POLICE DEPARTMENT

May 14, 2024

In the Matter of the Charges and Specifications	:	Case No.
- against -	:	2022-27138
Police Officer Joshua Navarro	:	
Tax Registry No. 957891	:	
Warrant Section	:	

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

Before: Honorable Vanessa Facio-Lince
Assistant Deputy Commissioner Trials

APPEARANCES:

For the CCRB: Amanda Rodriguez, Esq.
Civilian Complaint Review Board
100 Church Street, 10th Floor
New York, NY 10007

For the Respondent: John Tynan, Esq.
Worth London & Martinez, LLP
111 John Street, Suite 640
New York, NY 10038

To:

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

CHARGES AND SPECIFICATIONS

1. Police Officer Joshua Navarro, on or about June 17, 2021, at approximately 2311 hours, while assigned to PBBN SU PST and on duty, in the vicinity of [redacted], Kings County, abused his authority as a member of the New York City Police Department, in that he stopped [redacted] without sufficient legal authority.

   P.G. 212-11, Page 8, Paragraph 20 — INVESTIGATIVE ENCOUNTERS

2. Police Officer Joshua Navarro, on or about June 17, 2021, at approximately 2311 hours, while assigned to PBBN SU PST and on duty, in the vicinity of [redacted] Kings County, wrongfully used force, in that he pointed his gun at [redacted] without police necessity.

   P.G. 221-02, Page 8, Prohibitions 11, 12 — USE OF FORCE

3. Police Officer Joshua Navarro, on or about June 17, 2021, at approximately 2311 hours, while assigned to PBBN SU PST and on duty, in the vicinity of [redacted], Kings County, abused his authority as a member of the New York City Police Department, in that he threatened [redacted] with the use of force by stating in sum and substance, "Stop or I will shoot!" without police without police necessity.

   P.G. 221-02, Page 8, Prohibitions 11, 12 — USE OF FORCE

4. Police Officer Joshua Navarro, on or about June 17, 2021, at approximately 2311 hours, while assigned to PBBN SU PST and on duty, in the vicinity of [redacted], Kings County, abused his authority as a member of the New York City Police Department, in that he frisked [redacted] without sufficient legal authority.

   P.G. 212-11, Page 8, Paragraph 36 — INVESTIGATIVE ENCOUNTERS

5. Police Officer Joshua Navarro, on or about June 17, 2021, at approximately 2311 hours, while assigned to PBBN SU PST and on duty, in the vicinity of [redacted] Kings County, abused his authority as a member of the New York City Police Department, in that he searched [redacted] without sufficient legal authority.

   P.G. 212-11, Page 8, Paragraph 40 — INVESTIGATIVE ENCOUNTERS

6. Police Officer Joshua Navarro, on or about June 17, 2021, at approximately 2311 hours, while assigned to PBBN SU PST and on duty, in the vicinity of [redacted]

Kings County, abused his authority as a member of the New York City Police Department, in that he frisked [redacted] a second time without sufficient legal authority.

P.G. 212-11, Page 8, Paragraph 36 — INVESTIGATIVE ENCOUNTERS

7. Police Officer Joshua Navarro, on or about June 17, 2021, at approximately 2311 hours, while assigned to PBBN SU PST and on duty, in the vicinity of [redacted], Kings County, abused his authority as a member of the New York City Police Department, in that he failed to provide [redacted] with a business card at the conclusion of incident without sufficient legal authority.

P.G. 212-11, Page 4, Paragraph 12 — INVESTIGATIVE ENCOUNTERS

A.G. 304-11 — COMPLIANCE WITH NYC RIGHT TO KNOW ACT

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on March 21, 2024.[1] Respondent Navarro, through his counsel, entered a plea of Not Guilty to the charged misconduct. The Civilian Complaint Review Board (hereinafter "CCRB") called [redacted] as a witness. CCRB also offered the hearsay statements of four other witnesses, [redacted] as well as Body-Worn Camera ("hereinafter "BWC") footage from Respondent and two other officers on scene on the date of the incident. Respondent testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available

[1] This is the third of three matters in which Respondent appeared before me in March 2024. The matters were adjudicated separately and will be addressed in separate decisions, but all were prosecuted by the Civilian Complaint Review Board and involved somewhat similar allegations of abuse of authority (stop, frisk and search) and the use of force.

for the Police Commissioner's review. Having evaluated all of the evidence in this matter, the Tribunal finds as follows:

Specification 1 (stop):	Not Guilty
Specification 2 (force- pointed firearm):	Not Guilty
Specification 3 (threat of force):	Not Guilty
Specification 4 (frisk):	Not Guilty
Specification 5 (search):	Guilty
Specification 6 (second frisk):	Not Guilty
Specification 7 (business card):	Guilty

Recommended penalty: Three (3) vacation days.

