



POLICE DEPARTMENT

June 10, 2022

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In the Matter of the Charges and Specifications :

- against - :

Police Officer Salvatore Greco :

Tax Registry No. 947763 :

Citywide Traffic Task Force :

Case No.

2021-23298

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

Before: Honorable Paul M. Gamble
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: Stuart London, Esq.
Worth, Longworth, & London, LLP
111 John Street, Suite 640
New York, NY 10038

To:

HONORABLE KEECHANT L. SEWELL
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

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CHARGES AND SPECIFICATIONS

1. Said Police Officer Salvatore Greco, assigned to the Citywide Traffic Task Force, on or about and between January 1, 2018, and March 22, 2021, wrongfully and knowingly associated with a person, Roger Stone, reasonably believed to be engaged in, likely to engage in or to have engaged in criminal activities.

P.G. 203-10, Page 1, Paragraph 2(c)

PUBLIC CONTACT –
PROHIBITED CONDUCT
GENERAL REGULATIONS

2. Said Police Officer Salvatore Greco, assigned to the Citywide Traffic Task Force, on or about and between January 5, 2021, and January 6, 2021, wrongfully engaged in conduct prejudicial to good order, efficiency, or discipline of the Department by, while armed, acting as security for a person or persons convicted of a crime.

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

PUBLIC CONTACT –
PROHIBITED CONDUCT
GENERAL REGULATIONS

3. Said Police Officer Salvatore Greco, assigned to the Citywide Traffic Task Force, on or about January 25, 2021, and/or March 22, 2021, wrongfully failed to fully cooperate with Internal Affairs Bureau investigators by providing incomplete or inaccurate answers or by being evasive or uncooperative during a Department interview.

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

PUBLIC CONTACT –
PROHIBITED CONDUCT
GENERAL REGULATIONS

P.G. 206-13, Page 2, Paragraph 12

INTERROGATION OF MEMBERS
OF THE SERVICE
DISCIPLINARY MATTERS

P.G. 203-08

FALSE OR MISLEADING
STATEMENTS
GENERAL REGULATIONS

4. Said Police Officer Salvatore Greco, assigned to the Citywide Traffic Task Force, on or about and between July 1, 2019, and March 22, 2021, wrongfully and knowingly associated with any person or organization advocating hatred, oppression, or prejudice based on race, religion, gender, gender identity/expression, sexual orientation, or disability. *(As amended)*

P.G. 203-10, Page 1, Paragraph 2(a)

PUBLIC CONTACT –
PROHIBITED CONDUCT
GENERAL REGULATIONS

5. Said Police Officer Salvatore Greco, assigned to the Citywide Traffic Task Force, on or about and between January 1, 2018, and March 22, 2021, wrongfully and knowingly associated with a person, Kristin Davis, reasonably believed to be engaged in, likely to engage in or to have engaged in criminal activities.

P.G. 203-10, Page 1, Paragraph 2(c)

PUBLIC CONTACT –
PROHIBITED CONDUCT
GENERAL REGULATIONS

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on March 1, 23, 29, and April 4, 2022. Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. The Department called Sergeant Jeremy Orenstein as a witness. 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 reviewed all of the evidence in this matter, I find Respondent Guilty of Specifications 1, 2, 3, and 5. I find Respondent Not Guilty of Specification 4. I recommend that he be dismissed from his employment with this Department.

ANALYSIS

The following is a summary of the evidence which is not in dispute.

Roger Stone is a political figure. After Respondent replied to one of Stone's Instagram posts in 2018, Stone suggested that they meet in person. Later that year, he met Stone and Kristin Davis, Stone's secretary, at a restaurant in New York City.

On November 15, 2019, Stone was found guilty, after a trial by jury in the United States District Court for the District of Columbia, of obstructing a congressional investigation, five counts of making false statements to Congress, and tampering with a witness¹ (Dept. Ex. 8).

¹ <https://www.justice.gov/usao-dc/pr/roger-stone-found-guilty-obstruction-false-statements-and-witness-tampering>

Stone was sentenced on February 20, 2020; his sentence was commuted in July 2020 through executive clemency, and in December 2020, he received a pardon from former President Trump (Dept. Exs. 9, 9A).

On October 17, 2008, Davis pleaded guilty to promoting prostitution in New York County Supreme Court, Criminal Term.² On March 7, 2014, Davis pleaded guilty in the United States District Court for the Southern District of New York to distributing, and possessing with intent to distribute, controlled substances.³

Between Respondent's initial meeting with Stone and Davis in 2018 and March 22, 2021, Respondent had telephonic, text message and in-person contact with both persons, as detailed below, including between January 5 and January 6, 2021, in Washington, D.C. (Dept. Exs. 6, 7).

Person A is a member of the Oath Keepers who was present in Washington, D.C. between January 5 and January 6, 2021; Respondent communicated with **Person A** by text message and telephone between December 1, 2020, and January 15, 2021, as well as in-person on January 5 and 6 (Dept. Exs. 5, 7).

On January 5, 2021, Respondent, while off-duty, drove from New York to Washington, D.C., and remained there until January 6, 2021, when he returned to New York. While he was in the Washington, D.C. area, he was armed.

Respondent was interviewed by Sergeant Jeremy Orenstein and other Department investigators on January 25, 2021, and on March 22, 2021 (T. 38; Dept. Exs. 1A, 1B).

The following is a summary of the relevant trial evidence.

² <https://nypost.com/2008/10/17/spitz-madam-cops-plea/>

³ <https://www.justice.gov/usao-sdny/pr/former-new-york-city-comptroller-candidate-pleads-guilty-manhattan-federal-court>.

The Chief of Internal Affairs Bureau received information that Respondent was in Washington, D.C., in connection with the public events which took place between January 5 and 6, 2021 (T. 37). Sergeant Jeremy Orenstein testified that he was assigned to investigate the criminal association aspect of this case, initially about Respondent's association with Roger Stone and later Kristin Davis (T. 36-37). As a part of his investigation, Sergeant Orenstein conducted computer checks and computer audits, requested subpoenas for phone records, analyzed phone records, conducted interviews, performed Internet searches, and commenced a Patrol Guide interview of the Respondent (T. 37-38). Sergeant Orenstein testified that he obtained an administrative subpoena for Respondent's cell phone records based upon Respondent's alleged criminal association with Kristin Davis. The latter was convicted of a narcotics-related crime in 2014 (T. 399, 415).

During the investigation, Sergeant Orenstein learned that **Individual 1**⁴, who was seen in photographs with Respondent, is known as the Sergeant of Arms of the Seattle Chapter of the Proud Boys (*Id.*). **Individual 1** and Respondent were together at events in Washington, D.C., on July 6, 2019, and December 11, 2020 (T. 269).

