



# POLICE DEPARTMENT

January 2, 2024

In the Matter of the Charges and Specifications  
- against -

Police Officer Eugene Choi  
Tax Registry No. 941552  
24 Precinct

Case No.  
2022-24799

Police Officer Thomas Lee  
Tax Registry No. 947169  
24 Precinct

Case No.  
2022-24800

Sergeant Kevin Cameron  
Tax Registry No. 954594  
Manhattan Crime Analysis Unit

Case No.  
2022-24801

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

Before: Honorable Vanessa Facio-Lince  
Assistant Deputy Commissioner Trials

## APPEARANCES:

For the CCRB-APU:

Theresa Freitas, Esq.  
Civilian Complaint Review Board  
100 Church Street, 10<sup>th</sup> Floor  
New York, NY 10007

For the Respondents:

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

John D'Alessandro, Esq.  
The Quinn Law Firm  
399 Knollwood Road, Suite 220  
White Plains, NY 10603

To:  
HONORABLE EDWARD A. CABAN  
POLICE COMMISSIONER  
ONE POLICE PLAZA  
NEW YORK, NY 10038

COURTESY • PROFESSIONALISM • RESPECT

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

## CHARGES AND SPECIFICATIONS

### Disciplinary Case No. 2022-24799

1. Police Officer Eugene Choi, on or about March 9, 2020, at approximately 0020 hours while assigned to 24 Precinct and on duty, in the vicinity of 992 Columbus Avenue, New York County, abused his authority as a member of the New York City Police Department, in that he stopped Benjamin Shirley without sufficient legal authority.

P.G. 212-11, Page 6, Paragraph 20

INVESTIGATIVE  
ENCOUNTERS

2. Police Officer Eugene Choi, on or about March 9, 2020, at approximately 0020 hours while assigned to 24 Precinct and on duty, in the vicinity of 992 Columbus Avenue, New York County, abused his authority as a member of the New York City Police Department, in that he threatened to damage Benjamin Shirley's property without sufficient legal authority.

P.G. 203-10, Page 1, Paragraph 5

(now encompassed by A.G. 304-06, Page 1, Paragraph 1)

PUBLIC CONTACT  
PROHIBITED CONDUCT

3. Police Officer Eugene Choi, on or about March 9, 2020, at approximately 0020 hours while assigned to 24 Precinct and on duty, in the vicinity of 992 Columbus Avenue, New York County, abused his authority as a member of the New York City Police Department, in that he failed to provide Benjamin Shirley with a business card without police necessity.

P.G. 203-09, Page 1, Paragraph 1  
(now encompassed by A.G. 304-11)

PUBLIC CONTACT –  
GENERAL

### Disciplinary Case No. 2022-24800

1. Police Officer Thomas Lee, on or about March 9, 2020, at approximately 0020 hours while assigned to 24 Precinct and on duty, in the vicinity of 992 Columbus Avenue, New York County, abused his authority as a member of the New York City Police Department, in that he stopped Benjamin Shirley without sufficient legal authority.

P.G. 212-11, Page 6, Paragraph 20

INVESTIGATIVE  
ENCOUNTERS

2. Police Officer Thomas Lee, on or about March 9, 2020, at approximately 0020 hours while assigned to 24 Precinct and on duty, in the vicinity of 992 Columbus Avenue, New York County, abused his authority as a member of the New York City Police Department, in that he threatened to damage Benjamin Shirley's property without sufficient legal authority.

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT

(now encompassed by A.G. 304-06, Page 1, Paragraph 1) PROHIBITED CONDUCT

3. Police Officer Thomas Lee, on or about March 9, 2020, at approximately 0020 hours while assigned to 24 Precinct and on duty, in the vicinity of 992 Columbus Avenue, New York County, abused his authority as a member of the New York City Police Department, in that he failed to provide Benjamin Shirley with a business card without police necessity.

P.G. 203-09, Page 1, Paragraph 1  
(now encompassed by A.G. 304-11)

PUBLIC CONTACT –  
GENERAL

Disciplinary Case No. 2022-24801

1. Sergeant Kevin Cameron, on or about March 9, 2020, at approximately 0020 hours while assigned to 24 Precinct and on duty, in the vicinity of 992 Columbus Avenue, New York County, abused his authority as a member of the New York City Police Department, in that he stopped Benjamin Shirley without sufficient legal authority.

