



POLICE DEPARTMENT

November 4, 2022

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In the Matter of the Charges and Specifications :

- against - :

Sergeant Teara Wilson :

Tax Registry No. 935973 :

Manhattan Court Section :

Case No.

2021-23317

-----X
At:

Police Headquarters
One Police Plaza
New York, NY 10038

Before:

Honorable Paul M. Gamble
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department:

Samuel Yee, Esq.
Department Advocate's Office
One Police Plaza
New York, NY 10038

For the Respondent:

Andrew Quinn, Esq.
The Quinn Law Firm
399 Knollwood Road, Suite 220
White Plains, NY 10603

To:

HONORABLE KEECHANT L. SEWELL
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

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CHARGES AND SPECIFICATIONS

1. Said Sergeant Teara Wilson, while assigned to the 115th Precinct, on or about October 22, 2019, wrongfully failed to prepare or ensure the preparation of a Complaint Report or properly investigate a complaint. *(As amended)*

P.G. 207-07, Page 1, Paragraph 1,
or Pages 1-2, Paragraph 5

PRELIMINARY INVESTIGATION
OF COMPLAINTS (OTHER THAN
VICE-RELATED OR NARCOTICS
COMPLAINTS)

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

PERFORMANCE ON DUTY –
GENERAL REGULATIONS

Operations Order No. 5 of 2012

PROPER PRELIMINARY
INVESTIGATIONS OF
COMPLAINTS, COMPLAINT
RECORDING AND ACCURATE
CLASSIFICATION OF COMPLAINTS

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

PUBLIC CONTACT –
PROHIBITED CONDUCT

P.G. 202-14, Page 1, Paragraph 3

DESK OFFICER
DUTIES AND RESPONSIBILITIES

P.G. 202-21

POLICE OFFICER
DUTIES AND RESPONSIBILITIES

2. Said Sergeant Teara Wilson, while assigned to the 115th Precinct, on or about October 22, 2019, wrongfully failed to notify or refer a case to the Detective Squad when either (1) the offense involved a victim, who suffered serious physical injury, including assault; (2) the complainant or offense committed may create unusual community or police interest; or (3) when the perpetrator may be identified or is known. *(As amended)*

P.G. 207-07, Page 2, Paragraph 7

PRELIMINARY INVESTIGATION
OF COMPLAINTS (OTHER THAN
VICE-RELATED OR NARCOTICS
COMPLAINTS)

3. Said Sergeant Teara Wilson, while assigned to the 115th Precinct, and while acting as the 115th Precinct Desk Officer, on or about October 22, 2019, wrongfully failed to notify the Operations Unit and her Patrol Borough command without waiting for complete details, failed to notify her Commanding Officer or the Duty Captain, or prepare an Unusual Occurrence Report about an unusual occurrence, to wit [a] potential bias

incident. *(As amended)*

P.G. 212-09, Paragraphs, 3, 4, and/or 7,
and Additional Data

UNUSUAL OCCURRENCE REPORTS
COMMAND OPERATIONS

4. Said Sergeant Teara Wilson, while assigned to the 115th Precinct, on or about October 22, 2019, having become aware of an allegation of misconduct against another Member of the Service, wrongfully failed to report said allegation to the Internal Affairs Bureau, as required. *(As amended)*

P.G. 207-21, Page 1, Paragraph 1

ALLEGATIONS OF CORRUPTION OR
OTHER MISCONDUCT AGAINST
MEMBERS OF THE SERVICE
COMPLAINTS

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on September 13, 2022. Respondent, through her counsel, entered a plea of Not Guilty to the subject charges. The Department called Sergeant Alexis Vasquez as a witness, and Respondent testified on her own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having reviewed all the evidence in this matter, I find Respondent Not Guilty of the charged misconduct.

ANALYSIS

The issue to be decided in this case is whether Respondent, in her capacity as the 115th Precinct Desk Officer on October 22, 2019, behaved professionally in her assessment, investigation, and disposition of a possible bias incident involving [REDACTED], a gay man, and [REDACTED], a transgender woman.

The following is a summary of the facts which are not in dispute.

At approximately 0420 hours on October 22, 2019, [REDACTED], [REDACTED], and an individual identified only as "Danny" attempted to enter the Delicias Mexicanas restaurant in Corona, New

York. It is undisputed that the restaurant is in the 110th Precinct (T. 18-20, 63). The establishment had a security guard at its entrance who screened potential patrons. As the party of three attempted to enter the restaurant, they had a discussion with the security guard that resulted in them being denied entry.

