POLICE DEPARTMENT

In the Matter of the Disciplinary Proceedings	:	
- against -	:	FINAL
Police Officer Benbella Robert	:	ORDER
Tax Registry No. 973718	:	OF
Queens Court Section	:	DISMISSAL

Police Officer Benbella Robert Tax Registry No. 973718, having been served with written notice, has been tried on written Charges and Specifications numbered C-030786 as set forth on form P.D. 468-121, dated September 26, 2024 and last amended on August 4, 2025, and after a review of the entire record, Respondent is found Guilty of Specifications 6, 8, and 9, and, having pleaded Guilty, is found Guilty of Specifications 1, 2, 3, 4, 5 and 7.

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 Benbella Robert from the Police Service of the City of New York.

HONORABLE JESSICA S. TISCH
POLICE COMMISSIONER

EFFECTIVE: 10/7/25

POLICE DEPARTMENT

September 10, 2025

In the Matter of the Charges and Specifications	:	Case No.
- against -	:	C-030786
Police Officer Benbella Robert	:	
Tax Registry No. 973718	:	
Queens Court Section	:	

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

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

APPEARANCES:

For the Department: Christine Maloney, 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 Benbella Robert, while assigned to the 77 Precinct, on or about and in between August 1, 2022, and December 31, 2023, improperly used Department computers to make over 300 inquiries unrelated to his official duties or assignment.

   P.G. 219-14 — DEPARTMENT COMPUTER SYSTEMS

2. Said Police Officer Benbella Robert, while assigned to the 77 Precinct, on or about and in between August 1, 2022, and December 31, 2023, improperly viewed multiple body-worn camera recordings unrelated to his official duties, involving various homicides and vehicle stops in different commands.

   P.G. 219-14 — DEPARTMENT COMPUTER SYSTEMS

3. Said Police Officer Benbella Robert, while assigned to the 77 Precinct, on or about and in between August 13, 2022, and December 28, 2023, knowingly associated with an individual reasonably believed to be engaged in, likely to engage in, or known to have engaged in criminal activities, to wit: Said Police Officer Benbella Robert knowingly associated with Mr. R.O. [redacted] *(As amended)*

   A.G. 304-06, Page 1, Paragraph 6 — PROHIBITED CONDUCT– CRIMINAL ASSOCIATION

4. Said Police Officer Benbella Robert, while assigned to the 77 Precinct, on or about and in between May 30, 2023, and July 14, 2023, failed to maintain a current New York State driver's insurance, as required. *(As amended)*

   A.G. 304-03, Page 1, Paragraph 5 — COMPLIANCE WITH ORDERS

5. Said Police Officer Benbella Robert, while assigned to the 77 Precinct, on or about and in between July 1, 2023, and April 30, 2024, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Police Officer Benbella Robert drove a motor vehicle while its registration or privilege was suspended or revoked.

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

6. Said Police Officer Benbella Robert, while assigned to the 77 Precinct, on or about June 27, 2024, provided misleading or inaccurate statements during a Department interview.

   A.G. 304-10 — FALSE OR MISLEADING STATEMENTS

7. Said Police Officer Benbella Robert, while assigned to the 77 Precinct, on or about January 1, 2024, failed to notify the Department of his address change.

A.G. 304-25, Page 1, Paragraph 2 — RESIDENCE REQUIREMENTS

8. Said Police Officer Benbella Robert, while assigned to the 77 Precinct, on or about and in between August 1, 2022, and December 31, 2023, conducted numerous queries using Department databases unrelated to official Department business and divulged the results of those queries.

P.G. 219-14 — DEPARTMENT COMPUTER SYSTEMS

9. Said Police Officer Benbella Robert, while assigned to the 77 Precinct, on or about December 18, 2023, did impede an official police investigation. (*As amended*)

A.G. 304-10, Page 1, Paragraph 1 — FALSE OR MISLEADING STATEMENTS

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on August 4, 2025. Respondent, through his counsel, entered pleas of Guilty to Specification 1 (misusing Department computers to make over 300 inquiries unrelated to his official duties or assignments); Specification 2 (improperly viewing body-worn camera recordings unrelated to his official duties); Specification 3 (criminal association); Specification 4 (failing to maintain a New York State driver's insurance); Specification 5 (driving a motor vehicle while its registration was suspended); and Specification 7 (failure to notify the Department of his address change). In accordance with his pleas, I find him Guilty of Specifications 1, 2, 3, 4, 5, and 7.

Respondent pled Not Guilty to Specification 6 (providing misleading or inaccurate statements during a Department interview); Specification 8 (conducting queries using Department databases unrelated to official Department business and divulging the results of those queries); and Specification 9 (impeding an official investigation on December 18, 2023).

Respondent offered evidence in mitigation of the penalty and testified on his own behalf. The Department called Lieutenant JuanCarlos Palacios as a witness. 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 regarding the contested charges, Specifications 6, 8, and 9, I find Respondent Guilty of those charges.

I recommend that Respondent's employment be terminated.

1. *Summary of Evidence in Mitigation of Specifications 1, 2, 3, 4, 5 and 7*

Respondent testified that he was born in Haiti and emigrated to the United States when he was seven years old. He grew up in Flatbush, Brooklyn. Respondent testified that he sat for both the Department's police officer examination and the New York City correction officer examination. The Department of Correction offered him the opportunity to enter its academy, and he accepted, beginning his public service career in 2018. Respondent was later offered an invitation to enter this Department's Police Academy, which he accepted in 2021. Upon graduation from the Police Academy in July 2022, he was assigned to a Field Training Unit and testified he was temporarily posted to the 77, 79, 88, and 84 Precincts (T. 81-82).

