



POLICE DEPARTMENT

-----X	
In the Matter of the Disciplinary Proceedings	:
- against -	: FINAL
Captain Brian Flynn	: ORDER
Tax Registry No. 938492	: OF
Manhattan Court Section	: DISMISSAL
-----X	

Captain Brian Flynn, Tax Registry No. 938492, having been served with written notice, has been tried on written Charges and Specifications numbered 2023-28168, as set forth on form P.D. 468-121, dated July 10, 2023, and after a review of the entire record, Respondent, having pleaded Guilty, 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 Captain Brian Flynn from the Police Service of the City of New York.

HONORABLE JESSICA S. TISCH
POLICE COMMISSIONER

EFFECTIVE: 4/11/25



POLICE DEPARTMENT

April 8, 2025

-----X

In the Matter of the Charges and Specifications	:	Case No.
- against -	:	2023-28168
Captain Brian Flynn	:	
Tax Registry No. 938492	:	
Manhattan Court Section	:	

-----X

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

Before: Honorable Jeff S. Adler
Assistant Deputy Commissioner Trials

APPEARANCES:

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

For the Respondent: Louis La Pietra, Esq.
La Pietra & Krieger P.C.
30 Glenn Street, Suite 105
New York, NY 10603

To:

HONORABLE JESSICA S. TISCH
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

CHARGES AND SPECIFICATIONS

1. Said Captain Brian Flynn, while assigned as the Commanding Officer of the [REDACTED] Warrant Section, on or about and between November 1, 2020, and November 28, 2022, engaged in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: Captain Flynn engaged in a course of conduct of sexual harassment towards a female subordinate Member of Service known to the Department.

P.G. 203-10, Page 1, Paragraph 5
A.G. 304-06, Page 1, Paragraph 1

PROHIBITED CONDUCT

P.G. 205-36; A.G. 332-01

EMPLOYMENT
DISCRIMINATION

2. Said Captain Brian Flynn, while assigned as the Commanding Officer of the [REDACTED] Warrant Section, on or about and between November 1, 2020, and November 28, 2022, engaged in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: Captain Flynn sent multiple sexually explicit images to a subordinate female Member of the Service known to the Department.

P.G. 203-10, Page 1, Paragraph 5
A.G. 304-06, Page 1, Paragraph 1

PROHIBITED CONDUCT

P.G. 205-36; A.G. 332-01

EMPLOYMENT
DISCRIMINATION

P.G. 205-37; A.G. 332-02

DISPLAY OF OFFENSIVE
MATERIAL

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on March 19, 2025. Respondent, through his counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. Respondent also called Dr. Gregory Mack as a witness. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having evaluated all of the evidence in this matter, including

Respondent's Guilty plea, I find Respondent Guilty and recommend a penalty of Termination from the New York City Police Department.

SUMMARY OF EVIDENCE IN MITIGATION

In November 2019, the complainant, a female uniformed member of the service, was assigned to the [REDACTED] Warrant Squad as a police officer. The following year, in September 2020, Respondent became the Commanding Officer of that squad. In the two-year period from November 2020 through November 2022, Respondent was the complainant's supervisor.

Respondent has pleaded guilty to engaging in a course conduct of sexual harassment toward the complainant during that two-year period. He also has pleaded guilty to sending sexually explicit images to the complainant on multiple occasions.

