



POLICE DEPARTMENT

-----X  
In the Matter of the Disciplinary Proceedings :  
- against - : FINAL  
Deputy Inspector James Kobel : ORDER  
Tax Registry No. 901786 : OF  
Transit Borough Bronx/Queens : DISMISSAL  
-----X

Deputy Inspector James Kobel, Tax Registry No. 901786, having been served with written notice, has been tried on written Charges and Specifications numbered 2020-22926, as set forth on form P.D. 468-121, dated January 9, 2021 and after a review of the entire record, Respondent is found Guilty.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Deputy Inspector James Kobel from the Police Service of the City of New York.

DERMOT F. SHEA  
POLICE COMMISSIONER

EFFECTIVE: 2/3/2021



POLICE DEPARTMENT

February 1, 2021

-----X  
In the Matter of the Charges and Specifications :

- against - :

Deputy Inspector James Kobel :

Tax Registry No. 901786 :

Transit Borough Bronx/Queens :

Case No.

2020-22926

-----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: Tried *in absentia*

To:

HONORABLE DERMOT F. SHEA  
POLICE COMMISSIONER  
ONE POLICE PLAZA  
NEW YORK, NY 10038

## CHARGES AND SPECIFICATIONS

1. Deputy Inspector James Kobel, while assigned to the Equal Employment Opportunity Division, on or about October 14, 2020, wrongfully provided false, inaccurate, or misleading statements during a Department interview and impeded a Department investigation.  
P.G. 203-08, Page 1, Paragraph 1 FALSE OR MISLEADING STATEMENTS  
GENERAL REGULATIONS  
  
P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT –  
PROHIBITED CONDUCT  
GENERAL REGULATIONS
2. Deputy Inspector James Kobel, while assigned to the Equal Employment Opportunity Division, on or about October 22, 2020, wrongfully provided false, inaccurate, or misleading statements during a Department interview and impeded a Department investigation.  
P.G. 203-08, Page 1, Paragraph 1 FALSE OR MISLEADING STATEMENTS  
GENERAL REGULATIONS  
  
P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT–  
PROHIBITED CONDUCT  
GENERAL REGULATIONS
3. Deputy Inspector James Kobel, while assigned to Transit Borough Bronx/Queens, on or about January 7, 2021, wrongfully provided false, inaccurate, or misleading statements during a Department interview.  
P.G. 203-08, Page 1, Paragraph 1 FALSE OR MISLEADING STATEMENTS  
GENERAL REGULATIONS  
  
P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT –  
PROHIBITED CONDUCT  
GENERAL REGULATIONS
4. Deputy Inspector James Kobel, while assigned to the Equal Employment Opportunity Division, on or about and between July 1, 2019 and September 5, 2020, wrongfully posted content involving discourteous or disrespectful remarks regarding ethnicity, race, religion, gender, gender identity/expression, sexual orientation, and/or disability on a social media site.  
P.G. 203-32, Page 1,  
Paragraphs 5, 6, 7, or 10 PERSONAL SOCIAL MEDIA  
ACCOUNT AND POLICY  
GENERAL REGULATIONS  
  
P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT –  
PROHIBITED CONDUCT  
GENERAL REGULATIONS

5. Deputy Inspector James Kobel, while assigned to the Equal Employment Opportunity Division, on or about and between July 1, 2019 and September 5, 2020, on multiple occasions, wrongfully divulged Department information on a social media site.  
P.G. 219-14, Page 1, Paragraph 3                      DEPARTMENT COMPUTER SYSTEMS  
DEPARTMENT PROPERTY
- P.G. 203-10, Page 1, Paragraph 3                      PUBLIC CONTACT –  
PROHIBITED CONDUCT  
GENERAL REGULATIONS
6. Deputy Inspector James Kobel, while assigned to the Equal Employment Opportunity Division, on or about and between July 1, 2019 and September 5, 2020, on numerous occasions, improperly used Department equipment, to wit: Department smartphone, “Jetpack,” or “Surface-Pro” for a non-Department purpose or non-City purpose by posting inappropriate material or asking Members of the Service not to take prompt police action on a social media site or by otherwise accessing a social media site.  
P.G. 203-06, Page 1, Paragraph 15                      PERFORMANCE ON DUTY –  
PROHIBITED CONDUCT  
GENERAL REGULATIONS
- P.G. 203-10, Page 1, Paragraph 5                      PUBLIC CONTACT –  
PROHIBITED CONDUCT  
GENERAL REGULATIONS

