



OFFICE OF THE POLICE COMMISSIONER
ONE POLICE PLAZA • ROOM 1400

September 5, 2023

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Sokratis Toumanidis**
Tax Registry No. 937646
20th Precinct
Disciplinary Case No. 2022-26001

The above named member of the service appeared before Assistant Deputy Commissioner Paul M. Gamble on March 21, 2023, and was charged with the following:

DISCIPLINARY CASE NO. 2022-26001

1. Said Police Officer Sokratis Toumanidis, while assigned to the Criminal Intelligence Section and off-duty, on or about March 11, 2022, in New York County, wrongfully consumed an intoxicant to the extent that said Police Officer was unfit for duty. *(As amended)*

A.G. 304-04, Page 1, Paragraphs 1 & 2

FITNESS FOR DUTY

2. Said Police Officer Sokratis Toumanidis, while assigned to the Criminal Intelligence Section and off-duty, on or about March 11, 2022, in New York County, wrongfully consumed an intoxicant to the extent that said Police Officer was unfit for duty, while armed. *(As amended)*

A.G. 304-04, Page 1, Additional Data

FITNESS FOR DUTY

3. Said Police Officer Sokratis Toumanidis, while assigned to the Criminal Intelligence Section and off-duty, on or about March 11, 2022, in New York County, failed to properly safeguard his firearm. *(As amended)*

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

**FIREARMS GENERAL
REGULATIONS**

4. Said Police Officer Sokratis Toumanidis, while assigned to the Criminal Intelligence Section and off-duty, on or about March 11, 2022, in New York County, wrongfully carried his firearm in a prohibited holster. *(As amended)*

A.G. 305-07, Page 1, Paragraph 5

**FIREARMS GENERAL
REGULATIONS**

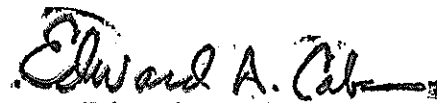
In a Memorandum dated April 13, 2023, Assistant Deputy Commissioner Paul M. Gamble found Police Officer Sokratis Toumanidis guilty of all Specifications in Disciplinary Case No. 2022-26001, after Police Officer Toumanidis entered a plea of guilty to all Specifications. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

Considering the multiple acts of misconduct and the seriousness of the underlying actions, a period of monitoring is warranted in this matter.

On March 11, 2022, between midnight and 4:00 a.m., Police Officer Toumanidis and his friend visited two bars in their neighborhood. During that time frame, Police Officer Toumanidis consumed several alcoholic beverages. While inside the bar "Hibernia," Police Officer Toumanidis took off his jacket and firearm and left them on the barstool while he danced nearby. Police Officer Toumanidis left his firearm unattended for a significant period. Later, after leaving the bar, Police Officer Toumanidis was brutally attacked by a group of males. As a result of that attack, he suffered physical injuries, and his off-duty firearm was also taken. He acknowledged that he carried an unauthorized holster. The Department recognizes that Police Officer Toumanidis was a victim of a crime. However, several steps could have been taken to help prevent the chain of events. The misconduct that happened before the assault, being unfit for duty while armed, and leaving his firearm unattended for a significant amount of time, in a public place, is significant actual misconduct. The Department is sympathetic to Police Officer Toumanidis but it does not negate what occurred beforehand.

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

If Police Officer Toumanidis 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, appearing to read "Edward A. Caban".

Edward A. Caban
Police Commissioner



POLICE DEPARTMENT

April 13, 2023

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

- against - :

Police Officer Sokratis Toumanidis :

Tax Registry No. 937646 :

20th Precinct :

Case No.

2022-26001

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

Before: Honorable Paul M. Gamble
Assistant Deputy Commissioner Trials

APPEARANCES:

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

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

To:

HONORABLE KEECHANT L. SEWELL
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

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CHARGES AND SPECIFICATIONS

1. Police Officer Sokratis Toumanidis, while assigned to the Criminal Intelligence Section and off-duty, on or about March 11, 2022, in New York County, wrongfully consumed an intoxicant to the extent that said Police Officer was unfit for duty. *(As amended)*.

