



POLICE DEPARTMENT

October 30, 2013

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Darrod Jemerson
Tax Registry No. 932823
20 Precinct
Disciplinary Case No. 2011-06110

The above-named member of the Department appeared before the Court on June 12, 2013, charged with the following:

1. Said Police Officer Darrod Jemerson, while assigned to the 45 Precinct, on or about and between May 21, 2010, and July 13, 2010, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer on several occasions prevented the processing and adjudication of several summonses issued to several individuals.

P.G. 203-10, Page 1, Paragraph 5 PROHIBITED CONDUCT
GENERAL REGULATIONS

The Department was represented by Vivian Joo, Esq., Department Advocate's Office.
Respondent was represented by Stuart London, Esq., Worth, Longworth & London LLP.

Respondent, through his counsel, entered a plea of Not Guilty to the subject charge. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent is found Guilty.

SUMMARY OF EVIDENCE PRESENTED

The Department's Case

The Department called Detective Leslie Santiago as a witness.

Detective Leslie Santiago

Santiago was assigned to the Internal Affairs Bureau (IAB). She was involved in a collaborative telephone wiretap investigation conducted by the Bronx District Attorney's Office and the Department that took place from January 1, 2010, to December 31, 2010. As part of the investigation, all subject officers first were asked to define basic terms. These were "courtesy," "taking care of a summons," and "taking care of in court." Santiago testified that requests made to and from union delegates were the primary means by which requests for summonses to be taken care of were made.

In 2010, summonses were processed by an officer depositing completed summonses in a box at the command, and retaining a copy for use in court. Summonses were collected from each precinct box and organized by type prior to being sent to the respective borough, where each summons was forwarded to the court.

Santiago explained the ways in which officers could interfere with the process in order to take care of summonses. The most common methods were failure to submit the summons, removing it from the box, or providing insufficient testimony in court.

Respondent was assigned to the 45 Precinct. The wiretaps in question were placed on the phone of Police Officer Eugene O'Reilly, a Patrolmen's Benevolent Association (PBA) delegate for the 45 Precinct currently under indictment. Santiago testified that, based on wiretapped conversations recorded on May 21, 2010, Respondent complied with a request from O'Reilly to take care of a criminal court summons. O'Reilly received the request from Police Officer Christopher Tenore, a 49 Precinct delegate. Tenore called on behalf of Police Officer Ann Echevarria of the 49 Precinct. Echevarria requested the disposal of the summons for her brother, Justin. Santiago alleged that Respondent complied with the request by failing to turn in the summons. It was not found within the system.

Although Santiago was not the lead investigator on Respondent's case, she performed his official Department interview on October 25, 2011 (see Department's Exhibit [DX] 3, transcript). Respondent answered a series of basic informational questions and was questioned about his involvement in summons-fixing within the past 18 months. Santiago asserted that Respondent claimed to not recall and would only say it was possible. That is, until investigators began playing the wiretaps for him.

Santiago recalled seeing a copy of the summons at some point, but could not recall the specific time, signature, or details written upon it. She indicated that the individual who received the C summons would have to sign it. If the defendant refused to sign, the issuing officer could check a box indicating such or state that somewhere on the summons. Santiago did not recall seeing a signature or a checked box in this case.

The May 21, 2010, Wiretaps

DX 1 was the recording of the wiretapped conversations. DX 1a was the transcript of a phone call from Tenore to O'Reilly, DX 1b was the transcript of a call from O'Reilly to Respondent, and DX 1c was the transcript of a call from Tenore to O'Reilly.

DX 1a, 1323 hours

In the first call, Tenore informed O'Reilly that "a black cop with dreadlocks" had written a summons to a female officer's brother. O'Reilly recognized the black officer as Respondent and thought that it might have been for something like truancy. The transcriptionist took down the female officer as pronounced by Tenore to be "Extraverie."

Tenore requested that O'Reilly "grab" the summons, although Respondent "may have taken care [o]f it" already. He thought so because, at the female officer's request, a lieutenant came to the summons scene and Respondent said that he would take care of it. O'Reilly assured Tenore that he would call Respondent and that Respondent was "a good guy." Tenore was concerned that Respondent might have "got[ten] scared."

