



OFFICE OF THE POLICE COMMISSIONER  
ONE POLICE PLAZA • ROOM 1400

March 25, 2014

CHAN

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Katrina Acevedo**  
Tax Registry No. 942926  
Police Service Area 9  
Disciplinary Case No. 2013-9524

The above named member of the service appeared before Assistant Deputy Commissioner Amy J. Porter on October 7, 2013 and was charged with the following:

**DISCIPLINARY CASE NO. 2013-9524**

1. Police Officer Katrina Acevedo, assigned to the 67<sup>th</sup> Precinct, on or about November 28, 2012, while off-duty and in Kings County, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that Police Officer Acevedo engaged in a physical altercation with Person A.

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

**PUBLIC CONTACT-  
PROHIBITED CONDUCT**

2. Police Officer Katrina Acevedo, assigned to the 67<sup>th</sup> Precinct, on or about November 28, 2012, while off-duty and in Kings County, failed to safeguard her firearm in that she left it unsecured in a closet in her residence.

**P.G. 204-08, Page 2, Paragraph 7**

**FIREARMS GENERAL  
REGULATIONS**

3. Police Officer Katrina Acevedo, assigned to the 67<sup>th</sup> Precinct, on or about November 28, 2012, while off-duty and in Kings County, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that Police Officer Acevedo endangered the welfare of her minor children in that she engaged in a physical altercation with Person A, in her children's presence and struck one of said minor children during the altercation.

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

**PUBLIC CONTACT-  
PROHIBITED CONDUCT**

**POLICE OFFICER KATRINA ACEVEDO**

**DISCIPLINARY CASE NO.2013-9524**

In a Memorandum dated January 21, 2014, Assistant Deputy Commissioner Amy J. Porter found Police Officer Katrina Acevedo Guilty of Specification Nos. 1, 2 and 3, in Disciplinary Case No. 2013-9524. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

In consideration of the totality of the circumstances, and noting Police Officer Katrina Acevedo's service, performance and disciplinary history, I have determined that a lesser penalty is warranted. Therefore, Police Officer Katrina Acevedo is to forfeit twenty-five (25) vacation days.

  
William J. Bratton  
Police Commissioner



POLICE DEPARTMENT

January 21, 2014

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Katrina Acevedo  
Tax Registry No. 942926  
Police Service Area 9  
Disciplinary Case No. 2013-9524  
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The above-named member of the Department appeared before me on October 7, 2013, charged with the following:

1. Police Officer Katrina Acevedo, assigned to the 67th Precinct, on or about November 28, 2012, while off-duty and in Kings County, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that Police Officer Acevedo engaged in a physical altercation with Person A.

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

2. Police Officer Katrina Acevedo, assigned to the 67th Precinct, on or about November 28, 2012, while off-duty and in Kings County, failed to safeguard her firearm in that she left it unsecured in a closet in her residence.

P.G. 204-08, Page 2, Paragraph 7 – FIREARMS GENERAL REGULATIONS

3. Police Officer Katrina Acevedo, assigned to the 67th Precinct, on or about November 28, 2012, while off-duty and in Kings County, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that Police Officer Acevedo endangered the welfare of her minor children in that she engaged in a physical altercation with [sic] Person A in her children's presence and struck one of said minor children during the altercation.

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



The Department was represented by Scott Rosenberg, 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

Respondent is found Guilty of Specification Nos. 1, 2 and 3.

### SUMMARY OF EVIDENCE PRESENTED

#### The Department's Case

The Department called Sergeant Stephen Sperrazza and Lieutenant Richard Tully as witnesses.

The Department subpoenaed Person A, the complainant and [REDACTED] [REDACTED] Person A failed to appear to testify and recanted in a telephone conversation with the Assistant Department Advocate ("the Advocate"). person A also would not allow [REDACTED] to testify.

Person A told Respondent's attorney that he fabricated the allegations because he (Person A) had been arrested once for assaulting Respondent; Person A believed that if he reached the police first and told them Respondent was armed, intoxicated and a member of the service, the police would not arrest him again. He also told Respondent's attorney that he did not want to appear in court and subject himself to charges for perjury.

Sergeant Stephen Sperrazza

Sperrazza, an eight-year member of the Department assigned to the 63 Precinct, was the patrol supervisor on November 28, 2012. At about 10:45 p.m., Sperrazza responded to a 10-13 "officer needs assistance" to Respondent's residence. When he arrived, he saw Respondent sitting on the front porch of her house crying hysterically. Sergeant Gonzalez, who was also at the scene, spoke with Respondent while Sperrazza spoke with Person A.

