



OFFICE OF THE POLICE COMMISSIONER
ONE POLICE PLAZA • ROOM 1400

September 11, 2024

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer John Katehis**
Tax Registry No. 956788
Police Service Area 7
Disciplinary Case Nos. 2023-28523 & 2024-30110

The above named member of the service appeared before Assistant Deputy Commissioner Vanessa Facio-Lince on July 10, 2024, and was charged with the following:

DISCIPLINARY CASE NO. 2023-28523

1. Said Police Officer John Katehis, while on duty and assigned to the Narcotics Borough Manhattan North, on or about September 2, 2022, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department in that said Police Officer Katehis wrongfully consumed alcoholic beverages while on duty thereby neglecting his duties, resulting in said Police Officer Katehis having been improperly compensated for approximately one (1) hour and forty-one (41) minutes of work not performed.

A.G. 304-06, Page 1, Paragraph 3

PROHIBITED CONDUCT

2. Said Police Officer John Katehis, while on duty and assigned to Narcotics Borough Manhattan North, on or about September 2, 2022, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department in that said Police Officer Katehis wrongfully consumed an alcoholic beverage while on duty.

A.G. 304-06, Page 1, Paragraph 1

PROHIBITED CONDUCT

3. Said Police Officer John Katehis, while on duty and assigned to the Electric Zoo Detail to conduct narcotics enforcement, wrongfully failed to be armed with his service weapon as required on September 2, 2022.

A.G. 305-07, Page 1, Paragraph 1

**FAILURE TO CARRY A
FIREARM**

4. Said Police Officer John Katehis while on duty and assigned to the Electric Zoo Detail, wrongfully consumed an intoxicant to the extent he was unfit for duty on September 2, 2022.

A.G. 304-01, Page 1, Paragraph 1

UNFIT FOR DUTY

5. Said Police Officer John Katehis, while on duty and assigned to the Narcotics Borough Manhattan North, on or about September 2, 2022, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department in that said Police Officer Katehis wrongfully possessed and brought alcohol inside of a Department vehicle for no legitimate Department purpose. *(As added)*

A.G. 304-06, Page 1, Paragraph 1

PROHIBITED CONDUCT

6. Said Police Officer John Katehis, while on duty and assigned to the Narcotics Borough Manhattan North, on or about September 2, 2022, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department in that said Police Officer Katehis wrongfully consumed alcohol inside of a Department vehicle. *(As added)*

A.G. 304-06, Page 1, Paragraph 1

PROHIBITED CONDUCT

DISCIPLINARY CASE NO. 2024-30110

1. Said Police Officer John Katehis, assigned to Police Service Area 4 Viper Unit, on or about February 26, 2024, having been directed by Sergeant [REDACTED], to move his vehicle, did fail and neglect to comply with said order.

A.G. 304-03, Page 1, Paragraph 2

COMPLIANCE WITH ORDERS

2. Said Police Officer John Katehis, assigned to Police Service Area 4 Viper Unit, on or about February 26, 2024, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that he acted in a discourteous manner to Sergeant [REDACTED].

A.G. 304-06, Page 1, Paragraph 1

PERFORMANCE ON DUTY

In a Memorandum dated August 13, 2024, Assistant Deputy Commissioner Facio-Lince found Police Officer Katehis guilty of all Specifications in Disciplinary Case Nos. 2023-28523 and 2024-30110 (after Police Officer Katehis pled guilty to all Specifications). The facts and circumstances presented in the Memorandum from

Assistant Deputy Commissioner of Trials, Facio-Lince, have been carefully considered. While I agree with the findings, I do not agree with the proposed penalty recommendation.

After considering the totality of the circumstances for which Police Officer Katehis has been found Guilty of, I have determined an aggravated penalty is warranted. Police Officer Katehis engaged in a series of misconduct by wrongfully consuming an intoxicant while on duty therefore neglecting his official duties and responsibilities while assigned to an enforcement detail. Police Officer Katehis then continued to show poor judgment when he failed to comply with the orders of a supervisor on a separate incident. Although Police Officer Katehis accepted full responsibility for his actions and expressed remorse for his lapse in judgement the violations of Department rules and procedures warrants a higher penalty.

