PSA 2	09/12/2014	N/A	Yes
BRICCA	GREGORY	956455	HOUSING PSA 2	03/03/2021	N/A	Yes
BROWN	JOSHUA	958333	HOUSING PSA 2	09/18/2015	N/A	Yes
BURDEYNY	VOLODYMYR	954580	HOUSING PSA 2	11/03/2017	N/A	Yes
BURNETT	JAMARR	954585	HOUSING PSA 2	03/03/2021	N/A	Yes
CAPITLY	JEROME	953722	HOUSING PSA 2	05/30/2019	N/A	Yes
CATTANI	JEFFREY	958384	HOUSING PSA 2	11/24/2015	N/A	Yes
CAVANAGH	ERIK	958386	HOUSING PSA 2	10/15/2015	N/A	Yes
CHAGGAR	ARUNDEEP	962307	HOUSING PSA 2	03/04/2017	N/A	Yes
CHAN	KIT	953741	HOUSING PSA 2	03/21/2013	N/A	Yes
CHEN	KEVIN	961691	HOUSING PSA 2	05/31/2019	N/A	Yes
CHEUNG	CARSON	959164	HOUSING PSA 2	12/11/2015	N/A	Yes
CHIN	JASON	960365	HOUSING PSA 2	08/09/2019	N/A	Yes
COLEMAN	DANTE	950218	HOUSING PSA 2	07/06/2011	N/A	Yes
COLLINGS	MARVIN	954653	HOUSING PSA 2	11/12/2019	N/A	Yes
CORREA	JIMMY	918835	HOUSING PSA 2	04/21/1997	N/A	Yes
DALEY	NICKETRIA	926735	HOUSING PSA 2	08/16/2016	N/A	Yes
DAVENIA	JOSEPH	953801	HOUSING PSA 2	05/27/2013	N/A	Yes
DAYAN	YANKY	960427	HOUSING PSA 2	04/25/2016	N/A	Yes
DELRIO	MARIA	964451	HOUSING PSA 2	01/19/2018	N/A	Yes
DEMIN	IGOR	960447	HOUSING PSA 2	05/30/2019	N/A	Yes

DESIDERIO	PETER	953817	HOUSING PSA 2	04/19/2013	N/A	Yes
DESSON	JONATHAN	957535	HOUSING PSA 2	05/22/2015	N/A	Yes
DILL	BILLY	929737	HOUSING PSA 2	07/22/2002	N/A	Yes
ELCHONESS	RICHARD	944533	HOUSING PSA 2	07/09/2007	N/A	Yes
ELLIS	MARK	918461	HOUSING PSA 2	04/23/1997	N/A	Yes
ESCOBAR	JEFFREY	968393	HOUSING PSA 2	11/25/2019	N/A	Yes
ESPINAL	JOHN	962383	HOUSING PSA 2	03/04/2017	N/A	Yes
EVEILLARD	JEAN	948943	HOUSING PSA 2	07/06/2010	N/A	Yes
FELSBERG	JOHN	954801	HOUSING PSA 2	10/10/2013	N/A	Yes
FIGUEROA	PEDRO	965097	HOUSING PSA 2	06/13/2018	N/A	Yes
FONTANA	MICHAEL	956654	HOUSING PSA 2	03/05/2018	N/A	Yes
FORDE	WAYNE	928838	HOUSING PSA 2	09/29/2000	N/A	Yes
FUENTES	JOSE	957602	HOUSING PSA 2	03/26/2015	N/A	Yes
GAMMELLO	JASON	954842	HOUSING PSA 2	11/01/2013	N/A	Yes
GARCIA	ERICK	954849	HOUSING PSA 2	09/27/2013	N/A	Yes
GARCIA	GUIDO	962424	HOUSING PSA 2	04/23/2021	N/A	Yes
GARCIA MENDEZ	JUAN	963038	HOUSING PSA 2	02/03/2020	N/A	Yes
GECEVICE	ANTHONY	958619	HOUSING PSA 2	10/23/2015	N/A	Yes
GERAMITA	NICHOLAS	943292	HOUSING PSA 2	01/10/2007	N/A	Yes
GLADDEN	TYTHE	940194	HOUSING PSA 2	01/09/2006	N/A	Yes
GONZALEZ	ASHLEY	958647	HOUSING PSA 2	11/03/2017	N/A	Yes
GONZALEZ	SERGIO	953922	HOUSING PSA 2	03/28/2013	N/A	Yes
GONZALEZ BATISTA	OSCAR	961794	HOUSING PSA 2	09/30/2016	N/A	Yes
GUADALUPE	CARLOS	945858	HOUSING PSA 2	01/17/2008	N/A	Yes
GUAMAN-GARCIA	JERSON	967909	HOUSING PSA 2	06/02/2021	N/A	Yes
GUERRERO	BRANDON	967533	HOUSING PSA 2	07/25/2019	N/A	Yes
GUERRIER	JONATHAN	967910	HOUSING PSA 2	09/26/2019	N/A	Yes
HERNANDEZ	JONATHAN	953962	HOUSING PSA 2	04/18/2013	N/A	Yes
HOWELL	TYRONNE	941915	HOUSING PSA 2	07/10/2006	N/A	Yes
HSIEH	ALEXANDER	960886	HOUSING PSA 2	08/02/2019	N/A	Yes
ILLIANO	ANTHONY	960704	HOUSING PSA 2	04/26/2019	N/A	Yes
ISLAM	ROBEUL	964070	HOUSING PSA 2	08/09/2019	N/A	Yes
JAILALL	SAFRAZ	953994	HOUSING PSA 2	02/26/2013	N/A	Yes
JOHNSON	CHRISTOPHE R	954008	HOUSING PSA 2	04/03/2013	N/A	Yes
JOLLEY	BASILIO	936824	HOUSING PSA 2	01/10/2005	N/A	Yes
JUBINVILLE	JEREMY	961352	HOUSING PSA 2	09/17/2018	N/A	Yes
KACANSKI	DRAGAN	957722	HOUSING PSA 2	05/21/2020	N/A	Yes
KALWA	MARK	965232	HOUSING PSA 2	05/07/2018	N/A	Yes
KAPLAN	STEVEN	971499	HOUSING PSA 2	08/05/2021	N/A	Yes
KOLESNYAK	MAKSIM	958771	HOUSING PSA 2	08/06/2015	N/A	Yes
LAI	ON YIN	955037	HOUSING PSA 2	11/05/2019	N/A	Yes
LALLA	FRANKLYN	964800	HOUSING PSA 2	07/05/2019	N/A	Yes
LAMAIDA	VINCENT	954041	HOUSING PSA 2	03/01/2013	N/A	Yes
LANGON	CHRISTOPHE R	954043	HOUSING PSA 2	05/27/2013	N/A	Yes
LAURETTA	ENRICO	958799	HOUSING PSA 2	12/07/2015	N/A	Yes