Person A told Sperrazza, "that he was very angry.... [REDACTED] was sitting on a chair and she jumped out of the chair and she struck him multiple times in the face....[T]his was in regards to a text message that she had received." Sperrazza continued, "And this came to his [Person A's] attention on this day that [REDACTED]...was being promiscuous with somebody else in the 67 Precinct." Person A said that he confronted Respondent about the text message and that is when Respondent struck him.

Sperrazza observed "minor redness, what looked like crusted dried-up blood, minor redness on the lower corner of his [Person A's] mouth." Also, Sperrazza said, "[Person A] pulled out of his mouth and in his hand displayed to me what appeared to...be some sort of placebo tooth. And he said to me, '[Respondent] knocked this out of my mouth.'" Sperrazza said, "It didn't look to me like a human tooth" but more "like a filler."

On cross-examination, Sperrazza said he directed an officer to prepare an Aided Report Worksheet for this incident and believed that an ambulance responded. Person A did not seem to be under the influence of alcohol or a controlled substance. Sperrazza could not say the same for Respondent because he interacted with her very briefly. He



did not smell alcohol on Respondent's breath nor was he aware that Person A told another officer that Respondent was intoxicated. Sperrazza said the tooth that Person A pulled out was not covered in blood.

Sperrazza testified that he is not aware of any Department investigations against him. Sperrazza had worked in the Internal Affairs Bureau (IAB) in November 2011, but was transferred for unknown reasons after about one year. Before being transferred, Sperrazza sought legal counsel based on what was happening to him while he was assigned to IAB. Sperrazza was under investigation by the Department for parking a Department vehicle in a "no standing zone." Then he was transferred from IAB and received a Command Discipline.

Sperrazza recalled that he saw Respondent's [REDACTED] at the precinct later that night with Person A.

On redirect examination, Sperrazza said he received a Command Discipline for being off post, not for parking in a "no standing" zone.

Lieutenant Richard Tully

Tully, a 31-year member of the Department, was assigned to Brooklyn South Investigations Unit on November 28, 2012. He handled the initial investigation of Respondent and Lieutenant David Hurst assisted him.

Tully conducted a recorded interview with Person A "late on the 28<sup>th</sup> or early on the 29<sup>th</sup> of November" in the 63 Precinct's Commanding Officer's office. Department's Exhibit (DX) 1 is a compact disc containing Person A's interview with Tully and DX 1A is the accompanying transcript of the interview.

According to Tully's interview with Person A, Tully said that after Person A noticed "inappropriate" text messages from a lieutenant on Respondent's cell phone, Person A confronted Respondent about them. Respondent then got off her seat and started to strike Person A. Person A told Tully that Respondent struck him on the upper part of his body, face and head area. Person also said that a temporary bridge that was in his mouth was broken from having been struck and he had scratches on the back of his neck.

Tully also conducted a recorded interview with Person B [REDACTED]. DX 1 also contains a recording of Person B's interview. DX 2 is a transcript of Person B's interview.

Tully said Person B told him that he heard an altercation between [REDACTED], Respondent and Person A. Person B and two of his [REDACTED] then tried to separate [REDACTED]. While separating them, Person B's little [REDACTED] Person C was struck in the head by a door that Respondent was either opening or closing. Person B said that he saw Respondent push and strike Person A and that Person A "wasn't doing anything." Tully assumed that Person A "was completely defensive; he wasn't making any moves towards [REDACTED]."

Person B also told Tully that Respondent had two firearms which she kept in a bag inside of a closet.

As part of his investigation, Tully conducted an official Department interview with Respondent. DX 1 contains the recorded interview with Respondent and DX 3 is the accompanying transcript. During her interview, Respondent told Tully that there were two altercations, the first was verbal and the second was physical. After the verbal



altercation, Respondent took her gun and brought it to the 67 Precinct. An hour later, she returned to her residence where she engaged in the second altercation, which was physical. Respondent admitted that her firearms were inside a bag, and the bag was in her closet. Respondent also admitted that during her physical altercation [REDACTED] was struck but did not know how and where he was struck.

On cross-examination, Tully said that Person B was interviewed on November 29, 2012, sometime after midnight in the Commanding Officer's room. Tully, Hurst, the duty captain and Captain Rowell, the commanding officer, were present. Person B's [REDACTED] were not in the room. During the interview, Person B said that he believed that Respondent accidentally struck his [REDACTED] Person C with a door.

Tully agreed that Person A has a criminal record and that Person A has been arrested in the past for a domestic incident with Respondent. Person A told Tully that he [Person A] was concerned that the police would take Respondent's side [REDACTED] because Respondent was a police officer. Tully did not recall whether Person A told him that he [Person A] called 911 first because of such concern.

