



POLICE DEPARTMENT

-----X
In the Matter of the Disciplinary Proceedings :
- against - : FINAL
Police Officer Harry Espinal : ORDER
Tax Registry No. 958556 : OF
Manhattan Court Section : DISMISSAL
-----X

Police Officer Harry Espinal, Tax Registry No. 958556, having been served with written notice, has been tried on written Charges and Specifications numbered 2023-28872 (PODS Case C-031588), as set forth on form P.D. 468-121, dated July 31, 2023 and most recently amended on December 13, 2024. After a review of the entire record, Respondent is found Guilty of all charges and specifications.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Police Officer Harry Espinal from the Police Service of the City of New York.


HONORABLE JESSICA S. TISCH
POLICE COMMISSIONER

EFFECTIVE: 1/23/24



POLICE DEPARTMENT

November 13, 2025

-----X
In the Matter of the Charges and Specifications :
- against - :
Police Officer Harry Espinal :
Tax Registry No. 958556 :
Manhattan Court Section :
-----X

Case No.

C-031588

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

Before: Honorable Vanessa Facio-Lince
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department:

Timothy Marsh, Esq.
Department Advocate's Office
One Police Plaza, Room 402
New York, NY 10038

For the Respondent:

Peter Brill, Esq.
Brill Legal Group, P.C.
176 Lexington Avenue, Suite O
New York, NY 10016

To:

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

CHARGES AND SPECIFICATIONS

1. Said Police Officer Harry Espinal, while off duty and assigned to the 88 Precinct, on or about July 31, 2023, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: Said Police Officer Espinal engaged in a physical altercation with a person known to the Department.

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

PROHIBITED CONDUCT

2. Said Police Officer Harry Espinal, while off duty and assigned to the 88 Precinct, on or about July 31, 2023, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: Said Police Officer Espinal prevented a person known to the Department from calling for emergency assistance.

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

PROHIBITED CONDUCT

3. Said Police Officer Harry Espinal, while off duty and assigned to the 88 Precinct, on or about July 31, 2023, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: Said Police Officer Espinal, by striking a person known to the Department's phone out of her hand, caused damage to said phone.

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

PROHIBITED CONDUCT

4. Said Police Officer Harry Espinal, while off duty and assigned to the Manhattan Court Section, on or about and between December 1, 2023, and December 31, 2023, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: Said Police Officer Espinal violated an order of protection issued in favor of a person known to the Department. *(As added)*

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

PROHIBITED CONDUCT

5. Said Police Officer Harry Espinal, while off duty and assigned to the Manhattan Court Section, on or about and between December 1, 2023, and December 31, 2023, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: Said Police Officer Espinal knowingly and intentionally sought to interfere with the cooperation of a witness in a pending criminal matter. *(As added)*

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

PROHIBITED CONDUCT

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

Department called Sergeant Brandon Lomonaco 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 guilty of all five specifications. I recommend that Respondent's employment with the New York City Police Department be terminated.¹

ANALYSIS

On July 31, 2023, Complainant² called the police, alleging that Respondent, who is her niece's boyfriend, assaulted her during a verbal dispute and damaged her cell phone. It is also alleged that subsequent to his arrest in this matter, Respondent violated a criminal court Order of Protection ("OOP") by attempting to relay a message to Complainant through a third party. Specifically, Respondent is alleged to have contacted his girlfriend's mother and asked her to encourage Complainant to drop the charges in exchange for his continued sponsorship of her son in a pending immigration application. The alleged incidents will be considered separately, in chronological order.

July 31, 2023, Incident

Complainant did not testify at the hearing but an audio recording and transcript of her interview with police were received in evidence as Department's Exhibits 1A and 1B, respectively. Additionally, Sergeant Brandon Lomonaco from the Internal Affairs Bureau ("IAB"), who investigated these allegations and interviewed Complainant, testified at the hearing.

¹ The tribunal is aware that Respondent filed for vested separation retirement on November 5, 2025; his retirement became effective on that date.

² Complainant's identity is known to the Tribunal; however, she did not testify at the hearing. As a victim of an alleged assault, her name is omitted from this memorandum.