Individual 2 is a Proud Boy associate, journalist, and publisher of a right-wing news publication (T. 269). **Individual 2** was at an event on July 6, 2019, and was depicted in December 11, 2020, photos (T. 270; Dept. Ex. 15BB). **Individual 3**⁵ is a national chair of the Proud Boys who was present at Roger Stone's sentencing on February 20, 2020, and was present at a rally in

⁴ I take judicial notice that **Individual 1** is under federal indictment in the United States District Court for the District of Columbia for conspiracy and other charges related to the January 6, 2021, breach of the Capitol. **Individual 1** is awaiting trial.

⁵ I take judicial notice that **Individual 3** is currently under federal indictment in the United States District Court for the District of Columbia for conspiracy and other charges related to the January 6, 2021, breach of the Capitol. **Individual 3** is awaiting trial.

Washington D.C., on December 11, 2020; Respondent was also present at both events (T. 271-72).

As part of his investigation, Sergeant Orenstein called Person A on January 25, 2021, to ask him about Respondent's involvement and role in the events that took place at and around the U.S. Capitol on January 5, 2021, and January 6, 2021 (Dept. Ex. 2). Person A stated that he was the head of Roger Stone's security detail on those dates, and Respondent was there "assisting for Stone's security detail" (T. 355; Dept. Ex. 2, "2nd call to Person A at 2:36-2:39).

A review of Respondent's phone records from December 1, 2020, to January 15, 2021, showed that there were 49 contacts⁶ between Respondent and Person A, and there were 15 contacts⁷ between Respondent and Individual 2 (Dept. Ex. 7). Sergeant Orenstein testified further that he obtained many photographs and video clips that show Respondent with Roger Stone, Kristin Davis, and other individuals who are allegedly affiliated with the Proud Boys and the Oath Keepers. In many of the photos from January 5, 2021, the men identified as Roger Stone's security are wearing military gear with an "Oath Keepers" emblem on the front (Dept. Exs. 15B, 15Y, 15Z, 15AA, 15BB).

During his investigation, Sergeant Orenstein learned that the Oath Keepers are "mainly comprised of military and first responders [and that] some are members of their local militias."⁸ They profess to "believe in preserving the rights of Americans, they take an oath that the

⁶ Twelve incoming calls, seven outgoing calls, 15 incoming text messages, and 15 outgoing text messages.

⁷ 11 incoming calls, four outgoing calls.

⁸ I take judicial notice that private paramilitary organizations are unlawful in all 50 states.

Constitution won't be broken . . . and they encourage their members to disobey orders, which they believe violate the U.S. Constitution" (T. 266-67).

He further learned that the Proud Boys is another organization throughout the United States and other countries. They "fight with individuals who they perceive as threats to their values . . . they often wear colors of yellow and black. . . ." (T. 268).

Respondent's January 25, 2021 Interview

During Respondent's January 25, 2021, Department interview, Sergeant Orenstein questioned Respondent about his whereabouts on January 5, 2021, and who was with him. Respondent stated that he went to the airport with "[REDACTED] or [REDACTED]," who was the "true security of Mr. Stone's" that day, to pick up Roger Stone (T. 305; Dept. Ex. 1J, p. 14). Sergeant Orenstein testified that Respondent was "evasive" with his answers about how he met [REDACTED] or [REDACTED] before going to the airport together (T. 307). They drove to Dulles Airport to pick up Roger Stone and Kristin Davis. Respondent initially stated that Kristin "happened to be there" and that he knew Roger would be at the airport, but then stated he knew she was on the plane (T. 305; Dept. Ex. 1J, pp. 18-19).

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Respondent was asked if he was acting as security on January 5 for Roger Stone, and he answered, "No, I'm not his security" (T. 307; Dept. Ex. 1J, p. 20, ln. 20). When asked again, he answered, "I'm not his security technically, but others will say you are his security. . . That's how they like to, you know, they all say that" (T. 307-08; Dept. Ex. 1J, p. 20, ln. 22, and p. 21, lns. 1, 3). He further stated that he is not on Roger Stone's payroll as his security and does not get paid for protection (T. 308; Dept. Ex. 1J, p. 21, lns. 6-9). Respondent was shown a social media post of a photo of himself and Roger Stone, where the caption refers to him as "[Roger Stone's] confidant Jilly Rizzo"; when asked if "Jilly Rizzo" referred to him, Respondent

answered, "It's an inside joke" (T. 309; Dept. Ex. 1J, p. 23, ln. 19). Respondent explained that Jilly Rizzo was "like, I guess a bodyguard for Frank Sinatra" (T. 309; Dept. Ex. 1J, p. 24, lns. 5-6). When asked again by Sergeant Orenstein if he provided security for Roger Stone on January 5, 2021, and told "it's a yes or no at this point," Respondent answered, "I am informally I'm not his security" (T. 310-11; Dept. Ex. 1J, p. 28, lns. 17-21). Respondent provided the phone number he had for "[REDACTED]"; Sergeant Orenstein then showed him a photograph that depicted Respondent, Roger Stone, a person that Respondent said "might" have been [REDACTED] because he did not "remember exactly if he had the thing on his face or not," and Reverend Randy Coggins (T. 312; Dept. Ex. 1J, pp. 36-37).

Respondent stated that early in the morning of January 6, he called "this security guy" to take a golf cart to the Ellipse to pick up tickets that were being held for Stone and whoever was part of his group from the rallies the night before (Dept. Ex. 1J, p. 40). Due to the size of the crowd, they returned to the hotel without obtaining the tickets.

Respondent stated that on a second trip to get the tickets, he spoke to a Secret Service agent who told him that there were no alternate routes to obtain them. Respondent then returned to the hotel and told Stone what had transpired; according to Respondent, [he] told Stone, "We're done, this is not happening today, forget about this Ellipse or rally or whatever you wanna call it, it's over" (*Id.* at p. 41).

Respondent stated later in the interview that Stone had a security detail for his protection; when asked if Stone "never walked around by himself without security when he was out in the streets," Respondent answered, "The only time he walked out, and that would have been with me, was to go to the barbershop and again that was late. So, nobody really" (T. 315; Dept. Ex. 1J, p. 45, lns. 16-20).

Respondent was asked whether he presented his NYPD shield and/or identification card to Capitol law enforcement, or any law enforcement, to enter a secure area; he answered “no.”⁹ (T. 316; Dept. Ex. 1J, p. 49, Ins. 13-16). Respondent continued to deny that he was ever security for Stone, and he also denied that he was security for Davis (T. 319). At the end of Respondent’s January 25, 2021, interview, after being made aware of Stone’s criminal history, Respondent was ordered not to associate with Stone from that day forward (*Id.*).