## REPORT AND RECOMMENDATION

The above-referenced matter was set down for trial for January 25 and January 26, 2021. Respondent and his attorney, Louis La Pietra, Esq., chose not to appear for the trial, and an inquest hearing was held in their absence. The Department called Deputy Inspector Bienvenido Martinez, Lieutenant Robert Czerepak, Sergeant Manuel Chang, Sergeant Penny Wang, and Sergeant Shanna Somaroo as witnesses. 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 all six specifications, and recommend that he be DISMISSED from the New York City Police Department.

## ANALYSIS

### *A. Background*

On January 7, 2021, Respondent was present for an official Department interview, where he was questioned regarding accusations that he had, over a 15-month period, made numerous posts to social media that were discourteous or disrespectful. Later that same day, Respondent was suspended. The following day, Respondent, who has over 28 years of service with the Department, submitted an application for service retirement; his effective date of retirement is scheduled for February 7, 2021.

Respondent was served with charges and specifications on January 13, 2021. On January 15, 2021, a video conference was held in this matter. Respondent was represented by his attorney, Louis La Pietra, who waived his client's appearance for purpose of the call. The Court granted the Department Advocate's Office request for an expedited trial, and the case was adjourned to January 25 to begin trial, with January 26 designated as the second day of trial. The Court instructed the Advocate and Mr. La Pietra to notify Respondent of these trial dates.

On January 25, 2021, neither Respondent nor his attorney appeared for trial. The Advocate informed the Court that Respondent had personally been notified of the trial dates on January 20, 2021, and that Respondent signed a receipt acknowledging the notification. On January 22, 2021, Mr. La Pietra informed our court staff that neither he nor Respondent would be appearing for the trial. As such, I find that Respondent had ample notice of the date of this proceeding. Based on the foregoing, the Court proceeded in Respondent's absence, and conducted an inquest hearing on January 25 and January 26, 2021. (38 R.C.N.Y. 15-03 (b) (2), 15-04 (d))

*B. Evidence*

From July 1, 2019 through September 5, 2020, an individual with the user name “Clouseau” made dozens of disturbing posts to an Internet message board known as the Law Enforcement Rant (“LER”). In general, the LER, which has since been taken offline, contained postings related to law enforcement matters. It is alleged that Respondent is the individual who made the posts under the name Clouseau, and that many of those posts were discourteous or disrespectful as to ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability. In three separate official Department interviews, Respondent, who was the Commanding Officer of the Department’s Equal Employment Opportunity Division (“EEOD”) during the relevant time period, denied that he made the posts in question under the name Clouseau.

Deputy Inspector Bienvenido Martinez , the C.O. of Group 1 of IAB, testified that he compiled a list of the posts made by Clouseau from a certified report prepared by the New York City Council, Oversight and Investigations Division Chair, Hon. Ritchie J. Torres (Dep’t Ex. 18). Deputy Inspector Martinez prepared individual folders for each of the posts; some of these folders also include files with additional information to help understand the significance of the posts (Dep’t Ex. 20-81, 83).

A number of the Clouseau posts included comments about minority groups. Below is a representative sampling of such posts, all of which were posted by the Clouseau account registered to Respondent through AOL:

- In reference to public housing family days: “It seems that a good time is always had by all during the daylight hours but as soon as the sun sets, the Hennessey keeps on flowing, the weed keeps getting smoked, the fights break out and the shots are fired. Civilized people do not conduct themselves in this manner.” (Dep’t Ex. 24)

