



POLICE DEPARTMENT

July 9, 2024

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In the Matter of the Charges and Specifications :

Case No.

- against - :

2020-22037

Police Officer Edwin Peguero :

Tax Registry No. 953225 :

9 Precinct :

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

Before: Honorable Anne E. Stone
Assistant Deputy Commissioner Trials

APPEARANCES:

For the CCRB:

Brian Arthur, Esq.
Civilian Complaint Review Board
100 Church Street, 10th Floor
New York, NY 10007

For the Respondent:

John Tynan, 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

1. Police Officer Edwin Peguero, on or about November 1, 2018, at approximately 2300, while assigned to Queens Court Section and on duty, in the vicinity of Queens Central Booking, Queens County, wrongfully used force, in that he kicked [Complainant] in the torso without police necessity.

P.G. 221-02, Page 2, Prohibition 11

USE OF FORCE

2. Police Officer Edwin Peguero, on or about November 1, 2018, at approximately 2300, while assigned to Queens Court Section and on duty, in the vicinity of Queens Central Booking, Queens County, wrongfully used force, in that he kicked [Complainant] in the head without police necessity.

P.G. 221-02, Page 2, Prohibition 11

USE OF FORCE

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on May 20, 2024.

Respondent, through his counsel, entered a plea of Not Guilty to the charged misconduct. The CCRB called [redacted] and [redacted] as witnesses, and entered into evidence the audio recording and written transcript of the interview with complainant, [redacted]. Respondent testified on his 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, I find Respondent Not Guilty of Specification 2, and Guilty of Specification 1. I recommend the forfeiture of ten (10) suspension days, to be served, and ten (10) vacation days.

ANALYSIS

This case arose from a complaint made to the Civilian Complaint Review Board which alleged that on November 1, 2018, Respondent kicked [Complainant] an arrestee awaiting

arraignment, in the head and torso, while moving him from one cell to another in Queens Central Booking.

The following facts were presented at trial. [REDACTED] (“Complainant”) was interviewed via video teleconference by a CCRB investigator on December 21, 2018, seven weeks after the incident. He recounted being in the Queens Central Booking cells when a female officer took him out of the cell. He told her to “put a smile on her face;” this angered her and he was put back in the cell. A few minutes later, six officers, who he believed were court officers, came to escort him without handcuffs, to a different cell when they, “basically jumped me and they beat me up.” Complainant alleged that all six of the officers were involved in kicking and punching him, “just going crazy.” (CCRB Ex. 1A at 3-6) Complainant denied moving towards the officers, doing anything to precipitate the punching or fighting back in any way once the kicking and punching began. None of these officers, according to Complainant, said anything during this five to ten minute beating. He believed the female officer he told to smile had “put a hit out” and gotten these officers “to jump me, beat me up because I said that to her” (*Id.* at 16, 18-19, 23)

When asked to describe the officers, Complainant stated, “There was about a couple of white officers.... There was a Black dude that had dreads...down to his back.” He believed this officer with the dreadlocks was in his 40s, stood about 5’6” tall and weighed around 200 pounds. He also specified that one officer was white, bald and had a black beard with a little whitish in it. He estimated this officer was about the same height and weight as the Black officer and around the same age “in his 40s, 50s.” Complainant stated that these were the two officers “up front,” and he was unable to see the other officers as everything unfolded so quickly. He did note that they were all male and wearing the same blue uniform. Complainant subsequently suggested that

there may have been another Black officer involved, who was 5'5" and bald, "but most of it was a blur after the first couple punches." (CCRB Ex. 1A at 6-10)

Complainant recounted that the officer with dreadlocks struck him first, punching him in the side of his face, as Complainant moved out of the way so the officer could open the cell gate. After this, Complainant "basically went to the floor and they started kicking me, punching me." When asked specifically who kicked and punched him, he offered, "No, I couldn't really see." Complainant detailed he was kicked in the side of his ribs and "basically from my stomach, to the left side of my ribs and back." When asked for the second time if he was kicked anywhere else, he added, "They had kicked me on my face but like I said I couldn't see which one did it." He could not estimate how many times he was kicked. He further recounted that while on the ground, he was punched on the left side of his face and "I think they punched me in the side of my ribs like I said, but everything was blur." He could not estimate how many times he was punched. (CCRB Ex. 1A at 10-14) When asked to specify where he was kicked and punched by the bald white officer, he initially stopped short of answering, reiterating that everything was a blur. When pressed again on this point, he responded, "my side when I got on the left side...like in my ribs." (*Id.* at 16-17, 23)