Respondent’s March 22, 2021 Interview

During the March 22, 2021, interview, Respondent continued to deny that he was Stone’s security and further denied that he had any official role in Stone’s entourage; he claimed that he was just a friend to Stone (T. 356; Dept. Ex. 1K, pp. 92-97). Respondent was questioned again about the “Jilly Rizzo” reference made by Stone; Respondent stated it was just a joke “in the family” and he did not hold a position with Stone (T. 358; Dept. Ex. 1K, pp. 101-02).

Sergeant Orenstein asked Respondent if he “met a guy name [Person A] and Respondent stated, “I didn’t know his exact name at the time when I took [Person A] but that – what’s what his name is” (T. 321; Dept. Ex. 1K, p. 10, Ins. 10-15). He then stated to Respondent, “Okay, I think you called him [Person A] or [Person A]; you weren’t 100 percent sure,” and Respondent agreed (T. 321; Dept. Ex. 1K, p. 10, Ins. 16-18). Sergeant Orenstein showed Respondent a photo of him on the back of a golf cart, and when asked who drove it, Respondent stated, “that guy,” and Sergeant Orenstein clarified with Respondent that it was [Person A] (T. 322; Dept. Ex. 1K, p. 12, Ins. 16-20). Respondent explained that [Person A] was part of Roger Stone’s security detail for that day (T. 323; Dept. Ex. 1K, pp. 14-15). He stated that he communicated

⁹ In Respondent’s second Department interview, which took place on March 22, 2021. Respondent stated that he did present his identification card to a Secret Service Agent when he went back to The Ellipse to try to find a VIP route to “let him know that they weren’t doing anything funny” (T. 316-17; Dept. Ex. 1K, p. 26).

with Person A via phone, but did not know how Person A communicated with the security team he was a part of (Dept. Ex. 1K, pp. 18-19).

Respondent was asked again about his interaction with Person A and the Secret Service agent on January 5, 2021, when they were trying to locate the VIP route for the event at The Ellipse (T. 324). Respondent explained in his interview that Person A introduced himself as Roger Stone's security and initially spoke with the Secret Service agent (Dept. Ex. 1K, p. 25, Ins. 8-12). Respondent stated that he introduced himself as a "friend of Roger's" and then asked if there was a VIP route (*Id.* at p. 25, Ins. 13-15). He stated that he gave the Secret Service agent his regular ID and work ID to show they were not there to "do anything crazy or whatever" because "he looked like he was getting a little nervous" (T. 325; Dept. Ex. 1K, p. 26, Ins. 21-25, p. 27, In. 2). After being unable to obtain the VIP tickets or the route to get them, Respondent stated that he returned to the hotel and told Roger, as a "friend" and not in the capacity of a security guard, that the event was not happening and to stay at the hotel (T. 327; Dept. Ex. 1K, p. 34, Ins. 18-25, p. 35, In. 2).

Respondent stated Person A was not in the hotel with him and Stone, but that Person A would call Respondent to speak with Stone (T. 361; Dept. Ex. 1K, p. 107). Sergeant Orenstein told Respondent that, based on his investigation, the men surrounding the golf cart Respondent was riding in were Oath Keepers who were providing security for Stone; Respondent replied that they seemed like "regular people from the crowd" (T. 363; Dept. Ex. 1K, p. 110, Ins. 7-12). Sergeant Orenstein concluded that these individuals were Oath Keepers based upon their distinctive clothing, in that "many of them were wearing face masks or paramilitary type of attire, some of them wore the Oath Keeper logo on their hats or their clothing" (T. 365-67).

Sergeant Orenstein confronted Respondent with photographs of individuals, including Person A who were wearing hats with markings; Respondent claimed he could not see what was on the hat in the photos (Dept. Ex. 1K, p. 113, lns. 2-12). Sergeant Orenstein testified that he had identified Person A and the other persons who acted as security for Stone as Oath Keepers through Internet research, including news articles that identified these men as Oath Keepers who were criminally charged for the assault on the U.S. Capitol on January 6, 2021 (T. 369-70). Respondent denied that he was an Oath Keeper and denied being a member of the Proud Boys (T. 372; Dept. Ex. 1K, pp. 119-20). Sergeant Orenstein conceded on cross-examination that he did not have any evidence that Respondent was knowingly involved with the Oath Keepers and the Proud Boys outside of mere presence or association in the photos presented while he was with Stone (T. 438-40).

Sergeant Orenstein questioned Respondent about an event on July 6, 2019, in Washington, D.C., where Respondent was photographed with members of the Proud Boys and wearing a lanyard attached to a tag that said "Security" (T. 377). Respondent denied providing security that day and stated he purchased a VIP ticket and was given that tag by a woman at the event; he was unable to provide any further information about the woman other than her first name (T. 379; Dept. Ex. 1K, p. 133). He stated that he wore the lanyard because he was in a "restricted area" (T. 392; Dept. Ex. 1K, p. 232, lns. 7-8).

Sergeant Orenstein then questioned Respondent about a rally he attended on December 11, 2020, with Stone; [REDACTED], an associate of the Proud Boys, was also present at that event. Respondent again denied that he was security for Stone and stated that he did not know if anyone else was providing protection (T. 386; Dept. Ex. 1K, pp. 167-68).

Respondent was confronted with a video of him and Stone leaving the Willard Hotel on January 5, 2021, where Respondent made a hand gesture toward a man approaching Stone (T. 387; Dept. Ex. 1K, pp. 174-78). Sergeant Orenstein testified that Respondent was asked to explain the meaning of the hand gesture but could not do so (T. 388). Sergeant Orenstein stated that Respondent denied being security for Nydia Stone and denied being part of Roger Stone's regular security team (T. 389-90). Sergeant Orenstein conceded that outside of the July 6, 2019, event, Respondent never wore any apparel that identified him as security (T. 470).

Sergeant Orenstein also confronted Respondent with a screenshot of a video in front of the Willard on January 6, 2021, depicting Respondent holding something in his hand. Respondent stated that it was more than likely a phone he was holding and admitted that he has an iPhone (T. 329; Dept. Ex. 1K, p. 38, lns. 11-25, p. 39, ln. 2). The investigators directly asked him if he was using "any other type of radio communication device that day" like a "cell phone, walkie-talkie, or Nextel," and Respondent answered, "no" (T. 329; Dept. Ex. 1K, p. 39, lns. 3-14).

