



POLICE DEPARTMENT

April 7, 2021

-----X

In the Matter of the Charges and Specifications	:	Case No.
- against -	:	2018-18516
Police Officer Jeff Huggins	:	
Tax Registry No. 947089	:	
Housing PSA 5	:	

-----X

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

Before: Honorable Josh Kleiman
Assistant Deputy Commissioner Trials

APPEARANCES:

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

For the Respondent: Craig Hayes, Esq.
Worth, Longworth & London, LLP
111 John Street, Suite 640
New York, NY 10038

To:

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

COURTESY • PROFESSIONALISM • RESPECT

Website: <http://nyc.gov/nypd>

CHARGES AND SPECIFICATIONS

1. Said Police Officer Jeff Huggins, while assigned to PSA #5, on or about January 15, 2017, at about 1906 hours, while on-duty, wrongfully utilized a Department vehicle, RMP #2653, without permission or authority to do so.

P.G. 203-05, Page 2, Paragraph 16 PERFORMANCE ON DUTY – GENERAL
GENERAL REGULATIONS

2. Said Police Officer Jeff Huggins, while assigned to PSA #5, on or about March 1, 2018, having been instructed previously by his supervisor to return at the end of his assigned tour the keys for the police vehicle to which he had been assigned during that tour, wrongfully failed to comply with said instruction. *(As added)*

P.G. 203-03, Page 1, Paragraph 2 COMPLIANCE WITH ORDERS
GENERAL REGULATIONS
P.G. 202-21, Page 1, Paragraph 1 POLICE OFFICER
DUTIES AND RESPONSIBILITIES

3. Said Police Officer Jeff Huggins, while assigned to PSA #5, on or about December 10, 2018, at about 0030 hours, having been instructed by the PSA #5 Desk Officer that said Police Officer was assigned to a particular Department vehicle for his tour, wrongfully failed to comply immediately with said instruction, and acted discourteously towards said Desk Officer in front of other Members of the Service, raising his voice and repeatedly demanding that he be assigned a different vehicle. *(As added)*

P.G. 203-03, Page 1, Paragraph 2 COMPLIANCE WITH ORDERS
GENERAL REGULATIONS
P.G. 202-21, Page 1, Paragraph 1 POLICE OFFICER
DUTIES AND RESPONSIBILITIES
P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT – PROHIBITED
CONDUCT
GENERAL REGULATIONS

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me remotely on January 13 and February 16, 2021. Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. The Department called Police Officer Christopher Lembo, Sergeant Richie Gonzalez, Police Officer Kyle Mondesir, Lieutenant Charmaine Pilgrim, Police Officer Fahad Choudhry, Sergeant Robert Reid, Sergeant Sidd Yousafzai, Sergeant Jason Bass, and Lieutenant Alesandro Florentino, as its 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: (1) Guilty of utilizing a Department vehicle without permission or authority to do so, as charged in Specification 1; (2) Not Guilty of failing to comply with an instruction, as charged in Specification 2; and (3) Guilty of an act of discourtesy towards a supervisor, as charged in Specification 3, in part. In connection with Specifications 1 and 3, I recommend a penalty of 15 vacation days.

ANALYSIS

Specification 1 – Unauthorized Use of a Department Vehicle

Respondent admits to operating a Department vehicle, but disputes the Department's position that he was not authorized to utilize the vehicle.

Factual Record

Police Officer (PO) Lembo testified that on January 15, 2017, prior to leaving the stationhouse for a fixed post with Respondent, his partner for the day, he approached the command's front desk (the "Desk") at the Police Service Area (PSA) 5 stationhouse and asked Lieutenant Florentino,¹ the assigned third platoon Desk Officer, for permission to take a Department van to his post. Lieutenant Florentino denied his request. When he arrived at his post, however, he saw that Respondent was already at the location with a Department smart car. He inquired as to how Respondent was issued the vehicle. Respondent told him twice that Sergeant Gonzalez, the assigned third platoon Patrol Supervisor, permitted him to utilize the smart car. (Tr. 19-20, 22-25, 30-31, 42)

At the time of the incident, Lieutenant Florentino held the rank of Sergeant.