- In reference to neighborhood baby showers: “Nowadays, ghetto showers aren’t complete without a group of Hennessey fueled savages causing their own brand of savagery.” (Dep’t Ex. 32)
- In reference to the Russian community: “These folks are straight from the Russian ghettos. They are animals.” Later in the post: “Fuck them, I was born here and they are bottom feeding savages only a couple steps above the savages living in the Lincoln House savages.” (Dep’t Ex. 73)
- In response to another thread: “Proving yet again that if they can’t smoke it, drink it, fuck it or steal it, these savages destroy it.” (Dep’t Ex. 81)
- In reference to a female individual: “It’s bad enough that she probably votes but that’s not the extent of it. This savage spreads her legs and reproduces little carbon copies of herself/hissself. Good god, we are doomed. Would someone please throw a gallon of bleach in the human gene pool?” (Dep’t Ex. 77)
- In a thread titled “Diversity Trashes Dunkin Donuts”: “Yes, the urban ghetto types. 25,000 years of evolution continues to elude these poor unfortunate creatures.” (Dep’t Ex. 51) In another post: “10,000 years of evolution continues to elude this sorry bunch of misfits and malcontents.” (Dep’t Ex. 54)
- In reference to the first homicide of 2020: “My bet is a gunshot wound in the 4-7 over the last piece of jerk chicken at the buffet.” (Dep’t Ex. 61)
- In reference to Eric Garner: “Instead, it was easier for him to do absolutely nothing except planting his seed everywhere and having every one of his spawn living off the federal government teet.” Later in the post: “A message to the rest of the Garner family: Skip the grape soda and Cheetos.” (Dep’t Ex. 26) In another post, Garner referred to as a “chicken wing eatin’, grape soda drinkin’, loosie sellin’ fat bastard.” (Dep’t Ex. 46)
- In reference to the Orthodox Jewish community: “I think eventually all of the inbreeding may lead to the demise of these clowns, the severity of birth defects will only increase.” (Dep’t Ex. 36) In a later post: “It’s pretty hard to self-quarantine or social distance when you have a whole lot of incest going on.” In an additional post: “On the bright side, as members of the Hasidim start circling the drain and going out of the picture, the number of people fraudulently claiming welfare benefits will be reduced. Yes, a win-win situation.” (Dep’t Ex. 75 & 76)
- In reference to the Department’s facial hair policy: “All of a sudden, we have about 8000 deeply devout religious followers of the Prophet Mohammed and the Old Testament Book of Leviticus. It’s all bullshit. The Muslims flat out refuse to assimilate. And the rest of these clowns who have been quoting the Old Testament to get permission to wear beards are nothing but a bunch of frauds.” (Dep’t Ex. 66)

- In reference to a lieutenant cheating on promotion test: “This lying cheating goat fucking Palestinian scumbag just couldn't be bothered with studying for the exams like everyone else. Instead, he had to lie and scheme like so many of his countrymen.” (Dep’t Ex. 80)

Additionally, a number of the Clouseau posts referenced notable figures. Below is a representative sampling of such posts; again, all were posted by the Clouseau account registered to Respondent through AOL:

- New York City Public Advocate Jumaane Williams: “Twitching missing link.” (Dep’t Ex. 45)
- Human Rights Activist Kirsten John Foy: “Jumaane’s butt boy and meat gazer.” (Dep’t Ex. 45)
- Mayor Bill de Blasio’s son, Dante de Blasio: “Brillohead.” (Dep’t Ex. 59)
- The spouse of Assembly Member Charles Barron: “His lesbian mule wife.” (Dep’t Ex. 74)
- Former President Barack Obama: “Fuck that Muslim savage.” (Dep’t Ex. 78)
- Former NYPD Chief Joanne Jaffe: “That dried up Cee U Next Tuesday (CUNT).” (Dep’t Ex. 44)
- Broadcast journalist Shepard Smith: “Half-a-sissy turd.” (Dep’t Ex. 41)
- Comedian Rosie O’Donnell: “Hey Rosie, with all that noise, did your wife ever accidentally bite down on your, ahem manhood?” (Dep’t Ex. 49)
- Representative Ilhan Omar: “So not only is this filthy animal a homeland wrecker but she is homewrecker as well.” (Dep’t Ex. 31)
- Speaker of the House Nancy Pelosi: “A too much Chardonnay drinkin, loose denture wearin’, no class havin’ twat.” (Dep’t Ex. 69)

