



THE POLICE COMMISSIONER
CITY OF NEW YORK

**MEMORANDUM IN SUPPORT OF NYPD'S DEVIATION FROM
THE DISCIPLINARY SYSTEM PENALTY GUIDELINES**

Re: CCRB Case No. 201906434 regarding Sergeant Carlin and Police Officer Connors

Date: September 22, 2021

This disciplinary matter was investigated by the Civilian Complaint Review Board ("CCRB"). The CCRB substantiated allegations of physical force and discourtesy against Sergeant Christian Carlin and a single allegation of discourtesy against Police Officer Jonathan Connors.

On July 21, 2019, Sergeant Carlin, Police Officer Connors, and additional Members of the Service were called to the scene by a third-party who complained of his vehicle being damaged as a result of being doused with water. Additional callers had earlier notified Members of the Service of the same unruly crowd at the location dousing other pedestrians and cars with water.

Sergeant Carlin used physical force to remove a water gun from an individual who doused the Sergeant with a then-unknown liquid. During the extraordinarily chaotic and at times violent situation both Sergeant Carlin and Police Officer Connors also used an expletive while interacting with members of the public.

The interaction between Sergeant Carlin and a member of the unruly crowd was captured by multiple Body-Worn Cameras as well as a nearby surveillance camera. All of the available video footage shows an unruly individual spray Sergeant Carlin multiple times with an unknown liquid from a water gun. When Sergeant Carlin attempted to remove the same water gun from this individual, he was assaulted.

Sergeant Carlin's actions to remove the water gun are not improper given the extraordinary circumstances with which he was faced, including, at the time, not knowing what the liquid was with which he was sprayed. I thus find that Sergeant Carlin's use of physical force to attempt to remove a potentially hazardous object from and to arrest an individual who sprayed him with a then-unknown liquid is altogether appropriate.

Subsequently, Sergeant Carlin and Police Officer Connors used discourteous language toward certain individuals in the crowd. This language was used in the immediate aftermath of a chaotic and at times violent confrontation between Members of the Service and the public.

While inappropriate, in the interest of progressive discipline, and taking into account the minimal and isolated nature of the expletives used, as well as the excellent employment histories of Sergeant Carlin and Police Officer Connors, each would respectively benefit more from receiving Training from their Commanding Officer.

Therefore, though outside of the penalty prescribed in the Disciplinary Matrix, the issuance of formalized Training is appropriate in this matter.

A handwritten signature in black ink, appearing to read "Dermot F. Shea". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dermot F. Shea
Police Commissioner