It is therefore directed that Police Officer Katehis be offered a post-trial negotiated settlement agreement in which he shall forfeit thirty (30) suspension days (already served), forfeit sixty (60) vacation days, be placed on one (1) year dismissal probation, cooperate with counseling, and submit to ordered breath testing, as a disciplinary penalty.

If Police Officer Katehis does not agree to the terms of this post-trial negotiated settlement as noted, this Office is to be notified without delay.

A handwritten signature in black ink, reading "Edward A. Caban". The signature is fluid and cursive, with a long horizontal stroke at the end.

Edward A. Caban
Police Commissioner



POLICE DEPARTMENT

August 13, 2024

-----X
In the Matter of the Charges and Specifications :

- against - :

Police Officer John Katehis :

Tax Registry No. 956788 :

Police Service Area 7 :

Case Nos.

2023-28523

2024-30110
-----X

At: Police Headquarters
One Police Plaza
New York, NY 10038

Before: Honorable Vanessa Facio-Lince
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Emily Collins, Esq.
Department Advocate's Office
One Police Plaza, Room 402
New York, NY 10038

For the Respondent: Craig Hayes, Esq.
Worth, London & Martinez, LLP
111 John Street, Suite 640
New York, NY 10038

To:

HONORABLE EDWARD A. CABAN
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

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CHARGES AND SPECIFICATIONS

Disciplinary Case No. 2023-28523

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4. Said Police Officer John Katehis, while on duty and assigned to the Electric Zoo Detail, wrongfully consumed an intoxicant to the extent he was unfit for duty on September 2, 2022.

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Disciplinary Case No. 2024-30110

1. Said Police Officer John Katehis, assigned to Police Service Area 4 Viper Unit, on or about February 26, 2024, having been directed by Sergeant [REDACTED], to move his vehicle, did fail and neglect to comply with said order.

A.G. 304-03, Page 1, Paragraph 2

COMPLIANCE WITH
ORDERS

2. Said Police Officer John Katehis, assigned to Police Service Area 4 Viper Unit, on or about February 26, 2024, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that he acted in a discourteous manner to Sergeant [REDACTED].

A.G. 304-06, Page 1, Paragraph 1

PERFORMANCE ON
DUTY

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on July 10, 2024. Respondent, through his counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. The Department did not call any witnesses, but offered video evidence related to both incidents. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Respondent, having pleaded Guilty, is found Guilty as charged. Having reviewed all of the evidence in this matter, I find that some mitigation is warranted. I, therefore, recommend that Respondent forfeit a total of eighty (80) penalty days, including 30 suspension days already served, and be placed on a one-year period of dismissal probation.

SUMMARY OF EVIDENCE IN MITIGATION

This mitigation hearing stems from two separate and unrelated incidents; one which occurred on September 2, 2022 and the other which occurred on February 26, 2024. In the first incident, Respondent, who was on duty at the time and assigned to the Electric Zoo music festival detail, wrongfully consumed alcohol until the point he became unfit for duty, was unarmed while conducting enforcement and was improperly compensated for work not performed due to his intoxication. In the second incident, Respondent, while on duty, failed to comply with a lawful order and was discourteous to a supervisor. The underlying facts of these matters are not in dispute and Respondent readily admitted to the charged misconduct.