At trial, Respondent admitted to the following allegations, as set forth by the Department Advocate in his opening statement. (Tr. 11-18) In November 2020, Respondent and the complainant began exchanging text messages with each other, on and off duty. Over the course of the ensuing two years, she received from Respondent hundreds of sexually explicit and harassing texts, including graphic photographs; copies of representative samples of these texts are in evidence. (Dept. Exs. 1-3) For instance, on multiple occasions Respondent sent the complainant photographs of his exposed erect penis, some of which were taken in his work office. (See Dept. Exs. 1C, 1D, 1F, and 3) He also sent the complainant photographs of his ejaculate on a napkin in his office. (See Dept. Exs. 1E and 3) One such photograph followed a text from the complainant saying she was on her way back to the command. Respondent sent the picture with his ejaculate and stated, "I should have waited for you then." (Dept. Ex. 2B)

The text messages in Exhibit 3A include one exchange where Respondent appears jealous and upset that the complainant is spending time with another man. In another series of texts, Respondent tells the complainant that he can't stop thinking about her, and he loves seeing her at work. He also texts her a photograph showing the lower half of her clothed body and states, "I wanna eat it." He tells the complainant that she looks amazing and that he wants to pull her by her hair and start kissing her neck. Respondent also texts the complainant that he loves her, and that she is all he can think about. He acknowledges he knows that it is stupid on his part, "but there is something that tells me to not stop."

Similarly, the text messages in Dept. Exs. 2A-2C contain additional harassing communications. In one exchange, Respondent states that he would enjoy being arrested by the complainant, writing that "it would be the first time in resisting arrest history the perp tried to stick his tongue in the A/O's ass." He then adds, "At TPO def did lift up shirt of A/O and suck and kiss on her tits while rubbing her clit." (Dept. Ex. 2A) In another text, he encourages her to drink a lot of water so she will walk by his office on the way to the restroom. (Dept. Ex. 2B) In other texts, Respondent tells the complainant that he likes how her butt looks in uniform.

Respondent also treated the complainant differently than other personnel assigned to the command. For instance, at times her leave requests were not approved in the same way requests were handled for other members of the Warrant Squad, particularly after she started rebuffing his sexual advances. In one text exchange in evidence, Respondent gets upset that the complainant asked a sergeant for a day off instead of coming directly to him. When she explains she was following the chain of command, he repeats that he wishes she had come straight to him so he could help out someone he cares about. (Dept. Ex. 2C)

The complainant was unable to extricate herself from this situation with Respondent, her Commanding Officer, and the sexual harassment continued for two years, until she filed an EEO complaint with the Department in November 2022. Respondent was questioned at an official Department interview in February 2, 2023. The following day, a friend referred Respondent to the Department's Health and Wellness Section, where he was evaluated by Dr. Stephanie Tacopina. He continued to see the doctor in the months that followed.

Dr. Gregory Mack, the Deputy Director in the Psychology Evaluation Section of the Medical Division, testified as an expert in forensic and clinical psychology. He initially was the medical supervisor for Respondent's case, which involved reviewing the file and speaking with Dr. Tacopina. Dr. Mack first met with Respondent in December 2023. (Tr. 25, 31)

Dr. Mack testified regarding Respondent's self-reported troubled and traumatic upbringing, including how he was physically and psychologically abused by his father as a young child. Respondent also was traumatized by discovering the body of his mother, who was his best friend, after she had committed suicide in March 2013. Additionally, Respondent was affected by his mother's excessive consumption of alcohol, so that when he smells alcohol it triggers intrusive memories from his past. Respondent also has experienced tension in his marriage. (Tr. 26-27, 32-33)

In Dr. Mack's opinion, Respondent's psychological condition contributed to his behavior toward the complainant in this case. According to Dr. Mack, the trauma he experienced since early childhood made Respondent feel alone in the world, and so he was forced to navigate his different symptoms on his own. This, in turn, contributed to poor judgment on his part in his interactions with the complainant, who showed him attention and affection that he had not otherwise experienced. (Tr. 29-30)

Dr. Mack noted that Respondent twice was hospitalized in March 2023, after the events of this case came to light. Respondent first was admitted to Montefiore Hospital for two or three days following an official Department interview in this matter, which exacerbated his anxiety and led to thoughts of harming himself. Later that month, he again was admitted to Montefiore due to his depression, anxiety, thoughts of harming himself, and panic attacks. [REDACTED]

[REDACTED]