Respondent testified that he has been married for approximately one year and he and his wife live with their five children. Before his marriage, he lived at 123 East 92nd Street, Apartment [redacted], in Brooklyn, initially alone, then later with a childhood friend, R.O. [redacted]. According to Respondent, R.O. had "a troubled past," but he was nevertheless a friend whom he wanted to help. He described his relationship with R.O. as "great," which included calling each other on the telephone, playing video games, and occasionally allowing R.O. to sleep over three to four times a week (T. 81, 82-85).

R.O. moved in with Respondent in June 2023; he admitted that he ran R.O. 's name through Department databases before him moving into the apartment because he wanted to ensure that R.O. was not involved "in any trouble," given his past (T. 85). Respondent testified that he learned that R.O. had indeed been arrested "a couple of times," but "that was just R.O. He just couldn't stay out of trouble" (*Id.*). He claimed that at the time he examined R.O.'s arrest history, he was unaware of this Department's policy on criminal association (*Id.*). Respondent testified that while he now agreed with the policy, he was motivated to help R.O. and could not resist doing so, although he knew he should have stayed away from him (T. 85-86).

Respondent testified that in November or December 2023, their relationship deteriorated when he asked R.O. to move out of their shared apartment. According to Respondent, he wanted to move because his landlord was going to raise the rent; R.O. , however, did not want to leave. He testified that R.O. and his girlfriend, Q.B. , wanted to take over the apartment, claiming "squatters' rights" (T. 87). Respondent claimed that sometime after December 18, 2023, R.O. called him on the telephone and threatened him, which led him to call his delegate and report that R.O. was harassing him over the phone (T. 88).

Respondent testified that, while he made over 300 inquiries in Department databases, which were unrelated to his official duties, they were primarily for family and friends and any news item that captured his attention (T. 107). He explained that he was simply curious and looked through the records to try to improve himself as a police officer (*Id.*). Respondent offered that he accessed body-worn camera files unrelated to his official duties because he wanted to transfer to a public safety team and thought that by examining records of shootings, homicides, or gun seizures, he could prepare himself for that role (T. 108-09).

Respondent testified that prior to May 2023, his child's mother had covered his car under her insurance policy. According to Respondent, that month, she removed him from her policy without telling him, following an argument. He testified further that he received a letter from the New York State Department of Motor Vehicles, dated June 22, 2023, notifying him of the lapse in insurance coverage and that his registration would be suspended as of July 6, 2023 (T. 111-12). He testified that after receiving the letter, he went to a DMV office to try to resolve the situation but was unable to do so (T. 113-14). Respondent claimed that he was eventually able to secure insurance through his mother's auspices but admitted that he did not surrender his license plates, as required by law, during the period of suspension and that he drove his car while its registration was suspended (T. 114-16).

Respondent testified that he did not update his home address with this Department after he moved out of the apartment he shared with R.O. because he was living between his girlfriend's home and his mother's home; it was not until he became more serious with his now-wife that he updated the address, a delay of about three months (T. 117).

Respondent testified that he was once assigned to respond to a 911 call from a person shot near Buffalo Avenue and Sterling Place. Although the victim was transported to a hospital and received emergency life-saving care, he did not survive. He testified that he took a photograph of the victim with his Department phone, as directed by his sergeant (T. 118; Dept. Ex. 11D). Respondent explained that the incident so unnerved him that he discussed it with R.O. l and Q.B. when he went off duty from that tour; he denied, however, showing either R.O. or Q.B. the photograph (T. 119-21). Respondent testified further that, despite his apparent concession in his Department interview to possibly showing the picture to Q.B., he was now sure that he did not show it to her (T. 121-22). Respondent admitted that he

showed a picture of a 911 call displayed on his Department phone to a former girlfriend, A.C. s, during a FaceTime call, but denied showing it to Q.B. (T. 123-24).

Respondent contended that during his Department interview on June 27, 2024, when he stated that he only conducted searches on his Department phone related to official business, he meant that he would make official inquiries while at work (T. 125). He disputed that he denied knowing R.O. had a criminal history and asserted that he had always known R.O. had a "troubled past" (*Id.*). Respondent further explained that he ran R.O.'s name in Department databases in 2022, not because R.O. began residing with him in 2023, but rather because of a meeting with R.O. in 2022 (T. 127).

Respondent reaffirmed his denials, made during his Department interview, that he had disclosed Department records to anyone or searched Department databases at anyone's request (T. 128-29). He testified further that in one instance, he ran the name of his wife's best friend, Tanay Hopkins, through Department databases, because she had claimed that police officers had assaulted her and was going to sue the Department (T. 129-30). Respondent testified that he told her he would investigate the matter. After viewing a body-worn camera video of the incident she referred to, he realized that he knew one of the police officers involved (T. 130). He testified further that he responded to Hopkins, telling her there was no need to sue the Department because she was wrong (*Id.*).

Respondent testified that he believed he deserved a second chance and did not deserve to be terminated. He admitted that he could have better handled the December 2023 dispute with R.O. where police were called to his apartment, but claimed he was nervous, confused, and not himself at the time. Respondent argued that during his Department interview, he was confronted with many confusing questions that he should have answered appropriately and honestly. He

claimed that he had a big heart and was trying to help his friends, but those efforts backfired; he did, however, accept that it was "100% my fault" (T. 130-132).

