



OFFICE OF THE POLICE COMMISSIONER  
ONE POLICE PLAZA • ROOM 1400

March 4, 2015

Memorandum for: Deputy Commissioner Trials

Re: **Police Officer Robin Armond**  
Tax Registry No. 905713  
28 Precinct  
Disciplinary Case Nos. 2010-3196 and 2012-8544

The above named member of the service appeared before Assistant Deputy Commissioner Robert W. Vinal on March 21, May 19, and July 17, 2014 and was charged with the following:

**DISCIPLINARY CASE NO. 2010-3196**

1. Said Police Officer Robin Armond, assigned to the 28 Precinct, while off duty, on or about January 3, 2010, did engage in conduct prejudicial to the good order, efficiency, and discipline of the Department, in that said Police Officer Armond did become involved in a verbal altercation with Person A, which then became physical, to wit: Said Police Officer Armond pushed Person A, pulled her hair, and bit Person A's hand.  
**PG 203-10, Page 1, Paragraph 5** **PROHIBITED CONDUCT**

2. Said Police Officer Robin Armond, assigned to the 28 Precinct, on or about January 3, 2010, did engage in conduct prejudicial to the good order, efficiency, and discipline of the Department, to wit: Said Police Officer Armond did not indicate in a Domestic Incident Report prepared on January 3, 2010, any information regarding the physical actions described in Specification No. 1.  
**PG 203-10, Page 1, Paragraph 5** **PROHIBITED CONDUCT**

**DISCIPLINARY CASE NO. 2012-8544**

1. Said Police Officer Robin Armond, assigned to the 28 Precinct, while on duty, on or about 1800 hours on September 10, 2011, was off post without permission or authority.  
(As amended)  
**Interim Order 7, Revision to PG 206-03** **VIOLATIONS SUBJECT TO  
COMMAND DISCIPLINE**

2. Said Police Officer Robin Armond, assigned to the 28 Precinct, while on duty, on or about September 10, 2011, failed to make proper Activity Log entries regarding the time period specified in Specification No. 1. (As amended)  
**PG 212-08, Page 1, Paragraph 1(c)(3)** **ACTIVITY LOGS**

3. Said Police Officer Robin Armond, assigned to the 28 Precinct, while on duty, on or about 1445 hours on September 27, 2011, was discourteous to a supervisor, to wit: Said Police Officer stated "let the games begin" and walked away from New York City Police Sergeant Moises Rosario when said Sergeant was directing her to process an arrest. (*As amended*)

**PG 203-09, Page 1, Paragraph 2**

**GENERAL REGULATIONS**

4. Said Police Officer Robin Armond, assigned to the 28 Precinct, while on duty, on or about November 23, 2011, failed to properly inspect her assigned RMP, in that contraband was recovered from said vehicle immediately following said Police Officer having possession of the vehicle. (*As amended*)

**PG 219-01, Page 1, Paragraph 1(j)**

**INSPECTION OF DEPARTMENT  
VEHICLES**

5. Said Police Officer Robin Armond, assigned to the 28 Precinct, while on duty, on or about November 25, 2011, wrongfully engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, in that after having been previously directed not to, said Police Officer improperly wore her rain cap cover indoors, during roll call. (*As amended*)

**PG 203-10, Page 1, Paragraph 5**

**PROHIBITED CONDUCT**

6. Said Police Officer Robin Armond, assigned to the 28 Precinct, while on duty, on or about 1705 hours on June 14, 2012, was discourteous to a supervisor, to wit: Said Police Officer waived [sic] her hand and walked away and stated, "that is not my job" to New York City Police Lieutenant Braulio Rodriguez as said Lieutenant was instructing her on her duties and responsibilities as a Telephone Switchboard Operator. (*As amended*)

**PG 203-10, Page 1, Paragraph 2**

**GENERAL REGULATIONS**

In a Memorandum dated December 31, 2014, Assistant Deputy Commissioner Robert W. Vinal found Police Officer Robin Armond Not Guilty of Specification Nos. 1 and 2 in Disciplinary Case No. 2010-3196, and Guilty of Specification Nos. 1, 2, 3, 4, 5 and 6 in Disciplinary Case No. 2012-8544. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

I have considered the totality of the circumstances and issues in the various acts of misconduct for which Police Officer Armond has been found Guilty and deem that a period of monitoring is warranted. Therefore, Police Officer Armond's disciplinary penalty shall be the forfeiture of twenty-five (25) vacation days and the imposition of one (1) year dismissal probation.

