



POLICE DEPARTMENT

-----X
In the Matter of the Disciplinary Proceedings :
- against - : FINAL
Police Officer Roy Anuskiewicz : ORDER
Tax Registry No. 960165 : OF
Queens Court Section : DISMISSAL
-----X

Police Officer Roy Anuskiewicz, Tax Registry No. 960165, having been served with written notice, has been tried on written Charges and Specifications numbered 2023-29327, as set forth on form P.D. 468-121, dated November 2, 2023 (and amended on December 14, 2023), and after a review of the entire record, Respondent, having pleaded Guilty, is found Guilty.

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

HONORABLE EDWARD A. CABAN
POLICE COMMISSIONER

EFFECTIVE:

8/7/24

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POLICE DEPARTMENT

June 14, 2024

-----X
In the Matter of the Charges and Specifications :

Case No.

- against - :

2023-29327

Police Officer Roy Anuskiewicz :

Tax Registry No. 960165 :

Queens Court Section :

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

Before: Honorable Vanessa Facio-Lince
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Jamie Moran, Esq.
Department Advocate's Office
One Police Plaza, Room 402
New York, NY 10038

For the Respondent: Michael Martinez, Esq.
Worth, London & Martinez, LLP
111 John Street, Suite 640
New York, NY 10038

To:

HONORABLE EDWARD A. CABAN
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

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CHARGES AND SPECIFICATIONS

1. Said Police Officer Roy Anuskiewicz, while on duty and assigned to the 23rd Precinct, on or about October 25, 2023, in Manhattan, engaged in conduct prejudicial to the good order, efficiency, and discipline of the Department in that said Police Officer, while in a marked police vehicle, stated "Suck my dick faggot," over the marked police vehicle's loudspeaker. *(As amended)*

A.G. 304-06, Page 1, Paragraphs 1-2

GENERAL REGULATIONS

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on May 10, 2024. Respondent, through his counsel, entered a plea of Guilty to the subject charge and testified in mitigation of the penalty. 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 no mitigation is warranted, and recommend that Respondent be DISMISSED from the New York City Police Department.

SUMMARY OF EVIDENCE IN MITIGATION

It is undisputed that on October 25, 2023, while in uniform, on duty, in a marked RMP, Respondent stated, "Suck my dick, faggot," over the loudspeaker, to a member of the public, as depicted in Department's Exhibit A. Respondent took full responsibility for his actions. The contested facts at the mitigation hearing were the context in which that phrase was used by Respondent, and the ultimate question for the Tribunal is what the appropriate penalty should be for his admitted breach of Department rules and regulations.

At the mitigation hearing, Respondent testified that on the date of the incident, he was on duty, in uniform, patrolling sector Adam in a marked RMP within the confines of the 23 precinct with his partner, Officer [REDACTED]. While in their RMP, stopped at a traffic light, Respondent noticed approximately three to four teenagers riding their bicycles across the street. As they rode past their RMP, Respondent recalled one of the teenagers yelling, "Fuck you. Suck my dick, faggot!" multiple times. (Tr. 20-22) In response to this teenager who was taunting them, Respondent, by his own admission, "had a terrible reaction," picked up the microphone and parroted their words saying: "Did you just say, suck my dick, faggot?" According to Respondent, he instantly regretted what he said. He further stated that he was "disgusted" with himself for repeating what the teenagers said. (Tr. 22)

Respondent testified that it was a knee-jerk reaction to the comments being made to them by the teenagers. (Tr. 44) He stated that he did not mean to personally offend any of them and the word "faggot" was not specifically targeted at anyone based upon their perceived sexual orientation. Respondent testified that the word was insulting and offensive and "should not be used in society whatsoever." He added that he went to high school and college with members of the LGBTQ community, that he has an aunt who identifies as gay and that anyone who knows him would vouch that he would "never use that word in that context." Respondent asserted that he has no animosity or bias toward the gay community. (Tr. 27-28)