Shortly after being excluded from the restaurant, [REDACTED] called 911 and asked for a police response, alleging that he had been assaulted. Two police officers from the 110th Precinct responded to the 911 call and spoke with [REDACTED] at the scene. The officers conducted a preliminary investigation and determined that no crime had been committed; however, they summoned an ambulance to treat "Danny" for being intoxicated.¹

[REDACTED] and [REDACTED] also went to the hospital, where [REDACTED] was supposedly treated for a knee injury.² Once [REDACTED] and [REDACTED] left the hospital, they went to the 110th Precinct at approximately 1100 hours to make a complaint. After attempting to make a report, unidentified personnel at the precinct directed them to make the report at the 115th Precinct instead. At approximately 1130 hours, they went to the 115th Precinct, where they interacted with Respondent, the Desk Officer for that tour, and Police Officer Michael Costa, who was acting as the Telephone Switchboard operator (T. 24).

[REDACTED] and [REDACTED] spoke with Costa about the incident, which occurred earlier that morning at the Delicias Mexicana restaurant; Costa then briefed Respondent on the information they reported to him. According to Respondent, both she and Costa knew the establishment

¹ Both responding police officers received command disciplines for failure to prepare an aided report and to activate their Body Worn Cameras (Resp. Exs. C, D).

² The Department Advocate did not offer evidence of [REDACTED]'s purported injury or medical treatment.

██████ and ██████ referred to was located within the 110th Precinct³ (*Id.*). After conferring with Respondent, Costa searched the ICAD database, where he learned that two police officers from the 110th Precinct had responded to Delicias Mexicana based upon ██████'s call to 911. Respondent contacted the 110th Precinct, but there is no evidence in the record of whom she may have spoken to (T. 25, 100). Respondent also dispatched a patrol car in Sector DAVID to canvass the area of Delicias Mexicana to ascertain whether there were video cameras that may have captured the reported altercation; the canvass produced no results (T.100).

It is undisputed that after her investigation, Respondent did not prepare the preparation of a complaint report; it is also undisputed that she did not make any notifications to her Commanding Officer, the 115th Precinct Detective Squad, or the Internal Affairs Bureau.

██████ and ██████ left the 115th Precinct and returned to the 110th Precinct to make a third attempt to file a complaint. After engaging in a discussion with several police officers, a Spanish-speaking person who happened to be present at the precinct, and a Police Administrative Aide turned them away and told to return to the Precinct at 2300 hours. At 2300 hours, they made a third visit to the 110th Precinct, where they interacted with two police officers. At the end of the interaction, the precinct declined to take a complaint report.

It is also undisputed that on April 29, 2020, ██████ filed a complaint with the New York City Human Rights Commission. The sum and substance addresses allegations regarding ██████'s failure to receive a translator during her interactions at the 110th Precinct (T. 39; Resp. Ex. A).

³ According to ██████'s February 3, 2020, affidavit, when she went to the 115th Precinct, she was provided an interpreter to translate for her. After the interpreter translated her report, the police officers told her the incident had occurred in the 110th Precinct and offered that the 110th Precinct routinely misdirected civilians to them, even when the crimes occurred in their jurisdiction (Resp. Ex. A, ¶ 42). There is no evidence in the record to corroborate ██████'s assertion or that either Respondent or Costa interacted with the aforementioned officers, assuming that the interaction with them occurred as ██████ claimed.

The following is a summary of the relevant evidence presented at the trial.

Respondent testified that she worked as the 115th Precinct Desk Officer on October 22, 2019. She held Police Officer Michael Costa in high regard and often assigned him as her operator or the telephone switchboard (TS) operator while working. Costa was assigned to the TS during Respondent's tour on this date. Respondent explained that the 110th and 115th Precincts are akin to "sister" precincts, as they have contiguous borders. Although they are close in location, it is not typical that a sergeant from one precinct would investigate an occurrence from the other (T. 87-90).

When [REDACTED] and [REDACTED] entered the 115th Precinct, they only spoke with Costa; Respondent never spoke with the complainants directly. Costa informed her that the complainants were there to discuss a previous incident, which they contended had not been appropriately handled by the 110th Precinct. Based on the information she received from Costa, Respondent directed him to check with the 110th Precinct to determine whether they were aware of the incident, how they attempted to address the issues, and whether any reports were, in fact, necessary.

Based upon what Costa gleaned from his inquiry, Respondent learned that officers from the 110th Precinct had responded to the incident and determined the complainants were intoxicated at the scene, which led to them being denied entry into the restaurant. Costa informed Respondent that he believed the complainants to be intoxicated when he interacted with them at the 115th Precinct hours later. According to the responding officers, they disposed of the case as unfounded, as they saw no evidence of the commission of a crime.