There also were a number of Clouseau posts pertaining to Department business. For instance, one post refers to the supervision of a specific arrest and discusses details of the arrest pedigree card. (Dep’t Ex. 40) A separate post contains details of a shift performed on Christmas Day in 1994, during which a member of service (“MOS”) took his own life. (Dep’t Ex. 43)



Another post makes reference to the disciplinary history of a fellow MOS. (Dep't Ex. 52) One post gives details regarding a Commanding Officer being transferred from his command, while a separate post refers to the duty status of two MOS. (Dep't Ex. 56, 79)

Sergeant Manuel Chang of IAB Group 7, which oversees technology-related investigations, provided testimony about the technological component of the Department's case. With Respondent's consent, Chang conducted forensic analysis of his personal phone and computer at his home on October 15, 2020. That analysis revealed a July 1, 2019 email sent by ProBoards, the hosting company for the LER website, to Respondent's AOL account, which confirmed creation and administrator approval of an LER account for the username Clouseau. Respondent confirmed in his Department interview that the AOL account belonged to him. (Tr. 63-64, 75-78; Dep't Ex. 6, 7 and 14, p.9, ln 6) A thumbnail avatar image of Inspector Clouseau from the Pink Panther movies, which was used by Clouseau on all posts to the LER forum, was also discovered on Respondent's personal cell phone in his iCloud account. (Tr. 26-27, 80-81, 86-87, 108; Dep't Ex. 8)

In October of 2020, Chang, who has significant experience with extracting data from computers and mobile devices, conducted forensic analysis of Respondent's devices and subpoenaed records related to Respondent's Internet and network usage, allowing him to determine the unique IP addresses associated with Respondent's connecting of his devices to his wireless networks. At the outset of the investigation, a subpoena was served on ProBoards, requesting all subscriber and user information related to Clouseau. ProBoards provided a list of IP addresses associated with the Clouseau account. As a result, Chang was able to isolate two IP addresses that he ascertained had consistently accessed and posted to the LER website using Verizon home and business accounts that were linked with Respondent's home address. (Tr. 23-29, 30-37, 40, 49; Dep't Exs. 1, 2 and 3)

Sergeant Chang analyzed two devices assigned by the Department to Respondent -- a Surface Pro Laptop and an iPad -- as well as a wireless JetPack that allowed Respondent to connect these devices wirelessly to a WiFi network. Sergeant Chang explained that the JetPack, which was assigned to Respondent's Tax ID, essentially was the hotspot for such connections. When the JetPack is used to gain access to the Internet, an IP address is assigned to it, which provides an explanation for why some of the IP addresses linked to the Clouseau account were not linked to Respondent's home address. (Tr. 50-57; Dep't Ex. 4 and 5) To that end, Inspector Martinez subsequently confirmed that the LER posts in evidence as Dep't Ex. 72 and 73, including the post about the Russian community referenced above, were made using the Department JetPack while Respondent was on vacation in Florida. (Tr. 205-06) The posts in Dep't Ex. 50, 58 62, 79 and 80, including the post mentioned above where a lieutenant was referred to as a "goat fucking Palestinian scumbag," were also specifically linked to the JetPack by Inspector Martinez in his testimony. (Tr. 214-18)

It also was established that a number of Clouseau's posts contained information that aligned exactly with Respondent's personal biographical details. In some cases, there was additional corroborating information. Some of the most notable examples are outlined below:

- Dep't Ex. 22- Clouseau references that his father passed away in 2010 and his mother, who suffered from [REDACTED], in February 2019. Obituaries for Respondent's parents, also in evidence, match these dates. Respondent confirmed both dates and the fact that his mother had [REDACTED] in his October 14, 2020 interview. (Dep't Ex. 12 at 11-12)
- Dep't Ex. 43- Clouseau references working on a midnight tour on Christmas Day 1994 and responding to the scene of a MOS suicide at a midtown bar. His brother, also a MOS, was the first responding officer on the scene. His memo book confirms generally that he responded to the location at that date and time. Respondent confirmed specifically that he and his brother responded to the scene, though he did not recall the name of the deceased officer referenced by Clouseau in the post. (Dep't Ex. 12 at 17-18; Dep't Ex. 16 at 89-93)