2. *Summary of Facts and Findings for Specifications 6, 8, and 9*

Lieutenant JuanCarlos Palacios, currently assigned to Internal Affairs Bureau, Investigation Unit 10, testified that on December 27, 2023, a call was made to the IAB command center, in which the caller stated that Respondent had made a report against his roommate for aggravated harassment (T. 21). According to Lieutenant Palacios, the IAB command center conducted a background check on Respondent's roommate, R.O. and discovered that Ociel had a criminal history (*Id.*). At that time, an investigation into criminal association was initiated and assigned to then-Sergeant Palacios, who was assigned to Group 34 (*Id.*).

Lieutenant Palacios testified that as part of his investigation, he reviewed body-worn camera video, audio recordings, computer history audits, and other reports. He also interviewed Q.B. and Respondent (T. 22, 32)

Lieutenant Palacios testified that he learned during the investigation that Q.B. had called 911 on December 18, 2023, because Respondent was in the hallway outside her apartment, Apartment [redacted][1], banging on the door, and the electricity had been turned off (T. 22-23). He reviewed body-worn camera recordings of the police response. He observed Respondent standing outside the building as the responding officers, Police Officers Layburn and Papagianopoulos, arrived (T. 23). Respondent approached the officers and began speaking to them, telling them that they were there because someone had "called the police on him" (*Id.*). The police officers then informed Respondent that a female had called; Respondent replied that it must have been his roommate's girlfriend. Lieutenant Palacios testified further that the

[1] There is no dispute that this was the apartment Respondent had shared with R.O. and Q.B.

investigation revealed that Respondent's roommate was R.O. and that Q.B. was R.O.'s girlfriend. The police officers called their patrol supervisor,[2] who arrived on scene with his operator approximately 30 minutes after the initial police response. (*Id.*).

Department's Exhibits 6 and 7, in evidence, are the body-worn camera video recordings of Police Officers Papagianopoulos and Layburn during their response to Apartment B20 on December 18, 2023. The recordings are generally duplicative of each other but there are portions of Police Officer Papagianopoulos' recording which depict his interactions with the patrol supervisor outside Apartment B20, which occurred outside the presence of Police Officer Layburn, who remained in the lobby of the building with Respondent.

These recordings capture the preliminary investigation conducted at the scene by Police Officers Papagianopoulos and Laybum, including interviews with Q.B., the building superintendent and Respondent. They also capture one side of a telephone conversation between the sergeant's operator and a Con Edison customer service representative.

Lieutenant Palacios testified that he interviewed Q.B. on January 23, 2024. During that interview, Q.B. told Lieutenant Palacios that on February 4, 2023, Respondent showed her the 911 log depicted in Department's Exhibit 9 on his Department telephone and then sent Palacios a picture of it; she explained that the picture was a "screenshot" of the 911 call log Respondent showed her during a FaceTime call, as Respondent told her that A.C.[3]" had made a complaint against him (T. 57, 59; Dept. Ex. 3A at 43-44). Q.B. stated further that during that FaceTime call, which Respondent's "baby mother," A.B., was also a party to, he showed her all her prior arrests, R.O.'s prior arrests, and a photograph of a "boy in [a] hospital bed" (Dept. Ex. 3A at 46-47).

---

[2] The patrol supervisor that evening was a sergeant who was not named and did not testify at trial.
[3] At trial, Respondent identified "A" as A.C., one of his former girlfriends (T. 123-24).

I credit Lieutenant Palacios' testimony, as it was consistent with his role in the investigation, which included interviewing witnesses, collecting evidence, and reporting his findings. His testimony also aligned with the evidence collected during the investigation, lending it the ring of truth.

I further credit Q.B.'s hearsay statement as reliable. During her interview, she made admissions against penal interest by admitting that she had an arrest history. She also described with accuracy how Respondent had wrongfully shown her, and A.B., Q.B.'s arrest history, as well as R.O.'s.

I find Respondent's testimony at trial to be self-serving and unworthy of belief. He made factual assertions that were contradicted by other credible evidence, testified in an unclear and confusing manner, and attempted to walk back admissions he made during his Department interview. On cross-examination, he admitted to making misleading statements to police officers on December 18, 2023, during a police investigation; he also conceded that he had lied about that investigation during his Department interview.

Finally, he asserted that he only belatedly became aware of this Department's prohibition against criminal association (T. 85) and was unaware of his obligation to report suspected misconduct to Internal Affairs (T. 144-45). I find both of those assertions preposterous.

Specification 8: Computer Misuse with Dissemination

I find that the Department Advocate has met its burden of proof by a preponderance of the relevant, credible evidence that Respondent, on or about and in between, August 1, 2022, and December 31, 2023, conducted queries that were unrelated to official Department business, using Department databases, and divulged the results of those queries.

During Respondent's Department interview on June 27, 2024, he admitted to disseminating an image of a 911 call log he accessed during an unauthorized search of Department databases (Dept. Ex. 1 at p. 19, lines 11-14). At trial, Respondent denied disclosing Department's Exhibit 9 to Q.B. and claimed he merely told her about it (T. 120, 121). He then admitted that he had disclosed the 911 log to "his child's mother" (A.C.) and claimed that she was the person who photographed the 911 log during the FaceTime call, not Q.B. (T. 124).

At trial, Respondent denied, as he did during his Department interview, that R.O. had asked him to run his name through the Department databases to find out whether there were reports with his name on them and further denied disclosing any information from these reports to Ociel *or anyone* (T. 128-19; *emphasis added*).

