The City of New York

POLICE DEPARTMENT

March 7, 2025

In the Matter of the Charges and Specifications	:	
- against –	:	
	:	Case Nos.
Police Officer Aron Baksh	:	2022-27184
Tax Registry No. 948639	:	2022-27694
78 Precinct	:	2023-28341
	:	
Police Officer Berland Prince	:	Case Nos.
Tax Registry No. 949508	:	2022-27183
78 Precinct	:	2023-28340

At:	Police Headquarters One Police Plaza New York, NY 10038
Before:	Honorable Anne E. Stone Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department:	Emily Collins, Esq. Department Advocate's Office One Police Plaza, Room 402 New York, NY 10038
For the Respondents:	Michael Martinez, Esq. Worth, London & Martinez, LLP 111 John Street, Suite 640 New York, NY 10038

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

CHARGES AND SPECIFICATIONS

Respondent Baksh:
Disciplinary Case No. 2022-27184

1. Said Police Officer Aron Baksh, on or about and between February 1, 2022, to February 28, 2022, while on duty and assigned to the 78 Precinct, failed to properly categorize his Body-Worn Camera videos on forty-eight (48) instances.

   P.G. 212-123, Page 4, Paragraph 14 — USE OF BODY-WORN CAMERAS

2. Said Police Officer Aron Baksh, on or about April 8, 2022, while on duty and assigned to the 78 Precinct, failed to timely report to his post, sector, or assignment as directed by a supervisor.

   P.G. 202-01, Page 1, Paragraph 3 — POLICE OFFICER

3. Said Police Officer Aron Baksh, on or about April 8, 2022, while on duty and assigned to the 78 Precinct, failed and neglected to include required information from the roll call log in said officer's Activity Log entry.

   P.G. 212-08, Page 1, Paragraph 1(a) — ACTIVITY LOGS

Disciplinary Case No. 2022-27694

1. Said Police Officer Aron Baksh, on or about December 7, 2022, while off-duty and assigned to the 78 Precinct, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer stated to his supervisors that he was not conducting unauthorized off-duty security related employment when questioned at a time in which that was not true.

   A.G. 304-06, Page 1, Paragraph 1 — PROHIBITED CONDUCT

2. Said Police Officer Aron Baksh, on or about and between September 6, 2022 and December 7, 2022, while off-duty and assigned to the 78 Precinct, did wrongfully engage in unauthorized off-duty employment.

   A.G. 332-04 — OFF-DUTY EMPLOYMENT

Disciplinary Case No. 2023-28341

1. Said Officer Aron Baksh, on or about November 4, 2022, while on duty and assigned to the 78 Precinct, in the confines of Kings County, was wrongfully absent from meal location, post or assignment.

   P.G. 206-03, Page 1, Paragraph 1[1] — VIOLATIONS SUBJECT TO COMMAND DISCIPLINE

2. Said Police Officer Aron Baksh, on or about November 4, 2022, while on duty and assigned to the 78 Precinct in the confines of Kings County, failed and neglected to include required information in said officer's Activity Log entry as required.

   P.G. 206-03, Page 1, Paragraph 6 — VIOLATIONS SUBJECT TO COMMAND DISCIPLINE

Respondent Prince:
Disciplinary Case No. 2022-27183

1. Said Police Officer Berland Prince, on or about and between February 1, 2022, to February 28, 2022, while on duty and assigned to the 78 Precinct, failed to properly categorize his Body-Worn Camera videos on forty-four (44) instances.

   P.G. 212-123, Page 4, Paragraph 14 — USE OF BODY-WORN CAMERAS

2. Said Police Officer Berland Prince, on or about April 8, 2022, while on duty and assigned to the 78 Precinct, failed to timely report to his post, sector, or assignment as directed by a supervisor.

   P.G. 202-01, Page 1, Paragraph 3 — POLICE OFFICER

3. Said Police Officer Berland Prince, on or about April 8, 2022, while on duty and assigned to the 78 Precinct, failed and neglected to include required information from the roll call log in said officer's Activity Log entry.

   P.G. 212-08, Page 1, Paragraph 1(a) — ACTIVITY LOGS

[1] The Department charged Respondents with multiple specifications as set forth in former Patrol Guide procedure 206-03. The tribunal takes judicial notice that, in February 2022, that Patrol Guide section was revoked and the provisions transferred to Administrative Guide 318-01, Command Disciplines and Authorized Penalties. *See Interim Order* 14 & 18 of 2022.

Disciplinary Case No. 2023-28340

1. Said Officer Berland Prince, on or about November 4, 2022, while on duty and assigned to the 78 Precinct, in the confines of Kings County, was wrongfully absent from meal location, post or assignment.

