The City of New York

POLICE DEPARTMENT

December 10, 2025

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In the Matter of the Charges and Specifications :

- against – :

Sergeant Christopher Musa :

Tax Registry No. 952040 :

73rd Precinct :

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Case No.

C-031726

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

Before: Honorable Paul M. Gamble, Sr.
Assistant Deputy Commissioner Trials

APPEARANCES:

For the CCRB-APU: Amanda Rodriguez, Esq.
Daniel Hafner (*Law Student Practitioner)*
Civilian Complaint Review Board
100 Church Street, 10th Floor
New York, NY 10007

For the Respondent: John D'Alessandro, Esq.
The Quinn Law Firm
399 Knollwood Road, Suite 220
White Plains, NY 10603

To:

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

CHARGES AND SPECIFICATIONS

1. Sergeant Christopher Musa, on or about October 6, 2021, at approximately 1850 hours, while assigned to the 73rd Precinct and on duty, in the vicinity of [redacted] wrongfully used force, in that Sergeant Musa used physical force by wrapping his forearm around Tamika Joyner's neck, lifted Tamika Joyner off the ground, swung her legs into a dresser, and took her to the ground, without police necessity.

   P.G. 221-02, Page 2, Paragraphs 11, 12 — USE OF FORCE

2. Sergeant Christopher Musa, on or about October 6, 2021, at approximately 1850 hours, while assigned to the 73rd Precinct and on duty, in the vicinity of [redacted], wrongfully used force, in that Sergeant Musa used a chokehold against Tamika Joyner.

   P.G. 221-01, Page 3, Prohibition 2 — FORCE GUIDELINES

3. Sergeant Christopher Musa, on or about October 6, 2021, at approximately 1850 hours, while assigned to the 73rd Precinct and on duty, in the vicinity of [redacted], wrongfully used force by restricting Tamika Joyner's breathing, in that Sergeant Musa lifted Tamika Joyner from the ground while his forearm was wrapped around Tamika Joyner's neck.

   P.G. 221-01, Page 3, Prohibition 2 — FORCE GUIDELINES

4. Sergeant Christopher Musa, on or about October 6, 2021, at approximately 1850 hours, while assigned to the 73rd Precinct and on duty, in the vicinity of [redacted], wrongfully used force, in that while lifting Tamika Joyner by the neck, Sergeant Musa twisted Tamika Joyner's body, hitting her legs against a wooden dresser, without police necessity.

   P.G. 221-02, Page 2, Paragraphs 11, 12 — USE OF FORCE

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on October 9, 2025. Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. The CCRB called Tamika Joyner 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 evaluated all the evidence in this matter, I find Respondent Not Guilty of the charged misconduct.

ANALYSIS

Introduction

This case arose from an attempt by workers from the Administration for Children's Services to forcibly remove a minor ("P" [1]) from the care of his mother ("J," [2]), due to an incident at a "Mommy and Me" care facility. During an altercation at the facility, bleach was thrown by one of the mothers and P was allegedly endangered. When the ACS workers appeared to conduct the removal, they went to the home of Tamika Joyner, J's mother and P's grandmother. Ms. Joyner objected to the removal and sought to prevent it from occurring. A police response was requested and police officers from the 73rd Precinct arrived at Ms. Joyner's apartment.

Over a period of almost one hour, police officers were met with unrelenting obduracy from Ms. Joyner, who was likely motivated by a genuine concern for the welfare of her daughter and grandson. In this decision, the Tribunal does not examine whether ACS had a sufficient legal basis to conduct an emergency removal or whether the procedure for conducting such an operation was followed; those questions are properly left to the Family Court, which has jurisdiction over such matters. Similarly, the police officers who responded to her apartment, including Respondent, had the authority to effectuate the operations of a government agency, acting within its apparent authority, even using force. The issue presented in this case is whether Respondent's use of force constituted misconduct under the Patrol Guide.

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[1] P's identity is known to the Tribunal. He is a minor, and the son of J.
[2] J's identity is known to the Tribunal. She is the mother of P.

