



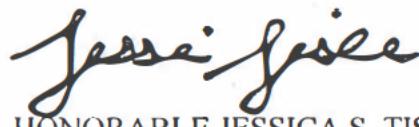
POLICE DEPARTMENT

In the Matter of the Disciplinary Proceedings

- against - : FINAL
Sergeant Edward Johnson : ORDER
Tax Registry No. 943410 : OF
Fleet Services Section : DISMISSAL

Sergeant Edward Johnson, Tax Registry No. 943410, having been served with written notice, has been tried on written Charges and Specifications numbered 2021-24337, as set forth on form P.D. 468-121, dated February 24, 2022 (orally amended on February 13, 2025), 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 Sergeant Edward Johnson from the Police Service of the City of New York.


HONORABLE JESSICA S. TISCH
POLICE COMMISSIONER

EFFECTIVE: 4/14/25
POLICE DEPARTMENT



POLICE DEPARTMENT

March 21, 2025

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In the Matter of the Charges and Specifications : Case No.
- against - : 2021-24337
Sergeant Edward Johnson :
Tax Registry No. 943410 :
Fleet Services Division :
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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: Jamie Moran, Esq.
Department Advocate's Office
One Police Plaza, Room 402
New York, NY 10038

For the Respondent: Peter Brill, Esq.
Brill Legal Group
176 Lexington Avenue, Suite O
New York, NY 10016

To:

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

CHARGES AND SPECIFICATIONS

1. Said Sergeant Edward Johnson, while off duty and assigned to the Fleet Services Division, on or about February 9, 2021, did engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Sergeant Edward Johnson engaged in a physical altercation with an individual known to the Department, causing injury to said person. *(As amended)*

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

PROHIBITED CONDUCT

2. Said Sergeant Edward Johnson, while off duty and assigned to the Fleet Services Division, on or about November 10, 2021, while being questioned during an official Department interview, and asked about an off duty incident occurring on February 9, 2021, did make false statements.

A.G. 304-10, Page 1, Paragraph 2

FALSE OR MISLEADING STATEMENTS

3. Said Sergeant Edward Johnson, while off duty and assigned to the Fleet Services Division, on or about February 9, 2021, failed to remain on the scene of an off duty incident.

P.G. 212-32, Page 1, Paragraph 1

OFF DUTY INCIDENTS INVOLVING UNIFORMED MEMBERS OF SERVICE

4. Said Sergeant Edward Johnson, while off duty and assigned to the Fleet Services Division, on or about February 9, 2021, failed to request the response of a patrol supervisor in the precinct of occurrence, after an off duty incident.

P.G. 212-32, Page 1, Paragraph 1

OFF DUTY INCIDENTS INVOLVING UNIFORMED MEMBERS OF SERVICE

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on February 13, 2025.

Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. The Department called Captain Darrien King and Police Officer Pedro Figueroa as witnesses, as well as introducing audio and video evidence. Respondent testified on his own behalf. 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, I find Respondent Guilty of all four Specifications and recommend that he be DISMISSED from the Department.

ANALYSIS

This case arose out of a criminal complaint made by [REDACTED] ("Complainant"), alleging that he was kicked by an individual later determined to be Respondent, causing bruising. Additionally, it is alleged that during his official interviews with the Internal Affairs Bureau ("IAB") about the incident, Respondent repeatedly denied kicking complainant.

The following is a summary of facts. On February 21, 2021, at approximately 2015 hours, Respondent, who works at Fleet Services Division, Central Repair Shop in Queens, was driving home after his tour in his 2019 Infiniti. Respondent was at a stoplight at the intersection of 97th Street and 62nd Drive waiting for the light to change. Respondent testified that several pedestrians crossed with the light in front of his car in the crosswalk. As Complainant was crossing, the light changed and Respondent recalled the car behind him sounding their horn, so he began driving. Complainant hit the rear driver panel on Respondent's car with the plastic bag he was carrying. Instead of continuing straight, Respondent turned onto 62nd Drive and pulled over. Respondent stepped out of the Infiniti and the driver of the car behind him indicated the direction that the person who had hit Respondent's car was walking. (Tr. 90-92, Dept. Ex. 2A, surveillance video, at 00:12-00:16)