According to Sergeant Lomonaco's trial testimony, he interviewed Complainant hours after the alleged incident with Respondent was reported. Complainant informed him that Respondent struck her multiple times during what began as a verbal altercation. When Complainant attempted to call 911, Respondent prevented her from doing so by striking the phone out of her hand. Complainant further explained to Sergeant Lomonaco that her phone fell to the ground and was damaged as a result of Respondent hitting it out of her hand. (Tr. 31-32)

The Department Advocate offered photographs of the injuries Complainant sustained after the above-mentioned incident as Department's Exhibit 2. The images depict a red mark on Complainant's arm, bruising to her chest and redness of the side of her face. Sergeant Lomonaco testified that the photographs are an accurate depiction of the injuries he observed on Complainant when he interviewed her. The Advocate also offered photographs of the damage to Complainant's cellular phone as Department's Exhibit 3. The photograph shows that the camera lens on Complainant's phone was cracked. (Tr. 33-34)

The Tribunal carefully reviewed the audio and transcript of Complainant's interview with police which took place on July 31, 2023. At the interview, Complainant told investigators that earlier that day, she hosted a birthday party at her home and Respondent's girlfriend was a guest. During the party, Respondent was texting his girlfriend and when she did not respond, Respondent began texting other guests at the party, including Complainant. (Dept. Ex. 1B at 2-3)

When Respondent's girlfriend was ready to leave the party, Complainant walked her to her car. As they were walking, Respondent approached Complainant and made a comment that she perceived to be rude. Complainant then engaged in a verbal altercation with Respondent and that was when he hit her. Complainant recalled Respondent striking her in the face, chest, left arm and legs with an open hand, causing her pain. (Dept. Ex. 1B at 4, 6-7)

Complainant then attempted to call 911, but as she started dialing, Respondent hit the phone out of her hand. Her phone fell onto the pavement, and she picked it up. Respondent, however, hit Complainant's phone out of her hand two more times after that, thus preventing her from calling for help. Respondent then got into his car and left the scene. Complainant asserted that her phone was damaged because of Respondent's actions, in that it had a crack on the corner that was not there before the incident. (Dept. Ex. 1B at 7-9)

At the conclusion of the interview, Complainant confirmed that she would be pressing charges against Respondent. She further asserted that she wanted an OOP because Respondent "threatens everyone" and he "has guns in the house" so she is fearful of what he could do. (Dept. Ex. 1B at 11) Complainant added that although this is the first time Respondent has done anything to her, he has a history of threatening his girlfriend. According to Complainant, Respondent is a very jealous man, and he follows his girlfriend, tracks her phone and has even threatened her life. Complainant suspected that Respondent's girlfriend fears for her life which is why she has not reported him despite having proof of his threats and harassing behavior. (Dept. Ex. 1B at 12-13)

Violation of Order of Protection between December 1-31, 2023

Sergeant Lomonaco testified that Respondent was arrested as a result of the allegations made by Complainant regarding the July 31st incident and an OOP was issued on her behalf. The OOP issued by Judge DiBiase of the Queens Criminal Court on August 20, 2023, specifically directed Respondent to stay away from Complainant and not to have any contact with her, including through a third party. Respondent was advised, in court, of the issuance and contents of the OOP. The OOP remained in effect until August 19, 2024. (*See* Dept. Ex. 4)

According to Sergeant Lomonaco, pursuant to this ongoing investigation, he became aware that Respondent was communicating via text with his girlfriend's mother about the Complainant's case against him. In these text messages, Respondent requested that his girlfriend's mother, who at the time lived in the same residence as Complainant, ask her not to proceed with the criminal charges against him. In exchange, Respondent offered to expedite the immigration application of his girlfriend's brother. Sergeant Lomonaco testified that Complainant provided him with pictures of this text message exchange. (Tr. 38-40; Dept. Ex 5B)

