

NEW YORK CITY COMPTROLLER'S OFFICE  
COUNTY OF NEW YORK

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**In the Matter of the Claimants:**

1. **Benjamin A. Trye**

Address: [REDACTED]

Date of Birth: [REDACTED]

Social Security Number: [REDACTED]

2. **Alister Alexander**

Address: [REDACTED]

Date of Birth: [REDACTED]

Social Security Number: [REDACTED]

3. **Wilfred R. Trye**

Address: [REDACTED]

Date of Birth: [REDACTED]

Social Security Number: [REDACTED]

4. **Harold B. Thomas**

Address: [REDACTED]

Date of Birth: [REDACTED]

Social Security Number: [REDACTED]

**DATE AND LOCATION OF INCIDENT:**

- **Date:** December 7, 2024
- **Location:** County of Queens, near 49-09 25th Avenue, Woodside, NY 11377

**INTRODUCTION**

The driver was: Claimant Benjamin A. Trye [REDACTED], Date of Birth: [REDACTED], Social Security [REDACTED]; The front passenger was: Claimant Alister Alexander [REDACTED], Date of Birth: [REDACTED], Social Security # [REDACTED]; The rear passenger on the driver side was: Claimant Wilfred R. Trye [REDACTED], Date of Birth: [REDACTED], Social Security [REDACTED]; The rear passenger on the passenger side was: Claimant Harold B. Thomas [REDACTED], Date of Birth: [REDACTED], Social Security [REDACTED]

Claimant Benjamin A. Trye [the Driver] is employed by the New York State Department of Mental Health as a Mental Health Therapist Aide.

Claimant Alister Alexander is employed by the New York City Department of Probation as an Assistant Director of Policy and Procedures.

Claimant Wilfred R. Trye is employed by the New York City Department of Probation as a Community Coordinator/Mentor Coordinator. He's a combat veteran honorably discharged from the United States Air Force after five years of service [2010 – 2015] as a Staff Sergeant [E4].

Claimant Harold B. Thomas is employed by the New York City Department of Probation as a Laborer.

This case arises from the racially discriminatory and unconstitutional policing practices of the New York City Police Department (NYPD), which resulted in the unlawful stop, detention, and excessive use of force against the Claimants. Recent statistical data and independent oversight reports confirm that the NYPD systematically engages in racial profiling, selective enforcement, and unconstitutional stops, disproportionately targeting Black and Latino individuals. The following legal claims are supported by statistical evidence and findings from the Floyd Monitor's 23rd Report, highlighting NYPD's failure to train, supervise, and discipline officers for unconstitutional conduct.

## **BACKGROUND**

### **Allegations of Police Brutality, Unlawful Arrest, and Psychological Trauma Claimants Driver, Alexander, Trye, and Thomas**

On or about December 7, 2024, in the County of Queens, Claimant Benjamin A. Trye [Driver] legally operated a 2021 Mercedes-Maybach Sedan S580 KZY 2940 New York Registration with Claimants Alexander, Trye and Thomas as passengers. The claimants recently patronized Starlet's of New York at 49-09 25th Avenue, Woodside, N.Y. 11377. Claimant Wilfred R. Trye borrowed the vehicle from the registered owner.

Before beginning the trip to return home, the occupied vehicle was temporarily parked in front of the location because the claimant returned to retrieve a misplaced personal cellular telephone.

Upon heading northwest on 25th Avenue towards 49th Street, Claimant Driver noticed a dark vehicle in front and one to the rear. At the corner of 49th Street, at the traffic light, Claimant Benjamin A. Trye initiated a right turn onto 49th Street, heading Northeast. Shortly thereafter, Claimant Driver noticed the dark vehicle in front, and the rear lights were illuminated, similar to law enforcement. Claimant Driver stopped the car.

An unidentified male approached the driver's side and told him the tints on the side windows were too dark. The unnamed male [later identified as Police Officer Brian A. Guzman Shield No.: 22997, Tax Registry No.: 971080] demanded that he leave the vehicle. The issuing officer [Guzman] failed to use a tint meter to measure the vehicle's windows' visible light transmission (VLT%), rendering the citation unenforceable and unconstitutional under New York State law.

The Claimants, the Driver, Alexander, Trye, and Thomas, allege that the vehicle stop was based on subjective visual estimation, which is not a legally valid basis for enforcement.