Tully did not know if anyone had gone into the room where Respondent's firearm was recovered. He also did not know whether Respondent had a bolted down gun safe at her residence. Respondent told Tully that the guns were in a bag inside her closet.

#### Respondent's Case

Respondent testified in her own behalf.



Respondent

Respondent is a six-year member of the Department. She has [REDACTED]  
[REDACTED]. Before joining the Department, Respondent had informed the Department that Person A had a criminal record.

In 2010, Person A was arrested because of [REDACTED] with Respondent. The charges against Person A were dropped because Respondent did not follow through with them. As a result of his arrest, Person A told Respondent that "[Respondent] would never be able to put [Person A] in that situation again because [Person A] would make sure he would call - -"<sup>1</sup>

Respondent testified that on the night of November 28, 2012, Person A looked through her phone and saw a text message Respondent had received earlier. He felt the message was inappropriate. The text message was from Respondent's lieutenant who said he was sorry for not answering her phone call because he was busy with work and would call her back. After Person A told Respondent that he had replied to the lieutenant's text message, Respondent became upset and they argued for about five minutes.

Then Respondent went to her closet to remove her firearms. She wanted to take her firearms to her precinct because Person A had in the past "made false allegations... concerning me and my job," she explained, "so I wanted to remove the firearms so there would be no problems with that." When she arrived at her precinct, she realized that she had forgotten her other firearm at [REDACTED]. She returned to [REDACTED] to retrieve the second firearm and "at that time we were in each other's faces and at that

Respondent was interrupted here by the Advocate's objection.

became physical, we were pushing each other. I went upstairs to retrieve my other firearm and it was at that point he came upstairs and he said he was calling the police.”

Respondent testified that she did not punch Person A on his face. She agreed that the physical altercation involved pushing and grabbing.

Respondent testified that because of the complaint made to the Department, the Office of Children and Family Services (OCFS) became involved. OCFS interviewed Respondent about a complaint of maltreatment of [REDACTED]. Respondent said that the outcome of the investigation by OCFS was “unfounded.” Respondent’s Exhibit (RX) A is a letter from OCFS.

Respondent testified that in one of her closets, she has a safe that is bolted to the floor. The safe has a digital lock and only she knows the combination. She said that when the police arrived at [REDACTED], her firearms were inside a bag because she had removed the firearms from the safe. The bag was on the upper shelf of her closet. She said that neither [REDACTED] nor Person A sustained any injuries that night.

On cross-examination, although she did not recall slapping Person A on his face that night, she said that it could have been possible. She agreed that Person A did not strike her during the altercation. Respondent’s [REDACTED], and [REDACTED] [REDACTED], witnessed their physical altercation. She admitted that Person C was crying and tried to break up the altercation. She did not recall whether Person C was hit on his face while he tried to break up the physical altercation. According to page 22, line 16 of Respondent’s Department interview, she thought that Person C was struck on his face while he tried to break up their physical altercation.



FINDINGS AND ANALYSIS

Specification No. 1 alleges that Respondent, on November 28, 2012 in Kings County, while off-duty, engaged in a physical altercation with [REDACTED], Person A.

Specification No. 2 alleges that Respondent, on November 28, 2012 in Kings County, while off-duty, failed to safeguard her firearm by leaving it unsecured in a closet in [REDACTED].

Specification No. 3 alleges that Respondent, on November 28, 2012 in Kings County, while off-duty, endangered the welfare of [REDACTED] in that she engaged in a physical altercation with [REDACTED] in [REDACTED] presence and struck one of them during the altercation.

Person A failed to comply with the Department's subpoena to testify. He recanted in a telephone conversation with the Advocate and also said he would not allow [REDACTED] to testify. Person A told Respondent's attorney he fabricated the allegations because he had been arrested once for assaulting Respondent. Person A believed that if he reached the police first and told them that Respondent was armed, intoxicated and a member of the service, the police would not arrest him again. He also told Respondent's attorney that he did not want to appear in court and subject himself to charges for perjury.

Although no [REDACTED] charges against him were ever filed, Person A has a criminal history. Because of Person A's recantation, Respondent's attorney argued, Person A's original statement could not be trusted.

In his interview with Department investigators on November 29, 2012 (DX 1 and 1A), Person A stated that he confronted [REDACTED] about a couple of text messages that

Lieutenant Bute sent her. After he threatened to call the lieutenant, Respondent “flew off the couch.” Person A stated, “[S]he started punching me in the head again.... [REDACTED] are screaming.” Respondent started hitting [REDACTED] because they were “getting in the way.”