   P.G. 206-03, Page 1, Paragraph 1 — VIOLATIONS SUBJECT TO COMMAND DISCIPLINE

2. Said Police Officer Berland Prince, on or about November 4, 2022, while on duty and assigned to the 78 Precinct in the confines of Kings County, failed and neglected to include required information in said officer's Activity Log entry as required.

   P.G. 206-03, Page 1, Paragraph 6 — VIOLATIONS SUBJECT TO COMMAND DISCIPLINE

3. Said Police Officer Berland Prince, on or about and between, January 1, 2023 to February 3, 2023, while on duty and assigned to the 78 Precinct, in the confines of Kings County, failed and neglected to immediately notify the Desk Officer of the loss of his Department issued identification card as required.

   P.G. 219-21, Page 1, Paragraph 1 — LOST/STOLEN IDENTIFICATION CARD

4. Said Police Officer Berland Prince, on or about and between, January 1, 2023 to February 3, 2023, while on duty and assigned to the 78 Precinct, in the confines of Kings County, on approximately twenty-five (25) occasions, failed to scan in and out from the Attendance Capture Kiosk Station, as required.

   A.G. 322-20, Page 1, Paragraph 2 — ATTENDANCE APPLICATION GUIDELINES

REPORT AND RECOMMENDATION

The above-named members of the Department appeared before me on January 7 and 8, 2025. Respondent Baksh entered a plea of Not Guilty to Specifications 1 and 2, and Guilty to Specification 3 in Disciplinary Case No. 2022-27184. He pled Not Guilty to both charges in Disciplinary Case No. 2022-27694. Finally, he pled Not Guilty to Specification 1, and Guilty to

Specification 2 in Disciplinary Case No. 2023-28341. Respondent Prince entered a plea of Not Guilty to Specifications 1 and 2, and Guilty to Specification 3 in Disciplinary Case No. 2022-27183. He pled Not Guilty to Specification 1 and Guilty to Specifications 2, 3, and 4, in Disciplinary Case No. 2023-28340.

The Department called Sergeant Thomas Kiryako, Sergeant Navin Bidiyanath, Sergeant William Quinn, and Sergeant Pagiel Clark as witnesses. Respondents testified on their own behalves. 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 as follows:

Respondent Baksh:

Case No. 2022-27184

Specification 1 (body-worn camera categorization): Guilty
Specification 2 (late to post 4/8/22): Guilty
Specification 3 (incomplete Activity Log): Pled Guilty

Case No. 2022-27694

Specification 1 (conduct prejudicial): Guilty
Specification 2 (unauthorized off-duty employment): Guilty

Case No. 2023-28341
Specification 1 (absent from post 11/4/22): Not Guilty
Specification 2 (incomplete Activity Log): Pled Guilty

Penalty Recommendation: Thirty (30) vacation days

Respondent Prince:

Case No. 2022-27183

Specification 1 (body-worn camera categorization): Guilty
Specification 2 (late to post 4/8/22): Guilty
Specification 3 (incomplete Activity Log): Pled Guilty

Case No. 2023-28340

Specification 1 (absent from post 11/4/22): Not Guilty
Specification 2 (incomplete Activity Log): Pled Guilty
Specification 3 (failure to notify re: lost ID card): Pled Guilty
Specification 4 (failure to scan in and out properly): Pled Guilty

Penalty Recommendation: Fifteen (15) vacation days

ANALYSIS

These charges stem from a series of events which occurred between February 2022 and February 2023, while Respondent Baksh and Respondent Prince were assigned as partners in the 78 Precinct[2]. Three of the incidents involve almost identical allegations of misconduct against both Respondents, including allegations of deficient body-worn camera categorization, as well as being late to, or missing from, an assigned location. In addition, Respondent Baksh stands accused of engaging in unauthorized off-duty employment. Respondent Prince pled guilty to not reporting his Department-issued identification card missing.

a. Body-worn camera categorization

Sergeant Thomas Kiryako, the assistant Integrity Control Officer at the 78 Precinct testified that on February 8, 2022, Lieutenant Novaidul Neon[3], the Integrity Control Officer ("ICO"), sent the first of five e-mails to the entire command addressing deficiencies in the categorization of body-worn camera footage. He explained that the messages addressed videos which had not been categorized at all, as well as those which had been classified incorrectly. At

[2] At the outset, I note that the majority of specifications in this case stem from alleged misconduct for which Respondents were offered Command Disciplines. As is their right, Respondents refused the command level discipline, opting to have the allegations heard in the Trial Room. This tribunal is obligated to conduct a *de novo* review of the incidents and may not take into account any prior settlement negotiations entered into by the parties.