The following is a summary of the relevant testimony presented during the trial.

Respondent

Respondent testified that he has been a Member of Service for almost 14 years (T. 68). On October 2, 2021, he responded to [redacted] for an emergency removal of a child by the New York City Administration for Children's Services ("ACS")(T. 69). Upon his arrival, he met with Police Officers Henry and Celus, as well as two ACS workers. Respondent also met with Tamika Joyner, who was standing at the front door of Apartment [redacted] Respondent described Ms. Joyner's demeanor as "loud, aggressive, boisterous" (T. 70). The ACS workers informed Respondent that Ms. Joyner's daughter, J who was under court supervision, had been involved in an altercation at a "Mommy and Me" program, which resulted in her son (Ms. Joyner's grandson), P, having bleach thrown on him. The ACS workers also told Respondent that an emergency removal order had been issued and that they had to remove P that night. (*Id.*).

Respondent testified that he spoke with Ms. Joyner, first asking to see P to verify his physical condition, then explaining to her the severity of the situation and ACS' intention to take P with them. Ms. Joyner insisted on seeing a copy of the emergency removal order. Respondent left the apartment to confer with the ACS workers, and they put him on a call with an ACS attorney, who informed Respondent that an emergency removal order had been issued that day but because it was issued near the end of the business day, they had not yet obtained a physical copy of the order. The attorney stated that the social worker on the scene, Mr. Sparks, had the authority to make the decision of whether the child was to be removed or not. Respondent testified that, based upon his experience, the ACS attorney's proffer to him was consistent with ACS' authority to direct the emergency removal of children, even without court orders (T. 71).

He questioned the ACS attorney about the possibility of waiting until the next business day to execute the removal once they obtained the court order; he was advised that from the agency's perspective, the child was in danger and needed to be removed that night (T. 72).

Respondent testified that he anticipated that the removal would be difficult because any parent would be upset at having their child taken from them; in addition, he learned from a search of Department databases that Ms. Joyner had previously been charged with resisting arrest more than 30 times (T. 72). He estimated that he spent approximately 40 minutes trying to convince Ms. Joyner to cooperate with the ACS removal; in furtherance of that end, he permitted Ms. [redacted], a counselor who had arrived at the scene and had previously worked with J and Ms. Joyner, to confer with them inside the apartment. Respondent allowed Ms. [redacted] to enter a bedroom with Ms. Joyner and J, where they closed the door and spoke privately (T. 73).

Respondent testified that when the bedroom door opened, Ms. Joyner emerged and declared that ACS did not have the power to remove P. He intuited that since Ms. [redacted] was voicing her agreement with Ms. Joyner's interpretation of her legal position, she had emboldened her, rather than persuading her to allow ACS to conduct the removal, as he had hoped. Ms. Joyner then told Respondent that he had to leave; it was at that point that he became concerned about a barricaded situation, which could have subjected P to greater danger. Respondent testified that he placed one hand on Ms. Joyner's right arm and the other on her back. He stated that he was about to explain to her that the police officers needed to take her outside the apartment so that ACS could effectuate the removal safely when she pulled her arm away from him and retreated further into the bedroom. Respondent testified that he then reached for her, fully extending his arms, then grabbed her shirt, with one hand on her chest and one on her back (T. 74-75).

Respondent acknowledged seeing body-worn camera video where his arm was in contact with Ms. Joyner's neck; he declared that he had no intention of placing his arm in that position. Respondent explained that he was attempting to gain control of Ms. Joyner and that he intended to "take her to the ground," so that the other police officers could take P into their custody (T. 75-76).