Based upon Q.B.'s hearsay statement, which was corroborated, in part, by Respondent's admissions during his Department interview and at trial, I find, by a preponderance of the credible, relevant evidence, that Respondent disclosed: (1) Q.B.'s arrest history to her; (2) R.O.'s arrest history to Q.B. and to him, as well as other Department reports generated as a result of police interactions R.O. was involved with; and (3) a 911 call log Respondent displayed on his Department phone during a FaceTime call with Q.B..

I further find, by a preponderance of the credible, relevant circumstantial evidence, that Respondent disclosed additional Department records, despite his denials in his Department interview and at trial. First, Respondent pled guilty to accessing over 300 Department records during searches of Department databases that were unrelated to any Department business. Second, the increasing risk of discovery with every search Respondent admitted to performing strongly suggests that Respondent knowingly calculated that risk as acceptable, based upon his

intended use of the results of those searches for his own benefit. Third, during his Department interview, Respondent admitted to conducting searches relating to several individuals who were associates of R.O. while being aware, at the time he conducted the searches, that R.O. had an arrest history, making each search potentially more hazardous to his career.

Finally, I draw an inference of consciousness of guilt from Respondent's equivocal, evasive and misleading statements. The evidence in the record strongly supports the inference that Respondent made misleading statements during both his Department interview and at trial to avoid making truthful statements about his reasoning for accessing Department records, which would have been incriminating.

Based upon the foregoing, I find Respondent Guilty of Specification 8.

Specification 9: Impeding an Investigation

I find that the Department Advocate has met its burden of proof by a preponderance of the relevant, credible evidence that Respondent impeded an official police investigation on December 18, 2023.

Lieutenant Palacios testified that in Police Officer Papagianopoulos' video from December 18, 2023, Q.B. is seen telling Papagianopoulos and Police Officer Layburn that the electricity in Apartment [redacted] had been turned off shortly before their arrival and that she believed Respondent was responsible[4] (Dept. Ex. 6). Q.B. also told them that she had a nine-year-old child with her who needed to be on a nebulizer, and the treatment had to be performed by 2130 hours; the police officers arrived at the apartment at approximately 2110 hours. Q.B.

[4] The video recording shows that the apartment was dark when Q.B. opened the door for the police officers.

stated further that she believed Respondent had approached the building superintendent about shutting off the power (T. 24; Dept. Ex. 6, 5:41-13:01, 25:57-27:57)[5].

Lieutenant Palacios testified that when Police Officer Papagianopoulos first questioned Respondent about the electricity issue, he first denied that he had it turned off but conceded that he had called Con Edison through an application on his mobile phone on or about December 9, 2023, and had requested that the power be turned off on December 11, 2023 (T. 25; Dept. Ex. 6, 13:50-16:57).[6] Respondent continued to assert that Con Edison was responsible and that he had not had the power turned off, but admitted that he did not want to continue making payments to them since he was moving out (T. 26).[7]

When the patrol supervisor interviewed Q.B., she informed him that R.O. (whom Q.B. refers to as her daughter's father and her husband) and Respondent had a disagreement about putting R.O. on the apartment lease; one day, she discovered that Respondent's personal belongings had been moved out of the apartment. She continued that she had taken delivery of a television set the previous Monday; when Respondent became aware of it, he called Con Edison and had the power shut off under his account. Q.B. stated that she called Con Edison and had the power restored under a new account in her name. The sergeant asked her why the power was off, if she had the power restored in her name; Q.B. replied that Respondent had gone to the

---

[5] Department's Exhibit 6 shows Police Officer Papagianopoulos walking downstairs to the lobby of the building, where Respondent was waiting (Dept. Ex. 6 at 13:01-13:50)

[6] Department's Exhibit 6 shows Police Officers Papagianopoulos and Layburn walking outside the building where they meet their sergeant and his operator. After they brief the sergeant, he enters the lobby to speak to Respondent (Dept. Ex. 6 at 16:58-20:05).

[7] The sergeant approaches Respondent, asks him where he works, then examines his police identification. When he asks Respondent what happened, Respondent describes his relationship with R.O. and how he came to live in the apartment, clarifying that he is a friend and not a relation. Respondent identifies Q.B. as R.O.'s girlfriend who sometimes stays in the apartment. He asserts that he has moved out and his lease expires at the end of the month. Respondent claims to have documentation from Con Edison verifying that he requested the power to Apartment [redacted] to be turned off effective the 9th of the month. He asserts Q.B. "does not live here," shows a copy of his lease, then lets the sergeant into the building (Dept. Ex. 6 at 20:05-23:21).

building superintendent and questioned how the power was on in the apartment if he had it suspended. According to Q.B. the superintendent entered the basement of the building and turned off the power at Respondent's request. Q.B. stated that she called Con Edison and was informed that based on their records, the power was supposed to be on. She asserted that she paid approximately $1,600 per month in rent and that she would stand on her "rights as a squatter." Q.B. again requested that the police officers assist her in having the power restored because she had an asthmatic child in the apartment who needed a nebulizer treatment (Dept. Ex. 6 at 25:55-29:09).

At that point, Police Officer Papagianopoulos told the sergeant that he was going back downstairs to speak with Respondent. Once he returned to the lobby, he asked Respondent if he had the superintendent's telephone number. Respondent contacted the superintendent and led the police officers from the lobby of the building to the superintendent's apartment, which was accessible through the entrance to the building's basement. When the superintendent came outside, he had a brief discussion with the police officers. Police Officer Papagianopoulos then left Police Officer Layburn and Respondent to speak with the sergeant. On his way into the building, he asked Respondent whether Con Edison had said anything to him or had simply shut the power off; Respondent replied that they had just shut the power off (Dept. Ex. 6 at 29:27-36:08).