DX 1b, 1326 hours

In the second call, O'Reilly called Respondent and asked about the "Extravery" matter. O'Reilly asked if anyone had spoken to him about it. Respondent realized that O'Reilly was referring to a "lieutenant" and protested that he already took care of the summons. Respondent explained that the defendant was the lieutenant's nephew and that he did not even give the summons to the defendant. After hearing that O'Reilly had received a call from a delegate, Respondent inquired as to why the lieutenant would "raise eye browse [sic]" by also calling

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about the summons. O'Reilly assured Respondent that it was the defendant's sister, an officer at the 49 Precinct, that had called about it, and that Respondent was not in trouble with the lieutenant.

DX 1c, 1347 hours

In the third call, O'Reilly informed Tenore that Respondent actually had not issued the summons, and that Respondent became agitated upon believing that the officers involved did not trust him. O'Reilly advised Tenore that he encouraged Respondent not to worry. Tenore replied that he called because he did not know Respondent, and did not know if Respondent would think he was being set up by the lieutenant. O'Reilly reiterated that Respondent had taken care of the summons.

* * *

Santiago also questioned Respondent with regard to a second incident which had been discovered on wiretapped conversations of Tuesday, July 13, 2010. Respondent issued a summons for reckless driving and O'Reilly again requested that he take care of it. The request was from Police Officer Jeffrey Cabanillas, a delegate at Police Service Area (PSA) 6. Respondent and O'Reilly discussed the summons. The motorist did not present a PBA card. O'Reilly assured Respondent that he still would receive credit for writing the summons. The two agreed that Respondent would hold onto the summons until that coming Thursday. This summons was not found in the system either.

Santiago indicated that after investigators confronted Respondent regarding the absence of the summons from the system, he agreed that the summons had been taken care of. She claimed that he was unsure if he actually handed in or held onto the summons.

The July 13, 2010, Wiretaps

DX 1 also contained the recordings of the July conversations. DX 2a was the transcript of a voicemail message that Cabanillas left for O'Reilly. DX 2b was the transcript of a phone call from O'Reilly to Cabanillas. DX 2c was the transcript of a call from O'Reilly to Respondent. DX 2d was the transcript of a voicemail from O'Reilly to Cabanillas.

DX 2a, 1234 hours

In the first voicemail, Cabanillas told O'Reilly that he was calling about "a piece of paper" that "was given today." He would give O'Reilly the details later.

DX 2b, 1258 hours

In the first phone call, Cabanillas informed O'Reilly that Respondent issued a summons for reckless driving to someone associated with an officer from PSA 6 earlier that day. Cabanillas discovered this by running Respondent's tax number. The two then commiserated over the arrival of the new scanners at their commands. Summonses now would be scanned in and the image retained, rather than a removable piece of paper being placed in a box. O'Reilly lamented that "it's gonna fuck everybody dude," making the delegates' jobs easier while at the same time making them "the most hated men around."

DX 2c, 1301 hours

In the next phone call, O'Reilly called Respondent and asked about a summons that Respondent had issued that morning near the Bronx courthouses. Respondent informed O'Reilly that he was assigned to a safety transport detail in that area. Respondent explained that the driver

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was not a police officer. In fact, the driver did not mention knowing anyone and did not present a PBA card. Respondent complained incredulously that “fucking friends of friends” were now calling to have tickets fixed. Respondent told O’Reilly, in any event, that he already had reported the summons to the sergeant in charge of the detail because she was collecting activity.

O’Reilly informed Respondent that “we’ll give you credit for it, but we won’t just send it down to the boro[ugh].” He instructed him to hold onto the summons until Thursday – two days later and he would pick it up. Respondent agreed.

O’Reilly then informed Respondent about the new scanners. Respondent was surprised. O’Reilly warned Respondent that if he had “even a vibe” that someone would later call him to fix a summons, “don’t write it cause we’re not going to be able to take care of it.” O’Reilly surmised that the scanners might “get broken” or simply go the way of other tried but now passed-over technology.

DX 2d, 1304 hours

In the final voicemail, O’Reilly let Cabanillas know that it was “all good.”

* * *

On cross examination, Santiago confirmed that if Respondent never turned in the Echevarria summons, there would be no way in which she would have been able to see a copy of it. Santiago agreed, however, that Respondent’s Exhibit (RX) A was a copy of the summons. It actually was for criminal trespass. Santiago conceded that Respondent must have issued the summons because RX A existed and thus lied to both the lieutenant and O’Reilly. The summons was labeled “Police/Agency Copy.”