Respondent was confronted with Police Officer Celus' body-worn camera video (CCRB Ex. 2, 19:39:50); he stated that the video depicts the moment when he reached for Ms. Joyner's arm; he stated that he only became aware that his arm eventually came in contact with Ms. Joyner's neck when he appeared at the CCRB offices and he was shown a slowed-down version of a video (T. 76-77). Respondent reiterated that he never intended to come into contact with Ms. Joyner's neck or to obstruct her breathing at any time. He testified that while he was struggling with Ms. Joyner and his arm was in contact with her neck, she was grabbing onto his arm and continuing to resist, while "yelling and screaming" (T. 77). Respondent testified that Ms. Joyner never stated that she could not breathe during the struggle and did not assert that until two and one-half minutes later, when she was in custody and handcuffed (T. 77-78).

Respondent testified that he saw the video where Ms. Joyner's feet slammed into a dresser and denied that he intended to do so; he explained that he was in a small room which had approximately eight people inside it. He testified further that the removal of a child was the last thing a police officer wants to do and that it is possibly the worst job a police officer can handle, in addition to being dangerous. He stated that he would rather appear at a disciplinary hearing than have had any harm come to P that evening (T. 78).

On cross-examination, Respondent acknowledged that he was 6'4" tall and that while he was in the bedroom with Ms. Joyner, he did not observe any traditional weapons (T. 79, 90). He

acknowledged that he was at the apartment for approximately 27 minutes before attempting to place Ms. Joyner under arrest and that he did not warn Ms. Joyner that preventing J's removal was a criminal offense (T. 92, 94). He further acknowledged that he did not give Ms. Joyner any verbal command to give him her arm, step out of the bedroom, or step aside, nor did he warn her that he was about to place her under arrest before reaching for her arm (T. 99).

Respondent was confronted with CCRB's Exhibit 1B (PO Henry BWC screenshot) and conceded that it depicted his arm around Ms. Joyner's neck, with her chin at the crook of his elbow. He further conceded that Ms. Joyner's arms were on his arm as he was trying to take her to the ground by swinging her in a circle; it was during that swinging motion that her feet struck a dresser (T. 100-01). Finally, Respondent conceded that while his arm was around Ms. Joyner's neck as he swung her body, the contact with her neck lasted for only one second (T. 102). He conceded further that to lift someone off the ground, force would have to be applied; with respect to use of force around a suspect's neck, he conceded that the force could restrict their breathing (T. 107-08).

Tamika Joyner

Tamika Joyner testified that she resides in Brooklyn, New York and on October 6, 2021, she was 5'4" tall and weighed approximately 130 pounds (T. 16). On that date, at approximately 1900 hours, she was at home in her apartment, with her daughter, J, her grandson, P, and her son. (T. 17). At about that time, she was visited by an ACS worker; sometime later, Mr. [redacted] also with ACS, as well as another ACS worker, appeared at her apartment. Ms. Joyner testified that the ACS workers informed her that they were there to remove her grandson, P. According to Ms. Joyner, none of the ACS workers made any reference to an emergency removal order or presented her with any documentation. She testified further that the NYPD officers who later

arrived at her apartment did not show any documentation, either. Ms. Joyner testified that she then placed a call to [redacted], who had been a case worker for her daughter, J (T. 18-19).

Ms. Joyner testified that there came a time that Respondent appeared at her apartment, that he entered it and approached her bedroom (T. 21). She testified further that she and Ms. [redacted] had a conversation regarding P's removal, but that Respondent was not part of that conversation, as he remained outside the bedroom, on the other side of the closed door. According to Ms. Joyner, Ms. [redacted] informed her that before a child could be removed from her care, she would have to be presented with a court order (*Id.*). Ms. Joyner testified that when she informed Respondent that he would need a court order, he responded that such an order had been filed but they did not need to present it to her. She testified Respondent had explained the removal procedure to her, and asserted that her daughter, J, could accompany P; nevertheless, she maintained her position that he would need a physical copy of a court order to remove her grandson from her home (T. 22-23).