In addition, Respondent spoke to the Patrol Supervisor from the 110th Precinct, who informed her that no crime had been committed, nor did the complainants tell anyone of their sexual orientation (T. 91-94). Respondent testified that she questioned whether anyone at the

scene knew the sexual orientation of the complainant to ensure she explored all possible avenues. After reviewing all the information Costa obtained, Respondent determined that no crime had been committed (Tr. 95-102).

Respondent went a step further, sending the Sector DAVID car to the side of the street opposite the location, which did fall under the jurisdiction of the 110th Precinct, to see if there were any cameras on that side of the road, which potentially contained video evidence of the interaction, which was the subject of the complaint. When the Sector DAVID officers returned without any new information, Respondent affirmed her initial judgment that no further action was required (T. 100-02).

Respondent testified that she was so impressed with how Costa interacted with the complainants, and his efforts to address their complaint, that she submitted a CRAFT report, commending Costa for his performance of duty (T. 103-05).

Sergeant Alexis Vasquez of Queens North Investigations Unit was assigned to the investigation on May 28, 2020 (T. 37). According to Vasquez's investigation, two individuals, [REDACTED] and [REDACTED] entered the 115th Precinct at approximately 1130 hours on October 22, 2019, and reported that they had been denied entry to a bar located in the 110th Precinct⁴ (T. 20). [REDACTED] stated that at the bar, she was pushed by a security guard and was injured as a result. [REDACTED] said that she called the police, and officers from the 110th Precinct responded. While the responding police officers did not take a report, they called for an ambulance to take [REDACTED] to a hospital. According to [REDACTED], when she described how she

⁴ According to [REDACTED]'s February 3, 2020 affidavit, she, [REDACTED], and an individual named Danny attempted to enter Delicias Mexican restaurant, the location of the alleged incident, at approximately 0420 hours. The three had previously been at El Trio Bar until 0400 hours before leaving to go to the restaurant (Resp. Ex. A, ¶¶ 21, 22).

sustained her injuries, the hospital staff advised her to report the incident at the 115th Precinct⁵ (T. 21).

Sergeant Vasquez contacted both [REDACTED] and [REDACTED] by telephone. During his first conversation with [REDACTED], she explained that when two officers arrived at the restaurant, she told them the security guard pushed her. She said the officers spoke with the security guard and then asked her to leave. [REDACTED] stated she hurt her knee and, at the hospital, asked staff what to do. According to [REDACTED], the medical staff advised her to file a report (T. 21; Dept. Ex. 1A). [REDACTED] and [REDACTED] went to the 110th Precinct to file a report, where Department personnel told them to go to the 115th Precinct because that is where the restaurant was located (T. 63).

Sergeant Vasquez attempted to contact the security guard who worked at the restaurant on October 22, 2019, but was unsuccessful. He was informed by the restaurant that the security guard in question had since left their employ and that they did not maintain any records that could have assisted Vasquez in locating him (T. 43-45).

Sergeant Vasquez then interviewed the officers from the 110th Precinct who responded to Rivera's 911 call. They informed him that upon arriving at the scene, they observed three highly intoxicated individuals who, based upon their interview with a security guard, were denied entry to the restaurant because they were inebriated; [REDACTED] and [REDACTED] were among those three individuals. The responding police officers' conclusion that the individuals were intoxicated was based upon a representation by the security guard and their observations. According to the officers, none of the three individuals told them they believed they were denied entry because of bias; furthermore, none declared their sexual orientation or gender identity to the officers. The officers told Sergeant Vasquez that the job first came over as a dispute, which they confirmed

⁵ According to [REDACTED]'s February 3, 2020 affidavit, a doctor who treated her at the hospital advised her to report the incident at the 110th Precinct, which she did, before going to the 115th Precinct (Resp. Ex. A, ¶ 37).

when they arrived. When it came over the radio again, this time as an assault, they quickly realized that it was the same incident they had already responded to and the same parties were involved (T. 45-53).

According to Sergeant Vasquez, the only report prepared by Respondent concerning this interaction was a CRAFT entry highlighting Costa's performance (T. 22-25). The CRAFT entry noted that Costa's efforts were in furtherance of an investigation after the complainants came into the 115th Precinct with what possibly could have been a bias incident, even though it was alleged to have occurred in another precinct. The purpose of CRAFT entries is to report positive or negative comments regarding a specific officer, in this case, positive feedback, regarding Costa's performance (T. 31-33; Dept. Ex. 4).

Sergeant Vasquez learned that Respondent sent a sector car from the 115th Precinct to the location of the alleged incident to look for camera footage. He could not recall whether Respondent called the 110th Precinct once she became aware of the possibility that the incident was a bias incident but was confident that either Respondent or Costa contacted them. According to his investigation, the 110th Precinct informed either Respondent or Costa that they had investigated the complainants' report and determined that they were not dealing with a bias incident; they decided that the incident was more likely a dispute between customers who were denied entry into an establishment and the security guard who chose to deny them access. Therefore, based on what Respondent learned about the incident, she determined that filing a complaint report was unwarranted.