Complainant alleged that he was left in the cell bloody and beaten up. He noted he was unable to wipe the blood coming from his eyes and mouth because he was tightly handcuffed before the officers left the cell. He received no medical attention until after he saw the judge an hour or two later. Specifically, with respect to his injuries, he detailed, "They left me cuts on both of the sides of my eyes, whole face swollen. My eye had [a] blood clot on the side of my ear and clot to the outside of my ear. Have scrapes on the side of my [left] ribs." No medical records were offered in evidence. Finally, Complainant recalled that a young Black male civilian had

witnessed the incident and later gave him his phone number, offering to be a witness. (CCRB Ex. 1A at 3-4, 15-16, 20).

CCRB called [REDACTED], a veteran attorney with The Legal Aid Society, who was working as a conflict attorney in Queens Criminal Court arraignments on the night in question. She explained that clients would come in to be arraigned and she and the other attorneys would go to the back of the courtroom to the “pens” to interview their new clients. The pens, she explained, are cells where inmates are held before appearing in front of the judge. She recalled one particular client, yelling to get her attention and asking for food. She asked one of the officers stationed back there if they could get him food and was told that they would not because he had already been given food and was throwing it. Ms. [REDACTED] then left the area. (Tr. 17-19)

When she came back to interview another client, she saw three officers in the hall struggling with the inmate who had been yelling for food. The individual was on the floor with three officers above him, “twisting him about” and screaming for him to stop resisting. Specifically, she recalled: “They’re struggling with him and twisting his arm in an unnatural fashion behind his back. There were two officers at the upper part of the client’s body while he’s on the floor. He’s more like– the client is sort of like on his back or side and twisting. Because again, they’re physically pulling his arm. So there is literally no way you can fight back with your limbs being pulled in an unnatural and painful form.” She noticed that one officer in particular seemed “angry” and began punching the client. She next recalled seeing this officer “with full force, sort of like jumped up and just stomped in the groin of the client that was on the floor.” She detailed that the officer was wearing work boots and the client screamed out when he stomped on him. (Tr. 19-21) Ms. [REDACTED] estimated that she was about 20 feet from where the

inmate and the officers were struggling when she made these observations, and she had an unobstructed view. (Tr. 24-26)

It was at that point Ms. [REDACTED] felt compelled to say something, so she stated to the officers, "Excuse me, there's an attorney in here. There's an attorney watching." A female officer sitting at the desk told her to get out of the area and Ms. [REDACTED] refused and continued watching. She testified that the officer who did the stomping then calmed down or "pulled back a little bit." She then went to the office of the Queens Law Associates, who were representing this client and advised them, "Listen one of your clients back there, the officer is trying to kill him. [You] need to go there and go stop this." She remembered that a female attorney went over to check on the situation; Ms. [REDACTED] was unaware what happened after that. (Tr. 21-22) She confirmed on cross-examination that she did not call 911, advise the judge or speak to any court officers about what she observed. She noted that in her 19-year career with The Legal Aid Society, she had never made another claim like this regarding an officer using excessive force against an inmate. (Tr. 28-29)

Ms. [REDACTED] described the officer who stomped on the prisoner as tall with a built body, "like workout built guy." She further offered, "At the time because there were a lot of movements, I thought he was Black but could be Spanish. Again it's going by old memory. Maybe like a Black Latino is what I was thinking." (Tr. 26) She asserted that although the incident occurred more than five years before her testimony, she still had an independent recollection of what she observed. She did not recall whether she ever saw any of the three involved officers after this incident and did not recall whether any of these officers had dreadlocks. (Tr. 27, 36, 39)