Ms. Joyner testified that when she opened her bedroom door, Respondent told her there was no court order and that he did not have "time for this s—t," before he hit her in her face, put his arm tightly around her neck and swung her around her room, causing her legs to hit a dresser before he "slammed" her to the floor (T. 23). She recalled that she felt as if she could not breathe (*Id.*). Ms. Joyner described feeling like her neck "was about to snap," and that when she hit the floor, Respondent twisted her arm behind her and put his knee on her side, causing her pain and "knock[ing] the wind out of [her]" (T. 24). She recounted that she could not breathe because he was "choking [her] so tightly;" that after being "slammed," she was gasping for air and "couldn't really breathe;" and that she then began shouting (*Id.*). She testified further that

she was eventually handcuffed; she claimed that she suffered injuries to her neck, shoulders, lower back and knees (*Id.*). According to Ms. Joyner, she waited one hour at the 73rd Precinct before being transported to a hospital (T. 24-25).

Ms. Joyner testified that although she did spit at an ACS worker, she did not raise her voice at Respondent and was "very calm." She continued that while she did speak loudly, she was "very hurt" and felt violated. Ms. Joyner also claimed that she suffered with anxiety and sleeplessness because of this incident, as well as a "lot of mental health problems" (T. 25).

On cross-examination, Ms. Joyner admitted that the police officers were at her apartment for almost 90 minutes and informed her several times that ACS had the authority to perform an emergency removal of her grandson. When she was asked whether she now conceded that her belief that ACS was required to present her with a court order before the emergency removal could take place, she insisted that her belief was correct (T. 27-28). When asked whether anyone in the four years during which the instant case was pending had informed her that ACS has emergency removal authority, she insisted that no one had the authority to remove her grandson from her care but clarified that she had not been informed that her belief was mistaken (T. 28, 31).

Ms. Joyner was confronted with CCRB's Exhibit 1; when asked if she could identify the point in the video recording where Respondent purportedly punched her, she conceded that the recording did not capture it. When she was asked to identify the point in the recording where Respondent allegedly said, "I don't have time for this shit," she first asserted that she heard it on the recording; the recording was then replayed, and she conceded that she did not hear it on the video recording. When asked if she heard herself screaming on the video, Ms. Joyner admitted only that she was "talking loudly" (T. 36-37).

Body-Worn Camera Evidence

The following is a summary of the relevant portion of Police Officer Henry's body-worn camera video recording,[3] in evidence as CCRB's Exhibit 1.

0:00-2:08	Tamika Joyner ("Joyner") voices her objection to Mr. [redacted] presence, then closes the apartment door. PO Henry turns the doorknob and opens the door. Ms. Joyner pushes against the door and states they do not have a warrant. PO Celus indicates that they do have an order, and she stops pushing against the door.
2:09-5:35	Ms. Joyner questions the existence of the removal order and continues to express dismay at Mr. [redacted] presence.
5:36-13:30	Ms. Joyner asks for her sneakers because, "we gon' fight today," and "y'all gon' lock me up." She repeats three times that they will fight. PO Celus asks Mr. [redacted] to contact his supervisor. Ms. Joyner then states she will beat him up, "whoop" his "ass," and "go to jail tonight."
13:31-20:24	Ms. Joyner requests that a police supervisor respond to the apartment. PO Celus informs her that Respondent is on his way. Ms. Joyner continues to express frustration with Mr. [redacted] and declares again that they will fight.

The following is a summary of Respondent's body-worn camera video recording, in evidence as CCRB's Exhibit 3.

0:00-3:46	Respondent arrives on scene. He approaches Ms. Joyner and requests that everyone speak at a low volume. Ms. Joyner provides context and medical documentation for the incident that led to the ACS workers appearing at her apartment.
3:47-6:02	Respondent speaks with the ACS social worker, Mr. [redacted] who relays his understanding of the underlying incident and how it led to a court order to remove Ms. Joyner's grandchild from his mother's custody.
6:03-12:03	Respondent returns to Ms. Joyner and enters her apartment with her consent. He approaches Ms. Joyner's daughter, J, who is holding Ms. Joyner's grandchild, P; J then explains her version of events. Ms. Joyner continues to object to Mr. [redacted] presence. She and J request a physical copy of the removal order.
12:03- 17:07	Respondent exits the apartment and speaks with Mr. [redacted] who puts Respondent in telephonic contact with an ACS attorney. After that telephone conversation, Respondent relates to Mr. [redacted] what the attorney told him about the physical removal order. Respondent suggests

