



OFFICE OF THE POLICE COMMISSIONER
ONE POLICE PLAZA • ROOM 1400

October 30, 2024

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Adnan Mohammad**
Tax Registry No. 960952
Narcotics Borough Queens South
Disciplinary Case No. 2023-29052

The above named member of the service appeared before Assistant Deputy Commissioner Anne E. Stone on July 22, 2024, and was charged with the following:

DISCIPLINARY CASE NO. 2023-29052

1. Police Officer Adnan Mohammad, while assigned to the 105 Precinct, on or about and between December 3, 2022 and August 3, 2023, improperly ingested the prescription opioid medication of another individual, to wit: Hydrocodone.

A.G. 304-06, Page 1, Paragraph 1

PROHIBITED CONDUCT

In a Memorandum dated August 8, 2024, Assistant Deputy Commissioner Stone found Police Officer Mohammad guilty of the sole specification in Disciplinary Case No. 2023-29052. The facts and circumstances presented in the Memorandum from Assistant Deputy Commissioner of Trials, Stone, have been carefully considered. While I accept Police Officer's guilty plea, I do not agree with the proposed penalty recommendation of the forfeiture of thirty (30) suspension days previously served, the forfeiture of thirty (30) vacation days, and one (1) year of dismissal probation.

After reviewing the facts and circumstances of this matter, I find that deviation from the Disciplinary System Penalty Guidelines is unwarranted. In this case, Police Officer Mohammad failed a random drug screening test and tested positive for hydrocodone, a controlled substance for which he did not have a prescription. Although he pled guilty to wrongfully ingesting an opioid prescribed to another, and was cooperative during the investigation and disciplinary proceeding, Police Officer Mohammad nevertheless demonstrated a severe lapse in judgment, unbecoming of a uniformed member of the service. The only penalty for this misconduct, as provided for by the Disciplinary System Penalty Guidelines, is separation.

Therefore, I direct that Police Officer Mohammad be immediately dismissed from the Department.

A handwritten signature in black ink, appearing to read "Thomas G. Donlon".

Thomas G. Donlon
Police Commissioner



POLICE DEPARTMENT

August 8, 2024

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In the Matter of the Charges and Specifications	:	Case No.
- against -	:	2023-29052
Police Officer Adnan Mohammad	:	
Tax Registry No. 960952	:	
Narcotics Borough Queens South	:	

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

Before: Honorable Anne E. Stone
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Daniel Maurer, Esq.
Department Advocate's Office
One Police Plaza, Room 402
New York, NY 10038

For the Respondent: Stephen C. Worth, Esq.
Worth, London & Martinez, LLP
111 John Street, Suite 640
New York, NY 10038

To:

HONORABLE EDWARD A. CABAN
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

CHARGES AND SPECIFICATIONS

1. Police Officer Adnan Mohammad, while assigned to the 105 Precinct, on or about and between December 3, 2022 and August 3, 2023, improperly ingested the prescription opioid medication of another individual, to wit: Hydrocodone

A.G. 304-06, Page 1, Paragraph 1

PROHIBITED CONDUCT

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on July 22, 2024. Respondent, through his counsel, entered a plea of Guilty to the subject charge and testified in mitigation of the penalty. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review. Respondent, having pleaded Guilty, is found Guilty as charged. Having reviewed all of the evidence in this matter, I find that mitigation is warranted, and recommend that he forfeit the thirty (30) days, previously served on pre-trial suspension; that he forfeit thirty (30) vacation days; and that he be placed on a one-year period of dismissal probation.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent testified that in March 2023, he suffered a severe back injury while off duty. Respondent consulted his personal doctor, who prescribed several medications, including oxycodone, to address the associated pain. Respondent notified the Department of the injury as well as the medications he was taking and remained home for one month. Upon returning to work, he was on restricted duty for two months. During this time Respondent was taking his prescribed medication, as needed, to manage the discomfort. (Tr. 15-17)

In July 2023, Respondent was still suffering from the injury. His original prescriptions, which had been refilled twice, had run out. Respondent explained that he found some medication

in his medicine cabinet, which he believed had been prescribed to his wife after the births of their children. Respondent stated that since he and his wife would only keep leftover prescription pills if they were pain medication, Respondent took the medication. He continued consuming them, taking one or two of the unknown pills each day, for about two weeks. (Tr. 21-24, 29)