Disciplinary Case No. 2023-28523

Respondent testified that on September 2, 2022, while working at Manhattan North Narcotics, he was assigned to the detail at the Electric Zoo music festival at Randall's Island. He testified that he has worked this detail in the past and that on the date of this incident, he was working with his sergeant and approximately eight other detectives from his command. After he dropped off his fellow officers at the event location, he left and bought a bottle of Tito's vodka to bring to the festival. Respondent asserted that he planned on consuming it "near the end of [his] tour." He further added that the plan was to drink the vodka that he purchased with his sergeant and fellow officers at the festival. (Tr. 19-21)

Respondent acknowledged that not only did he consume vodka while he was on duty, but that he did so to the point of becoming intoxicated and unfit for duty. He further admitted that he transported the bottle of vodka in a Department vehicle, poured himself a cup and began drinking it before he exited the car to conduct enforcement at the festival. Respondent then concealed the

bottle of vodka in his book bag and proceeded to enter the VIP section of the festival to meet up with the rest of his team. (Tr. 19-20, 30-33)

While in the VIP section, Respondent testified that he, his sergeant and fellow officers continued consuming alcohol. Respondent estimated that he drank approximately three to four cups of vodka while at the festival. Although his recollection of the incident was “hazy” because he was intoxicated, Respondent recalled certain aspects of what occurred at the festival and was also informed by others in attendance about his behavior. Respondent remembered that he was not steady on his feet, but only realized that he was actually falling down inside the VIP section, when he viewed video surveillance footage from the incident. Respondent remembered being escorted out of the festival by fellow officers and transported back to the precinct in a Department vehicle because he was too impaired to drive. Eventually, Respondent was driven home by Detective [REDACTED] because he was not in any condition to operate a vehicle. (Tr. 20, 35-38)

When asked whether he performed any police duties on the date of the incident, Respondent stated that he did not make any arrests or observe narcotics transactions. (Tr. 38-39) He further acknowledged that despite the fact that he was being paid for the period of time that he was in the VIP section at the festival, he did not actually conduct any police enforcement. Respondent also admitted that he purposely did not bring his service weapon with him to this detail because he knew he was going to be drinking and did not want to have his gun on him. (Tr. 40)

Disciplinary Case No. 2024-30110

Respondent testified that after the above-mentioned incident, he was demoted and transferred to PSA 4 Viper Unit. On February 26, 2024, while at PSA 4, he was asked to move his personal vehicle that was parked in the lot because it was blocking another member of service's vehicle. Respondent went to the parking lot and observed Detective [REDACTED] standing by his vehicle. According to Respondent, he believed that there was enough room for Detective [REDACTED] to "squeeze out" without Respondent moving his car. Respondent then walked away without moving his vehicle as requested. (Tr. 25)

According to Respondent's testimony, after the interaction with Detective [REDACTED], he was then approached by Sergeant [REDACTED], who ordered Respondent to move his vehicle. Respondent explained the same thing to Sergeant [REDACTED] as he did to Detective [REDACTED] and again refused to move his car. Respondent admitted that he was aware of the requirement to comply with an order from a superior officer. Nonetheless, according to Respondent's testimony, on this day he let his emotions get the best of him and failed to comply. After failing to comply with Sergeant [REDACTED]'s order, Respondent then said to them: "what are you tough guys?" Respondent conceded that he made this discourteous comment. (Tr. 26-27, 52)

As to both of the above-mentioned disciplinary cases, Respondent expressed remorse and took responsibility for his actions, which he characterized as "big mistakes." (Tr. 29) Respondent explained that at the time of the second incident, he had been demoted from detective and his responsibilities within the Department significantly changed, so he was not in the "right state of mind." (Tr. 22-23) He added that he let his emotions get the best of him on that day and reacted in a manner that was "out of character" for him. (Tr. 27-28) Respondent testified that he took proactive steps to address these issues including seeking out and engaging in therapy and

completing an alcohol treatment program; neither of which were Department-ordered, but he did so of his own volition. (Tr. 54-56) Respondent expressed that while he recognizes these incidents have greatly impacted the trajectory of his career, it is his hope that he can continue proving himself to the Department and “help other officers not to go down the same path I’ve gone down.” (Tr. 29)

It is also worth noting that Respondent was suspended for 30 days in connection with the second incident.

PENALTY

In order to determine an appropriate penalty, this Tribunal, guided by the Department’s Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent’s employment history also was examined. *See* 38 RCNY § 15-07. Information from his personnel record that was considered in making this penalty recommendations is contained in an attached memorandum.