[3] PO Heny's body-worn camera recording begins before Respondent arrives at Ms. Joyner's apartment. The summary covers the events which transpire from 0:00-20:24, when Respondent arrives.

	waiting a day until the paperwork becomes available; Mr. Sparks says they cannot wait.
17:08-28:04	Respondent returns to the apartment, walks to the rear bedroom and has a conversation with Ms. Joyner. He explains why a copy of the removal order is unavailable. Ms. Joyner requests that Mr. Sparks' supervisor appear and declares that she and J are entitled to documentary proof and notice. The police officers walk toward the door to the apartment and develop a plan for detaining Ms. Joyner and removing P from the apartment. Ms. Joyner discusses the situation with Ms. [redacted] a social worker, then moves their discussion into the bedroom.
28:05-29:08	Ms. Joyner opens the bedroom door; Respondent stands in the doorway and resumes his conversation with her. Respondent tells Ms. Joyner that the emergency removal will occur without the paperwork. Ms. Joyner continues to insist that paperwork is required.
29:09-29:14	Respondent says, "Alright," then Ms. Joyner asks him, "Would you step out, please?" Respondent reaches for her forearm, and she pulls it away from him. Ms. Joyner steps further into the bedroom and Respondent follows her. Their movements become increasingly chaotic and are not captured by Respondent's' body-worn camera, which dislodges and falls to the ground.
29:15-33:16	Screaming ensues. Ms. Joyner repeatedly yells, "Get off of me," and "What are you doing?" Other voices can be heard shouting, "She didn't do nothing wrong!" Ms. Joyner asks, "What are you locking me up for?" She also urges others to record. Ms. Joyner coughs and continually states, "I can't breathe. I'm suing y'all."
33:17-34:35	Respondent reattaches his body-worn camera before exiting the room. Ms. Joyner continues screaming. Ms. Joyner's young son exits the room and walks past Respondent crying. Respondent then exits the apartment and observes Mr. Sparks with the baby, P.
34:36-34:57	PO Henry and a female officer escort J out of the apartment in handcuffs; she jumps and screams as Respondent enters the apartment. PO Celus then escorts Ms. Joyner out of the apartment in handcuffs.
34:57-35:16	Respondent exits the apartment and observes J pressed against a wall as she screams and cries. PO Celus and other officers guide Ms. Joyner downstairs. She resists, wrapping her leg around the staircase railing. The officers reposition her and resume escorting her downstairs.
35:17-36:11	Respondent enters the apartment, conducting a quick walkthrough before exiting and observing PO Henry and other officers escorting Ms. Joyner downstairs. She resists, pressing her foot against a radiator. The officers then carry her. She kicks PO Henry. They put her down, PO Henry picks her up with his arms wrapped around her shins, and they resume escorting her downstairs.

36:12-38:25 Respondent enters the apartment. He then stands in the entryway, and two additional officers arrive. Mr. [redacted] confirms that Ms. Joyner's son must also be taken into ACS custody. As her son retrieves his belongings, the officers stand around, and Respondent discloses an injury he sustained during the altercation.

38:26-43:08 Respondent exits the apartment and walks over to P. He whispers, "I'm so sorry," and tickles him. He repeats the statement and action once more before walking around the hallway and apartment.

The following is a summary of Police Officer Henry's body-worn camera recording (CCRB Ex.1) from the point at which Respondent attempts to place Ms. Joyner under arrest.

48:35-48:38 Respondent says, "Alright." Ms. Joyner asks him to step out of the room, but she pulls her right arm from his grip and moves forward. Respondent follows her while attempting to regain control over her body. Ms. Joyner's forward motion carries her behind the bedroom door and temporarily blocks PO Henry's camera angle. PO Celus enters the room, also blocking PO Henry's camera angle.