Person A said that when Respondent punched him, she broke his “flipper tooth” and “the part that goes on the gums,” the bridge. She had been drinking. She went upstairs, then came down with her guns in a bag. She told him to give her back her phone, money and keys for the car. He refused. She went back upstairs and he followed her there, where, he said, “she kicked the shit out of me again.” She grabbed him by the neck and hit him a couple of times.

The Department also submitted the transcript of the Department’s interview of Person B(DX 2), Respondent’s [REDACTED]. Respondent’s attorney argued that Person B was too young to know the difference between right and wrong and was interrogated in an environment not mandated for juveniles, without a guardian present, and where his interrogators could lead him to give the answers they wanted. The Department argued that Person B’s youth gave him more credibility and that Respondent could not show any motivation that Person B had to lie about his [REDACTED].

Person B’s statements do not contradict other evidence. However, the questions that the interrogators asked Person B were leading. The transcript gave no indication that any procedures were followed to safeguard that this child was not unduly influenced. Thus, in formulating its decision, the Court does not rely on Person B’s statements.



Respondent's attorney also objected to the statements by Respondent's [REDACTED] [REDACTED] being entered into evidence without his having the ability to cross-examine these witnesses.

A finding of guilt based on hearsay evidence alone should be exercised cautiously when Respondent's right to confrontation is involved. However, in this case, two witnesses corroborated the hearsay statements made by Person A and Person B.

The first witness who corroborated Person A's statements was Sergeant Stephen Sperrazza. Sperrazza answered the call for "an officer needs assistance" on November 28, 2012 and spoke with Person A at Respondent's home.

Person A told Sperrazza the same story that he told the Department interviewers: his [REDACTED] "jumped out of the chair" and "struck him multiple times in the face." Sperrazza observed "minor redness, what looked like crusted dried-up blood, minor redness on the lower corner of his [Person A's] mouth." Also, Sperrazza stated, "[Person A] pulled out of his mouth and in his hand displayed to me what appeared to...be some sort of placebo tooth. And he said to me, '[Respondent] knocked this out of my mouth.'" Sperrazza testified, "It didn't look to me like a human tooth," but more "like a filler."

Finally, Respondent's own testimony corroborated what [REDACTED] told the Department. When Person A saw text messages that were sent to Respondent from a male colleague, Person A "expressed his disapproval." The [REDACTED] argued and she left the house, taking her firearm with her.

When she got to the precinct, Respondent realized she had left the other gun at home. When she returned home to pick up the other gun, she became involved in a physical altercation with [REDACTED]. On cross-examination, Respondent admitted that

she pushed Person A and that he did not push her back. She stated in her interview and in the courtroom that Person C came between Person A and her during their physical altercation and that it was possible that he might have gotten hit.

She also admitted that she kept her firearms in a bag on the top shelf of the closet. By keeping them in a bag, Respondent failed to properly safeguard her firearms.

Even without Sperrazza's testimony and the statements made by Respondent's [REDACTED], Respondent's admissions alone demonstrate her guilt. Therefore, Respondent is found Guilty of Specification Nos. 1, 2 and 3.

#### 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 January 10, 2007. Information from her personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Department recommended a 35-day penalty. Although Respondent's admissions alone established her guilt, Sperrazza's testimony and the statements by [REDACTED] confirmed how significant Respondent's misconduct was. As the Advocate argued, Respondent's failure to secure her weapons created a serious hazard in a [REDACTED] [REDACTED] [REDACTED] witnessed a physical altercation which endangered their welfare. The evidence indicated that Respondent's fighting with [REDACTED] caused an injury to his mouth and caused one of



██████████ to be hit. The Department demonstrated its recommended penalty is appropriate.

Therefore, it is recommended that a penalty of 35 vacation days be imposed.

Respectfully submitted,

*Amy J. Porter*

*by M. Kessler*

Amy J. Porter

Assistant Deputy Commissioner Trials



POLICE DEPARTMENT  
CITY OF NEW YORK

From: Assistant Deputy Commissioner Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER KATRINA ACEVEDO  
TAX REGISTRY NO. 942926  
DISCIPLINARY CASE NO. 2013-9524

Respondent received ratings of 3.0 "Competent" on her annual performance evaluations in 2012 and 2011, and a rating of 3.5 "Competent/Highly Competent" in 2010. She has six medals for Excellent Police Duty and two medals for Meritorious Police Duty. [REDACTED]

[REDACTED] Respondent has no prior formal disciplinary record.

For your consideration.

*Amy J. Porter*  
*by M. Kang*

Amy J. Porter  
Assistant Deputy Commissioner – Trials