



POLICE DEPARTMENT CITY OF NEW YORK

January 22, 2016

MEMORANDUM FOR: Police Commissioner

Re: Detective Anthony Wright
Tax Registry No. 935991
104 Precinct
Disciplinary Case No. 2014-12036 & 2015-13050

Police Officer Louis Marinacci
Tax Registry No. 941229
104 Precinct
Disciplinary Case No. 2014-12037

Charges and Specifications:

Disciplinary Case No. 2014-12036

1. Said PO Anthony Wright, on or about November 23, 2013, at approximately 1500 hours, while assigned to the 104th Precinct and on duty, in the vicinity of 68th Place and Otto Road, Queens County, engaged in conduct prejudicial to the good order, efficiency or discipline of the New York City Police department, in that PO Wright searched Kemal Kajtezovic's vehicle without sufficient legal authority.
P.G. 203-10, Page 1, Paragraph 5 - PUBLIC CONTACT - PROHIBITED CONDUCT

Disciplinary Case No. 2015-13050

1. Said Det. Anthony Wright, on or about May 14, 2014, at approximately 1430 hours, while assigned to the 104th Precinct and on duty, in the vicinity of 80th Street and Cooper Avenue, Queens County, engaged in conduct prejudicial to the good order, efficiency or discipline of the New York City Police department, in that Det. Wright stopped Person A's vehicle without sufficient legal authority.

P.G. 203-10, Page 1, Paragraph 5 - PUBLIC CONTACT - PROHIBITED CONDUCT

Disciplinary Case No. 2014-12037

1. Said PO Louis Marinacci, on or about November 23, 2013, at approximately 1500 hours, while assigned to the 104th Precinct and on duty, in the vicinity of 68th Place and Otto Road, Queens County, engaged in conduct prejudicial to the good

order, efficiency or discipline of the New York City Police department, in that PO Marinacci searched Kemal Kajtezovic's vehicle without sufficient legal authority.

P.G. 203-10, Page 1, Paragraph 5 - PUBLIC CONTACT - PROHIBITED CONDUCT

2. Said PO Louis Marinacci, on or about November 23, 2013, at approximately 1500 hours, while assigned to the 104th Precinct and on duty, in the vicinity of 68th Place and Otto Road, Queens County, abused his authority as a member of the New York City Police department, in that PO Marinacci threatened to arrest Kenan Kajtezovic without sufficient legal authority.

P.G. 208-1, Page 1, Paragraph 3 - LAW OF ARREST

3. Said PO Louis Marinacci, on or about November 23, 2013, at approximately 1500 hours, while assigned to the 104th Precinct and on duty, in the vicinity of 68th Place and Otto Road, Queens County, engaged in conduct prejudicial to the good order, efficiency or discipline of the New York City Police department, in that PO Marinacci searched Kenan Kajtezovic's cell phone without sufficient legal authority.

P.G. 203-10, Page 1, Paragraph 5 - PUBLIC CONTACT- PROHIBITED CONDUCT

Appearances:

For CCRB-APU: Jonathan Fogel, Esq.
For Respondents: Michael LaCondi, Esq.
John Tynan, Esq.

Hearing Date (s):

November 10 and December 9, 2015

Decision:

Respondent Wright

Case No. 12036/14:

Specification 1: Guilty

Case No. 13050/15:

Specification 1: Guilty

Respondent Marinacci

Case No. 12037/14:

Specification 1: Guilty

Specification 2: Not Guilty

Specification 3: Not Guilty

Trial Commissioner:

Jeff S. Adler

REPORT AND RECOMMENDATION

The above-named members of the Department appeared before me on November 10, 2015, and Respondent Wright also appeared on December 9, 2015. Respondents, through their counsel, entered a plea of Not Guilty to the subject charges. For case No's 12036/14 and 12037/14, CCRB called Kemal Kajtezovic and Kenan Kajtezovic as witnesses. Respondents testified on their own behalf. For case No. 13050/15, CCRB called Gary Giovanniello and Sergeant Jason Bianchini as witnesses, and offered the out-of-court statement of Person A. Respondent Wright called Officer Michael Capellano as a witness, and Respondent Wright testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

After reviewing the evidence presented at the hearing, and assessing the credibility of the witnesses, I find as follows:

On case No. 12036/14, I find Respondent Wright Guilty of searching a vehicle without legal authority.