  
William J. Bratton  
Police Commissioner





POLICE DEPARTMENT

December 31, 2014

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Robin Armond  
Tax Registry No. 905713  
28 Precinct  
Disciplinary Case Nos. 2010-3196 & 2012-8544

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The above-named member of the Department appeared before me on March 21, May 19, and July 17, 2014, charged with the following:

Disciplinary Case No. 2010-3196

1. Said Police Officer Robin Armond, assigned to the 28 Precinct, while off duty, on or about January 3, 2010, did engage in conduct prejudicial to the good order, efficiency, and discipline of the Department, in that said Police Officer Armond did become involved in a verbal altercation with Person A which then became physical, to wit: Said Police Officer Armond pushed Person A, pulled her hair, and bit Person A's hand. *(As amended)*

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

2. Said Police Officer Robin Armond, assigned to the 28 Precinct, on or about January 3, 2010, did engage in conduct prejudicial to the good order, efficiency, and discipline of the Department, to wit: Said Police Officer Armond did not indicate in a Domestic Incident Report prepared on January 3, 2010, any information regarding the physical actions described in Specification No. 1.

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

Disciplinary Case No. 2012-8544

1. Said Police Officer Robin Armond, assigned to the 28 Precinct, while on duty, on or about 1800 hours on September 10, 2011, was off post without permission or authority. *(As amended)*

Interim Order 7, Revision to P.G. 206-03 – VIOLATIONS SUBJECT TO COMMAND DISCIPLINE

2. Said Police Officer Robin Armond, assigned to the 28 Precinct, while on duty, on or about September 10, 2011, failed to make proper Activity Log entries regarding the time period specified in Specification No. 1. (*As amended*)

P.G. 212-08, Page 1, Paragraph 1(c)(3) – ACTIVITY LOGS

3. Said Police Officer Robin Armond, assigned to the 28 Precinct, while on duty, on or about 1445 hours on September 27, 2011, was discourteous to a supervisor, to wit: Said Police Officer stated “let the games begin” and walked away from New York City Police Sergeant Moises Rosario when said Sergeant was directing her to process an arrest. (*As amended*)

P.G. 203-09, Page 1, Paragraph 2 – GENERAL REGULATIONS

4. Said Police Officer Robin Armond, assigned to the 28 Precinct, while on duty, on or about November 23, 2011, failed to properly inspect her assigned RMP, in that contraband was recovered from said vehicle immediately following said Police Officer having possession of the vehicle. (*As amended*)

P.G. 219-01, Page 1, Paragraph 1(j) – INSPECTION OF DEPARTMENT VEHICLES

5. Said Police Officer Robin Armond, assigned to the 28 Precinct, while on duty, on or about November 25, 2011, wrongfully engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, in that after having been previously directed not to, said Police Officer improperly wore her rain cap cover indoors, during roll call. (*As amended*)

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

6. Said Police Officer, Robin Armond, assigned to the 28 Precinct, while on duty, on or about 1705 hours on June 14, 2012, was discourteous to a supervisor, to wit: Said Police Officer waived [sic] her hand and walked away and stated, “that is not my job” to New York City Police Lieutenant Braulio Rodriguez as said Lieutenant was instructing her on her duties and responsibilities as a Telephone Switchboard Operator. (*As amended*)

P.G. 203-09, Page 1, Paragraph 2 – GENERAL REGULATIONS

The Department was represented by Jamie Moran, Esq., Department Advocate’s Office, and Respondent was represented by John Tynan, Esq.

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

DECISION

Disciplinary Case No. 2010-3196

Respondent is found Not Guilty.

Disciplinary Case No. 2012-8544

Respondent is found Guilty as charged.

SUMMARY OF EVIDENCE PRESENTED

The testimony and other evidence presented at this trial regarding these two unrelated disciplinary cases will be summarized separately under the respective case number for each set of charges.

Disciplinary Case No. 2010-3196

Introduction

It is not disputed that Respondent is the grandmother of Minor B since Respondent is the mother [REDACTED]. During January 2010, Minor B, who was two-years-old, was living [REDACTED] with [REDACTED] Person A. On the night of January 3, 2010, Minor B was staying at Respondent's residence. At about 10 p.m., Person A appeared at Respondent's residence and told Respondent that she was there to pick up Minor B. Person A refused to tell Respondent where she was going to take Minor B and Person A refused to comply with Respondent's request that she leave. Both Person A and Respondent called 911. On-duty uniformed members of the service (UMOS) responded to Respondent's residence. Person A and Respondent were transported to the 73 Precinct where a Domestic Incident Report (DIR) was prepared.