A.G. 304-04, Page 1, Paragraphs 1 and 2

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REGULATIONS

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A.G. 305-07, Page 1, Paragraph 5

FIREARMS GENERAL
REGULATIONS

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on March 21, 2023. Respondent, through his counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having evaluated all of the evidence in this matter, the Tribunal recommends that Respondent forfeit 15 vacation days.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent is an eighteen-year police officer assigned to the 20th Precinct as a Field Intelligence Officer. On March 11, 2022, Respondent ended his tour at approximately 2230 hours and went with a friend to two local bars in his neighborhood: The Mean Fiddler and Hibernia. Respondent spent a couple of hours at The Mean Fiddler, consuming approximately three alcoholic beverages. Respondent and his friend left and were walking home when they decided to go to Hibernia, a short walk from Respondent's home. Respondent stated that they were at Hibernia for approximately two hours and that he consumed about four alcoholic beverages there (T. 12, 14-16, 30). Respondent testified that he is a regular at Hibernia and very familiar with the staff (T. 20).

Respondent testified that while at Hibernia, he took his firearm off his waistband, placed it in his winter coat pocket, and then placed the coat on a barstool before he went dancing (T. 17-18). His friend was next to the barstool, within 15 feet of Respondent. Respondent then received a call from his girlfriend, who told him their dogs had been home for a substantial amount of time without being taken out for a walk. Respondent stated he "kind of panicked" and rushed out to get the dogs, leaving his winter coat and a firearm on the barstool in the bar (T. 19-20). He returned to Hibernia with his dogs, and they stayed for about another hour before leaving. He admitted that his firearm was not on his person for approximately two hours (T. 32-33).

Respondent and his friend stopped at a deli around the block to get food, and Respondent's girlfriend met them. He testified that a group of males began cursing and badgering him. That group subsequently assaulted Respondent, his girlfriend, and his friend, and Respondent sustained severe physical injuries. After this incident, Respondent still has not

recovered his sense of smell or taste. His firearm was taken from him during this assault but recovered shortly after that (T. 24-25). Respondent fully cooperated with the investigation and was candid about what happened that night.

Respondent took responsibility for miscalculating the amount he drank that night, admitting that he was unfit for duty (T. 26). He attended and completed counseling assigned by the Department and explained that the program helped him to be mindful of the amount he drinks and what he drinks (T. 27).

Respondent also admitted carrying his firearm when he left work and went to these bars. He conceded that his gun was not in a holster that is approved by the Department as it did not have a thumb lock (T. 32). Respondent explained that he found the unapproved holster to be more comfortable to wear in his waistband; that such holster prevented him from getting scratches on his stomach; and that a shoulder strap or handle strap holster would not be easy to conceal under the clothes he wears (T. 34-35). Respondent testified that he now uses a Department-approved holster for his firearm (T. 27).

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 recommendation is contained in an attached memorandum.

Respondent, who was appointed to the Department on January 10, 2005, has pleaded guilty to all of the charges against him in this matter. The Department Advocate has

recommended a forfeiture of 45 vacation days, ordered breath-testing, continued cooperation with counseling, and one-year dismissal probation; Respondent's counsel is seeking a lesser penalty.

The presumptive penalty for failing to safeguard a firearm, not resulting in a loss, is 15 penalty days. The presumptive penalty for using an unauthorized holster is three penalty days.

The presumptive penalty for an officer found unfit for duty is 30 penalty days, dismissal probation, ordered breath testing, and cooperation with counseling.

After weighing the facts and circumstances in this matter, I find a lesser penalty consistent with the principles underlying the Disciplinary Matrix and this Department's core values.

It is undisputed that Respondent was the victim of a brutal gang assault in the early morning of March 11, 2022. According to Respondent's credible testimony, he, his girlfriend, and a male friend were confronted by four to five individuals who seemed determined to exploit their numerical advantage to do bodily harm even after Respondent announced that he was a police officer. I take note of his testimony, "I knew I was going to be viciously assaulted, so I reached for my firearm, and I said, 'police.' And then, I kind of analyzed the situation. I knew I was not in any condition to be utilizing my firearm, so I kept it in my holster. And before I knew it, they had me against the wall" (T. 22).