He was then asked by his attorney, "Did anyone else that day provide you with another electronic device to communicate on that was not personally yours," to which Respondent replied, "It could, it could have been a walkie-talkie around. I just don't remember if I, I listened to it real quick or something" (T. 330; Dept. Ex. 1K, p. 39, lns. 22-25, p. 40, lns. 2-3). Respondent further stated he did not remember what was depicted in the screenshot that Sergeant Orenstein showed him (T. 331-32; Dept. Ex. 1K, pp. 40-41). Respondent then told the investigators he was using a walkie-talkie handed to him by a woman "very briefly" to see if he could hear anything in it (T. 334; Dept. Ex. 1K, pp. 42-43). Respondent did not recall the name of the woman but stated that while she was a scheduled speaker on January 6, 2021, she did not

end up speaking (T. 336, Dept. Ex. 1K, p. 45, Ins. 3-17). Respondent denied being handed the walkie-talkie to listen to or communicate into as part of a security role that he was playing, claiming that he was only given the walkie-talkie to see if he could hear something on it and that all he heard was static (T. 338-40; Dept. Ex. 1K, pp. 48-49).

Sergeant Orenstein testified that, in his view, Respondent was “evasive with his answers” and “wasn’t totally forthcoming with his answers either as demonstrated by the transcript” when asked questions at the GO about how he got the walkie-talkie and whether he used it (T. 343). According to Sergeant Orenstein, Respondent changed his initial assertion that a female handed him the walkie-talkie to a male giving him the walkie-talkie and was still unable to recall the name of that person (T. 344; Dept. Ex. 1K, p. 60, Ins. 4-24).

At the interview, Respondent was shown photographs of a lapel pin he was seen wearing on his suit jacket. When asked if he wore pins regularly, he responded “no,” but stated that “it could have been a pin Roger handed [him]” (T. 345; Dept. Ex. 1K, p. 62, Ins. 6-12). Respondent claimed that the pin had “no purpose” and that it was “something maybe friends wear” to identify him as a “supporter” of Stone (T. 346; Dept. Ex. 1K, p. 63, Ins. 9-21, p. 64, Ins. 3-11).

Respondent was asked about phone calls he received from Graham Rayman, a reporter with the New York Daily News. Rayman wrote a news article dated February 8, 2021, about Respondent and noted within the article that Respondent declined to comment (Dept. Ex. 1K, p. 66, Ins. 2-8, 19-21). Respondent stated in the interview that the reporter contacted him at least twice; the first phone call was about two or three minutes on February 8, 2021, and the most recent time the reporter called, Respondent blocked him (*Id.* at p. 68, Ins. 4-6, p. 70, Ins. 5-13).

Sergeant Orenstein testified that his review of Respondent’s phone records revealed a call with the reporter on February 8, 2021, which lasted for fourteen-and-a-half minutes (T. 347-48;

Dept. Ex. 1K, p. 71, Ins. 9-13). When Respondent was questioned about the article's contents, which reported that the Oath Keepers were acting as Stone's security, he denied working with them or being Stone's security himself (T. 353; Dept. Ex. 1K, p. 81, Ins. 13-21). Sergeant Orenstein then questioned Respondent about a post from Roger Stone of a text message where he gave a "shout-out" to Respondent for helping; Respondent claimed he had no idea what Stone was talking about and never did any favors for him (T. 354; Dept. Ex. 1K, pp. 81-83).

Respondent's Trial Testimony

Respondent testified that his first contact with Roger Stone was in the spring or early summer of late 2018 after Respondent left a comment on one of his posts and Stone contacted him. They communicated over Instagram and planned to meet in person later in the year. Respondent and Stone eventually met that year at a restaurant in Manhattan (T. 502-04).

At that same dinner, Respondent met Kristin Davis for the first time. He knew her as Roger Stone's secretary, but was initially unaware that she was formerly known as the "Manhattan Madam".¹⁰ He testified that he was with her a few times in New York and at some events when he was in Florida (T. 504-06).

Respondent described his relationship with Stone as "very close friends, and basically family friends," asserting that he was friends with everyone in the Stone family (T. 505). In 2019, Respondent brought Roger Stone to the Cannoli King in Little Italy, where Roger Stone posed for a photograph before leaving for Florida the next day (T. 543-44).

Respondent testified that he was present at a rally in Washington, D.C., on July 6, 2019. He recalled that he drove to the event, paid for entrance, and paid for a hotel to stay in the area; he denied that he was with Stone. Respondent stated that the rally was for free speech and about

¹⁰ As noted above, Davis pleaded guilty to promoting prostitution in New York Supreme Court in 2008.

the censorship in the media (T. 506-07). He was in the area for 24 to 48 hours and then returned to New York; he was not armed on the day of the rally. Respondent testified that he was supposed to get a VIP lanyard, but since none were available, he was given one that said "Security"; he denied that he was security for the event and claimed that he did not perform any security functions (T. 509-10).

Milo Yiannopoulos and Laura Loomer, both friends of Roger Stone, were speakers at the event. Respondent testified that he did not know either of them personally before arriving at the event and did not recall if he spoke with them. Respondent was unaware that the Oath Keepers were present at the event, stating that he "didn't learn about anything Oath Keepers related until well past almost 2021" (T. 508-09). Respondent did learn who the Proud Boys were at this event and learned "what they are, what they did . . . and what th[e] organization is about" (T. 519). He claimed that he did not know what they "stood for" (*Id.*).

Roger Stone was convicted of federal crimes in and around November 2019; Respondent acknowledged that he continued to have contact with him between November 2019 and February 2020 via phone calls and text messages (T. 559-60). On February 20, 2020, Respondent attended Stone's sentencing hearing. Respondent confirmed that Stone and his family asked him to be there for "moral support" (T. 510). He met the family in the hotel that day, and they left together for the courthouse. Respondent admitted that he was present for some of Stone's earlier trial dates, but denied that he was providing security on those dates; he claimed he was not armed on those occasions and asserted that Stone had off-duty police from Washington, D.C. on his security detail. Respondent was in Washington, D.C., for one or two days and believed he shared a room with the family; he could not recall whether he had to pay for it (T. 511-13).

Respondent admitted that he was aware that Stone was convicted of federal crimes, some of which were felonies. Respondent admitted further that he continued to stay in contact with Stone after he was sentenced through text messages and phone calls (T. 560, 563). He was aware that Stone's sentence was commuted in July 2020; he also knew that Stone received executive clemency and a pardon from then-President Trump in December 2020. Respondent conceded that he continued his contact with Stone after his sentencing until the time the pardon was issued (T. 541, 565-66).

Respondent testified that he learned Kristin Davis had a criminal record but did not recall when, as he did not ask her any details and would get "dribs and drabs of things that had occurred" (T. 544). He was unaware of the nature of the criminal activity but knew it had to do with the former Governor Elliot Spitzer scandal that happened about ten years before.

Respondent testified that he was also unaware that Davis had a drug conviction (T. 544-45). He acknowledged that he continued to contact Davis via telephone and text messages once he did learn the extent of her criminal history, which involved a New York state prostitution-related felony conviction and a federal drug conviction (T. 574, 577).