P.G. 212-11, Page 6, Paragraph 20

INVESTIGATIVE  
ENCOUNTERS

2. Sergeant Kevin Cameron, on or about March 9, 2020, at approximately 0020 hours while assigned to 24 Precinct and on duty, in the vicinity of 992 Columbus Avenue, New York County, abused his authority as a member of the New York City Police Department, in that he threatened to damage Benjamin Shirley's property without sufficient legal authority.

P.G. 203-10, Page 1, Paragraph 5  
(now encompassed by A.G. 304-06, Page 1, Paragraph 1)

PUBLIC CONTACT  
PROHIBITED CONDUCT

3. Sergeant Kevin Cameron, on or about March 9, 2020, at approximately 0020 hours while assigned to 24 Precinct and on duty, in the vicinity of 992 Columbus Avenue, New York County, abused his authority as a member of the New York City Police Department, in that he failed to provide Benjamin Shirley with a business card without police necessity.

P.G. 203-09, Page 1, Paragraph 1  
(now encompassed by A.G. 304-11)

PUBLIC CONTACT –  
GENERAL

REPORT AND RECOMMENDATION

The above-named members of the Department appeared before me on November 7, 2023.

Respondents, through their counsel, entered a plea of Not Guilty to the subject charges. The

CCRB called Dr. Benjamin Shirley and entered videos into evidence. Respondents testified on their own behalf. 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 Respondents Not Guilty of Specifications 1 and 2, and Guilty of Specification 3. I recommend a penalty the forfeiture of three (3) vacation days for each Respondent.

### ANALYSIS

This case arises out of a complaint made by Dr. Benjamin Shirley, a Manhattan dentist and owner of Upper West Side Dental, regarding an interaction he had with Respondents on March 9, 2020. Dr. Shirley was working in his office late that evening, well after his dental practice was closed for business. Dr. Shirley had just taken out the trash and soon after he was back in his office, the Respondents knocked on the door and asked him to identify himself. Dr. Shirley had used his key to enter the premises and he had not called 911 nor was there an emergency, to his knowledge, that required police assistance, so he was unsure of why the police were responding to his office. The facts surrounding the police encounter are virtually undisputed with the exception of how the incident was perceived by each side.

On March 9, 2020, Respondents were working a midnight tour within the confines of the 24 Precinct. The complainant, Dr. Benjamin Shirley's dental practice, Upper West Side Dental, is located in Sector C of the 24 Precinct; Respondents Choi and Lee were assigned to patrol Sector C. They testified that a common precinct condition they dealt with during that tour was commercial burglaries.

On the date in question, Dr. Shirley's dental practice was open from 1200 hours to 2200 hours. Dr. Shirley testified that on the date of the incident he was working in the office after hours. His dental practice is located at 992 Columbus Avenue and is a street-level storefront. He

explained he was alone and he kept the lights off because he did not want to draw attention to the office or attract walk-up patients since it was closed. (Tr. 20, 27) He left the office to take garbage out and used the front door to re-enter using his key; Dr. Shirley had left the office with his sweatshirt hood off, and returned to the office with the sweatshirt hood covering his head. (CCRB Ex. 6 at 00:00-00:42)

Approximately one minute after Dr. Shirley returned, Respondents Choi and Lee can be seen on video pulling up in front of the office in a marked RMP and approaching the door, knocking on the window, and pushing the intercom button. (CCRB Ex. 6 at 01:26-01:49) Dr. Shirley maintains an advanced security system at his place of business that was in good working order that night. He testified that he observed the officers approach the office while he was in the reception area, and he responded on the intercom when they rang the bell. He informed them via the intercom that he was the dentist who owned the practice. According to Dr. Shirley, the Respondents requested that he come outside, despite the fact no one called the police, there were no warrants, and an alarm did not go off. (Tr. 18-19, 21-23)

CCRB Exhibit 5 is surveillance video from inside of Mr. Shirley's dental practice. The video angle is taken from behind the front desk/reception station of the practice, and captures that area as well as a partial view of the front door. Upon entering the front door of the office, there is a waiting area that was dimly lit by an illuminated logo on the wall. There is a wall and door between the waiting area and the rest of the office. The wall between the waiting area and office has a small window in it. There is also a door with opaque glass to enter the office from the waiting area that was closed. As seen on the video, the office was dark with the exception of some light emanating from a computer screen at the reception desk. The following is a summary of the video:

