



POLICE DEPARTMENT

May 19, 2014

MEMORANDUM FOR: Police Commissioner

Re: Detective Amjad Kasaji
Tax Registry No. 939768
Brooklyn North Gang Squad
Disciplinary Case No. 2013-9123

The above-named member of the Department appeared before me on April 25, 2014, charged with the following:

1. Detective Amjad Kasaji, assigned to Brooklyn North Gang Squad, on or about August 23, 2012, while in Kings County, made an inaccurate entry on a Roll Call Movement Sheet, to wit: Detective Kasaji inaccurately indicated he was going to the 75th Precinct.

P.G. 203-05, Page 1, Paragraph 4 – PERFORMANCE ON DUTY-GENERAL

2. Detective Amjad Kasaji, assigned to Brooklyn North Gang Squad, on or about August 23, 2012, while on-duty and in Kings County, was off post in that Detective Kasaji left his Command to take care of personal business.

P.G. 203-05, Page 1, Paragraph 2

P.G. 203 05, Page 1, Paragraph 4

3. Detective Amjad Kasaji, assigned to Brooklyn North Gang Squad, on or about August 23, 2012, while in Kings County, inaccurately signed out "End of Tour" at 1433 hours when in fact Detective Kasaji departed his Command approximately twenty-one minutes earlier.

P.G. 203-05, Page 1, Paragraph 4– PERFORMANCE ON DUTY-GENERAL

4. Detective Amjad Kasaji, assigned to Brooklyn North Gang Squad, on or about August 23, 2012, while in Kings County, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that Detective Kasaji ended his scheduled tour approximately twenty-one minutes early without permission or authority.

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

5. Detective Amjad Kasaji, assigned to Brooklyn North Gang Squad, on or about September 20, 2012, while off-duty and in Queens County, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that Detective Kasaji operated his personal vehicle without a front license plate, without a New York State Registration sticker and New York State Inspection sticker affixed to the front windshield, and with a NYPD Restricted Parking Permit displayed on the front dashboard.

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

The Department was represented by Scott Rosenberg, Esq., Department Advocate's Office, and Respondent was represented by Michael Lacondi, Esq. and Philip Karasyk, Esq.

Respondent, through his counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent, having pleaded Guilty, is found Guilty as charged.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent testified on his own behalf.

Respondent

Respondent, a nine-year member of the Department, is presently assigned to the Brooklyn North Gang Squad. He became a member of the service when he "was picked up by the Intelligence Division as an undercover" and has been a detective for seven years. His present duties include targeting gang members and gang locations and

investigating gang-related crimes, including shootings. He has made "over a hundred" arrests and received an award relating to a robbery arrest in 2009.

With respect to the specifications that dealt with the date of August 23, 2012, Respondent testified that on August 22, 2012, during his tour of 4:00 p.m. to 12:33 a.m., he made an arrest in the vicinity of the 75 Precinct. After the arrest, Respondent transported the defendant to the 81 Precinct, where he was debriefed about gang activities in the 75 Precinct and shootings in Brooklyn and in the city. Subsequently, the defendant was transported to Brooklyn Central Booking. Respondent's tour continued into the following day, August 23, 2012, when his tour was supposed to end at 2:33 p.m.

Respondent described the process of signing in and out while on duty at the command. He testified that signing in requires you to place in the command log the time that you are signing in, your initials and your signature. He said that signing out was the same procedure. Respondent testified that every time a member of the service leaves the command, he must write on the roll call movement sheet the time that he leaves, his destination and the vehicle that he is using.

Respondent admitted that on August 23, 2012, he made an inaccurate entry in the roll call movement sheet, when he inaccurately indicated that he was going to the 75 Precinct, when in fact he went to the vicinity of the 75 Precinct. Respondent testified that because he had made an earlier arrest in the 75 Precinct, he went to the location of the arrest "to make sure of the direction of the streets, being that one of the charges of the defendant was him riding a bicycle." Respondent wanted to relay the correct information regarding the location of the arrest to the prosecutor. After his visit to the location of the

arrest, Respondent stopped at the mechanic shop where his personal vehicle was being repaired. This all happened within the hour that he left the command.