Respondent ran after Complainant, while putting a medical facemask on. He called out to Complainant. The parties disagree about whether Respondent intentionally kicked Complainant after catching up to him. However, it is undisputed that Respondent's foot made contact with the upper half of the back of Complainant's body, causing him to fall to the ground. After this

contact, Respondent walked back to his vehicle. Complainant followed him, apparently attempting to take photos of the car with his cell phone. Respondent got into his car and drove away. (Tr. 94-101, Dept. Exs 2A & 2B, surveillance video, at 00:12-00:29) Complainant called 911, and told the operator, "I just got kicked." He also stated that although he had been unable to photograph the license plate, the first three letters were [REDACTED]. (Dept. Ex. 1A, 911 call recording, at 00:15-00:19) Officers from the 112 Precinct arrived, spoke to Complainant, and left without taking a complaint report. (Tr. 30, Dept. Exs. 3A and 3B, body-worn camera footage)

Police Officer Pedro Figueroa, a Neighborhood Coordination Officer, testified that on February 13, 2021, Complainant approached the RMP he was sitting in. Police Officer Figueroa explained that he knew Complainant, having spoken to him multiple times while working in the neighborhood. Police Officer Figueroa recalled Complainant telling him that he was assaulted a couple days before lifting his shirt to show Police Officer Figueroa a bruise under his left armpit. Complainant told Police Officer Figueroa that when he was crossing the street, a car almost struck him before an unknown male got out of the car and kicked him. Police Officer Figueroa detailed writing a "scratch" copy of a complaint report ("61") for Assault in the Third Degree. The report included a description of the perpetrator, as well as a partial license plate number, [REDACTED]. (Dept. Ex. 6 and 6A, Complaint Report, Tr. 31, 80-84)

Captain Darrien King¹ testified that he was working as a team leader in the Internal Affairs Bureau ("IAB") on the date of this incident. He recounted that members of the 112 Precinct Detective Squad, after having identified the vehicle from the partial license plate, notified IAB that Respondent had allegedly been involved in an off-duty physical altercation. (Tr. 24-25)

¹ Captain King was a Lieutenant at the time of the investigation.

As part of the investigation, Captain King, along with other members of IAB, conducted an official interview of Respondent on November 10, 2021. Captain King recalled that during the interview, Respondent stated that he slipped on ice and collided with Complainant, causing them both to fall to the ground. After seeing the surveillance video, Respondent acknowledged that he had not fallen, but maintained that the incident was an accidental “collision.” Captain King explained that, in keeping with IAB guidelines, Respondent was given several opportunities to clarify his statement, but continued to insist that the incident was accidental, not intentional. (Tr. 37-38, 58, Dept. Exs. 8A, 8B, 8C and 8D official interview transcript and audio)

Complainant did not appear before the Tribunal to give his version of events. However, the call he made to 911 immediately after the incident is in evidence. In that recording, Complainant told the emergency operator, “I just got kicked,” and complained of pain to his chest. When the operator asked Complainant if the perpetrator carried a weapon, he replied, “just his martial arts feet kicking me.” (Dept. Ex. 1A, 911 call)

In addition to the audio recording of Complainant’s 911 call, the Department presented video surveillance footage that captured the incident. The following is a summary of Department Exhibits 2A and 2B.

Department Exhibit 2A, surveillance footage of 62nd Road

00:12-00:16:	Respondent’s car enters the frame before coming to a halt.
00:17-00:22:	Respondent opens the driver’s side door and exits the still-running car.
00:22-00:27:	Respondent runs onto the sidewalk while placing a surgical mask on his face, exiting the frame camera left.

Department Exhibit 2B, surveillance footage of the sidewalk on 97th Street

00:12-00:13:	Complainant’s feet and plastic shopping bag are seen entering the lower left portion of the frame,
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facing away from the camera, before turning 90 degrees counterclockwise.

00:14: Respondent's lower body is seen entering the frame with his left foot facing the direction of his parked car.

00:15: Respondent's right foot makes contact with Complainant's back as he rotates his body and faces Complainant. The contact causes Complainant to fall to the ground in the snow, breaking his fall with his hands.

