



OFFICE OF THE POLICE COMMISSIONER

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August 31, 2010

Memorandum for:

Deputy Commissioner, Trials

Re:

Police Officer John Vega

Tax Registry No. 939645

Manhattan Court Section

Disciplinary Case No. 85802/09

The above named member of the service appeared before Deputy Commissioner Martin G. Karopkin on May 21, 2010 and was charged with the following:

DISCIPLINARY CASE NO. 85802/09

1. Said Police Officer John Vega, assigned to the 40th Precinct, while off-duty, on or about October 9, 2009, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that said Officer duplicated a police placard and displayed it on the dashboard of his vehicle.

P.G. 203-10 Page 1, Paragraph 5

GENERAL REGULATIONS

2. Said Police Officer John Vega, assigned to the 40th Precinct, while off-duty, on or about October 9, 2009, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that said Officer illegally parked his motor vehicle in a No Standing Zone.

P.G. 203-10 Page 1, Paragraph 5

GENERAL REGULATIONS

3. Said Police Officer John Vega, assigned to the 40th Precinct, while off-duty, on or about October 9, 2009, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that said Officer operated his motor vehicle with a suspended registration.

P.G. 203-10 Page 1, Paragraph 5

GENERAL REGULATIONS

4. Said Police Officer John Vega, assigned to the 40th Precinct, while off-duty, on or about October 9, 2009, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that said Officer operated his motor vehicle with a missing front license plate.

P.G. 203-10, Page 1, Paragraph 5

GENERAL REGULATIONS

5. Said Police Officer John Vega, assigned to the 40th Precinct, while off-duty, on or about October 9, 2009, was wrongfully in possession of an unauthorized duplicate New York City Police Department shield #28506 without permission or authority to do so.

P.G. 203-10 Page 2, Paragraph 18

GENERAL REGULATIONS

6. Said Police Officer John Vega, on or about and between July 11, 2005 and October 9, 2009, did engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer did fail and neglect to properly safeguard his New York City Police Department shield #28506, the loss of which was not reported.

P.G. 219-21 Page 1, Paragraph 1

**LOST/STOLEN FIREARM, SHIELD,
IDENTIFICATION CARD -
DEPARTMENT PROPERTY
PROHIBITED CONDUCT -
GENERAL REGULATIONS**

P.G. 203-10 Page 1, Paragraph 5


7. Said Police Officer John Vega, on or about and between July 11, 2005 and October 9, 2009, did fail and neglect to prepare a Lost/Stolen Firearm/Shield/I.D. Card Report (PD520-150) for his lost New York City Police Department shield #28506, as required.

P.G. 219-21 Page 1, Paragraph 2

**LOST/STOLEN FIREARM, SHIELD,
IDENTIFICATION CARD -
DEPARTMENT PROPERTY**

In a Memorandum dated June 15, 2010, Deputy Commissioner Karopkin accepted the Respondent pleading GUILTY to all Specifications. Having read the Memorandum and analyzed the facts of this instant matter, I approve the findings, but disapprove the penalty.

The totality of the Respondent's actions and misconduct in these matters merits a greater disciplinary penalty than was recommended. As such, Respondent Vega is to forfeit the 31 Suspension days already served, *PLUS* an additional 10 Vacation days.


Raymond W. Kelly
Police Commissioner



POLICE DEPARTMENT

June 15, 2010

MEMORANDUM FOR: Police Commissioner

Re: Police Officer John Vega
Tax Registry 939645
Manhattan Court Section
Disciplinary Case No. 85802/09

The above-named member of the Department appeared before me on May 21, 2010, charged with the following:

1. Said Police Officer John Vega, assigned to the 40th Precinct, while off-duty, on or about October 9, 2009, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that said Officer duplicated a police placard and displayed it on the dashboard of his vehicle.

P.G. 203-10 Page 1, Paragraph 5 – GENERAL REGULATIONS

2. Said Police Officer John Vega, assigned to the 40th Precinct, while off-duty, on or about October 9, 2009, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that said Officer illegally parked his motor vehicle in a No Standing Zone.

P.G. 203-10 Page 1, Paragraph 5 – GENERAL REGULATIONS

3. Said Police Officer John Vega, assigned to the 40th Precinct, while off-duty, on or about October 9, 2009, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that said Officer operated his motor vehicle with a suspended registration.