48:39-48:40 Respondent and Ms. Joyner reappear on camera. Respondent is standing behind her, has his right arm across her collarbone, near her neck and his left arm gripping her t-shirt on her left side. They are both facing the open doorway with their backs to a dresser. Respondent twists his body clockwise toward the dresser, Ms. Joyner's body twists with Respondent's, and her legs hit the dresser at a 45° angle. Respondent remains on his feet, but Ms. Joyner falls to the floor on her stomach.

48:41-49:02 Ms. Joyner crawls away from Respondent, who follows her, as PO Celus and PO Henry rush toward them, before all three struggle to place Ms. Joyner in handcuffs. Respondent stands up and PO Fratto, Respondent's operator, assists in the struggle.

49:03-50:11 PO Henry turns to J and attempts to remove P from her arms. J resists and PO Henry forcibly places her left arm at her side. He then wraps his arm around P's midsection, pushes J's other arm away, and removes P from her embrace.

50:12-51:08 PO Henry hands P to Respondent, who moves away from the bedroom and out of the apartment. PO Henry then attempts to place J in handcuffs; she resists and PO Fratto steps in to help PO Henry handcuff her.

51:09-53:28 Police officers place J in handcuffs, as she questions the legality of her arrest.

53:29-54:07 J attempts to open a closet door to find clothes for P to keep him warm. PO Henry closes the door and escorts J out of the apartment as she flails and jumps.

54:08-54:37 PO Henry positions J against a wall in the hallway, facing the wall.

54:38-54:56 J juts her head forward and spits at someone off-screen. PO Henry places his forearm against the back of J's head and restricts her movement.

54:57-59:26 PO Henry removes his forearm, as the police officers then attempt to escort J downstairs. J resists, pushing her foot against a radiator. The police officers then carry her, while she continues to resist. The police officers descend three flights of stairs, exit the building, and place J in the back of an RMP.

The following is a summary of the relevant portion of Police Officer Celus' body-worn camera video recording,[4] in evidence as CCRB's Exhibit 2. The summary begins from the point at which Respondent attempts to place Ms. Joyner under arrest.

48:35-48:37 Respondent says, "Alright." Ms. Joyner asks him to step out of the room. Respondent steps into the bedroom, standing behind her. Respondent reaches for Ms. Joyner's arms with both hands. PO Henry steps into the doorway, blocking PO Celus' camera angle. PO Celus enters the bedroom.

48:38-48:40 PO Celus approaches Ms. [redacted] who has her hands raised in front of her. When he turns to his right, the camera shows Ms. Joyner's left leg hitting an open dresser drawer before she falls to the ground. Respondent then struggles to place her under arrest.

48:41-49:03 Respondent gets on his knees and moves next to Ms. Joyner, who is lying on her left side; PO Celus grabs her right arm to help Respondent in handcuffing her. PO Henry and PO Fratto step in to help as Ms. Joyner continues to resist.

49:04-50:02 PO Fratto gets up and exits the room while shouting, "Hey!" Ms. Joyner rolls onto her back, then flails and kicks as Respondent, PO Henry and PO Celus attempt to place her in handcuffs.

50:03-50:20 Police officers successfully handcuff Ms. Joyner.

50:21-50:48 Ms. Joyner begins coughing and continues to do so as the police officers bring her to a sitting position.

50:49-51:30 Ms. Joyner frees herself from the handcuffs and moves toward the hallway. PO Celus apprehends her and places her in handcuffs again. Ms. Joyner begins repeating that she "can't breathe."

51:31-52:40 PO Celus brings Ms. Joyner to a seated position as she continues to state she cannot breathe. Her young son gives her water. Ms. Joyner voices her intent to sue the officers.

52:41-53:52 PO Celus picks up Respondent's body-worn camera and hands it to him; Respondent reattaches the body-worn camera.