For their meal break, PO Lembo and Respondent drove back to the stationhouse in the smart car. After the meal break was over, and as PO Lembo was leaving his command to proceed back to his post, he observed Lieutenant Florentino driving an SUV, "fly out of the back parking lot," turn on his vehicle lights, drive down 124th Street, and pull over Respondent in the smart car. While he observed Respondent and Lieutenant Florentino engage in a conversation, he could not hear what was discussed between them. PO Lembo continued walking to his post. Respondent eventually joined PO Lembo. While at the post, Respondent told PO Lembo that "Florentino said we couldn't have the car and he took it away." Respondent added, "That's not true because Gonzalez said we could have it." (Tr. 26-30, 37, 39-41)

PO Lembo explained that officers have the opportunity to ask to utilize a vehicle after roll call if they had not already been assigned one. Smart cars, due to their size and limitations, were not usually assigned to officers on patrol as they were not used for pursuits, but officers assigned to foot posts were allowed to utilize smart cars. Only one officer is assigned to a smart car at a time. In his experience, officers use smart cars as a shield for safety and as a heater to keep warm when it is cold outside. (Tr. 21-22, 33-34)

On cross-examination, PO Lembo testified that certain supervisors were more likely to permit officers to utilize a vehicle than others. He explained that Lieutenant Florentino was stricter in permitting officers to utilize vehicles while Sergeant Gonzalez was more lenient. PO Lembo further testified that it was his opinion that the reason why the smart car was not available that day was due to the fact that Lieutenant Florentino was "not really a nice person and basically it [came] down to him not liking [Respondent]." (Tr. 32-35, 45-46)

Sergeant Gonzalez testified that on January 15, 2017, while assigned as the PSA 5 third platoon Patrol Supervisor, Respondent approached him in the muster room after roll call and asked him if he could utilize a vehicle for his foot post. Sergeant Gonzalez told Respondent that

he could not give him a vehicle, suggesting that he ask the "Desk" if they had an extra vehicle for him to use that day. Respondent did not reply. Sergeant Gonzalez did not observe Respondent speak to any Member of the Service behind the Desk regarding the use of the smart car. Later that day, he learned that Respondent took the smart car without permission. When asked by Lieutenant Florentino about the smart car, he informed Lieutenant Florentino that he did not permit Respondent to take the vehicle. (Tr. 49-54)

Sergeant Gonzalez explained that there were approximately six foot posts on the third platoon tour and no more than two smart cars were assigned to PSA 5 at the time. He stated that smart cars were only assigned to foot post positions and not patrol due to their size and the lack of a back seat. Sergeant Gonzalez explained that there were occasions when he allowed officers to utilize smart cars and other vehicles for foot post, but not always. (Tr. 57-60)

Lieutenant Florentino testified that on January 15, 2017, while assigned as the PSA 5 third platoon Desk Officer, Respondent approached him to request permission to use a Department vehicle. He denied the request due to the need to regulate manpower and reevaluate the number of officers that were planning to work overtime from the day tour. He stated that vehicles were first assigned to officers working overtime from the day tour before the vehicles were distributed to officers assigned to the current tour. Lieutenant Florentino also reasoned that Respondent was not assigned a vehicle due to the close proximity of his foot post, which was approximately three to four blocks away from the precinct. (Tr. 124-28, 130, 147)

Upon checking the interrupted patrol log as part of his duties, Lieutenant Florentino noticed that Respondent, who was still at the stationhouse, had overstayed his meal break. He stated that he then observed Respondent walk toward the 124th Street exit of the stationhouse.

where the Department vehicles are parked.² Upon making eye contact with him, Respondent "did an about face" and, instead, exited the precinct on the 123rd Street side. Lieutenant Florentino surmised that Respondent walked through the alleyway located outside of the precinct that connects the 123rd Street side to the 124th Street side to reach the parking lot. As he went to confront Respondent, he overserved Respondent back on the 124th Street side driving a smart car out of the lot. He did not know how Respondent received the keys for the vehicle. (Tr. 134-39, 145, 148-53)

Lieutenant Florentino recalled that after Respondent drove out the precinct's parking lot operating the smart car, he had a conversation with Respondent on 124th Street regarding his utilization of the RMP. He did not recall how he arrived at the location where the conversation occurred. He claimed that he did not recall operating a Department SUV with lights and sirens to pull Respondent over. Nevertheless, Lieutenant Florentino did not think that it was a strange occurrence to use lights and sirens to gain the attention of another officer. He remembered, however, that Respondent informed him that Sergeant Gonzalez had given him permission to utilize the smart car. Lieutenant Florentino ordered Respondent to return the vehicle to the precinct. He later spoke with Sergeant Gonzalez, who told him that he did not give Respondent permission to utilize the RMP. (Tr. 139-44, 156, 158-60, 173-75, 179-81)