P.G. 203-10 Page 1, Paragraph 5 – GENERAL REGULATIONS

4. Said Police Officer John Vega, assigned to the 40th Precinct, while off-duty, on or about October 9, 2009, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that said Officer operated his motor vehicle with a missing front license plate.

P.G. 203-10 Page 1, Paragraph 5 – GENERAL REGULATIONS

COURTESY • PROFESSIONALISM • RESPECT

5. Said Police Officer John Vega, assigned to the 40th Precinct, while off-duty, on or about October 9, 2009, was wrongfully in possession of an unauthorized duplicate New York City Police Department shield #28506 without permission or authority to do so.

P.G. 203-10 Page 2, Paragraph 18 – GENERAL REGULATIONS

6. Said Police Officer John Vega, on or about and between July 11, 2005 and October 9, 2009, did engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer did fail and neglect to properly safeguard his New York City Police Department shield #28506, the loss of which was not reported.

P.G. 219-21 Page 1, Paragraph 1 – LOST/STOLEN FIREARM, SHIELD,
IDENTIFICATION CARD
DEPARTMENT PROPERTY

P.G. 203-10 Page 1, Paragraph 5 – PROHIBITED CONDUCT
GENERAL REGULATIONS

7. Said Police Officer John Vega, on or about and between July 11, 2005 and October 9, 2009, did fail and neglect to prepare a Lost/Stolen Firearm/Shield/I.D. Card Report (PD520-150) for his lost, New York City Police Department shield #28506, as required.

P.G. 219-21 Page 1, Paragraph 2 – LOST/STOLEN FIREARM, SHIELD,
IDENTIFICATION CARD –
DEPARTMENT PROPERTY

The Department was represented by Rita Bieniewicz, Esq., Department Advocate's Office, and the Respondent was represented by Craig Hayes, Esq.

The Respondent, through his counsel, entered a plea of Guilty to the subject charges. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

The Respondent, having plead Guilty, is found Guilty as charged.

SUMMARY OF EVIDENCE IN MITIGATION

The Respondent testified that he has been a member of the Department for almost five years. After graduating from the Police Academy he was assigned to the 40 Precinct where he remained for four and a half years performing patrol duties. He has made approximately 60 arrests. He has never had charges and specifications prior to this case.

On October 9, 2009 he owned a 2003 Lexus EF 300 automobile. At one time he had a parking placard issued by the Department for that vehicle; however one day, as he was driving, it flew out of the sunroof while he was on the highway. He pulled over and attempted to retrieve it but he could not find it. The Respondent believed this occurred in January 2009.

At that time he asked the Integrity Control Officer if he could apply for a new 2009 placard. He was told that he had missed the date to apply when he had been out with an injury so he had to wait to re-apply.

While he was waiting to be able to apply for a new placard he decided to make a copy. He took a photograph of a placard that was in someone else's vehicle. He took the photo home and manipulated it on his computer to create his own placard. He then put it in his car.

The Respondent understands that what he did was wrong. He regrets doing that and agreed that he should have just parked farther from the precinct.

The Respondent indicated that the registration on his car was, at some point, suspended. The suspension resulted from a lapse in his insurance. That occurred because he was having financial difficulty and missed a payment. While the matter was corrected the Respondent agreed that on October 9, 2009 his registration was suspended.

The Respondent also admits that he parked in a no standing zone. The Respondent stated: "I came home late that night and it was -- parking is really rough in my neighborhood and I made a dumb decision to park in a no parking zone."

The Respondent also agreed that his car was missing its front plate. He stated: "I took it to the mechanic to get it detailed at the time I left it at the mechanic, when I picked it up the vehicle I didn't realize that the plate wasn't on there and I kept on delaying to go back to recover the missing plate." He did not fill out a complaint report nor did he have the mechanic charged with anything.

The Respondent acknowledged that he had purchased a duplicate shield for "precautionary reasons." He said he usually kept it in his locker. On October 9, 2009, when he was suspended he had to turn in his gun and shield, the duplicate was discovered. At that time he also discovered that his official shield was missing. He assumes he lost it between his last tour and the suspension.

The Respondent stated: "I know what I did was wrong, it was a big mistake, I will never make again. During the time I put myself and my family through economic hard times and just hard times in general, having to worry what was going to happen and something if I could do it over I wouldn't have created the situation and I will make sure I never do it again."