ANALYSIS

The following facts are undisputed. On June 17, 2021 at approximately 2300 hours, Respondent Navarro was seated in an unmarked RMP in the vicinity of Classon Avenue and Prospect Place in Kings County when he observed the complainant (later identified as [redacted] in the crosswalk approaching his vehicle. Although it was the middle of June, [redacted] was dressed warmly in a puffy jacket, sweatpants and a ski mask. After viewing what the Respondent characterized as suspicious behavior by [redacted], Respondent exited the police vehicle and approached him. [redacted] immediately took off running and a chase ensued.

During the foot pursuit, Respondent unholstered his service weapon, pointed it at [redacted] and threatened to shoot if he did not stop running. Moments later, [redacted] surrendered himself by lying on the ground with his hands up. Respondent proceeded to detain and handcuff [redacted] and conducted a frisk and search of his person. The initial frisk and search yielded negative results for weapons. A canvass for weapons was conducted by other officers, along the path of the foot pursuit, however no weapons were recovered.

At the conclusion of this encounter, Respondent initiated a second frisk of [redacted] s person before releasing him. Respondent did not provide a business card to [redacted] before he left the scene. There were approximately five eyewitnesses that observed the stop, frisk and search of [redacted] One of the eyewitnesses, [redacted], requested Respondent's identifying information and Respondent did verbally provide it to her.

[redacted] appeared before the Tribunal for her testimony. On the evening of June 17, 2021, she recalled being in her bedroom, located in her [redacted] apartment overlooking the corner of Classon Avenue and Prospect Place, along with a friend who was visiting from out of town. Another friend was inside the apartment, but in a different room. At approximately 2311 hours, [redacted] heard a commotion outside her apartment window, which she noted is not uncommon. During what appeared to be a fight of some sort, she heard one of the individuals say either "I'm going to shoot you," or "I'm going to kill you." It was not until after hearing those words did [redacted] look out of her window. (Tr. 16)

Once she looked out the window, she noticed one of the men involved was a police officer based upon the fact that he was wearing a uniform and was holding his gun in his hand, with his arm outstretched in front of him. According to her recollection, she saw him tackle the other man to the ground. About ten minutes later, she wanted to get the officer's badge number so she went downstairs and asked "who was the one chasing the guy and screaming I'm going to kill you?" Respondent self-identified himself to [redacted] She later filed a complaint with the CCRB. (Tr. 17, 19, 21) On cross-examination, [redacted] admitted she was unaware of what led up to Respondent yelling, "I'm going to shoot you." She called CCRB based on her personal perception that the use of language was excessive and

"shocked" her; she stated that she had never before made a complaint with CCRB. She also noted she did not call 911 since she witnessed the other man be placed into a police car. (Tr. 22-28)

Persons A, B, C and D [redacted] did not testify, but provided statements to the CCRB. Person A stated in her interview that she was inside [redacted] s bedroom when she heard a commotion. Similar to [redacted], she looked out the window and saw an officer with his gun in his hand, chasing a man and screaming either "I'm going to kill you or I'm going to shoot you." Person A went with [redacted] downstairs shortly after and received Respondent's information. (CCRB Ex. 1A at 6) Person B [redacted], [redacted] s roommate, also recalled being in the bedroom with [redacted] and Person A when she heard the commotion. She recalled hearing someone yell, "I'm going to shoot you," and then looked out the window to see the officer running with his gun out. Person B, however, did not go downstairs to identify the officer involved. (CCRB Ex. 2A at 6) Similarly, Person C [redacted] was in her kitchen, when she heard screaming and someone say "Stop, I'm going to shoot you." She stated, however, that she did not see anything. (CCRB Ex. 4A at 6-7)

Person D [redacted] was walking down the street when she witnessed a man running, being chased by a police officer carrying a gun. Once she saw the gun, she began running. She recounted hearing the officer say, "If you don't stop running, I'm going to shoot you." She informed CCRB that she did not know why the officer had his gun pointed at the man nor did she know what the man was doing. (CCRB Ex. 3A at 8-11).