Respondent testified that on January 15, 2017, prior to leaving the stationhouse to proceed to his assigned fixed foot post, he asked Sergeant Gonzalez for permission to utilize a smart car since a smart car was usually assigned for that posting. According to Respondent, Sergeant Gonzalez replied, "Yes, you can take it." Respondent denied asking Lieutenant

² Respondent's foot post was located on 120th Street and Pleasant Avenue. A diagram drawn by Lieutenant Florentino depicting the precinct and the surrounding area where he and Respondent were located during the incident was admitted as Department Exhibit 5. (Tr. 127, 164-75)

Florentino for a vehicle. He proceeded to the Desk, retrieved the vehicle's keys, and drove to his post. (Tr. 193-96, 213-14)

Later, he returned to the stationhouse for his meal break. At the end of his meal break, he returned to the smart car and drove out of the parking lot. Respondent stated that he did not recall seeing Lieutenant Florentino at any point during this time. He explained "the car was in the back anyway" and "there was no reason for me to go [out] the front." Respondent proceeded to drive east on 124th Street toward 2nd Avenue when he observed Lieutenant Florentino driving an RMP with the lights and sirens on. Lieutenant Florentino stopped him on 2nd Avenue between 123rd Street and 124th Street, and said "10-2," instructing Respondent to return to the command. (Tr. 197-203)

When Respondent returned to the command, Lieutenant Florentino asked him why he had the vehicle. He replied that Sergeant Gonzalez assigned him the smart car. Respondent returned the keys to the smart car and proceeded to his post. He explained that when he later returned to the command for the end of his tour, the incident regarding the smart car was not discussed or mentioned by anyone at the command. (Tr. 203-04)

Findings

Specification 1 charges Respondent with utilizing a Department vehicle without permission or authority to do so.

Based on the credibility of the witness testimony in connection with the totality of the record evidence, I credit the testimony of Sergeant Gonzalez and find that a preponderance of the evidence has established that Sergeant Gonzalez did not permit Respondent to utilize the smart car. At trial, Sergeant Gonzalez's testimony was measured and he had no perceivable self-interest in fabricating his testimony that he did not authorize Respondent to utilize the smart car. His testimony was also supported by the testimony of Lieutenant Florentino, who stated that,

when he spoke to Sergeant Gonzalez after instructing Respondent to return to the precinct.

Sergeant Gonzalez confirmed that he did not give Respondent permission to utilize the RMP.

Accordingly, I find it more likely than not that Respondent utilized a Department vehicle without permission or authority to do so. I, therefore, find Respondent Guilty of Specification 1.

Specification 2 – Failure to Comply with Instructions

Respondent admits to forgetting to return a set of keys to a Department vehicle at the end of his shift, but has no memory of being previously instructed by a supervisor to return the keys.

Factual Record

Lieutenant Pilgrim testified that, a few weeks prior to March 1, 2018, as the assigned PSA 5 midnight platoon commander, she was informed by another supervisor from the preceding day tour that Respondent had not returned his RMP keys at the end of his shift. She explained that Respondent had worked the previous midnight shift and should have returned the RMP keys before the end of his tour at 0750 hours. Lieutenant Pilgrim stated that she was not informed that the RMP keys were missing until she arrived to the stationhouse for her next midnight tour. She spoke to Respondent and instructed him to return the RMP keys at the end of his shift. No further details concerning their conversation or the incident were provided. (Tr. 68-74)

PO Choudhry testified that on March 1, 2018, while working the third platoon tour, he experienced a delay in using an RMP because he could not find the keys to the vehicle. After calling Respondent's partner,³ he called Respondent, who immediately disclosed to him that the keys were in his PSA 5 locker, which was secured with a combination lock. Respondent provided PO Choudhry with the combination and the RMP keys were found inside the locker. He

³ The Department also presented the testimony of Respondent's partner that night, Police Officer Mondesir, who confirmed that he was contacted after his shift as well concerning the location of the keys and he suggested that they call Respondent. (Tr. 63-66)

stated that his patrol duties were delayed for approximately 45 minutes to one hour because he was unable to locate the keys to the smart car. (Tr. 78-81, 84-85)