On cross-examination the Respondent agreed that the placard that flew out the sunroof was for 2008 and that he never had a placard in 2009. When asked if he knew that his registration suspension was related to unpaid summonses, the Respondent stated that he called his insurance company and was informed that it had to do with the lapse of insurance and that he was unaware that it was related to summonses.

The Respondent testified that he got the car detailed in the summer of 2009. He said he realized that the plate was missing about two days later. He acknowledged that over a period of several months he did not go back to the mechanic and ask about his missing plate. He did not file a complaint.

With regard to the missing shield, he said that he felt it had gone missing between his last tour and the day he was suspended. The Respondent explained that he believed he was on a three-day swing at the time.

When asked how he knew how to make a duplicate placard the Respondent stated, "I have a degree in computer information systems. I took a couple of vision classes when I was in college."

The Respondent agreed that he was given a copy of the penal law at the Police Academy and he understood that what he did was a crime. He indicated that the no standing zone was near the entrance to a park but it was not a driveway.

On questioning by the Court the Respondent indicated that he did apply for a 2009 placard but the application was never put through because it was too late. He missed the date because he was out for knee surgery as the result of an off-duty incident.

PENALTY

In order to determine an appropriate penalty, the Respondent's service record was examined, see *Matter of Pell v. Board of Education*, 34 N.Y.2d 222 (1974).

The Respondent was appointed to the Department on July 11, 2005. Information from his personnel folder that was considered in making this penalty recommendation is contained in the attached confidential memorandum.

The Respondent has entered a plea of guilty to the specifications in this case. The sole issue is penalty. The Department has recommended a penalty of 31 days time already served on suspension, an additional 30 vacation days and one year dismissal probation. The Respondent has asked for a lesser penalty.

In support of its penalty recommendation the Department has cited to and relied on a number of prior Departmental decisions. In fact, a review of those decisions indicates that the Department has oversimplified the issue. For instance in citing Disciplinary Case No. 83253/07 the Advocate noted that a 14-year member forfeited 25 vacation days for having an expired registration sticker as well as displaying a license plate that was registered to another vehicle.

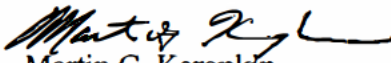
On further examination of that case it appears that there were other aggravating factors present. For instance that member also had no insurance and no inspection sticker as well. In addition he had a prior disciplinary matter and had other charges relating to several occasions on which he was late for work and falsified official Department records to conceal that fact.

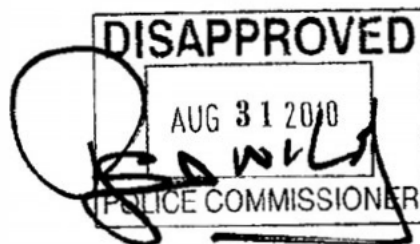
The point is not to quarrel about individual cases but to recognize the complexity involved in setting reasonable and appropriate penalties.

The charges in this case reflect immature behavior and not venality. To insure that the Respondent is now prepared to behave more maturely and keep his commitment to not make mistakes again, a period of dismissal probation should be part of the penalty in this case. However the Court does not believe that the loss of additional vacation days is appropriate. The Court therefore recommends that the Respondent be DISMISSED from the New York City Police Department, but that the penalty of dismissal be held in

abeyance for a period of one year pursuant to section 14-115 (d) of the Administrative Code, during which time he remains on the force at the Police Commissioner's discretion and may be terminated at any time without further proceedings. I further recommend that the Respondent forfeit the 31 days he has already served on suspension.

Respectfully Submitted,


Martin G. Karopkin
Deputy Commissioner - Trials



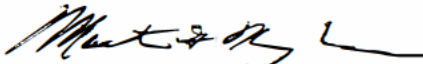
POLICE DEPARTMENT
CITY OF NEW YORK

From: Deputy Commissioner Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER JOHN VEGA
TAX REGISTRY NO. 939645
DISCIPLINARY CASE NO. 85802/09

In 2008, the Respondent received an overall rating of 3.5 "Highly Competent/Competent" on his annual performance evaluation. He was rated 3.0 "Competent" in 2007. I [REDACTED]

[REDACTED]. He has no prior disciplinary record. Based on his overall record, he was placed on Level-II Discipline Monitoring in November 2009.

For your consideration.


Martin G. Karopkin
Deputy Commissioner Trials