



THE POLICE COMMISSIONER
CITY OF NEW YORK

**MEMORANDUM IN SUPPORT OF NYPD'S DEVIATION FROM
THE DISCIPLINARY SYSTEM PENALTY GUIDELINES**

Re: Disciplinary Case Nos. 2018-18747 and 2018-18748 regarding Police Officer Dornezia Agard and Police Officer Gesly Jean

Date: June 24, 2022

The facts and evidence presented in the Report and Recommendation from Assistant Deputy Commissioner Trials, Jeff S. Adler has been carefully considered. In this matter, Police Officers Jean and Agard testified that Police Officer Agard was present during the initial stop of an individual who was in possession of a firearm. After reviewing the facts and circumstances of this matter, I have determined that separation from the Department is not appropriate.

At the time of the underlying incident, Police Officers Agard and Jean had just three years of service in the rank of police officer. I took into consideration, that despite their short tenure, the officers had been otherwise model officers and received letters of commendation and various awards. Police Officer Jean received a medal for integrity and Police Officer Agard received community awards as both a police officer and as a school safety agent, exemplifying her commitment to the community. It was noted that both officers continued to perform commendably after they were placed on modified assignment and were awaiting their disciplinary fate.

I further considered that both officers fully accepted responsibility and were contrite, wholly acknowledging their misconduct. In his decision, Assistant Deputy Commissioner Adler noted that the officers were genuine in valuing this Department and in their desire to continue working for the Department. It is my belief that these officers can continue to be productive members of this Department and will continue to serve the community in an exemplary manner.

While their length of service, their otherwise excellent career history, and their acceptance of responsibility does not excuse their misconduct, it can, in this extraordinary instance, be utilized to mitigate their penalty. As part of the mitigated penalty, I will impose a period of dismissal probation in addition to penalty days to ensure that the officers can be properly monitored and evaluated.

It should be noted that the cited misconduct in this matter occurred in calendar year 2016. Since then, the Department has identified deficiencies in testimony preparation and has instituted new training to properly prepare officers when documenting arrests and testifying at trial. Specifically, the Department recognized that officers required additional training in the area of reassigning arrests from an officer who observed the crime to an officer who ultimately processed the arrest. The implementation of such training has brought about a real shift in how officers handle reassignment of arrests, especially in felony cases. Additionally, a more robust testimony course has been instituted in order to prepare officers for the rigors of testifying in open court. Taken together, these seismic changes have produced appreciable changes in the culture and daily operations of the Department.

Therefore, Police Officer Agard and Police Officer Jean shall forfeit thirty (30) vacation days and be placed on one (1) year dismissal probation, as a disciplinary penalty.



Keechant L. Sewell
Police Commissioner