The Department's Case

The Department called Person A and Sergeant Wendie Gomez as witnesses.

Person A

Person A testified that when she arrived at Respondent's residence to pick up Minor B she was wearing pajamas. Person A asked Respondent for Minor B's clothes. Respondent would not give her the clothes and told her that she was keeping Minor B. When Person A took Minor B into her arms, Respondent started pulling on her. Person A told Respondent to let her go. Respondent stopped pulling and Person A put Minor B down. Person A asked, "You trying to fight me with [REDACTED] in my arm?" Respondent took off her earrings and pushed Person A, causing her to fall backward onto a chair. Person A stood up and pushed back at Respondent. The altercation, according to Person A, "went from a push to pulling hair." Person A admitted that she choked Respondent and she asserted that Respondent had bitten her left hand. During the course of the altercation, Person A called 911. It took 20 or 25 minutes for the police to arrive. During that period, Respondent told Person A to wipe her face, and helped Person A clean the bite mark. Respondent told Person A not to tell the police anything if she did not want to be arrested. Person A confirmed that she had been arrested before but she asserted that she did not know if she had ever been convicted. Person A did not tell the responding officers about Respondent pulling her hair or biting her. Nor did she tell the officers that Respondent was "unlawfully" holding Minor B. She did not ask for medical assistance, but went to a doctor on her own at a later date. She did not turn the medical records over to the Department. Person A asserted that she did not drink alcohol or use drugs before she went to Respondent's house that day. She was not taking

any medication for mental instability. Minor B stayed overnight at Respondent's residence the week before the incident. Minor B currently lives with Respondent. Person A confirmed that in March 2014, she had to be escorted out of her mother's house by the police because she refused to leave on her own, but she was not arrested.

Sergeant Wendie Gomez

Through investigator Gomez, the Department entered in evidence as Department's Exhibit (DX) 1 the DIR that was prepared on the day of the incident. On the report, Respondent is named as the victim, and the incident is described as a "verbal dispute" over Minor B going out in the cold. Respondent's statement on the DIR reads, "I didn't want the baby to leave my home because we are both sick. The baby didn't need to go outside in this weather."

As part of her investigation, Gomez, never interviewed Person A in person but spoke to her on the telephone on June 28, 2010. Person A told Gomez that Respondent instructed her not to tell responding officers about what happened, but Gomez could not corroborate that allegation. Person A never told Gomez anything about receiving medical treatment.

Gomez also learned in her investigation that Respondent called 911 before Person A did. Respondent told the operator that she had someone in her apartment who would not leave. Fifteen minutes later, Person A called and told the operator that Respondent bit her. DX 2 and 2A are the compact disc recording and transcripts of the 911 calls.

Respondent's Case

Respondent testified in her own behalf.



Respondent

Respondent testified that [REDACTED] shared custody of Minor B with Person A and [REDACTED] would leave Minor B with Respondent for weeks at a time. When Person A came to pick up Minor B on the night of January 3, Respondent asked her where she was going to take the child. Person A, who had nowhere to live and had not brought weather-appropriate clothing for Minor B did not answer Respondent's question. Respondent told Person A that she was not going to let Minor B go out at that time of night and asked Person A to leave the house. Person A refused to leave and became belligerent which upset Minor B. Respondent had to repeat several times for Person A to leave. Person A, who was yelling, at one point started coming toward Respondent "like [in] a pushing type of way." Respondent, who had Minor B in her arms, bladed her body and raised her arm up to deflect Person A. Respondent then put Minor B down on the floor. When Person A came at her again, Respondent pushed her away because Minor B was clinging to Respondent's leg. Respondent never punched or hit Person A.

At the 73 Precinct the responding officers prepared a DIR. Respondent told the officers and a supervisor what had occurred. She explained, though, why she did not mention anything about the physical nature of the altercation in the DIR: "The main thing was, [Person A] was in the house and I was asking her to leave. I didn't have to... really restrain her or cuff her up or anything like that." No one told her to change what she wrote. Minor B spent the night at Respondent's house.

Respondent conceded that at the time of the altercation Person A had legal parental rights to Minor B. Respondent was granted temporary custody of Minor B in May 2013 because Person A had been kicked out of a shelter and the Administration for Children's Services was going to



assume custody. Person A can only have supervised visits with Minor B because a Family Court Judge has found her unfit for unsupervised visitation.