This Tribunal notes that while the veracity of the above witnesses' statements is not in question, they are of limited probative value as to the issue of Respondent's initial actions. None

of the witnesses observed the earlier interaction between Respondent and [redacted] Essentially, they corroborate the events captured on BWC and Respondent's own testimony.

Respondent testified that on June 17, 2021, while assigned to Brooklyn North Public Safety Team, he was on patrol with his partner, Officer Tofalli, in an unmarked police vehicle. At approximately 2330 hours, he was sitting in the unmarked car which was parked near the intersection of Classon Avenue and Prospect Place in the Crown Heights section of Brooklyn, waiting for his partner who was inside of a local deli. Respondent recalled that he was in uniform on that day and was seated in the front passenger seat with his windows rolled down. As he was sitting in the car, Respondent observed a male (later identified as [redacted] in the crosswalk, walking toward his vehicle. Respondent testified that his attention was drawn to this male because of the manner in which he was dressed. Specifically, Respondent characterized it as "winter clothes…a puffy jacket, sweatpants and a ski mask." According to Respondent, [redacted] was wearing a "balaclava" or ski mask that covered his entire face except his eyes. Respondent found that this manner of dress was "weird" because it was a "hot night." (Tr. 53-54)

Respondent continued watching [redacted] and noticed that as he got closer to his RMP, he was looking around and then when he made eye contact with Respondent he stopped, backed up and turned around walking away from the car. According to Respondent, he estimated that he was watching [redacted] for about 45 seconds before he exited his vehicle. He further observed that as [redacted] was walking away, he kept looking behind him over his shoulder. Respondent decided to exit his vehicle and could see [redacted] standing in front of a wall with his back toward the street, but could not see what [redacted] was doing at the moment. (Tr. 55-56, 60-62) As Respondent approached [redacted], he recalled that [redacted] turned to look at him, "and he grabs something heavy in his waist, lifts it up, and then turns around and runs away from me."

(Tr. 62) Respondent could not provide a description of the item. He simply assumed that it was a weapon based upon the "weight" and the "scooping motion" that [redacted] made from his waist to his midsection. Respondent suspected the "heavy object" was a firearm. (Tr. 92-93)

At this point, Respondent recollected using his radio to transmit his location because he was now involved in a foot pursuit. As they rounded the corner, Respondent recalled losing sight of [redacted] for a few seconds. Respondent then observed [redacted] duck/hide in between cars, and that is when he unholstered his gun. Respondent justified his actions in this moment stating:

> Because in my mind, based on everything that had happened up until that point, and the way his -- the way he's positioned behind this car, I don't know if he's taking cover because he's about to shoot at me or he's just dumping something. But the way he was running and then the fact that he turned to come back up the block after the car [RMP] blew past him and he starts ducking in between these cars, I pulled out my gun because I can see him as he's taking cover. Because I already think he has a gun based on what I saw him grab, pick up or lift in his waist, and run away from me. (Tr. 65)

According to Respondent, [redacted] then started running again and that is when he pointed his gun at him and directed him, in sum and substance, to stop running or he was going to shoot. Respondent stated that he used the threat of force because he was afraid that if [redacted] turned around and had a gun in his hand as he suspected, he was going to have to shoot him. (Tr. 66)

The foot pursuit continued for a few more seconds until [redacted] stopped, laid on the ground and put his hands up. Respondent immediately re-holstered his service weapon and attempted to get [redacted] s hands behind his back to rear cuff him. Respondent admitted that he yelled at [redacted] to put his hands together to handcuff him. Once handcuffed, Respondent placed [redacted] on his side and conducted a frisk. Ultimately, Respondent did not recover a firearm from [redacted] s person despite his suspicion that he had one on him. (Tr. 65-66, 68-69, 85)

As Respondent handcuffed and initiated the search of [redacted], other officers arrived in police vehicles. Respondent directed the other officers to "walk the route," because he believed that [redacted] may have discarded a weapon during the foot pursuit and he did not want the evidence to "disappear." (Tr. 66-67) [redacted] remained in handcuffs on scene while officers retraced [redacted]'s steps in an attempt to locate the firearm. The area canvass yielded negative results. (Tr. 86-87)