00:16: Complainant pushes himself up with his hands and turns his upper body to look at Respondent, who is still standing and facing Complainant.

00:17: Respondent turns around and walks off in the direction he came from, as Complainant continues looking in Respondent's direction.

00:18-00:23: Respondent exits the frame camera right as Complainant rises from the ground and walks toward him.

00:23-00:26: Complainant pauses.

00:26-00:29: Complainant resumes walking, exiting the frame camera right.

Department Exhibit 2A (cont'd.)

00:52-00:57: Respondent re-enters the frame camera left and walks toward the driver's side of his vehicle.

00:58-1:02: Complainant enters the frame camera left and walks toward Respondent's vehicle with his phone in his hands, aimed toward the Respondent's license plate.

1:03-1:05: Respondent looks in Complainant's direction as he opens the driver's side front door. Complainant continues walking toward Respondent's vehicle.

1:06-1:11: As Complainant stands still with his phone aimed at Respondent's vehicle, Respondent enters his car and drives off, exiting the frame camera right.

1:12-1:22: Complainant puts his phone in his jacket pocket and walks off, exiting the frame camera left.

1:24-1:40: Complainant re-enters the frame camera left and takes out his phone.

Respondent took the stand on his own behalf and testified that Complainant did not immediately cross the street with the other pedestrians. Respondent stated that he remained stopped waiting for Complainant, even when the light had changed to green. He maintained that the last time he saw Complainant he was still on the sidewalk, so he began driving when the car behind him honked. Respondent contends that after he heard a “knock” on his car, he pulled over because, “I’m a policeman driving home from work. I have a lot of arrests, I don’t know who is knocking on my car and for what reason.” (Tr. 91) Respondent described pursuing Complainant on the sidewalk, catching up to him quickly, being “unable to stop due to the slippery conditions” and running into him. (Tr. 97)

During cross-examination, Respondent admitted that at the time of the incident he had been studying “Muay Thai” martial arts for approximately eight or nine years. He described Muay Thai as a type “kickboxing.” In addition, Respondent acknowledged that in the surveillance footage video he appeared to kick Complainant. However, he maintained, “It was an accidental impact with myself and Mr. █” Respondent asserted that the reason he did not remain at the scene or call the patrol supervisor was that he “thought nothing of the incident.” With regard to his official interview, Respondent contended that he had indeed “clarified” his denial that he kicked Complainant by acknowledging that his foot hit Complainant’s back during the accidental collision. (Tr. 98, 103-104, 113)

Specification 1: Conduct Prejudicial (Physical Altercation)

Respondent stands charged with engaging in conduct prejudicial to the good order of the Department, by intentionally kicking Complainant in the back, causing a bruise under his left

armpit, while he was off duty. Administrative Guide Section 304-06 (1) prohibits members of the service from engaging in conduct prejudicial to good order, efficiency, or discipline of the Department. It also instructs officers that “their conduct, on or off duty, is subject to scrutiny.”

It is undisputed that Respondent’s foot hit Complainant’s back, causing Complainant to fall to the ground. The central question for the Tribunal is whether that contact was intentional. I find that it was.

Respondent, in the course of his official interview and again on the stand, maintained that while pursuing Complainant, he slipped on ice causing his foot to make contact with Complainant accidentally. Respondent did admit that during the incident, he “yelled” at Complainant using “explicit” words. (Tr. 95, 101) These actions are not consistent with Respondent’s assertion that he simply wished to ask Complainant why he hit the vehicle and make sure that Complainant posed no danger to him. I found Respondent’s testimony to be a self-serving attempt to deflect responsibility from himself and avoid the potential consequences of his actions. In addition, his version of events is inconsistent with other evidence, including the audio and video footage, presented in this matter.