LICUL	CHRISTOPHE R	954066	HOUSING PSA 2	05/31/2013	N/A	Yes
LIU	ALBERT	954071	HOUSING PSA 2	03/07/2013	N/A	Yes
LOOR	DANIEL	957780	HOUSING PSA 2	04/14/2015	N/A	Yes
LOUISDOR	MENDEL	972072	HOUSING PSA 2	10/19/2021	N/A	Yes
MACALUSO	JASON	953029	HOUSING PSA 2	10/05/2012	N/A	Yes
MAMEDOV	ORKHAN	965787	HOUSING PSA 2	07/27/2018	N/A	Yes
MCNICHOLAS	BRITTANY	951805	HOUSING PSA 2	03/30/2012	N/A	Yes
MEDRANO	ROBERTO	955177	HOUSING PSA 2	08/21/2013	N/A	Yes
MENENDEZ	KEVIN	954127	HOUSING PSA 2	04/30/2013	N/A	Yes
MERCORIO	MICHAEL	960937	HOUSING PSA 2	01/06/2016	N/A	Yes
MEZYNSKI	DANIEL	955193	HOUSING PSA 2	07/21/2018	N/A	Yes
MILEY	KENJI	958932	HOUSING PSA 2	02/25/2019	N/A	Yes
MITIAL	HEDRICK	958940	HOUSING PSA 2	05/25/2018	N/A	Yes
MORALES JR.	HECTOR	968016	HOUSING PSA 2	09/27/2019	N/A	Yes
MOREL	MAXIMO	958950	HOUSING PSA 2	11/12/2018	N/A	Yes
MORROW	DUSTIN	951439	HOUSING PSA 2	07/06/2011	N/A	Yes
MOZUMDER	RATAN	954155	HOUSING PSA 2	05/20/2020	N/A	Yes
MUELLER	ERIC	958960	HOUSING PSA 2	08/12/2019	N/A	Yes
MUNIR	WAQAS	960884	HOUSING PSA 2	02/05/2021	N/A	Yes
NASIROV	SADIG	966240	HOUSING PSA 2	05/18/2020	N/A	Yes
NGAI	GODWIN	954175	HOUSING PSA 2	02/14/2013	N/A	Yes
ORELLANA	STEVE	965819	HOUSING PSA 2	07/20/2018	N/A	Yes
PADILLA	KEVIN	959868	HOUSING PSA 2	01/22/2016	N/A	Yes
PAGE	MICHAEL	950998	HOUSING PSA 2	07/06/2011	N/A	Yes
PASCUAL	ANTHONY	962000	HOUSING PSA 2	11/28/2016	N/A	Yes
PASSARELLI	JAMES	951017	HOUSING PSA 2	07/06/2011	N/A	Yes
PEDIGO III	LEON	944883	HOUSING PSA 2	07/09/2007	N/A	Yes
PENARANDA	STEPHEN	937263	HOUSING PSA 2	01/10/2005	N/A	Yes
PERALTA	VINCENT	955314	HOUSING PSA 2	10/04/2013	N/A	Yes
PETROCELLI	LISA	959068	HOUSING PSA 2	11/05/2019	N/A	Yes
PHILLIPS	KENSON	959070	HOUSING PSA 2	08/24/2015	N/A	Yes
PORTERFIELD	LASHONDA	963699	HOUSING PSA 2	08/01/2017	N/A	Yes
PRIMITIVO-SIMON	OMAR	965427	HOUSING PSA 2	11/12/2019	N/A	Yes
RALLO	VINCENZO	954258	HOUSING PSA 2	05/23/2013	N/A	Yes
RAMIREZ	EDGAR	959912	HOUSING PSA 2	03/10/2016	N/A	Yes
RAMKHALAWAN	ANDREW	971628	HOUSING PSA 2	10/01/2021	N/A	Yes
RAMOS	RYAN	957987	HOUSING PSA 2	04/20/2015	N/A	Yes
RAMPADARAT	ANDY	967657	HOUSING PSA 2	07/25/2019	N/A	Yes
RAMSAMMY	DAVE	965443	HOUSING PSA 2	05/07/2018	N/A	Yes
RAUL	MALKA	966297	HOUSING PSA 2	11/02/2018	N/A	Yes
REHMAN	SHAMAS	958922	HOUSING PSA 2	02/19/2016	N/A	Yes
RESER	KATIE	948124	HOUSING PSA 2	02/21/2017	N/A	Yes
REYNOLDS	LORI	963713	HOUSING PSA 2	07/21/2017	N/A	Yes
RIVERA	EDWARD	954275	HOUSING PSA 2	05/27/2013	N/A	Yes
ROBINSON	CHLOE	949141	HOUSING PSA 2	07/06/2010	N/A	Yes
ROSARIO	JAVIER	964260	HOUSING PSA 2	10/24/2017	N/A	Yes

ROSEN	GRIFFIN	954298	HOUSING PSA 2	04/19/2013	N/A	Yes
ROUYI	ELIAS	971656	HOUSING PSA 2	09/03/2021	N/A	Yes
ROWLEY	MARTIN	953345	HOUSING PSA 2	11/16/2012	N/A	Yes
SALADINO	MICHAEL	972233	HOUSING PSA 2	10/25/2021	N/A	Yes
SALGUERO	OSCAR	964751	HOUSING PSA 2	02/01/2018	N/A	Yes
SAPORITO	PHILIP	964278	HOUSING PSA 2	08/17/2017	N/A	Yes
SARAVO	GINAMARIE	955447	HOUSING PSA 2	02/03/2020	N/A	Yes
SCANDALIS	ERICA	955455	HOUSING PSA 2	07/21/2016	N/A	Yes
SERRATY	BRANDON	970207	HOUSING PSA 2	08/25/2022	N/A	Yes
SHAW	GREGORY	965866	HOUSING PSA 2	08/09/2018	N/A	Yes
SHVARTS	ERIC	945003	HOUSING PSA 2	07/09/2007	N/A	Yes
SIDDIQUI	SHOEB	968806	HOUSING PSA 2	12/27/2019	N/A	Yes
SIMMONS	MELVIN	963275	HOUSING PSA 2	04/21/2017	N/A	Yes
SIMO	MELVIN	942548	HOUSING PSA 2	07/10/2006	N/A	Yes
SINGH	JAGDEEP	963760	HOUSING PSA 2	07/21/2017	N/A	Yes
SIOPA	JOAO	958078	HOUSING PSA 2	03/26/2015	N/A	Yes
SMITH	ORELLEE	966863	HOUSING PSA 2	01/14/2019	N/A	Yes
SOEYVN JR	ROBERT	968143	HOUSING PSA 2	11/04/2019	N/A	Yes
SORRENTINO	JOSEPH	957890	HOUSING PSA 2	04/20/2015	N/A	Yes
SPRINGLE	TERITA	953439	HOUSING PSA 2	03/20/2015	N/A	Yes
STEIGER	AURIE	966869	HOUSING PSA 2	12/24/2018	N/A	Yes
SYLVESTER	ARIEL	965883	HOUSING PSA 2	08/03/2018	N/A	Yes
THOMPSON	DAVID	959297	HOUSING PSA 2	05/03/2017	N/A	Yes
UNDERWOOD	THOMAS	943901	HOUSING PSA 2	01/10/2007	N/A	Yes
URCHENKO	STEVEN	964813	HOUSING PSA 2	08/07/2020	N/A	Yes
VASQUEZ	ZAYIRA	957247	HOUSING PSA 2	03/03/2021	N/A	Yes
VENZA	JEROME	963313	HOUSING PSA 2	04/27/2017	N/A	Yes
VIDAL	IGRICH	962857	HOUSING PSA 2	01/14/2017	N/A	Yes
VILLAR DIAZ	JAIRO	971727	HOUSING PSA 2	08/27/2021	N/A	Yes
VOONG	PETER	956323	HOUSING PSA 2	05/08/2014	N/A	Yes
WAYTE	BROOKE	963324	HOUSING PSA 2	06/07/2017	N/A	Yes
WIHLBORG	ROBERT	961449	HOUSING PSA 2	07/23/2018	N/A	Yes
WILDER	JOHN	963334	HOUSING PSA 2	04/06/2017	N/A	Yes
WIPPERMAN	JAMES	964346	HOUSING PSA 2	10/24/2017	N/A	Yes
XIAO	BOBBY	952359	HOUSING PSA 2	02/10/2020	N/A	Yes
ZAFAR	WAQAR	959395	HOUSING PSA 2	07/08/2015	N/A	Yes

Certification Filters

Sort Order: Rank

Duplicates Removed: Yes

If duplicates are filtered and the member has taken the certification multiple times then the certification with the most recent effective date is shown.

