



POLICE DEPARTMENT

December 7, 2022

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In the Matter of the Charges and Specifications	:	
- against -	:	
Police Officer Ethan Dillabough	:	Case No. 2022-24759
Tax Registry No. 969050	:	
105 Precinct	:	
Police Officer Christopher Gordon	:	Case No. 2022-24760
Tax Registry No. 954884	:	
105 Precinct	:	

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

Before: Honorable Jeff S. Adler
Assistant Deputy Commissioner Trials

APPEARANCES:

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

For the Respondents: 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

Disciplinary Case No. 2022-24759

1. Police Officer Ethan Dillabough, while assigned to the 105 Precinct, in Queens County, while on-duty, on or about December 2, 2021, failed and neglected to respond to an assigned radio run of a vehicle accident with injuries.

P.G. 202-01, Page 1, Paragraph 9

POLICE OFFICER

2. Police Officer Ethan Dillabough, while assigned to the 105 Precinct, in Queens County, while on-duty, on or about December 2, 2021, failed and neglected to conduct a proper investigation regarding a vehicle accident.

P.G. 217-01

VEHICLE COLLISIONS –
GENERAL PROCEDURE

3. Police Officer Ethan Dillabough, while assigned to the 105 Precinct, in Queens County, while on-duty, on or about December 2, 2021, improperly completed a Police Accident Report by obtaining the accident information via text message from the accident victim without verbally speaking to said victim.

A.G. 304-05, Page 1, Paragraph 1

PERFORMANCE ON DUTY

4. Police Officer Ethan Dillabough, while assigned to the 105 Precinct, in Queens County, while on-duty, on or about December 2, 2021, improperly closed out an assignment via the radio without responding to the scene.

A.G. 304-05, Page 1, Paragraph 1

PERFORMANCE ON DUTY

Disciplinary Case No. 2022-24760

1. Police Officer Christopher Gordon, while assigned to the 105 Precinct, in Queens County, while on-duty, on or about December 2, 2021, failed and neglected to respond to an assigned radio run of a vehicle accident with injuries.

P.G. 202-01, Page 1, Paragraph 9

POLICE OFFICER

2. Police Officer Christopher Gordon, while assigned to the 105 Precinct, in Queens County, while on-duty, on or about December 2, 2021, failed and neglected to conduct a proper investigation regarding a vehicle accident.

P.G. 217-01

VEHICLE COLLISIONS –
GENERAL PROCEDURE

3. Police Officer Christopher Gordon, while assigned to the 105 Precinct, in Queens County, while on-duty, on or about December 2, 2021, improperly closed out an assignment via the radio without responding to the scene.

A.G. 304-05, Page 1, Paragraph 1

PERFORMANCE ON DUTY

REPORT AND RECOMMENDATION

The above-named members of the Department appeared before me on October 28, 2022. Respondents, through their counsel, entered pleas of Guilty to the subject charges, and each 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, I recommend that each Respondent forfeit five (5) vacation days.

SUMMARY OF EVIDENCE IN MITIGATION

Upon completion of roll call on the afternoon of December 2, 2021, Respondents Gordon and Dillabough were assigned to deal with two vehicle accidents with injuries that had been held over from the day tour. The officers responded first to the older of the two incidents, where it took them a little more than one hour to assess the scene, gather the relevant information, and prepare the appropriate reports; there is no issue with their handling of that first job. However, while still at the scene of the first accident, the officers, particularly Dillabough, initiated their investigation into the second job as well, without actually responding to that second location or speaking in person with the victim of that accident. (Tr. 18-20, 32,33)

Specifically, while Gordon was preparing paperwork and completing their investigation of the first incident, the officers agreed to have Dillabough get started on the second matter. Dillabough obtained contact information for the motorist on the second vehicle accident and

called him to gather information about the accident. They then exchanged text messages with each other (Resp. Ex. A), fleshing out the details of the accident. Dillabough obtained from the motorist, by phone, copies of his driver's license, registration, insurance, and the location of the incident, and used this information to complete the necessary police paperwork, including the accident report. The motorist, who already was at Franklin Hospital while they spoke, informed Dillabough that he was there for precautionary reasons, since he had just a general complaint of pain. (Tr. 22, 33-35)