Respondent testified that on December 11, 2020, he was in Washington, D.C., for a few hours with Stone for a CPAC (Conservative Political Action Conference) event¹¹ where Stone gave a speech. Respondent described the crowd of people the Proud Boys rally as "not a rally," but as a "crowd of people that were cheering for Roger" and that it was "actually a friendly environment" (T. 513-14). Respondent denied that he was at the event as security and asserted that he received no compensation for his attendance (T. 515).

¹¹ Respondent testified that it was not a rally and described it as a "mini CPAC, like after CPAC parties" (T. 514).

On January 5, 2021, Respondent traveled to Washington, D.C., after taking authorized leave, submitting a “28” for the days he would be in Washington (T. 515-16). He admitted on cross-examination that he carried his off-duty firearm on him from January 5 to January 6, but asserted that police officers are permitted to do so under state and federal law (T. 548-50). Respondent testified that being with Roger Stone on that day was a “last-second thing” because it was uncertain whether Stone would be speaking at any of the scheduled events. He testified Stone’s wife called him and asked him to be there to “represent the family;” he did not see Stone until the early afternoon of January 5, when he went to the airport to meet him (T. 516-17).

Respondent testified that before January 5, he had not heard of the “Oath Keepers,” which was the group to which Stone’s security detail members belonged. Respondent testified that he knew them as “regular guys that looked like military guys or something” (T. 517-18). Respondent claimed that Stone “preferred to have him meet him at the airport,” so he drove there with Person A. He stated that he did not know Person A was an Oath Keeper and described his clothing as a “military look” (T. 519-20). Respondent picked up Stone and Kristin Davis at the airport, and they all went back to the Willard Hotel (T. 522). Respondent testified that he was permitted to choose a room from a block of available rooms; he claimed he paid for the room and was reimbursed by an event organizer (T. 522-23).

Respondent testified that the reason he was in Washington on January 5 was to support Stone, but that other people were going there to ask for a 10-day delay of the certification of the 2020 election¹² (T. 523). Respondent was present for the two speeches given that day, but

¹² I take judicial notice that before January 5, 2021, 62 lawsuits challenging the results of the 2020 presidential election in six states were filed, of which 61 resulted in losses for the plaintiffs. In one case, a Pennsylvania court ruled that voters could not cure defective ballots after three days, but the ruling did not affect the outcome of the vote in Pennsylvania. The United States Supreme Court twice declined to take up the litigation. (<https://www.usatoday.com/in-depth/news/politics/elections/2021/01/06/trumps-failed-efforts-overturn-election-numbers/4130307001/>).

claimed that he and Stone mainly stayed in the hotel room. When Respondent arrived, he found out two rallies were scheduled for January 5, and a few were planned for January 6 (T. 524-25).

Respondent testified that on January 5, he accompanied Stone to a barbershop, without Person A or any additional security, for a haircut. He stated that this was later at night and admitted he had his off-duty firearm under his jacket in a concealed shoulder holster (T. 590, 594).

Respondent testified that on January 6, he was supposed to pick up VIP tickets for the event at The Ellipse, where then-President Trump would be speaking (T. 526). Respondent and Person A went to a general admission entrance to pick up the tickets, but were unable to do so. They then went to the VIP entrance, where Secret Service officers were stationed. Respondent testified that he heard Person A identify himself as Roger Stone's security and observed the Secret Service officers "getting nervous" (T. 528-29). He pulled out his Department identification to identify himself as a law enforcement officer to "defuse that little situation" and requested information about how to get the tickets for the event (T. 530). He testified that he did not identify himself as security for Roger Stone and did not take out his identification for that purpose (T. 531).

Respondent testified that when he returned to the hotel, he expressed his concerns about the event to Stone in the lobby. On cross-examination, Respondent stated that Person A told Stone that he should not leave the hotel to attend the event, and Respondent concurred. Respondent, Stone, and Person A moved from the lobby to the area outside of the hotel at a hotel employee's request. He testified that he was handed a walkie-talkie from someone to see if he could hear anything; he claimed that he was not saying anything into the walkie-talkie because it was not working (T. 532-36, 583).

Respondent testified that he and Stone went back upstairs into the hotel room and watched the speeches on television. He stated that they were still in the room when they observed things turn into “total chaos” (T. 538). He and Stone remained in the hotel room until approximately 1645 hours since it “wasn’t advisable” for him to attempt to leave the hotel earlier due to the size of the forming crowds (T. 539). Respondent then drove Stone and Kristin Davis to the airport before going home to New York and returning to work a few days later (T. 539-40).

Respondent testified that he has not spoken with Person A recently, and he was unaware of the Oath Keepers until well after January 6 and his interview with Sergeant Orenstein. He does not have a connection to the Proud Boys (T. 546). Respondent conceded that of all the people with Stone on January 6, he was the person with law enforcement training (T. 603-04).

Credibility

I credit the testimony of Sergeant Jeremy Orenstein as logical, concise, and forthright. As an investigator, he is a disinterested witness whose testimony was a part of his duties. While he sometimes testified to the significance of pieces of evidence he obtained during his investigation, his assessments did not reveal any bias against Respondent.

In contrast, Respondent’s testimony was self-serving and unreliable. As outlined in detail below, his proffered defenses to the charged misconduct relied upon illogical interpretations of specific Patrol Guide provisions and implausible assertions of fact.

Specifications 1: Criminal Association (Roger Stone)

I find that the Department has met its burden of proof by a preponderance of the relevant, credible evidence that Respondent wrongfully and knowingly associated with Roger Stone, a

person reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities.

Patrol Guide procedure 203-10(2)(c)¹³ prohibits Members of Service from “knowingly associating with any person ... reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities” (P.G. 203-10[2][c]).

Respondent testified that he first contacted Stone in 2018 through social media and met him in person later that year (T. 502-04). I take judicial notice that on November 15, 2019, Stone was found guilty in the United States District Court for the District of Columbia of obstructing a congressional investigation, five counts of making false statements to Congress, and tampering with a witness.¹⁴ Respondent admitted that he was aware that Stone had been convicted of several federal crimes, some of which were felonies¹⁵ (T. 560). He further admitted that he continued contacting Stone between November 2019 and February 2020 via phone calls and text messages (T. 559-60). Respondent admitted that on February 20, 2020, he attended Stone’s sentencing at his request; he also attended the trial several times before the jury verdict (T. 510-11). He further admitted that he remained in contact with Stone through text messages and phone calls after his sentencing up to the date he was pardoned (T. 563-65). He conceded that Stone was still a convicted felon between February 2020 and July 2020 (T. 566).

Respondent asserted, as a defense to Specification 1, that Stone’s sentence was commuted in July 2020 through executive clemency and that in December 2020, he received a pardon from former President Trump. While there is no dispute that Stone received the post-

¹³ Patrol Guide procedure 203-10(2)(c) has been re-codified in Administrative Guide procedure 304-06(8)(c).