On case No. 12037/14, I find Respondent Marinacci Guilty of Specification 1 for searching a vehicle without legal authority, Not Guilty of Specification 2 for threatening an arrest without legal authority, and Not Guilty of Specification 3 for unlawfully searching a cell phone.

On case No. 13050/15, I find Respondent Wright Guilty of stopping a vehicle without legal authority.

FINDING AND ANALYSIS

Case No's 12036/14 and 12037/14: Unlawful Vehicle Search, Threat of Arrest, Search of the Cell Phone

At about 1500 hours on November 23, 2013, Respondents Wright and Marinacci pulled over a 2006 Nissan Maxima for allegedly failing to obey a stop sign at the intersection of 68th Place and Otto Road in Queens. The two occupants of the Maxima, driver Kemal Kajtezovic ("Kemal") and passenger Kenan Kajtezovic ("Kenan"), who are brothers, both denied they ran the stop sign. Respondent Wright approached Kemal, asked for identification, and eventually removed the driver from the vehicle and placed him under arrest for obstructing governmental administration, disorderly conduct, and resisting arrest. Meanwhile, Respondent Marinacci removed Kenan from the passenger side of the vehicle and spoke with him by the side of the car, though Kenan was not placed under arrest. At some point, Respondent Marinacci took possession of Kenan's cell phone, but returned it a few minutes later.

The first issue here is whether the evidence presented has proven that the Respondents unlawfully searched the vehicle after removing the occupants; I find that it has. The second issue is whether the evidence has proven that Respondent Marinacci unlawfully searched Kenan's cell phone because he was videotaping the incident; I find that it has not. The third issue is whether the evidence has proven that Respondent Marinacci unlawfully threatened to arrest Kenan at the scene for being disorderly; I find that it has not.

Before discussing these three issues, there is a preliminary disagreement as to the circumstances surrounding the initial car stop. Kemal, age 28, and Kenan, 25, testified consistently regarding their general description of what occurred that day, but were less consistent when it came to providing specific details of how the incident began. They each agreed that they were on their way to play soccer when they were pulled over for no reason as they turned onto Otto Road. However, whereas Kemal testified that the unmarked police car was initially parked to their left on Otto Road (Tr. 19-21, 39), Kenan stated that the police car was halfway into the intersection blocking half of the street (Tr. 54, 69). Kemal claimed that as soon as he turned onto Otto Road, the officers immediately exited the police car and while "on foot" flagged down the Maxima. One or both of the officers later pulled the police car behind the Maxima. (Tr. 46-48). Kenan, though, testified that the officers were both still inside their vehicle when the driver "gestured" for the Maxima to pull over. The police car made a U-turn and pulled up behind the Maxima. (Tr. 54, 72-73)

Respondents provided a different account of how the incident began. They testified consistently and credibly that after they observed the Maxima drive through the stop sign on 68th Place, Respondent Wright, the operator of the police car, swerved out of the way to avoid a collision with the Maxima. The police car then turned around behind the Maxima and pulled that car over with lights and sirens further up the block. (Tr. 93-94, 108, 143-144) Photographs of the intersection (CCRB Exs. 1-2) were marked by Kemal and Respondent Marinacci to reflect their conflicting testimony as to where the Maxima was stopped; under the totality of the circumstances, the officers' version that the car was stopped some distance up the block is more realistic and plausible.

Kemal suggested a possible motive for the police stop and subsequent conduct in this case: he noted that he had two prior dealings with Respondent Wright, one where the officer arrested him for marijuana possession, and another where Respondent Wright pulled Kemal over in connection with an inspection sticker. (Tr. 30-31, 33-34) This tribunal credits Kemal's testimony that he did have prior dealings with the officer, but is not persuaded that these prior dealings influenced the police behavior in this matter; indeed, Respondent Wright credibly testified that he did not even recognize Kemal at the scene. (Tr. 96-97, 125). Rather, it is more likely that those prior experiences motivated Kemal and his brother to exaggerate their accounts of the officers' alleged misconduct here, and to minimize their own culpability for running the stop sign and being uncooperative with the police when they approached the vehicle. It is within this framework that this tribunal now addresses each of the three issues presented here.

