



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF SOCIAL JUSTICE
LAW ENFORCEMENT MISCONDUCT INVESTIGATIVE OFFICE

June 6, 2024

Commissioner Edward Caban
New York City Police Department
One Police Plaza
New York, NY 10038

Via Email

Re: Letter regarding Executive Law 75(5)(b) Referral of Police Officer Joshua Navarro, OAG Matter No. 1-794586027

Dear Commissioner Caban,

We have reviewed your agency's referral of Officer Navarro pursuant to Executive Law Section 75(5)(b). Based on our review, we have concluded that Officer Navarro engaged in a pattern of misconduct involving repeated unlawful stops, frisks, and searches in contravention of the Fourth Amendment and that he used force in violation of NYPD policy.

Our findings are based on the following incidents:

- CCRB 202000571: On January 7, 2020, Complainant One (18 years old) walked to a grocery store in East New York, Brooklyn with three companions (16 years old). While Complainant One waited outside the store with one of his companions, Officer Navarro and Lt. Willabus stopped Complainant One. Officer Navarro searched his jacket pocket and frisked his other pockets. Officer Andrade stopped and frisked the companion and attempted to arrest her for disorderly conduct. Officer Navarro punched Complainant One twice in the head and took him to the ground, claiming that Complainant One attempted to prevent Andrade from arresting the companion. The CCRB investigated this incident and substantiated allegations that Officer Navarro's stop, frisk, and search of Complainant One were an abuse of authority because he did not have sufficient legal authority. The CCRB also substantiated two allegations that Officer Navarro used unreasonable force against Complainant One. Charges were brought against Officer Navarro for this incident and disposition is pending.
- CCRB 202005648: On August 11, 2020, from their unmarked vehicle, Officer Navarro, Officer Ardolino, and Sgt. McSherry observed Complainant Two walk down the street and into a market in Brownsville, Brooklyn. Sgt. McSherry and Officer Ardolino used force to detain Complainant Two inside the market, and Officer McSherry searched and frisked him.

Officer Navarro entered the store and frisked Complainant Two's bag, waist, shopping bag and jacket. They did not recover any contraband. The CCRB investigated this incident and substantiated an allegation that Officer Navarro's frisk was an abuse of authority because he did not have sufficient legal justification. Although the CCRB recommended that NYPD impose Command A Discipline on Officer Navarro, NYPD declined to impose discipline.

- CCRB 2021000558: On January 7, 2021, Complainant Three was walking outside through the Kingsborough Housing complex in Crown Heights, Brooklyn, when he was approached by Officer Navarro, Officer Canady (Patrol Borough Brooklyn North Specialized Unit), and Officer Tofalli (77th Precinct) in an unmarked vehicle. Officer Navarro and Officer Canady stopped, frisked, and searched him. They did not recover any contraband. The CCRB investigated this incident and substantiated allegations that Officer Navarro abused his authority because he stopped, frisked, and searched Complainant Three without sufficient legal authority. Charges were brought against Officer Navarro for this incident and disposition is pending.
- CCRB 202103678: On June 17, 2021, Officer Navarro, assigned to a PBBN Specialized Unit, stopped Complainant Four in Crown Heights, Brooklyn, pointed his gun at him, threatened him with the use of force by stating, "Stop or I will shoot," frisked him, searched him, and frisked him a second time. The CCRB investigated this incident and substantiated allegations against Officer Navarro that he abused his authority when he stopped, frisked (twice), searched Complainant Four and threatened the use of force in violation of NYPD policy. The CCRB also substantiated an allegation that Officer Navarro's use of force violated NYPD policy. Charges were brought against Officer Navarro for this incident and disposition is pending.
- CCRB 201808163: On September 22, 2018, while assisting with an operation targeted at reports of underage drinking at a bar in Cypress Hills, Brooklyn, Officer Navarro frisked an unidentified security guard. The CCRB investigated this incident and substantiated an allegation that Officer Navarro abused his authority because the frisk was without sufficient legal justification. NYPD imposed Formalized Training on Officer Navarro. While this incident occurred outside of the referral period, it is consistent with the pattern we have identified.

We also note that Officer Navarro is a subject officer in an ongoing CCRB investigation with allegations related to force and abuse of authority during a March 2, 2023 incident.

Based on the above incidents, we conclude that Officer Navarro engaged in a pattern of misconduct related to his participation in unlawful stops, frisks, and searches in contravention of the Fourth Amendment, and that he used force during stops in violation of NYPD policy. To prevent future misconduct, NYPD should develop a plan for addressing Officer Navarro's repeated misconduct that includes monitoring and training to ensure his compliance with the Fourth Amendment.

We are not recommending specific discipline for CCRB 202000571, CCRB 2021000558, or CCRB 202103678 because disciplinary charges are pending. Officer Navarro's repeated

misconduct should be considered an aggravating factor when imposing discipline for these violations, per NYPD's Discipline Matrix ("conduct demonstrating a pattern of behavior that indicates an inability to adhere to Department rules and standards" and "prior disciplinary history").

We request a written response within 90 days as to NYPD's remedial actions pursuant to Executive Law § 75(5)(c), specifically including the remedial plan described above.

Thank you,

LETITIA JAMES
Attorney General of the State of New York

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