



OFFICE OF THE POLICE COMMISSIONER
ONE POLICE PLAZA • ROOM 1400

May 13, 2021

Memorandum for: Deputy Commissioner, Trials

Re: **Lieutenant John Ruis**
Tax Registry No. 916609
115 Precinct
Disciplinary Case No. 2018-19794

The above named member of the service appeared before Assistant Deputy Commissioner Jeff S. Adler on December 22, 2020, and was charged with the following:

DISCIPLINARY CASE NO. 2018-19794

1. Said Lieutenant John Ruis, while assigned to the 115th Precinct, on or about and between August 16, 2018 and November 12, 2018, wrongfully engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Lieutenant violated an Order of Protection by possessing firearms.

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

**PUBLIC CONTACT –
PROHIBITED CONDUCT**

2. Said Lieutenant John Ruis, while assigned to the 115th Precinct, on or about and between August 16, 2018 and November 12, 2018, after having received or been served with an Order of Protection, wrongfully failed to timely notify his Commanding Officer, the Internal Affairs Bureau, or the Operations Unit of this Order of Protection, as required.

P.G. 206-19, Page 1, Paragraph 1

**ORDERS OF PROTECTION
SERVED ON MEMBERS OF
THE SERVICE**

3. Said Lieutenant John Ruis, while assigned to the 115th Precinct, on or about and between August 16, 2018 and November 12, 2018, wrongfully failed and neglected to safeguard one of his firearms.

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

**FIREARMS – GENERAL
REGULATIONS**

In a Memorandum dated January 27, 2021, Assistant Deputy Jeff S. Adler found Lieutenant John Ruis Guilty of all Specifications in Disciplinary Case No. 2018-19794, after he entered a plea of Guilty. 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, the Police Commissioner has determined that the proposed penalty does not adequately address the committed misconduct in this case. The Police Commissioner has reviewed the Assistant Deputy Commissioner, Trials Jeff S. Adler's recommendation; however, the Police Commissioner has determined that given the member's position as a supervisor and the gravity of this matter, albeit unintentional, does not warrant a deviation from the Disciplinary System Penalty Guidelines (Disciplinary Matrix).

Therefore, Lieutenant John Ruis shall forfeit forty-five (45) vacation days, as a disciplinary penalty.



Dermot Shea
Police Commissioner



POLICE DEPARTMENT

January 27, 2021

-----X-----
In the Matter of the Charges and Specifications : Case No.

- against - :

Lieutenant John Ruis : 2018-19794

Tax Registry No. 916609 :

115 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: James Moschella, Esq.
Karasyk & Moschella, LLP
233 Broadway, Suite 2340
New York, NY 10279

To:

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

CHARGES AND SPECIFICATIONS

1. Said Lieutenant John Ruis, while assigned to the 115th Precinct, on or about and between August 16, 2018 and November 12, 2018, wrongfully engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Lieutenant violated an order of protection by possessing firearms.

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

PUBLIC CONTACT –
PROHIBITED CONDUCT
GENERAL REGULATIONS

2. Said Lieutenant John Ruis, while assigned to the 115th Precinct, on or about and between August 16, 2018 and November 12, 2018, after having received or been served with an order of protection, wrongfully failed to timely notify his Commanding Officer, the Internal Affairs Bureau, or the Operations Unit of this order of protection, as required.

P.G. 206-19, Page 1, Paragraph 1

ORDERS OF PROTECTION
SERVED ON MEMBERS OF THE
SERVICE
DISCIPLINARY MATTERS

3. Said Lieutenant John Ruis, while assigned to the 115th Precinct, on or about and between August 16, 2018 and November 12, 2018, wrongfully failed and neglected to safeguard one of his firearms.

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

FIREARMS – GENERAL
REGULATIONS
UNIFORMS AND EQUIPMENT

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me, by video, on December 22, 2020. Respondent, through his counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having carefully reviewed all of the evidence in this matter, I find that some mitigation is warranted, and recommend that Respondent forfeit thirty (30) vacation days.

SUMMARY OF EVIDENCE IN MITIGATION

On August 4, 2018, Respondent and his wife engaged in a verbal dispute inside their [REDACTED] home regarding a tax appraisal on their house. The parties have stipulated as to the events that followed:

Police were summoned to the scene, Respondent's wife filed a domestic incident report, but no further police action was taken in connection with the incident. Respondent, who voluntarily left the home that day, immediately notified the Department of the incident, including the police presence. A couple of days later, he was served with papers to appear in family court on August 9.

Respondent appeared in court on August 9, and was issued an order of protection requiring him to stay away from his wife, children, and home. The order did not, however, contain any provision restricting Respondent's possession of firearms. Nevertheless, Respondent, on his own initiative, began vouchering his two service firearms at the end of each shift. He also notified the Department of the order of protection.

The family court matter was adjourned to August 16. Respondent appeared on that date as well, and a provision restricting Respondent from possessing firearms was added to the order of protection. On August 24, 2018, it was discovered that Respondent had not surrendered his firearms as required, and that he had not notified the Department regarding the amended order of protection; Respondent was promptly placed on modified status, where he remains to this day. It also was discovered that Respondent possessed a third firearm, which was recovered from an unlocked dresser drawer in his marital home, where his estranged wife and their [REDACTED] children, ages [REDACTED] at the time, resided. Respondent has admitted his guilt for violating the

amended order of protection (in that he did not surrender his three firearms), failing to notify the Department of the order, and failing to safeguard the third firearm.