When Police Officer Papagianopoulos met the sergeant, he related the content of the discussion he had with the superintendent and Respondent; the sergeant then stated, "Either way, the power's got to come back on. Tell the landlord and the MOS, the power has to come back on." Police Officer Papagianopoulos called Police Officer Layburn and passed along the sergeant's direction (Dept. Ex. 6 at 37:05-38:09).

Police Officer Papagianopoulos then walked downstairs to the lobby and told Respondent that the sergeant directed him to restore the power to the apartment. Respondent initially informed the officers that it would take several hours for Con Edison to restore power because they had removed the meter; the responding officer reiterated that Respondent had to have the power restored (T. 26-27; Dept. Ex. 6 at 38:14-39:48). Respondent then called the building superintendent and asked for his help in restoring the power. The video shows Respondent ending the call with the superintendent and telling the responding officers that he was going to call Con Edison through the application on his phone (T. 27; Dept. Ex. 6 at 39:49-41:14). Respondent then told the police officers that he was going to step outside to make the call; Police Officer Papagianopoulos went back into the apartment building to speak with the sergeant and Police Officer Layburn remained with Respondent (*Id.*).

Lieutenant Palacios testified that the video recording (Police Officer Layburn's BWC) showed Respondent placing his phone to his ear, waiting approximately 30 seconds, and beginning to talk to someone he purported to be a Con Edison representative (T. 28; Dept. Ex. 7 at 50:33-52:18). Respondent said that he wanted the power restored to Apartment [redacted] but never gave the building address (*Id.* at 29). At the same time this conversation was ongoing, Police Officer Papagianopoulos' body-worn camera video shows that Q.B. [redacted] was upstairs in Apartment [redacted], on the phone with Con Edison (*Id.*). The video recording of Q.B. [redacted]'s call with Con Edison showed that it took about five minutes before she spoke with a representative, as opposed to the 30 seconds it supposedly took for Respondent to reach a representative (T. 28-29). Q.B. [redacted] had to go through several automated prompts as well as an identity verification process before speaking to a representative (*Id.*).

Lieutenant Palacios testified that as Q.B. was on the phone with Con Edison attempting to verify her location, the electricity in the apartment suddenly came on (T. 29). According to Lieutenant Palacios, the timing of the lights coming on coincided with Respondent ending his call with whomever he was speaking (*Id.*). The sergeant's operator took the phone from Q.B. and talked to the Con Edison representative. He asked the representative if Con Edison had turned the power to Apartment [redacted] off, and the representative stated that they had not (*Id.*). Lieutenant Palacios testified that during his investigation, he interviewed a Con Edison representative and confirmed that the utility had not turned off the electricity to Apartment [redacted] on December 18 (T. 30).

During Respondent's June 27, 2024 Department interview, Respondent initially told Lieutenant Palacios that he had not turned off the power to Apartment [redacted]; he stated that he called Con Edison around December 9 to have them turn off the electricity around December 11 (T. 30-31). Respondent then changed his statement, admitting that he told the building superintendent to turn off the electricity to the apartment, believing that it could be done from the basement of the building (*Id.*). He also admitted that the representations he made to the responding police officers regarding the meter in the building and how the electricity to the apartment came to be turned off were not truthful (*Id.*).

Respondent testified at trial that on December 18, 2023, he went to the apartment for the purpose of removing some personal belongings from his bedroom and some appliances from the kitchen; when he arrived, however, he learned that the top lock to the apartment had been changed, and he was unable to gain entry (T. 89). He testified further that he went to a neighbor's apartment and climbed onto the fire escape to look inside his apartment; when he

looked inside, he observed that the lights were on, which struck him as odd because he had contacted Con Edison to turn off the power (*Id.* at 90).

Respondent testified that he was concerned that Con Edison was still billing him after he had requested to terminate their service, so he contacted the building superintendent and asked why the lights were still on. According to Respondent, the superintendent did not have an explanation. Respondent testified that he believed that he and R.O. had agreed that R.O. would vacate the apartment sometime between December 18 and December 20. He testified further that when he called the superintendent, he asked him if Con Edison had been to the building to turn off either the power or the meter; when the superintendent could not provide an answer, Respondent asked him to turn off the power to the apartment (T. 90-93).

Respondent testified further that while he was in the hallway of the building, police responded to the location. According to Respondent, when they approached him, he identified himself as a police officer. He testified that at the time he encountered them, he believed that R.O. had called them; when he asked them if "his childhood friend R. " had called, they indicated that it was a female caller who called for assistance (T. 93). Respondent testified that he told the police officers that no one was supposed to be in the apartment (T. 95). A sergeant eventually responded to the scene and told Respondent that the power had to be restored to the apartment because Q.B. was inside with a baby who needed to be on a nebulizer (T. 96).

Respondent testified that he called the superintendent to see whether he could assist in restoring the power to the apartment. According to Respondent, the superintendent told him to have the police officers come downstairs so that he could speak to them (T. 97). When Respondent and the police officers met with the superintendent, he informed them that since he

had not heard from Respondent, he did not grant Con Edison access to the building to turn off the power as Respondent had requested on December 9 (T. 97-98; Dept. Ex. 6).