Department Exhibit 2B shows Respondent’s foot making contact with Complainant’s back, sending him sprawling into the snow next to the sidewalk. Respondent comes more fully onto the screen as his foot lands on the ground and he finishes what appears to be a “martial arts” style kick. It is notable that during the incident a woman reacts by jumping away from Respondent, and is then ushered behind another individual, in a seemingly protective gesture. This bystander’s spontaneous reaction is more consistent with witnessing an attack and not just a simple fall. (Dept. Ex. 2B at 00:15- 00:20) Respondent immediately turned and walked back to his car. He did not pause to see if Complainant was injured or even offer to help Complainant

stand up, which would be the usual reaction to accidentally knocking someone down. The entire incident, from Respondent chasing Complainant to when he returned to his vehicle, took only 30 seconds. The conclusion drawn by the Tribunal from this behavior is that Respondent, having successfully kicked Complainant as he intended to do, turned and left the location quickly in order to avoid any consequences. (Dept. Ex. 2A at 00:23-00:53)

Complainant did not appear before the Tribunal. However, when he spoke to the 911 operator and Police Officer Figueroa, he repeatedly described Respondent as “kicking” him. I credit his version of events, which was consistent with the surveillance video showing Respondent kicking him and walking away. In addition, Complainant complained of pain to his chest area during his 911 call. Police Officer Figueroa testified credibly that he observed a bruise on Complainant’s torso, underneath his left armpit, four days after the incident. Accordingly, I find Respondent Guilty of Specification 1.

Specification 2: False Statements

Respondent was questioned on November 10, 2021, by IAB regarding this incident. Specification 2 alleges that during that interview Respondent made false statements. It is undisputed that in the course of his IAB interview, and indeed during his testimony before this Tribunal, Respondent denied intentionally kicking Complainant, maintaining that the contact was the result of an accidental slip and fall.

Administrative Guide 304-10 prohibits members of service from “intentionally making a false official statement” during an official investigation. It defines a false statement as “an intentional statement that a member of the service knows to be untrue, which is material to the outcome of an investigation.”

In support of this specification, the Department directed the Tribunal's attention to the transcripts of Respondent's interview, which were admitted into evidence as Department Exhibits 8B and 8D². I carefully reviewed the transcripts in their entirety, as well as the accompanying audio recordings, and compared them with the evidence presented at trial. For the reasons set forth below, I find that Respondent's responses during the IAB interview constituted false statements as defined in the Administrative Guide.

During his interview with IAB, Respondent repeatedly characterized his contact with Complainant as an accidental "collision." Prior to being shown the surveillance video, when asked, "Did you collide with him or did you kick him?" Respondent answered, "It may appear as a kick, but it's a slip because as I ran into him, I got close enough where I could reach out to touch him, or to extend my leg. But then I slipped on the ice, and my leg went up in the air and we collided and both of us went onto the ground." (Dept. Ex. 8B at 10) Respondent was shown the surveillance footage, after which he admitted being mistaken when he stated he fell to the ground, but continued to insist that he "definitely slipped on the ice." (Dept. Ex. 8B at 15) After a break in the interview, Respondent was asked, "Did you kick the gentleman?" He responded, "I collided with the gentleman." (Dept. Ex. 8D at 3) In spite of watching the surveillance footage at least two additional times, and having several opportunities to admit that he intentionally kicked Complainant, Respondent continued to refer to the contact as an accidental collision. (Dept. Ex. 8D at 6, 8, 9, 14-18, 22)

This Tribunal has found that Respondent intentionally kicked Complainant. This constitutes a material fact that a reasonable person would recognize as relevant to the investigation into this incident. Put simply, if the contact with Complainant was an accidental

² A break was taken during Respondent's interview and as a result there were two transcripts created.

collision, rather than an intentional kick, the misconduct, if any, would be limited to an off-duty verbal altercation, rather than an intentional physical attack which left Complainant on the ground, in pain. Respondent's repeated denial of intentionally kicking Complainant was contradicted by the video evidence and constitutes a false statement. By referring to the incident as an accidental collision caused by slippery conditions, Respondent attempted to alter the narrative of the investigation in his favor in order to avoid the consequences of his actions. He repeated this false statement at trial and in doing so, impeded the investigation. For the forgoing reasons, I find Respondent Guilty of Specification 2.

Specifications 3 and 4: Failure to remain on scene and failure to request patrol supervisor

Respondent stands charged with failing to remain on the scene of an off duty incident and failing to request that the patrol supervisor respond.

Patrol Guide 212-32 requires an off duty member of the service who is involved in an unusual police occurrence to, "Remain at the scene of incident when feasible and consistent with personal safety [and] [r]equest response of patrol supervisor, precinct of occurrence."

