



OFFICE OF THE POLICE COMMISSIONER
ONE POLICE PLAZA • ROOM 1400

July 6, 2020

Memorandum for: Deputy Commissioner, Trials

Re: **Lieutenant Michael Reddington**
Tax Registry No. 894882
101 Precinct
Disciplinary Case Nos. 2019-20082 & 2019-19964

The above named member of the service appeared before Assistant Deputy Commissioner Nancy R. Ryan on February 6, 2020, and was charged with the following:

DISCIPLINARY CASE NO. 2019-20082

1. Said Lieutenant Michael Reddington, on or about September 12, 2018, while on-duty and assigned to the 46th Precinct, engaged in conduct prejudicial to the good order, efficiency, and discipline to the Department, to wit: said Lieutenant Reddington placed garbage on a vehicle belonging to another Member of the Service.

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

**PUBLIC CONTACT –
PROHIBITED CONDUCT**

2. Said Lieutenant Michael Reddington, on or about November 1, 2018, while on-duty and assigned to the 46th Precinct, engaged in conduct prejudicial to the good order, efficiency, and discipline to the Department, to wit: said Lieutenant Reddington did fail and neglect to remain alert.

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

**PUBLIC CONTACT –
PROHIBITED CONDUCT**

DISCIPLINARY CASE NO. 2019-19964

1. Said Lieutenant Michael Reddington, while off-duty and assigned to the 101st Precinct, on or about November 8, 2018, engaged in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: said Lieutenant Reddington was discourteous to Lieutenant Anderson Ortiz, Tax No. 949424, by sending inappropriate and disparaging text message.

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

**PUBLIC CONTACT –
PROHIBITED CONDUCT**

In a Memorandum dated March 25, 2020, Assistant Deputy Commissioner Nancy R. Ryan found Lieutenant Michael Reddington Guilty of all Specifications in Disciplinary Case Nos. 2019-20082 and 2019-19964. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

I have reviewed the facts and circumstances of this matter and have determined that forty-five (45) vacation days is an excessive penalty and direct a lower penalty which is consistent with recent penalty precedent for similar misconduct. In Disciplinary Case No. 2014-12613 a member of the service received a penalty of fifteen (15) vacation days for similar misconduct involving non-criminal texting. I direct that the Respondent receive a penalty of twenty (20) vacation days to address the texting as well as the Respondent's additional misconduct. I have further determined that the Respondent's misconduct does not warrant a period of Dismissal Probation.

Therefore, having considered the totality of the issues and circumstances in this matter regarding the misconduct for which Lieutenant Michael Reddington has been found Guilty of, I have determined that Lieutenant Reddington shall forfeit twenty (20) vacation days as a disciplinary penalty.

A handwritten signature in black ink, appearing to read "Dermot F. Shea".

Dermot F. Shea
Police Commissioner



POLICE DEPARTMENT

March 25, 2020

-----X

In the Matter of the Charges and Specifications	:	Case No.
- against -	:	2019-19964
Lieutenant Michael Reddington	:	2019-20082
Tax Registry No. 894882	:	
101 Precinct	:	

-----X

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

Before: Honorable Nancy R. Ryan
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Jordan Farnham, Esq.
Department Advocate's Office
One Police Plaza
New York, NY 10038

For the Respondent: Marissa Gillespie, Esq.
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New York, NY 10279

To:

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

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CHARGES AND SPECIFICATIONS

Disciplinary Case No. 2019-19964

1. Said Lieutenant Michael Reddington, while off-duty and assigned to the 101st Precinct, on or about November 8, 2018, engaged in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: said Lieutenant Reddington was discourteous to Lieutenant Anderson Ortiz, Tax No. 949424, by sending inappropriate and disparaging text messages.

P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT –
PROHIBITED CONDUCT

Disciplinary Case No. 2019-20082

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P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT –
PROHIBITED CONDUCT

2. Said Lieutenant Michael Reddington, on or about November 1, 2018, while on-duty and assigned to the 46th Precinct, engaged in conduct prejudicial to the good order, efficiency, and discipline of the Department, to wit: said Lieutenant Reddington did fail and neglect to remain alert.