On February 1, 2024, Sergeant Lomonaco interviewed Respondent's girlfriend's mother about the text message exchange she had with Respondent. (Dept. Exs. 6A and 6B) She explained that Respondent was sponsoring her son's application for residency status in the United States. At the time of said interview, Respondent's girlfriend's mother was unsure of the status of her son's application, but she was certain that Respondent sent her text messages requesting that she speak to Complainant about dropping the criminal charges in exchange for his continued sponsorship of her son's residency application. Respondent's girlfriend's mother recalled receiving those text messages from Respondent in December 2023 and sharing them with Complainant. (Dept. Ex. 6B at 2, 4-5, 7)

Respondent's Testimony:

Respondent testified that the July 31, 2023 incident began when he went to Complainant's home to pick up his girlfriend from a birthday party after she had not answered his calls. Upon arrival, he saw his girlfriend and Complainant leaving the house and asked his girlfriend where Complainant was going. According to Respondent, Complainant "flipped out" and screamed, "mind your own business." Respondent assumed both women were intoxicated because he was "told they had been drinking," and he and Complainant had never previously had

issues. While Complainant was yelling, he explained that he placed his right palm on her chest to “move her back.” Complainant then pulled out her phone, which Respondent claimed he unintentionally struck, causing it to fall on the ground. He further explained that he was only trying to keep Complainant away from him. Respondent then left in his car to avoid further conflict. According to Respondent, his girlfriend also left the scene and drove her car to their shared residence despite being intoxicated. (Tr. 98-101, 105-06)

Respondent estimated that approximately forty minutes later, a sergeant called and instructed him to return to the scene. Respondent brought his girlfriend back with him “because she was there when it happened,” suggesting she could serve as a witness. Respondent admitted, however, that he never told the sergeant on scene that his girlfriend was a witness, so she was never questioned by police. Shortly after arriving, Respondent was placed under arrest and criminally charged. (Tr. 101-06, 156)

Respondent admitted to exchanging WhatsApp messages with his girlfriend’s mother about her son’s immigration application, but denied asking her to convince Complainant to drop the charges. He conceded that although the text conversation “seem[ed] like” he was implying he would assist with his girlfriend’s mother’s son immigration process if she spoke to Complainant about the charges, he insisted “that wasn’t what [he] was trying to get across.” Respondent testified that the translations of the messages did not accurately reflect his intent. Respondent asserted that he never intended to cease assisting her with her son’s immigration application and that he did not mean to imply that he had any influence over the status of application.

Respondent testified that although he is familiar with the Penal Law and understands the law pertaining to tampering with a witness and criminal contempt, he did not realize that asking his girlfriend’s mother to talk to Complainant constituted a violation of the OOP. He emphasized

that it was not his intent to stop or prevent Complainant from cooperating with the District Attorney's Office; he was just frustrated because he wanted Complainant to "be honest" because "he never assaulted her." (Tr. 107, 111-12, 132)

On cross-examination, Respondent explained that he went to Complainant's home because his girlfriend was not answering her phone and it "upset" him. He admittedly tried calling her other family members to confirm her whereabouts, but was unsuccessful. Respondent explained that although he sometimes tracks his girlfriend's location, he could not that night and claimed he only "passed by" to see if she was still there, not to pick her up. After waiting about ten minutes in his car, he saw Complainant and his girlfriend exit the home and got out of his car, standing roughly ten feet away. (Tr. 113-17)

According to Respondent's testimony at the hearing, Complainant began yelling and cursing at him without provocation. He admitted that although he is trained in de-escalation techniques, he did not walk away when Complainant became angry but instead "moved her away." Respondent also recalled hearing his girlfriend screaming for them to stop during his encounter with Complainant. He claimed that he did not know why Complainant took out her phone, positing that maybe she wanted to record their interaction. Although Respondent admitted to slapping the phone out of Complainant's hand, he was adamant that he did not know she was attempting to call 911 and he was not trying to prevent her from doing so. Respondent later conceded, however, that "she was probably going to call 911." (Tr 119-23, 126)

Specifications 1, 2 & 3: July 31, 2023, Incident

Specification 1 charges Respondent with wrongfully engaging in a physical altercation with Complainant. Specifically, it is alleged that Respondent forcibly struck Complainant with an open hand multiple times about her face, neck, upper chest, and arm. Specifications 2 and 3

charge Respondent with striking Complainant's phone out of her hand, causing damage to it, and preventing her from calling for emergency assistance. I find that the Department has met its burden by a preponderance of the credible, relevant evidence that Respondent engaged in a physical altercation with Complainant and damaged her phone, thus preventing her from calling 911.