The Claimants, the Driver, Alexander, Trye, and Thomas, allege that the NYPD routinely enforces window tint laws disproportionately against Black and Latino drivers as a pretext to justify stops, searches, and interrogations.

The Claimants, the Driver, Alexander, Trye, and Thomas, allege that the vehicle stop was motivated not by a legitimate safety concern but by racial bias, violating the Claimants' Equal Protection Rights under the 14th Amendment.

The Claimants, the Driver, Alexander, Trye, and Thomas, alleged that after the pretextual stop, officers expanded the stop's scope beyond its original purpose, seeking to conduct an unlawful search of the vehicle and its occupants.

The Claimants, the Driver, Alexander, Trye, and Thomas, alleged that no reasonable suspicion existed to justify the search, making any evidence obtained inadmissible in court.

The Claimants, the Driver, Alexander, Trye, and Thomas, alleged that the NYPD has a well-documented history of using minor traffic infractions, such as window tint violations, to stop minority drivers disproportionately.

The Claimants, the Driver, Alexander, Trye, and Thomas, allege that the department fails to train, supervise, and discipline officers to prevent racial profiling, making the City of New York liable for constitutional violations under *Monell v. Department of Social Services*.

Claimant Driver alleged that he noticed more police vehicles with personnel arrive.

Claimant Driver alleges that he began to fear for his and the other Claimants' lives because they violated no laws; they were in a darkened, isolated industrial area with no witnesses. Moreover, the police actions exasperated his PTSD and the knowledge that Claimant Thomas was a previous victim of racial profiling and police brutality along with himself and other African-American males.

Claimant Driver alleges that he exited the vehicle and was directed to walk towards the trunk area.

Claimant Alexander alleges that another male officer, later identified as Sergeant Eumir M. Ferrer Shield No.: 2512, Tax Registry No.: 943232, approached the passenger side and ordered him to "Get the fuck out of the car" or words to that effect. Claimant Alexander did not know what was going on.

Claimant Thomas alleges that he showed Sergeant Ferrer several Police Benevolent Association of the City of New York cards, and he tossed them.

Meanwhile, Claimant Alexander hears a commotion and sees Claimant Thomas falling out of the car. He runs toward Claimant Thomas and records the events with his cellular telephone device.

Claimant Alexander alleges that he began to fear for his and the other Claimants' lives because they violated no laws; they were in a darkened, isolated industrial area with no witnesses. Moreover, the police actions exasperated his PTSD and the knowledge that Claimant Thomas was a previous victim of racial profiling [he witnessed the police assault] and police brutality along with himself and other African-American males.

Claimant Driver alleges that as he walked near the rear driver's side door, he heard a commotion and Claimant Thomas's voice. When he looked over, he could see Claimant Thomas fall out of the vehicle onto the ground while facedown several officers pounced on him.

Claimant Driver, Alexander, and Trye noticed a male officer, later identified as Police Officer Brian A. Guzman Shield No.: 22997, Tax Registry No.: 971080, on the ground facing towards Claimant Thomas, punching him in the face, head, and about the body.

Meanwhile, another male officer, later identified as Police Officer Anthony N. Riccardi Shield No.: 13105, Tax Registry No.: 970134, jumped onto Claimant Thomas's back and punched several times in the face, head and about the body, including the back. Other unidentified officers were on the ground restraining Claimant Thomas while Sergeant Ferrer and Lieutenant Andrew C. Dickson, Tax Registry No.: 943170, stood idly by.

From the Claimant Driver, Alexander, and Tyre's perspective, there were more than twenty [20] police officers present. More importantly, no one intervened in the brutal assault of Claimant Thomas.

Claimant Trye alleges that he feared fear for his and the other Claimants' lives because they violated no laws; they were in a darkened, isolated industrial area with no witnesses. Moreover, the police actions exasperated his PTSD and the knowledge that Claimant Thomas was a previous victim of racial profiling and police brutality along with himself and other African-American males.

Claimant Alexander alleges that several officers, including Sergeant Ferrer, flashed flashlights in his eyes and tried to block the camera's view of the brutal assault.

Claimant Alexander alleges that several officers turned off their body-worn cameras.