[3] Lieutenant Neon retired from the Department in May 2024.

least one of the messages mentioned "disciplinary action" for failure to comply, and two of the messages had an attached list of officers, including both Respondents, whose categorizations were problematic. Specifically, Sergeant Kiryako recalled that both Respondents were not categorizing recordings in a timely manner and had "bulk" categorized multiple videos. Sergeant Kiryako defined bulk categorization as selecting multiple videos from a list and, regardless of content, applying the same category to all of them in a matter of seconds. He explained that the Patrol Guide requires officers to review the recordings individually before choosing the appropriate classification. Sergeant Kiryako opined that officers sometimes used bulk categorization "just to say they categorized" their videos and avoid discipline. (Tr. 56-64; Dept. Exs. 1 and 2, Respondents' body-worn camera reports, Dept. Ex. 3, e-mails from Lieutenant Neon)

Sergeant Kiryako recalled that on March 8 and 9, 2022[4], three more e-mails were circulated to the members of the 78 Precinct– one from the command's Training Sergeant setting forth the requirements for categorization, and two from the Operations Coordinator, Lieutenant Ashraf Ahmed, about adherence to the policy. The second message from Lieutenant Ahmed informed members of the 78 Precinct that he had "identified the top 3 officers for the month of Feb" who were not in compliance and that they would be receiving Command Disciplines that day. Respondent Baksh and Respondent Prince, along with a third officer, were listed in the body of the e-mail. Respondents declined to accept the Schedule "A" Command Disciplines. (Tr. 64-65, 73-74, Dept. Exhibit 4 e-mails from Lieutenant Ahmed.)

The parties agree that during the above time period a total of eight e-mails were sent to all members of the 78 Precinct, regarding categorization of body-worn camera recordings,

[4] The parties stipulated, and the tribunal took judicial notice, that both Respondents were RDO on March 7, 8, and 9, 2022. (Tr. 179 227, 265)

including the February 14, 2022 email that listed Respondents as failing to comply. Each Respondent testified that they received and read these e-mails. However, Respondent Baksh opined that he did not think the e-mails pertained to him. He contended that he was properly categorizing his videos. (Tr. 182) Similarly, Respondent Prince testified that he was "shocked" when he realized he was listed as having 44 improperly categorized recordings. Respondent Prince asserted that he had been "diligent" in categorizing the videos in accordance with the training he had received. (Tr. 224-25) He further explained, "It's not that they weren't categorized, or wasn't categorized in a timely fashion, but they were improperly categorized." (Tr. 226)

Patrol Guide procedure 212-123 requires officers to identify body- worn camera footage using "all applicable categories" via Department-issued cell phone or computer. This categorization is to be completed within the officer's next two scheduled tours. For the reasons set forth below, I find that Respondent Baksh and Prince failed to comply with this Patrol Guide section.

In light of the attention given to this issue by supervisors in their command, Respondents should have ensured that they were following Departmental guidelines with regards to categorization of their body-worn camera footage. The purpose of identifying this footage is to make sure that it is readily retrievable when needed. Respondents did not carefully review their body-worn camera footage to ensure that it was classified properly. Instead, they gathered a large list of videos and simultaneously applied the same label to each. This laxity required a review by their supervisors of all of the Respondents' videos.

In the instant matter, both Respondents acknowledged receiving and reading the e-mails about body-worn camera categorization. However, I do not credit the testimony of Respondent

Baksh that he did not think the initial e-mails were in reference to him. Similarly, I find Respondent Prince's suggestion that he was surprised to be on the list, because of his diligent categorization, to be self-serving. (Tr. 225) Since at least two of the e-mails had attachments which listed Respondents by name, I find it implausible that Respondents did not know the e-mails concerned them.

Although there is no dispute that the final email announcing the issuance of Command Disciplines was sent during Respondents' RDOs, they had an obligation to read it when they returned to work. In short, they were afforded ample time and opportunity to remedy the issue. If Respondents were confused as to what they were doing wrong, they should have asked for clarification. For the foregoing reasons, I find Respondent Baksh guilty of Specification One of Disciplinary Case No. 2022-27184, improperly categorizing his body-worn camera footage on 48 occasions, and Respondent Prince Guilty of Specification One of Disciplinary Case No. 2022-27183, improperly categorizing his body-worn camera footage on 44 occasions.