Although Complainant did not appear to testify at trial, I do find her hearsay statements in this matter reliable. Listening to her interview with IAB and reading the accompanying transcript (Dept. Exs. 1A and 1B), it is clear to this Tribunal that Complainant spoke earnestly as she endeavored to give an honest and even-handed account. Complainant's description of the alleged assault and damage to her phone was straightforward and logical. She did not attempt to embellish when asked about whether she announced her intention to call 911. She stated that she did not tell Respondent she was calling 911, but she believed he was aware based upon his repeated attempts to prevent her from using her phone. There are also photographs of the injuries Complainant sustained and the damage to her phone (Dept. Exs. 2 and 3), taken by police officers in close temporal proximity to the incident, which corroborate her statements.

The credibility of Complainant's account was further enhanced by the fact that she promptly and consistently related her allegations to law enforcement personnel. Moreover, I find Sergeant Lomonaco's testimony about his interview and interaction with Complainant to be credible and further supports her version of events. Due to these factors, Complainant's statements were accorded significant probative weight.

Respondent's testimony, conversely, was self-serving and tailored to minimize the serious nature of the events that transpired on July 31, 2023. Respondent's description of his encounter with Complainant is a dubious and feeble attempt to deflect from his actions by

shifting the blame onto her. Respondent claims that he merely “moved” Complainant away by placing his hand on her chest. According to Respondent, his actions toward Complainant were limited to getting her away from him; however, the photographs paint a different picture.

Although Respondent admitted that he slapped Complainant’s phone out of her hand, causing it to land on the ground, he denied that he caused any damage to it. He suggested instead that Complainant’s phone was damaged before the incident, despite his inability to offer credible evidence to support his assertion. Respondent also affirmed that did not know Complainant was attempting to call for emergency assistance, but later acquiesced, during cross-examination, that she was “probably going to call 911.” I therefore find Respondent’s account strained credulity.

Based upon the foregoing, I find Respondent Guilty of Specifications 1, 2 and 3.

Specifications 4 and 5:

Violation of Order of Protection and Interfering with the Cooperation of a Witness

Specifications 4 and 5 charge Respondent with violating an OOP and interfering with the cooperation of a witness in a pending criminal matter. It is undisputed that a valid OOP was in effect at the time of the incident and that it specifically required Respondent to refrain from communicating with Complainant including through “third party contact.” It is also undisputed that Respondent did communicate with his girlfriend’s mother, asking her to speak with Complainant about dropping the criminal charges against him. I find that the Department has met its burden by a preponderance of the credible, relevant evidence that Respondent violated an OOP in favor of Complainant.

Respondent admitted that in December 2023, he texted his girlfriend’s mother, when the above-mentioned OOP was in effect, asking her to encourage Complainant to drop the criminal charges against him. Specifically, in the text communications between Respondent and his girlfriend’s mother, Respondent stated: “You make it so that [Complainant] closes this case

because it's been open since July, wasting my time and money... And I will finish the application of your son, [REDACTED], which could get approved shortly..." (Dept Ex. 5B) In that same series of text messages, Respondent writes: "Try to resolve that for me with [Complainant]. Shut everything down and everything in the world will be fine. The application for your son could get approved in 1-2 weeks." This Tribunal's interpretation of the entire text thread, including the quotes above, is that Respondent was incentivizing his girlfriend's mother to encourage Complainant to close the criminal case she had against him in exchange for expediting her son's immigration application. Essentially, Respondent set up a *quid pro quo* to get his criminal case dismissed.