Respondent acknowledged that at the police academy he was trained on the meaning of "courtesy, professionalism, respect." In reflecting on those words, Respondent testified that to him it means, "[t]o be kind to others, be professional, hold yourself to a higher standard, try to show the utmost respect to community and the people that you serve." (Tr. 29) He also recognized that it is unprofessional to use any sort of curse words or derogatory language

directed at a member of the public and that there are specific Department guidelines prohibiting such conduct. (Tr. 31)

Respondent testified that at the time that this incident occurred, he was working in his capacity as a Neighborhood Coordination Officer (hereinafter "NCO"). Respondent described the difference between his role as NCO and a patrol officer as:

To have more of a one-on-one basis with the community, to engage more, to build a rapport between each other, so they could trust us and we could trust them, to strengthen that, so we have some type of foundation. They can help us out. We can help them out, help them with their needs and concerns. (Tr. 34)

He acknowledged that as a NCO he was entrusted with fostering and maintaining good rapport with members of the community. Respondent also expressed the importance of building trust within the community he served. Respondent testified that this was a responsibility he took very seriously and breached. (Tr. 35-36)

Respondent submitted two exhibits for the court's consideration: Resp. Ex. 1, an audio recording of Officer [REDACTED]'s official interview and Resp. Ex. 2, a transcript of the same. After reviewing these exhibits, I found that Officer [REDACTED]'s version of events corroborated Respondent's dubious account that Respondent was merely asking a question. Officer [REDACTED] testified at his official interview that after the group of teenagers passed their car and stated "suck my dick, faggot," Respondent grabbed the microphone and asked "did you just say, suck my dick, faggot?" (Resp. Ex. 2 at 11) In addition to providing his perspective of the incident at his official interview, Officer [REDACTED] also testified that in his time working with Respondent, he has never known him to do this in the past (i.e. vulgar responses to members of the community) and that this is "just not his nature." (*Id.* at 15)

Department's Exhibit A is a six-second video that depicts Respondent and his partner in a marked police vehicle on a public street. It begins with Respondent uttering the phrase, "suck my

dick,” amplified by the Department’s vehicle microphone. (Dept. Ex. A at 00:01) At 00:02, a different and seemingly distant voice can be heard repeating: “Suck my dick.” Then at 00:03, Respondent is heard responding by saying the word “faggot” over the loudspeaker. The video ends three seconds later.

Respondent testified that he was parroting what someone else said to him and that when he picked up the loudspeaker, he asked the question, “Did you just say, suck my dick, faggot?” The video however does not support Respondent’s version of events. First and quite significantly, the words “did you just say” were not captured by the video. Second, there was a two second pause between Respondent saying, “suck my dick” and then saying the word “faggot,” with no notable inflection in his voice that is characteristic of a person asking a question. Third, during the brief pause, a person other than Respondent can be heard saying: “Suck my dick.” It is only after that response that Respondent uses the offensive term “faggot.” While I believe Respondent’s comment may have been an impulsive reaction to being taunted by teenagers, I do not credit his testimony that he was simply parroting their language for purposes of questioning what was said to them. In sum, the preponderance of the credible evidence does not support Respondent’s explanation that he said, “Did you just say, suck my dick, faggot?” In fact, the video recording established that he used a particularly offensive term in response to a third party that did not use it first.

There are few more damaging offenses that a public servant can commit than making derogatory or offensive remarks to a member of the public. The statement discussed above is objectively insulting and advances no police purpose. Respondent is a member of service who has voluntarily assumed a higher standard of conduct than others. Such language is unprofessional and offensive by any account, but especially when an officer makes such a

comment while in uniform, seated in a marked police vehicle and transmits it over a loudspeaker for all in the immediate vicinity to hear. In making this statement over the loudspeaker, Respondent not only disseminated it to the immediate surrounding community, but also had the unintended consequence of having it go “viral” on the internet, causing further public outrage.

It is unacceptable that a member of service make comments of this nature, even if it is in response to the lexicon used by member of the public to address the officers, but here the fact that the epithets were willfully directed at a teenager on the street using Department amplification equipment, makes it even more reprehensible. Derogatory remarks such as the one made by Respondent in this case run completely counter to the good order, efficiency and discipline of the Department. Respondent’s actions constituted a betrayal of the oath he swore as a member of the service, and there must be consequences.

