



OFFICE OF THE POLICE COMMISSIONER
ONE POLICE PLAZA • ROOM 1400

August 24, 2021

Memorandum for: Deputy Commissioner, Trials

Re: **Sergeant Melonie Minott**
Tax Registry No. 942907
Housing PSA 1
Disciplinary Case No. 2020-22068

The above named member of the service appeared before Assistant Deputy Commissioner Jeff S. Adler on April 27, 2021, and was charged with the following:

DISCIPLINARY CASE NO. 2020-22068

1. Sergeant Melonie Minott, on or about September 13, 2019, at approximately 2140 hours, while assigned to PSA 1 and on duty, inside of 69th Precinct stationhouse, Kings County, abused her authority as a member of the New York City Police Department, in that she authorized the strip-search of [REDACTED] without sufficient legal authority.

P.G. 208-05, Page 3, Paragraph C (1)

**ARRESTS – GENERAL SEARCH
GUIDELINES**

In a Memorandum dated June 1, 2021, Assistant Deputy Commissioner Jeff S. Adler found Sergeant Melonie Minott Guilty of the sole Specification in Disciplinary Case No. 2020-22068 after Sergeant Minott entered a plea of Guilty. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

After reviewing the facts and circumstances of this matter, the Police Commissioner has determined that based on the severity of the Respondent's misconduct, which consisted of authorizing the strip search of an individual without sufficient legal authority, a higher penalty is warranted.

Therefore, Sergeant Minott shall forfeit twenty (20) suspension days to be served and one (1) year dismissal probation, as a disciplinary penalty.



Dermot Shea
Police Commissioner



POLICE DEPARTMENT

June 1, 2021

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

- against - :

Sergeant Melonie Minott :

Tax Registry No. 942907 :

Housing PSA 1 :

Case No.

2020-22068

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

Before: Honorable Jeff S. Adler
Assistant Deputy Commissioner Trials

APPEARANCES:

For the CCRB-APU:

Jeannie Elie Fulgencio, Esq.
Civilian Complaint Review Board
100 Church Street, 10th Floor
New York, NY 10007

For the Respondent:

Matthew Schieffer, Esq.
The Quinn Law Firm
399 Knollwood Road, Suite 220
White Plains, NY 10603

To:

HONORABLE DERMOT F. SHEA
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

COURTESY • PROFESSIONALISM • RESPECT

Website: <http://nyc.gov/nypd>

CHARGES AND SPECIFICATIONS

1. Sergeant Melonie Minott, on or about September 13, 2019, at approximately 2140 hours, while assigned to PSA 1 and on duty, inside of 69th Precinct stationhouse, Kings County, abused her authority as a member of the New York City Police Department, in that she authorized the strip-search of [the arrestee], without sufficient legal authority.

P.G. 208-05, Page 3, Paragraph C (1)

ARRESTS – GENERAL
SEARCH GUIDELINES

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on April 27, 2021.

Respondent, through her counsel, pleaded guilty to the subject charge 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 reviewed all of the evidence in this matter, I find that mitigation is warranted, and recommend a penalty of twenty (20) vacation days.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent has pleaded guilty to authorizing a strip search without sufficient legal authority. Specifically, on September 13, 2019, officers from PSA 1 arrested an individual in Kings County who had been involved in a dispute with his mother. At the arrest scene, Respondent was frisked and nothing was recovered. The arrestee was transported to the 69 Precinct for arrest processing, where he was charged with criminal mischief. Body Worn Camera footage captured the officers' interactions with the arrestee at the scene, as well as the events that occurred before the strip search inside the stationhouse.

On the date of the incident, Respondent was the supervising sergeant for the arresting officer; she had been a sergeant for approximately two years at the time. Respondent testified that she responded to the scene of the incident where an individual had engaged in a dispute with

his mother, who had called the police. While at the scene, Respondent observed the frisk of the individual; no contraband was recovered. The individual was arrested for criminal mischief and transported to the 69 Precinct where a search of his person was conducted outside of Respondent's presence. When Respondent arrived at the precinct, she was informed by the desk sergeant that a small plastic bag of heroin was recovered from the arrestee's pants pocket. (Tr. 20-23, 32-35)

Respondent testified that the desk sergeant for the 69 Precinct, on his own initiative, suggested to her that the arrestee should be strip searched. The desk sergeant told her that, from his experience in anti-crime, he believed that the arrestee was probably concealing something else on his person, since contraband was not recovered at the scene. The sergeant also stated that since the heroin was in a little plastic container that is usually hard to find, the arrestee may have had something else on him as well. Respondent testified that she never had authorized a strip search prior to the day of the incident, and "it was new to [her]." She then called her lieutenant and explained to him what had transpired, and that the desk sergeant at the precinct was requesting a strip search. She told the lieutenant that she was unfamiliar with the procedure, and he responded, "[W]ell, if he had it and it wasn't recovered at the scene, then, you know, go ahead." At that point, Respondent proceeded to instruct the officers to perform a strip search. (Tr. 20-21, 24, 27, 38-40)

At trial, Respondent accepted responsibility for making the decision to authorize the strip search, and admitted that she did not consult the Patrol Guide regarding the requirements for a strip search procedure. She candidly acknowledged that the strip search was not appropriate for this situation. Respondent testified, "Now that, you know, with more experience, hindsight is 20/20, but, like, I definitely know that wasn't the appropriate call. And, you know, in my

experience, I would be more -- to make a more solid decision on my own because I was not able to see clearly at the moment as it was presented to me, but I'm able to make better decisions now and see clearly." (Tr. 25, 28-30)