The Search

Both brothers maintained that they observed the officers search the Maxima. Kemal testified that from the back seat of the police car, he saw Respondent Wright, alone, leaning his upper body into the rear driver's-side of the Maxima with his feet sticking out, presumably to search the car. (Tr. 25-26, 41) Kenan, though, claimed to see *both* respondents leaning "knee-deep" into the *front* area of the car, "searching through the glove compartment, underneath the seats, around the seats." He also testified that initially he saw one of the officers open up the center console. (Tr. 57-58, 79) Both brothers stated that they gave no consent for such a search. (Tr. 32, 68)

Although he denied climbing into the Maxima in the manner described by Kemal, Respondent Wright did acknowledge leaning his upper torso into the vehicle, while his

feet remained on the ground, in order to look inside the car. Respondent Wright explained that he was concerned for his safety because Kemal had been acting "so unusual" and "so uncooperative" in response to a simple traffic stop. (Tr. 98-99)

According to Respondent Wright, he had approached the driver of the vehicle, explained the reason for the stop, and asked for identification three or four times, but Kemal was not cooperative. (Tr. 95) Kemal denied he was uncooperative, though he did confirm that the officer had to ask him two or three times to step out of the vehicle. (Tr. 24, 34, 40)

The officer then opened the driver's door, removed Kemal from the vehicle, and arrested him for "obstruction, disorderly conduct, didn't want to give me his ID." He also charged Kemal with resisting arrest after Kemal stiffened his arms as he was being handcuffed, a charge Kemal denied. (Tr. 96-97, 123) Respondent Wright then made a quick inspection of the car to check for possible weapons or narcotics. (Tr. 101) He denied climbing in or touching anything inside the car, explaining that he merely leaned in to get a better look at areas he could not see as well from outside the vehicle, including the floorboard, the front seat and in between the seats. (Tr. 99-100, 113-116)

Respondent Wright confirmed that this inspection of the Maxima occurred after Kemal already had been handcuffed, frisked, and placed in the police car. (Tr. 105-107)

Like his partner, Respondent Marinacci admitted to leaning his head and shoulders into the Maxima for "a couple seconds" to get a better look at "the seat by the center console area, the floorboard, and the area where he was sitting;" he maintained that his feet remained on the ground, and he was not "knee-deep" into the vehicle the way Kenan described. (Tr. 153-154, 158). Marinacci stated he was looking for weapons or

contraband, based on Kenan's nervous behavior, although he acknowledged that Kenan already was outside the car at the time of the search. (Tr. 160-161)

Both Respondents are charged with unlawfully searching the Maxima. The act of leaning into a vehicle in order to get a closer look at the interior amounts to a "search" for Fourth Amendment purposes. See *People v. Aquino*, 119 A.D.2d 464 (1st Dept. 1986), *People v. Vidal*, 71 A.D.2d 962 (2nd Dept. 1979). Even though this tribunal credits the testimony of both Respondents that their inspection of the car's interior was brief and minimally intrusive, the act of leaning into the vehicle to conduct a visual inspection of areas which they otherwise could not see still constituted a search for which there needed to be a legal justification. Since both occupants had safely been removed and frisked, there was no immediate threat to the safety of the officers. See *People v. Torres*, 74 N.Y.2d 224 (1989), cited in NYPD Legal Bureau Bulletin, Vol. 22, No. 5, November 1992. Further, there was no reason to believe that the vehicle contained evidence of the crime for which Kemal was arrested. See *Arizona v. Gant*, 556 U.S. 332 (2009). Even if the occupants of the car were "unusually uncooperative," that by itself was not indicative of criminality, and did not provide a justification to search the car. As such, both officers searched the vehicle without sufficient legal authority, and I find them Guilty.

Threat to Arrest

Respondent Marinacci faces an additional charge for threatening to arrest Kenan without sufficient legal authority. Kenan testified that as the officers were searching the Maxima, Kenan began to videotape them with his Android phone for several minutes. Respondent Marinacci noticed him doing that, snatched the phone from Kenan's hand, and threatened to arrest him. As other people began to gather, Kenan asked them to

record what was happening; Respondent Marinacci threatened to arrest those other people, and they moved away from the area. (Tr. 59-60, 82-83) When Kenan later told the officers that they're not allowed to search the car without probable cause, Respondent Marinacci again threatened to arrest him. (Tr. 62-63)

Respondent Marinacci testified credibly regarding his interaction with Kenan. The officer initially noticed that Kenan's body was shaking, and had him step out of the car. Kenan then started acting "irate", complaining loudly how police were always harassing them. This behavior caused several other people to come to the location, prompting Respondent Marinacci to tell Kenan that he needed to calm down or he would be arrested for being disorderly; Kenan did, in fact, calm down after the warning, and was not arrested. (Tr. 148-150)

This tribunal credits Respondent Marinacci's description of the circumstances surrounding the alleged "threat to arrest": when the officer observed people begin to gather in response to Kenan's irate behavior, he warned Kenan to stop that behavior or face arrest. This warning was a reasonable and appropriate measure in order to defuse a potentially volatile situation, and I find Respondent Marinacci Not Guilty of this specification.