Respondent, who was appointed to the Department on July 9, 2014 and has no prior formal disciplinary history, has pled guilty to all of the specifications in both cases, the most serious of which involves wrongfully consuming an intoxicant while on duty and assigned to the Electric Zoo festival detail, to the extent that he was unfit for duty. At the inception of this hearing, the Department Advocate sought the penalty of termination. However, after hearing Respondent’s testimony, they changed their position and agreed to a lesser penalty of 70 vacation days and one-year dismissal probation. Respondent’s counsel, conversely, argued that a total penalty of 60 vacation days, *at most*, and dismissal probation would be appropriate to address both these matters. In recommending 70 vacation days and dismissal probation, the

Department Advocate stated that they took into consideration several mitigating factors including, Respondent's straightforward and contrite testimony, the fact that he engaged in counseling to address the mental health issues he was experiencing and that he completed an alcohol treatment program of his own accord. (Tr. 69-70) This Tribunal agrees that some mitigation is warranted, and opines that eighty (80) penalty days is the appropriate penalty in this case.

Respondent's behavior on the date of the Electric Zoo festival incident was egregious and premeditated in that he intentionally set out to consume alcohol while on duty, as evidenced by the fact that he was not carrying his service weapon with him. Respondent became so inebriated at the music festival, where he was being paid to enforce the law that he had to be escorted out by fellow officers. However, Respondent accepted full responsibility for his actions and expressed sincere remorse for his serious lapse in judgement. He also took affirmative steps to address the behavior by completing an alcohol treatment program of his own volition.

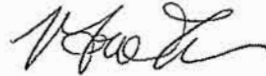
Additionally, Respondent recognized that his mental health was affected as a result of his actions on that day and his subsequent demotion. While not excusing his behavior during the second incident, Respondent acknowledged that his actions were wrong and uncharacteristic of him. He sought out and engaged in counseling to address his mental health issues. Respondent was not only genuinely apologetic for his actions in both cases, but demonstrated a commitment to bettering himself in order to advance his career in this Department.

After carefully considering the testimony of Respondent, and reviewing the exhibits submitted, I am persuaded that a penalty short of termination is justified under the circumstances. As outlined by the Department Advocate, I agree that for the six specifications encompassed by *Disciplinary Case No. 2023-28523*, the appropriate penalty is the forfeiture of fifty (50) vacation

days, dismissal probation, ordered breath testing and cooperation with counseling. As to *Disciplinary Case No. 2024-30110*, Respondent has already served 30 suspension days related to that incident, involving his failure to obey a lawful order of a superior and insubordination. I do not believe a forfeiture of additional days is necessary.


Accordingly, I recommend that Respondent forfeit a total of 80 penalty days; 50 vacation days, the 30 suspension days already served, and that he be DISMISSED from the New York City Police Department, but that his dismissal be held in abeyance for a period of one (1) 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 also recommend ordered breath testing and continued cooperation with counseling. This proposed disposition is aimed at deterring similar future misconduct, while imposing a penalty that fairly and equitably addresses Respondent's actions in both matters.

Respectfully submitted,



Vanessa Facio-Lince
Assistant Deputy Commissioner Trials

DISAPPROVED


SEP 11 2024
EDWARD A. CABAN
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER JOHN KATEHIS
TAX REGISTRY NO. 956788
DISCIPLINARY CASE NOS. 2023-28523 & 2024-30110

Respondent was appointed to the Department on July 9, 2014. On his three most recent annual performance evaluations, he was twice rated “Meets Standards” for 2022 and 2023, and was rated “Exceeds Expectations” for 2021. He has been awarded five medals for Meritorious Police Duty and six medals for Excellent Police Duty.

Respondent has no formal disciplinary history. In connection with Case No. 2024-30110, Respondent was suspended without pay from February 26 to March 26, 2024. In connection with Case No. 2023-28523, he was placed on Level 2 Discipline Monitoring on February 1, 2024; monitoring remains ongoing.

For your consideration.

Vanessa Facio-Lince
Assistant Deputy Commissioner Trials