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[4] PO Celus' body-worn camera recording, from 0:00-48:34, is duplicative of PO Henry's until Respondent attempts to place Ms. Joyner under arrest.

53:53-54:42	PO Celus lifts Ms. Joyner onto her feet and escorts her out of the apartment toward the staircase. Ms. Joyner resists, wrapping her leg around the staircase railing, as the police officers attempt to maneuver her down the stairs.
54:43-56:35	Police officers press J against a wall in the hallway as she screams. PO Celus returns to the apartment and speaks with the female social worker, recording her contact information. Mr. [redacted] announces that Ms. Joyner's son must come with them.
56:36-1:00:22	The police officers stand around and debrief while they wait for Ms. Joyner's son to gather his belongings. PO Celus and Respondent recall anticipating the call would take a negative turn. Respondent discloses he sustained an injury during the altercation.
1:00:23-1:01:14	Ms. Joyner's son exits the apartment, and the officers follow him.

Credibility

I find that Tamika Joyner's testimony was self-serving and laden with embellishment. Despite most of the interaction she had with the police being recorded, which recording was published in open court, Ms. Joyner attempted to minimize the intensity of her obstreperousness during the incident. Her self-serving claims of physical injury were not supported by any medical records or independent evidence. Her testimony has limited value with respect to her state of mind during the incident because, viewed in the most generous light, she was operating under a mistaken view of what the law required.

In contrast, Respondent's testimony was clear, forthright and consistent with the evidence in the case. He readily admitted to using force and explained his reasons for doing so. His testimony regarding the steps he took once he arrived at the scene prior to the use of force were logical and reasonable, compared with the testimony of other supervisors who have testified before this Tribunal. It is true that, as is the case with any Respondent, he has an interest in the outcome of this litigation; nevertheless, based upon the totality of the evidence, I find him to be a reliable narrator of events.

Specification 1: Wrongful Use of Force

I find that CCRB has failed to meet its burden of proof by a preponderance of the credible, relevant evidence that Respondent wrongfully used force by wrapping his forearm around Tamika Joyner's neck, lifting Tamika Joyner off the ground, swinging her legs into a dresser, and taking her to the ground, without police necessity.

Based upon the totality of the evidence, Ms. Joyner manifested, in word and action, that she would not allow the ACS workers to conduct an emergency removal of her grandson, as they had the authority to do. She did so despite Respondent's efforts over 28 minutes to de-escalate the encounter: he listened to her description of the situation and her issue with the ACS workers, then allowed her to consult with a trusted third party, [redacted], outside of his presence. After Ms. Joyner opened the bedroom door and [redacted] appeared to have become an advocate for Ms. Joyner's mistaken view of her rights, it was reasonable for Respondent to believe that he had to physically prevent Ms. Joyner from further interference with the removal by detaining her.

The body-worn camera evidence, when considered in its totality, shows Respondent reaching for Ms. Joyner's arms, grasping them, and her twisting out of his grasp; at that point, he continued to reach for her torso to gain control of her body. Given the 12-inch height difference between Respondent and Ms. Joyner, it is logical that he would have to bend over to wrap his arms around her torso. I find that as he attempted to gain control over Ms. Joyner's torso, she was actively resisting by pulling away from him. As Respondent testified, and Police Officer Henry's body-worn camera recording confirmed, he grasped Ms. Joyner and twisted her body clockwise to get her off her feet and to the ground, where she could be immobilized. During this movement, his right arm did make contact with Ms. Joyner's neck for approximately one second,

as depicted in the slowed down version of Police Officer Henry's body-worn camera recording. As Respondent lifted Ms. Joyner from her feet, her right lower leg did strike a dresser in the bedroom. Based upon the small size of the bedroom, and the location of the furniture within it, the contact between her legs and the dresser was more likely than not inadvertent and not part of a deliberate effort to injure her.

Based upon the foregoing, the limited degree of force Respondent used to immobilize an actively resisting subject was reasonable. I therefore find Respondent Not Guilty of Specification 1.