The Cell Phone

Respondent Marinacci also faces an additional charge for unlawfully searching Kenan's cell phone for the purpose of locating video footage of this incident. According to Kenan, Respondent Marinacci snatched his phone away as Kenan was videotaping the incident. The officer then sat in the police car and inspected the phone for several

minutes; the phone was returned to Kenan as the officers were preparing to leave the scene. (Tr. 60-63) Although counsel for CCRB suggested in his opening statement that the video footage recorded by Kenan was erased by the time Respondent Marinacci returned the phone to him, no such testimony or evidence was elicited at trial, and so this tribunal is disregarding that suggestion.

Respondent Marinacci testified that Kenan was pointing the phone at the officer "in all these weird directions," in a manner that caused him to fear for his safety. The officer explained that police had received intelligence that cell phones could be adapted to fire rounds or be used as Tasers. (Tr. 150-151, 172-173) Respondent Marinacci admitted to taking the phone from Kenan, but only to inspect it to make sure it was not a weapon. Once he was satisfied that it was not, he put the phone aside, assisted his partner with further police work, and then returned the phone to Kenan as the officers were preparing to leave the scene. (Tr. 152-153, 177)

This tribunal is not persuaded that Respondent Marinacci seized the phone in order to view the video footage. Any such suggestion was purely speculative, as no specific evidence was presented that Respondent Marinacci was actually looking through the phone for that purpose, and nothing convincing was offered to corroborate that conclusion. Meanwhile, Respondent Marinacci testified credibly that he took the phone out of fear that Kenan might use it as a weapon. It is true that the officer did not make reference in his memo book to his concern that the phone might be a weapon; but since it turned out not to be a weapon, that omission from the memo book is of minimal significance. CCRB has failed to prove by a preponderance of the evidence that

Respondent Marinacci unlawfully searched the cell phone, and I find him Not Guilty of this specification.

Case No. 13050/15: Unlawful Vehicle Stop

On May 14, 2014, at about 1430 hours, Respondent Wright and two other officers pulled over a black Jeep being driven by Gary Giovanniello ("Gary"), with Person A as the front seat passenger. Both Gary and Person A denied doing anything illegal to justify the stop, claiming the police conduct was a follow-up to an incident that happened a couple of weeks earlier. Specifically, on April 22, the same three officers had pulled over Person A in the same Jeep for a traffic infraction. After that stop, the officers recovered four prescription pills that Person A took [REDACTED]. Since he didn't have the prescription with him, Person A was arrested for Criminal Possession of a Controlled Substance. At the precinct, the officers attempted to debrief Person A about any information he might have regarding other crimes. Person A stated that he wasn't particularly helpful, and now suggests that the police stop on May 14 was a direct result of his lack of cooperation on the previous date. Respondent, though, contends that the Jeep was stopped on May 14 because of a traffic infraction. At issue here is whether the record has established that Respondent Wright unlawfully stopped the Jeep on May 14. I find that it has.

Person A declined to appear to testify due to [REDACTED]. Instead, a recording of his previous statement to CCRB on June 3, 2014 (CCRB Ex. 5), along with the accompanying transcript (CCRB Ex. 6), were introduced into evidence. It was also stipulated that Person A had a prior misdemeanor conviction for insurance fraud in 2014. Hearsay evidence is admissible in an administrative tribunal, and a case may be proven

with such evidence provided it is found to be sufficiently reliable and probative on the issues to be determined. See *Ayala v. Ward*, 170 A.D.2d 235 (1st Dept. 1991); *In the Matter of 125 Bar Corp v. State Liquor Authority of the State of New York*, 24 N.Y.2d 174 (1969). To be sure, it is preferable to have testimony from a live witness, where opposing counsel has the opportunity to cross-examine, and the court can observe the demeanor of the witness. Having carefully listened to a recording of Person A's statement, and after comparing it with other evidence in the case, this tribunal finds his description of events to be essentially credible regarding the two car stops, but less credible regarding his debriefing at the precinct on April 22.