- Dep't Ex. 48- Clouseau references that he proposed to his wife in December 2005 at the Uniondale Christmas tree and celebrated afterward at Peter Luger's steakhouse. Respondent in his October 2020 interview confirms that this was when and where he proposed and that he and his wife celebrated their engagement at Peter Luger's. (Dep't Ex. 12 at 21; Dep't Ex. 16 at 94-95)
- Dep't Ex. 73- Clouseau references being on vacation visiting a home owned by his in-laws in [REDACTED] Florida on February 19, 2020. CityTime records in evidence confirm Respondent was in fact on vacation the week of February 16, 2020. Respondent, in his October 2020 and January 2021 interviews, confirmed that he was on vacation in Florida, staying at his in-laws' home in [REDACTED] Florida during that week in February 2020. (Dep't Ex. 12 at 12-13; Dep't Ex. 16 at 116-22)

Lieutenant Robert Czerepak of IAB, Group 1, testified that he compiled a matrix listing the times Clouseau accessed the LER site, including references to the IP addresses used, the date and times when the site was accessed, whether Clouseau made any posts during the visit, and whether Respondent was working at the time. (Dep't Ex. 82)

Sergeant Penny Wang of IAB testified that she was present for the first official Department interview of Respondent on October 14, 2020. A recording of that interview, along with the accompanying transcript, were admitted into evidence (Dep't Ex. 11 and 12). In that interview, Respondent was first asked a number of biographical details about his life, including when his parents died, where his in-laws live, how many siblings and children he has, which of his relatives were members of the NYPD, when he got engaged and where he had worked on specific dates or timeframes. He was then confronted with a number of Clouseau's posts. Respondent denied making the posts, both individually, and collectively at the end of the interview. It was pointed out to Respondent that "it would seem that whomever makes these posts...has a lot of personal information about you." Respondent then was asked if he had any reason to suspect someone who had all this information about him would make these posts;

Respondent said he did not, and claimed that he was “completely blown away by these posts.” (Dep’t Ex. 12 at 40-41)

Sergeant Shanna Somaroo of IAB testified that she was present for the second and third official Department interviews of Respondent, which took place on October 22, 2020 and January 7, 2021. A recording of those interviews, along with the accompanying transcripts, were admitted into evidence (Dep’t Ex. 13 & 14, and Dep’t Ex. 15 & 16, respectively). At the start of the October 22 interview, Respondent was asked if he stood by his prior statements; Respondent reaffirmed his October 14 denials, claiming that he was not familiar with the Clouseau posts, and that he had not written them. When asked about the thumbnail image of Clouseau used on the posts and found on his phone, Respondent said he did not recall downloading or screenshotting the photo and could not explain why it was on his phone in his iCloud. Similarly, after Sergeant Chang posed questions about the auto-response email sent to Respondent’s AOL account approving the creation of the Clouseau account on the LER, Respondent denied being familiar with or having any explanation for the email. (Dep’t Ex. 13, 14 at 8-9, 22-28)

In the January 7, 2021 interview, Respondent suggested that somebody else was making the posts on his behalf. When it was suggested to Respondent that he would had to have shared his router password with someone, he responded, “I guess so.” When asked how someone could have accessed his Department phone, Respondent answered, “I don’t know. I don’t know.” Later in the interview, after going through many of the specific posts with Respondent, each of which he denied making, Respondent was presented with and given time to review a matrix summarizing the posts authored under the Clouseau moniker. Inspector Martinez asked Respondent, “Are you Clouseau and did you make those posts on the rant?” Respondent replied, “No, I am not, and no, I did not.” (Dep’t Ex. 15, 16 at 80-82, 179, Ins. 15-19)