Disciplinary Case No. 2012-8544

This disciplinary case involves five separate incidents. The testimony and other evidence presented at this trial regarding these incidents will be summarized under the applicable Specification Number(s).

Specification Nos. 1 and 2

The Department called Sergeant Moises Rosario and Lieutenant Paul Scott as witnesses. Respondent called Police Officers Darrin Scruggs and Ivan Vazquez as witnesses and testified in her own behalf.

Sergeant Moises Rosario

On September 10, 2011, Rosario was the desk officer in the 28 Precinct, and Respondent was assigned to station house security. Respondent was responsible for guarding the perimeter of the building and questioning anyone who entered. Because it was so close to the 9/11 anniversary, it was an important post that required face-to-face relief, as it needed to be manned at all times. At around 5:00 p.m., Rosario went outside to inspect Respondent on post, but he could not find her. He walked around the block twice to look for her, waited a few minutes, and again checked the front and rear of the building and the parking lot. He asked officers in the area if they had seen her, but nobody did. He checked the gym, the upstairs of the building, and had someone look in the women's locker room. Rosario spent over an hour and 15 minutes

unsuccessfully attempting to locate Respondent. It was after 6:00 p.m. that he finally saw Respondent as she entered the building through the side door. She was carrying a shopping bag full of food. Rosario approached Respondent and asked her where she had been. She replied that she was on post at the back of the building the entire time. When he asked her about the bag of food, Respondent told him that an Officer Darrin Scruggs dropped the food off for her at her post. Rosario never looked for Scruggs to ask if this was true.

Lieutenant Paul Scott

While a sergeant in the 28 Precinct, he was assigned as patrol supervisor on the day of the incident. He informed Respondent at roll call that at 7:00 p.m. she would be post changed from station house security to sergeant's driver. Immediately after roll call he documented this post change on the roll call paperwork [DX 4]. During the course of the tour, Scott learned from Rosario that Respondent was nowhere to be found. Scott returned to the station house. At some point between 7:00 and 7:30 p.m., he observed Respondent enter through the front door with a bag of food in her hands. Rosario proceeded to question her as to her whereabouts. Scott did not recall how Respondent responded. Rosario and Respondent were arguing a bit, and Scott advised Rosario to stop arguing out in the public area of the command, to put Respondent back on her security post, and to issue her a Command Discipline (CD) for having been off post.

Scott had not given Respondent permission to be off post, and he did not think he spoke with her at any point between roll call and the time he saw her enter the station house with the bag. He did not recall Respondent calling him at around 6:00 p.m. He conceded it was possible that Respondent called him at the precinct desk, but she did not have his cell phone number.



According to the roll call, Respondent had a 7:00 p.m. meal. Scott denied that he was retaliating against Respondent by post changing her to be his driver at the exact time of her meal. He explained that he is a professional and had no reason to retaliate against her. He did, however, have previous problems with Respondent being off post. On those occasions he warned and admonished her, and he thinks he put her in the minor violations log. Other supervisors also complained about Respondent being off post. Scott once gave her a CD for being discourteous at the TS. It is common for officers to take meal at times that are different from the times indicated on the roll call.

Police Officer Darrin Scruggs

At approximately 6:00 p.m., Respondent and Scruggs left the command together to get food. After leaving, Respondent called Scott on her cell phone to get permission to leave post. Scruggs was present during Respondent's conversation with Scott. Respondent held the phone up to her ear. Respondent and Scruggs got their food at a restaurant a block from the station house.

Police Officer Ivan Vazquez

Vazquez worked station house security that day with Respondent. He saw Respondent on her security post when their assignment started at about 3:00 p.m. He walked around the perimeter of the building and saw her regularly on post over the course of the next two or three hours. At 5:00 or 6:00 p.m., however, Respondent disappeared. Rosario at one point asked Vazquez if he knew where she went, but Vazquez did not know. He did not recall seeing Respondent speak with Scott or Rosario before post change. Vazquez explained that had he

needed to take a personal break that day, he would have gone inside the command and asked permission from the desk officer.