Respondent testified that on March 1, 2018, he "just completely forgot" to return the keys to his assigned Department vehicle at the end of his shift. At some point after his tour ended, he received a call from another Member of Service asking for the keys. He immediately provided the officer with the combination to his locker. The officer located the keys in his duty pants in the locker. Respondent explained that "this [was] a very common situation that happened to every cop, a lot of cops, you know, because you're in a hurry going home, or have something else to do." He did not recall having a conversation with Lieutenant Pilgrim, a few weeks prior to March 1, 2018, regarding a previous incident wherein she had instructed him to return RMP keys at the end of his tour. (Tr. 205-06, 215-16)

Findings

The Department has not charged Respondent with failing to return a set of keys or interrupting patrol duties because he failed to return a set of keys. Rather, the Department has charged Respondent with failing to comply with a supervisor's instruction. Disobedience of an order or supervisor's instruction requires that the Department prove by a preponderance of the credible evidence that: (1) the instruction was communicated and that Respondent heard it, (2) the instruction was clear and unambiguous, and (3) Respondent disobeyed the instruction (*see Disciplinary Case No. 2016-16421* [October 23, 2017]). I find that the Department has failed to establish its burden of proof.

Lieutenant Pilgrim testified that, on one prior occasion, she had instructed Respondent about returning keys to his RMP at the end of his shift. No further testimony or documentation was introduced to corroborate that Respondent was formally instructed or that a prior incident had occurred. Respondent had no memory of a prior incident or Lieutenant Pilgrim's instruction.

The Department was unable to establish when this instruction was given other than to approximate it as "a few weeks prior to March 2018." Furthermore, no evidence was presented as to how even this vague approximation was reached. Lieutenant Pilgrim did not herself describe her instruction as possessing any degree of formality akin to an order, and there is no evidence that Respondent was put on notice that he was being issued an order or its equivalent. Accordingly, there is no evidence to corroborate that Respondent disobeyed a supervisor's instruction. Rather, it is more likely than not that Respondent "just completely forgot" to return the keys. While this may, nonetheless, constitute misconduct, it does not constitute the misconduct charged.

Accordingly, I find Respondent Not Guilty of Specification 2.

Specification 3 – Failure to Comply with an Order and Discourtesy

Respondent denied that he refused to obey an order or acted in a discourteous manner toward a supervisor.

Factual Record

Sergeant Reid testified that on December 10, 2018, at approximately 0030 hours, he was working at the PSA 5 Desk when he observed an interaction between Sergeant Watson and Respondent involving the issue of heat in Respondent's assigned vehicle. Sergeant Watson and Respondent were standing on opposite sides of the Desk, approximately three to five feet away from one another. He overheard Respondent state to Sergeant Watson that it was his job to find him an RMP. Respondent seemed "agitated or bothered by not having a car, not having the car that he wanted." Respondent's voice was elevated, but he was not yelling, and he never heard Respondent use profanity. Sergeant Watson was speaking in a normal tone of voice. Sergeant Reid stated that other people were standing by as the conversation took place. He testified that if a subordinate police officer spoke to him in the same manner that Respondent spoke to Sergeant

Watson that he would have perceived the officer's speech as discourteous or disrespectful. He left the area before their conversation ended and was unsure how the situation was resolved. (Tr. 89-96)

Sergeant Yousafzai testified that, while assigned as the PSA 5 Desk Officer, on December 10, 2018, he observed Sergeant Watson and Respondent in the vicinity of the Desk engage in a brief conversation that lasted a few minutes. Sergeant Yousafzai heard Respondent refer to an issue of the heat not working in his assigned vehicle. He described Respondent's voice as louder than a normal tone, but he was not yelling or screaming at Sergeant Watson. He stated that Sergeant Watson never raised his voice. Sergeant Yousafzai did not recall if Respondent used profanity or how the situation resolved. He stated that, if a police officer addressed him in the same manner that Respondent addressed Sergeant Watson, he would "interpret it as disrespectful to an extent." (Tr. 99-103, 105)

Sergeant Watson, who was on active military duty at the time of trial, was unavailable to testify. To establish the prior statements of Sergeant Watson, the Department introduced, on stipulation, a Command Discipline prepared by Sergeant Watson (Dept. Ex. 1). The Department further presented the testimony of the PSA 5 Assistant Integrity Control Officer Sergeant Bass, who had conducted an informal interview of Sergeant Watson concerning his December 10, 2018, interaction with Respondent. (Tr. 110)