Claimant Alexander alleges that he yelled several times, "Why are you punching him?" Sergeant Ferrer instructed Claimant Alexander to back up while flashing a flashlight into his eyes. Meanwhile, Claimant Alexander was recording the police as his lawful right as he was not physically interfering but recording the event.

Claimant Alexander alleges that Lieutenant Dickson denied that the officers punched Claimant Thomas.

Claimants Alexander and Trye observed Claimant Driver being handcuffed for unknown charges.

Claimants Alexander and Trye observed Claimant Thomas being handcuffed for unknown charges.

### **Allegations of Police Brutality, Unlawful Arrest, and Psychological Trauma Claimant Harold B. Thomas**

Claimant Thomas alleges that he sustained substantial pain in his face, hands, head, back, and body because of Police Officers Guzman and Riccardi's brutal assault.

Claimant Thomas alleges that Police Officer Riccardi ultimately charged him with Obstructing Governmental Administration and Resisting Arrest, although he violated no laws and did not physically obstruct the police's actions.

Claimant Thomas alleges that Lieutenant Dickson, Sergeant Ferrer, and the unidentified Desk Officer failed to supervise police personnel and VOID the unlawful arrest of Police Officer Riccardi, consistent with department policy and the law.

Claimant Thomas alleges he was unlawfully held inside the holding cell of 114<sup>th</sup> Precinct with Claimant Driver for approximately 7.5 hours and Queens Central Booking for approximately 10 hours.

Claimant Thomas alleges that later that night, December 7, 2024, he appeared before the Honorable Edward Daniel Criminal Court of the City of New York, Part AR 3, Docket No.: CR-042168-24QN and the Arraignment Court granted a Criminal Procedure Law (CPL) § 170.55 - Adjournment in Contemplation of Dismissal without his permission.

### **Allegations of Police Brutality, Unlawful Arrest, and Psychological Trauma Claimant Driver**

Claimant Driver alleges that he sustained substantial pain in his hands and possible nerve damage because of an unidentified police officer handcuffing him too tight.

Claimant Driver alleges he was unlawfully held inside the 114<sup>th</sup> Precinct for several hours in the holding cell with Claimant Thomas.

Claimant Driver alleges that Police Officer Guzman ultimately charged him with violating New York Vehicle and Traffic Law (VTL) § 375(12-a)(2), regulations govern window tinting on motor vehicles, specifying the allowable levels of tint and enforcement procedures. However, Guzman failed to use a tint meter to measure the visible light transmission (VLT%) of the vehicle's windows, rendering the citation unenforceable and unconstitutional under New York State law.

### **POST ARREST**

Claimant Thomas alleges that on December 7, 2024, in the morning, his mother, retired NYPD Detective Second Grade Ila Thomas [Quality Assurance], was denied visitation in a bid to cover up the brutal police assault.

Claimant Thomas alleges that later that afternoon, his father, retired NYPD Detective First Grade Harold Thomas Sr. [Joint Terrorism Task Force], had conversations with Mayor Eric L. Adams, former Chief of Department Jeffrey B. Maddrey, and former Chief of Internal Affairs Miguel A. Iglesias. They admitted to viewing several body-worn cameras of the police officers, including Police Officer Riccardi, and revealed that none of the claimants had violated any laws. Yet, these police officers were not arrested or referred the matter to the Office of the District Attorney County of Queens – the Public Corruption Bureau or the United States Attorney’s Office for the Eastern District of New York.

## **OFFICER PROFILES**

### **Summary of Lieutenant Andrew C. Dickson’s History of Misconduct and Supervisory Failure**

Lieutenant Andrew C. Dickson, who is currently assigned to the 114th Precinct, has a documented history of allegations of excessive force, misconduct, and failure to intervene in civil rights violations. His career includes prior service at the 111th Precinct, Midtown North Precinct, 78th Precinct, and 76th Precinct, with his tenure in the NYPD beginning in January 2007.

Dickson has faced three official complaints, including four separate allegations of misconduct, with none substantiated, despite multiple complainants being Black or Hispanic males. A September 2024 complaint accused him of using physical force against a Hispanic male, which remains pending litigation. Similarly, an August 2019 complaint alleged physical force against a Black male is also still unresolved due to pending litigation. A January 2014 complaint involved the use of physical force and an unlawful stop against a Black male, but the case was closed after the victim became unavailable, and the second allegation was unsubstantiated.