### Respondent

Respondent was notified at roll call that she would be doing station house security until 6:00 p.m., at which time she would become Scott's driver. She was informed at roll call that station house security was an important post due to the 9/11 anniversary, though she was not told beforehand that it was a post that required fact-to-face relief. She proceeded to go to post, standing outside the station house until 6:00 or 6:10 p.m. At that point, she called Scott on his cell phone. Scott had given her his number about two months earlier so that they could stay in contact while at work. She asked Scott if he was on his way back to the command, and he replied that he was. Respondent went inside. There was no sergeant at the desk. She went upstairs to get the gear that she would need to go on patrol with Scott. She then went outside to look for Scott's car. Scott had still not arrived, so she walked up the block with Scruggs to get food. It was not her assigned meal break, and she did not tell a supervisor that she was leaving. When she returned to the command she encountered Rosario. Rosario accused her of being off post. She informed Rosario that she was not off post, but rather she was post changed at 6:00 p.m. and was waiting for Scott to pick her up. Rosario replied that her post change was at 7:00 p.m., not 6:00. Respondent told him that she had already spoken with Scott about it. Rosario called Scott and then accused Respondent of lying about having previously spoken with Scott. Respondent took out her phone and showed Rosario the call to Scott in her call history. She then called Scott again to tell him what was going on. Scott told her that he would be there in a few minutes. When Scott entered the station house, Respondent asked him to confirm to Rosario that



they had in fact spoken on the phone. Scott just stood there, not saying another word. Twenty or 25 minutes had passed since the time of their initial telephone conversation. Respondent conceded that while she was doing station house security Rosario was her direct supervisor. She had had conflicts with Rosario in the past. She did not make any Activity Log entries about leaving the station house to get food with Scruggs. She no longer had Scott's number in her phone at the time of trial.

### Specification No. 3

The Department called Sergeants Moises Rosario and Roberto Coppola as witnesses and Respondent testified in her own behalf.

### Sergeant Moises Rosario

On September 27, 2011, Rosario was assigned as the conditions sergeant, and Respondent was assigned to patrol. At approximately 3:00 p.m., a job came over the radio for a security holding where the perpetrator had become violent. The job took place in Respondent's assigned sector, and Rosario's team went to the location as backup. Even though the conditions team arrived first and handcuffed the perpetrator, policy dictated that the sector would handle the arrest. Back at the command, Rosario explained this to Respondent and her partner, but Respondent replied that she was not going to take the arrest. When Rosario threatened to go to the commanding officer about the matter, Respondent responded, "Let the games begin," and then walked away. This exchange took place at the desk, and Rosario took Respondent's statement as a threat that she might damage his car. Respondent ended up processing the arrest. Rosario was not present at the arrest scene himself. The members of the conditions team who

effected the arrest were present in the command afterwards, but Rosario did not know if they assisted Respondent with the arrest paperwork. Respondent went to the commanding officer that day to complain about Respondent's conduct. He believes that he also called Internal Affairs about it. He did not call the duty captain.

Sergeant Roberto Coppola

Coppola was behind the desk when he observed Rosario and Respondent arguing a little bit as they entered the command. He then heard Rosario assign the arrest to Respondent, and Respondent say in a regular tone of voice, "Let the games begin." He believed that Rosario was walking away at the time, and it did not seem that Respondent was talking to anyone in particular. Coppola was busy and did not hear anything else. Respondent never complained to Coppola about taking the arrest. She did not cause a scene that required Coppola to come out from behind the desk.

Respondent

Respondent testified that the perpetrator was not yet handcuffed when she arrived at the scene of arrest. She made the arrest herself; it was not assigned to her. Back at the command, she told Coppola that her partner would be processing the arrest. Respondent had already arranged to leave work early that day so that she could drive to North Carolina to take care of her sick grandmother, but Rosario wanted Respondent to process the arrest herself. While talking to Coppola, Respondent stated, "Let the games begin." She made this statement because she found the situation childish. She ended up processing the arrest.



Specification No. 4

The Department called Police Officer Adrian Officer as its sole witness and Respondent testified in her own behalf.

Police Officer Adrian Officer

Officer started his tour at 11:15 p.m. on November 23, 2011. When he inspected his assigned vehicle at the beginning of his tour that night he found what appeared to be narcotics under the back seat. He explained that the bottom part of the seats in Department cars tend to be loose. He described what he found as "four clear Zips of white powder and two clear bags of alleged crack cocaine inside a larger Zip bag." DX 3 is the Property Clerk Invoice that Officer prepared for the bags he found. Officer explained that the officer who had the car before him should have searched the car for contraband before going end of tour. Officers are supposed to inspect their cars at both the start and end of tour. He did not know at the time who was assigned the car before him.

Respondent

Respondent recalled inspecting her assigned vehicle at the start of her tour that day. No arrests were made, and she did not recall letting anyone inside the car. She did not recall conducting a second inspection at the end of the day, though she conceded that as the operator she was supposed to inspect the vehicle both at the beginning and end of tour. She left the car keys at the desk. She found out the next day that drugs had been found by the officer who was assigned the car after her.

