



**QUEENS COUNTY DISTRICT ATTORNEY**

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TO: DISTRICT ATTORNEY MELINDA KATZ  
FROM: JAMES M. LIANDER, BUREAU CHIEF  
PUBLIC CORRUPTION BUREAU  
RE: NYPD arrest, January 2, 2021  
DATE: March 31, 2021

After a thorough investigation that included consultation with two medical experts and an NYPD expert in Physical Training and Tactics, interviews with multiple officers, a defendant, and extensive review of NYPD Body Worn Camera footage, the Public Corruption Bureau of the Queens District Attorney's Office has determined there were no violations of Administrative Code 10-181 during an arrest on January 2, 2021.

While the Queens District Attorney's Office supports the spirit of legislation that prioritizes police accountability and promotes community engagement, the elements of AC-181 are not satisfied in this case. There is insufficient evidence of an unlawful method of restraint being used during the handcuffing procedure of a defendant. Specifically, to satisfy the statute, one of two things must be made out which the evidence does not show happened here:

1. The law requires a finding that the officer involved restricted the flow of air or blood by either compressing the defendant's windpipe or the carotid arteries on each side of his neck. There could be no such finding under the facts here.
2. Neither did the evidence support a finding that air or blood flow were restricted by sitting, kneeling or standing on the neck in a manner that compresses the diaphragm.

To view the body worn camera video of the incident please click this link:

<https://youtube./u1-LmCbeb-s>