According to Sergeant Bass, Sergeant Watson stated that Respondent refused to take his assigned vehicle because it was not equipped with heat. Sergeant Watson described Respondent as "very loud . . . and animated" in the presence of other officers and supervisors. Sergeant Watson recalled that he told Respondent to "check his voice or calm down." Sergeant Watson further relayed that the interaction ended when Respondent reluctantly agreed to use his assigned vehicle. Respondent later reported that the vehicle's heat was in working order. (Tr. 111-13)

The Command Discipline prepared by Sergeant Watson reads:

On Monday December 10, 2018 at approximately 0030 hours, PO Huggins was instructed to take an RMP on patrol by the undersigned (Patrol Supervisor). PO Huggins once informed of the vehicle began acting in an unprofessional and discourteous manner by raising his voice and demanding several times in front of other supervisors and officers that he be assigned a different vehicle. PO Huggins refused to take the assigned vehicle and was ordered directly by the undersigned to take the vehicle and control his approach towards supervisors in the NYCPD. PO Huggins ultimately took the vehicle for patrol.

(Dept. Ex. 1). (Tr. 113)

On stipulation, due to witness' unavailability, the Department submitted the audio (Dept. Ex. 3) and corresponding transcript (Dept. Ex. 4) of the official Department interview of Police Officer Prince Williams. PO Williams stated that on December 10, 2018, at approximately 0030 hours, he observed an argument transpire between Respondent and Sergeant Watson near the Desk. Respondent relayed to Sergeant Watson that the RMP he was assigned did not have heat and that he was not going to go out on patrol unless the RMP had heat. PO Williams stated that Respondent was "pretty loud, yelling" towards Sergeant Watson. Respondent, in his opinion, was disrespectful because he was "cursing and yelling." PO Williams stated that Sergeant Watson did not use profanity when conversing with Respondent. Sergeant Watson communicated to Respondent that he attempted to assign him another vehicle, but there were not any vehicles available to switch out with Respondent's assigned RMP until that night.

Respondent later called the command and reported that the RMP had heat. (Dept. Ex. 4, at 3-5)

Respondent testified that on December 10, 2018, at approximately 0030 hours, he was assigned a Department van during roll call. After he was provided the keys, he inspected the vehicle to ensure that it was ready to take to his post. It was "a very cold day," and Respondent realized that the vehicle did not have heat. He went to the Desk to report the vehicle's lack of heat to Sergeant Watson and requested another vehicle. (Tr. 207-09)

Respondent testified that Sergeant Watson "got upset immediately" and told him that "it's not my fault your vehicle doesn't have any heat." Respondent stated that Sergeant Watson's tone of voice indicated that he was upset, frustrated, and annoyed. Respondent stated that he did not raise his voice, use profanity, or use discourteous language toward Sergeant Watson. After his interaction with Sergeant Watson, Respondent left with the vehicle and went to post. He stated that he was never ordered to come back to the command during his tour, and that no one spoke to him about the incident before his official Department interview. (Tr. 209-12)

On cross-examination, Respondent testified that Sergeant Yousafzai and Sergeant Reid may have testified that he was loud and disrespectful due to a misinterpretation or misunderstanding of the situation. He stated that he was not sure why PO Williams testified that he was loud and disrespectful towards Sergeant Watson. Respondent also explained that he learned later that the heat was working in the vehicle. He was not aware that he had to sit on the passenger side of the vehicle and "kick it" so that the heat turned on. (Tr. 216-21)

Findings

Specification 3 charges Respondent both with failing to comply with an instruction as to his vehicle assignment and acting discourteously towards Sergeant Watson in front of other Members of the Service by raising his voice and repeatedly demanding that he be assigned a different vehicle. I find that Respondent was discourteous, but that he did not disobey an order; accordingly, I find Respondent Guilty of Specification 3, in part.

Even absent the hearsay statements attributed to Sergeant Watson and PO Williams, Respondent's discourteous behavior toward Sergeant Watson was established by the eyewitnesses who testified at trial. Both Sergeant Reid and Sergeant Yousafzai testified in a credible manner and neither were perceived to have a stake in the outcome of the instant disciplinary matter. Sergeant Reid testified that Respondent's behavior was "discourteous" and

"agitated," describing Respondent's voice as "elevated." Sergeant Yousafzai testified that he interpreted the interaction between Respondent and Sergeant Watson to be disrespectful and described Respondent's voice as louder than a normal tone. Respondent's testimony concerning the alleged discourteous interaction, on the other hand, was not corroborated in the record. Accordingly, the preponderance of the credible evidence established that Respondent acted in a discourteous manner toward Sergeant Watson.⁴

I do not find, however, that there is sufficient evidence of noncompliance with an order. None of the eyewitnesses testified to hearing Sergeant Watson delivering an order and Respondent failing to comply. Furthermore, Sergeant Watson never claimed that Respondent disobeyed an order in the Command Discipline that he prepared. Rather, Sergeant Watson noted that he ordered Respondent to take his assigned vehicle and Respondent ultimately complied with the order.