CCRB also called [REDACTED], a public defender who previously worked for Queens Law Associates (Queens Defenders). On the night of the incident, he was working with two other staff attorneys when a female attorney, who he did know or work with, came into their office and said “something to the effect of they’re beating up your client in the juvenile cell.” (Tr. 51-52) Mr. [REDACTED] testified that he walked through the courtroom and opened the heavy door separating the pens from the courtroom to check on the situation. As he did so, he heard “several dull thuds,” but could not initially see what was going on. He turned left and looked down the five-foot-wide hall toward the remand cell; he saw the cell door open and an arrestee lying on the floor with a mix of five or six NYPD and DOC officers in and directly outside the cell. A male NYPD officer, he contended, kicked the arrestee “a few times.” He specified that he did see kicks going to the midsection, but “couldn’t see kicks to the head. But I saw kicks going in the direction where I assume his head would have been.” He continued to hear dull thuds corresponding to each kick. (Tr. 52-54, 65) Mr. [REDACTED] estimated that he was standing 25-30 feet away when he observed the kicking and confirmed that his view was partially obstructed by the other officers and the cell door. He noted though that he could clearly see the inmate’s midsection. (Tr. 55-57)

Mr. [REDACTED] loudly asked, “What’s going on?” He recounted that the officers filed out of the cell and walked past him; no words were exchanged. He “kept his eye” on the officer who he saw doing the kicking and saw that his nameplate said “Peguero.” (Tr. 54, 68) He did not recall the races of these officers or whether any of these officers had dreadlocks. (Tr. 62, 66) He then spoke to the inmate and saw that his eye was swollen and he had blood on his face and his shirt. (Tr. 57)

Mr. [REDACTED] returned to his office and spoke to his colleague, Ms. [REDACTED]. They decided it would be prudent for him to memorialize what he had witnessed. He wrote a note, approximately three to five minutes after he witnessed the kicking, which stated: "On 10:25 pm, I observed Officer Peguero kicking [Complainant] in the head while [Complainant] was confined in the remand cell in Queens Central Booking. [Complainant] was bleeding heavily from his face after the incident. He begged to be taken to the hospital." Mr. [REDACTED] signed and dated the note and put it in the criminal defense file for this client. (Tr. 58-59; CCRB Ex. 7) He confirmed that he did not speak to any NYPD or DOC supervisors about what he had witnessed nor did he call the CCRB or IAB. He did not personally seek out medical aid for the inmate. After writing the note, he spoke with Complainant again, completing the arraignment interview (Tr. 63-64, 68-69)

Respondent testified in his own defense at trial, acknowledging that some force was used to gain control over an inmate who "bolted" from the cells, but denying that he kicked or punched him.

Respondent explained that at the time of the incident, he had been assigned for approximately 18 months as the escort officer at Queens Central booking, responsible for ensuring that all arrest paperwork made its way to all of the involved agencies, including the NYPD. This involved coordinating with the ADAs, all defense attorneys including the Legal Aid Society, the clerk's office and the Department of Correction. (Tr. 74-75) On the evening in question, at approximately 2200 hours, he was directed by a supervisor to escort Complainant from the initial holding cells "all the way down" to the arraignment cells because the prisoner was throwing milk and trying to engage in a verbal dispute with a female civilian police attendant. Correction officers, he explained, had made it clear they "did not want [this prisoner]

in their cells” and the arraignment cell “is for either troubled prisoners with a history of violence or people who get remand[ed] by the courts.” (Tr. 76-77, 92-93)

Respondent testified that he entered the cell and handcuffed Complainant, describing his demeanor as “somewhat normal” and not combative. He recalled this escort being unusual, because prisoners were generally transported with two officers to a prisoner. When they reached the remand cell, he brought Complainant inside the cell and uncuffed him and attempted to close the door. (Tr. 78-79, 83) Respondent asserted that Complainant “looked around” and then bolted out of the cells into an adjacent small room. Respondent testified that he began “pushing him back” inside the cells, but Complainant grabbed onto one of the bars of the door frame, wrapping his entire arm around the bar to hold on. Believing that Complainant was “trying to escape,” Respondent detailed that he attempted to lift Complainant up and Complainant, of his own volition, “dropped himself to the floor” and “[b]ecame deadweight.” (Tr. 83-86, 95-97)