In addition, Respondent admitted that on August 23, 2012, he signed out at 2:33 p.m., believing that was the time he was leaving the command. Respondent admitted that, in fact, he left the command "21 minutes" before 2:33 p.m. Respondent testified that he had worked for "almost 22 hours straight since the night before" and he was exhausted from working two shifts back-to-back, with the processing of the arrest and the transportation of the defendant. He testified that he was also upset about the situation with his personal vehicle, in that his car was at the mechanic shop because of damage caused by the negligence of the mechanic. He said that he had no reason to leave before the end of his tour at 2:33 p.m. because his personal vehicle would not have been "ready for at least another hour."

With respect to the specification that dealt with the date of September 20, 2012, Respondent admitted that, on that date, his personal vehicle was parked in Queens County without a front license plate, without a New York State registration sticker, without a New York State inspection sticker, and with the Department-issued Restricted Parking Permit displayed on the dashboard.

Respondent testified that his vehicle was in fact inspected and registered. Respondent explained that he had performed "some work on the windshield of the vehicle" and the stickers had come off. After replacing the windshield, every time that he placed the registration or the inspection stickers on the windshield, they would not stay put. In addition, Respondent said that his vehicle was a convertible and sometimes, he took the top down and if he had left the registration sticker on, it would have blown off

the car. As a result, Respondent sometimes secured the stickers inside the glove compartment or within the vehicle. Respondent testified that he "tried to put [the stickers] back every time I parked the vehicle." Respondent knew that the registration and inspection stickers had to be placed "in the front window" of his car and apologized for his mistake in not doing so on the date in question.

Respondent testified that the vehicle belonged to his brother, although he used it. Respondent took full responsibility for the vehicle not having a front license plate. He admitted that he "should have known better" and that he should have "followed the rules." He also testified that all the problems were fixed afterwards.

Respondent said that he left the Department-issued Restricted Parking Permit on the dashboard of the vehicle because he used it when he drove to work in the vicinity of his command and when he drove home, sometimes he left it on the dashboard by mistake. Respondent testified that on September 20, 2012, the vehicle was legally parked.

On cross-examination, Respondent testified that on August 23, 2012, his intention was not to steal 21 minutes from the Department. He said that his signing out earlier than he was supposed to was a mistake.

Respondent admitted that on August 23, 2012, during his scheduled tour of 6:00 a.m. to 2:33 p.m., he left his command at 8:30 a.m. for one hour to visit the mechanic shop where his vehicle was being repaired. He testified that he indicated the time on the movement log but admitted that the entry was not accurate in that he did not go to the 75 Precinct, as he indicated. Instead, he went to the vicinity of the 75 Precinct to make certain the location of the arrest he had made earlier and to visit the mechanic shop. He admitted that he made a mistake by not putting in a UF-28 for that one hour when he left

the command for personal business. He said that it was “an honest mistake.”

Respondent said that when he signed out that day, he did not have “a clock” on him, and he did not know what device he used to check the time when he signed out. “I don’t know if it was a clock in the command or it was on the T.V. or was it a phone. But I didn’t have a watch on my hand on my arm at the time. So I don’t know exactly what I went with, where I actually saw 1433, or at least believed that it was 1433 to sign out at 1433.”

Respondent admitted that on September 20, 2012, he had a personal vanity plate in the front of his car.

On further questioning by the Court, Respondent said that when he left the command on August 23, 2012, he took the subway to the repair shop where he waited for over one hour for his vehicle.

PENALTY

In order to determine an appropriate penalty, Respondent’s service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on November 10, 2005. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The sole issue in this case is penalty. The Advocate has recommended a penalty involving the loss of thirty (30) vacation days.

In determining an appropriate penalty in this case, two essential elements must be considered: 1) proportionality and 2) Respondent’s overall service record. By

proportionality, I am referring to a balance between the offense and the proposed penalty. In this case, Specification Nos. 1, 2, 3 and 4 relate to events that occurred on a single day, August 23, 2012.