¹⁴ <https://www.justice.gov/usao-dc/pr/roger-stone-found-guilty-obstruction-false-statements-and-witness-tampering>

¹⁵ I note that the indictment charging Stone with federal crimes allegedly committed during the Mueller investigation was filed on January 24, 2019 (Dept. Ex. 8).

conviction relief as Respondent described it, the receipt of a pardon by Stone does not affect Respondent's obligation under the Patrol Guide to have avoided associating with him as a convicted felon. Even as a recipient of a presidential pardon, the evidence establishes that Stone is a person reasonably believed to have engaged in criminal activities.¹⁶ Moreover, Respondent conceded in his trial testimony that he continued his contact with Roger Stone before the pardon was issued (T. 511, 541, 560, 563, 565-66).

This is not a case where Respondent tried and failed to distance himself from a close family member. Although Respondent described himself as "like a member of the family," he was not family in any legal sense. This relationship began with Respondent's comment on an Instagram post and Stone's subsequent invitation to meet. Stone was initially a stranger to Respondent, but he embraced the idea of being in Stone's orbit.

Regardless of any affection members of the Stone family may or may not have developed for him, Respondent had a duty to this Department and the Members of Service with whom he served to maintain specific standards of personal conduct. The evidence establishes that he knowingly abrogated that duty.

I, therefore, find Respondent Guilty of Specification 1.

¹⁶ Acceptance of a pardon implies a confession of guilt (*Burdick v. U.S.*, 236 U.S. 79, 91 [1915]). The Supreme Court implicitly rejected the dictum in *Ex Parte Garland*, 71 U.S. 333 [1866], which stated that the pardon "releases the punishment and blots out the guilt, so that in the eye of the law, the offender is as innocent as if he had never committed the offense." (*Burdick v. United States*, 236 U.S. at 91; *In re North*, 62 F.3d 1434 [D.C. Cir. 1994] ["*Garland's* dictum was implicitly rejected in *Burdick* [collecting citations] which recognized that the acceptance of a pardon implies a confession of guilt"]; *United States v. Noonan*, 906 F.2d 953, 958-60 [3d Cir. 1990] ["[T]he fact of conviction after a pardon cannot be taken into account in subsequent proceedings. However, the fact of the commission of the crime may be considered. Therefore, although the effects of the commission of the offense linger after a pardon, the effects of the conviction are all but wiped out"]. In *Noonan*, the court went further to hold that the Presidential pardon did "not create any factual fiction that [his] conviction had not occurred [or] justify expunction of his criminal court record." (See *In re Abrams*, 689 A.2d 6 [D.C. 1997], quoting *People ex rel. Prisament v. Brophy*, 287 N.Y. 132 [1941] ["[A]n executive pardon cannot 'blot out of existence the guilt' of one who committed a crime. At most, it can wipe out the legal consequences which flow from an adjudication of guilt"]).

Specification 5: Criminal Association (Kristin Davis)

I find that the Department has met its burden of proof by a preponderance of the relevant, credible evidence that Respondent wrongfully and knowingly associated with Kristin Davis, a person reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities.

Respondent testified that he met Kristin Davis at the same dinner where he met Roger Stone in 2018 (T. 505). He acknowledged that he subsequently found out about Davis's criminal record, including a prostitution-related felony conviction and a federal drug conviction. Respondent admitted that he continued to contact her via telephone and text messages after learning about her criminal history (T. 573-74, 577).

Respondent also knowingly associated with Kristin Davis after learning of her felony convictions. While Respondent argues that since she worked for Stone, he had no way of avoiding her, the Tribunal does not give weight to that argument. As Respondent admitted, he continued to contact Davis directly via telephone calls and text messages (T. 574, 577).

Therefore, I find Respondent Guilty of Specification 5.

Specification 2: Acting as Security for a Person Convicted of a Crime

I find that the Department has met its burden of proof by a preponderance of the relevant, credible evidence that Respondent wrongfully engaged in conduct prejudicial to good order, efficiency, or discipline of the Department by, while armed, acting as security for Roger Stone, a person convicted of a crime, on or about January 5, 2021, and January 6, 2021.

Respondent testified that he was never part of Stone's security detail and was never compensated for performing such duties. He claimed that he went to Washington, D.C., on January 5, 2021, to support Stone out of friendship. Despite his denials, the weight of the

credible, relevant evidence establishes: (1) that Respondent knowingly acted in coordination with persons he described as being members of Stone's security detail; (2) one member of Stone's security detail, Person A identified Respondent as working with him to provide security for Stone; (3) Respondent performed the acts while armed; and (4) it is uncontested that Stone is a person who had been convicted of a crime.

Respondent testified that he traveled to Washington, D.C. on January 5, 2021, on reasonably short notice, allegedly because Stone's wife would not be present. According to Respondent, she asked him to travel there to "represent the family" because there were "some people there that [Stone] knows and others that [he didn't]" (T. 516). As reported by Respondent, this conversation permits the Tribunal to draw an inference that Mrs. Stone would have felt more comfortable knowing that Respondent would be around her husband, a sentiment consistent with a concern for Stone's safety.

Respondent admitted in his trial testimony that Person A was a member of Stone's security team, that Person A was an Oath Keeper, and that the Oath Keepers were part of a security detail he believed had been provided for Stone by "event" organizers. In a statement to Sergeant Orenstein, Person A not only admitted that he was tasked with providing security for Stone, but also declared that Respondent assisted him in doing so.

A preponderance of the relevant, credible evidence in the record establishes that the acts Respondent committed in Washington, D.C. between January 5 and 6, 2021, taken together with the evidence of his state of mind, were committed as part of a coordinated effort with Person A and others to provide security for Stone. Respondent, aware that Person A and other Oath Keepers were protecting Stone, went to the airport to pick up Stone and Davis on January 5,

2021, in a vehicle with Person A while four other Oath Keepers rode in a second vehicle. They all converged on the airport, where they met Stone and Davis.

Once Stone and Davis had claimed their luggage, they rode back to the Willard Hotel with Respondent and Person A while the other four Oath Keepers transported their luggage. Upon their arrival at the hotel, Respondent, Person A, the four Oath Keepers, Stone, and Davis went to Stone's suite, which the Oath Keepers "checked out," before leaving Respondent with Stone and Davis.

On the evening of January 5, 2021, Respondent admitted that he alone accompanied Stone to a hair salon not far from the hotel at which they stayed because Stone may have been attacked. He further admitted that the reason Person A and the Oath Keepers had been detailed to provide security for Stone in Washington was the fear that he might be attacked (T. 586-87).

On January 6, 2021, Respondent accompanied Person A to acquire passes for a rally near the White House. When Person A engaged two Secret Service agents and identified himself as security for Roger Stone, Respondent displayed his NYPD credentials to vouch for Person A and alleviate the concerns of the federal agents.

