



OFFICE OF THE POLICE COMMISSIONER
ONE POLICE PLAZA • ROOM 1400

December 9, 2021

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Sajjad Baloch**
Tax Registry No. 962238
62 Precinct
Disciplinary Case No. 2020-22583

The above named member of the service appeared before Assistant Deputy Commissioner Jeff S. Adler on June 4, 2021, and was charged with the following:

DISCIPLINARY CASE NO. 2020-22583

1. Police Officer Sajjad Baloch, on or about December 27, 2019, while assigned to the 62 Precinct, wrongfully engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer made incomplete, inaccurate, or otherwise misleading statements during an official Department interview.

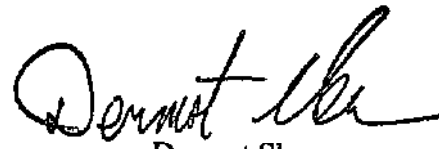
P.G. 203-10, Page 1, Paragraph 5

**PUBLIC CONTACT –
PROHIBITED CONDUCT**

In a Memorandum dated June 30, 2021, Assistant Deputy Commissioner Jeff S. Adler found Police Officer Sajjad Baloch Guilty of the sole Specification in Disciplinary Case No. 2020-22583. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

After reviewing the facts and circumstances of this matter, I have determined that Police Officer Baloch's inaccurate statements warrant a lesser penalty. Police Officer Baloch made statements relating to material information which he should have known were incorrect and his statement was negligent. However, it was clear that Police Officer Baloch did not intend to deceive or hinder the investigation. In considering the penalty in this matter, Police Officer Baloch's positive employment history, lack of prior formal discipline, exceptional reviews, as well as the clear absence of intent to provide inaccurate statements were evaluated. Based on these factors, I find that the mitigated penalty under the Disciplinary System Penalty Guidelines ("Matrix") is warranted.

Therefore, I direct that Police Officer Baloch receive a penalty of five (5) vacation days for the misconduct.

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

Dermot Shea
Police Commissioner



POLICE DEPARTMENT

June 30, 2021

-----X

In the Matter of the Charges and Specifications	:	Case No.
- against -	:	2020-22583
Police Officer Sajjad Baloch	:	
Tax Registry No. 962238	:	
62 Precinct	:	

-----X

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

Before: Honorable Jeff S. Adler
Assistant Deputy Commissioner Trials

APPEARANCES:

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

For the Respondent: Stuart London, 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

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CHARGES AND SPECIFICATIONS

1. Police Officer Sajjad Baloch, on or about December 27, 2019, while assigned to the 62 Precinct, wrongfully engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer made incomplete, inaccurate, or otherwise misleading statements during an official Department interview.

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 on June 4, 2021.

Respondent, through his counsel, entered a plea of Not Guilty to the subject charge. The Department called Lieutenant Salman Asghar as a witness. Respondent called Captain Khandakar Abdullah as a witness, and 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 Guilty of the charged misconduct, and recommend a penalty of ten (10) vacation days.

ANALYSIS

The sole charge against Respondent in this case alleges that he made inaccurate statements during an official Department interview on December 27, 2019, in that he claimed to investigators that he did not notice any signs of intoxication in an arrestee who he was guarding at a hospital. In that interview, Respondent was questioned about the events of September 12, 2019, in connection with an individual ("the arrestee") who had been arrested, by other police officers, for menacing people with a knife outside an adult daycare center. The arrestee was eventually stopped while driving a motor vehicle, and transported to the 62 Precinct for

processing. After being lodged in a holding cell, the arrestee attempted to hang himself at approximately 1530 hours. It is undisputed that Respondent was not involved in that arrest, and was not in any way responsible for safeguarding the arrestee while he was in the holding cell.