Accordingly, I find Respondent Guilty of Specification 3, in part.

PENALTY

In order to determine an appropriate penalty, the Tribunal, guided by the Department Disciplinary System Penalty Guidelines ("Disciplinary Guidelines") and Department precedent, considered all relevant facts and circumstances, including any aggravating and mitigating factors established in the record. Respondent's employment record was also examined (*see* 38 RCNY 15-07). Information from Respondent's personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

⁴ I do not credit Police Officer Williams' uncorroborated hearsay statement that Respondent was "cursing" at Sergeant Watson. None of the other witnesses, hearsay or otherwise, noted the use of such discourteous language and such language is not charged.

The Department, at trial, recommended a penalty of 20 vacation days. As to Specification 1, the Disciplinary Guidelines establish that the violation of the unauthorized use of a Department vehicle may be adjudicated by a Schedule "B" Command Discipline, which may include a penalty of the loss of up to ten (10) vacation days (*see* P.G. § 206-03). This penalty range is consistent with Department precedent (*see, e.g., Disciplinary Case No. 2014-11711* [May 1, 2015] [Twelve-year police officer with one prior adjudication negotiated a penalty of ten (10) vacation days for improperly displaying her Department parking plaque in her personal vehicle while parked in a No Standing Zone and operating a Department scooter without authorization. Respondent removed the scooter from the precinct and used it to go to her assigned foot post without permission.]).

As to Specification 3, while the Disciplinary Guidelines do not establish a presumptive penalty for an act of discourtesy toward a supervisor, Department precedent has established a penalty range of 10 to 20 vacation days for verbal acts of discourtesy (*see, e.g., Disciplinary Case No. 2013-10026* [February 17, 2016] [A 15-year police officer with no prior formal disciplinary record forfeited 20 vacation days for speaking "loud and verbally aggressive towards [a] lieutenant," including stating "Let me do my fucking job," and continuing to speak to the lieutenant in this manner even after the lieutenant ordered him to stop."]; *Disciplinary Case No. 2014-12605* [November 19, 2015] [An 11-year police officer with no prior formal disciplinary record forfeited ten (10) vacation days for being discourteous toward a supervisor in that she continued to argue loudly, curse, and use abusive language toward the sergeant, in an open area of the precinct.])).

Respondent's employment record reveals no prior formal disciplinary history and competent performance evaluations. Based on Respondent's employment record and the evidence presented to the Tribunal at trial, Respondent's actions evidence a lapse in judgment in

connection with the instant charges and specifications, rather than a repeated or chronic problem over the course of Respondent's career. I do not, therefore, find the presence of any aggravating factors warranting a penalty at the upper range of the applicable penalty ranges. Accordingly, in connection with Specification 1, I find that a forfeiture of five (5) vacation days is sufficient to address the charged misconduct. In connection with the discourtesy charge, however, I find the presence of one or more mitigating circumstances. The discourteous interaction between Respondent and Sergeant Watson was described as "brief" and did not involve the use of profanity, threatening language, or physical aggression. Accordingly, in connection with the discourtesy charged in Specification 3, I find that a forfeiture of ten (10) vacation days is sufficient to address the charged misconduct.

For the above reasons, I recommend a combined penalty of the loss of 15 vacation days.

Respectfully submitted,

Josh Kleiman
Josh Kleiman

Assistant Deputy Commissioner Trials

APPROVED

Dermot Shea
JUL 09 2021
DERMOT SHEA
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER JEFF HUGGINS
TAX REGISTRY NO. 947089
DISCIPLINARY CASE NO. 2018-18516

Respondent was appointed to the Department on July 8, 2008. On his three most recent annual performance evaluations, Respondent received a 3.0 overall rating of "Competent" for 2016, and twice received 3.5 overall ratings of "Highly Competent/Competent" for 2014 and 2015. He has been awarded one medal for Excellent Police Duty.

Respondent has no prior disciplinary history.

For your consideration.

Josh Kleiman
Josh Kleiman
Assistant Deputy Commissioner Trials