Specification No. 5

The Department called Lieutenant Braulio Rodriguez as its sole witness and Respondent testified in her own behalf.

Lieutenant Braulio Rodriguez

At approximately 3:10 p.m. on November 25, 2011, Rodriguez observed the third platoon roll call, during which Respondent was wearing her rain cap on her uniform hat. It was clear out and had not rained that day. When roll call ended, Rodriguez pulled Respondent aside and told her that he was going to issue her a CD, as that was the fourth time in two months that he had to instruct her about not wearing her rain cap in non-inclement weather. He did not document the previous incidents. Rodriguez explained that if the weather forecast calls for possible rain, it would be best for an officer to carry a rain cap on her person. But an officer should not wear the cap until it actually starts raining. Rodriguez did not recall if it rained later in the day.

Respondent

Respondent testified that when Rodriguez approached her after roll call about the rain cap, she told him that she forgot that the cap was there. She explained to him that she had put the cap on a couple of days earlier when it was raining, and she did not realize that it was still on. After Rodriguez brought the matter to her attention, she removed the cap, placed it inside her hat where no one would see it, and went out on patrol. She conceded that she had received previous instructions from Rodriguez concerning her wearing of the rain cap inside the station house during roll call.

Specification No. 6

The Department called Lieutenant Braulio Rodriguez and Famod Konneh as witnesses and Respondent testified in her own behalf.

Lieutenant Braulio Rodriguez

On June 14, 2012, Rodriguez was in his office when he received a phone call from Famod Konneh, the community affairs coordinator for the District Attorney's Office (DA's Office). Konneh told Rodriguez that he was in the waiting area of the station house and needed to speak with him. When Rodriguez walked out to the waiting area, he found Konneh waiting by the telephone switchboard (TS), where Respondent was seated. Konneh told Rodriguez that when he asked Respondent about seeing the conditions sergeant, Respondent looked at him and stated in a disrespectful and rude manner, "I'm busy right now," among other things Rodriguez could not remember.

Respondent was typing on the computer, and Rodriguez asked her what she was doing. She told him that at a sergeant's request she was preparing an invoice for found property. Rodriguez explained to her that it was her duty as TS operator to acknowledge visitors to the station house, and that if she was busy she had to at least let the visitors know that they would be taken care of within a few minutes.

Respondent then asked to speak with Rodriguez in private. Rodriguez followed Respondent to a hallway behind the desk, where Respondent turned around, raised her hand with one finger pointing up, and stated in a raised voice, "Let me tell you something, Lieutenant." Rodriguez found this to be disrespectful, so he cut Respondent off and told her, "No, I'm going to explain something to you." He then reiterated the duties of the TS operator. Respondent tried



to interrupt, but Rodriguez did not give her a chance to do so. As soon as Rodriguez finished speaking, Respondent raised her hand in a dismissive manner and stated, "That's not my job." She then returned to her seat at the TS desk.

Rodriguez went to the commanding officer, who agreed that Respondent should be issued a CD for discourtesy. Konneh was able to overhear the encounter. Rodriguez explained that while greeting visitors is not one of the enumerated duties cited in the Patrol Guide under the section governing TS operator responsibilities, it is "common law practice in every precinct."

#### Famod Konneh

Konneh, who is employed as a community affairs coordinator with the New York County District Attorney's Office (DA's Office), entered the 28 Precinct on June 14, 2012 to meet with the community affairs officer. When he saw a family standing at the reception desk, he sat down in a chair and waited. After waiting about ten minutes, he approached the black female officer who was seated at a small table next to the front desk to let her know about his appointment with the community affairs officer. The female officer asked him to sit down again because there were other people waiting in line. After waiting four to five more minutes, he returned to the female officer and identified himself as an employee of the DA's Office. She again told him that he had to wait his turn because she was serving other people. Konneh did not see her speak with the family that was on line in front of him. Rodriguez then walked by and noticed Konneh. Konneh told Rodriguez that the female officer had been discourteous. Rodriguez asked to have a word with her. Rodriguez and the female officer went behind the desk and Konneh heard them conversing in loud voices but he could not hear what they said to each other. When the female officer came back out she looked angry.