Lieutenant Salman Asghar, the 62 Precinct Platoon Commander, testified that when he learned that the arrestee had attempted to commit suicide in the precinct cell, he responded to the cell and observed an officer performing chest compressions on the arrestee. During the "couple of minutes" he was in the cell, Asghar did not smell alcohol emanating from the arrestee. Asghar then assigned Respondent to escort the arrestee in an ambulance to the hospital; Respondent and the arrestee arrived at the hospital at approximately 1630 hours. (Tr. 41, 44, 55-60, 70; see also Resp. Ex. D, timeline)

Later that day, in an unrelated incident, an MOS fell ill at the precinct due to an allergic reaction and was transported to the same hospital as the arrestee. Asghar testified that he accompanied the sick MOS to the hospital. When he arrived at the hospital at approximately 2015 hours, he saw Respondent and proceeded to engage in a very short conversation with him regarding the arrestee. Respondent told him that the arrestee had "tenderness in his neck, he is speaking, and he is intox." Asghar initially only spent one or two minutes with Respondent, because he needed to deal with the sick MOS; Asghar then returned to the room about a half hour later in order to verify if the arrestee was, in fact, intoxicated. He observed the prisoner handcuffed to the bed, and described him as combative, aggressive, and cursing. Asghar, who was standing five or ten feet away from the arrestee, "smell[ed] a little bit of alcohol" emanating from the arrestee. (Tr. 45-49, 51-52, 93-94)

Asghar testified that, while he was still at the hospital, he made the following notation of the information relayed to him by Respondent on the fly page of his Activity Log:

- Tenderness In Neck
- Speaking
- Intox.
- Body/CAT Scan?

(Dept. Ex. 7). He acknowledged that he did not make any entries in the body of his Activity Log during his time at the hospital since his focus was on the sick MOS. (Tr. 50-51, 73-80, 98-99)

At some point an anonymous call to IAB triggered an investigation into the incident. More specifically, IAB investigated whether there was evidence that the arrestee was intoxicated at the time of his apprehension, and if so, whether he should have been charged with DWI since he was apprehended while driving a vehicle, and whether the arrestee should have been handled more carefully at the precinct. (Tr. 24, 116-18) As part of this investigation, Respondent was interviewed on December 27, 2019. The recording of that interview, and the accompanying transcript, were admitted into evidence as Dept. Ex. 6 & 6A.

In his official Department interview, Respondent stated that he did not smell alcohol on the arrestee during the ambulance ride, or when he was in the private hospital room safeguarding the arrestee. When he was asked again if there was any indication that the arrestee was intoxicated, Respondent said, "I don't recall. I didn't see any intoxication. I didn't smell any alcohol on him." He was asked a third time if he smelled alcohol on the arrestee, and Respondent answered, "No." IAB investigators also inquired as to whether Respondent mentioned that the prisoner was intoxicated to anybody, to which Respondent replied, "I don't recall." Respondent stated that he did not observe the arrestee exhibit any of the common symptoms of intoxication, including an unstable condition, the smell of alcohol, watery eyes, and slurred speech. (Dept. Ex. 6A at 13, 30, 41-45)

At trial, Respondent testified that at approximately 1600 hours on the date of the incident, he was assigned to transport the arrestee to the hospital by Asghar; Respondent was not the arresting officer, and he did not respond to the cell area during the arrestee's suicide attempt at the precinct. Respondent did not smell alcohol emanating from the arrestee at the precinct, nor did he smell alcohol when he was escorting the arrestee to the hospital in the ambulance. (Tr. 136-140)

When he arrived at the hospital at approximately 1630 hours, Respondent safeguarded and monitored the arrestee, whose left hand was handcuffed to the stretcher in the hospital room; Respondent stood approximately two to three feet away from the arrestee throughout the entirety of his safeguarding assignment. Respondent testified that he observed the arrestee attempt suicide for a second time by pulling his IV tubes out of his right hand and trying to wrap the cords around his neck. He restrained the arrestee and handcuffed both of his hands to the stretcher. At approximately 2040 hours, Captain Khandakar Abdullah, the Duty Captain, arrived at the hospital, approached Respondent, and inquired as to why he was there. Respondent proceeded to inform him that he was guarding a prisoner who had attempted suicide and had prepared the Medical Treatment of Prisoner form (Resp. Ex. B). (Tr. 141-146, 155-157)