Santiago agreed that the defendant did not sign RX A, which was common. Additionally, Santiago admitted that there was no box to check for a refusal to sign. Santiago was unsure of whether she had received a copy of the summons on the date of the interview or thereafter.

Santiago admitted that she did not request Respondent's Activity Log as part of the investigation and was unsure if any other investigator did. She did not know the name of the lieutenant that Respondent mentioned.

Santiago agreed that both the lieutenant and Police Officer Echevarria had an interest in pulling the summons from the box. While the summons was not found within the system, RX A could have been Respondent's copy. Santiago did not know how IAB obtained RX A.

Santiago indicated that she knew Respondent had written the summons because he admitted during the interview that he took care of it. His actual words, however, were, in response to Santiago's question, "According to this you, you took care of the summons. Is that safe to say the summons was taken care of?" "Oh, yeah, yes, it's safe to say the summons was taken care of."

In reference to the reckless driving summons, Santiago now testified that Respondent said in the interview that he put it in the box. He claimed not to recall the incident.

Santiago did not interview the detail sergeant and did not know if any other investigator did. Santiago was unaware if the supervisor reviewed the summonses written by Respondent but Respondent should have informed her about it. She did not know if it was an overtime assignment.

Santiago stated that Respondent said the only way he could get credit for the summons activity was by placing it in the box. She agreed that it was possible someone else removed the summons from the box. There was no evidence that Respondent did so.

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On re-direct examination, Santiago affirmed that Respondent never said in the interview that he lied to O'Reilly to appease him. In other cases, the issuing officer took care of the summons by holding onto his copy while the court copy never made it into the system. Three to four copies were produced for each summons.

On re-cross examination, Santiago agreed that Respondent did not produce RX A at his interview. Investigators could have obtained it from the precinct before it went to the borough and then to court.

Upon questioning by the Court, Santiago stated that she was unsure if investigators tried to determine which lieutenants might have been working at the time and place in question.

On continued re-cross examination, Santiago indicated that she was not familiar with safety transport overtime, nor the requirement of a supervisor to photocopy all summonses issued to document that overtime was being utilized properly.

Respondent's Case

Respondent testified on his own behalf.

Respondent

Respondent, a 10-year member of the Department, previously was assigned to the 47 and 45 Precincts. He currently was assigned to the 20 Precinct anticrime unit.

During a day tour on May 21, 2010, Respondent was assigned to the 45 Precinct school unit and wrote a summons for trespass. The owner or custodian of the building approached Respondent to inform him of the defendant's unauthorized presence. Respondent signed the summons but the defendant did not. This was not unusual.

A lieutenant showed up to speak with Respondent within 10 minutes of issuing the summons. He informed Respondent that the defendant was his nephew, who already had left the scene, and wanted Respondent to take care of the ticket. Respondent said that he would. At trial, Respondent claimed not to recall the lieutenant's name or what he looked like. He asserted that he noted the name on the reverse of his Activity Log page, which IAB seized prior to his official interview.

After speaking with the lieutenant, Respondent received a phone call from O'Reilly. O'Reilly wanted him to take care of the summons he issued to the brother of a Department member, although Respondent recalled that it was a sergeant. Respondent told O'Reilly that he would take care of the summons.

In reality, however, Respondent put the summons in the box. He lied because he did not like confrontations and the "easy route" was to say yes. He admitted not saying this in his official interview, and claimed, "I just told them I didn't remember."

For the second summons, Respondent testified that he had been doing safety transport overtime. The detail involved going to accident prone locations and waiting for traffic infractions to occur. On the night in question, Respondent received a request from O'Reilly to take care of a summons he had written for reckless driving. Respondent informed him that he already had notified his sergeant, who was checking in on Respondent's progress by cell phone every hour or so. O'Reilly assured Respondent that he would receive credit for writing the summons by putting it in the box. The implication was that O'Reilly would remove it later.

Respondent stated that the practice was for the sergeant to take all the summonses, make copies, and then issue a report filed with the borough. At end of tour, Respondent placed his

summonses in the box. Respondent testified that he did not remove the summons from the box and was unaware if anyone else had.

On cross examination, Respondent testified that he had been assigned to the 45 Precinct for six-and a half years. O'Reilly graduated from the Police Academy with Respondent. When asked if he had a good relationship with O'Reilly, Respondent answered, "I guess you can say that," and asserted that he neither liked nor disliked O'Reilly. He then claimed that he tried to avoid O'Reilly.