[REDACTED]

Respondent testified that he accepts responsibility for his misconduct, stating that he is “here to take full blame.” He apologized to anyone he has hurt with his actions. Respondent explained that he has struggled with mental illness for years, leading to poor decisions on his part. Nevertheless, he acknowledged that there was no excuse for his inappropriate behavior. He stated that he has embarrassed himself, his family, and the Department. Respondent, who has been married for 13 years and has three children (ages 11, 9, and 6), testified that he accepts that his time with the Department is over, but that he does not want his family to be punished for his wrongdoing. (Tr. 36, 39-40)

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. In more than 19 years of service, Respondent has no formal disciplinary record.

Respondent, who was appointed to the Department on July 11, 2005, has been found guilty of engaging in a course of sexual harassment against a female subordinate over a two-year period, including texting multiple sexually explicit images to her. The Department Advocate recommends a penalty of Termination, the presumptive penalty for engaging in Sexual Harassment that includes habitual/predatory behavior. Counsel for Respondent asks that Respondent be allowed to separate from the Department so that he can receive his pension and health benefits.

On the witness stand, Respondent readily acknowledged his guilt in this case. To his credit, he did not attempt to justify his misconduct by suggesting that his interactions with the complainant were consensual, nor did he seek to shift responsibility to her in any way. Instead, Respondent accepted full responsibility for his actions toward the complainant. Respondent expressed remorse at having been an embarrassment to himself, his family, and the Department. Additionally, counsel for Respondent asks that consideration be given to the testimony of Dr. Mack, in conjunction with the medical records and summaries provided, regarding Respondent's extremely difficult upbringing. As noted above, as a child he suffered physical and mental abuse at the hands of his father, and as an adult he had the misfortune of discovering the body of his mother after she committed suicide. According to Dr. Mack, these experiences traumatized Respondent and caused him to become "a loner," which in turn contributed to his poor decision-making in his interactions with the complainant, who showed him "attention."

None of this, however, can in any way excuse Respondent's egregious behavior in this case. With Respondent's rise to the rank of Captain within the Department came the responsibility to conduct himself in a manner befitting his Executive position. Instead, over a period of *two years*, Respondent repeatedly subjected the complainant, a female subordinate

whom he outranked by several ranks, to an extensive course of sexual harassment. He sent her a stream of sexually graphic, disturbing text messages, including a number of offensive photographs. It is shocking that Respondent, while in his office, exposed and photographed his erect penis, ejaculated into a napkin and photographed that as well, and sent the images to a female subordinate. Moreover, Respondent did so while he was on duty, when he should have been focusing on his public safety obligations, as expected of an Executive in the Warrant Squad. It also is noteworthy that Respondent did not seek medical help until *after* the circumstances of this case came to light.

As stated in the Disciplinary Guidelines, the Department will not tolerate predatory sexual harassment in the workplace. There is no place in this Department for the disturbing behavior that took place over a two-year period, during which Respondent exploited his position as an Executive and repeatedly victimized the complainant. With his actions in this case, Respondent subjected the complainant to an intolerable course of sexual harassment, and there must be appropriate accountability. Taking into account the totality of the facts and circumstances in this matter, I recommend a penalty of Termination from the New York City Police Department.

APPROVED

APR 11 2025


JESSICA S. TISCH
POLICE COMMISSIONER

Respectfully submitted,



Jeff S. Adler

Assistant Deputy Commissioner Trials



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: SUMMARY OF EMPLOYMENT RECORD
CAPTAIN BRIAN FLYNN
TAX REGISTRY NO. 938492
DISCIPLINARY CASE NO. 2023-28168

Respondent was appointed to the Department on July 11, 2005. He has been awarded one Commendation, five medals for Meritorious Police Duty, and seven medals for Excellent Police Duty.

Respondent has no formal disciplinary history.

For your consideration.

Jeff S. Adler
Assistant Deputy Commissioner Trials