When Sergeant Vasquez interviewed Respondent, Respondent made it clear that Costa spearheaded the investigation and that she was receiving information from him afterward. She stated she learned the restaurant incident could have been biased based on the complainant's

sexual orientation. Still, there was no evidence to support that supposition besides Costa suggesting the possibility (T. 25-26). The CRAFT report Respondent submitted explains how Costa learned from the victim that he believed the incident was based on bias. Still, he did his "due diligence by further investigating [and] was able to figure out the victim was, in fact, not a victim of a bias incident [and] just had a verbal dispute by verifying that officers previously responded to the scene" (T. 108).

DISCUSSION

Specification 1: Failure to Prepare a Complaint

I find that the Department Advocate has failed to meet his burden of proof, by a preponderance of the credible, relevant evidence, that Respondent wrongfully failed to prepare or ensure the preparation of a Complaint Report or adequately investigate a complaint.

Based on the record before me, I find that Respondent performed her duties as the 115th Precinct Desk Officer on October 22, 2019, following Patrol Guide procedures. When the complainants entered the 115th Precinct and reported an incident, which Respondent correctly believed had occurred in another precinct, her first responsibilities were: (1) to see if any applicable complaint reporting guidelines were followed; and (2) see if a preliminary investigation under Patrol Guide 207-07 had begun (P.G. 207-04).

Patrol Guide procedure 207-10 defines a Bias Motivated Incident as:

"Any offense or unlawful act that is motivated in whole or in substantial part by a person's, or a group's, or a place's identification with a particular race, religion, ethnicity, gender, age, disability, or sexual orientation (including lesbian, gay, bisexual, transgender, queer, intersex, asexual +) as determined by the Commanding Officer, Hate Crime Unit."

(P.G. 207-10).

When a uniformed member of the service is dispatched to the scene of an incident that may be a bias incident, they are to "(1) Evaluate condition and take police action appropriate for stabilization of the area, if necessary; and (2) Determine if possibility exists that *offense or unlawful act* [emphasis added] is motivated by bias or prejudice as contained in the definition of 'bias incident'" (*Id.*).

Once Respondent learned that: (a) the complainants reported an incident to Costa; (b) the incident occurred in the 110th Precinct; and (c) police officers from that precinct responded to a 911 call made by the complainants, she directed Costa to interrogate Department databases to find out what steps, if any, had been taken by the responding officers. This directive complied with the Patrol Guide procedure 207-04 requirement that a Desk Officer determine whether the precinct of occurrence conducted a preliminary investigation.

Once Costa checked the applicable Department databases, Respondent learned that the responding officers did conduct a preliminary investigation and then "closed the case." "Closed case" is defined as "[a] complaint which has been investigated" and (e) "[c]omplaint is unfounded" (P.G. 207-07). According to the databases Costa searched, the responding officers did not find that an offense had been committed. They documented that although they were dispatched to the scene of the incident to respond to a supposed assault, based upon their on-scene investigation, no assault had occurred, and it was more than likely a dispute; on that basis, they deemed the complaint closed.

If that had been the final step Respondent took in her investigation, it is likely that this Tribunal would have made a finding of Not Guilty. Respondent, however, took an additional step based upon a concern that a bias-motivated incident may have occurred despite the closed complaint. Utilizing her knowledge of the environs of the 110th Precinct and the 115th Precinct,

she dispatched a sector car to the opposite side of the street from where the alleged incident took place to assess whether there was any video evidence that may have caused her to either reconsider her findings or suggest that bias may have been a significant factor in any crime she did discover. When the sector officers informed her that no such evidence was available, she decided to affirm her original judgment.

At the conclusion of Respondent's investigation, it was reasonable for her to determine, based upon the information she had before her at the time, that there was no evidence that a crime had been committed and that there was no evidence that a bias-motivated incident had occurred.

For the foregoing reasons I find Respondent Not Guilty.

Specification 2: Failure to Notify or Refer Case to Detective Squad
Specification 3: Failure to Make Notifications Regarding an Unusual Occurrence
Specification 4: Failure to Report Misconduct to Internal Affairs

The factual findings I made concerning Specification 1 are dispositive of the alleged misconduct charged in Specifications 2, 3, and 4.

Accordingly, I find Respondent Not Guilty of Specifications 2-4.

APPROVED

MAY 18 2023
[Signature]
KEESHANT L. SEWEL
POLICE COMMISSIONER

Respectfully submitted,

[Signature]
Paul M. Gamble
Assistant Deputy Commissioner Trials