Respondent testified that when the police officers told him to call Con Edison, he responded that he was going to call the superintendent; he identified a portion of Department Exhibit 7 at 48:01-49:28, where he was on the telephone and further described it as the last call he made. He testified further that he was on the phone with the superintendent to see if he could help him have the power restored. Respondent testified further that he told the superintendent that Con Edison would not be able to do anything to turn on the power (T. 98-100). Respondent later reiterated that his call to the superintendent was the last call he made and conceded that the power was restored to the apartment shortly after that (T. 106).

On cross-examination, Respondent was asked the following questions and provided the following answers:

Q. Okay. And the body-worn camera that your counsel showed you, where you purport to call ConEd and you say, "Hi, is this Con Edison," you heard that?
A. Yes.
Q. Were you talking to ConEd?
A. No.
Q. So, what was the purpose of that?
A. Purpose of that, I can't – I can't even tell you. I was just trying to get the power to be back on at the time.
Q. But why would you say, "is this ConEd," if you knew you were not calling Con Edison?
A. I can't – I cannot answer that question. I just can't.
Q. Was it for the benefit of the officer who was outside and directed you to call Con Edison?
A. Yes, you could say that.
Q. Well, I don't want to put words in your mouth. I'm asking you if that's why you did it?
A. Yes.

(T. 139-40).

Respondent was then asked the following questions regarding his statements during his Department interview about his attempts to restore power to his apartment on December 18, 2023, and gave the following answers:

Q. Okay. Initially, during the Department interview, when asked about December 18, you still maintained that you had called ConEd that day to turn off the power, correct?
A. Yes.
Q. And that went on for a few minutes, it was a discussion between you and the sergeant, correct?
A. Yes.
Q. And then ultimately, you admitted that you, in fact, did not call ConEd and that you had the power turned off that day, correct?
A. Yes.
Q. You also admitted in that interview that when you made that purported call to ConEd, that was a lie?
A. Yes.

(T. 147).

Based upon Respondent's: (1) judicial admission that he lied to Police Officers Papagianopoulos and Layburn when he told them that Con Edison had turned off the power to Apartment [redacted]; (2) his judicial admission that he pretended to call Con Edison in Police Officer Layburn's presence; and (3) his affirmation at trial that he admitted during his Department interview to lying to the police officers, I find that the factual assertions he made during the entirety of the police interaction on December 18, 2023, were made with the intent to misdirect them from reaching an investigative conclusion that it was Respondent who was responsible for having the power turned off by requesting that the superintendent do so.

I further find that Respondent's direct testimony at trial regarding this alleged misconduct was an attempt to mislead the Tribunal into relitigating his culpability for making misleading statements during the December 18, 2023 investigation, even after he had admitted to making such misleading statements during his Department interview and at trial.

Accordingly, I find Respondent Guilty of Specification 9.

Specification 6: Misleading Statements

I find that the Department Advocate has met its burden of proof by a preponderance of the relevant, credible evidence that Respondent provided misleading statements during his Department interview on June 27, 2024.

Administrative Guide procedure 304-10 defines a "misleading statement" as:

a statement that is intended to misdirect the fact finder, and materially alter the narrative by:

a) Intentionally omitting a material fact or facts,
b) Making repeated claims of "I do not remember" or "I do not know" when a reasonable person under similar circumstances would recall, or have been aware of, such material facts, or
c) Altering and/or changing a member's prior statement or account when a member of service is confronted with independent evidence indicating that an event did not occur as initially described, will generally be considered a misleading statement.

A "material fact" is defined as:

> A significant fact that a reasonable person would recognize as relevant to, or affecting, the subject matter of the issue at hand, including any foreseeable consequences, or establishment of the elements of some proscribed conduct. It is a fact that is essential to the determination of the issue, and the suppression, omission, or alteration of such fact would reasonably result in a different decision or outcome. A material fact may be distinguished from an insignificant, trivial, or unimportant detail.

(A.G. 304-10, Page 1).

I incorporate by reference the factual findings and credibility determinations in my analysis of the allegations under Specification 8 and 9 above.

I have reviewed the transcript of Respondent's June 27, 2024 Department interview, conducted by then-Sergeant Palacios and Sergeant Tomasz Koczela (Dept. Ex. 1, 1A). During this interview, the investigators asked Respondent questions relevant to their inquiry. When Respondent provided an answer, they would challenge his assertions by confronting him with forensic evidence regarding the distinct inquiries he made. When asked the basis for each of the

inquiries, he either did not answer the question directly, claimed he did not remember, or claimed he did not know. As set forth in greater detail below, Respondent changed his statement several times to admit committing misconduct which he initially denied.

Based upon the credible, relevant evidence, I find that Respondent's assertion that all his Department computer searches were for official business was misleading. The number of unauthorized searches and repetitive behavior make it unlikely that Respondent mistakenly asserted that he had only conducted searches on official Department business.

I find that when Respondent denied disclosing records he accessed through his unauthorized searches, those denials were also misleading, in that they were calculated to deter investigators from further investigation into the dissemination of those records. While Respondent admitted to accessing numerous Department records during his Department interview, he only admitted to disclosing two of them. Based upon Q.B.'s [redacted] hearsay statement, which I have deemed reliable, Respondent disclosed not only the two records he admitted to sharing with her, but also the criminal history of herself and R.O. [redacted] which they requested that he obtain. Based upon the totality of the evidence, I find it more likely than not that Respondent disclosed more Department records than the two he was willing to admit to in the Department interview.

Finally, I find that when he asserted that he did not know why he conducted specific unauthorized searches or could not remember why he conducted them, those answers were misleading and intended to avoid answering truthfully, as a forthright answer would have incriminated him.