At approximately 2140 hours, Asghar and Captain Longobardi, the 62 Precinct Commanding Officer, approached Respondent at the hospital. Respondent testified that he notified Asghar that the arrestee had made a second suicide attempt at the hospital. He also informed Asghar, "[T]he doctor told me we will have to perform a CAT scan, and he has some sort of tenderness on his neck." When asked whether he remembered telling Asghar that the arrestee was intoxicated, Respondent answered, "If I recollect my memory, no, I don't." Respondent testified that he did not smell alcohol emanating from the arrestee, and did not

observe any indicia of intoxication. Respondent, who safeguarded the arrestee at the hospital for approximately eight hours and 45 minutes, maintained that he did not observe the arrestee to have glassy, blood shot eyes or behave in a combative manner toward him, though he acknowledged that the arrestee was uncooperative and acting irrationally when he attempted to remove his IV and choke himself with the tubes. (Tr. 147-152, 159, 161-164)

Respondent testified that, in his official Department interview, he was truthful and answered the questions to the best of his abilities; he was not trying to impede the investigation or provide a half-truth. Respondent said that the "incident happened, approximately, four months before when I was GO-15'd, so sometimes I do not remember the incidents. As a patrol officer, we do interact with the public every day." (Tr. 153-154)

Captain Khandakar Abdullah, the Duty Captain, testified that he responded to the hospital at approximately 2030 hours to assess the situation with the sick MOS. While there, he observed Respondent guarding the arrestee in the emergency room, and scratched Respondent's Activity Log. Abdullah testified that he was "a couple feet" from the arrestee, and did not smell alcohol emanating from him, nor did the arrestee appear to be intoxicated. Abdullah was with Respondent and the arrestee less than five minutes. (Tr. 123-126, 128-129)

Captain Longobardi did not testify at trial. A copy of the T.R.I. Incident – Investigating Supervisor's Assessment Report that he prepared was admitted into evidence as Resp. Ex. A1, and a magnified copy of the "Details" portion of the report was admitted into evidence as Resp. Ex. A2. The report states that Longobardi attempted to interview the prisoner at the hospital at approximately 1603 hours, and the prisoner "was highly intoxicated and uncooperative and refused to answer any questions regarding this matter." Longobardi recommended "that this matter be closed with no further investigation required," and stated "that there was no

intoxicated. However, throughout the interview Asghar clearly identified the source of the information as the officer who had escorted, and was guarding, the arrestee; it is undisputed that that officer was Respondent. Indeed, later in the interview, Asghar does identify Respondent by name as the officer who informed him that the arrestee was intoxicated. (Resp. Ex. C at 21-22, 34-35, 59-60; Tr. 80-85, 88-89, 92-93, 102-108). It also is telling that, according to Respondent himself, he and Asghar had an "excellent" relationship (Tr. 137). As such, there would have been no motive for Asghar to falsely implicate Respondent at trial as the officer who informed him that the arrestee was intoxicated.

Additionally, there was extensive credible evidence confirming that the arrestee was visibly intoxicated during and after the incident. An employee of the adult daycare center where the incident occurred called 911 at approximately 1413 hours and described the arrestee as "drunk" to the operator. (Dept. Ex. 5 & 5A at 2, 5) The employee later told IAB investigators that the man "was really, really drunk. I talked – when he was talking to me, it was really smelled bad, like alcohol;" she also informed the officers at the scene that the man was drunk. (Dept. Ex. 3 & 3A at 2-5) The owner of the daycare center told IAB investigators that she recalled a man and "he was drunk. I mean by his behavior;" she did not remember the man smelling like alcohol, but stated that "his behavior definitely shows that he was under the influence of alcohol. I mean I'm a registered nurse and I know right away." (Dept. Ex. 2 & 2A at 2-4) In a telephone interview with IAB on October 25, 2019, the arrestee admitted that he had been drinking, but claimed he was not drunk. (Dept. Ex. 4 & 4A, at 5-6, 8)

Furthermore, the arrestee's hospital records state that the arrestee's blood alcohol level, when he was admitted to the emergency room, was 233 mg/dL (0.233 g/dL), which is almost three times the legal limit of 0.08 g/dL. Medical personnel also describe the arrestee as

"intoxicated" and "unable to cooperate due to intoxication" in the notes and comments of the medical records. (Dept. Ex. 1 at 5, 15, 20, 23, 25, 30, 49; Tr. 19-21) Although Abdullah claimed that he did not see any signs of the arrestee being intoxicated during the few minutes that he was with Respondent and the arrestee at the hospital at 2030 hours, there is abundant credible evidence that the arrestee was, in fact, intoxicated, and it is reasonable to conclude that Respondent, who was in close proximity to the arrestee for over eight hours, observed some indication of that intoxication.