Providentially, Respondent has no recollection of what transpired next. Based upon the investigation and information provided by confidential informants who witnessed the assault, Respondent was knocked to the ground four times and stomped upon his head; *each time he got back on his feet* (T. 24). Respondent's next recollection was looking at the roof of an ambulance, then regaining consciousness in a hospital (T. 23). He sustained brain hemorrhaging

over his left eye, a laceration behind his right ear, a severe concussion, a broken tooth and bruising on his face consistent with boot prints (T. 24). He was hospitalized for three days and bedridden for another ten days (T. 24-25).

Respondent's friend was also knocked unconscious; his then-girlfriend, now his fiancée, was also punched in the face (T. 24). The lingering trauma experienced by each of these victims from such a wanton violation of bodily integrity is incalculable. For Respondent to have returned to full duty after this experience is remarkable.

The circumstances set forth above constitute mitigating circumstances for which the Disciplinary Guidelines make no specific provision. In particular, Respondent's decision not to draw his firearm in the face of what he correctly foresaw as a brutal beating displayed forbearance, valor, and respect for human life. Notably, the human lives he saved that morning were the lives of his assailants, consistent with explicit Department values. Characterizing these circumstances as mitigating is consistent with the principles of the Disciplinary Guidelines.

Respondent's candor with investigators in the aftermath of this incident, while leading ineluctably to the discovery of his misconduct, is an additional mitigating factor.

While it is true that the circumstances of Respondent's assault were not temporally connected to his earlier violation of Department rules, this Tribunal cannot ignore those circumstances. Any penalty recommendation by a Tribunal must reflect this Department's values, promote good order and discipline, and be consistent with fundamental fairness.

The requirement that Members of Service safeguard their firearms at all times is a bedrock principle of this Department. The Disciplinary Guidelines provide no mitigated penalty for a violation of this norm. Similarly, the requirement that Members of Service use only authorized holsters promotes the force's safety. Accordingly, I recommend that Respondent

forfeit 15 vacation days for failure to safeguard his firearm, and three days for using an unauthorized holster, to run concurrently for a total of 15 vacation days.

Respondent admitted to this Tribunal and investigators in the aftermath of the incident that he was unfit for duty. While he conceded this as a fact by his admission in open court, the Tribunal questions whether imposing a penalty for this violation of Department rules would be consistent with fundamental fairness.

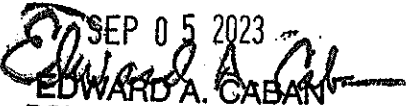
Respondent's decision to forbear from using deadly force in a situation where he was outnumbered by at least four assailants intent on inflicting bodily harm in the wee hours of the morning evinces judgment not ordinarily associated with someone who had been drinking alcoholic beverages to excess. He chose the path of a virtually certain beating rather than run the risk of using deadly force in a manner inconsistent with the law and the values of this Department. In my view, the imposition of even the mitigated penalty will not serve the goals of specific or general deterrence beyond the epiphanic value of Respondent's ordeal. I further find that ordered breath testing and dismissal probation, on these facts concerning this Respondent, would not be a wise use of Department resources.

Accordingly, I recommend that Respondent forfeit 15 vacation days

Respectfully submitted,


Paul M. Gamble
Assistant Deputy Commissioner Trials

DISAPPROVED

SEP 05 2023

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 SOKRATIS TOUMANIDIS
TAX REGISTRY NO. 937646
DISCIPLINARY CASE NO. 2022-26001

Respondent was appointed to the Department on January 10, 2005. On his three most recent performance evaluations, he received “Exceptional” in 2019, and a 4.5 overall rating of “Extremely Competent/Highly Competent” in 2021 and 2022. He has been awarded three medals for Excellent Police Duty.

Respondent has no prior formal disciplinary history.

For your consideration.

Paul M. Gamble
Assistant Deputy Commissioner Trials