Command Filter: 802

Include Sub-Commands: Not Applicable

Active Members Only: Yes

Uniform Members Only: Yes

Recruit Personnel Only: No

Effective Start Date: Not applied

Effective End Date: Not applied

Trained Only: Yes

Only members that have been TRAINED will be shown in this report. Members who are expired, failed or have never taken the certification will not be displayed in this report.

Not Trained:** No

Only members that have NEVER taken the certification OR the last attempt resulted in a failing grade will be shown in this report.

Failed Members Only:** No

Only members that have taken the certification but failed the last attempt will be shown in this report.

Never Taken Members Only: No

Only members that have NEVER taken the certification will be shown in this report.

*** When determining if a member passed (or failed, e.g. 'Not Trained' or 'Failed Members Only'), the member's most recent certification, based on effective date, will be used to determine his/her passing status. So if the member has taken the certification several times (e.g. Cobra), the certification with the most recent effective date will be used in the evaluation process.*

EXHIBIT 9



OFFICE OF CHIEF MEDICAL EXAMINER
CITY OF NEW YORK



REPORT OF AUTOPSY

Name of Decedent: Ronald Anthony Smith
Autopsy Performed by:
Kunil Raval, M.D., Ph.D.

M.E. Case #: K-22-012750
Date of Autopsy: 04/08/2022

FINAL DIAGNOSES

- I. BLUNT FORCE INJURIES:
 - A. BLUNT FORCE INJURIES OF THE HEAD, WITH:
 1. LACERATIONS AND ABRASIONS OF THE FACE
 2. LACERATION OF THE LOWER INNER LIP
 3. AVULSION OF THE LOWER LEFT FRONTAL INCISOR TOOTH
 4. SCALP CONTUSION
 5. SUBARACHNOID HEMORRHAGE
 6. AVULSION OF THE BRAINSTEM MEDULLA
 - B. BLUNT FORCE INJURIES OF THE NECK, WITH:
 1. HEMORRHAGE WITHIN THE PRECERVICAL FASCIA
 2. ATLANTOAXIAL DISLOCATION
 3. PULPIFICATION OF THE HIGH CERVICAL SPINAL CORD
 4. DISPLACED FRACTURE OF THE SEVENTH CERVICAL VERTEBRAL BODY
 5. AVULSION OF THE LOWER CERVICAL SPINAL CORD
 - C. BLUNT FORCE INJURIES OF THE TORSO, WITH:
 1. DISPLACED FRACTURE OF THE TENTH CERVICAL VERTEBRAE
 2. BILATERAL PARAVERTEBRAL INTERCOSTAL HEMORRHAGES
 3. SUBDURAL HEMORRHAGE OF THE THORACIC AND LUMBAR SPINAL CORD
 4. LIVER LACERATIONS
 5. INFERIOR VENA CAVA LACERATION
 6. LACERATION OF THE INFRARENAL ABDOMINAL AORTA
 7. 100 ML OF PERITONEAL CAVITY HEMORRHAGE
 8. 300 ML OF THORACIC CAVITY HEMORRHAGE
 9. RETROPERITONEAL HEMATOMA
 - D. BLUNT FORCE INJURIES OF THE EXTREMITIES, WITH:
 1. DISPLACED FRACTURES OF THE RIGHT DISTAL TIBIA AND FIBULA
 2. CONTUSION OF THE RIGHT LATERAL LOWER LEG
 3. HEMORRHAGIC AVULSION POCKET OF THE LEFT LATERAL LOWER LEG

OFFICE OF CHIEF MEDICAL EXAMINER
CITY OF NEW YORK

REPORT OF AUTOPSY

CASE NO. K-22-012750

I hereby certify that I, **Kunil Raval, M.D., Ph.D.**, City Medical Examiner-II, have performed an autopsy on the body of **Ronald Anthony Smith** on the **8th day of April, 2022** starting at **9:00AM** in the Brooklyn Mortuary of the Office of Chief Medical Examiner of the City of New York.

EXTERNAL EXAMINATION: The body is received in the supine position within a white plastic body bag secured with a white plastic seal bearing the number 332650. OCME and hospital tags encircle the left forearm, ankle, and great toe.

The body is that of a normally-developed, thin, 5'2", 98 lb (BMI: 18 kg/m²) medium brown skinned man, whose appearance is consistent with the given age of 53 years.

The scalp hair is curly, black and white, and measures up to 1/8" in length. There is a 1/4" black and white moustache and beard. There is frontal hairline recession and balding at the crown. The irides are brown and the conjunctivae are pale. The teeth are natural and in good condition. There is trauma of the oral cavity. The genitalia are those of an adult man. Foreskin is present. The genitalia and anus are atraumatic.

There is a 10 x 5" irregularly shaped scar on the left chest and a 3 x 1 1/2" irregularly shaped scar on the left abdomen.

POSTMORTEM CHANGES: The body is room temperature. Rigor mortis is strong. Lividity is unfixated posteriorly, sparing the midthoracic back and buttocks.

CLOTHING: The decedent is received unclad.

THERAPEUTIC INTERVENTIONS: There is an orange plastic airway device in the oral cavity.

INJURIES, INTERNAL AND EXTERNAL:

BLUNT FORCE INJURIES OF THE HEAD: There is a 1/4 x 1/4" area of red abrasion containing a laceration on the right lateral brow, a 1 x 3/4" area of red abrasion overlying the right cheek bone, and a 1/2 x 1/2" area of abrasion on the chin.

There is a 1/2 x 1/2" area of purple contusion on the lower inner lip that contains two, 1/4" lacerations on the midline inner lip and gingiva. The left frontal incisor is avulsed from the socket and is found within the oral cavity.

There is a 5 x 3" area of scalp hemorrhage centered on the right para-midline occiput. There is hemorrhage within the right temporalis muscle. There is diffuse subarachnoid hemorrhage that fills the sulci of the cerebral hemispheres. The brainstem medulla is partially avulsed from the spinal cord and the medullary parenchyma is pulpified.

BLUNT FORCE INJURIES OF THE NECK: There is hemorrhage throughout the pre-cervical fascia that involves the scalene muscles and the anterior muscles of the cervical vertebrae. There is a dislocation of the atlanto-axial joint due to rupture of the cruciate ligament that secures the atlas with the odontoid process. The dislocation creates laxity of the head and neck and free movement of the odontoid process into the spinal canal. There is a displaced fracture of the seventh cervical vertebral body with exposure of the spinal cord. There is pulpification of the high cervical spinal cord and partial avulsion of the cord at the seventh cervical level.

BLUNT FORCE INJURIES OF THE TORSO: There is a 1/4" abrasion of the right para-midline lumbar back. There are multiple liver lacerations up to 2" in greatest length on the anterior and posterior surfaces. There is a 1" laceration of the infrarenal inferior vena cava and a 1/8" laceration of the aorta slightly above the iliac bifurcation. There is a displaced fracture of the tenth thoracic vertebrae. There is bilateral paravertebral and posterior intercostal muscle hemorrhages between ribs one through 12. There is 300 ml of blood in the thoracic cavities, 100 ml of blood in the peritoneal cavity, and an 8 x 6" area of retroperitoneal hematoma of 1/4" maximal thickness centered on the right psoas muscle.

There is subdural hemorrhage throughout the thoracic and lumbar spinal cord of 1/4" maximal thickness.