It is undisputed that Respondent left the scene of this off-duty incident without requesting a patrol supervisor. Respondent testified that he did not follow the mandates of Patrol Guide 212-32 because he "thought nothing of the incident." (Tr. 103) Respondent has been found guilty of intentionally kicking Complainant. As Respondent was a participant in an unusual off-duty occurrence, he was required to remain at the scene and call for a patrol supervisor in order to facilitate a preliminary investigation. There is no evidence that it was unsafe for Respondent to remain at the scene, and it is undisputed that once he left the scene, he did not make any notifications to the desk officer of the subject precinct. For the foregoing reasons I find Respondent Guilty of specifications 3 and 4.

PENALTY

In order to determine an appropriate penalty, this Tribunal, guided by the Department's Disciplinary System Penalty Guidelines ("Matrix"), 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.

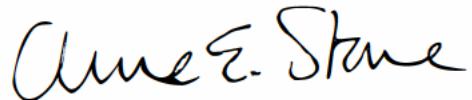
Respondent was appointed to the Department on January 10, 2007, and has no formal disciplinary history. He has been found guilty of all four Specifications, including conduct prejudicial to the good order of the Department and making a false official statement. The Department, citing the aggravated penalty for Specification 1 (conduct prejudicial to good order) and the presumptive penalty for Specification 2 (false statements), has recommended a penalty of Termination. For the reasons set forth below, I recommend that Respondent's employment with the NYPD be terminated.

With regard to Specification 2, when interviewed about this incident, Respondent created and clung to the false narrative that he slipped on ice and accidentally collided with Complainant. He was given several opportunities during his IAB interview to tell the truth, and chose not to do so. While I note that Respondent has received a rating of "5.0" on each of his performance evaluations since 2018, those accomplishments do not mitigate the conduct Respondent has been found guilty of. Respondent failed to tell the truth under circumstances when he was mandated to and doubled down on this false account at trial. Accordingly, no mitigation is warranted, and I recommend Termination, the presumptive penalty for making a false official statement. (Matrix p. 34)

If Respondent had not been found guilty of making a false statement, with regard to Specification 1, the Tribunal would have recommended a penalty of thirty (30) vacation days, an upward deviation from the presumptive penalty of twenty (20) vacation days for an off-duty physical altercation, based on Respondent's culpable mental state and the gratuitous nature of the attack. (Matrix, p.49) With respect to the failure to remain on the scene and failure to notify the patrol supervisor, the recommended penalty would have been the presumptive penalty of five (5) vacation days. (Matrix, p.48)

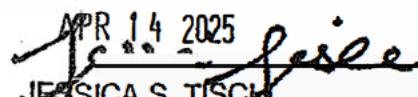
In sum, Respondent's behavior during this incident has demonstrated that he lacks the good judgement and impulse control expected of a member of this Department. In addition, his lack of candor during the investigation renders his continued employment untenable. Based on the totality of the facts and circumstances in this matter, I recommend that Respondent be DISMISSED from the New York City Police Department.

Respectfully submitted,



Anne E. Stone
Assistant Deputy Commissioner Trials

APPROVED


APR 14 2025
JESSICA S. TISCH
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD
SERGEANT EDWARD JOHNSON
TAX REGISTRY NO. 943410
DISCIPLINARY CASE NO. 2021-24337

Respondent was appointed to the Department on January 10, 2007. On his three most recent annual performance evaluations, Respondent received 5.0 ratings of "Highly Competent" for 2022, 2023, and 2024.

Respondent has no formal disciplinary history. In connection with the instant matter, Respondent was placed on Level 2 Discipline Monitoring in September 2022; monitoring remains ongoing. Previously, in August 2010, Respondent was placed on Level 1 Force Monitoring for having received three or more CCRB complaints over a one-year period; that monitoring was upgraded to Level 2 Force Monitoring in September 2011 due to additional CCRB complaints and was completed in March 2013.

Subsequent to the underlying incident in this case, in December 2022, Respondent was suspended without pay related to a domestic incident; Departmental disciplinary charges remain pending in that matter.

For your consideration.

A handwritten signature in black ink, appearing to read "Anne E. Stone".

Anne E. Stone
Assistant Deputy Commissioner Trials