On August 3, 2023, Respondent was notified and appeared at the NYPD Medical Division. Once there he submitted hair samples as part of a random drug screening test (“DOLE”). As part of the Drug Screening Questionnaire, Respondent wrote that, in the past three months, he had taken prescribed oxycodone, as well as other “pain meds,” all related to his back pain. (Tr. 17-18; Resp. Ex. A at I-3)

Respondent was notified that he had tested positive for hydrocodone on August 10, 2023. He spoke informally with Dr. Ciuffo of the Medical Division shortly thereafter. During that conversation, and several subsequent conversations, Respondent told Dr. Ciuffo about taking the unnamed pills that he found in his medicine cabinet. He was given the opportunity to provide a prescription for hydrocodone, which he was unable to do. (Tr. 20-22)

During his official Department interview, Respondent admitted that he did not have a prescription for hydrocodone. He told the investigators about taking the leftover medicine, and told them that, at the time, he thought it might have been ibuprofen. Respondent provided the Department with medical documentation, including his prescription history from the pharmacy. Respondent also checked his wife’s prescription history. There was no record of either of them being prescribed Hydrocodone. Respondent speculated that the hydrocodone may have belonged to either his father or his brother, both of whom had resided with Respondent. He was unable to check their prescription histories, because they are both deceased. (Tr. 24, 28, 30-31)

In November 2023, Respondent, who had been restored to full duty, was working at Brooklyn Court Section. He suffered another injury to his back while apprehending a prisoner who was attempting to escape. After this, Respondent was out of work “line of duty” and was again prescribed medication to manage his pain. (Tr. 19-20)

Respondent became a police officer in 2016, while in his thirties. He is forty-two years old now. Respondent worked in the 105 precinct until he was suspended regarding this case. He was born in Bangladesh. Respondent speaks Urdu, Hindi, and Punjabi, each of which he has used in the course of his employment as a police officer. He further testified that he is married and is the sole breadwinner in his household. Respondent explained that his wife stays home to care for their four daughters, who are all between the ages of 8 and 13. Respondent admitted that when he was on restricted duty, he was anxious to return to full duty because he needed the money he would normally earn doing overtime to support his family. (Tr. 14-15, 22)

Finally, Respondent detailed that, in the course of his career, he had been subjected to mandatory drug testing about five times. He acknowledged that he was aware that there were substances which police officers cannot take without a prescription, and some prescription drugs that they cannot take at all. (Tr. 28, 32-33)

The parties stipulated on the record that had Deputy Chief Surgeon, Dr. Joseph Ciuffo, appeared before the tribunal, he would have testified that the levels of hydrocodone present in the samples taken from Respondent were not indicative of “overuse” of the substance. It is also undisputed that the hydrocodone was less potent than the oxycodone which Respondent had been prescribed. (Tr. 5-6) In addition, Respondent entered a copy of the report regarding his DOLE test failure, created by the NYPD Medical Division Drug Screening Unit, into evidence. (See Respondent’s Exhibit A)

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 January 6, 2016, has pled guilty to the single specification of improperly ingesting the opioid medication, hydrocodone, which had been prescribed to another person, in violation of Administrative Guide section 304-06. The Advocate is recommending that Respondent's employment with the Department be terminated. Respondent, through his attorney, has argued for a mitigated penalty, something short of separation from the Department.

The wrongful ingestion of opioids by any member of the service is inconsistent with the good order and discipline of the NYPD. The tribunal acknowledges that the presumptive penalty for wrongfully ingesting opioids is termination. The specific circumstances of this case, which are reflected in the single specification charged by the Department Advocate's office, are unusual. As discussed below, in the interest of justice and fairness, I am recommending a deviation from the Disciplinary Matrix. I believe that the loss of a significant number of penalty days, to be followed by a period of monitoring, rather than outright termination, is warranted.

The facts in this case are straightforward. I observed Respondent carefully on the stand; his testimony was sincere and unembellished. I credit his account of the events. It is undisputed that in March 2023, Respondent suffered an off duty back injury. His condition was serious and

painful enough for his doctor to require him to stay home from work for a month, and to prescribe opioid pain medication to manage his discomfort. I credit his assertion, which is corroborated by Respondent's Exhibit A, that he took that medication as prescribed until he finished the pills. At that point Respondent showed a serious lapse in judgement, when he made the decision to swallow medication which had been prescribed to someone else. He compounded this mistake by not knowing exactly what he was ingesting. Respondent admitted that he knew from his time as a police officer that there are some substances, which may be legally prescribed, that police officers may not take. I find it troubling that Respondent would be careless enough to consume pills without knowing what they were.