Respondent claimed that even though he knew what "no third-party contact" meant, at the time he sent the texts, he "didn't think about it because [he] was upset." Respondent added that it was not his intention to violate the OOP or to stop Complainant from cooperating with the DA's office, he simply wanted Complainant to "be honest" and "tell her truth," specifically, that he did not assault her. (Tr. 109-11)

Notwithstanding Respondent's stated intention in sending the above-referenced text messages, this was a serious lapse in judgement and an obvious disregard of a judicial order. This Tribunal is not persuaded by Respondent's explanation of why he violated the provisions of the OOP, and it does not absolve him of wrongdoing. As a member of service, Respondent is held to a higher standard and he knew, or should have known, that his actions not only constitute misconduct but were a violation of the Penal Law, which could have resulted in additional criminal charges.

Based upon the foregoing, I find Respondent Guilty of Specifications 4 and 5.

PENALTY

In order to determine an appropriate penalty, this tribunal, guided by the Department's Disciplinary System Penalty Guidelines ("Matrix"), considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent's employment history was also 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 8, 2015, has been found Guilty of all five charges. The Department has recommended that Respondent's employment be terminated. I concur with their recommendation.

The presumptive penalty for engaging in a physical altercation (non-domestic/family offense) is twenty (20) penalty days, and the aggravated penalty is termination. Additionally, the presumptive penalty for violating an Order of Protection (first offense) is 30 suspension days and one-year dismissal probation plus other conditions, and the aggravated penalty is termination.

(Matrix at pp. 36, 49)

There were several aggravating factors in this case that support the aggravated penalty of termination, including:

- 1) Respondent caused injury to Complainant during a physical altercation;
- 2) Respondent damaged Complainant's phone and prevented her from calling for emergency assistance during a physical altercation;
- 3) Respondent knowingly violated a judicial order to have no contact with Complainant, including third-party contact, and attempted to obstruct the continuation of a criminal proceeding against him;
- 4) Respondent's lack of candor; and
- 5) Respondent used his position as member of a law enforcement agency, to make his girlfriend's mother, a person who recently immigrated to this country with limited knowledge of the legal system, believe that he had some influence over her son's immigration application. Respondent exploited his girlfriend's mother lack of knowledge and leveraged his position of authority for his personal gain. This

misconduct is likely to have an adverse impact on the Department with regard to its mission, reputation, credibility, and relationship with the community, and the impact upon public trust.

Respondent's counsel has asked the Tribunal not to consider this case as an incident of "domestic violence," for the purpose of assessing penalty, because Respondent and Complainant are not intimate partners, not related by consanguinity or affinity, and they have never lived together in the same household. While I agree that Respondent and Complainant are not "family" pursuant to the definition proscribed by the Disciplinary Guidelines, I do consider Respondent's connection to Complainant to be ancillary to his relationship with his girlfriend. Therefore, it is reasonable to draw parallels to the Domestic Violence section of the Matrix for guidance regarding aggravating factors that may enhance the penalty recommendation.

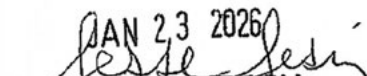
Respondent's actions manifest a self-centered mindset, as well as a failure to comport with the discipline and lawfulness necessary to the performance of a police officer. Furthermore, Respondent's behavior evinces a lack of integrity and good judgement that is incompatible with his continued service as a member of this Department. Although this is Respondent's first encounter with the disciplinary process during his ten years of service, for a uniformed member of service, who is sworn to serve and protect, to engage in such behavior is truly troubling. Respondent continued employment would be inconsistent with the Department's values and mission. Accordingly, I recommend that Respondent be DISMISSED from the Department.

Respectfully submitted,



Vanessa Facio-Lince
Assistant Deputy Commissioner Trials

APPROVED

JAN 23 2026

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 HARRY ESPINAL
TAX REGISTRY NO. 958556
DISCIPLINARY CASE NO. C-031588

Respondent was appointed to the Department on July 8, 2015; he filed for vested retirement in July 2022 but returned to service on April 24, 2023. On his three most recent performance evaluations, he was rated “Exceeds Expectations” for 2021, 2023 and 2024.

Respondent has no formal disciplinary history.

In connection with the instant matter Respondent was suspended without pay from July 31, 2023, through August 29, 2023. He was also placed on Level 2 Disciplinary Monitoring in December 2023; monitoring remains ongoing.

For your consideration.

Vanessa Facio- Lince
Assistant Deputy Commissioner Trials