Both Respondents explained that part of their reason for investigating the second accident in the manner that they did was because they were hoping to make it to a Neighborhood Coordination Meeting ("NCO meeting") at around 1700 hours. They each fully acknowledged, however, that the NCO meeting was not mandatory, and that they should have prioritized going to the scene of the second vehicle accident and the hospital, and spoken with the motorist in person. Gordon testified that things were "hectic" and they were trying to expedite their handling of the second accident; he also stated that as the more experienced officer, he should have taken charge and made sure they actually responded to the location or called the dispatcher to have the job reassigned. Similarly, Dillabough explained that they erroneously "felt they could handle more than they should have handled" and still make the meeting; he now understands that the way he dealt with the second accident was not appropriate. Each Respondent assured the Court that this was the first time they had handled an accident job in this manner, and had not done so since. (Tr. 21-27, 29-30, 36-38, 46)

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 also were examined. *See* 38 RCNY § 15-07. Information from their personnel records that was considered in making these penalty recommendations is contained in attached memoranda.

Respondent Dillabough, who was appointed to the Department on January 6, 2020, and Respondent Gordon, who was appointed to the Department on July 9, 2013, have pleaded guilty to all of the charges against them in connection with their handling of a job involving a motor vehicle accident. The Department Advocate has recommended a penalty of 30 vacation days for Respondent Dillabough and 25 vacation days for Respondent Gordon, while counsel for Respondents has asked for lesser penalties.


Both Respondents readily accepted responsibility for their misconduct. Dillabough, who conducted most of the interactions with the motorist, admitted that it was wrong to handle the incident in this manner, while Gordon, the more senior officer, acknowledged that he should have known better and made sure that the job was handled properly. To their credit, neither officer pointed a finger at the other; rather, they each took accountability for their part in what was ultimately a collective decision. Further, Respondents, neither of whom has any formal disciplinary record, both came across as sincere in their assurances that they have learned from this incident, and that they will not repeat the mistakes of that day moving forward.

Moreover, Respondents did not appear to be acting out of laziness, or in an attempt to gain some improper benefit, by not going to the second accident scene. I credit that Respondents were each well-intentioned in their actions. Dillabough, who had only been out of the Police Academy for about one year at the time of the incident, genuinely believed he was handling the matter efficiently given the time constraints. Gordon, too, believed that they had obtained all the

necessary information in connection with the second accident. This was not a situation where the officers completely disregarded a job assignment and failed to take any police action, which would have been more troublesome and justified the higher penalty requested by the Advocate. Rather, the officers took proactive steps to acquire the motorist's contact information, then successfully obtained the license, registration, and pertinent information from the motorist, communicated with him by phone and text messaging, and prepared the necessary paperwork including an accident report.

Nevertheless, as Respondents, themselves, admitted, their handling of the accident job was improper, and there needs to be appropriate accountability, proportional to the misconduct they committed. By not responding to the scene, Respondents were unable to assess, in person, the incident and the extent of the injuries. This misconduct can fairly be addressed under the "Schedule A" Command Discipline offense of "Failure to properly perform patrol or other assignment," which allows for a forfeiture of up to 5 vacation days. Taking into account the totality of the facts and circumstances in this matter, I recommend that each Respondent forfeit five (5) vacation days.

Respectfully submitted,



Jeff S. Adler
Assistant Deputy Commissioner Trials

APPROVED

JUN 28 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 ETHAN DILLABOUGH
TAX REGISTRY NO. 969050
DISCIPLINARY CASE NO. 2022-24759

Respondent was appointed to the Department on January 6, 2020. On his most recent performance evaluations, he received a 3.0 overall rating of “Competent” in 2020, and a 3.5 overall rating of “Highly Competent/Competent” in 2021.

Respondent has no formal disciplinary history.

For your consideration.

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
POLICE OFFICER CHRISTOPHER GORDON
TAX REGISTRY NO. 954884
DISCIPLINARY CASE NO. 2022-24760

Respondent was appointed to the Department on July 9, 2013. On his three most recent annual performance evaluations, he received “Exceeds Expectations” in 2019, 2020, and 2021.

Respondent has no formal disciplinary history.

For your consideration.

Jeff S. Adler
Assistant Deputy Commissioner Trials