Furthermore, Dickson has been named in two federal lawsuits alleging excessive force. In *G., D., et al. v. City of New York et al.*, filed in April 2021, plaintiffs alleged that multiple NYPD officers, including Dickson, engaged in excessive force, wrongful detainment, and racial profiling of teenagers aged 13-15 during a stop on Halloween night in 2018. Officers allegedly pointed firearms at the children, tackled them, and frisked them without probable cause. The second lawsuit, *Ward v. City of New York, et al.*, filed in August 2020, alleged that Dickson and other officers engaged in a violent assault, including kicking, choking, and stomping the plaintiff without justification. The victim, Derrick Ward, was subsequently detained and taken to the hospital for treatment before being released.

Dickson’s pattern of misconduct, excessive force allegations, and involvement in civil rights lawsuits strongly support the claim that NYPD supervisors, including Dickson, have engaged in or enabled unconstitutional policing practices. His presence at the 114th Precinct, combined with

his history of alleged racial bias and force against minority individuals, reinforces claims of Monell liability for supervisory failures.

### **Summary of Sergeant Eumir M. Ferrer's History of Misconduct and Supervisory Failure**

Sergeant Eumir M. Ferrer, currently serving at the 114th Precinct, has an extensive history of substantiated allegations of excessive force, abuse of authority, and misconduct. His tenure in the NYPD began in January 2007, and he has previously served at Police Service Area 1 and the 44th Precinct.

Ferrer has faced six official complaints, totaling 22 allegations of misconduct, six of which have been substantiated. These include two cases of excessive physical force, two cases of abuse of authority through unlawful questioning, one case of an unlawful frisk, and one case of issuing a retaliatory summons. Despite these findings, Ferrer has faced only minor disciplinary actions, including formalized training and command discipline, demonstrating a failure by the NYPD to hold him accountable for misconduct.

Ferrer has also been named in two lawsuits alleging excessive force and false arrests. In *Mercado v. City of New York, et al.*, filed in January 2022, Ferrer and other officers allegedly pulled a man from his tow truck, assaulted him, and detained him for several hours on false charges. In *Stokes v. City of New York, et al.*, filed in February 2016, Ferrer was named in a lawsuit alleging unlawful stops and arrests of the same individual on multiple occasions, leading to wrongful charges that were later dismissed.

The pattern of excessive force complaints, racial disparities in enforcement, and failure to impose meaningful discipline strongly supports the argument that Sergeant Ferrer engaged in unconstitutional policing practices and contributed to a culture of misconduct at the 114th Precinct. His history of targeting minority individuals and using excessive force aligns with the broader systemic issues of racial profiling and unconstitutional stops within the NYPD, reinforcing claims of Monell liability for supervisory failures.

### **Summary of Police Officer Brian A. Guzman's History of Misconduct**

Police Officer Brian A. Guzman, previously assigned to the 114th Precinct and currently serving at Police Service Area 9, has a record of multiple complaints and allegations of excessive force. His career in the NYPD began in February 2021, and his history includes two known lawsuits and multiple unresolved misconduct complaints.

Guzman has faced four official complaints, totaling nine allegations of misconduct, none of which were substantiated. A September 2024 complaint against Guzman involved an allegation of physical force against a Hispanic male, which remains pending litigation. A May 2023 complaint included an allegation of use of a vehicle as force against a Black male, but the complainant later became unavailable. Another October 2024 complaint involved multiple allegations of physical force and threats of arrest, but all were dismissed due to the complainant's uncooperativeness.

Guzman has also been named in two lawsuits, with a total of \$45,000 in settlements. In *Peguero v. City of New York, et al.*, filed in February 2021, Guzman was named as a defendant in a case that resulted in a \$45,000 settlement for excessive force and civil rights violations. Another lawsuit, *Vazquez v. City of New York, et al.*, filed the same day, was administratively closed, raising further concerns about Guzman's policing practices.

Despite the multiple allegations of misconduct and the significant lawsuit settlement, no substantial disciplinary action has been taken against Guzman. The failure of the NYPD to investigate and adequately discipline officers like Guzman for repeated use-of-force complaints reinforces claims of Monell liability. His pattern of excessive force, lack of accountability, and presence at the 114th Precinct during critical events in this case further substantiate allegations of systemic misconduct within the NYPD.