BLUNT FORCE INJURIES OF THE EXTREMITIES: There is 1 1/2 x 1" area of red abrasion on the right elbow, a 3/4 x 3/4" area of red abrasion on the right lateral aspect of the elbow, a 1 x 1" area of red abrasion on the right dorsal wrist, and 1/4" red abrasions on the dorsal surfaces of the left index and middle fingers. There is a 1/2" diameter red circular abrasion of the right upper thigh and a 1/4" and a 1/8" diameter red abrasions on the right lower leg.

There are displaced fractures of the right tibia and fibula 7" above the heel that is associated with avulsions of the anterior and lateral lower leg muscles. There is a 3 x 3" area of subcutaneous hematoma with a maximum thickness of 1/4" of the lateral right leg 12" above the heel. There is a 5 x 3" vertically oriented avulsion pocket between the subcutis and muscle fascia of the left lateral leg located 9" above the heel. The avulsion contains approximately 100 ml of liquid and coagulated blood.

INTERNAL EXAMINATION:

HEAD: There is no epidural or subdural hemorrhage. The internal dural surfaces are smooth, white, and glistening; there are no neo-membranes. The dural sinuses are without occlusion. The brain weighs 970 gm and is normal in size, shape, and

consistency. The cerebral hemispheres are approximately symmetric and have the usual pattern of sulci and gyri. The leptomeninges are thin and translucent. The cerebral arteries are normally distributed and are without atherosclerotic stenosis. The cranial nerves are normally distributed. The gray and white matter, deep nuclei, cerebellum, and ventricles are normal.

NECK: The cervical vertebrae, hyoid bone, tracheal and laryngeal cartilages, and paralaryngeal and paratracheal soft tissues have no trauma. The upper airway is unobstructed. The tongue is normal and without intramuscular hemorrhage.

BODY CAVITIES: The organs are in their normal situs. The pleural and peritoneal cavities are without adhesions.

CARDIOVASCULAR SYSTEM: The aorta is without atherosclerosis.

The heart weighs 260 gm and is normal in shape. The coronary arteries are right dominant and are without atherosclerosis. The left ventricular wall, interventricular septum, and right ventricular wall are 1.1, 1.1, and 0.3 cm in thickness, respectively. The myocardium is dark red, firm, and free of softening, hemorrhage, and fibrosis. The endocardial surfaces and cardiac valves are normal and free of vegetations or thrombi. The coronary ostia are normal in location and morphology.

RESPIRATORY SYSTEM: The right lung weighs 510 gm. The left lung weighs 700 gm. The lungs are red-purple, there is dependent vascular congestion, and slight frothy edema. The bronchial tree and vasculature are free of obstruction or thrombi.

LIVER, GALLBLADDER, PANCREAS: The liver weighs 1110 gm. The parenchyma is brown, soft, and free of nodularity and focal lesions. The gallbladder contains 5 mL of dark green bile. The pancreas is normal in color, size, and consistency.

HEMIC AND LYMPHATIC SYSTEMS: The 70 gm spleen has a delicate, intact, wrinkly capsule and spongy, purple parenchyma with evenly distributed white pulp.

GENITOURINARY SYSTEM: There is a horseshoe kidney that weighs 210 gm. The kidney has a brown-purple, smooth subcapsular surfaces. The internal architecture is normal with sharp corticomedullary junctions. The ureters maintain normal caliber into a bladder containing 200 ml of clear, yellow urine. The prostate and testes are normal in size, color and consistency.

ENDOCRINE SYSTEM: The pituitary, adrenal, and thyroid glands are normal in color, size, and consistency.

DIGESTIVE SYSTEM: The esophagus, gastroesophageal junction, stomach, and intestines are normal. The stomach contains 200 ml of partially digested food with identifiable morsels of meat.

MUSCULOSKELETAL SYSTEM: The skeleton and musculature are normally developed.

TOXICOLOGY: Specimens are submitted to the toxicology laboratory.

FORENSIC BIOLOGY: A blood spot card is submitted to the forensic biology unit.

POSTMORTEM DIGITAL IMAGING: Digital photographs and radiographs are taken and retained.

Kunil Raval, M.D., Ph.D.

City Medical Examiner-II

*The information provided above is true and correct to the best of my knowledge and belief.
Electronically signed by Kunil Raval on Apr 25, 2022 01:58:09 PM*

EXHIBIT 10



PATROL GUIDE

Section: Prisoners		Procedure No: 210-01	
PRISONERS GENERAL PROCEDURE			
DATE EFFECTIVE: 05/10/22	LAST REVISION: I.O. 49	PAGE: 1 of 9	

PURPOSE To safeguard prisoners in police custody.

DEFINITIONS HOLDOVER PRISONER - a prisoner who has entered the court process but has not yet been arraigned and has been returned to police custody for overnight detention.

PRISONER SECURITY GUIDELINES - all prisoners while in the custody and control of personnel from this Department will be searched on their entry and exit from any police, detention, district attorney, or court facility. Prisoners being transported from any location, not included above, will be searched prior to departure from the location and upon arrival at the transport destination. The searches will be conducted as per the guidelines set forth in [P.G. 208-05, "Arrests - General Search Guidelines"](#) (see ADDITIONAL DATA). The ranking officer supervising the transport of a prisoner(s) and all supervising officers and borough court section supervisors will ensure that this procedure is strictly adhered to.

PROCEDURE When prisoners must be detained in Department detention facilities or transported to courts or other facilities:

- DESK OFFICER**
1. Request borough court section concerned to assign cell space and determine method of transportation to an activated detention facility giving:
 - a. Name, gender, and physical condition of prisoner
 - b. Precinct of arrest and arrest number
 - c. Status of processing
 - d. Next destination of prisoner (e.g., photo, court, etc.)
 2. Notify borough court section concerned if prisoner must be detained for a brief period of time in a detention facility not activated by borough court section concerned, giving:
 - a. Reason and amount of time prisoner is to be lodged
 - b. Charge against prisoner
 - c. Name, gender, and age of prisoner.
 3. Comply with instructions given by borough court section concerned.
 4. Make Command Log entry of facts and instructions received.
 5. Have appropriate entries made on **PRISONER ROSTER (PD244-145)** if prisoner detained.
 6. Assign police attendant to temporary duty within cellblock.
 - a. If a prisoner is placed in a cell alone because he/she threatens or fights with another prisoner(s), is causing disruption, or for any other reason, ensure that a member of the service will continue to monitor that prisoner closely.
 7. Record any change of custody in Command Log.