At that point, other officers “started showing up.” Respondent recalled being by Complainant’s feet, trying to get him back to the cell. He denied punching or kicking him, and further denied stomping on his groin to gain compliance. Respondent testified that he could not say what the other NYPD and Correction officers in the vicinity were doing; he did recall, when specifically asked, that one of the Correction officers had “pretty long” dreadlocks. He did not see any other officers strike the Complainant or stomp on him. He confirmed that at no point did Complainant try to strike him or any other officer. After several minutes, Respondent was able to bring Complainant back inside the cell and handcuff him. Respondent recalled that inside the cell, Complainant continued to spit and scream. (Tr. 84-85, 87-88, 90, 101-02, 105)

Following the encounter, he immediately spoke to his supervisor, Lieutenant [REDACTED], and detailed that Complainant had “been combative, attempted to escape, dropped to the floor,

banged his head a couple times on the bar.” He added that he told his supervisor he had been put in a “difficult position” with a lack of knowledge about Complainant’s “history of violence” and not enough officers to safely move him. (Tr. 88-89) Minutes after the incident, Respondent prepared a Medical Treatment of Prisoner form in which he stated “Prisoner refused to enter DOC cell and violently resisted to be restrained. Prisoner then started to scream, drop on the floor in order to resist restraints and stated banging his head on the bottom of the cell door causing bruising and small laceration¹ to face. (CCRB Ex. 2; Tr. 98-99, 105-06)

Respondent indicated that he had no contact with any of the defense attorneys doing arraignments at that time and denied that anyone approached him. He did recognize both attorneys who testified for the CCRB as lawyers he “used to work with.” (Tr. 90) Respondent characterized Mr. [REDACTED]’s testimony as a “lie,” insisting that he did not kick or punch Complainant, though he stated he knew of no reason why Mr. [REDACTED] would lie about him. He did not believe Ms. [REDACTED]’s testimony was fictitious, offering, “She did say that an officer built strong, doesn’t know if he’s Hispanic or Black, kicked him. I have no reason to believe that she’s lying...I don’t know what she saw.” (Tr. 104-05)

Respondent stands charged with two specifications alleging that he used unnecessary force against Complainant by kicking him in the torso and head while moving him from one cell to another. Respondent admits that he escorted Complainant, and that he used force against Complainant to prevent him from running out of the cell. However, he denies kicking or stomping on Complainant. The first question for the Tribunal is whether CCRB has proven by a preponderance of the evidence that Respondent kicked Complainant. I find that with respect to

¹ Respondent acknowledged on cross-examination that he did not actually witness or observe these injuries, but “wrote it because of the incident that I had with him when he dropped and banged his head . . . I assumed he was going to have bruising. I wrote that as a general injury.” He stated that he believed his supervisor was going to interview Complainant and witness the injuries; that ultimately did not take place. (Tr. 106-07)

Specification 1, the torso kicks, they have. With regard to Specification 2, I find there is insufficient evidence to conclude that Respondent kicked Complainant in the head. The second issue is whether Respondent's kicking Complainant's torso was justified by police necessity; I find that it was not.

This is a case where no video evidence existed and, as such its resolution essentially rests on an evaluation of witness credibility as well as, an examination of the context in which the force was used. Few things are more difficult, yet more fundamental to the role of a trier of fact, than the task of attempting to reconstruct past events on the basis of conflicting accounts. In making such determinations, the trier of fact should consider a wide range of factors, including witness demeanor, corroborating evidence, the consistency of a witness' account, the degree to which the witness is interested in the outcome of a case, and perhaps most basically the degree to which the witness' account is logical and comports with common sense and general human experience. While the law creates this framework, the ultimate determination of which account to accept remains within the exclusive province of the fact finder.

Patrol Guide 221-02 paragraph 11 requires officers to, "apply no more than the reasonable force necessary to gain control" of an uncooperative subject.

There seems to be agreement amongst the parties that Complainant was being moved from one cell to another because he was acting in a "disruptive" manner. (Tr. 77) Ms. [REDACTED] corroborated this description of Complainant when she testified that she inquired about getting food for Complainant, but was informed he had been throwing the food he had already been given. (Tr. 19)

However, there is a dispute about whether Respondent moved Complainant alone or with other officers. During his testimony, Respondent asserted that he was given the unusual

assignment of moving Complainant, from one cell to another by himself. Respondent was the sole witness who described Complainant's attempt to escape and the subsequent tussle during which Complainant wrapped his arms around the bars and fall to the ground. According to Respondent, this commotion caused other officers, Correction and NYPD, to rush over to assist him. This is consistent with Ms. [REDACTED]'s description of events, in which she saw multiple officers "twisting" Complainant's arms and telling him to stop resisting. Complainant's recitation of these events was markedly different; he asserted that while being escorted by six officers they "jumped" him for no reason.