Body Worn Camera footage depicting portions of the incident was admitted into evidence as CCRB Ex. 1. Footage from the arresting officer and another officer at the arrest scene captures their interactions with the arrestee. The arrestee protests loudly against the officers putting their hands on him. He is placed in handcuffs and then is frisked without incident. The arrestee is walked out of the building as he continues to profess his innocence. (CCRB Ex. 1A, 1B) The arresting officer's BWC footage also shows the events that occurred at the precinct before the strip search took place. The arrestee is brought to the front desk, and items of his property, including the bag of heroin, are placed on the desk. The arresting officer then does a brief additional search of the arrestee, but nothing else is recovered. The arrestee is then placed in a cell. (CCRB Ex. 1C) There is no video footage of the strip search itself.

PENALTY

In order to determine appropriate penalties, this tribunal, guided by the Department's Disciplinary System Penalty Guidelines ("Disciplinary Guidelines"), considered all relevant facts and circumstances, including any aggravating and mitigating factors established in the record. Respondent's employment history also was examined (*See* 38 RCNY § 15-07). Information from Respondent's 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, 2007, has no prior disciplinary record.

Respondent has pleaded guilty to authorizing a strip search without sufficient legal authority. The CCRB recommends a penalty of 20 suspension days and one-year dismissal probation, which is the presumptive penalty under the Disciplinary Guidelines. The mitigated penalty for the offense is 20 penalty days.

Section 208-05 of the Patrol Guide states that a strip search may only be authorized where there is reasonable suspicion that weapons, contraband, or evidence may be concealed upon a person, or in their clothing, in such a manner that they may not have been discovered through previous search methods. The section lists several factors to consider, including the nature of the crime, arrest circumstances, subject's reputation, acts of violence, and relevant information from previous searches of the same individual. It is undisputed that the totality of facts here did not constitute reasonable suspicion to justify the strip search authorized by Respondent.

To be sure, Respondent, as the supervising sergeant for the arrest, bore the responsibility for determining whether a strip search should have been authorized here. Counsel for the CCRB correctly notes that Respondent did not take the time to review the Patrol Guide requirements prior to making her decision, and she did not, herself, consult with the arresting officer. As a result of her authorization, an individual was improperly subjected to an invasive strip search. More is expected of a supervising sergeant, and there must be appropriate accountability for Respondent's actions.

However, there are mitigating factors in this particular case that warrant a lesser penalty than that requested by the CCRB. Among the potential mitigating factors listed in the Disciplinary Guidelines are situations where there is "good faith demonstrated by the member of the service and the absence of an intent to violate procedural or legal standards." Another

potential mitigating factor is the “potential for training to correct/rehabilitate behavior.” The “acceptance of responsibility” also may be a mitigating factor. Here, Respondent’s error was not born out of any malice toward the arrestee; instead, her mistake was being overly reliant upon the desk sergeant and lieutenant, rather than taking the time to review the Patrol Guide procedure herself before deciding whether to authorize the strip search. She, herself, did not initiate the idea to conduct the strip search; rather, it was the more experienced desk sergeant, assigned to the precinct where the arrest was processed, who suggested to Respondent that a strip search would be appropriate. Specifically, the desk sergeant referenced his days in anti-crime and advised Respondent to authorize the strip search here. Respondent ultimately followed that suggestion, but not before consulting with her lieutenant as to the proper course of action. The lieutenant agreed with the request of the desk sergeant, telling Respondent to “go ahead” and authorize the strip search. On the advice of the desk sergeant and lieutenant, Respondent authorized the strip search.

In her testimony at this hearing, Respondent came across as sincere, and I credit her account. She did not appear to be shifting the blame for what occurred onto the desk sergeant and lieutenant; rather, she merely was explaining the sequence of events leading to her decision, while ultimately taking responsibility for that decision. She readily and emphatically acknowledged that her decision was not correct, that she understands now that what was suggested to her was “bad advice,” and she “definitely know[s] that wasn’t the appropriate call.” As she testified at this hearing, Respondent appeared earnest in her insistence that now, with experience, she will make better decisions in situations such as these.

Furthermore, Respondent’s strong employment record constitutes an additional mitigating factor: she has no prior formal disciplinary history, and has received high performance

evaluations. It appears that Respondent's actions here were an aberration, an isolated lapse in judgment, and not part of a repeated or chronic problem over the course of her career that would necessitate a period of monitoring.

As such, I find that mitigation is appropriate here, and that a penalty of 20 vacation days is consistent with the Disciplinary Guidelines and fairly addresses the misconduct in this case. Taking into account the totality of the facts and circumstances in this matter, I recommend that Respondent forfeit twenty (20) vacation days.

Respectfully submitted,



Jeff S. Adler
Assistant Deputy Commissioner Trials





POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD
SERGEANT MELONIE MINOTT
TAX REGISTRY NO. 942907
DISCIPLINARY CASE NO. 2020-22068

Respondent was appointed to the Department on January 10, 2007. On her three most recent annual performance evaluations, Respondent received a 3.5 overall rating of “Highly Competent/Competent” for 2018, and twice received 4.0 overall ratings of “Highly Competent” for 2019 and 2020.

Respondent has no disciplinary record.

For your consideration.

Jeff S. Adler
Assistant Deputy Commissioner Trials