Respondent provided emotional testimony explaining why his misconduct was largely inadvertent. He described how he was “devastated” by the experience of being summoned to family court, where he was separated from his home and children based on fabrications from his wife, and that his “whole world came to a sudden stop.” For the August 16 court appearance, Respondent had a per diem lawyer filling in for his retained attorney, who was on vacation; as soon as the court appearance was concluded, the attorney departed without having any further discussion with Respondent, and without explaining to him that there was a new firearms restriction in the order of protection. Respondent felt “discombobulated” during the proceeding, and was “in shock” that he was being ordered to stay away from his children and his home. As the judge was speaking, Respondent “wasn’t even all there,” and did not appreciate that the order of protection was being modified to restrict him from possessing firearms; he erroneously believed that the order from August 9 was being continued, and insisted he did not willfully disregard the order to surrender his firearms. (Tr. 33, 37-40, 52-53)

Since he believed the terms of the original order of protection were still in effect, Respondent did not report the new order to the Department, nor did he surrender his firearms. Rather, he continued to voucher his two Department firearms at the end of each tour, while a third firearm remained in the bedroom dresser drawer of his marital residence. Respondent testified that he normally stored that firearm in a secure cabinet in the home, but there had been a disturbance outside the home a week before the August 4 incident, and so he removed the gun from the locked cabinet and temporarily placed it in his dresser drawer under his clothes, where it remained. Respondent explained that he did not think to take the firearm with him when he

left the house after the August 4 dispute. Respondent acknowledged that he was "definitely...at fault," and about one month after the incident, on his own initiative, he completed a course on firearm safety because he recognized that it was "very stupid" of him to have left the firearm in the dresser. (Tr. 32-33, 37, 40-42, 45-46, 48-51, 61-62)

Respondent candidly admitted that in hindsight, the modified order did require him to surrender all firearms, and he was wrong not to obey the order. He acknowledged that from his work as a supervisor, he is familiar with orders of protection, and is aware that they can contain firearms restrictions. Respondent explained, however, that it was different when "it was happening to me, personally to me," and that he "wasn't thinking straight." Respondent insisted that he "wasn't trying to hide anything from anyone." (Tr. 37, 39, 53-54, 63-64)

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, 1995. 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 pleaded guilty to the three charges against him: the first two dealing with the order of protection that was modified on August 16, 2018, and the third for failing to safeguard a third firearm. The Department Advocate recommends that Respondent forfeit forty-five (45) vacation days, but under the specific circumstances presented here, some mitigation is warranted. Respondent has a strong record in his 25 years with the Department, including being awarded twelve medals for Excellent Police Duty, seven medals for Meritorious Police Duty,

and one medal for Meritorious Police Duty – Integrity. Additionally, as discussed below, there are specific mitigating factors present with respect to each of the charges.

For the first two charges relating to the modified order of protection, the Advocate argues that Respondent, an experienced U莫斯, should have been able to pay attention in the courtroom on August 16 when the judge was modifying the order of protection. However, that argument fails to take into account Respondent's explanation that the courtroom experience was dramatically different when it involved the Respondent himself, in an extraordinarily stressful situation, where he was being excluded from his home and separated from his children. Respondent came across as genuine and remorseful on the witness stand, and I credit his testimony that he did not realize that the original order of protection was modified to restrict his possession of firearms. Respondent, who was being represented by a per diem attorney who rushed off as soon as the case was completed, was disoriented and stunned during the proceeding. As such, I do not believe that Respondent willfully withheld information from the Department as to the August 16 order of protection, or that he intentionally disregarded the order by continuing to carry his service firearms while on duty. Additionally, it is to Respondent's credit that he did promptly report the August 9 order of protection to the Department, and on his own initiative began vouchering his service firearms at the end of each shift; these actions suggest that Respondent's mindset was to behave responsibly, rather than conceal information from the Department.

Regarding Respondent's failure to safeguard the third firearm, the Advocate correctly points to the danger of temporarily leaving the firearm inside a dresser, where his estranged wife or [REDACTED] children could have come upon it. However, there are mitigating factors present here as well. This was not a situation where the firearm was lost or discharged as a result of

Respondent's failure to safeguard it; rather, when investigators questioned Respondent about the firearm on August 24, 2018, he told them exactly where the gun was located, and it was promptly recovered without incident. Additionally, Respondent took responsibility for his lapse in judgement, and, on his own initiative, enrolled in a course on firearm safety about one month later.

Respondent has readily acknowledged that he committed misconduct by failing to surrender his firearms, neglecting to notify the Department of the modified order of protection, and not safeguarding a third firearm. Counsel for Respondent correctly concedes that there must be accountability, but asks for a lesser penalty than that suggested by the Advocate. Under the specific facts presented here, where Respondent's misconduct was more negligent than intentional, I agree that some reduction in the recommended penalty is appropriate. Taking into account the totality of the circumstances and issues in this matter, I recommend that Respondent forfeit thirty (30) vacation days.

Respectfully submitted,

Jeff S. Adler
Jeff S. Adler
Assistant Deputy Commissioner Trials





POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: CONFIDENTIAL MEMORANDUM
LIEUTENANT JOHN RUIS
TAX REGISTRY NO. 916609
DISCIPLINARY CASE NO. 2018-19794

Respondent was appointed to the Department on June 30, 1995. On his last three annual performance evaluations, he received 4.5 overall ratings of "Extremely Competent/Highly Competent" for 2017, 2018 and 2019. He has been awarded twelve medals for Excellent Police Duty, seven medals for Meritorious Police Duty, and one medal for Meritorious Police Duty – Integrity. In his 25 years of service, Respondent has reported sick on one occasion.

Respondent has no disciplinary record. He was placed on Level 1 Discipline Monitoring on October 1, 2018 as a result of his duty status being modified on August 24, 2018. Respondent's modified duty status and monitoring remain ongoing.

For your consideration.

Jeff S. Adler
Jeff S. Adler
Assistant Deputy Commissioner Trials