b. Late to post April 8, 2022

Around this same time period New York City was experiencing a rise in crimes committed in the transit system. In response, the Police Commissioner increased NYPD presence in and around the subway. Commanding Officers were instructed that, in order to ensure that resources were not being taken away from patrol operations, these details could only be filled by officers working in administrative or "desk" positions. (Tr. 138, 144-45) The 78 Precinct was responsible for staffing two "visibility posts," which consisted of standing outside of a subway station, one at Flatbush Avenue and 7th Avenue, the other located on 9th Street and 7th Avenue. In order to cover these details, the Commanding Officer, Captain Frantz Souffrant, transferred Respondents from patrol to administrative roles. Respondent Baksh was assigned as the captain's

clerical officer and Respondent Prince was the RMP coordinator. On the stand, both Respondents acknowledged that the reason they were given administrative titles was to allow them to work the transit details each day. Respondent Baksh admitted that he had no duties with respect to his new title, but took time before going to the transit post to "tag some videos" or check e-mails. (Tr. 163) Respondent Prince contended that, although he had no specific assignments with regard to the command's vehicles, he spent time in the morning taking "initiative," researching the requirements of that job, in case "one day I [was] called upon to actually perform these duties." (Tr. 261)

As a result of their new administrative assignments, Respondents were excused from standing roll call. Sergeant Pagiel Clark, the day tour patrol supervisor testified that Respondents received a written notification about the post, "so they don't have to [stand] in roll call. They come in, suit up and report directly to the post." (Tr. 139)

The parties agree that the Respondents' daily tour began at 0705 hours, and that they arrived at the transit posts around 0845 hours each day. However, there is a disagreement regarding what time Respondents were supposed to arrive at the transit post. On the stand, Sergeant Clark remarked that because of the importance of the assignment, Respondents should have left the precinct by 0710 hours and arrived at their respective posts by 0730 hours. However, Sergeant Clark acknowledged that this information was never verbally conveyed to Respondents. (Tr. 140) Respondents each testified that they consulted with other officers who worked in administrative positions within the command. Respondents asserted that those other officers did not leave the command until after they completed their administrative tasks. As such, those other officers arrived at the transit post between 0830 and 0845 hours. (Tr. 162-64, 234,

236, 261-62) Respondents did the same, with the difference being that Respondents did not have any administrative assignments to complete.

On the date of this incident, Respondents had been working the transit detail for a couple of months and, in spite of admittedly having no work associated with their new administrative designations, they usually left the precinct around 0830 hours, arriving at the post by approximately 0845 hours. During cross-examination, Sergeant Clark acknowledged that prior to the date of this incident he had "scratched" Respondents' Activity Logs while they were on the transit post several times and never noted the time they arrived nor did he address their tardiness. (Tr. 151-52)

At approximately 0830 hours, on April 8, 2022, as Respondents were leaving for their transit post, they passed Captain Souffrant. A little while later, the Captain asked Sergeant Clark why Respondents were leaving so late. Sergeant Clark did a quick "investigation," determining that for the week prior Respondents left between 0830 and 0845 hours for their assignment on each day they worked. He then proceeded to the transit location. Sergeant Clark asked Respondents why they were tardy, informing them that since they were late, they would be subjected to disciplinary action. The next day, Schedule "A" Command Disciplines were issued to Respondents, which they both declined. When their Activity Logs for April 8, 2022 were reviewed, Respondent Baksh and Respondent Prince each had a few omissions, such as the meal and roll call time, summons return date, the partner's name, the day's color, etc. (Tr. 137-43, 149-52, 165-66, 229-36; Dept. Exs. 5 and 6, Respondents' Activity Logs dated 04/08/22)

Patrol Guide 202-01(3) requires officers to proceed to post as directed by supervisor. The question for the tribunal is whether, Respondents complied with this section of the Patrol Guide. I find that they did not.

Respondents each testified that although they were re-assigned to administrative functions, they had no duties other than covering the transit posts. They knew that the posts were a priority for the Department, and that they were excused from standing roll call in order to cover these posts. (Tr. 163, 262) Respondents are both experienced officers, who understood the importance of this assignment and should have made sure to arrive at their post on time. If there was confusion regarding what time that was, they should have asked a supervisor, rather than relying on information from other police officers who, unlike them, had administrative responsibilities they had to complete. Instead, they chose to spend their time at the precinct, without assigned administrative responsibilities, rather than staffing their posts. For the foregoing reasons, I find Respondent Baksh Guilty of Specification 2 in Disciplinary Case No. 2022-27184, and Respondent Prince Guilty of Specification 2 of Disciplinary Case No. 2022-27183. In addition, in accordance with their Guilty pleas regarding the failure to include required information in their Activity Logs, I find Respondent Baksh Guilty of Specification 3 in Disciplinary Case No. 2022-27184 and Respondent Prince Guilty of Specification 3 in Disciplinary Case No. 2022-27183.