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**DESK
OFFICER/
BOROUGH
COURT
SECTION
SUPERVISOR**

8. Permit prisoner to be interviewed by the following properly identified persons when on official business:
 - a. Supervisory officer of this Department
 - b. Member of Detective Bureau or detective squad
 - c. District Attorney or representative
 - d. Chief Medical Examiner or representative
 - e. Prisoner's legal representative (in precinct/district/PSA, interview is conducted in muster room ONLY; in borough court section, interview is permitted in location designated by borough court section supervisor)
 - f. Official of a City department, if prisoner is an employee of that department
 - g. Federal law enforcement officer
 - h. Member of the clergy (upon request by prisoner)
 - i. New York State Department of Corrections and Community Supervision (DOCCS) officers to serve parole violation papers
 - j. Foreign Consulate/Embassy Officers.
9. Enter the following information under "Details" on **ARREST REPORT - SUPPLEMENT (PD244-157)** when an attorney interviews a prisoner at precinct, district, PSA, or borough court section:
 - a. Name, address, and telephone number of attorney
 - b. Name and address of person who retained attorney
 - c. Whether the prisoner was interviewed
 - d. Time arrived and departed from the stationhouse/borough court section.
10. Permit parents or legal guardian to visit a prisoner between 18 and 21 years of age, for not longer than fifteen minutes, in the muster room, provided that:
 - a. Detective squad commander, arresting officer, or, if visit is at other than precinct of arrest, desk officer, precinct of arrest is consulted,
 - b. Visit is in presence of desk officer/borough court section supervisor,
 - c. Prisoner has been detained more than four hours,
 - d. Prisoner is not eligible for a summons, and/or
 - e. Visit does not interfere with police business.
11. Enter name, address, and relationship of person visiting prisoner on **ARREST REPORT - SUPPLEMENT**.
 - a. If the interview occurred at a location other than the precinct of arrest or borough court section, facts relating to the visit will be telephoned to the desk officer, precinct of arrest, who will have all pertinent details entered under "Details" on the **ARREST REPORT - SUPPLEMENT**.
12. Advise prisoner of availability of clergy whenever it appears prisoner is despondent, confused, or likely to commit suicide.
13. Permit prisoner to make use of telephone privileges declined during arrest process.
14. **DO NOT** confine female prisoner with a nursing baby in a cell.
 - a. Assign female police attendant or female uniformed member of the service, if available within command, as guard.
15. Have child delivered to responsible member of family or to a hospital, if mother unable to provide care.

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PRISONERS BEING TRANSPORTED

**DESK
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SECTION
SUPERVISOR**

16. Assign escort officer(s) to guard prisoner(s) being transported to detention facilities.
 - a. Assign member of outgoing platoon, at change of tour, to guard and transport prisoner(s) if assignment of escorting officer would result in overtime.
 - b. Assign separate escort officer(s) to prisoner(s) having different destinations (e.g., female cells, hospital, etc.)
17. Assign additional escort officer(s) when:
 - a. More than two prisoners being guarded and transport chains are not available, OR
 - b. More than nine prisoners being transported by transport chains, OR
 - c. Several detention stops are involved, OR
 - d. More than one prisoner with different destinations.
 - e. Prisoner is designated “high risk” escape threat (see ADDITIONAL DATA statement under heading, “HIGH RISK” PRISONERS).

**ESCORTING
OFFICER**

18. Rear cuff all prisoners or place on transport chains if appropriate, before leaving cell block.
 - a. Secure loose ends of chain when less than five prisoners are secured on chain.
 - b. Double lock transport chain cuffs.
 - c. For better control, physically hold prisoner OR hold chain linking handcuffs, as circumstances dictate.

**DESK OFFICER/
BOROUGH
COURT
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SUPERVISOR**

19. Closely supervise the removal of all prisoners from the precinct.
20. Determine if prisoner is a potential escape risk after conferring with arresting officer.
 - a. Place leg restraints on prisoner prior to transport if it is determined prisoner is a potential escape risk, OR prisoner refused to be fingerprinted, OR prisoner is being transported to a hospital for medical treatment.
21. Ensure that attendant places prisoners on transport chains before leaving cell block.
 - a. Escorting officers may use transport chains or handcuffs when escorting one or two prisoners; more than two prisoners, transport chains must be used.
 - b. Make certain transport chains are in double lock mode, when utilized.
22. Step from behind the desk and personally check that all prisoners are secured to transport chains or rear handcuffed, if appropriate, when prisoners are being removed.
23. Utilize available command personnel to assist attendant and escorting officers loading prisoners onto patrolwagon.

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- DESK OFFICER/
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(continued)**
24. Ensure that members of the service are alert and properly positioned to prevent escape.
25. Have attendant, or escorting officer, if attendant not available, prepare **PRISONER TRANSPORT DISPATCH (PD171-132)**.
- a. If more than one prisoner, and different destinations involved, separate **DISPATCH** will be prepared for each destination.
- ESCORTING
OFFICER**
26. Obtain both copies of **PRISONER TRANSPORT DISPATCH** from attendant and comply with instructions.
27. Ride in transporting vehicle and keep prisoners under constant surveillance while transporting to court, etc.
28. Deliver prisoner(s) to assigned detention facility.
29. Assist attendant in searching and placing prisoner in cell.
- POLICE
ATTENDANT**
30. Conduct complete search of prisoner (see [P.G. 208-05, "Arrest - General Search Guidelines"](#)).
31. Lock prisoner in cell.
32. Make entries on **PRISONER ROSTER** and file at desk when completed.
- DESK OFFICER/
BOROUGH
COURT
SECTION
SUPERVISOR**
33. Periodically conduct personal inspection of prisoner noting their condition and document the inspection under the "Remarks" caption on the **PRISONER ROSTER**.
- ESCORTING
OFFICER**
34. Deliver prisoner's fingerprints to appropriate borough court section facility if prisoner is not printed on Livescan.
- DESK
OFFICER,
PRECINCT OF
ARREST**
35. Obtain original copy of **PRISONER TRANSPORT DISPATCH** from escorting officer and file chronologically.
- DESK
OFFICER,
PRECINCT OF
DETENTION**
36. Keep all cell doors and other doors leading into cellblock area locked if cells have not been activated.
37. Make entry in Command Log and notify an available supervisory officer to inspect cellblock when informed that command's cells are activated.
38. Assign police attendant.
- SUPERVISORY
OFFICER
CONCERNED**
39. Observe opening of detention area.
40. Inspect each cell to ascertain that cells are clean and free of unauthorized items.
41. Make Command Log entry indicating time the first prisoner lodged and condition of cells.

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HOLDOVER PRISONERS IN ADDITION TO OTHER REQUIRED ACTION LISTED ABOVE

DESK OFFICER, PRECINCT OF DETENTION

42. Assign member(s) to escort prisoners to court.
43. Direct escorting officer to complete captions and sign **PRISONER ROSTER** when prisoner is removed from cell.
44. Review **PRISONER ROSTER** for accuracy and completeness.
45. Initial **PRISONER ROSTER** next to "Time of Admission" column for each prisoner removed.

POLICE ATTENDANT

46. Prepare **PRISONER TRANSPORT DISPATCH** listing all prisoners having same destination.
 - a. Prepare separate **DISPATCH** form for each destination.

ESCORTING OFFICER

47. Verify prisoner placed on transport chains are same as listed on **DISPATCH** and take "head count."
48. Deliver prisoners to holding pen at destination.
49. Return to command for assignment or proceed to original destination, as appropriate.

ADDITIONAL DATA

"HIGH RISK" PRISONERS

Determinations as to whether a particular prisoner presents a potential escape risk should be made on a case-by-case basis. Factors that can be considered in making this determination include the seriousness of the offense charged, prisoner unwillingness to identify himself or herself, forcible resistance to arrest, threats of violence and/or escape threats directed at uniformed members of the service, a known history of violence, weapons possession, or escape/attempted escape.

USE OF LEG RESTRAINTS

The use of leg restraints does not replace the requirement to rear handcuff the prisoner. All procedures detailing the use of handcuffs remain in effect. When using leg restraints on a prisoner, the escorting officer is to exercise caution to prevent the prisoner from falling.

Leg restraints MUST be used when transporting a prisoner that has refused to be fingerprinted and for ALL prisoners being transported to a hospital for medical treatment. If the desk officer determines that extenuating circumstances exist that preclude placing leg restraints on a prisoner that has refused to be fingerprinted or is being removed to a hospital for medical treatment, a Command Log entry will be made detailing the reason why.

Leg restraints may not be placed on prisoners for "punitive" purposes. Determinations as to whether a particular prisoner presents a potential escape risk should be made on a case by case basis. Factors that can be considered in making this determination include the seriousness of the offense charged, prisoner unwillingness to identify himself or herself, forcible resistance to arrest, threats of violence and/or escape threats directed at police officers, known history of violence, weapons possession or escape/attempted escape.