After the area canvass was concluded, [redacted] was released. Before officers removed [redacted] s handcuffs, however, Respondent suggested that they check him one last time "because I don't want to let this guy walk away and he ends up having [something] stuffed in his pants or something." Respondent confirmed that nothing was found pursuant to this second frisk. (Tr. 70)

Respondent admitted that he did not provide [redacted] with a business card or any other contact information at the conclusion of the above-mentioned investigative encounter, as required pursuant to the Patrol Guide. When asked if he wrote his information down for [redacted], he stated, "No. He seemed pretty content to just leave." (Tr. 88)

It is worth noting that Respondent's version of events from the moment he stepped out of the RMP until [redacted] is apprehended and searched, is largely corroborated by the BWC footage received in evidence as CCRB's Exhibits 5, 6, 7, 8 and 9.

Specifications 1, 4 and 5: Stop, Frisk and Search of [redacted]

It is well settled that a police officer may stop a person to search for weapons where the officer "reasonably suspects that such person is committing, has committed or is about to commit" a crime (N.Y. Crim. Proc. Law § 140.50 [1]; Patrol Guide 212-11), and when the officer "reasonably suspects that he [or she] is in danger of physical injury." N.Y. Crim. Proc.

Law § 140.50 [1], [3]; *see also* P.G. 212-11. "A stop based on reasonable suspicion will be upheld so long as the intruding officer can point to 'specific and articulable facts which, along with any logical deductions, reasonably prompted th[e] intrusion.'" *People v. Brannon*, 16 N.Y.3d 596 (2011), quoting *People v. Cantor,* 36 N.Y.2d 106, 113 (1975).

The question to be answered here is whether a reasonable officer would have acted as Respondent did, in light of the established standards of conduct, and the circumstances actually confronted by the officers in this case. I find that CCRB has not met its burden of proof by a preponderance of the relevant, credible evidence that Respondent stopped and frisked [redacted] on June 17, 2021, without sufficient legal authority. I do, however, find that CCRB has met its burden of proof with regard to Specification 5, the search of [redacted].

In this case, Respondent testified that [redacted] first drew his attention because he was dressed in unusually warm clothing for the season (he was wearing heavy jacket and balaclava ski mask, which covered most of his face except his eyes, in mid-June). Having viewed all of the BWC footage received in evidence, this Tribunal credits Respondent's testimony regarding Mr. Ratliff's attire on the date of the incident and agrees with his assessment that it appeared to be an unusual manner of dress considering the time of year. Moreover, the BWC captures other officers on scene all of whom are wearing short sleeves, further corroborating that it was a warm June night. Respondent added that when he made eye contact with [redacted], he doubled back and walked away from the unmarked police vehicle. Upon exiting the vehicle to approach [redacted], Respondent observed him "scoop up" a heavy, weighted object in his waistband.

Courts have found initial approaches to request information, based upon a suspect's inappropriate dress for the weather, and acting oddly by walking in the middle of the street, to be based on objective, credible reasons. *People v. Moyaho*, 12 A.D.3d 692 (2d Dept. 2004); *People*

v. Giles, 223 A.D.2d 39 (1st Dept. 1996). It has also been held that a suspect's nervous, furtive, or hesitant reaction after making eye contact with the police is an objective, credible reason for a request for information. *People v. Flynn*, 15 A.D.3d 177, 178 (1st Dept. 2005); *People v. Belliard*, 309 A.D.2d 618 (1st Dept. 2003).

Under the circumstances presented in this case, I find that Respondent's judgment that [redacted] was dressed inappropriately for the weather was subjective and would not, standing alone, have formed a basis for initiating a request for information without additional suspicious behavior on his part. However, Respondent also testified that he saw [redacted] looking back over his shoulder, while his back was facing the street. Respondent characterized this as suspicious behavior and this Tribunal agrees. Respondent further added that as he approached him, [redacted] "grabbed something heavy in his waist, lifted it up and then turns around and runs away from me." (Tr. 62)

Based upon a review of the testimony adduced at trial and my own review of the video evidence, this Tribunal has determined that Respondent made reasonable deductions based upon a combination of factors surrounding this encounter. Respondent's observations of [redacted] s unusually warm attire, his furtive movements and subsequent flight taken together provide sufficient reason to believe that criminal activity was afoot. While a suspect's "[f]light alone . . . even [his or her flight] in conjunction with equivocal circumstances that might justify a police request for information, is insufficient to justify pursuit;" flight, "combined with other specific circumstances indicating that the suspect may be engaged in criminal activity, could provide the predicate necessary to justify pursuit." *People v. Holmes*, 81 N.Y.2d 1056, 1058 (1993), citing *People v. DeBour,* 40 N.Y.2d 210, 218-20 (1976). Moreover, while pursuing [redacted] Respondent saw him duck in between cars which heightened his suspicion that [redacted] was

armed. This is evidenced by the fact that Respondent unholstered his service weapon in fear for his safety. This additional factor, coupled with Respondent's prior observations, was sufficient to raise the encounter to a level 3 stop.