With that in mind, we turn to the one specification against Respondent.

Specification 1 charges Respondent with making incomplete, inaccurate, or otherwise misleading statements during an official Department interview. Specifically, it is alleged that Respondent made inaccurate statements as to whether he observed signs of intoxication in the arrestee. Section 203-10(5) of the Patrol Guide prohibits "[e]ngaging in conduct prejudicial to good order, efficiency, or discipline of the Department. The Disciplinary Guidelines define an inaccurate statement as "a statement that a member of the service knows, or should know, includes incorrect material information. There is no intent to deceive, but rather the member's actions are grossly negligent."

As discussed above, I find that Respondent did observe signs of intoxication in the arrestee, and that he relayed that information to Asghar. However, when he was questioned about the arrestee at his official Department interview, Respondent repeatedly denied that the arrestee was intoxicated. Respondent, who rode in the ambulance with the arrestee, and was standing within a few feet of him for more than eight hours during the arrestee's stay at the hospital, continued to insist that the arrestee did not smell like alcohol or exhibit any other signs of intoxication. Additionally, he claimed that he could not recall informing anyone that the

prisoner was intoxicated. At trial, Respondent reaffirmed his denials, insisting that he did not smell alcohol emanating from the arrestee or observe any indication that the arrestee was intoxicated at any point during the time he was guarding him.

Under the circumstances presented here, the credible evidence has established that Respondent knew that the arrestee was intoxicated, which is why he said exactly that to Asghar at the hospital. Since the Department was investigating whether there should have been additional charges brought against the arrestee, and reviewing the manner in which he was safeguarded when lodged in the precinct cell, the questions regarding the arrestee's intoxication were relevant and material. Even if Respondent did not have a clear motive to deceive, he was grossly negligent in his responses about the arrestee being intoxicated when he repeatedly denied observing the signs of intoxication. The record has established, by a preponderance of the credible evidence, that Respondent made inaccurate statements at his Department interview, and I find him guilty of Specification 1.

PENALTY

In order to determine an appropriate penalty, this tribunal, guided by the Department's Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent's employment history also was examined. *See* 38 RCNY § 15-07. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached memorandum. Respondent, who was appointed to the Department on October 11, 2016, has no prior disciplinary record.

Respondent has been found guilty of making inaccurate statements during an official Department interview. The Department Advocate recommends the penalty of ten (10) vacation days, noting that the Advocate's Office decided to treat this as an "inaccurate statement" case since Respondent did not have a motive to mislead or deceive in his answers. According to the Disciplinary Guidelines, the presumptive penalty for making an inaccurate official statement is ten (10) penalty days. Under the circumstances presented here, I agree with the Advocate's recommendation.

The goal of any internal investigation is to get to the truth, and so truthfulness is expected and demanded of all Department personnel. Here, in his Department interview on December 27, 2019, Respondent repeatedly denied that the arrestee was intoxicated, and claimed he did not recall telling anyone that the arrestee was intoxicated. These denials were contrary to the credible evidence, and so there must be some accountability for Respondent's inaccurate statements. Taking into account the totality of the facts and circumstances in this matter, I recommend that Respondent forfeit ten (10) vacation days.

Respectfully submitted,



Jeff S. Adler
Assistant Deputy Commissioner Trials





POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER SAJJAD BALOCH
TAX REGISTRY NO. 962238
DISCIPLINARY CASE NO. 2020-22583

Respondent was appointed to the Department on October 11, 2016. On his three most recent annual performance evaluations, Respondent twice received overall ratings of "Exceeds Expectations" for 2018 and 2019, and received an overall rating of "Exceptional" for 2020. Respondent has been awarded one medal for Meritorious Police Duty and five medals for Excellent Police Duty.

Respondent has no disciplinary record.

For your consideration.

Jeff S. Adler
Assistant Deputy Commissioner Trials