- 00:40-00:59: Respondents pull up in the marked RMP and approach the front door of the office. An officer knocks on the front door. Dr. Shirley steps to the side of the counter and then walks behind the desk and sits down at the computer that faces toward the lobby. Respondents begin to shine their flash lights inside the building.
- 01:00-01:06: Respondents shine their flashlights toward Dr. Shirley, who is seated in the reception station and leans back in his chair away from the light. He leans forward once the light is not in his direction.
- 01:07-01:24: Respondents continue to stand outside of the front doors. Dr. Shirley remains seated, until he stands up and appears to acknowledge the officers.
- 01:25-01:34: Dr. Shirley stands up and walks around the desk. He stops and raises his hand with one finger in the air toward the officers, and then walks off camera.
- 01:34-01:54: Dr. Shirley is out of camera view for approximately 20 seconds. Respondents are still waiting outside at the front of the office.
- 01:55-02:02: Dr. Shirley walks back to the front desk and appears to be on the phone. He remains behind the counter. Respondents shine their flashlights through the windows that are covered with shades. Dr. Shirley steps away from the light that is aimed in his direction.
- 02:03-02:35: Dr. Shirley walks back behind the desk. His cell phone is still raised up to his ear. He leans down to push the intercom button. Respondents are standing by the front door.
- 02:36-03:24: Respondent shines the flashlight into the window again toward Dr. Shirley. Dr. Shirley stays standing behind the desk; it appears that he was speaking with Respondents. Respondents move away from the front door and shine their flashlights through the shaded window next to the desk. Dr. Shirley walks away from the desk and goes to the back of the office, out of view of the camera.
- 03:25-05:17: Respondents continue to shine their flashlights into the office. Dr. Shirley is out of view of this camera.
- 05:18-05:28: Dr. Shirley walks back into frame. He appears to be on a cell phone. He leans over the counter to look out toward where Respondents are standing. He walks back to the back of the office, out of view of the camera.
- 05:29-08:40: Dr. Shirley remains out of view of the camera angle.

Dr. Shirley explained that he spoke with the officers through the security system's intercom before going into the back of the office to call family and friends for advice. At trial,

Dr. Shirley described his conversation over the intercom as follows: "I answered the bell and said, 'Hello, can I help you?' And they (Respondents Choi and Lee) said, 'We need you to come outside.' He asked, 'Did someone call the police?' They said, 'No.' I said, 'Are there any warrants or anything like that?' They said 'no.' 'Did the alarm go off?' They said, 'No.'" (Tr. 21) He went on to testify that he did not feel comfortable going outside because they placed their flashlights in his face and he couldn't see anything. He further added that his hand went up, and he instantly thought, maybe they (Respondents) think he has something on him, so he felt uncomfortable. Dr. Shirley testified that he felt his life may have been in danger. After "exhausting calling [his] friends and colleagues," he then called 911 and Internal Affairs and filed a report that he was being harassed by officers. He testified that while he was filing a complaint, he received a phone call from Respondent Lee, who Dr. Shirley recalled threatened to break the security system if he did not come out to speak with the officers. Soon thereafter, Respondent Cameron and his driver arrived on scene. Dr. Shirley eventually did open the door after 911 was "unable to help" and, at that point, provided his identification to the Respondents and spoke with them. After Respondents verified his ID, all the officers left. (Tr. 25-28)

Dr. Shirley testified that as a result of this incident, he shortened his business hours to close at 1830 hours on Mondays through Thursdays. (Tr. 19, 33) Dr. Shirley has also filed a lawsuit against the Respondents and the City of New York after this incident. (Tr. 76)