P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT –
PROHIBITED CONDUCT

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on February 6, 2020. Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. The Department called Deputy Chief Wilson Arambales, Sergeant Charisse Smith and Lieutenant Anderson Ortiz as witnesses. 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 reviewed all of the evidence in this matter, I find Respondent Guilty of all Specifications and recommend a penalty of 45 vacation days and the imposition of one-year dismissal probation.

ANALYSIS

With regard to Specification 1 of Case No. 2019-20082, there is no dispute as to the facts. Respondent admitted he engaged in the conduct described in the specification of placing garbage on a vehicle belonging to another member of the service. There is video evidence showing Respondent taking a bag of garbage from his car and placing it on the car of Sergeant Charisse Smith (Dep't. Ex. 2), and Sergeant Smith testified at trial that she found garbage placed under the windshield wipers on her car. (Tr. 31)

Similarly with regard to Specification 1 of Case No. 2019-19964, there is no dispute as to the facts. Respondent admitted he sent texts to Lieutenant Anderson Ortiz in which he texted, "Go Fuck Your Mother You Piece of Shit [rat emoji] RAT"!!!!" and "That's Not What I heard Dick. I'll Enjoy your Mother's Pussy in D.R next week Anderson!!!!" and "Go lick Aramboles Ass Rookie" and "Tell your Fag Boss I'm still not retiring. I Got Family in Rockaway. I'll just Move out there [happy face emojis]... [thumbs up emoji] and [beer mugs emoji]." (Dep't. Ex. 3, Tr. 63)

Specification 2 of Case No. 2019-20082 charges Respondent with failing to remain alert while on duty. It is undisputed that Respondent was in the lieutenant's lounge at the 46 precinct laying on a couch with his eyes closed during his tour of duty on November 1, 2018. Deputy Chief Wilson Aramboles¹ testified that he entered the lounge and saw Respondent lying down with his eyes closed before he turned the lights on. He addressed Respondent, who told him he was on meal. Deputy Chief Aramboles' interpretation of what he saw was that Respondent was

¹ Deputy Chief Aramboles was an Inspector and the Commanding Officer of the 46 precinct at the time of this incident.

sleeping. Respondent admitted he was laying down with his eyes closed, but denied he was sleeping.

Respondent testified in defense of the charges. With regard to Specification 1 of Case No. 2019-20082, he testified that when he was leaving work, he found that his car was blocked in by another car. He described his state of mind as annoyed but not irate. In response, he placed garbage on a car that he thought belonged to a different officer who was a friend of his. He stated his actions were immature, but not malicious. He acknowledged he should not have done it but claimed that when then Inspector Arambales discussed the incident with him, he told him not to worry about it. (Tr. 57-58)

With regard to Specification 2 of Case No. 2019-20082, Respondent testified that he was not sleeping, but was merely laying down on the couch with his eyes closed. He further testified that he was on meal at the time. (Tr. 59-62)

With regard to Specification 1 of Case No. 2019-19964, Respondent did not dispute sending the text messages in evidence, which contained multiple profane and vulgar terms and phrases. When Lieutenant Ortiz advised him he was being transferred, he thought the transfer was retaliatory even though he had himself requested a transfer. He felt that it was an incredible hardship for him to travel from his home in [REDACTED] to the new precinct in Queens because he would have to pay two tolls and had just recently been divorced. He testified that he sent the texts out of frustration and could have handled it better. Respondent also testified that he thought Lieutenant Ortiz wasn't acting professionally and was "inciting" him when he texted, "Enjoy the Boardwalk and the nice beach view," as part of their text exchange. (Tr. 63-64)

Case No. 2019-20082: Specification 1 (placing of garbage on vehicle)

Based on the Respondent's own admission as well as evidence offered by the Department with regard to Specification 1 of Case No. 2019-20082, I find the Respondent Guilty.

Respondent is clearly seen on the video placing garbage from his car onto the car of Sergeant Williams. This is unprofessional behavior unbecoming of a New York City Police lieutenant. Respondent's testimony that he thought it was a different supervisor's car is no defense to the charge.