The public's right to be secure against unreasonable searches and seizures must be carefully guarded. However, we should not impose upon those charged with the responsibility to enforce our laws an unworkable and unrealistic protocol for their actions. This Tribunal recognizes that in street encounters like this one, the levels of suspicion can legitimately escalate through the entire *DeBour* range in a matter of moments. That is precisely what occurred here.

Patrol Guide section 212-11 states that "a frisk is authorized when the member of the service reasonably suspects the person is armed and dangerous." Under the circumstances of this case, at the time that Respondent apprehended [redacted] he had a particularized and objective basis to suspect that [redacted] was in possession of a weapon. It therefore follows that Respondent's frisk of [redacted] was an appropriate response to his observations and beliefs.

With regard to the subsequent search however, I do not find that there was a sufficient basis articulated by Respondent at trial to justify the search. Patrol Guide 212-11 states that a search after a frisk "occurs when the officer places her/his hands inside a pocket or other interior portions of a person's clothing or personal property to remove an object that the member felt during a frisk and reasonably suspects is a weapon or dangerous instrument." While Respondent conceded at trial that he conducted a search after frisking [redacted], he did not offer any reason for his actions. In the absence of a rational basis to support this greater level of intrusion, this Tribunal finds that Respondent exceeded his legal authority in searching [redacted].

Based upon the forgoing I find Respondent Not Guilty of Specifications 1 and 4, but Guilty of Specification 5.

Specifications 2 and 3: Use of Force & Threat of Use of Force

Section 221-01 of the Patrol Guide states that any application of the use of force must be reasonable under the circumstances. The Patrol Guide cautions that a uniformed member of service should not draw his firearm prematurely. "The decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present." When that threat is ended, the officer must re-holster his firearm "as soon as practicable."

Here, Respondent did articulate a reasonable belief that there was the potential for serious physical injury at the time he pointed his firearm. While Respondent was conducting an investigative encounter, a foot pursuit ensued. As Respondent was chasing [redacted], he observed him "duck" between two cars. Respondent was already suspicious that [redacted] was in possession of a firearm and once he was unable to see [redacted] s hands or what he was doing while in between the cars, he was reasonably concerned for his safety as evidenced by his actions in unholstering his weapon and seeking cover himself. When [redacted] reemerged from between the cars, he continued running away from Respondent. Respondent chased him and gave a verbal warning to [redacted] in sum and substance, to stop or he would shoot. A few seconds later [redacted] eeded the warning and surrendered, at which time Respondent promptly re-holstered his weapon.

Under these specific circumstances, where a suspect that an officer believed to be armed, ran away from an officer and ducked behind a car in the manner in which [redacted] did, Respondent's decision to draw his firearm was not unreasonable. This was not a situation where an officer prematurely drew his gun and created an unnecessary risk. I credit Respondent's testimony that he was reasonably concerned for his safety at the time he pointed his firearm.

Moreover, Patrol Guide 221-01 suggests the issuance of an appropriate verbal warning to the intended subject prior to discharging a firearm. The purpose of such a verbal warning is to gain compliance of the subject and prevent or eliminate the need to discharge a firearm. Accordingly, Respondent yelling at [redacted] to stop or he would shoot him is exactly the kind of verbal warning proposed by the Patrol Guide.

The record has failed to establish that Respondent wrongfully used force by pointing his gun or that he unlawfully threatened the use of force, and I find him Not Guilty of Specifications 2 and 3.

Specification 6: Second Frisk of [redacted]

With regard to the second frisk that occurred before [redacted] was released, I find that Respondent had sufficient legal authority to do so and therefore find him Not Guilty of Specification 6.