On the other hand, it is undisputed that Respondent was using this drug for a documented medical, not recreational, purpose. As the finder of fact, I credit Respondent's assertion that the pills were in his house lawfully. I believe Respondent took the medicine during a flare up of his back pain, in order to continue to work at full duty status and support his family. Both parties have stated, and I agree, that he did not use the hydrocodone pills recreationally. The Department surgeon acknowledged that Respondent's test results gave no indication that he overused any of the medications he took.

In contemplating an appropriate penalty, the tribunal considered *Disciplinary Case No. 2018-18619* (Jan. 24, 2019), which was cited by Respondent's attorney, as precedent that supports a penalty short of separation from the Department. In that case, a lieutenant with 18 years of service was found guilty of wrongfully ingesting and possessing an anabolic steroid, which he testified he had taken to enhance his workout routine. In that case, the respondent forfeited 60 suspension days, was placed on dismissal probation, and ordered to undergo random drug tests during the probation period. In making a penalty recommendation that allowed for that

officer's continued employment, the Trial Commissioner characterized the lieutenant's service to the Department as "exemplary" and emphasized that he consistently accepted responsibility for his actions.

I believe that, like the officer referenced above, Respondent should receive a significant penalty, but not have this lapse in judgement mark the end of his career. Similar to the lieutenant in the cited case, Respondent consumed pills without doing any due diligence. An important distinction is that Respondent did so to relieve pain from a documented back injury, not for personal or recreational purposes. Respondent never tried to hide the use of these drugs from the Medical Division. He testified that he was referring to these unknown pills on the drug screening questionnaire when he wrote "pain meds" on the form. In addition, Respondent fully and immediately cooperated with Medical Division personnel when his DOLE test came back positive for hydrocodone. He provided his pharmacy and medical records to assist in the investigation. That forthrightness continued through his interviews with IAB and when he appeared before the tribunal in this matter. Respondent has met the mandates of cooperation and truthfulness set forth in Departmental regulations. In addition, Respondent has consistently accepted responsibility for his mistake, has not tried to make excuses for it, and understands he needs to be held accountable for it.

Respondent testified that he wishes to continue his employment with the Department, and is willing to accept a significant penalty in order to do so. An examination of his employment record reveals that Respondent received "Exceeds Expectations" and "Exceptional" on all of his annual performance evaluations, including those which cover the time period since he failed the mandatory drug test. I believe that the combination of the loss of a significant number of penalty days, with the close monitoring of dismissal probation, addresses the serious nature of the

misconduct, while taking into account the unusual circumstances surrounding the ingestion of the medication. It acknowledges the mitigating factors listed above, while serving as a deterrent to any future misconduct on the part of Respondent.

Based on the foregoing, it is my recommendation that Respondent be DISMISSED from the New York City Police Department, but that his dismissal be held in abeyance for a period of one year pursuant to Section 14-115(d) of the Administrative Code, during which time he remains on the force at the Police Commissioner's discretion and may be terminated at any time without further proceedings. I further recommend that Respondent forfeit the thirty (30) days, previously served on pre-trial suspension, and an additional thirty (30) vacation days. While it is beyond the authority of this Tribunal to direct mandatory drug testing during the one-year period of monitoring, I strongly recommended that such additional measures be considered.

Respectfully submitted,



Anne E. Stone
Assistant Deputy Commissioner Trials

DISAPPROVED


OCT 30 2024
THOMAS G. DONLON
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER ADNAN MOHAMMAD
TAX REGISTRY NO. 960952
DISCIPLINARY CASE NO. 2023-29052

Respondent was appointed to the Department on January 6, 2016. On his three most recent annual performance evaluations, he was twice rated “Exceptional” for 2022 and 2023, and rated “Exceeds Expectations” for 2021.

Respondent has no formal disciplinary history. In connection with the instant matter, Respondent was suspended without pay from September 6, 2023 through October 5, 2023. He was placed on Level 2 Discipline Monitoring in November 2023; monitoring remains ongoing.

For your consideration.

Anne E. Stone
Assistant Deputy Commissioner Trials