*C. Analysis*

The record has established, by a preponderance of the credible evidence, that Respondent is the source of the LER posts made under the username "Clouseau." Sergeant Chang provided thorough, detailed testimony of how IAB's investigation produced extensive evidence establishing that Respondent made the posts in question. For instance, a July 1, 2019 email sent by ProBoards to Respondent's AOL account confirmed that he was registered and approved to use the LER forum under the username Clouseau, which was the source of all the posts in question. Also, the forensics examination conducted by the Department directly connected the IP addresses used during many of the offensive LER posts to Respondent's home address via his Verizon Fios account. The investigation also confirmed that a wireless JetPack, assigned to Respondent by the Department, was used to connect to the LER website at the time an additional number of the Clouseau posts were made, including at a time where Respondent was on vacation in Florida. Further, a thumbnail avatar of the exact same image of Inspector Clouseau from the Pink Panther movies, which was used in all of the Clouseau posts to the LER forum, was discovered on Respondent's personal cell phone in his iCloud account (Dep't Ex. 8).

Additionally, a number of the LER Clouseau posts contained biographical information that matched Respondent's life. As indicated above, details regarding the passing of Respondent's father, and his mother's [REDACTED] appear in an LER post (Dep't Ex. 22). Another post (Dep't Ex. 43) contains details from a midnight tour on Christmas Day 1994, which match up with records of Respondent's tour that day. An additional post (Dep't Ex. 48) provides details of a marriage proposal and celebration identical to when Respondent proposed to his wife and where they celebrated afterward. A fourth post (Dep't Ex. 73) contains information about a vacation, which corresponds to details of a vacation taken by Respondent. A separate post

(Dep't Ex. 40) discusses details of the supervision of an arrest which Respondent did, in fact, supervise.

As noted above, when confronted with these accusations during three separate Department interviews, Respondent never suggested who else might have had access to his passwords. In light of the forensic evidence connecting Respondent to the Clouseau posts, as well as the biographical information in a number of posts linking "Clouseau" to Respondent, I find that Respondent made the Clouseau posts on the LER. With that in mind, we turn to the specifications.

Specifications 1-3 charge Respondent with providing false, inaccurate, or misleading statements during official Department interviews on three separate dates. Section 203-08 of the Patrol Guide prohibits the making of false statements. The guideline states, "Intentionally making a false official statement regarding a material matter will result in separation from the Department, absent extraordinary circumstances."

On October 14, 2020, Respondent was confronted with a number of the Clouseau posts, and denied making any of them. During his second interview on October 22, 2020, Respondent reaffirmed his denials from the previous interview, claiming that he was not familiar with the Clouseau posts, and insisting that he did not write them. In his third interview on January 7, 2021, Respondent was asked, "Are you Clouseau and did you make those posts on the rant?" Respondent replied, "No, I am not, and no, I did not."

For the reasons discussed above, the record has established, by a preponderance of the credible evidence, that Respondent was, in fact, the source of the LER posts made under the username Clouseau. His repeated denials during the course of three Department interviews were more than a mere procedural "not guilty" plea; he denied specific facts, claiming that he did not make the Clouseau posts, in the face of specific, credible evidence to the contrary. As such,

these specific denials constituted false statements. I find that that his denials were self-serving and intentional, designed to avoid responsibility for his actions. Moreover, these denials went to the very heart of the issue at hand, and therefore were material to the investigation. Further, his false denials during the first two interviews necessitated further investigation by the Department, thereby impeding the Department's investigation. Accordingly, I find Respondent guilty of Specifications 1-3.

Specification 4 charges Respondent with wrongfully posting content involving discourteous or disrespectful remarks on the LER social media site. As discussed above, I find that Respondent was the source of the posts, most of which were plainly disparaging. Respondent repeatedly made comments, on a public, social media site, that were demeaning not just to particular individuals, but to multiple classes of people in general. These comments included insulting, belittling remarks as to the ethnicity, race, religion, gender, gender identity/expression, sexual orientation, and disabilities of various people.

Members of the service are responsible for their conduct at all times, including their use of personal social media accounts and public message boards. They must remain cognizant of the fact that posts in an online domain that can be linked to them are also a reflection on the Department. Even where, as here, a number of the posts were made while off-duty, the disparaging nature of the posts have a profound impact, bringing discredit both to Respondent himself and the Department as a whole. The outrageous nature of many of these posts goes straight to Respondent's character and integrity, and undermines his ability to serve as an MOS. For Respondent, the Commanding Officer of EEOD, to make comments such as these on a public website, runs completely counter to the good order, efficiency, and discipline of the Department.

