

BODY CAM AUDIT GROUP

INTERNAL AFFAIRS & QUALITY ASSURANCE FORENSIC VIDEO AUDIT

Forensic Audit Report

Date: March 30, 2026 | Audit File: BCA-2026-04212 | Privileged & Confidential

EXPERT BODY-WORN CAMERA FORENSIC AUDIT & PROCEDURAL ANALYSIS

Case Caption:	NYS v. [REDACTED]	Incident Date:	March 29, 2026 (0059 hrs)
Complaint No:	#NY2600421297	Arrest No:	#A2610878
Primary Officer:	Trp. [REDACTED] (#[REDACTED])	Command/Unit:	NYS Police - Troop K (K232U)
Location(s):	Somers Barracks / Northern Westchester Hospital	Evidence Reviewed:	Axon BWC (Units X66A5936U, X6DAH238T)

1. EXECUTIVE SUMMARY & AUDIT OVERVIEW

Body Cam Audit Group was retained to conduct an independent, Internal Affairs-level forensic audit of body-worn camera (BWC) recordings associated with the arrest of [REDACTED] on March 29, 2026. This review evaluated officer conduct, statutory compliance, constitutional adherence, and procedural integrity against New York State Law, NYSP General Orders, and established evidentiary standards.

The forensic audit revealed severe systemic misconduct, statutory chemical test compliance misrepresentations, constitutional violations regarding Right to Counsel, and unauthorized physical force used against a hospitalized subject. Most notably, the official police report categorizes the encounter as a "chemical test refusal," directly contradicted by multi-angle BWC footage documenting explicit consent, repeated physical submission to blood draws, and cooperation with urine sampling.

2. CHRONOLOGICAL TIMELINE & DISCOVERED FACTS

Forensic examination of Axon BWC units X66A5936U and X6DAH238T establishes the following verified chronological record:

0204 HOURS - SOMERS BARRACKS | AXON BWC UNIT X66A5936U

Interference with Qualified Right to Counsel: Troopers permitted [REDACTED] to telephone her legal counsel prior to deciding on chemical testing, but explicitly restricted her privacy. Troopers ordered [REDACTED] to place the call on "speakerphone." Officers actively interjected, spoke directly to the defense attorney through the speakerphone, and required [REDACTED] to answer attorney inquiries under direct Trooper supervision.

0327 HOURS - NORTHERN WESTCHESTER HOSPITAL | AXON BWC UNIT X6DAH238T

Demonstrated Compliance & Medical Complications: BWC footage captures two medical staff members attempting multiple blood draws from both of [REDACTED]'s arms with negative results. [REDACTED] is heard exclaiming in pain after multiple unsuccessful needle probes.

0331-0332 HOURS - NORTHERN WESTCHESTER HOSPITAL | AXON BWC UNIT X6DAH238T

Request for Accommodations & Staff Admission: [REDACTED] informs medical staff that she has compromised/small veins and explicitly requests a "butterfly needle." Medical staff deny the request. At 0332 hrs, nursing staff explicitly admit on video to multiple failed blood draw attempts and state they intend to make further attempts.

0335-0342 HOURS - NORTHERN WESTCHESTER HOSPITAL | AXON BWC UNITS X6DAH238T & X66A5936U

Entry continues on following page...

0335-0342 HOURS - NORTHERN WESTCHESTER HOSPITAL | AXON BWC UNITS X6DAH238T & X66A5936U (CONT.)

Alternative Chemical Sample Cooperation: [REDACTED] requests to use the restroom. Nursing staff accompany her into the facility bathroom stating, "I need a urine sample." At 0342 hrs, [REDACTED] and the nurse exit the bathroom; the nurse is visibly carrying a filled urine specimen container directly across the hallway for testing.

0350 HOURS - NORTHERN WESTCHESTER HOSPITAL | AXON BWC UNIT X66A5936U

Documented Protests of Chemical Compliance: [REDACTED] clearly states on video, "I consented twice to having blood being drawn," and displays visible bruising/puncture marks on both arms resulting from the prior attempts.

0359 HOURS - NORTHERN WESTCHESTER HOSPITAL | AXON BWC UNIT X66A5936U

Unauthorized Physical Force / Misconduct: While [REDACTED] is lying passively on a hospital gurney, Trooper [REDACTED] (# [REDACTED]) delivers hard, rapid slaps to her lower leg and foot to "get her attention." [REDACTED] was non-combative, restrained/hospitalized, and posed zero threat or flight risk.