c. Off post November 4, 2022

On November 4, 2022, Respondents were assigned to patrol the entire interior of the Atlantic Terminal Station in Brooklyn. At approximately 1045 hours, members of the Office of the Chief of Department, Patrol Monitoring Unit arrived at the Atlantic Terminal Station in Brooklyn. Sergeant Bidiyanath testified that he and Lieutenant Craig Roach were sent to the station specifically to look for Respondents. He then clarified his testimony, asserting that they were looking for any officers from the 78 Precinct assigned to the subway detail. Sergeant Bidiyanath recalled that he and Lieutenant Roach looked for Respondents in various locations

inside of the station for over an hour. While doing so, they ran into officers from other commands. Sergeant Bidiyanath stated that Lieutenant Roach eventually called Respondent Prince, who told him that Respondents were both on the N, R platform. Sergeant Bidiyanath recounted Lieutenant Roach telling Respondent Prince to stay where he was, and that he would come to them. (Tr. 32-38, 40, 44, 51)

Respondents were not at the N, R platform when Sergeant Bidiyanath and Lieutenant Roach arrived. Respondent Prince testified that he and Respondent Baksh were mistakenly waiting on the Q platform for several minutes before realizing they were in the wrong place. Lieutenant Roach called Respondent Prince again and the four met up within ten minutes. Sergeant Bidiyanath recalled Respondents approaching from the "center of the train station" in the direction of the 2, 3, and 4 platform. Lieutenant Roach issued both Respondents Schedule "A" Command Disciplines for being off post, which they declined. (Tr. 37-38, 167-69, 241-45)

When their Activity Logs for November 4, 2022 were reviewed, each Respondent had a few omissions, such as partner information and color of the day, which they each admitted to on the stand. (Tr. 170-71, 247-48; Dept. Exs. 7 and 8, Respondents' Activity Logs dated 11/4/2022)

Respondents Baksh and Prince each stand charged with not being present at their assigned duty post, the Atlantic Terminal Station, on November 4, 2022, as well as having incomplete Activity Log entries for that date. It is uncontested that it took Lieutenant Roach and Sergeant Bidiyanath over an hour to locate Respondents in the station. The question for the tribunal is whether the Department has proven by a preponderance of the evidence that Respondents improperly left their assigned work location. I find that they did not.

Patrol Guide 202-01(6) instructs officers to "be aware of and inspect, post or sector for conditions requiring police attention." Patrol Guide 212-08 sets forth the information that must be documented in the daily Activity Log.

Although Lieutenant Roach and Sergeant Bidiyanath looked for Respondents for over an hour, all of the parties agree that the station is one of the largest transportation hubs in New York City, containing numerous platforms and staircases. It is undisputed that Respondents' assignment was to patrol the entire station, not to stand in one place. After some initial confusion, and once Lieutenant Roach called Respondent Prince the second time, the parties met up within ten minutes. However, no evidence, testimonial or video, was presented that Respondents actually left Atlantic Terminal Station during their tour. Additionally, when Respondents approached the Lieutenant and Sergeant, they came from a location inside of the station. While it is odd that Respondent Prince told Lieutenant Roach the wrong platform, this does not prove that Respondents improperly left the station. Accordingly, I find that the Department has failed to prove by a preponderance of the evidence that Respondents were improperly absent from their assigned post. I find Respondent Baksh Not Guilty of Specification 1 of Disciplinary Case 2023-28341 and Respondent Prince Not Guilty of Specification 1 of Disciplinary Case 2023-28340.

A review of Department's Exhibits 7 and 8 shows that Respondents failed to include all of the necessary information, such as partner, summons return date, and color of the day, in their Activity Logs. In accordance with their pleas, I find Respondent Baksh Guilty of Specification 2 of Disciplinary Case No. 2023-28341 and Respondent Prince Guilty of Specification 2 of Disciplinary Case No. 2023-28340.

d.(1) Respondent Baksh: Unauthorized off-duty employment

The Assistant Operations Coordinator for the 78 precinct, Sergeant William Quinn, testified that on September 2, 2022, Respondent Baksh submitted an off-duty employment application seeking permission to work as a security guard for a private company that provided services to Burlington Coat Factory. He explained that it was signed by Captain Souffrant on September 12, 2022, and sent to the Borough for further approvals. Sergeant Quinn recalled that one to two months later the application was sent back, not approved, because Respondent Baksh had not signed it. Sergeant Quinn had Respondent Baksh sign it and submitted it again. Ultimately, on December 20, 2022, Respondent Baksh's off-duty employment application was returned to the 78 Precinct for the second time, not approved, because it was missing other required information. (Tr. 124-28; Dept. Ex. 10, Respondent Baksh Off-Duty Employment Application,)