The credible evidence has established that Respondent wrote inexcusably offensive posts over a prolonged period, targeting many groups and individuals with his profane, perverse comments. Accordingly, I find Respondent guilty of Specification 4.

Specification 5 charges Respondent with wrongfully divulging Department information on a social media site. As discussed above, Respondent made a number of posts to the LER where he provided specific information about Department business, some of which were problematic. He wrote about the disciplinary history of one MOS, the reasons why a C.O. was transferred from his command, and details of two MOS regarding their duty status. Respondent discussed information from specific tours, including one where an MOS took his own life, and one where he provided details of a prisoner's arrest processing.

Section 203-10 (3) of the Patrol Guide prohibits MOS from divulging or discussing official Department business, except as authorized. With these posts, Respondent repeatedly ran afoul of this guideline by divulging Department information. Moreover, the posts were purely gratuitous, serving no legitimate Department purpose. Accordingly, I find Respondent guilty of Specification 5.

Specification 6 charges Respondent with improperly using Department equipment. Section 203-06 of the Patrol Guide prohibits using Department equipment for any non-Department purpose. Here, Respondent, on multiple occasions, used his Department JetPack in order to connect to the LER website, where he repeatedly made inappropriate posts. These posts served no legitimate Department purpose. As such, his use of the Department equipment was improper, and I find Respondent guilty of Specification 6.



## PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See Matter of Pell v. Board of Educ., 34 N.Y.2d 222, 240 (1974). Respondent was appointed to the Department on June 30, 1992. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum. Respondent has no disciplinary record.

Respondent has been found guilty of making numerous derogatory posts where he maligned individuals and multiple classes of people. Members of service are expected to value human life, and respect the dignity of each individual. The misconduct here, writing posts that are demeaning, belittling, and insulting to individuals, as well as whole communities, demonstrated a willful and wanton disregard of Department values. Such misconduct would be unacceptable from any MOS. Here, where the source of these abhorrent posts was the Commanding Officer of EEOD, this shocking rhetoric is even more reprehensible. Respondent's actions constituted a betrayal of the oath he swore as a member of the service, and there must be consequences.

Respondent compounded this misconduct by intentionally providing false statements at his three official Department interviews; during each interview, Respondent falsely denied that he was the source of the Clouseau posts on the LER. The goal of any internal investigation is to get to the truth, and false statements such as those repeatedly made by Respondent run completely counter to that goal. Even after being confronted with credible evidence of his misconduct, Respondent persisted in evading responsibility for his actions, by deliberately providing untrue answers to the questions he was asked about the posts he made on the LER.

Taking into account the totality of the facts and circumstances in this matter, which involved egregious conduct wholly unbecoming a member of this Department, I recommend that Respondent be DISMISSED from the New York City Police Department.

Respectfully submitted,

*Jeff S. Adler*

Jeff S. Adler

Assistant Deputy Commissioner Trials

**APPROVED**

*[Signature]*  
FEB 03 2021  
DERMOT SHEA  
POLICE COMMISSIONER



## POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
DEPUTY INSPECTOR JAMES KOBEL  
TAX REGISTRY NO. 901786  
DISCIPLINARY CASE NO. 2020-22926

Respondent was appointed to the Department on June 30, 1992. On his three most recent performance evaluations, he received a 4.0 overall rating of "Highly Competent" in 2013 and twice received 5.0 ratings of "Extremely Competent" in 2007 and 2009. He has been awarded five medals for Excellent Police Duty, four medals for Meritorious Police Duty, one medal for Meritorious Police Duty-Integrity, two Commendations and one Commendation- Community Service.

[REDACTED]

Respondent has no disciplinary record. He was suspended from duty in connection with the instant matter on January 7, 2021.

For your consideration.

*Jeff S. Adler*

Jeff S. Adler

Assistant Deputy Commissioner Trials