Person A began his statement by describing the earlier car stop of April 22. He detailed how Respondent Wright, and officers Capellano and Bianchini, had stopped the Jeep he was driving for failing to signal a lane change; his brother Gary was not present in the Jeep on that occasion. According to Person A, the officers searched his vehicle but did not recover anything. The officers did, however, recover from Person A's person four prescription pills [REDACTED] from Person A's person that he took [REDACTED]. Since he did not have the prescription with him, Person A was placed under arrest for Criminal Possession of a Controlled Substance. Person A added that his mother promptly brought the prescription to the precinct.

At the precinct on April 22, Person A was questioned by the officers, who were hoping to learn information regarding other crimes in the neighborhood. Person A told the officers that he didn't have any such information, but they continued to pressure him to cooperate. The officers issued Person A a Desk Appearance Ticket, and told him they

would be in touch. When Bianchini called him later that night, Person A again was uncooperative.¹

In his statement, Person A also described the car stop of May 14. He and Gary were pulled over by the same three police officers in the area of 80th Street and Cooper Avenue in Queens. Person A insisted that they had not committed a traffic infraction and "weren't doing anything wrong." Nevertheless, Respondent Wright, who was driving the police car, approached Gary on the driver's side, while Bianchini and Capellano approached Person A on the passenger side. Gary and Person A were ordered to exit the vehicle, and Person A asked Capellano why they were being pulled over. Capellano answered by briefly revisiting with Person A whether he had information about other crimes, and Bianchini asked Person A why he hadn't responded to calls from the officer after the previous car stop. The officers searched the Jeep, found nothing, and let Gary and Person A drive off without issuing a ticket or summons.

Gary, the driver of the Jeep on May 14, essentially echoed the account of Person A regarding the May 14 car stop. Gary testified consistently and credibly that he and Person A had not committed a traffic infraction and were doing nothing illegal. Nevertheless, the police car, which he was "pretty sure" was driven by Respondent, put on its sirens and pulled the Jeep over. (Tr. 264-266) Respondent approached on the driver's side, while the other two officers went to the passenger side. According to Gary, Respondent referred to Person A by name, and was talking with Person A in a way that suggested prior familiarity. (Tr. 266-267) Gary and Person A exited the

¹Although Person A claimed he was uncooperative during his debriefing at the precinct, Sergeant Bianchini testified credibly that Person A indicated he had information about [REDACTED], which is why Bianchini called him twice later that evening.

vehicle as instructed, and the officers briefly searched the Jeep. Gary asked one of the officers, not Respondent, why he had been pulled over, and the officer said only that "Person A is known for having pills in the car." None of the officers mentioned anything about a traffic infraction. (Tr. 268-269) One of the officers asked Person A why he had not answered their phone calls, and reiterated that they were interested in information on certain people in the neighborhood. (Tr. 269) The officers detained the brothers for about 15 minutes, then let them drive off.

Each of the officers who were present with Respondent for the two car stops testified regarding those stops. Sergeant Bianchini and Officer Capellano confirmed that they first pulled over the Jeep on April 22, which was driven by Person A. Each of the officers specifically recalled that the reason for the stop was for changing lanes without signaling. (Tr. 228, 249) However, with regard to the May 14 incident, neither officer could recall precisely why the Jeep was stopped; neither had a specific recollection of any particular traffic infraction, no ticket or summons was issued, and nothing about the stop was reflected in their activity logs. (Tr. 235-238, 250-251, 255) Similarly, Respondent could not say precisely why the Jeep was stopped on May 14. Indeed, Respondent testified that he had no memory of the May 14 encounter. (Tr. 289-290) As such, not a single witness articulated a legitimate reason for stopping the Jeep on May 14. This tribunal is mindful that the officers have performed many such stops, making it difficult to remember the details of them all. However, if the officers here had, in fact, pulled over the Jeep for an infraction, it is highly doubtful that they would have no memory of that infraction considering they already were familiar with Person A from prior occasions, including having stopped him in the Jeep just three weeks earlier.