It is uncontested that four days after originally submitting the application, without having received approval to do so, Respondent Baksh began working regular shifts at two Burlington Coat Factory stores, one in the 78 Precinct and the other in the 84 Precinct[5]. Respondent Baksh continued working off duty from September to December 2022, some weeks exceeding the 20 hours allowed by the Administrative Guide, primarily at the store in the confines of the 78 Precinct. (Tr. 173-74, 190-92; Dept. Ex. 11, Respondent Baksh payment records)

Sergeant Kiryakos testified that Lieutenant Neon received information that Respondent Baksh was working off-duty without permission. He recalled that on December 7, 2022, he and Lieutenant Neon went to verify this allegation at Respondent Baksh's supposed worksite. They approached Respondent Baksh, who was standing outside of the Burlington Coat Factory in the

[5] Respondent Baksh admitted that he worked at the Burlington Coat Factory several times before he submitted the off-duty employment application. (Tr. 190-91)

84 Precinct. Lieutenant Neon turned on his body-worn camera and asked Respondent Baksh if he was working security; Respondent replied, "No." Respondent Baksh then walked away from the store and entered a restroom. Sergeant Kiryakos recounted that he and Lieutenant Neon, "waited around for a while," but did not see Respondent Baksh again that day. Although Respondent Baksh denied it on the scene, the parties ultimately agreed that he was working security on the date in question. Indeed, he resigned from the position that same day. (Dept. Ex. 9, Lt. Neon body-worn camera; Tr. 75-81, 98-100, 175-76, 195-97)

The first question for the tribunal is whether Respondent Baksh was engaged in unauthorized off-duty employment before his application was approved in violation Administrative Guide 332-04. I find that he was.

It is undisputed that Respondent Baksh's application had not been approved when he started working in early September, and that it was ultimately denied in December 2022. However, at trial, Respondent Baksh argued that he began, and continued, working at Burlington Coat Factory under the mistaken belief that he had received permission to do so. Respondent Baksh contended that while discussing the missing signature on the application, he asked Sergeant Quinn if he was "good to go" and Sergeant Quinn responded in the affirmative. Respondent Baksh asserted that he misunderstood the conversation to mean he was able to proceed with his off-duty employment. (Tr. 193) I find this statement by Respondent to be a self-serving attempt to avoid accepting responsibility.

In contrast, Sergeant Quinn testified knowledgeably about the off-duty employment application process. He denied telling Respondent the application was approved, explaining in a matter of fact and credible manner that it was not his responsibility to do so. (Tr. 127, 133) Indeed, Paragraph 22 of Administrative Guide 332-04 instructs the Commanding Officer to

advise the member when their application has been approved and review the guidelines with them.

In addition, Respondent Baksh's actions on December 7, 2022, when confronted by Lieutenant Neon in front of the Burlington Coat Factory, are inconsistent with his assertion that the off-duty employment had been authorized by the Department. If Respondent truly believed he was doing nothing wrong, he would have answered "yes" when asked if he was working security. Instead, Respondent gave a negative response, after which he walked away, entered a restroom, and remained there. Accordingly, I find Respondent Baksh Guilty of Specification 2 in Disciplinary Case No. 2022-27694.

d.(2) Respondent Baksh: Conduct prejudicial

Respondent Baksh is charged with engaging in conduct prejudicial to good order, efficiency, or discipline of the Department by responding "No" when his Lieutenant asked if he was working at Burlington Coat Factory. It is undisputed that he was working there at the time. The question for the tribunal is whether Respondent Baksh's denial violated Administrative Guide 304-06 (1), I find that it did.

Sergeant Kiryakos admitted that when he and Lieutenant Neon approached Respondent, they were attempting to determine whether Respondent was engaged in unauthorized off-duty employment. Counsel for Respondent Baksh has argued that it was improper for the Lieutenant to ask him any incriminating questions without first giving him the opportunity to have union representation present. Respondent Baksh stated during direct examination that he should have told Lieutenant Neon, "I don't feel like answering your question," because he "knew it was going to be a GO-15 situation and I thought I needed proper representation." (Tr. 176) He asserted that he did not do so because he felt "ambushed." However, Lieutenant Neon was not

formally questioning Respondent Baksh, and it was within his supervisory duties to simply ask if he was working.