Respondent Choi testified that on March 9, 2020, while in his RMP, stopped at a traffic light on 109<sup>th</sup> Street facing Columbus Avenue, he observed an individual wearing dark clothing walk into the dental office. Respondent Lee did not see this. (Tr. 103, 133) Because Respondent Choi observed the person walking into the dental office from behind, he could not provide much of a description except that the person was wearing dark clothing with a hood covering his/her

head. Respondent Choi thought it was "odd" because he never saw anyone walk into that location at that time of night (after midnight) before and was unaware of the business being open during his tour. He testified it was "part of [his] job" to investigate if the person he observed going into the office was supposed to be there or not. They pulled up and knocked on the door. Respondents Choi and Lee described the inside as dark, so they had to turn their flashlights on, and then they observed an individual "ducking" from them. They believed at that point that someone was hiding as they looked inside the office window with their flashlights. Respondent Lee stated he was unable to get a clear look at Dr. Shirley's face while he was still inside of the reception area. (Tr. 100-105, 107, 135) Respondent Lee recalled speaking with Dr. Shirley through the intercom and asking him to open the door so they could speak with him outside, but "it wasn't kind of clear, it was staticky, and it was hard to hear." (Tr. 137-38) Respondent Choi also testified that later on, during the investigation, he looked up the dental office on his phone and saw there was a picture of Dr. Shirley on the office website. (Tr. 121) However, he could not make out the face of the person inside of the dental office until Dr. Shirley came out.

While outside, Respondent Choi stated he saw a 911 call was generated from the dentist's office, so they contacted their supervisor, Respondent Cameron. Respondent Lee called Dr. Shirley using the phone number that was on the report. (Tr. 108, 139) Respondent Lee testified that Dr. Shirley was "very angry, pretty much talking over [him]." (Tr. 139) He told Dr. Shirley they needed to verify he was in fact who he said he was, and that, if he did not open the door and speak with them, they may need to find a way to get in and might have to get someone to take the door down. (Tr. 139-40) Both Respondents Choi and Lee testified that they believed, based upon their training, they had grounds to have a supervisor contact ESU for a forcible entry.



Respondent Cameron and his driver, Officer Sjoberg, responded to the dental office after Respondents Choi and IAB called for him to respond. (Tr. 159) Respondent Cameron stated that Respondents Choi and Lee informed him that the individual inside was “sitting down at a computer, they could not see who he – his face, after that initial interaction, he went to the back office where he was out of sight.” (Tr. 161) Shortly after Respondent Cameron arrived, Respondent Lee called Dr. Shirley and had informed him ESU may need to be called to break the door down. (Tr. 165) Dr. Shirley then opened the door to speak with them and all three Respondents activated their body-worn cameras. (CCRB Exs. 1-4) Respondent Cameron testified that he spoke with Dr. Shirley and verified his identify after inspecting his ID. He explained that he needed to check the ID to ensure Dr. Shirley was who he said he was because “everyday people lie to the police. It’s our job to determine what’s true and what’s not true, and they were investigating to determine how valid the statement was.” (Tr. 160) After the interaction concluded, Respondent Cameron did not provide Dr. Shirley with a business card, explaining at trial that “we provide cards to members of the public, so they have a means to make a complaint about us,” and because Dr. Shirley already contacted IAB to file a complaint, Respondent Cameron “knew he had [their] information already.” (Tr. 162) Respondents Choi and Lee also admitted that they did not provide their business cards to Dr. Shirley. (Tr. 127, 154)

As previously mentioned, Dr. Shirley’s dental office is a street-level storefront with residences above it. Respondents Choi and Lee stated that they patrol this area frequently and have never seen the dental office open during their tours. Therefore, seeing someone inside after midnight, with the lights off, was an unusual occurrence. At trial, Respondent Choi acknowledged that after watching the surveillance video from inside of the office, what they believed to be happening from their point of view outside was not what was actually happening

inside. (Tr. 105) From Respondent Choi and Lee's point of view that night, it appeared that someone was trespassing or attempting to commit a burglary.

*Specification 1: Unlawful Stop of Dr. Benjamin Shirley*

Respondents are charged with stopping Dr. Benjamin Shirley without sufficient legal authority. For the reasons that follow, I find Respondents Not Guilty.

Patrol Guide 212-11 states that a "Terry Stop/Level 3 encounter is any encounter between a civilian and a uniformed member of service in which a reasonable person would not feel free to disregard the officer and walk away...A stop may be conducted only when a police officer has an individualized reasonable suspicion that the person stopped has committed, is committing, or is about to commit a felony or Penal Law misdemeanor. The police officer may ask accusatory or pointed questions and detain the person while an expeditious investigation is conducted to determine if there is probable cause to arrest."