Despite the lack of clarity regarding how the incident began, each of the witnesses, including Respondent, described a struggle that resulted in multiple officers surrounding Complainant, who was on the ground. The actions taken by Respondent during this portion of the encounter are at the center of the allegations against him.

It is noteworthy that CCRB called two wholly impartial witnesses with no personal relationships to the parties or vested interest in the case. Ms. [REDACTED] and Mr. [REDACTED] appeared before the Tribunal voluntarily. Both are licensed attorneys who took time from their work day to testify in this matter. I credit each of their testimony.

Ms. [REDACTED]'s recitation of the incident was measured. She was quite forthcoming when telling the Tribunal that the incident happened almost six years ago, and that although her memory of it was imperfect, her recollection of the force she observed was clear. Ms. [REDACTED] was unable to identify the officer who she observed, "stomping" on Complainant's groin. She acknowledged that when the incident occurred she had thought the offending officer was Black, but was unsure and clarified that he could have been Black Latino. Her description of that officer's physique, as "workout built" did not match up to the Tribunal's observations of

Respondent, who appeared quite slim. While Ms. [REDACTED]'s testimony was not relevant regarding Respondent's guilt, it did not rule out the possibility that he was involved. It also provided background and corroboration of some facts, in particular the number of officers surrounding Complainant, as well as the brutality that she observed, which has stuck out as singular in her mind.

Specification 1, Kicks to Torso

Mr. [REDACTED] testified in a straightforward manner. He witnessed a different, subsequent portion of the physical altercation that transpired involving Complainant, Respondent, and other officers. Like Ms. [REDACTED], he was unable to provide a physical description of Respondent. However, Mr. [REDACTED] was able to specifically recall that Respondent was the officer he saw kicking Complainant in the torso because he kept track of the officer and saw a nameplate on his uniform that said "Peguero." Mr. [REDACTED] detailed walking towards the pens and hearing "thuds" before turning the corner and seeing Respondent kick Complainant repeatedly in the "midsection." This testimony was corroborated by Complainant's statement to CCRB, during which he consistently described being kicked in his ribs and stomach. (CCRB Ex. 1A at 12, 13, 17)

Respondent denies kicking Complainant in the torso, stating instead that Complainant threw himself to the ground during the incident before other NYPD and NYCDOC officers arrived to assist him.

Ms. [REDACTED] and Mr. [REDACTED] each described her going to Mr. [REDACTED]'s office to inform him of the assault, and Mr. [REDACTED] walking back to the pen area. This suggests an incident which spanned at least a couple of minutes. They each observed several officers kicking and punching Complainant, who was laying prone on the floor. Mr. [REDACTED] observed an officer

with Respondent's last name on his uniform kicking Complainant in the torso. In addition, CCRB entered the command roll call for the date in question as CCRB Exhibit 4, which lists Respondent as the only member of service with the last name "Peguero" working that tour. Taken together, the record before the Tribunal strongly supports a finding that Respondent did kick Complainant in the torso. I further find that whether other officers came to Respondent's aid, or were with him as he escorted Complainant, the sheer number of officers, and the fact that Complainant was already on the ground are strong arguments against the need to kick him in order to gain his compliance, and that the force used was excessive.

Based on the foregoing, I find Respondent Guilty of Specification 1.

Specification 2, Kicks to Head

The Tribunal next turns to whether, in the course of this encounter, Respondent also kicked Complainant in the head. Mr. [REDACTED] recalled placing a handwritten note in Complainant's criminal defense file alleging that he, "observed [Respondent] kicking [Complainant] in the head" on the night of the incident. Although Mr. [REDACTED] recalled seeing Respondent direct kicks in the direction of where he believed Complainant's head would be, he was forthright in admitting that he could not see Complainant's head during the incident, and did not see his head being kicked.