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**ADDITIONAL
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ACTIVATION OF DETENTION FACILITIES

Borough court section concerned activates detention facilities, assigns cell space, and determines method of transportation for EVERY prisoner scheduled for detention or change of custody (i.e., to court, hospital) even though precinct of arrest has cells. Refer to [P.G. 210-17, "Arrest Processing of Pre-Arrestment Prisoners Designated as 'Special Category' "](#) and/or [A.G. 304-06, "Prohibited Conduct."](#) regarding gender, if necessary.

CITIZEN'S POLICY AND COMPLAINT REVIEW COUNCIL

Members of the Citizen's Policy and Complaint Review Council are permitted to enter and inspect precinct detention cells and any books or records pertaining to these cells at any and all times.

ARREST OF PERSONS WHO ARE LIMITED ENGLISH PROFICIENT OR DEAF OR HARD OF HEARING

Members of the service are reminded that if the prisoner appears to have difficulty understanding/communicating in English, the member of the service concerned should comply with [P.G. 212-90, "Guidelines for Interaction with Limited English Proficient \(LEP\) Persons."](#) If the prisoner appears to be Deaf or hard of hearing, the member of the service concerned should comply with [P.G. 212-104, "Interaction with Persons who are Deaf or Hard of Hearing."](#) The use of a bilingual employee or the Language Initiative Program is the preferential method for interpretation when interacting with a prisoner. It is recommended that certified members of the Language Initiative Program be used for custodial interrogations. Appropriate Command Log entries will be made when interpretation services are utilized.

PRISONER CONFLICTS

Whenever an arresting officer/investigator becomes aware that there is the need to separate two or more defendants from one another due to threats made by one defendant to another, or due to the potential for one defendant to assault another, a notation will be made at the bottom of each defendant's Prisoner Movement Slip in the "Detention Alert" section under the caption "Other (Explain)." The notation must contain the name and arrest number of the other defendant involved, as well as an indication as to why separation is deemed necessary (e.g., prisoner had a fight with the other prisoner, prisoner was threatened by other prisoner). If separation is required for confidential or sensitive reasons, such as one prisoner testified against another, enter the name and telephone number of the arresting officer/assigned investigator so that further information can be obtained if necessary, rather than entering the actual reason for the separation. (If detention personnel are unable to contact the arresting officer/assigned investigator for further information, they will continue to keep the affected prisoners separated from one another).

In the event that an arrest processing officer or escorting officer becomes aware that a conflict exists between prisoners requiring their separation, the officer must:

- a. Inform the arresting officer/assigned investigator of the circumstances in order that the latter may make entries on the Prisoner Movement Slips, OR*
- b. Personally make entries on the Prisoner Movement Slips which must then be brought to the attention of the court section personnel for entry on the courthouse generated movement slips.*

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The information entered on the Prisoner Movement Slip prepared at the precinct must also be entered on the computerized movement slip generated at the courthouse when the prisoner is photographed. In addition to the notation on the movement slip, the arresting officer/assigned investigator/escorting officer will notify the concerned borough court section supervisor.

Members of the service assigned to prisoner detention functions at a command and at the courthouse must examine and be guided by the information contained in the "Detention Alert" caption on each Prisoner Movement Slip in regard to separating prisoners, etc.

HANDCUFFING PROTOCOL

The Department's policy is to handcuff all prisoners with hands behind their back, when practical.

- a. *If it is safer for the member of the service and the subject, the member of the service may front-cuff the subject initially, and then rear-cuff as soon as it is practical and safety allows.*
- b. *If members of the service are having difficulty rear-cuffing a subject (i.e., injury to prisoner, size of prisoner, prisoner resisting arrest, etc.), two sets of handcuffs linked together, may be utilized. In addition, Department issued leg restraints or Velcro straps to immobilize the legs of a subject may be used as an effective tactic to gain control, limit the subject's ability to flee or harm other individuals, and reduce or eliminate the necessity to use force.*
 - (1) *Utilizing two sets of handcuffs should only be used as a form of temporary restraint and should be transitioned to one set of handcuffs when it is safe and practical to do so.*

If available, Department issued alternative restraining devices should be used to restrain, or further restrain, subjects whose actions may cause injury to themselves or others.

When a prisoner has surrendered at a law enforcement facility and is accompanied by an attorney, the uniformed member of the service may request authorization from an immediate supervisor not to use handcuffs, after the supervisor and uniformed member of the service have evaluated the following criteria:

- a. *Potential threat to the officer, prisoner and other persons*
- b. *Possibility of the prisoner escaping.*

In all circumstances, uniformed members of the service should conduct a search of the prisoner.

RESTRAINT OF PREGNANT PRISONERS

When a uniformed member of the service believes a prisoner is pregnant, the uniformed member of the service will initially rear cuff the prisoner, absent exceptional circumstances (e.g., medical emergencies, visibly pregnant prisoner who may be difficult to rear cuff and who poses no immediate threat, etc.), and notify their immediate supervisor.

The immediate supervisor will then determine if a less restrictive method of restraint is appropriate and tactically sound. Less restrictive methods may include front handcuffing, or handcuffing one hand to a stationary post. If less restrictive methods are not appropriate, the immediate supervisor may determine that a more appropriate method of restraint is warranted.

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When determining whether the level of restraint is appropriate, the immediate supervisor should consider the totality of the circumstances, including, but not limited to:

- a. Safety of members of the service, prisoner and other individuals present,*
- b. Likelihood of prisoner escaping,*
- c. Circumstances and/or crime leading to arrest of prisoner,*
- d. Demeanor and behavior of prisoner,*
- e. Whether prisoner appears to be in late stages of pregnancy and may present a fall risk, and*
- f. Whether prisoner appears to be in labor.*

PRISONER SECURITY SURVEY

To promote safety for members of the service and improve prisoner security, a prisoner security survey will be conducted annually during the last week of September, in all Department facilities where prisoners are processed. Commanding officers will make certain that prisoners being processed will not be allowed in areas containing Department lockers, or have access to any Department or personal property that might provide a means of escape or cause injury. The prohibition against prisoners being held, even temporarily, in areas containing Department lockers or of prisoners having access to Department or personal property of members shall be strictly enforced and clearly and frequently communicated to all members of the command by commanding officers concerned.

*Commanding officers will report the results of the annual prisoner security survey, by September 30th, each year, on **Typed Letterhead**, addressed to the bureau chief concerned, through channels. Included in the report will be a description of prisoner processing areas, hazards or deficiencies observed and corrective action taken.*

Investigative units located in precinct stationhouses will be surveyed by the precinct commander in consultation with the investigative unit commander. Results will be reported on the precinct commanding officer's report. NO duplicate report is required from the investigative unit commander but responsibility for corrective actions will reside with the unit commander.

*Bureau chiefs will review the prisoner security survey reports received from subordinate commands. The reports will be forwarded to the Strategic Analysis Section, Office of the Chief of Department, with a covering **Typed Letterhead**, indicating that corrective action has been initiated or completed, if required. The Strategic Analysis Section is responsible for collating the reports received from bureau chiefs and providing administrative assistance to the Prisoner Security Board.*

PRISONERS AND VICTIMS WITH COMMUNICABLE DISEASES

Information concerning a prisoner's or a victim's affliction with a communicable disease must be kept confidential. This information generally should not be released to the public, the media, the person's family and friends, or to other prisoners. There may be unusual circumstances under which release of this information is warranted. Any such release, however, may only be made with the written consent of the Deputy Commissioner, Legal Matters.