After Stone, Davis, and Respondent watched the now well-known events at the U.S. Capitol unfold that morning, he felt it unwise to leave the hotel since there were "thousands of people" around it. At approximately 1645 hours that afternoon, Respondent, unaccompanied by other security personnel, took Stone and Davis to Dulles Airport before returning to New York.

Circumstantial evidence is evidence of a collateral fact; it is evidence of a fact, other than the fact in issue, from which, either alone or with other collateral facts, the fact in issue may be inferred (Prince, Richardson on Evidence, § 4-301). While guilt may be established by circumstantial evidence alone, a charge must be dismissed if guilt is not the most reasonable

inference which can be reasonably drawn from the proven collateral facts (*See* Disciplinary Case No. 2015-13328 [June 8, 2017], citing *Matter of Ridings v. Vaccarello*, 55 A.D.2d 650 [2d Dept. 1976]).

I find that the totality of the evidence supports a finding that Respondent provided security for Roger Stone in Washington, D.C., between January 5 and 6, 2021, in conjunction and cooperation with the Oath Keepers; I further find that he did so while armed. The relevant, credible evidence does not support the argument made by Respondent, that he was present in Washington, D.C. merely as a friend and supporter of Stone; that he did nothing in coordination with Person A and other Oath Keepers, even though he was frequently in their presence; and that his being armed was a coincidence, unrelated to the reason he accompanied Stone, and consistent with his right to bear arms in the District of Columbia.

I further find that Respondent providing armed security for a person convicted of a crime was prejudicial to this Department's good order, efficiency, and discipline. If a police officer gives armed security to a convicted felon, it raises serious questions about that officer's ability to maintain the public's trust. Does the police officer reap a more significant financial benefit from protecting a criminal than the public? Is the police officer involved in the felon's crimes? Did the police officer know about the criminal activity and turn a blind eye because it was in his interest to do so? Can the police officer be trusted to pass on information provided by the public, or will he use it to his criminal benefactor's benefit?

While the evidence in the record can resolve none of these questions concerning Respondent, the fact that they can be asked strongly suggests that he will forever be compromised in the eyes of the public and his fellow police officers.

In the view of the Tribunal, it does not matter that the crimes committed by Stone appear to have been in furtherance of a political objective rather than the types of crimes that more readily come to mind when considering the full range of possible criminal behavior. While Respondent is entitled to his political views, the First Amendment does not shield him from the consequences of his actions when they contravene the higher standards imposed upon Members of Service.

I, therefore, find Respondent Guilty of Specification 2.

Specification 4: Associating with a Person/Organization Advocating Hatred

I find that the Department has failed to meet its burden of proof by a preponderance of the relevant, credible evidence that Respondent wrongfully and knowingly associated with persons or organizations advocating hatred, oppression, or prejudice based on race, religion, gender/gender expression, sexual orientation, or disability.

Respondent was photographed with individuals from the Proud Boys and Oath Keepers (Dept. Exs. 15C, 15G, 15J, 15Z, 15AA, 15BB). Respondent testified that he does not have any connection with the Proud Boys and did not know anything about the Oath Keepers until after the assault on the U.S. Capitol (T. 546). Respondent admitted that he communicated with Person A on January 5, 2021, and January 6, 2021, because Person A was heading Roger Stone's security detail, and Respondent was trying to meet up with Stone (T. 305; Dept. Ex. 1J, p. 14). Outside of a phone call from Person A regarding the Departmental interviews, Respondent claimed that he has not been in contact with him since January 2021.

It is not disputed that several members of the Oath Keepers and Proud Boys, Person A, Individual 1 and Individual 3 are currently under federal indictment for crimes allegedly committed before and during the assault on the U.S. Capitol. I take judicial notice that

the Select Committee to Investigate the January 6 Attack on the United States Capitol is currently gathering evidence regarding the events of January 6, 2021, including persons who may have been involved in the planning and execution of the attack. It is clear that Respondent had contact with individuals who subscribed to controversial social and political philosophies; the question before this Tribunal is whether there is sufficient evidence of Respondent's knowledge of the alleged hate element of their respective ethos to support a finding that he knowingly associated with them despite the presence of such hate element. The Department did not present sufficient evidence of the allegedly hateful nature of each organization's creed.

Respondent's denials that he knew anything about either the Oath Keepers or Proud Boys before his Department interviews ring hollow in light of the generally self-serving nature of his testimony and his evasiveness with Department investigators. The common thread running through this case is that Respondent chose to be in the company of individuals who can objectively be considered controversial. His decision to associate with them may be limited to their alignment with his political views and nothing more. In this forum, however, if there is evidence that he was aware of the allegedly hateful component of their respective philosophies, such evidence would have to be provided by the Department as part of its burden of proof.

I credit Sergeant Orenstein's concession on cross-examination that he did not have any evidence that Respondent was knowingly involved with the Oath Keepers and the Proud Boys outside of mere presence or association in the photographs taken while with Roger Stone (T. 438-40).

Thus, I find that there is insufficient evidence, outside of photographs without additional context, to establish that: (1) Respondent knew the people he was associating with were part of an organization advocating hatred, oppression, or prejudice based on race, religion,

gender/gender expression, sexual orientation, or disability; and (2) that he was knowingly associating with them.

Based upon the foregoing, I find Respondent Not Guilty of Specification 4.

Specification 3: Failure to Fully Cooperate

I find that the Department has met its burden of proof by a preponderance of the relevant, credible evidence that Respondent failed to fully cooperate with investigators by providing incomplete and/or inaccurate statements to Department investigators during two Department interviews on January 25, 2021, and March 22, 2021.

Providing Security for Roger Stone/Coordination with Oath Keepers

In his January 25, 2021, interview, Respondent was asked repeatedly whether he acted as security for Roger Stone in Washington, D.C. on January 5, 2021; Respondent answered no to each such question (Dept. Ex. 1J, p. 20, lns. 18-20; p. 21, lns. 4-5; p. 27, lns. 6-9; p. 28, lns. 17-21; p. 29, lns. 9-12; p. 61, lns. 4-6).

In his March 22, 2021, Department interview, Respondent was questioned regarding a March 8, 2021, New York Daily News article written by Graham Rayman. The article detailed, among other things, that several members of the Oath Keepers, who were present in Washington, D.C. on January 6, 2021, outside the Willard Hotel with Respondent, while acting as security for Stone, had been indicted for conspiracy to obstruct Congress and other offenses related to the assault on the U.S. Capitol (Dept. Ex. 1K, pp. 79-81). Respondent was asked again whether he provided security for Roger Stone, as the article described, and he answered, "No" (Dept. Ex. 1K, p. 81, lns. 13-17; p. 92, lns. 23-25; p. 96, lns. 22-25 – p. 97, lns. 1-3; p. 99, lns. 4-8; p. 101, lns. 4-6; p. 115, lns. 17-23; p. 116, lns. 8-12; p. 121, lns. 7-11; p. 130, lns. 9-21; p. 131, lns. 7-11; p. 132, lns. 12-17; p. 143, lns. 5-25 – p. 135, 1-8; p. 145, lns. 19-25; p. 155, lns. 3-5; p. 170, lns.