During his CCRB interview, Complainant was remarkably consistent when describing being kicked in his ribs and stomach, and at one point he did allege that he was "kicked in the face." However, he was unable to identify Respondent as the perpetrator. Complainant repeatedly described the whole encounter as a "blur," calling into question his reliability as a narrator. In addition, Complainant did not appear at trial, and therefore was not cross-examined regarding this allegation. It is not surprising that Complainant did not identify Respondent,

given his vantage point, on the ground being kicked and punched. However, he did describe several of the officers involved, none of whom matched Respondent's physical characteristics.

Respondent testified that Complainant hit his head and face against the bars when he wrapped his arms around the bars to prevent Respondent from putting him back into the cell. This version of events could account for the injuries to Complainant's face.

Based on the totality of the circumstances, there is insufficient evidence showing that Complainant was kicked in the head, and that if he was, that Respondent was responsible. For the foregoing reasons, I find Respondent Not Guilty of Specification 2.

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 July 11, 2012, has a formal disciplinary history. In 2020, Respondent pled guilty to charges in three separate cases. One of the matters included charges and specifications for punching an arrestee without police necessity in 2014; the others involved making threats during a verbal domestic dispute in 2017 and violating the Department's residency requirements. The punishment for all three cases was the forfeiture of seventy-three (73) penalty days and one year of dismissal probation.

Respondent has been found Guilty of kicking Complainant without police necessity, causing pain and scrapes to his ribs. CCRB's recommendation, if Respondent was found Guilty of both specifications, is the aggravated penalty of Termination.

I believe that Complainant was a difficult prisoner who may have tried to run out of the cell Respondent placed him in. Some use of force may have been needed to stop Complainant and return him to the cell. However, Complainant's position on the floor, while Respondent remained standing, as well as the arrival of five or six other officers to assist him, rendered Respondent's repeated kicks to Complainant's body unnecessary.

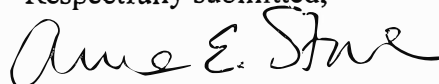
As counsel for CCRB pointed out during summation, Respondent had a duty of care for Complainant, who was in custody awaiting arraignment. That duty exists even when an individual is uncooperative. Respondent's actions were unnecessary and undermine the public's faith in the Department.

The presumptive penalty for the use of non-deadly force resulting in physical injury is ten (10) suspension days and forfeiture of ten (10) vacation days. In reviewing the use of force, there are no mitigating circumstances.

Respondent previously committed misconduct of a similar nature for which he was formally disciplined. I note, however, that the incident at issue in this case occurred in 2018—nearly six years ago. The incident which was the subject of Respondent's prior disciplinary case occurred in 2014. In sum, for the past six years, Respondent has performed without further incident and has received ratings of "Exceeds Expectations" on his last three performance evaluations. Given the passage of time of both cases, I find that an aggravated penalty is not warranted. Accordingly, I recommend Respondent forfeit the presumptive penalty of ten (10)

suspension days, to be served, and forfeiture of ten (10) vacation days, for a total of twenty (20) penalty days.


Respectfully submitted,



Anne E. Stone

Assistant Deputy Commissioner Trials

APPROVED



AUG 28 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 EDWIN PEGUERO
TAX REGISTRY NO. 953225
DISCIPLINARY CASE NO. 2020-22037

Respondent was appointed to the Department on July 11, 2012. On his three most recent annual performance evaluations, he was rated “Exceeds Expectations” for 2021, 2022, and 2023.

In 2020, Respondent pled guilty at a misconduct hearing to misconduct that was the subject of three separate disciplinary cases. In the first matter, Respondent pled guilty to punching an arrestee several times inside the precinct stationhouse. In the second case, Respondent pled guilty to making threats against his ex-wife during a verbal altercation and failing to safeguard his off-duty firearm. In the third matter, Respondent pled guilty to violating the Department’s residency requirement over a one-year period. For all three cases, Respondent received a penalty where he forfeited 33 suspension days, 40 vacation days and was placed on dismissal probation.

In connection with the instant case, Respondent was placed on Level 1 Discipline Monitoring in November 2021; monitoring remains ongoing.

For your consideration.

Anne E. Stone
Assistant Deputy Commissioner Trials