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*In some cases, prisoners may volunteer their positive status regarding a communicable disease indicating the need to be segregated from general prisoner population or the need for medical treatment. In such cases, isolation cells should be used, if available. This information may be recorded on a Prisoner Movement Slip or on form **MEDICAL TREATMENT OF PRISONER (PD244-150)** in order to alert personnel assigned to Corrections, District Attorneys' offices or courts.*

Members of the service who are exposed to a communicable disease should follow the provisions of [A.G. 330-09, "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials."](#)

DISRUPTION IN CELL AVAILABILITY

*In those instances where there is a substantial disruption in the availability of detention cells, at either a command or a borough court section facility, caused by a civil or natural emergency, or disturbance, or any other circumstance which would deny the use of the cells, the commanding officer/duty captain investigating the incident will ensure that a telephone notification is made to the borough court section. An **UNUSUAL OCCURRENCE REPORT (PD370-150)** describing the incident will be faxed to the borough court section concerned. A copy of this **REPORT** will be forwarded to the Criminal Justice Bureau. The Criminal Justice Bureau will make the determination as to whether a notification is to be made to the New York State Commission of Correction.*

PRISONERS DESIGNATED AS "FOR OTHER AUTHORITY (FOA)"

If a federal court or detention facility is unable to lodge a FOA prisoner (i.e., court closed, etc.) the Criminal Justice Bureau has designated the Brooklyn Court Section to detain these holdover prisoners until the respective federal entity is ready for intake. All appropriate paperwork will accompany the FOA prisoner.

SEXUAL ASSAULT AND SEXUAL HARASSMENT OF PRISONERS

The Department has a zero tolerance policy toward all forms of sexual assault and sexual harassment of prisoners by other prisoners or any other person. Any instance or allegation that a prisoner was sexually assaulted or sexually harassed while in custody of this Department will be immediately reported to a supervisor and [P.G. 210-07, "Prisoners – Unusual Occurrence"](#) will be complied with. A prisoner who reports being a victim will be separated from the alleged offender and medical attention will be provided if appropriate.

**RELATED
PROCEDURES**

*Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)
Prisoner Meals (P.G. 210-06)
Unusual Occurrences Involving Prisoners (P.G. 210-07)
Guidelines for Prisoner Holding Pens (P.G. 210-08)*

**FORMS AND
REPORTS**

ARREST REPORT - SUPPLEMENT (PD244-157)
MEDICAL TREATMENT OF PRISONER (PD244-150)
PRISONER ROSTER (PD244-145)
PRISONER TRANSPORT DISPATCH (PD171-132)
Typed Letterhead
UNUSUAL OCCURRENCE REPORT (PD370-150)

EXHIBIT 11



PATROL GUIDE

Section: Arrests		Procedure No: 208-06	
ARRESTS - SECURITY MEASURES			
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ARRESTING OFFICER

1. Comply with the provisions of *P.G. 208-02, "Arrests-Removal To Department Facility For Processing"*, *P.G. 208-03, "Arrests-General Processing"*, *P.G. 208-15, "Arrest Report Preparation At Stationhouse"*, and the following:

TRANSPORTING PRISONERS IN DEPARTMENT VEHICLES

ARRESTING/ ESCORTING OFFICER

When a prisoner is transported in a Department vehicle, the prisoner will be rear handcuffed, placed in the rear seat and secured with a seat belt on. Seat belts will be used to secure prisoners, when practical, in non-emergency situations. In Department vehicles equipped with a fiberglass partition, both the operator and recorder will ride in the front seat. If the Department vehicle is not equipped with a fiberglass partition, the recorder will ride in the rear seat, directly behind the operator, with the prisoner seated on the passenger side of the vehicle. Transporting members will ensure that:

- a. The handcuffs are double locked.
- b. The prisoner is placed in a position in the rear seat to allow the recorder to visually monitor the prisoner during transport.
- c. The rear compartment of Department vehicle is examined before and after prisoner transport.
- d. All personal property (e.g., flashlights, batons, briefcases, etc.) is removed prior to placing the prisoner inside the Department vehicle.
- e. When the seat belt is being secured on the prisoner by a member, the other member will remain on the opposite side of the RMP with the rear door open to be tactically able to assist in the event of an unforeseen occurrence.

Prisoners will be transported in an RMP equipped with a safety partition whenever available. In all cases, prisoner(s) will be kept under observation at all times and both the operator and recorder will be physically present at the embarkment/disembarkment point of the vehicle to supervise prisoner entry and exit.

NOTE

Whenever it is necessary to transport/secure prisoners in a marked or unmarked RMP and the vehicle has child safety locks on the rear door, these locks will be engaged. Most passenger vehicles are equipped with child safety locks which, when engaged, will prevent the opening of the rear door from the inside of the vehicle.

The child safety locks are engaged through the operation of a switch located in the door jamb area of each rear door. On Ford Crown Victoria vehicles, the switch must be slid to the "Lock On" position. On Chevrolet Impala vehicles, a key or similar device must be inserted into an opening in the door jamb to move the switch upward. For further clarification or for directions for other passenger vehicles, the respective owner's manual should be reviewed. It is important to note that when child safety locks are

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engaged, the doors are operable only from the outside; however, a passenger can reach outside the vehicle through an open window and operate the door. It is further recommended that the child safety locks be disengaged when transporting members of the service.

TRANSPORTING PRISONERS IN TWELVE PASSENGER VANS

**ARRESTING/
ESCORTING
OFFICER**

The transportation of prisoners in a twelve passenger van or similar vehicle will be avoided whenever a RMP with a safety partition is available.

When it is necessary to utilize a twelve passenger van to transport prisoner(s), the prisoner(s) will be rear handcuffed with handcuffs double locked. The prisoner(s) will be secured on the second bench seat utilizing the seatbelts. The recorder will ride on the 1st bench seat. Normally, no more than three prisoners should be transported at one time (see ADDITIONAL DATA graphic for Seating Plan.)

Select twelve passenger vans are equipped with an electric rear door lock. This lock will be engaged when prisoners are secured in the vehicle.

When it is necessary to utilize a twelve passenger van to transport more than three prisoners, e.g. transporting prisoners from a precinct to court, in addition to the procedures outlined above, leg restraints will be utilized, if available. When members of the service are utilizing leg restraints, the use of transport chains may not be necessary and will not be mandated as in *Patrol Guide procedure 210-01, "Prisoners General Procedure."* If transport chains are not utilized, prisoners will be rear handcuffed and handcuffs double locked. No more than seven prisoners will be transported in this manner and the prisoners will be secured on the 2nd and 3rd bench seats. The recorder and additional escort officer(s), if assigned, will ride in the 1st bench seat (see ADDITIONAL DATA graphic for Seating Plan.)

When utilizing a twelve passenger van to transport/secure prisoners during SNEU operations, or any other operation where the prisoner(s) may spend protracted periods of time in the van, all of the above security devices will be utilized, i.e. handcuffs, leg restraints, door locks, seatbelts, etc., when available. Prisoners should not be kept in vans for excessive periods of time.

In all cases, the prisoner(s) will be kept under observation at all times and both the operator and recorder will be physically present at the embarkment/disembarkment point of the vehicle to supervise prisoner entry and exit. Whenever prisoners wearing leg restraints are being transported in twelve passenger vans, members of the service will take care to ensure that the prisoners enter and exit the van safely. Because of the height of the vans, and the fact that prisoners wearing leg restraints will generally be rear handcuffed and may have greater difficulty in breaking their fall should they slip, officers will assist prisoners into and out of the vans.

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DELIVERING PRISONERS TO DETENTION FACILITY OR PRE-ARRAIGNMENT

ARRESTING/ ESCORTING OFFICER

Arresting/escorting officers shall notify attendants or Correction Department personnel if prisoner(s) offered resistance, exhibited other threatening or dangerous behavior, attempted suicide or escape. Such notification and behavior will be recorded in the member's digital **Activity Log** and noted on the **Prisoner Movement Slip**, in the "Detention Alert" section.