3. FORMAL FINDINGS OF POLICE MISCONDUCT & VIOLATIONS

VIOLATION A: CONSTITUTIONAL RIGHT TO COUNSEL INTERFERENCE (CONSTITUTIONAL VIOLATION)

Under *People v. Gursev*, 22 N.Y.2d 224, a driver arrested for DWI has a qualified right to consult privately with an attorney regarding chemical testing. Forcing speakerphone usage, eavesdropping, and actively interjecting during legal advice destroys attorney-client privilege and constitutes unlawful coercion under the NYS Constitution.

VIOLATION B: FALSIFICATION OF REFUSAL & CHEMICAL COMPLIANCE (EVIDENTIARY/IA VIOLATION)

A statutory refusal under NYS VTL § 1194 requires a conscious, deliberate decline following statutory warnings. BWC video conclusively demonstrates initial consent, physical submission to multiple painful blood draw attempts, and subsequent provision of a urine sample (0342 hrs). Requesting a butterfly needle for small veins does not constitute a refusal. Documenting a "refusal" on official filings constitutes a material misrepresentation of fact.

VIOLATION C: EXCESSIVE FORCE ON HOSPITALIZED PATIENT (USE OF FORCE VIOLATION)

Striking/slapping a non-violent, hospitalized individual on a gurney violates NYS Executive Law § 840 (Use of Force Standards) and Fourth Amendment objective reasonableness guidelines (*Graham v. Connor*). Physical strikes delivered solely for attention-getting on an incapacitated subject constitute punitive misconduct.

VIOLATION D: DUTY OF CARE & UNSAFE RELEASE/CUSTODY ABANDONMENT (RISK & CIVIL LIABILITY)

Under NY Civil Rights Law § 28, law enforcement owes a heightened duty of care to impaired individuals in custody. If Troopers served a Desk Appearance Ticket (DAT) and surrendered keys/wallet at ~0400 hrs to an impaired subject without arranging a safe, sober discharge or transfer of care, they committed a severe breach of agency public safety protocols.

4. BWC FORENSIC AUDIT SUMMARY MATRIX

Summary matrix continues on next page...

4. BWC FORENSIC AUDIT SUMMARY MATRIX (CONT.)

TIMESTAMP	BWC UNIT	VIOLATION CATEGORY	SPECIFIC VIOLATION / FINDING SUMMARY
0204 hrs	X66A5936U	CONSTITUTIONAL	Violation of <i>People v. Gursey</i> right to counsel; forced speakerphone, active eavesdropping, and police interruption during legal consult.
0327-0332 hrs	X6DAH238T	EVIDENTIARY	Documented blood draw compliance; multiple failed pokes by staff; improper categorization of medical difficulty as "Refusal."
0342 hrs	X66A5936U	PROCEDURAL	Verified cooperation with alternative urine specimen collection; contradicts refusal narrative on official police records.
0350 hrs	X66A5936U	EVIDENTIARY	Subject explicitly re-asserts prior consent on video; holds up bruised arms demonstrating prior submission to procedure.
0359 hrs	X66A5936U	USE OF FORCE	Unauthorized physical strikes (slapping leg/foot) delivered to hospitalized subject on gurney; clear violation of Executive Law § 840.

5. STRATEGIC LEGAL RECOMMENDATIONS & ACTION PLAN

Based on the unequivocal BWC evidence, Body Cam Audit Group recommends defense counsel pursue the following multi-pronged legal strategy:

A. Criminal Defense Measures (Motion Strategy)

- **Motion to Suppress / Motion to Dismiss Refusal Hearing:** Move immediately under NYS VTL § 1194 and CPL § 710.20 to suppress any alleged "refusal" evidence. BWC recordings establish good-faith compliance and alternative urine submission, destroying the prosecution's foundation for license revocation or refusal inference at trial.
- **Gursey Constitutional Motion:** File a motion to suppress all post-0204 hrs statements and chemical test proceedings due to direct police interference with the right to counsel.
- **Witness Impeachment via BWC:** Utilize synchronized BWC video clips of BWC X6DAH238T during cross-examination of Trooper [REDACTED] to impeach his written report narrative regarding the alleged "refusal."

B. Administrative & Internal Affairs Complaint

- **NYS Police Internal Affairs Bureau (IAB) Filing:** Lodge a formal complaint against Trooper [REDACTED] (# [REDACTED]) detailing (1) Falsification of official records (Refusal vs. Compliance), (2) Unauthorized physical force on a medical patient (0359 hrs), and (3) Deprivation of constitutional counsel rights.

C. Civil Litigation & Liability Exposure

- **Notice of Claim / 42 U.S.C. § 1983 Action:** File a timely Notice of Claim against the New York State Police and individual officers alleging Fourth Amendment Excessive Force, Unlawful Seizure, Deprivation of Due Process, and State Law Battery based on the physical striking at 0359 hrs and subsequent custodial abandonment at 0400 hrs.

Report Prepared By:

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