Respondents Choi and Lee observed an individual enter a dental office after midnight, during non-business hours, in an area where there had been commercial burglaries. Not only were commercial burglaries an ongoing precinct condition at the time, but it was late at night when such burglaries tend to occur. At the time that Dr. Shirley entered his dental practice, he was casually dressed with a hood covering his head. Respondents Choi testified that he could not make out much about his appearance because he saw him from behind. According to his testimony, he did not see Dr. Shirley enter the premises using a key. Moreover, the video evidence corroborates Respondent Choi's testimony given Dr. Shirley's position to the front door, it was highly unlikely that Respondents could see him use a key to enter. Despite the fact that there were no signs of forced entry, Respondents Choi and Lee did find it peculiar that someone entered the dental office after business hours and did not turn on the lights inside of the

office. Under the circumstances, Respondents Choi and Lee had a reasonable basis to further investigate the person who entered the dental office. *See People v. DeBour*, 40 N.Y.2d 210, 219-20 (1976).

Respondents Choi and Lee approached the dental office and noticed that it was dark inside, so they used their flashlights to assist them. Even with the aid of their flashlights, they could not fully see what was happening inside. What they could see through the small window in the waiting area, according to their credible testimony, was a person standing in the office and then ducking when the flashlight was aimed in his direction. It appeared to Respondent Choi that the person was attempting to hide. Dr. Shirley testified that he attempted to communicate with the officers via his intercom system and inform them that he was the business owner, but he did not provide Respondents with identification when requested to do so nor did he open the door to speak to the officers face-to-face. Respondents' acted based upon a reasonable belief that the unknown individual was trespassing and/or committing a burglary inside the dental office.

Viewing the video footage captured inside the dental office, Dr. Shirley's actions seem innocuous. However, from the Respondents' vantage point that night, Dr. Shirley's actions described above were unusual and suspicious for a person purporting to be the business owner. The dental office was dark inside, the shades were drawn, and there were no patients in the waiting area or other indication that the office was open. Moreover, this coupled with Dr. Shirley retreating into a back room, out of the officers' line of sight, instead of coming to the door to identify himself as the officers requested, heightened the Respondents' suspicion. A reasonable officer presented with same set of circumstances and armed with the same level of knowledge as Respondents would have a sufficient basis to believe that the person inside the office had committed or was about to commit the crime of trespass or burglary. Respondents

had an affirmative duty to further investigate and confirm or dispel their suspicions about the individual inside the dental office. Under the circumstances, I find that Respondents' actions did not constitute misconduct.

*Specification 2: Unlawful Threat of Property Damage*

With respect to the charge that Respondent Lee's statements that the door might need to be taken down if Dr. Shirley did not present ID to the officers, I find that this did not constitute an unlawful threat of force. Dr. Shirley testified that after he spoke with the officers through the security system's intercom, he went to the back of the office to call family and friends for advice. He stated he did not feel comfortable and felt his life was in danger. He then called 911 and filed a report that he was being harassed by officers. Dr. Shirley recalled receiving a phone call from Respondent Lee, who "threatened" to break the security system if he did not come out to speak with the officers. Dr. Shirley eventually did open the door to provide his identification to the Respondents and speak with them.

Respondent Lee acknowledged at trial that he did call Dr. Shirley's cell phone from the number he received on the radio run. He recalled Dr. Shirley being angry and talking over him. Respondent Lee also testified that he told Dr. Shirley on the phone that he needed to open the door so that they can verify his identify and that if he didn't comply, they would have to get someone to take down the door. (Tr. 140)

It is plausible that Dr. Shirley perceived Respondent Lee's words as a threat to damage his property. However, the objective of Respondent Lee's warning was to induce voluntary compliance during a potentially dangerous situation, so that the officers would *not* have to resort to authorized measures to gain entry into the premises. This Tribunal, therefore, finds that Respondent Lee's actions do not rise to the level of misconduct. I further find that Respondent

Lee made a factual assertion to Dr. Shirley which is demonstrably true: namely, that ESU can, under these circumstances, effect a forcible entry into a premise, which invariably necessitates breaching the portal to the subject premise. Thus, I find that Respondent Lee's statement to Dr. Shirley was an assertion of his intention to follow police protocol rather than an attempt to gratuitously intimidate Dr. Shirley. Accordingly I find Respondent Lee not guilty.