Lieutenant Palacios testified that during Respondent's Department interview, he admitted to misconduct, which he initially denied, in the following areas:

- Respondent initially denied disclosing a 911 job to anyone, but after being confronted with a photograph of a screenshot, he admitted that he had disclosed it to Q.B. (T. 34-35). Respondent also admitted that the 911 job concerned his former girlfriend, A.C. [redacted], because she had called the police about him (T. 43).
- When his Department phone was examined during the Department interview and revealed the presence of a photograph of a male laying on a hospital bed as doctors treated him, he was asked why he had that photograph on his phone. Respondent initially replied that he had taken it to help his sergeant identify the person who had been shot and denied disclosing it to anyone, but later changed his position and admitted he had shown it to Q.B. (T. 36-38; Dept. Ex. 11D).
- When Respondent was asked whether, when conducting inquiries on his Department telephone, they were all related to official business that he was performing, Respondent answered that they were, but eventually changed his response to admit that he conducted searches that were unrelated to work (T. 39; Dept. Ex. 1A at 7, 14-15).
- Respondent was questioned about accessing body-worn camera videos that pertained to jobs he was not involved with. When he was asked about a video recording of a female suspect, Respondent claimed that he knew one of the police officers who responded to that job, that those police officers were assigned to a public safety team, and that he aspired to be assigned to public safety. When he was then asked if he could identify the female suspect in the video recording, he admitted that the woman was one of his wife's friends (T. 40-41).

I find that in each of the examples above, Respondent's initial factual assertions, denying the misconduct he later admitted to, were misleading.

I find, based upon the totality of the evidence, that Respondent made additional misleading statements during his Department interview. For example:

a. R.O., Q.B., [redacted]

Respondent told investigators that R.O. was a childhood friend of his who had been living with him for approximately six months, starting in the summer of 2023 (Dept. Ex. 1A at 10-11). He acknowledged that Q.B. was R.O.'s girlfriend, who sometimes stayed with him at Respondent's apartment (*Id.* at 9-10). He was then asked whether he was aware that R.O., or Q.B., had criminal histories; Respondent answered, "No" (*Id.* at 11, lines 12-16). When investigators challenged this denial, Respondent conceded that he knew R.O. had been arrested "a couple of times … just by him telling me that he got arrested" (*Id.* at 11, lines 17-20).

Respondent was then confronted with forensic evidence establishing that on August 13, 2022, while on duty, he made inquiries from his Department phone regarding R.O. and accessed two arrest reports about him. Respondent attempted to explain that since R.O. was staying with him, he wanted to be sure

about him; the investigator interrupted him and refuted the assertion Respondent appeared to be making by asserting that Respondent conducted the unauthorized search in August 2022 and, according to his narrative, R.O. did not move into his apartment until summer of 2023 (*Id.* at 12).

Respondent was asked what made him run R.O.'s name; Respondent contradicted his assertion by answering, "I have no -- law enforcement – I have no reason why I ran his name that route. I don't recall" (*Id.* at 11, lines 15-19).

Investigators confronted Respondent with forensic evidence that on December 11, 2022, he conducted a search for R.O. by name and date of birth on his Department phone, and accessed a C summons, a Domestic Incident Report, and a DMV report about him. When asked why he ran the searches, Respondent answered, "I have no police business objective" (Dept. Ex. 1A at 15-16). He denied running the searches at R.O.'s request and denied disclosing the results of his searches to R.O. or anyone else (*Id.* at 16, lines 8-13).

Investigators confronted Respondent with forensic evidence that on October 24, 2023, while off duty, he searched Department databases for R.O.'s name and accessed 911 jobs, which contained Domestic Incident Reports from February 4, 2023. The investigator also informed Respondent that during the 911 call, A.C. had complained that the Respondent had turned off the electricity in her apartment. Respondent claimed that he did not remember why he accessed the Domestic Incident Reports concerning R.O.; he also claimed that he opened the 911 record because A.C. had told him that she had made a complaint, and he wanted to verify that she was telling the truth. Respondent further denied disclosing any of the information he obtained through the unauthorized search (*Id.* at 30, lines 5-21).

Investigators confronted Respondent with forensic evidence that on December 25, 2023, he searched Q.B.'s name in Department databases and accessed a domestic violence home visit record. When asked why he accessed the record, Respondent stated, "I know, I know. It had something to do with me." The investigator challenged Respondent's answer, questioning what it had to do with Respondent if he was never in a relationship with her. Respondent then said, "No, but they deemed it as like, 'cause R.O. was her baby mother, so they think that we just family" (*Id.* at 31-32).

Investigators confronted Respondent with forensic evidence that on December 26, 2023, he searched R.O. by name and accessed two reports associated with him. Respondent had told investigators that at that time, he was no longer friends with R.O.. They asked Respondent why he was searching for the name of a person he was no longer friends with; he stated, "I have no idea." (*Id.* at 32-33).

Investigators confronted Respondent with forensic evidence that on December 28, 2023, he again searched the Department's databases for R.O. and accessed

his ICAD. Respondent claimed that he searched for the record for the same reason he had searched for R.O.'s name on December 27: to determine whether he had been arrested. Respondent denied disclosing the records to anyone and denied that anyone had asked him to conduct the search (*Id.* at 34, lines 1-13).

b. A.C.

Respondent was confronted with forensic evidence establishing that on January 23, 2023, while he was on a regular day off, he conducted a search of A.C. by name and date of birth, to access a DMV report about her. When asked why he conducted the search, he stated that A.C. was harassing him but conceded that he never reported the harassment to this Department. When pressed for the reason he searched, he answered, "I have no NYPD knowledge. I don't remember. I don't remember that at all, but I just know that in January she kept harassing me. I was living with my mother at the time, so she just kept calling and harassing and harassing me" (Dept. Ex. 1A at 16-17).