All members of the Department, whether on or off duty, have an obligation to answer truthfully when questioned by a supervisor. In the instant matter, Lieutenant Neon was making an inquiry in connection with the routine duties of a command ICO, which can, and did, become the basis for a more formal investigatory and interview process later on. Respondent Baksh chose to answer untruthfully and compounded the situation by running away and hiding. This conduct is offensive to the high standard of behavior expected of a New York City police officer, and is prejudicial to the good order of the Department. For the foregoing reasons, I find Respondent Baksh Guilty of Specification 1 in Disciplinary Case No. 2022-27694.

e. Respondent Prince Lost ID card/ Improper attendance scanning

Respondent Prince has pled guilty to failing to make proper notifications when he lost his Department-issued identification card in January 2023. He has also admitted that after the card went missing, he manually signed in and out, rather than scanning as required, on approximately 25 occasions from January 1, 2023 until February 3, 2023. Respondent testified credibly that he had previously "misplaced" his ID card and, after some time passed, he found it. Respondent Prince explained that he believed that, on this occasion, he would locate the card eventually. However, at some point earlier than thirty days, "misplaced" becomes "lost," and Respondent Prince should have made the required notifications. NYPD identification cards allow access to a number of secure facilities, which makes prompt reporting essential when one goes missing. (Tr. 245-47; Dept. Exs. 15 and 16, Respondent Prince's enrollment history and lost ID card report) Accordingly, I find Respondent Prince Guilty of Specifications 3 and 4 of Disciplinary Case No. 2023-28340.

In making the findings in each of these cases, I acknowledge that Respondents Baksh and Prince contended that they were being "targeted" by higher-ups in their command, which resulted in these charges. I find this argument to be unpersuasive. Respondents had an obligation to follow the rules set forth by the Department regardless of their relationship with the supervisors in their command.

PENALTY

In order to determine appropriate penalties, 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. Respondents' employment histories also were examined. *See* 38 RCNY § 15-07. Information from their personnel records that was considered in making these penalty recommendations is contained in attached memoranda. Respondents Baksh and Prince have both been found guilty of misconduct for acts which they committed together, and each found guilty of individual misconduct. For the purposes of clarity, I will discuss the penalties for the shared misconduct first.

Respondent Baksh and Respondent Prince have been found guilty of failing to properly categorize body-worn camera recordings on 48 and 44 occasions, respectively. The Department argued for a penalty of twenty (20) penalty days for each Respondent and characterized the e-mails regarding body-worn camera categorization as a lawful order. The Department contends that Respondents willfully failed to comply with that order. The misconduct was not charged as such, and I disagree with the Department's characterization of the e-mails. The messages were a general directive, which needed to be complied with, but were not an order given specifically to Respondents that they refused to follow. Respondents were charged with, and are guilty of,

failing to properly categorize the body-worn camera footage. I find this misconduct to be akin to failure to prepare a required report, which carries a presumptive penalty of five days. (Matrix p. 46) In light of the large number of videos inappropriately categorized by Respondents Baksh and Prince, the number of e-mails sent, and taking into consideration the importance of properly classifying body-worn camera footage, I find that a penalty of five (5) vacation days is appropriate for both Respondents.

Respondent Baksh and Prince have been found guilty of arriving late to their transit post on April 8, 2022. The Department has recommended a penalty of the forfeiture of five (5) penalty days, the presumptive penalty contemplated by the Disciplinary Matrix for being off post. (Matrix, p. 47) Respondents, who each testified that they recognized the importance of this particular assignment, should have arrived at the detail in a more timely fashion. However, it is undisputed that neither Respondent received direct verbal instructions from a supervisor regarding when to arrive at the post. Instead, they followed the lead of other officers who were routinely assigned to the same post. Perhaps most critically, their own immediate supervisor, in spite of acknowledging that he had visited them at the post on other dates, did not realize they were tardy getting out of the door every day for over a month. Indeed, Sergeant Clark had to be informed of the situation by Captain Souffrant. As such, a mitigated penalty is appropriate under these circumstances. Accordingly, I am recommending Respondents Baksh and Prince each forfeit three (3) vacation days.

Respondents have each pleaded guilty, and have been found guilty, of having incomplete Activity Log entries on April 8, 2022 and November 4, 2022. The Department has recommended a forfeiture of one (1) penalty day for each instance, to run consecutively, for a total loss of two (2) days for each Respondent. That recommendation is consistent with the penalty range

contemplated by the Disciplinary Matrix. (Matrix, p. 53) Accordingly, I recommend Respondents Baksh and Prince each forfeit two (2) vacation days.

Individual Misconduct

Respondent Baksh was appointed to the Department on July 6, 2010, and has no formal disciplinary history. In addition to the above listed misconduct, Respondent Baksh has been found guilty of engaging in unauthorized off-duty employment for a period of approximately three months, as well as not being truthful when confronted about it. With regard to the unauthorized employment, the Department has recommended the mitigated penalty of five (5) days, citing Respondent Baksh's submission of an application for permission to work off-duty. (Matrix, p. 49) I disagree with that recommendation.