### **Summary of Police Officer Anthony N. Riccardi's History of Misconduct**

Police Officer Anthony N. Riccardi, who was previously assigned to the 114th Precinct and currently serves in the Equipment Section, has a record of multiple allegations of misconduct, including excessive force and abuse of authority. His career in the NYPD began in November 2020, and his disciplinary history reflects a pattern of civil rights violations.

Riccardi has faced five official complaints, totaling 13 misconduct allegations, with one substantiated. His September 2024 complaint involved an allegation of physical force against a Hispanic male, which remains pending litigation. In December 2023, he was accused of refusing to provide his shield number, but the case was closed due to budget cuts under the OMB PEG Directive. His January 2023 complaint included allegations of restricted breathing and excessive force against a white male, both of which remain pending litigation.

One of Riccardi's notably substantiated allegations involved his failure to provide a Right to Know Act (RTKA) card, an NYPD transparency requirement, during a May 2023 complaint. The CCRB determined that Riccardi violated departmental policy, but no penalty was imposed. Additionally, multiple allegations of discourtesy, offensive language, and vehicle stop-related abuses were ruled as being within NYPD guidelines, demonstrating how NYPD internal reviews often protect officers from accountability.

Riccardi's history of excessive force, failure to follow NYPD transparency policies, and repeated involvement in civil rights complaints strongly support the claim that he engaged in unconstitutional policing. His presence at the 114th Precinct, where he was accused of excessive force, aligns with documented patterns of racial profiling and unconstitutional stops, reinforcing Monell liability claims against the NYPD for failure to supervise and discipline its officers.

### **NYPD STATISTICAL DATA**

To assess potential disparities in NYPD vehicle stops during the fourth quarter of 2024, we can compare the racial distribution of these stops to New York City's overall demographic composition.



### **Racial Composition of NYPD Vehicle Stops (Q4 2024):**

- Black: 29.8%
- Hispanic: 29%
- White: 17.8%
- Asian/Pacific Islander: 12.3%
- Other/Unknown: 11.1%

### **New York City Demographics:**

- White: 35.9%
- Black: 22.7%
- Hispanic or Latino: 28.4%
- Asian: 14.6%

Source: [U.S. Census Bureau QuickFacts for New York City](#)

### **Analysis:**

- **Black Residents:** Although comprising 22.7% of the city's population, Black individuals accounted for 29.8% of vehicle stops, indicating a potential overrepresentation.
- **Hispanic Residents:** Hispanic or Latino individuals comprise 28.4% of the population and represent 29% of vehicle stops, suggesting a proportionate representation.
- **White Residents:** Although white individuals constitute 35.9% of the population, they accounted for only 17.8% of vehicle stops, indicating a potential underrepresentation.
- **Asian Residents:** Asians represent 14.6% of the population and 12.3% of vehicle stops, suggesting a slight underrepresentation.

### **Conclusion:**

The data suggests that Black residents are stopped at a higher rate relative to their share of the population, while White residents are stopped at a lower rate. These disparities may indicate potential biases in traffic enforcement practices. Further analysis, considering factors such as driving patterns and law enforcement deployment, would be necessary to draw definitive conclusions.

## **FINDINGS FROM THE FLOYD MONITOR'S 23RD REPORT**

The Floyd Monitor's 23rd Report, which assesses NYPD's compliance with court-ordered reforms following the landmark *Floyd v. City of New York* case, provides compelling evidence of systemic constitutional violations by the NYPD. The report's findings further substantiate the legal claims asserted in this matter, particularly regarding racial profiling, unconstitutional stops, and failures in NYPD supervision.

### **A. Widespread Unconstitutional Stops and Searches**

- The report found that only 75% of Neighborhood Safety Teams (NSTs) stops were lawful, compared to 92% of regular patrol officers.
- Only 58% of frisks and 54% of searches conducted by NST officers were lawful, meaning that nearly half of all frisks and searches lacked legal justification.
- NST officers disproportionately targeted Black and Latino individuals while engaging in self-initiated stops without reasonable suspicion.

## **B. Systemic Racial Disparities in Enforcement**

- 95% of stop reports and 93% of body-worn camera (BWC) footage involved Black or Hispanic individuals, reinforcing a pattern of racial profiling.
- Despite these apparent racial disparities, NYPD supervisors failed to address or rectify the department's unconstitutional practices.
- Supervisors approved 99.1% of stop reports as "lawful," even when independent audits found many unconstitutional.