Furthermore, I disagree with CCRB's assessment that Respondents Choi and Cameron are somehow accessorially liable for Respondent Lee's actions. Respondent Choi and Respondent Cameron's mere presence while Respondent Lee spoke with Dr. Shirley on the phone does not make them complicit under these circumstances. There was no evidence in the record that either Respondent Choi or Respondent Cameron knew or discussed what Respondent Lee would say to Dr. Shirley prior to him making that phone call. Nonetheless, having found that the warning issued by Respondent Lee on the phone to Dr. Shirley was justified, I do not find Respondent Choi or Respondent Cameron guilty of any misconduct related to the phone call made by Respondent Lee.

*Specification 3: Failing to Provide Right to Know Business Card*

Administrative Guide 304-11 prescribes that, in accordance with the New York City Right to Know Act, a business card is to be offered to members of the public upon conclusion of certain law enforcement activities. A.G. 304-11 goes on to define these law enforcement activities and the definition includes, "a stop where an officer has an individualized, reasonable suspicion that the person stopped has committed, is committing, or is about to commit a crime and where a reasonable person would not feel free to end the encounter (Level 3 Encounter)." This Tribunal has already determined that a Level 3 encounter occurred on the date in question.

As such, it follows that the Respondents were required under the circumstances to offer to provide a business card to Dr. Shirley after the encounter concluded, and they did not do so.

At trial, each Respondent offered a different reason for their failure to offer to provide Dr. Shirley with a business card. When Respondent Choi was asked why he did not offer Dr. Shirley a business card, he responded that he "decided to leave because he (Dr. Shirley) was still angry and just wouldn't listen to us, so to not further escalate, we just decided to leave." (Tr. 112). He further stated on cross-examination that it was his understanding that he did not have to provide a business card to Dr. Shirley unless it was requested. Similarly, Respondent Lee testified that he did not know he was supposed to provide a business card unless the person stopped requested it. Since Dr. Shirley never requested a business card, Respondent Lee did not provide one to him. Respondent Cameron testified that while he is familiar with the Department's policy on business cards, his understanding was that "we provide cards to members of the public, so they have a means to make a complaint about us." (Tr. 162) In his view, Dr. Shirley had already filed a complaint with IAB prior to his arrival on scene so Respondent Cameron knew that he had the information needed to make a complaint and therefore a business card was not necessary.

All three Respondents admitted that they did not offer to provide Dr. Shirley with a business card at the conclusion of their interaction with him because they did not believe it was necessary. Ignorance of the requirements of Patrol Guide and New York City law as it relates to providing members of the public with business cards does not negate guilt. The Respondents are required to know their duties and responsibilities when interacting with members of the public and follow the Department's guidelines with fidelity. A deviation from the Department's protocols can result in the erosion of public trust and confidence in law enforcement. I therefore find all three Respondents Guilty of Specification 3.

## 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.


Respondents Lee, Choi and Cameron, who were appointed to the Department on July 8, 2008, July 10, 2006 and July 9, 2013, respectively, and all of whom have no formal disciplinary history, have each been found Guilty of Specification 3, failing to offer to provide Dr. Benjamin Shirley with a business card without police necessity.

The CCRB, in its penalty breakdown, recommended that the aggravated penalty of 5 days for Specification 3 be imposed against each Respondent. In seeking the aggravated penalty for this misconduct, they relied on what they characterized as the aggravated factors of the extended duration of the encounter and the significant interference with Dr. Shirley's emotional, physical, and financial well-being. While I agree that Dr. Shirley seems greatly impacted by his interaction with the Respondents, I do not agree that the Respondents' actions constitutes egregious misconduct. As such, I am not persuaded that there are any elements here that warrant the imposition of an aggravated penalty.

Nonetheless, there must be some liability for Respondents' lack of adherence to this straightforward rule to provide identifying information to members of the public upon the conclusion of law enforcement activities. The community has every right to expect and demand the highest level of accountability from the Department, as well as from individual members of

service. This is especially important when there has been a police interaction fraught with tension as was the case here. Offering to provide a member of the public with a Right-To-Know Business Card after such an encounter is essential to retaining public confidence and can reduce the harmful ramifications of such encounters. I am therefore recommending the presumptive penalty of three (3) vacation days for each Respondent.

Respectfully submitted,



Vanessa Facio-Lince  
Assistant Deputy Commissioner Trials

**APPROVED**

MAR 13 2024  
  
EDWARD A. CABAN  
POLICE COMMISSIONER