



POLICE DEPARTMENT

December 29, 2014

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Tulio Camejo
Tax Registry No. 932401
Transit Bureau District 11
Disciplinary Case No. 2012-8414

A conference was held before the Court on the above-referenced case on September 30, 2014. Respondent is charged as follows:

1. Said Police Officer Tulio Camejo, while on-duty and assigned to the 42nd Precinct, on or about April 21, 2011, did engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer did create an Arrest Report and Criminal Court Complaint that contained inaccurate information and did sign and cause said Criminal Court Complaint to be filed in Bronx County Criminal Court. *(As amended)*

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

2. Police Officer Tulio Camejo while on-duty and assigned to the 42nd Precinct on or about April 21, 2011 in the vicinity of Bronx County Criminal Court in the Bronx, did fail to do his duty in that said officer did allow a Complaint Report and Arrest Report to be created containing inaccurate or incomplete information. *(Previously dismissed by Department as duplicative)*

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

The Department was represented by Pamela Naples, Esq., Department Advocate's Office.

Respondent was represented by Michael A. Martinez, Esq., Worth, Longworth & London, LLP.

MOTION TO DISMISS

The Court recommends that the Department's motion to dismiss be granted.

DISCUSSION

This report and recommendation is based upon a review of the Advocate's Case Analysis and Recommendation Memorandum along with statements made by the Advocate and counsel for Respondent on the record regarding this matter. The Advocate moved to dismiss the charge against Respondent because of the view that the matter was more of a misunderstanding and lack of clarity concerning the underlying facts.

Respondent was assigned to the 42 Precinct Street Narcotics Enforcement Unit (SNEU). On April 20, 2011, his team made several arrests. First, Respondent observed one individual, Person A, hand an object from a ziplock bag to an unknown individual in exchange for United States currency. Respondent arrested Person A for criminal possession of a controlled substance with intent to sell. Person A was found to have a ziplock bag containing four pills, which Respondent believed to be narcotics. He signed a criminal complaint alleging the above facts.

On the same date, however, the SNEU team arrested another individual, Person B, who apparently was involved in a different transaction. Both Person B and Person A filed complaints with the Criminal Complaint Review Board (CCRB) alleging excessive force. Person A asserted that Respondent (who was not identified as the officer allegedly using excessive force) told him, "Shut the fuck up and put your hands up." Person A denied committing a crime, and said that he witnessed the physical force incident between Person B and a sergeant.

At his CCRB interview, Respondent stated that Police Officer Jodi Brown observed a drug transaction. Respondent and other members responded to the location. The others went to

Person B and a third individual, Person C. Respondent, however, approached Person A, who was in a vehicle. Respondent arrested Person A and recovered the narcotics. Critically, he did not state that he observed a sale.

Brown told the CCRB that he observed a transaction between Person B and Person C. He did not mention anything about Person A. Police Officer Jason Vasquez was Respondent's partner. Vasquez told the CCRB that he and Respondent responded to the location. Respondent approached a nearby vehicle.

The CCRB called Respondent back for a second interview. At first, he confirmed the accuracy of his first interview. Then, confronted with inconsistency on the matter of the observation of Person A's transaction, he said that his criminal court affidavit was correct. He said that he observed the Person A transaction before Brown made the radio transmission of an observation.

Although the CCRB unsubstantiated Person A's allegations against Respondent, the file on the entire incident was forwarded to the Department Advocate's Office (this was prior to the CCRB prosecuting their own cases in the Trial Room). The Internal Affairs Bureau began its own investigation. In his official Department interview, Respondent said that he was unsure whether he observed Person A before or after Brown's radio transmission. He added that he believed the CCRB investigators had been asking him about his observations of possible excessive force during the Person B-Person C arrest and how that related to Brown's observation.

Respondent is charged with filing an inaccurate arrest report and criminal court affidavit. He is not charged with giving a misleading or otherwise imperfect CCRB statement.

Upon the hearing on the application to dismiss, the Advocate stated that when taken out of context, there were inconsistencies between Respondent's two CCRB interviews. Viewed as

a whole, however, due to the various CCRB allegations, complainants and members of the service, there actually were no inconsistencies. Respondent thought that he was being asked about the excessive force allegation against his sergeant and testified in that context. The CCRB interviewer, for example, asked general questions that called for a general narrative description. In fact, during his second interview, Respondent said that he was confused. He said that he did not remember the circumstances of Person A's arrest, until he was provided with the complaint, which made him remember.

The Advocate also noted that nothing disproved Respondent's account of Person A's arrest. Person A pleaded guilty to disorderly conduct.

In sum, in the Department's view, the apparent inconsistencies were the result of the interview techniques of the CCRB investigator and the answer method of Respondent. This created ambiguity but no misconduct. The Advocate's presentation supports that view. The Advocate also requested that Respondent receive re-instruction on the issue of testifying clearly and completely in all proceedings, including the point that he should ask questions when clarification is necessary. Accordingly, the Court recommends that the Department's motion to dismiss be granted.

APPROVED

JAN 29 2015
William J. Bratton
WILLIAM J. BRATTON
POLICE COMMISSIONER

Respectfully submitted,



David S. Weisel

Assistant Deputy Commissioner – Trials