Respondent testified that when he first observed [redacted] on the street, he suspected he was in possession of a firearm, which is what caused him to initiate police action. Respondent then pursued [redacted] and, once he apprehended him, conducted a frisk and search for weapons. When Respondent did not recover a weapon from [redacted] s person, he directed that an area canvass be conducted for weapons.

CCRB's Exhibit 5 captures some footage of Respondent engaged in the search for the firearm that he believed [redacted] discarded during the foot pursuit. Specifically at 07:50 of CCRB's Exhibit 5 Respondent can be heard stating, "I would toss him again because he's got like four layers of clothes on him." This is an indication to this Tribunal that Respondent was not satisfied with his initial frisk of [redacted] when he initially apprehended him. This is especially evident given the fact that the area canvass had proved unsuccessful and that

Respondent mentions "tossing him again" to be sure. This Tribunal does not find that the added precautionary measure of a second frisk was unjustified under the circumstances.

As such, Respondent is found Not Guilty of Specification 6.

Specification 7: Failing to Provide Right to Know Business Card

Administrative Guide 304-11 prescribes that, in accordance with the New York City Right to Know Act, a business card is to be offered to members of the public upon conclusion of certain law enforcement activities. A.G. 304-11 goes on to define these law enforcement activities and the definition includes, "a stop where an officer has an individualized, reasonable suspicion that the person stopped has committed, is committing, or is about to commit a crime and where a reasonable person would not feel free to end the encounter (Level 3 Encounter)." This Tribunal has already determined that such an encounter occurred on the date in question. As such, it follows that the Respondent was required under the circumstances, to offer to provide a business card to [redacted] at the conclusion of the encounter and by his own admission, he did not do so.

Respondent admitted at trial that he was aware of his responsibility pursuant to the Patrol Guide to offer a business card at the end of such interaction. He further stated, however, that did not offer to provide [redacted] with a business card because "he seemed pretty content to just leave" and [redacted] did not ask him for his identifying information. (Tr. 88-89) Members of Service are required to know their duties and responsibilities when interacting with members of the public and follow the Department's guidelines with fidelity. A deviation from the Department's protocols can result in the erosion of public trust and confidence in law enforcement, especially after an investigative encounter fraught with tension, as was the case here.

I therefore find Respondent Guilty of Specification 7.

PENALTY

In order to determine an appropriate penalty, this tribunal, guided by the Department's Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent's employment history also was examined. *See* 38 RCNY § 15-07. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached memorandum.

Respondent, who was appointed to the Department on January 7, 2015, has been found Guilty of Specifications 5 and 7—an unlawful search of [redacted] and failing to provide him with a business card. This tribunal recognizes that in almost ten years of service, he has received positive performance evaluations, has been awarded many medals and has not had any prior formal discipline. CCRB recommended the presumptive penalty of three (3) days for Specifications 1, 4, 5, 6 and 7 to run concurrently and the presumptive penalty of ten (10) vacation days for Specifications 2 and 3 to run consecutive, for a total forfeiture of twenty-three (23) vacation days. Having found Respondent guilty of Specifications 5 and 7 and in the absence of mitigating or aggravating factors, I concur with CCRB's recommendation that the presumptive penalty of three (3) vacation days to run concurrently is appropriate for those specifications

This Tribunal opines that this penalty recommendation strikes a balance between Respondent's employment record, the misconduct he engaged in and the Department's interest in ensuring that officers who are actively involved in patrol are adequately trained to handle investigative encounters with members of the public. Accordingly, it is recommended that Respondent forfeit three (3) vacation days.

Respectfully submitted,

Vanessa Facio-Lince
Assistant Deputy Commissioner Trials

APPROVED
JUN 21 2024
EDWARD A. CABAN
POLICE COMMISSIONER

POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER JOSHUA NAVARRO
TAX REGISTRY NO. 957891
DISCIPLINARY CASE NO. 2022-27138

Respondent was appointed to the Department on January 7, 2015. On his three most recent performance evaluations, he received 4.0 overall ratings of "Highly Competent" in 2022 and 2023, and was rated "Exceptional" for 2020. Respondent has been awarded 13 medals for Meritorious Police Duty and 15 medals for Excellent Police Duty

Respondent has no formal disciplinary history. He was placed on Level 1 Force Monitoring in March 2024 for having received six or more CCRB complaints over a five-year period.

For your consideration.

Vanessa Facio-Lince
Assistant Deputy Commissioner Trials