Specification 2: Chokehold

I find that CCRB has failed to meet its burden of proof by a preponderance of the credible, relevant evidence that Respondent wrongfully used force, in that he used a chokehold.

Patrol Guide procedure 221-01 defines a chokehold as "any pressure to the throat, carotid artery or windpipe, which may prevent or hinder breathing, or reduce intake of air or blood flow" (P.G. 221-01). The Patrol Guide prohibits the use of a chokehold (P.G. 221-01, page 3, paragraph (2)(b)).

This Tribunal has consistently held that when a Member of Service makes unintentional, fleeting contact with the prohibited areas described above during a dynamic encounter with an actively resisting suspect, that action does not constitute misconduct in violation of Patrol Guide 221-01 (*See Disciplinary Case No.* 2019-20900 [Mar. 12, 2024]; *Disciplinary Case No.* 2021-23505 [July 13, 2023]; *Disciplinary Case No.* 2021-23487 [Apr. 19, 2023]; *Disciplinary Case No.* 2022-25889 [Jan. 20, 2023]).

I credit Respondent's assertion that he did not intend to use a chokehold as a means of gaining control over Ms. Joyner. His denial is supported by the logical inferences to be drawn

from the manner of his initial attempt at restraint. Overlying this scenario is the inherent difficulty of Respondent gaining physical control of a violently resisting person who was 12 inches shorter than he. It was the actions Ms. Joyner took to resist that restraint, which necessitated Respondent's second effort to gain control of her person with both of his arms around her torso, which eventually devolved into his left arm contacting her neck.

In this case, Ms. Joyner loudly and repeatedly professed her desire to engage in a physical confrontation in the presence of police officers, then acted in accordance with her stated intention. The evidence shows that she pulled away from Respondent as he initially sought to restrain her, then continued her resistance after he had brought her to the ground. I note that even the placement of handcuffs on her wrists did not deter Ms. Joyner from continuing to resist the police officers by kicking them and trying to free herself from their grasp as they transported her out of her apartment and down a staircase.

Based upon the foregoing, I find Respondent Not Guilty of Specification 2.

Specification 3: Restriction of Breathing

I find that CCRB has failed to meet its burden of proof by a preponderance of the credible, relevant evidence that Respondent obstructed Tamika Joyner's breathing, in that he lifted Tamika Joyner from the ground while his forearm made momentary contact with Tamika Joyner's neck.

As I found in the analysis of Specifications 1 and 3 above, the contact between Respondent's arm and Ms. Joyner's neck lasted for approximately one second, according to CCRB's Exhibit 1A. Ms. Joyner's testimony that Respondent choked her tightly is unsupported by the body-worn camera video of the incident. CCRB did not offer any medical records to

support her assertion. As I noted in the credibility assessment, Ms. Joyner embellished material portions of her testimony and is not a dependable narrator.

Based upon the totality of the evidence, there is insufficient proof of any obstruction of Ms. Joyner's breathing. Because of CCRB's failure to establish that element of the specification, I find Respondent Not Guilty of Specification 3.

Specification 4: Wrongful Use of Force

I find that CCRB has failed to meet its burden of proof by a preponderance of the credible, relevant evidence that Respondent wrongfully used force, in that while lifting Tamika Joyner, Respondent twisted Tamika Joyner's body, hitting her legs against a wooden dresser, without police necessity.

As the factual findings relating to the analysis of Specification 1 above, set forth, Respondent used a reasonable degree of force to gain control of an actively resisting suspect. An examination of the pleadings in Specification 1 and Specification 4 reveals that Specification 4 omits any factual assertion relating to taking Ms. Joyner to the ground as part of its proof but is otherwise identical to the pleadings in Specification 1. Accordingly, consistent with my analysis under Specification 1, I find Respondent Not Guilty of Specification 4.

Respectfully submitted,

Paul M. Gamble
Assistant Deputy Commissioner Trials

APPROVED

JAN 16 2026

JESSICA S. TISCH
POLICE COMMISSIONER