Respondent contended that it was his practice not to ask the defendant to sign the summons. He denied that it was proper practice to have the defendant do so and insisted, "It doesn't need to be done," claiming that he knew of no officers that did so. (Patrol Guide § 209-09 [10] & Note directs the issuing officer to obtain the violator's signature, but notes that this is at the officer's option. If the officer feels that requesting the signature would lead to confrontation, he can skip it without disciplinary action).

Respondent asserted that prior to his official interview, his Activity Log was taken as evidence by a male Hispanic sergeant at the front desk of the 45 Precinct. Respondent was asked about the identity of the lieutenant during the interview and described him as a white male. At no point did Respondent say that the lieutenant's name was in his Activity Log, previously taken by IAB. He claimed that it was not his place to do so.

Respondent admitted that he did not say in his interview that he lied to O'Reilly about taking care of the summons. He acknowledged that he was asked if he had any additional information to add following his interview. He testified, however, that he had faced "a bombardment of questions" and did not recall the matter, adding, "I couldn't remember what I had on yesterday or ate yesterday."

The sergeant on the safety transport detail was assigned to the 45 Precinct. Respondent admitted that he failed to mention she made a copy of the summons during his interview.

On re-direct examination, Respondent testified that he liked to avoid O'Reilly because he sometimes could be very annoying.

Upon questioning by the Court, Respondent indicated that his hair was in dreadlocks at one point.

Respondent's supervisor was not present at the time he issued the trespass summons. The birth date of the defendant was August 24, 1993. Respondent was not sure why the high-school-aged individual was not brought in for truancy. Respondent affirmed that the procedure typically was to bring truant students to a location where their parents could pick them up. He explained, however, that the practice was to not "double dip" and write one individual two summonses. Respondent had no explanation as to why he wrote the individual a summons for trespass when he could have brought him in for truancy.

Respondent left the scene after issuing the summons. Approximately two blocks from the scene, the lieutenant found Respondent in his marked patrol vehicle and spoke to him. Respondent did not remember if the lieutenant was in a marked vehicle but he was in uniform. Respondent did not recall whether he also wrote the lieutenant's command in his Activity Log.

FINDINGS AND ANALYSIS

Introduction

Respondent is charged with preventing the processing and adjudication of two summonses, one issued on May 21, 2010, and the other on July 13, 2010, when he was assigned to the 45 Precinct. In both cases, Police Officer Eugene O'Reilly, Respondent's union delegate,

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contacted Respondent to have him "take care of" the tickets, that is, ensure that they would not have to be adjudicated, either by not filing them into the court system process or by not testifying about them in court. O'Reilly's requests came after he was contacted by other delegates, themselves relaying messages from people connected to the Department. All of these conversations were recorded on a wiretap in the criminal ticket-fixing case, for which O'Reilly and others now stand indicted.

For both of the summonses at issue here, Respondent was recorded saying he either would take care of the summonses or already had done so. And true enough, on both cases, IAB investigators looked and found that the summonses never were placed in the system. Respondent testified at trial, however, that he deceived O'Reilly during their wiretapped conversations. He actually did put both summonses in the box at his command for that purpose. He did not know why they did not make it into the system.

The May 21, 2010, Summons

The first summons was issued for criminal trespass by Respondent on May 21, 2010, to Justin Echevarria, the brother of Police Officer Ann Echevarria. Justin was a teenager, apparently hanging out in a building instead of being at school. Respondent issued the summons rather than take Justin in for truancy. The police officer nevertheless contacted her delegate, who contacted O'Reilly. O'Reilly contacted Respondent to see if it could be taken care of, a conversation that was wiretapped. In that wiretapped conversation, Respondent said that he never turned in the summons. Respondent explained that a lieutenant approached him right after he wrote the ticket to get him to dispose of it.

At trial, Respondent claimed that he lied to O'Reilly, and the lieutenant, in order to avoid a confrontation. He asserted that he turned the summons into the box but had no information about what could have occurred after that. The IAB investigator said that the summons never made it into the court system. A copy of the summons, labeled "Police/Agency Copy," was produced as evidence, however.

One major problem with Respondent's account is that although he claimed at trial that he lied and duly placed the summons in the box, he never made this assertion at his official Department interview. On the contrary, he was asked at the end of the interview if he had anything more to add and he said that he did not. One would expect him to make this very important defense, as he was being investigated for ticket-fixing.