Under the totality of the circumstances, this tribunal finds that there was no lawful justification for stopping the Jeep on May 14. Gary and Person A were detailed and consistent in their description of the car stop, and this tribunal credits their claim that they were doing nothing wrong at the time they were pulled over. Any suggestion that the Jeep was stopped because of a traffic infraction is purely speculative, as there is not a shred of evidence that any such infraction occurred. Accordingly, I find Respondent Wright Guilty of this specification.

PENALTY RECOMMENDATIONS

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 N.Y.2d 222 (1974). Respondent Wright was appointed to the Department on July 1, 2004 and Respondent Marinacci was appointed on July 10, 2006. Information from their personnel records that was considered in making these penalty recommendations is contained in attached confidential memoranda. Respondent Marinacci had a prior adjudication in 2015 stemming from charges involving his mishandling of summonses between May 2011 and April 2012.

With respect to the unlawful searches under Case No.'s 12036/14 and 12037/14, CCRB asks that each Respondent forfeit five (5) vacation days as an appropriate penalty; that recommendation is slightly excessive. Although this tribunal does agree with CCRB that Respondents did "search" the car without a legal authority, this tribunal also credits Respondents' accounts as to the minimally intrusive nature of those searches, that they each briefly leaned into the car with their feet still on the ground in order to get a slightly better look at the interior. In *Disciplinary Case No. 10805/13* (March 6, 2015), a 20-year

lieutenant with no disciplinary history forfeited three (3) vacation days for searching a car without authority. On the one hand, that case involved a respondent with a longer track record of accomplishment within the Department. On the other hand, the search there was more extensive, as that respondent opened a glove compartment and center console and leafed through papers. On balance, I recommend that the penalty for each Respondent on this matter be the forfeiture of two (2) vacation days.

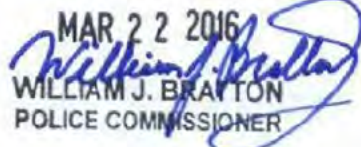
As to the additional matter involving only Respondent Wright, CCRB recommends the forfeiture of an additional five (5) vacation days as an appropriate penalty for the unlawful car stop; again, that recommendation is slightly excessive. In *Disciplinary Case No. 's 11361/14 and 11362/14*, two 10-year officers forfeited three (3) vacation days each for improperly stopping a car and frisking the driver. That penalty seems appropriate here as well, and I recommend that the penalty for Respondent Wright in this matter be the forfeiture of an additional three (3) vacation days, making his total penalty for the two cases the forfeiture of five (5) vacation days.

Respectfully submitted,



Jeff S. Adler
Assistant Deputy Commissioner Trials

APPROVED

MAR 22 2016

WILLIAM J. BRATTON
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
DETECTIVE ANTHONY WRIGHT
TAX REGISTRY NO. 935991
DISCIPLINARY CASE NO. 2014-12036 & 2015-13050

Respondent was appointed to the Department on July 1, 2004. In his last three annual performance evaluations, Respondent received an overall rating of 4.5 "Extremely Competent/Highly Competent." He has been awarded six medals for Excellent Police Duty. [REDACTED]

Respondent was placed on Level 1 Force Monitoring between May 29, 2013 and May 16, 2014 as a result of receiving three CCRB complaints in a one-year period. This monitoring was upgraded to Level 2 on May 16, 2014. Respondent is presently on Level 2 Monitoring. He has no other prior formal disciplinary record.

For your consideration.

Jeff S. Adler
Assistant Deputy Commissioner Trials



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER LOUIS MARINACCI
TAX REGISTRY NO. 941229
DISCIPLINARY CASE NO. 2014-12037

Respondent was appointed to the Department on July 10, 2006. In his last three annual performance evaluations, Respondent received an overall rating of 4.0 "Highly Competent," in 2014, a 4.5 "Extremely Competent/Highly Competent" in 2013, and a 3.5 "Highly Competent/Competent" in 2012. He has been awarded five medals for Excellent Police Duty. [REDACTED]

Respondent has been on Level 1 Force Monitoring since June 2, 2014 as a result of receiving three or more CCRBs in a one-year period. In 2015, Respondent forfeited 25 vacation days after having been found guilty of neglecting to safeguard 12 summonses, entering false and misleading information regarding the issuance of 12 summonses in the Department's electronic summons tracking system and for impeding an investigation by making false statements, on two separate occasions, to his ICO regarding the issuance of the summonses. He has no other prior formal disciplinary record.

For your consideration.

Jeff S. Adler
Assistant Deputy Commissioner Trials