In addressing the off-duty employment, Respondent Baksh asserted that he needed to work off duty because his wife had recently given birth, and his family needed more money. Many NYPD employees find themselves in similar situations. They follow the off-duty employment policy and begin working only after receiving authorization to do so. The policy provides limitations on hours in order to ensure the Department remains the primary employer, as well as containing a prohibition against working for a business located within the confines of the employee's precinct. This prevents the appearance of special treatment and/or impropriety.

In the instant matter, along with commencing his off-duty employment before receiving permission, there were several times when Respondent Baksh worked more than the proscribed 20 hours a week, at a store located in his command. This continued for several months, apparently ending only because he was caught. Respondent Baksh's behavior upon being discovered by Lieutenant Neon contradicted his contention that he believed he had received

Departmental authorization. These factors argue against mitigation. Accordingly, I recommend the presumptive penalty as set forth in the Matrix, of ten (10) vacation days. (Matrix, p. 49)

With regard to the denial, the Department argued for a penalty of twenty (20) vacation days, the mitigated penalty for making a misleading statement set forth in the Disciplinary Matrix. (p. 34). I have found Respondent Baksh guilty, as charged, of conduct prejudicial to the good order of the Department which has a penalty ranging from training to termination. (Matrix, p. 46) On balance, I agree with the Department that twenty (20) days is an appropriate penalty. Respondent Baksh's untruthful statement, compounded by the immature response of hiding from his supervisors, is not the type of behavior expected of a New York City police officer. Since Respondent Baksh's untruthful statement directly flowed from his unauthorized off-duty employment, I recommend the penalties for these two specifications run concurrently for a total loss of twenty (20) vacation days. (Matrix, p.13)

If Respondent Baksh had been found guilty of all seven specifications charged in these cases, the Department Advocate's Office recommended an aggregate penalty of the forfeiture of thirty (30) suspension days, twenty-seven (27) vacation days, and one-year dismissal probation. In arguing for that significant penalty, the Department averred that the charges represent an alarming "pattern of behavior." The misconduct Respondent Baksh has been found guilty of is indeed disturbing and does warrant a serious penalty. However, neither the record before the tribunal, which includes Respondent Baksh's lack of formal disciplinary history, nor the Disciplinary Matrix support the loss of suspension days and placement on dismissal probation under these circumstances. Instead, I recommend that Respondent Baksh forfeit a total of thirty (30) vacation days.

Respondent Prince, who was also appointed to the Department on July 6, 2010, has no formal disciplinary history. In addition to the misconduct listed above, Respondent Prince has pled, and accordingly, has been found guilty of failing to make the appropriate notifications when he lost his Department-issued identification card. In addition, he admitted to manually signing in and out of work, instead of scanning as required, while the ID was missing. Citing the Disciplinary Matrix, the Department Advocate has made a recommendation that Respondent Prince forfeit five (5) vacation days for the failure to notify to run concurrently with a loss of three (3) days for the scanning. While there is nothing exactly on point in the Matrix for failing to scan properly, the Department Advocate has equated it to failure to sign in or out at court. (Matrix, p. 53) I agree with that assessment, as well as the recommendation that the penalties run concurrently. Accordingly, I recommend Respondent Prince lose a total of five (5) penalty days for these specifications.

If Respondent Prince were to be found guilty of all of the charges, the Department recommended an aggregate penalty of the forfeiture of thirty (30) suspension days, ten (10) vacation days, and one-year dismissal probation. I disagree. The misconduct Respondent Prince has been found guilty of does warrant a serious penalty. However, neither the record before the tribunal, including Respondent Prince's lack of formal history, nor the Disciplinary Matrix support the loss of suspension days and placement on dismissal probation under these circumstances. Instead, I recommend that Respondent Prince forfeit a total of fifteen (15) vacation days.

Respectfully submitted,

Anne E. Stone

Anne E. Stone
Assistant Deputy Commissioner Trials

APPROVED
MAR 28 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
POLICE OFFICER BERLAND PRINCE
TAX REGISTRY NO. 949508
DISCIPLINARY CASE NOS. 2022-27183 & 2023-28340

Respondent was appointed to the Department on July 6, 2010. On his three most recent annual performance evaluations, he was rated "Exceptional" for 2024 and twice rated "Exceeds Expectations" for 2021 and 2023. He has been awarded five medals for Excellent Police Duty.

In connection with the instant matters, Respondent was placed on Level 1 Discipline Monitoring in May 2024. Monitoring remains ongoing.

Respondent has no formal disciplinary history.

For your consideration.

Anne E. Stone
Assistant Deputy Commissioner Trials