Moreover, when the investigator asked, "According to this you, you took care of the summons. Is that safe to say the summons was taken care of?" Respondent confirmed, "Oh, yeah, yes, it's safe to say the summons was taken care of." Respondent suggested during the trial that this was not an admission because the investigator's use of passive language allowed for the possibility that someone else took care of the ticket. That language choice does not change the fact that Respondent never mentioned before trial that he actually put the summons in the box. It also does not explain how Respondent would have known that the ticket was fixed if someone else did it.

Respondent argued, on summation, that because he was being asked at his official interview to recall events and conversations from nearly 17 months prior, it is understandable that his memory might be hazy. The wiretaps were played at the interview, however. So it is less understandable, and therefore less believable, that, having had his recollection refreshed by the wiretaps, he would not be able to recall at his interview that he had lied to his union delegate

about a matter that was important enough to the delegate that he reached out to Respondent about it.

Moreover, by telling O'Reilly that he took care of the summons, Respondent knew that O'Reilly would be assuring the recipient, through channels, that he had no need to fear that it would be adjudicated. Respondent's claim that he lied to O'Reilly implicitly asserts that he was not concerned about what O'Reilly's reaction would be if O'Reilly suffered the embarrassment of receiving a complaint that, contrary to his assurances, the summons went to court. It is unlikely that Respondent would have double-crossed his union delegate by not even attempting to prevent the processing or adjudication of the summons. Cf. Case No. 2011-05722, p. 11 (Sept. 25, 2013). Although Respondent tried to downplay his relationship with O'Reilly at trial and claimed he tried to avoid this "very annoying" fellow, O'Reilly had his cell phone number and they spoke as though they knew each other very well.

Respondent argued that the absence of the summons from the system did not necessarily mean that he failed to place it in the box because someone else could have removed it, like O'Reilly, Police Officer Echevarria or the lieutenant. All of these individuals were told, however, that Respondent took care of it already. Therefore they would have no reason, or even inkling, to go searching through the box. In another recorded conversation, O'Reilly told Echevarria's delegate that Respondent was a "good guy" and could be trusted to do what he promised.

Respondent also argued that the presence of a copy of the summons, RX A, meant that Respondent put it in the box and it was later obtained by investigators. That copy, however, was labeled "Police/Agency Copy." That is the copy that, as directed by Patrol Guide § 209-09 (20)(b), is returned to the desk officer when the book of summonses is finished and the

“Certification of Summonses Served” form (PD160-145) is filled out. The IAB investigator did not know how RX A was obtained, as she inherited the investigation from others. Respondent’s counsel suggested that investigators obtained the summons “by going into the system, or going into the box, or going into the precinct, and somehow they obtained the summons in this case that way.” The Court does not disagree. That probably is exactly how they did it. But if so, that does not prove Respondent placed the summons in the box. According to the Patrol Guide procedure, and not speculation or inference, RX A was generated from a different copy than the one to be put in the box.

This is consistent with a statement by the Advocate to explain to the Court how RX A came into IAB’s possession. There was a chart worksheet for each IAB case containing information about different summonses. One of the columns listed the “status” of the summons, like “it’s paid for, it’s in court, they are waiting for the audio [from the traffic court hearing] to see if the issuing officer threw the testimony or not.” For this summons, the chart said “book of summons” – i.e., the copy of the summons was found with Respondent’s finished book of summonses and the summary certificate. It was not found in the box or the court system.

There is also the matter of Respondent’s credibility. When asked at the outset of his official interview whether anyone had approached him to take care of summonses in the past 18 months, he said, “Not that I believe so. . . . I don’t believe that happened. . . . I never say never.” It was only once investigators began playing the wiretaps that Respondent ostensibly remembered. The investigators were not asking Respondent to recall at once every single summons he ever was approached on. Even if it only happened once, however, those facts are not something that one would forget, considering it was a serious violation of the law. Cf. Case Nos. 85591, 85593/09 & 86379/10, p. 31 (Aug. 9, 2010) (discrediting officer’s “Not that I recall”

answer to question of whether he falsely told absence control investigator that he was at doctor's office and gave a phone number).