Leg restraints **MUST** be used when transporting a prisoner that has refused to be fingerprinted and for **ALL** prisoners being transported to a hospital for medical treatment. If the desk officer determines that extenuating circumstances exist that preclude placing leg restraints on a prisoner that has refused to be fingerprinted or is being transported to a hospital for medical treatment, a Command Log entry will be made detailing the reason why. The use of leg restraints does not replace the requirement to rear handcuff the prisoner. All procedures detailing the use of handcuffs remain in effect. When using leg restraints on a prisoner, the escorting officer is to exercise caution to prevent the prisoner from falling.

Whenever an arresting officer/investigator becomes aware of the need to separate two or more defendants from one another due to threats made by one defendant to another, or due to the potential for one defendant to assault another, a notation will be made at the bottom of each defendant's **Prisoner Movement Slip** in the "Detention Alert" section under the caption "Other (Explain)." The notation must contain the name and arrest number of the other defendant involved, as well as an indication as to why separation is deemed necessary (e.g., prisoner had a fight with the other prisoner; prisoner was threatened by other prisoner, etc.). If separation is required for confidential or sensitive reasons, such as one prisoner testified against another, enter the name and telephone number of the arresting officer/investigator so that further information can be obtained if necessary, rather than entering the actual reason for the separation. (If detention personnel are unable to contact the arresting officer/investigator for further information, they will continue to keep the affected prisoners separated from one another).

In the event that an arrest processing officer or escorting officer becomes aware that a conflict exists between prisoners requiring their separation, the officer must:

- a. Inform the arresting officer/investigator of the circumstances in order that the latter may make entries on the **Prisoner Movement Slips**, OR
- b. Personally make entries on the **Prisoner Movement Slips** which should then be brought to the attention of the Court Section personnel for entry on the courthouse generated movement slips.

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**ARRESTING/
ESCORTING
OFFICER
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The information entered on the **Prisoner Movement Slip** prepared at the precinct must also be entered on the computerized movement slip generated at the courthouse when the prisoner is photographed. In addition to the notation on the movement slip, the arresting officer/investigator/escorting officer will notify the concerned borough court section supervisor.

Members of the service assigned to prisoner detention functions at the precinct and at the courthouse must examine and be guided by the information contained in the “Detention Alert” caption on each **Prisoner Movement Slip** regarding separating prisoners, etc.

Department policy prohibits the carrying of firearms within detention facilities. Therefore, when delivering prisoners for pre-arraignment processing, arresting/transporting officers must:

- a. Respond to the appropriate borough court section intake area with required arrest related documents, and enter with prisoner(s) to be processed.
- b. Upon entering facility, immediately secure firearms in designated Department locker as directed by assigned Department personnel.
- c. Upon completion of police duties within the detention facility, the uniformed member will retrieve the firearm from the location where it was secured prior to leaving the facility.

When delivering prisoners to the Manhattan Court Section at the rear of 100 Centre Street, uniformed members of the service are to secure their firearms in the Department of Correction security booth located in the intake sally port area.

The court section locations are as follows:

MANHATTAN COURT SECTION - Rear of 100 Centre Street (at Baxter Street)

MIDTOWN COMMUNITY COURT – 314 West 54th Street (Midtown North Pct.)

BROOKLYN COURT SECTION - Rear of 120 Schermerhorn Street (State St.)

QUEENS COURT SECTION - 125-01 Queens Boulevard

BRONX COURT SECTION - 215 East 161st Street

STATEN ISLAND COURT SECTION - 78 Richmond Terrace (120th Pct. 2nd Fl.)

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ARRESTING/ ESCORTING OFFICER (continued)

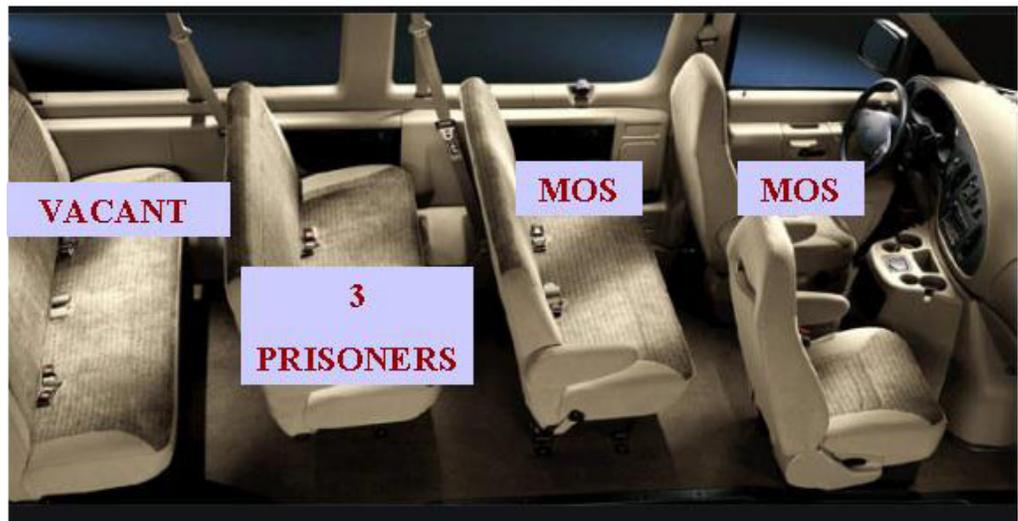
Uniformed members of the service at the scene of an incident at which a prisoner is acting in a deranged, erratic manner apparently caused by a drug overdose, i.e., cocaine psychosis, angel dust, heroin overdose, etc., will request the response of the supervisor on patrol, if an ambulance is not immediately available. The supervisor will determine if prisoner should be removed to the appropriate hospital by utilizing a Department vehicle or await the arrival of an ambulance. The prisoner is not to be brought to a police facility.

Cocaine induced psychosis or other illegal drug usage may cause violent behavior which may be a means of self-defense against imagined persecutors. In addition to paranoia, the individual may experience visual, auditory, or tactile (e.g., bugs crawling under the skin, etc.), hallucinations, high body temperature and seizures. Since sudden death may ensue, uniformed members of the service are reminded to have such person brought to an appropriate hospital facility and NOT TO A POLICE FACILITY.

Absent unusual circumstances, and when an unoccupied detention cell is available, prisoners who are being processed and require the use of toilet facilities will utilize those located within precinct detention cells. Detention cell facilities chosen must be fully operational (e.g., toilets, alarm and cell lock in working condition). Prisoners will be escorted by a uniformed member of the service of the same sex. All Department directives relative to prisoner security guidelines remain in effect.

ADDITIONAL DATA

Seating Plan Up to 3 Prisoners



Side Door

* Rear door must be locked to ensure prisoners do not escape.

PATROL GUIDE

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**ADDITIONAL
DATA**
(continued)

Seating Plan Up to 7 Prisoners



Side Door

- * **Maximum transport of prisoners is 7 prisoners for 12 passenger vans.**
- * **Rear door must be locked to ensure prisoners do not escape.**
- * **Assign additional escort officer as necessary.**

RELATED PROCEDURES

Arrests - Removal to Department Facility for Processing (P.G. 208-02)

Arrests - General Processing (P.G.208-03)

Arrest - General Search Guidelines (P.G. 208-05)

Arrest Report Preparation at Stationhouse (P.G. 208-15)

Performing Local, State and Federal Warrant Checks (P.G. 208-22)

Notification to the Detective Bureau when a Specified Condition Exists/is Suspected (P.G. 208-73)