Respondent was then confronted with forensic evidence establishing that on February 4, 2023, while he was off duty, he accessed a 911 job placed by "K.C. whom Respondent identified as being the same person as A.C. When he was asked why he had accessed the record, Respondent stated that A.C. had told him that "she had called the cops on [him]" (*Id.* at 16, lines 11-22). Respondent explained that A.C. claimed that she wanted to keep his apartment and not move out. Respondent asserted that he had called his delegate and reported the incident to him. Investigators then asked the Respondent whether he had disclosed the information from the 911 call to anyone, and he answered, "No" (*Id.* at 18, lines 2-15).

Investigators then confronted Respondent with a photograph of a FaceTime call, which depicted his Department phone displaying the above-described 911 job. When he was asked if he was sure that he had not disclosed the information to anyone, he answered, "I don't remember. I don't. It was probably my delegate to see" (*Id.* at 18, lines 16-21). Investigators interrupted Respondent and informed him that he opened the 911 job seven times that day and his delegate would not have the information to contact the person who provided the information to them. Respondent asserted that he did not know who provided the investigators with the screenshot (*Id.* at 18, line 22, and 19, lines 1-4).

c.

Respondent admitted to searching, on March 31, 2023, for the name "[8], stating she was a former girlfriend. He explained that he had no law enforcement reason for searching but added "... unless she had told me that she had gotten, um, she, she was like, she got arrested. So, I just wanted to make sure

[8] Investigators informed Respondent that was one of three individuals about whom he conducted searches that day.

if it wasn't" (Dept. Ex. 1A at 21, lines 3-14). Respondent misled investigators by denying that she asked him to search or that he disclosed the results of the search to anyone (*Id.* at 21-22).

Body-Worn Camera Videos

Respondent admitted to accessing body-worn camera video on December 30, 2023, from the 69 Precinct, in which a deceased woman was seen lying in the street between two cars. When Respondent was asked why he accessed the video, he stated that he thought one of his friends told him about someone who had passed away (Dept. Ex. 1A at 63, lines 2-13). When asked for the name of the person who had told him about the death, Respondent first said that it was a civilian, but he was unable to remember the person's name; he then asserted that he heard about it while he was working the previous day on a radio call concerning the 69 Precinct. When investigators asked him why he searched, Respondent stated that he had no idea why (*Id.* at 63, lines 11-22, and 64, lines 1-6).

Respondent was asked why he accessed a body-worn camera video on January 2, 2024, while he was off duty, from the 63 Precinct depicting a deceased male lying in a bed. Respondent initially stated that he did not remember accessing the video but did not disclose it to anyone (*Id.* at 64, line 22, and 65, lines 1-11).

Respondent admitted accessing body-worn camera video on December 19, 2023, while off duty, of the incident at Apartment [redacted] the previous day. When asked why he accessed the video, he answered that he wanted to see what Q.B. had said about him to the police He denied using that information at Landlord-Tenant Court but conceded that he accessed the video for his personal benefit (*Id.* at 61, lines 21-22 through 63, line 1).

Accordingly, I find Respondent Guilty of Specification 6.

PENALTY

In order to determine an appropriate penalty, this Tribunal, guided by the Department's Disciplinary System Penalty Guidelines ("Disciplinary 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 December 29, 2021, has been found guilty of: (1) misusing Department computers to making over 300 inquiries unrelated to his official duties or assignments; (2) improperly viewing body-worn camera recordings unrelated to his official duties; (3) criminal association; (4) failing to maintain a New York State drivers insurance; (5) driving a motor vehicle while its registration was suspended; (6) providing misleading statements during a Department interview; (7) failure to notify the Department of his address change; (8) conducting queries using Department databases unrelated to official Department business and divulging the results of those queries; and (9) impeding an official investigation.

The presumptive penalties for each of the nine specifications would be between 150 and 160 days.[9] As set forth in the Disciplinary Matrix, "in the event that the total number of penalty days is calculated at greater than 90 days, the presumed penalty shall be termination or forced separation" (Disciplinary Matrix, p. 13).

Respondent has been found Guilty of multiple specifications of misconduct involving dishonesty. The evidence in this case has established that Respondent violated the trust reposed in him by repeatedly misusing Department resources intended for the investigation of crimes and co-opting them for his own purposes, namely conducting searches of former girlfriends, friends of intimate partners, friends with criminal histories, and lessees of his apartment.

---

[9] The presumptive penalties for each specification are as follows: Computer Misuse- 10 penalty days (Disciplinary Matrix, p. 47); Accessing Confidential Information Without Police Necessity [BWC]- 10 penalty days (Disciplinary Matrix, p. 45); Criminal Association- 20 penalty days (Disciplinary Matrix, p. 46); Failure to Comply with Driving Rules and Regulations (Lapsed Insurance)- Schedule "A" Command Discipline with a penalty of up to 5 days (Disciplinary Matrix, p. 52); Engaging in Conduct that Constitutes a Misdemeanor [Suspended Registration]- 30 penalty days (Disciplinary Matrix, p. 20); Intentionally Making a Misleading Official Statement- 30 penalty days and dismissal probation (Disciplinary Matrix, p. 34); Failure to Notify Department of Address Change- Schedule "A" Command Discipline with a penalty of up to 5 days (Disciplinary Matrix, p. 52); Computer Misuse with Dissemination of Information- