



# POLICE DEPARTMENT

July 8, 2024

In the Matter of the Charges and Specifications  
- against -

Police Officer Michael Gargano  
Tax Registry No. 938534  
84 Precinct

Case No.  
2021-23741

Police Officer Sorely Nunez  
Tax Registry No. 957907  
84 Precinct

Case No.  
2021-23749

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

Before: Honorable Vanessa Facio-Lince  
Assistant Deputy Commissioner Trials

APPEARANCES:

For the CCRB-APU: Dwayne Bentley, Esq.  
Civilian Complaint Review Board  
100 Church Street, 10<sup>th</sup> Floor  
New York, NY 10007

For Respondents: Michael Martinez 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. 2021-23741

1. Police Officer Michael Gargano, on or about July 30, 2019, at approximately 1129 hours, while assigned to the 84 Precinct and on duty, in the vicinity of [REDACTED] Kings County, was discourteous, in that he spoke discourteously to [REDACTED] without sufficient legal authority by stating, in sum and substance, "Don't fucking throw shit."

P.G. 203-09, Page 1, Paragraph 2  
*now encompassed by A.G. 304-06*

PUBLIC CONTACT -  
PROHIBITED CONDUCT

P.G. 200-02

MISSION, VISION, AND  
VALUES OF THE NYPD

2. Police Officer Michael Gargano, on or about July 30, 2019, at approximately 1129 hours, while assigned to the 84 Precinct and on duty, in the vicinity of [REDACTED] Kings County, abused his authority as a member of the New York Police Department, in that he threatened to remove [REDACTED] to the hospital without sufficient legal authority.

P.G. 221-13

MENTALLY ILL OR  
EMOTIONALLY  
DISTURBED PERSONS

3. Police Officer Michael Gargano, on or about July 30, 2019, at approximately 1129 hours, while assigned to the 84 Precinct and on duty, in the vicinity of [REDACTED] Kings County, was discourteous, in that he spoke discourteously to [REDACTED] without sufficient legal authority by stating, in sum and substance, "Now you fucked up good."

P.G. 203-09, Page 1, Paragraph 2  
*now encompassed by A.G. 304-06*

PUBLIC CONTACT -  
PROHIBITED CONDUCT

P.G. 200-02

MISSION, VISION, AND  
VALUES OF THE NYPD

4. Police Officer Michael Gargano, on or about July 30, 2019, at approximately 1129 hours, while assigned to the 84 Precinct and on duty, in the vicinity of [REDACTED] Kings County, was discourteous, in that he spoke discourteously to [REDACTED] without sufficient legal authority by stating, in sum and substance, "You were throwing shit."

P.G. 203-09, Page 1, Paragraph 2  
*now encompassed by A.G. 304-06*

PUBLIC CONTACT -  
PROHIBITED CONDUCT

P.G. 200-02

MISSION, VISION, AND  
VALUES OF THE NYPD

5. Police Officer Michael Gargano, on or about July 30, 2019, at approximately 1129 hours, while assigned to the 84 Precinct and on duty, in the vicinity of [REDACTED] Kings County, was discourteous, in that he spoke discourteously to [REDACTED] without sufficient legal authority by stating, in sum and substance, "You want to stir shit up."

P.G. 203-09, Page 1, Paragraph 2  
*now encompassed by A.G. 304-06*

PUBLIC CONTACT -  
PROHIBITED CONDUCT

P.G. 200-02

MISSION, VISION, AND  
VALUES OF THE NYPD

Disciplinary Case No. 2021-23749

1. Police Officer Sorely Nunez, on or about July 30, 2019, at approximately 1129 hours, while assigned to the 84 Precinct and on duty, in the vicinity of [REDACTED] Kings County, abused her authority as a member of the New York Police Department, in that she threatened to remove [REDACTED] to the hospital without sufficient legal authority.

P.G. 221-13

MENTALLY ILL OR  
EMOTIONALLY  
DISTURBED PERSONS

2. Police Officer Sorely Nunez, on or about July 30, 2019, at approximately 1129 hours, while assigned to the 84 Precinct and on duty, in the vicinity of [REDACTED] Kings County, was discourteous, in that she spoke discourteously to [REDACTED] without sufficient legal authority by calling her "crazy."

P.G. 203-09, Page 1, Paragraph 2  
*now encompassed by A.G. 304-06*

PUBLIC CONTACT -  
PROHIBITED CONDUCT

P.G. 200-02

MISSION, VISION, AND  
VALUES OF THE NYPD

3. Police Officer Sorely Nunez, on or about July 30, 2019, at approximately 1129 hours, while assigned to the 84 Precinct and on duty, in the vicinity of [REDACTED] Kings County, was discourteous, in that she spoke discourteously to [REDACTED] without sufficient legal authority by stating, in sum and substance, "calm the fuck down."

P.G. 203-09, Page 1, Paragraph 2  
*now encompassed by A.G. 304-06*

PUBLIC CONTACT -  
PROHIBITED CONDUCT

P.G. 200-02

MISSION, VISION, AND  
VALUES OF THE NYPD

4. Police Officer Sorely Nunez, on or about July 30, 2019, at approximately 1129 hours, while assigned to the 84 Precinct and on duty, in the vicinity of [REDACTED] Kings County, was discourteous, in that she spoke discourteously to [REDACTED] without sufficient legal authority by stating, in sum and substance, that [REDACTED] was “throwing shit.”

P.G. 203-09, Page 1, Paragraph 2  
*now encompassed by A.G. 304-06*

PUBLIC CONTACT -  
PROHIBITED CONDUCT

P.G. 200-02

MISSION, VISION, AND  
VALUES OF THE NYPD

## REPORT AND RECOMMENDATION

The above-named members of the Department appeared before me on May 23, 2024. Respondents Gargano and Nunez, through their counsel, entered pleas of Not Guilty to the charged misconduct. The Civilian Complaint Review Board (“CCRB”) offered body-worn camera (“BWC”) footage in support of the charges. Respondents testified on their own behalves. 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 finds Respondent Gargano not guilty of Specification 2, but guilty of Specifications 1, 3, 4 and 5 and recommends the forfeiture of five (5) vacation days. The Tribunal further finds Respondent Nunez not guilty of Specification 1, but guilty of Specifications 2, 3 and 4 and recommends the forfeiture of five (5) vacation days and re-training.

## ANALYSIS

On July 30, 2019, the above-named Respondents responded to a call of a larceny in progress at the City Point Shopping Mall located [REDACTED] in Brooklyn. Upon arriving at the mall, Respondents headed toward Target and observed [REDACTED] (hereinafter R.B.), a person previously known to them. R.B. has had numerous arrests and has been escorted

to the hospital on prior occasions. (Tr. 18) They also observed two Target employees interacting with R.B. The Target employees informed Respondent Gargano that R.B. stole items from the store earlier that day, but they recovered the items and escorted her out of the store without requesting police intervention. R.B. claimed that when the Target employees recovered the items from her, they also took her personal cell phone. The Target employees denied having her cellphone. R.B. called 911 to report that her phone had been taken. (Tr. 17-20, 30, 39-40)

As the Target employees were speaking with Respondents, R.B. began incoherently yelling about her stolen phone. Respondents suggested that she look carefully in her bags to ensure that she did not have her phone. R.B. became increasingly irate, stood up, emptied the contents of her bag, threw items on the floor and continued yelling. At that point, Respondents asked her to leave the premises and grabbed her arm to escort her out. As Respondents did this, R.B. pulled back and, according to Respondents, attempted to strike Respondent Nunez. Respondents then placed R.B. under arrest and transported her to the precinct. (Tr. 20-23, 40-42)

It is alleged that during their police interaction with R.B., the Respondents made discourteous remarks to her. Both Respondents admitted that they used unfavorable language at various points during their interaction with R.B. and provided reasons as to why they were justified in doing so. They also both acknowledged that they told R.B. that she was going to be taken to a hospital, but denied that it was a threat or that they were not authorized to do so. At issue is whether these remarks constituted sanctionable misconduct, considering the context and manner in which they were made.

*Video Evidence:*

Video footage from the BWC of each officer captures the entire interaction at the location. In CCRB's Exhibit 1 (Respondent Gargano's BWC), Respondents initially approach

R.B., who is sitting on the floor outside the Target store, in a calm manner as they attempt to investigate the situation. After speaking with employees from Target, Respondent Gargano suggests that R.B. leave the premises. (CCRB Ex. 1 at 2:50) R.B. becomes noticeably angry and begins throwing items from her bag onto the floor. Respondent Gargano admonishes her behavior by stating: “Don’t fucking throw shit.” (*Id.* at 2:52) R.B. does not leave and Respondent Gargano grabs her arm. At this point, a struggle ensues between R.B. and the Respondents, but the video becomes shaky and it is unclear precisely what physical interactions occurred between the parties.

The BWC does, however, capture when R.B. is brought to the ground and Respondent Gargano places handcuffs on her. While Respondent Gargano is struggling to place handcuffs on R.B., Respondent Nunez states, “calm the fuck down.” (*Id.* at 3:22) Respondent Gargano is directing R.B. to “stop moving” while he attempts to place handcuffs on her. Respondent Nunez then states: “Trying to fucking punch me? Are you crazy?” (*Id.* at 3:25)

Once R.B. is handcuffed, she continues yelling in an incoherent manner and flailing her body. Respondent Gargano, who is still holding on to R.B., then states: “Now you fucked up good.” (CCRB Ex. 1 at 4:50) R.B. continues yelling and screaming and Respondent Gargano states: “Well now you are going to go to jail.” (*Id.* at 5:35) R.B. responds by yelling: “No, I’m going to the hospital.” (*Id.* at 5:38)

As the officers are waiting to escort R.B. out of the building, she continues yelling and protesting her arrest. Respondent Gargano informs R.B. of the reason she is being arrested by stating: “Because you became violent and started throwing shit.” (*Id.* at 8:50) Respondent Gargano later states: “You’re going to go to the hospital and then you are going to jail.” (*Id.* at 9:30) Respondent Gargano then proceeds to escort R.B. out of the building and tells her to calm

down, but she continues yelling and carrying on. As they are going down the escalator and R.B. is in handcuffs, Respondent Gargano can be heard stating: “I told you, we brought the cameras. That’s it. And you want to start shit up.” (CCRB Ex. 1 at 11:59)

CCRB’s Exhibit 2 (Respondent Nunez’s BWC) depicts substantially the same footage as Exhibit 1, but from a different angle, and captures the words exchanged between Respondent Nunez and R.B. At 2:55 on this video, Respondent Nunez tells R.B. that she is going to the hospital after she begins to get irate and throw objects on the ground. The video captures Respondent Gargano telling Respondent Nunez to call for EMS and “show an EDP.” Respondent Nunez then states in sum and substance over the radio: “show me with an EDP.” (CCRB Ex. 2 at 3:17-3:20)

*Respondent Gargano’s testimony:*

Respondent Gargano’s testimony at trial largely comports with the footage captured on BWC. He does not deny using coarse language during his interaction with R.B. or telling her that she would be taken to the hospital. Respondent started his testimony by explaining that when he arrived at the location, he immediately recognized R.B. because he and other officers in his command have had multiple encounters with her in the past. He recalled that he arrested R.B. in 2016 for stealing merchandise from Macy’s, but he was also aware of numerous instances with other officers escorting her to the hospital or arresting her for various offenses including “petit larceny, grand larceny, trespassing and criminal use of controlled substance.” (Tr. 18)

Respondent Gargano testified that he was trying to investigate R.B.’s complaint that her phone was taken by Target employees when they recovered the stolen property from her bag. According to the Target loss prevention officers, they asserted that they did not have her phone and could not provide her with any paperwork regarding her missing phone. Respondent

Gargano then suggested that R.B. check her bags again, but she became irate and abruptly began emptying the contents of her bags on the floor. (Tr. 20) After asking R.B. to leave the premises, Respondent Gargano stated that he grabbed her bicep to escort her out and that is when things escalated. He testified:

As I was holding the bicep, with her right hand [R.B.] took a swing at my partner. Because my partner was going in to grab her right hand. And then she fell backwards because we're all together. That's when we were able to grab her and throw her on the floor. (Tr. 22)

Respondent Gargano was asked why he stated, "don't fucking throw shit" to R.B. during his interaction with her. He responded that his intent was to "calm her down." He added that the more they tried to calm her down, the more visibly upset she became so he tried to "go on top of her voice and bring her down to a lower level." (Tr. 25) Respondent acknowledged that he told R.B. that she could be removed to the hospital, but indicated the reason he said that was due to her erratic behavior. According to him, they "needed a mental evaluation or [to] make sure she wasn't on some illicit drugs." He stated he was not trying to be discourteous when making that statement to her. (Tr. 25-26)

Respondent Gargano testified about three other comments that he made when interacting with R.B. He asserted that when he told R.B., "now you fucked up good," it was after she escalated the interaction by taking a swing at his partner. According to Respondent Gargano, he made that remark because he was trying to convey to R.B. "that she used up all her chances and she was going to get placed under arrest." (Tr. 26) He further claimed that when he made the comment, "you were throwing shit," it was "to remind her what she had done because she's not getting and comprehending what she was doing." Finally, he stated that when he said, "you want to stir shit up," he did so because "everyone was dealing with her courteously, and she just kept raising the bar on the temperature of the interaction." Respondent Gargano avowed that he was



not intending to be discourteous to R.B. in making any of the above-mentioned statements. (Tr. 27)

*Respondent Nunez's testimony:*

Respondent Nunez's account of her interaction with R.B. on the date of this incident was the same as her partner's and consistent with the BWC footage. She explained that she did in fact tell R.B. that she was going to the hospital because she was being irate and they wanted to make sure she was not intoxicated or in need of a mental health evaluation. She was not trying to threaten her or be discourteous in making this comment. She also admitted that she used the word "crazy" after R.B. attempted to strike her. Respondent Nunez rationalized the use of this word as an impulsive reaction to an "upsetting situation." She asserted that she was not trying to be discourteous to R.B. (Tr. 42-44)

Respondent Nunez also admitted that she told R.B. to "calm the fuck down." She reasoned that she used this language because R.B. was talking loudly and moving around a lot, so she wanted to calm her down and deescalate the encounter. (Tr. 44) At some point later on during this interaction, Respondent Nunez remarked that R.B. "had been throwing shit." Respondent Nunez claimed that she used this terminology to convey that R.B. had been throwing things earlier, but it was not intended to be discourteous. (Tr. 45)

*Wrongfully Threatening to Remove R.B. to the Hospital:*

Both Respondents were charged with wrongfully threatening to remove R.B. to the hospital without sufficient legal authority to do so. Neither Respondent disputes that they told R.B. she would be going to the hospital. Indeed, each of the Respondents' statements was captured by the BWC footage. Instead, both Respondents assert that their statements were not intended as a threat, but were borne out of concern that R.B. was either under the influence of an

illicit substance or having a mental health issue and required a medical evaluation. After carefully reviewing the video footage, in conjunction with the trial testimony, I find Respondents' individual assessments of R.B.'s mental condition persuasive. The Respondents' collective interpretation of the overall tenor of their interaction with R.B. is consistent with the events as captured by the video. Based upon the credible evidence adduced at trial, it was therefore reasonable for Respondents to conclude that R.B. was in need of a mental health evaluation.

Section 221-13 of the Patrol Guide defines an Emotionally Disturbed Person ("EDP") as an individual "who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others." Here, a reasonable view of the video footage supports a conclusion that R.B. was an EDP during this incident. R.B. was visibly upset, behaving in an unstable manner, haphazardly throwing her belongings and attempted to strike Respondent Nunez. Her irate and irrational behavior throughout the encounter supported the contention that she posed a threat to herself and the safety of others. As such, Respondents' comments to R.B. that she would be removed to a hospital were justified and did not constitute an improper threat.

Accordingly, I find Respondent Gargano not guilty of Specification 2 in Disciplinary Case No. 2021-23741, and Respondent Nunez not guilty of Specification 1 in Disciplinary Case No. 2021-23749.

*Discourtesy:*

*Respondent Gargano*

Respondent Gargano is charged with four separate counts of discourtesy related to four comments he made to R.B.- "Don't fucking throw shit;" (Specification 1); "Now you fucked up

good;” (Specification 3); “You were throwing shit;” (Specification 4) and “You want to start shit up.” (Specification 5)

I find that CCRB has met their burden of proof by a preponderance of the relevant, credible evidence that Respondent Gargano was discourteous to R.B., as charged in Specifications 1, 3, 4, and 5.

Any analysis of whether the language used by a respondent is discourteous must consider the context in which it is used. Among the factors to be considered are whether the allegedly discourteous language includes swear words, or words, which, under the circumstances presented, can objectively be seen as discourteous; whether the words spoken are disrespectful because of the time and place of their utterance; and the relationship of the parties to the conversation. The Tribunal is well aware that the vernacular used by the “average New Yorker” may vary from neighborhood to neighborhood, and from group to group. A word one cohort may deem patently offensive may simply be another cohort’s idea of word choice. R.B. did not testify at this hearing, so there is no way of knowing whether Respondent Gargano’s comments offended her at the time that they were made.

In this case, Respondent Gargano admitted using the word “shit” on at least three occasions during his interaction with R.B., as indicated in Specifications 1, 4 and 5. In Specification 3, he admitted saying, “Now you fucked up good,” to emphasize his assertion that R.B. escalated the encounter when she attempted to strike his partner. In Specification 5, he again acknowledged making the remark, “You want to stir shit up,” to convey to R.B. that her behavior had escalated too far and she was now being arrested for committing a criminal act. Although Respondent Gargano testified that he did not intend to insult R.B. when he made these comments, the remarks he made as stated in Specifications 3 and 5 are objectively discourteous

and advance no legitimate police purpose. There were a host of ways for Respondent Gargano to convey the same message without profanity. Respondent Gargano is a Member of Service who has voluntarily assumed a higher standard of conduct. Such language is unprofessional in the context of taking this type of law enforcement action, especially in a situation in which Respondent Gargano knew or should have been aware that R.B. was either suffering from a mental health condition or under the influence of an illicit substance. The use of coarse language in these instances was unnecessary and inappropriate under the circumstances.

In Specification 1, Respondent Gargano used the phrase, “Don’t fucking throw shit,” and in Specification 4 he stated, “You were throwing shit.” In both comments, he used the word “shit” as a generic term for the word “things” or “objects.” Although the use of this word has become commonplace in our society, it has no legitimate place in a conversation between a member of service and a civilian during a police encounter. This Tribunal recognizes that Respondent Gargano used the phrase, “Don’t fucking throw shit,” as part of a verbal warning while he was attempting to manage a heated encounter with a person who was behaving in an irrational manner. However, that does not excuse Respondent Gargano’s lack of courtesy and professionalism in this instance.

Specification 4 charges Respondent Gargano with stating: “because you were throwing shit,” as part of his explanation to R.B. for why she was being arrested. As previously stated, this is not a reasonable explanation for the use of profane language. Respondent Gargano’s use of the expletive “shit” was gratuitous and unprofessional.

Based upon the foregoing, I find Respondent Gargano Guilty of Specifications 1, 3, 4 and 5.

Respondent Nunez

Respondent Nunez is charged with three separate counts of discourtesy related to three phrases she used when speaking to R.B.: “Crazy” (Specification 2); “Calm the fuck down;” (Specification 3); and “throwing shit.” (Specification 4) I find that CCRB has met their burden of proof by a preponderance of the relevant, credible evidence that Respondent Nunez was discourteous to R.B., as charged in Specifications 2, 3 and 4.

Specification 2 alleges that Respondent Nunez called R.B. “crazy” during the encounter with her. While Respondent Nunez does not deny using the word “crazy,” she claimed that it was after R.B. attempted to strike her, she was upset and that “it was just a conversation of me asking her if she’s crazy.” Respondent Nunez further asserted that she was not trying to be discourteous, but rather “wanted to see if she was okay.” (Tr. 44) CCRB’s Exhibits 1 and 2 specifically capture Respondent Nunez stating to R.B. “Trying to fucking punch me? Are you crazy?” While there is no doubt that Respondent Nunez was upset by what transpired, her tone in making this statement was not “conversational” and did not sound as though she was trying to assess whether R.B. was okay. Based upon the contradictory video footage, I do not credit Respondent Nunez’s explanation for her use of that phrase.

Administrative Guide 304-06, and its predecessor Patrol Guide 203-10, strictly prohibits “using discourteous or disrespectful remarks regarding another person’s age, ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability.” Given the fact that Respondent Nunez knew or had reason to believe that R.B. was emotionally/mentally unstable during the encounter, it was disrespectful for Respondent Nunez to actually call R.B. “crazy.” While this Tribunal is mindful that Respondent Nunez’s comment was made in reaction to an upsetting event, it does not excuse that it was objectively insulting. There was no valid police purpose for her abrasive comment.

As to Specification 3, Respondent Nunez admitted that she told R.B. to “calm the fuck down.” She claimed that she was not intending to be discourteous when she made that statement, but she used that particular language at that time “because she [R.B.] was talking loudly and moving around a lot and [Respondent Nunez was] telling her to calm down.” In this instance, Respondent Nunez used the modifier “fuck” in Specification 3 to emphasize that she wanted R.B. to stop moving while they were in the process of taking her into custody. Patrol Guide 221-13 provides guidance to member of the service on how to interact with mentally ill or emotionally disturbed persons. This section specifically suggests that officers “make every effort to de-escalate the situation through tactical communication, if feasible and consistent with personal safety.” This Tribunal opines that using profanities during an already volatile encounter does not de-escalate the situation. Moreover, such language is unprofessional in the context of taking law enforcement action, especially when attempting to gain control or compliance of a person believed to be an EDP.

With regard to Specification 4, Respondent admitted that she used the word “shit” when referring to the “things” that R.B. had been throwing. For the same reason mentioned above in the analysis of Respondent Gargano’s use of this term, I find that the use of such language constitutes sanctionable misconduct.

Accordingly, I find Respondent Nunez Guilty of Specifications 2, 3 and 4. .

### PENALTY

In order to determine appropriate penalties, 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. Respondents’ employment histories were also examined. *See* 38 RCNY § 15-07. Information from each of

Respondents' personnel records considered in making these penalty recommendations is contained in attached memoranda.

Respondent Gargano, who was appointed to the Department on July 11, 2005, has one prior adjudication from 2016 where he was placed on dismissal probation related to the reckless operation of a Department vehicle. Respondent Nunez, who was appointed to the Department on January 7, 2015, has no formal disciplinary history. CCRB has recommended a penalty of fifteen (15) vacation days for each Respondent: the presumptive penalty of ten (10) vacation days for threatening to remove R.B. to the hospital plus the presumptive penalty of five (5) days for each of the discourtesy charges to run concurrently. Because I have found both Respondents Not Guilty of threatening to remove R.B. to the hospital, I find that a lesser penalty is warranted.

Each Respondent has been found guilty of all specifications related to discourtesy. The presumptive penalty for discourtesy is five penalty days; the mitigated penalty is one day and the aggravated penalty is ten days. CCRB recommended a concurrent penalty for all of the discourtesy specifications. Having considered the entirety of the record, I find that the presumptive penalty of five vacation days, to run concurrently, for the discourtesy specifications of which each Respondent has been found Guilty is appropriate.

This Tribunal took into account that throughout this incident, both Respondents were dealing with a volatile situation in a measured manner despite their use of coarse language at times. Moreover, the discourteous remarks made by Respondents occurred during the course of one prolonged interaction with R.B. Accordingly, running the penalties consecutively would overstate Respondents' culpability. The presumptive penalty of five vacation days will fairly and adequately address the misconduct of Respondents in this matter.

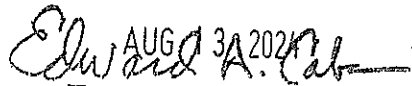
Taking into account the totality of the facts and circumstances in this matter, I therefore recommend that each Respondent forfeit five (5) vacation days and be directed to undergo any training the Police Commissioner deems appropriate.

Respectfully submitted,



Vanessa Facio-Lince  
Assistant Deputy Commissioner Trials

**APPROVED**

  
AUG 31 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 MICHAEL GARGANO  
TAX REGISTRY NO. 938534  
DISCIPLINARY CASE NO. 2021-23741

Respondent was appointed to the Department on July 11, 2005. On his three most recent annual performance evaluations, he was twice rated "Exceptional" for 2022 and 2023, and was rated "Exceeds Expectations" for 2021. Respondent has been awarded one medal for Meritorious Police Duty-Integrity, four medals for Meritorious Police Duty and twelve medals for Excellent Police Duty.

In 2016, Respondent pled guilty to operating a Department vehicle in a reckless manner, which caused injury to another officer, and failing to immediately inform a supervisor and EMS personnel of the circumstances surrounding the vehicular accident that caused injury. In connection with that matter, Respondent forfeited 30 suspension days, 15 vacation days and was placed on one-year dismissal probation.

For your consideration.

Vanessa Facio-Lince  
Assistant Deputy Commissioner Trials



## POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD  
POLICE OFFICER SORELY NUNEZ  
TAX REGISTRY NO. 957907  
DISCIPLINARY CASE NO. 2021-23749

Respondent was appointed to the Department on January 7, 2015. On her three most recent annual performance evaluations, she was twice rated “Exceptional” for 2022 and 2023, and was rated “Exceeds Expectations” for 2021. She has been awarded four medals for Excellent Police Duty.

Respondent has no formal disciplinary history.

For your consideration.

Vanessa Facio-Lince  
Assistant Deputy Commissioner Trials