According to Respondent's uncontested testimony, Respondent worked over 20 hours that day. During that time, he had made an arrest in the confines of the 75 Precinct and had taken that individual back to his unit for debriefing.

On that day, Respondent was also dealing with some troublesome repair issues involving his automobile. At some point during the day, he listed himself in the roll-call movement log as going to the 75 Precinct. Respondent testified that while he did go to a vicinity within the 75 Precinct to verify the location of the arrest he had made, he also went to the shop where his car was being repaired, which was also in that precinct. Respondent agreed that the notation he made was misleading as it would seem to make it appear that he went to the 75 Precinct, something he did not do.

The Advocate estimated that Respondent was out of the command for about an hour. Respondent acknowledges that he was off post when he went to the shop. These facts are encompassed in Specification Nos. 1 and 2.

Later that day, Respondent signed out as "end of tour" at 2:33 p.m., which was the end of his regular tour, when he in fact had left about 20 minutes earlier. Respondent claimed he did not realize that he was leaving early. Respondent said that he had no motive to leave early as he had to go back to the repair shop to pick up his car before he could go home. Respondent testified that when he got to the repair shop he had to wait about an hour before the car was ready. Respondent's early departure is the subject of Specification Nos. 3 and 4.

Specification No. 5 involves an observation made of Respondent's car about a month later. It had no front license plate, the registration and inspection stickers were not pasted in the window, but Respondent's NYPD parking placard was displayed. There is no question that the vehicle was properly registered, insured, inspected and legally parked. Respondent said he had been doing work on the windshield and the stickers kept falling off. To prevent their loss entirely, he kept them in the glove compartment or within the vehicle.

There is no evidence that Respondent's conduct on August 23, 2012 was part of some on-going pattern of time abuse. On the other hand, it does seem to be related to the special circumstances of that day.

Respondent's claim that he did not realize he was signing out early might not ordinarily make sense, however, when someone has worked over 20 hours, some mental confusion should not be totally surprising.

In the end, Specification Nos. 1 through 4 total up to about one hour and twenty minutes of improper time usage.


Similarly the misconduct alleged in Specification No. 5 sounds worse than it is. The car was registered and inspected. The stickers which provide proof of that were not displayed, as they should have been, but the substantive issues of registration and inspection had been satisfied. The missing license plate and display of the plaque are also misconduct and certainly merit a penalty.

As I stated at the outset, the first issue that must be addressed in assessing penalty is proportionality. The loss of 30 vacation days for the above misconduct appears to be disproportionate to the offense.

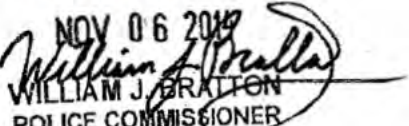
The second issue is Respondent's service record. In addition to what is discussed in the attached confidential memorandum, it would appear that Respondent has been a particularly valuable member of this Department.

Balancing all of these factors, it would appear that an appropriate penalty in this case would be the loss of twelve (12) vacation days.

Respectfully submitted,


Martin G. Karopkin
Deputy Commissioner - Trials

APPROVED

NOV 06 2019

WILLIAM J. BRATTON
POLICE COMMISSIONER

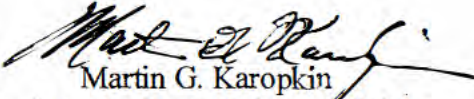
POLICE DEPARTMENT
CITY OF NEW YORK

From: Deputy Commissioner Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
DETECTIVE AMJAD KASAJI
TAX REGISTRY NO. 939768
DISCIPLINARY CASE NO. 2013-9123

In his last annual evaluation, Respondent received an overall rating of 4.5 "Highly Competent/Extremely Competent" in 2013. He has one medal for Excellent Police Duty. In his nine years of service, he has made a total of 114 arrests which include 37 felonies and 74 misdemeanors. [REDACTED]

[REDACTED] He has no other formal disciplinary record.

For your consideration.


Martin G. Karopkin
Deputy Commissioner - Trials