Case No. 2019-20082: Specification 2 (failure to remain alert)

With regard to Specification 2 of Case No. 2019-20082, Respondent is charged with having failed to remain alert. Deputy Chief Arambales saw Respondent with his eyes closed and laying down. It was his clear impression that Respondent was asleep. Respondent admitted he was laying down and had his eyes closed. Additionally, Respondent's testimony that he only had two hours sleep the night before lends much credence to Deputy Chief Arambales' impression of what he saw. In any event, the charged misconduct is that Respondent failed to remain alert during his tour of duty. The court heard testimony from Deputy Chief Arambales that a member of service is not considered to be alert if they are laying down on a couch with their eyes closed during their tour of duty. The court agrees with this. So while the court finds it quite possible that Respondent was in fact sleeping, it need not reach this determination and finds that the fact that Respondent was laying down with his eyes closed during his tour of duty amounts to him failing to remain alert. (Tr. 11, 27, 59, 62)

The court rejects the Respondent's defense that he was on meal at the time as it was not a credible defense. The incident took place at 13:56 hours. In the command log for the day (Dep't. Ex. 1), Respondent, who was assigned to the desk at 11:20 hours, signed himself out to

Admin at 13:00 hours and signed himself back into the desk at 14:00 hours. Deputy Chief Arambales testified that while assigned to Admin, a member of service is to be conducting administrative functions in the precinct. (Tr. 13-14)

The court also rejects Respondent's defense that this allegation stems from a bad relationship with Deputy Chief Arambales. According to Respondent, he was being retaliated against by Deputy Chief Arambales for helping another member of service file an EEO claim or because of some bad relationship he had with Deputy Chief Arambales. He claimed that evidence of this bad relationship could be found in his frequent tour changes.

I found Deputy Chief Arambales to be extremely credible. His demeanor at trial was that of a calm, reflective, and unbiased witness. I completely credit his testimony that he did not even know about a purported EEO claim and that he did not have a bad relationship with Respondent. He testified that it was not unusual for tours to be changed five times in a four month period, as tours need to be changed constantly based on an officer's performance and the needs of the command. (Tr. 18-20) Respondent in fact confirmed there were reasons for one tour change from midnights to days, as it was based on a situation where a prisoner escaped during his platoon, and for another tour change when his assignment was shifted to desk duties. (Tr. 55) Respondent also undercut his testimony about his relationship with Deputy Chief Arambales as being contentious because under Respondent's version of events, Deputy Chief Arambales was not angry with him and told him not to worry about the garbage incident. (Tr. 68)

Based on the reasoning above, the court finds Respondent Guilty of Specification 2 of Case No. 2019-20082.

Case No. 2019-19964: Specification 1 (inappropriate and disparaging text messages)

With regard to Specification 1 of Case No. 2019-19964, as Respondent has admitted sending the texts in Department Exhibit 3, I find him Guilty of this specification. Even if Lieutenant Ortiz sent one text to Respondent that he admitted was sarcastic, this sarcastic comment came after Respondent texted Lieutenant Ortiz to, "Go Fuck Your Mother You Piece of Shit [rat emoji] Rat!!!!!" Even if a sarcastic comment was made, it is no defense to the Respondent's texts, which were both inappropriate and disparaging as is charged. (Tr. 48, Dep't. Ex. 3)

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See Matter of Pell v. Board of Educ., 34 N.Y.2d 222, 240 (1974). Respondent was appointed to the Department on July 11, 1988. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

While the Department only asked for a penalty of the forfeiture of ten vacation days to be imposed in this case, the court finds that the misconduct exhibited here by a Lieutenant with over thirty years of service to be egregious and repugnant. A member of service with the rank and years of experience held by this Respondent should be a leader and role model, modeling the Department's mission of courtesy, professionalism and respect for subordinates. Instead, this Respondent's behavior was the antithesis of that mission. Moreover, this was not a single aberrant incident—Respondent was found Guilty of three specifications pertaining to three separate incidents in two cases. In a period of less than two months, Respondent (i) placed garbage on another supervisor's car, (ii) failed to be alert while on duty, and (iii) sent multiple obscene text messages to a different supervisor.