PENALTY

In order to determine an appropriate penalty, this tribunal, guided by the Department’s Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent’s employment history also was examined. *See* 38 RCNY § 15-07. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached memorandum.

Respondent, who was appointed to the Department on January 6, 2016, and has no formal disciplinary history, has pleaded guilty to the sole specification of engaging in conduct prejudicial to the good order, efficiency, and discipline of the Department in that while in a marked police vehicle, he made an offensive comment over the vehicle’s loudspeaker. The Department has recommended that Respondent be dismissed from the Department, relying on

what they believed are aggravating factors present. Respondent's counsel, while not minimizing the severity of Respondent's misconduct, advocated for a mitigated penalty. The presumptive penalty under the Disciplinary Guidelines for offensive language which includes "slurs based upon membership in a protected class" is twenty (20) days. The mitigated penalty is ten (10) days and the aggravated penalty is termination. Under these circumstances, I do believe that termination is the appropriate penalty.

In this case, Respondent took responsibility for his misconduct from the outset and stated that he regrets the mistake he made. Respondent apologetically acknowledged ignoring his training and eschewing Department policy in making these comments in contravention of the Department's strict prohibition on this type of conduct. Respondent's offensive remarks were not made during a dangerous or chaotic police interaction. Had the circumstances of this event involved an unpredictable, volatile or rapidly unfolding situation that did not allow Respondent time for deliberate reflection, a mitigated penalty might have been appropriate. However, Respondent clearly testified that while he acted with no malicious intent, it was an impulsive reaction to taunting by teenagers on the street. These excuses do not mitigate the lasting effect of his gratuitous actions.

There is no doubt that the use of such language undermines public confidence in the NYPD, thereby compromising the ability of the Department to serve the community effectively. The phrase used by Respondent has a profound impact, bringing discredit both to Respondent himself and the Department as a whole. Respondent's impulsive response was offensive and degrading, despite Respondent's assertions that he did not intend to disparage any member of a protected class. Respondent's use of highly reprehensible language while on duty and its

purposeful amplification constitutes unacceptable and unprofessional conduct, and there must be appropriate accountability.

There exist certain acts taken by police officer which irreparably taint the officer's integrity and damage the reputation and mission of the agency they serve. Police officers are not only expected to enforce the law, but to be guardians of public trust in the community in which they serve. Respondent, who admitted to making undeniably offensive remarks, has cast a shadow upon the perceived integrity of his work and inevitably tarnished the public's confidence in the Department as a whole. Moreover, beyond Respondent's utterance of offensive language, the manner with which it was broadcast to the entire neighborhood with wanton disregard for the associated consequences leaves the court little choice but to recommend his dismissal.

Accordingly, the Tribunal recommends the application of the aggravated penalty for the use of Offensive Language. As such, in accordance with the Disciplinary Guidelines, the Tribunal recommends that Respondent be DISMISSED from the New York Police Department.

Respectfully submitted,

Vanessa Facio-Lince
Vanessa Facio-Lince
Assistant Deputy Commissioner Trials

APPROVED

AUG 07 2024
Edward A. Cab...
EDWARD A. CABRERA
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER ROY ANUSKIEWICZ
TAX REGISTRY NO. 960165
DISCIPLINARY CASE NO. 2023-29327

Respondent was appointed to the Department on January 6, 2016. On his three most recent annual performance evaluations, he was rated “Exceeds Expectations” for 2021, 2022, and 2023. He has been awarded two medals for Excellent Police Duty and two medals for Meritorious Police Duty.

Respondent has no formal disciplinary history. He was placed on Level 2 Discipline Monitoring in January 2024; monitoring remains ongoing.

In connection with the instant matter, Respondent was suspended without pay from November 1 to November 30, 2023.

For your consideration.

Vanessa Facio-Lince
Vanessa Facio-Lince
Assistant Deputy Commissioner Trials