When all the facts are laid out in context, the picture becomes clear. Respondent never put the summons in the box, just as he assured O'Reilly. He wrote the summons but whether he gave a copy to the defendant, as he claimed to O'Reilly he did not, is irrelevant. Respondent did hand in the summons to the desk officer with the "Certificate of Summonses Served" when he finished his summons book but never placed the proper copy in the box. Therefore, Respondent prevented the processing and adjudication of the May 21, 2010, summons.

The July 13, 2010, Summons

The second summons at bar was issued by Respondent on July 13, 2010, for reckless driving. Respondent was assigned to a safety transport detail near the Bronx courthouses. The motorist contacted someone in the Department. That person contacted his delegate, who contacted O'Reilly, who contacted Respondent. On the wiretap, Respondent said that his sergeant from the detail already knew about the summons because she was collecting activity. O'Reilly told Respondent to hold onto the summons for a couple of days and O'Reilly would pick it up from him. That way, he still would get credit for issuing the summons. Respondent agreed to O'Reilly's plan.

At trial, however, Respondent denied holding onto the summons. He asserted that he duly placed it in the box. The summons was not found in the box by investigators, however. Respondent argued that O'Reilly must have removed it afterward.

Respondent's claim faces the same difficulty as did his claim about the first summons. He "forgot" about these facts at the outset of his interview and only "remembered" when the

wiretaps were played. If O'Reilly found the summons in the box, he would have known that Respondent lied to him again. As noted supra, it is not believable that Respondent would have lied to his delegate in this situation. Additionally, O'Reilly would have had no reason to go into the box, unless he believed Respondent was lying. On the contrary, he believed Respondent was a "good guy," i.e., one who was willing to go along with the program. In fact, O'Reilly's entire interaction with Respondent, over the course of both summons discussions, shows that he believed Respondent was a "good guy."

Respondent also argued that he could not have prevented the processing and adjudication of this summons because the sergeant already knew about it and made a photocopy to document what activity was occurring during this overtime assignment. In fact, the two things have nothing to do with each other. The sergeant's photocopying of a summons and recording the summons number in her supervisory paperwork would not prevent Respondent from failing to place his copy in the box. Respondent did not object on the wiretap when O'Reilly said that he would get credit for the summons even though he would not be putting it in the box.

As such, Respondent prevented the processing and adjudication of the July 13, 2010, summons as well. Because Respondent, "on or about and between May 21, 2010, and July 13, 2010, . . . on several occasions prevented the processing and adjudication of several summonses issued to several individuals," he is found Guilty as charged.

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

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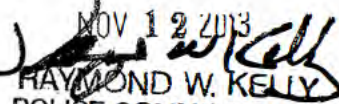
the Department on July 1, 2003. Information from his personnel folder that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has been found Guilty of preventing the processing and adjudication of two summonses that he issued to two separate individuals on two separate instances. He did so by refraining from placing the completed summonses in the box at his command, as would have been the proper procedure. This was at the behest of his union delegate, who was relaying, through inter-delegate channels, the requests of persons connected to the Department.

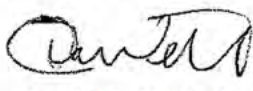
The standard penalty in these cases is appropriate here as well. See, e.g., Case No. 2011-5890 (Feb. 2, 2013) (eight-year police officer with no prior disciplinary history negotiated penalty of one year of dismissal probation, 5 suspension days, and 25 vacation days, for, while on-duty, preventing processing and adjudication of two summonses to two individuals).

Therefore, the Court recommends 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 § 14-115 (d) of the Administrative Code, during which time he is to remain on the force at the Police Commissioner's discretion and may be terminated at any time without further proceedings. The Court further recommends that Respondent be suspended for 5 days and that he forfeit 25 vacation days.

APPROVED

NOV 12 2013

RAYMOND W. KELLY
POLICE COMMISSIONER

Respectfully submitted,


David S. Weisel
Assistant Deputy Commissioner Trials

POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER DARROD JEMERSON
TAX REGISTRY NO. 932823
DISCIPLINARY CASE NO. 2011-06110

In 2012, Respondent received an overall rating of 3.0 "Competent" on his annual performance evaluation. He was rated 4.0 "Highly Competent" in 2010 and 3.5 "Highly Competent/Competent" in 2011. He has been awarded three medals for Excellent Police Duty and two for Meritorious Police Duty. [REDACTED]. He has no prior formal disciplinary record.

For your consideration.



David S. Weisel
Assistant Deputy Commissioner Trials