19-25; p. 180, lns. 9-11, 16-19; p. 184, lns. 8-16; p. 212, ln. 25; p. 217, lns. 1-3; p. 233, lns. 2-7). When Respondent was asked whether he was “coordinating with any of the Oath Keepers who are mentioned in here as acting as security for Roger Stone,” he answered, “No” (Dept. Ex. 1K, p. 81, lns. 18-21).

I find that the above-described answers Respondent provided in his January 25, 2021, and March 22, 2021, interviews were misleading and material to the matter being investigated. In his Department interviews and at trial, Respondent consistently denied that he acted as security for Roger Stone in Washington, D.C., between January 5 and 6, 2021. As discussed above in the analysis of Specification 2, the weight of the credible, relevant evidence established that Respondent did act as security for Roger Stone and that he did so in coordination with the Oath Keepers, specifically Person A and four unnamed Oath Keepers who escorted Respondent to and from an airport to pick up Roger Stone and Kristin Davis on January 5, 2021.

I further find that Respondent’s denials were more likely than not motivated by a desire to conceal the true extent of his relationship with Roger Stone, Person A the Oath Keepers, and the Proud Boys.

Presenting Department Identification Card

In his January 25, 2021, Department interview, Respondent denied that he presented his “NYPD shield and/or identification card to Capitol Law Enforcement or any other law enforcement to enter a secure area” (Dept. Ex. 1, p. 49, lns. 13-16).

However, during his trial testimony, Respondent admitted that he presented his identification card to armed Secret Service personnel, but denied showing the identification card to gain access to a secure area (T. 529). He claimed that he only presented his Department identification to defuse what he perceived to be a deteriorating situation when Person A

attempted to gain entry through a security checkpoint on Stone's behalf and raised the suspicions of the sentries (T. 528-30).

In his March 22, 2021, interview, Respondent was again asked whether he identified himself as law enforcement to a Secret Service agent; on this occasion, he admitted to showing the Secret Service agent his Department identification¹⁷ (Dept. Ex. 1K, p. 26, lns. 4-10).

I find that Respondent's answer in his January 25, 2021, interview was false and material to the investigated matter. There is no innocent explanation for why Respondent could not have provided the same answer on January 25, 2021, as he provided during his in-court testimony; answering the question in the negative, however, makes sense if he wanted to obscure the fact that he did present his Department identification to law enforcement in Washington, D.C.

I further find that the import of admitting to that fact was apparent to Respondent. While Respondent claimed that he was unaware of what the Oath Keepers or Proud Boys stood for, he knew that: (1) he was engaging armed law enforcement personnel at a large gathering in the nation's capital; (2) the gathering took place on January 6, 2021, the date Congress was to certify the votes of the Electoral College naming Joseph Biden as the winner of the 2020 presidential election; (3) the gathering was comprised of supporters of former President Trump who challenged the results of the election; and (4) the person drawing the focus of the armed law enforcement at that moment was dressed in camouflage clothing. Under those circumstances, Respondent could have recognized that associating himself with such an individual and identifying himself as a Member of Service might be challenging to explain to Department investigators.

¹⁷ The evidence does not support a finding that Respondent retracted the denial made in his January 25, 2021, statement. His admission to showing his Department identification card was neither preceded nor followed by an acknowledgment that his January 25, 2021, statement was inaccurate and that he wished to correct such inaccuracy.

In the view of the Tribunal, Respondent was generally evasive and obstreperous during both Department interviews. I note, however, that Specification 3 charged Respondent with making incomplete and/or inaccurate statements. While I believe the evidence establishes that the statements discussed above were false and misleading, I will conform my findings to the misconduct as it is charged. I, therefore, find Respondent Guilty of Specification 3 as pled.

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 July 21, 2008, has been found Guilty of two counts of criminal association, providing armed security for a person convicted of a crime, and making inaccurate statements to Department investigators. The Department has recommended termination; I concur with their recommendation.

The range of penalties for engaging in conduct prejudicial to the good order, and efficiency of the Department vary from a mitigated penalty of training to an aggravated penalty of termination.

The presumptive penalty for making an inaccurate official statement is ten penalty days; the aggravated penalty is 15 penalty days. The presumptive penalty for criminal association is 20 penalty days; the aggravated penalty is 30 penalty days.


Respondent has been found guilty of associating with two individuals, Roger Stone and Kristin Davis, who were found guilty of criminal offenses. He claimed that he learned of their criminal histories only after meeting them, but took no steps to distance himself from them once he did know of their backgrounds. During his trial testimony, he questioned whether the Department rules prohibiting him from criminal associations were fair.

The evidence at trial also established that Respondent interacted with several individuals who are now charged federally with various offenses relating to the assault on the U.S. Capitol on January 6, 2021. While it is true that these individuals were not charged until after the relevant period in this case, Respondent's association with them raises questions about either his ability to discern law-abiding individuals from those who would break the law or whether his parsing of law-abiding individuals from law-breakers is selective.

Respondent's provision of armed security services to Roger Stone, even without compensation, makes a mockery of the integrity demanded of Members of Service. Finally, Respondent's lack of candor during his Department interviews and his trial testimony clarifies that he is guided by his own moral compass rather than the provisions of the Patrol Guide.

Under the circumstances established in this trial record, Respondent's continued presence as a Member of Service would be corrosive to the mission and values of this Department. Accordingly, I recommend that he be DISMISSED from the Police Service of the City of New York.

Respectfully submitted,



Paul M. Gamble
Assistant Deputy Commissioner Trials

APPROVED

AUG 04 2022

KEECHANT L. SEWELL
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER SALVATORE GRECO
TAX REGISTRY NO. 947763
DISCIPLINARY CASE NO. 2021-23298

Respondent was appointed to the Department on July 21, 2008. On his three most recent annual performance evaluations, he received “Exceeds Expectations” ratings for 2020 and 2021 and was rated “Exceptional” for 2019. He has been awarded 53 medals for Excellent Police Duty and one medal for Meritorious Police Duty.

In 2013, Respondent forfeited ten (10) vacation days after pleading guilty to failing to remain at his residence and leaving the confines of New York City without permission from the Department while on sick leave.

For your consideration.

Paul M. Gamble
Assistant Deputy Commissioner Trials