It must be emphasized that these texts included a homophobic slur and were generally extremely graphic, sexually explicit and offensive. The Patrol Guide is clear that members are expressly prohibited from making "discourteous or disrespectful remarks" regarding sexual orientation, among other things. (P.G. 203-10). While there is nothing in the record establishing that the member Respondent referenced is actually a member of the LGBTQ community, the use of the term "fag" was reprehensible in and of itself. Respondent's use of this term while communicating with another supervisor, who was simply trying to advise him of a possible scheduling issues, undoubtedly runs contrary to the Department's good order and warrants a weighty penalty. *See Disciplinary Case No. 2017-18079* (Twenty-five year sergeant with no disciplinary record forfeited 30 vacation days and was placed on dismissal probation for making multiple disparaging remarks about religious and ethnic groups and female members of service. The Trial Commissioner noted that Respondent's authority as a supervisor was significantly undermined by his offensive comments). While the cited case dealt with a series of on-duty remarks over an extended period, Respondent's pattern of behavior unbecoming of a supervisor in this case similarly undermined his ability to be credible in a supervisory role and to be trusted by other Members of Service.

It is also important to note that while Respondent described his behavior as immature but not malicious, the court did not find that Respondent appeared truly remorseful for his troubling actions. Instead, he seemed more concerned with trying to make an argument that Lieutenant Ortiz "incit[ed]" him in the texts, which the court finds to be patently untrue on review of the exchange. When he was specifically asked by his counsel if he was remorseful about the language in the text messages, he responded, "I could have handled it better, yeah." There was no testimony that he ever approached either Sergeant Smith or Lieutenant Ortiz in any way to apologize after either incident. Nor was there any clear unprompted statement by Respondent

that he knew he was completely wrong to place garbage on a supervisor's car or to use the type of language he did in his texts to Lieutenant Ortiz. Instead, his testimony was more focused on his excuses of thinking the garbage incident was excused in some way by the fact that he thought he knew the person whose car it was or that the texts were somehow justified as he was upset and frustrated when he received the news about his transfer. The latter is a particularly galling justification as members of service, particularly supervisors, are called upon to regularly deal with "upsetting" and "frustrating" situations and expected to respond professionally, not by unleashing a string of obscene and profane messages at their co-workers.

Finally, in considering the appropriate penalty, I note that Respondent's testimony at trial was less than forthright. He testified that he was on meal at 13:56 when the entries in the command log at the desk where Respondent was assigned contradict this account and place Respondent on administrative duty at the time.

Having examined the record and the related relevant factors in its entirety--- the wholly inappropriate misconduct Respondent committed in these three separate instances, including the abhorrent act of placing garbage on a colleague's vehicle and the obscene messages to another colleague, Respondent's rank as a supervisor with substantial seniority, his recent prior adjudication for losing a prisoner and his stunning lack of any real penitence for his actions, the court feels a significant forfeiture of penalty days is necessary to hold Respondent accountable for his actions and send a strong message that this type of behavior is intolerable. A period of monitoring is also needed to ensure that Respondent's pattern of egregious behavior does not continue.

Accordingly, I recommend that Respondent be DISMISSED from the New York City Police Department but that his dismissal be held in abeyance for a period of one year pursuant to Section 14-115(d) of the Administrative Code, during which time he remains on the force at the

Police Commissioner's discretion and may be terminated at any time without further proceedings. I further recommend that Respondent forfeit 45 vacation days.

Respectfully submitted,

Nancy Ryan ^{RM}

Nancy R. Ryan

Assistant Deputy Commissioner Trials





POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: CONFIDENTIAL MEMORANDUM
LIEUTENANT MICHAEL REDDINGTON
TAX REGISTRY NO. 894882
DISCIPLINARY CASE NOS. 2019-19964 & 2019-20082

Respondent was appointed to the Department on July 11, 1988. On his three most recent performance evaluations, Respondent received 3.0 overall ratings of "Competent" in 2016, 2017 and 2018. Respondent has been awarded 65 medals for Excellent Police Duty and five (5) medals for Meritorious Police Duty.

In 1994, Respondent forfeited 15 vacation days for discourtesy and failure to safeguard a prisoner.

More recently, in 2018, Respondent forfeited 15 suspension days after pleading guilty to failing to instruct a subordinate to use leg restraints on a hospitalized prisoner, resulting in the loss of the prisoner. In connection with that incident, on May 10, 2018, Respondent was placed on Level 1 Discipline Monitoring, which remains ongoing to date.

For your consideration.

Nancy R. Ryan
Assistant Deputy Commissioner Trials