Respondent

While she was assigned as TS operator, a sergeant ordered Respondent to voucher a found wallet. Vouchering property is not a job typically given to the TS operator. She did not acknowledge Konneh when he entered the building. At one point while she was still working on the voucher, Konneh approached and started yelling, "Can I get some help in here? Can I get some courtesy? I'm a district attorney, why should I have to wait?" Respondent told him to sit down, that she was processing a voucher, and that it was going to be a few minutes. There were other people waiting before Konneh. Respondent described Konneh as being irate and arrogant, but she did not raise her voice or use profane language in dealing with him.

At one point, Rodriguez approached and asked her why she was vouchering the wallet. Respondent explained to him that she had been directed to do so by a supervisor. Rodriguez proceeded to yell at her in front of the station house about being discourteous to Konneh. She asked if they could talk about it in the back. In the back, Rodriguez asked her in a raised voice if she knew what the TS operator was responsible for. She replied that she understood her responsibilities and informed him that it was actually Konneh who had been discourteous. She also told him, "You weren't there to see what happened, so how could you tell me what I did without asking me what I did?" Respondent was upset by the way Rodriguez handled the situation. She conceded that she and Rodriguez did not like each other, but at no point did she raise her voice. After their exchange, Respondent went back to the TS desk and continued to voucher the wallet.

FINDINGS AND ANALYSISDisciplinary Case No. 2010-3196

It is charged that Respondent, while off duty on January 3, 2010, engaged in conduct prejudicial to the good order, efficiency, and discipline of the Department by becoming involved in a verbal altercation with Person A which became physical in that Respondent allegedly pushed Person A, pulled her hair, and bit her on her hand; and that Respondent did not indicate in the DIR (DX 1) any information regarding these physical actions.

Person A's trial testimony that Respondent grabbed her and pulled her hair is unsupported and, most significantly, is inconsistent with what she told the 911 operator (DX 2A), what she told the responding officers, and what she stated at the precinct. Person A's admission that she did not report these specific allegations to anyone on the night of the incident, even though she had three separate opportunities to do so, erodes the credibility of the claims she made at this trial. Although Person A did tell the 911 operator "she bit me" (DX 2A p. 3), she did not repeat this allegation to the responding officers, only to her interviewer at the precinct. Moreover, Person A's trial testimony in which she characterized Respondent as the physical aggressor is inconsistent with the undisputed fact that it was Respondent who called 911 first (DX 2A).

I find that Person A's testimony, standing alone, insufficiently proves that Respondent grabbed her, pulled her hair or bit her hand. Since Respondent testified that she only pushed Person A "to push [Person A] off me" and while she was holding Minor B, I find that Respondent's characterization of this incident in the DIR as a "verbal dispute" does not rise to the level of actionable misconduct.

Respondent is found not guilty.



Disciplinary Case No. 2012-8544Specification Nos. 1 and 2

It is charged that Respondent, while on duty on or about 1800 hours on September 10, 2011, was off post without permission at about 1800 hours. Respondent's initial assignment on September 10, 2011, was precinct security and her meal period was scheduled to take place at 1900 hours. However, I credit Scott's testimony that when he conducted roll call at 1505 hours he instructed Respondent to serve as his driver starting at 1900 hours, but that before 1900 hours Respondent "was nowhere to be found" and that he later saw her enter the precinct holding a bag. I also credit Rosario's testimony that when he looked for Respondent, she was not at her post for over an hour. Respondent's witness Scruggs corroborated her testimony that they walked together to a nearby church to get food. However, on cross-examination Respondent admitted that at the point when they did this, it was not her assigned meal period. Moreover, with regard to Specification No. 2, Respondent admitted at her official Department interview that she had failed to make any Activity Log entry documenting that she had left her security post at about 1800 hours to go to the church with Scruggs to get food.

As a result, Respondent is found guilty of Specification Nos. 1 and 2.

Specification No. 3

It is charged that Respondent, while on duty on or about 1445 hours on September 27, 2011, was discourteous to Sergeant Rosario in that she stated "let the games begin" and walked away from Rosario when he was directing Respondent to process an arrest. Rosario's testimony as to what Respondent told him was corroborated by Coppola. The believability of their

testimony is enhanced by the fact that neither claimed that Respondent had said this loudly.

Respondent admitted that she told Coppola, "Let the games begin."

Respondent is found guilty.