## **C. Supervisory Failures and Institutional Negligence**

- Supervisors routinely failed to identify racial profiling or unconstitutional stops.
- NYPD officers engaged in unlawful self-initiated stops 70% of the time, indicating a lack of proper oversight.
- The report found that NYPD leadership had systemically ignored evidence of unconstitutional conduct, permitting ongoing civil rights violations.

## **Conclusion:**

The findings from the Floyd Monitor's 23rd Report, in conjunction with statistical analysis of NYPD vehicle stops, provide compelling evidence of systemic racial profiling, unconstitutional stops, and supervisory failures within the NYPD. This evidence directly supports the legal claims asserted in this case, reinforcing constitutional violations and the City of New York's liability under 42 U.S.C. § 1983, the Fourth and Fourteenth Amendments, Monell liability doctrine, and the NYC Human Rights Law (Administrative Code § 8-107).

- The Floyd Monitor's findings confirm that NYPD officers routinely conduct stops without reasonable suspicion, disproportionately targeting Black and Latino individuals, which constitutes a clear violation of the Fourth Amendment's protections against unlawful searches and seizures.
- The systemic racial disparities in NYPD traffic stops are not coincidental but reflective of a pattern of unconstitutional and discriminatory policing practices, violating the Equal Protection Clause of the Fourteenth Amendment.
- The failure of NYPD supervisors and leadership to correct or address these unconstitutional practices demonstrates a deliberate indifference to civil rights violations, meeting the legal standard for municipal liability under *Monell v. Department of Social Services*.

- The NYPD's documented failure to intervene, correct, or discipline officers engaging in racial profiling further substantiates violations of New York City Human Rights Law (Administrative Code § 8-107), which prohibits discriminatory policing.

## **LEGAL CLAIMS ASSERTED UNDER:**

### **1. Federal Laws:**

- **Fourth Amendment Violations** – Unlawful Search & Seizure, Excessive Force (42 U.S.C. § 1983)
- **Fourteenth Amendment Violations** – Equal Protection, Due Process (42 U.S.C. § 1983)
- **False Arrest and Unlawful Detention** – (42 U.S.C. § 1983)
- **Excessive Force and Police Brutality** – (42 U.S.C. § 1983)
- **Racial Profiling and Selective Enforcement** – (42 U.S.C. § 1983) Violation of Equal Protection Clause
- **Failure to Intervene** – (42 U.S.C. § 1983) Liability for officers who failed to stop excessive force
- **Malicious Prosecution** – Fourth and Fourteenth Amendments (42 U.S.C. § 1983)
- **Retaliation for Exercising Constitutional Rights** – First Amendment Violation (42 U.S.C. § 1983)
- **Monell Monell Liability (Municipal Liability)** – **City of New York:** Failure to Train, Supervise and Discipline permitting a pattern of unconstitutional conduct.

### **2. New York City Local Laws:**

- **New York City Human Rights Law (Administrative Code § 8-107)** – Discriminatory Policing and Racial Profiling

## **DAMAGES SOUGHT:**

- Medical expenses (past, present, and future)
- Pain and suffering (physical and psychological trauma)
- Emotional distress and PTSD-related damages
- Punitive damages for police misconduct and civil rights violations
- Legal fees and costs

## **VERIFICATION AND NOTARY:**

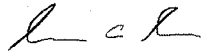
The undersigned Claimants affirm that the statements in this Notice of Claim are true and correct to their knowledge. This Notice of Claim is filed under General Municipal Law § 50-e and must be responded to within the legally prescribed timeframe.

**Signed & Sworn Before a Notary Public:**

Claimant Benjamin A. Trye



Claimant Alister Alexander



Claimant Wilfred R. Trye



Claimant Harold B. Thomas

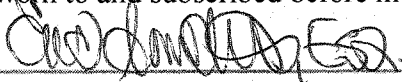


**Notary Public:**

State of New York

County of WESTCHESTER

Sworn to and subscribed before me on this 9TH day of FEBRUARY, ~~2024~~ 2025



Notary Public

REGISTRATION No.: 02SA0013820

EXPIRATION: 09/26/2027