#### Specification No. 4

It is charged that Respondent, while on duty on November 23, 2011, failed to properly inspect her assigned RMP, in that contraband was recovered from the RMP immediately after Respondent had been in possession of the RMP. I credit Officer's undisputed testimony that when he started his tour of duty on November 23, 2011, he inspected his assigned RMP, number 2463, and found contraband inside plastic bags under the rear seat (DX 3). Since Respondent acknowledged that she was the immediate prior operator of this RMP, the record establishes that she failed to properly inspect her assigned RMP at the end of her tour as she was required to do.

Respondent is found guilty.

#### Specification No. 5

It is charged that Respondent, while on duty on November 25, 2011, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, in that Respondent wore her rain cap cover indoors during roll call after she had been previously directed not to do this. I credit Rodriguez' testimony that prior to November 25, 2011 he had instructed Respondent three times not to wear her rain cap cover indoors. Respondent corroborated his claim that he had previously instructed her about this. Respondent asserted that she was wearing her rain cap cover at roll call on November 25, 2011 because she had forgotten to take it off.

Respondent is found guilty.

Specification No. 6

It is charged that Respondent, while on duty at about 1705 hours on June 14, 2012, was discourteous to Lieutenant Rodriguez in that she waved her hand and walked away and stated "that is not my job" to Rodriguez as he was instructing her on her duties and responsibilities as a TSO. I credit Rodriguez' testimony that as he was instructing Respondent on her duties and responsibilities as a TSO she waved her hand in a dismissive manner and walked away from him stating that it was not her job. Respondent does not dispute that Rodriguez was "reprimanding" her about the duties and responsibilities of a TSO and that she asked him if they could speak in the hallway behind the front desk. Rather, Respondent asserted that Rodriguez was yelling at her and that he was wrong to reprimand her about the duties of a TSO because she was just using the computer at the TSO desk to type a voucher for a wallet that a sergeant had directed her to type. However, even if I credited Respondent's claim that Rodriguez was "reprimanding" her loudly, Respondent had no right to address Rodriguez, a supervisor, dismissively and in a raised voice that Konneh was able to hear even though he was in front of the desk.

Respondent is found guilty.

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 Feb. 28, 1994. Information from her personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.



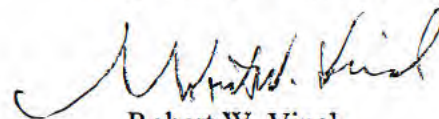
The Advocate recommended that Respondent's penalty consist of the forfeiture of 25 vacation days. Respondent is a 20-year member of the Department who has no prior formal disciplinary record.

Some of the charges which Respondent has been found guilty of here constitute relatively minor infractions such as failing to make a memo book entry regarding what time she left her post to go to obtain food and wearing a rain cap cover when she was still inside the stationhouse. Her failure to find contraband hidden under the rear seat of the RMP she had operated during her tour and her action of leaving her precinct security post without seeking permission to do so constitute more serious misconduct.

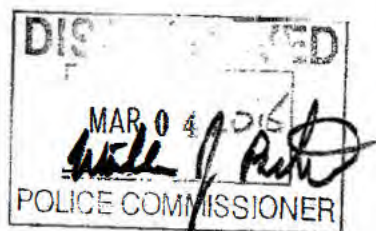
Most serious is Respondent's misconduct of uttering insubordinate comments to supervisors on two occasions. Respondent's admission that she told Coppola, "Let the games begin," is not mitigated by the fact that at the time she uttered this comment she was seeking to leave work so that she could visit her ill grandmother. Similarly, Respondent's misconduct of waving her hand, walking away and loudly stating "that is not my job" to Rodriguez is only partially mitigated by the fact that she said this in the hallway behind the front desk because she had asked if she could speak to him in private.

It is recommended that Respondent forfeit 25 vacation days as a penalty.

Respectfully submitted,



Robert W. Vinal  
Assistant Deputy Commissioner Trials



POLICE DEPARTMENT  
CITY OF NEW YORK

From: Assistant Deputy Commissioner - Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER ROBIN ARMOND  
TAX REGISTRY NO. 905713  
DISCIPLINARY CASE NOS. 2010-3196 & 2012-8544

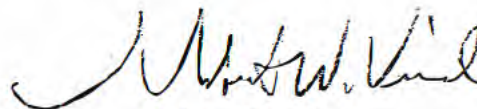
Respondent received an overall rating of 3.0 on her 2013 annual performance evaluation, 4.0 on her 2012 annual evaluation, and 3.0 on her 2011 annual evaluation. She has no medals.

[REDACTED]

[REDACTED]

[REDACTED] but she has no prior formal disciplinary record.

For your consideration.



Robert W. Vinal  
Assistant Deputy Commissioner – Trials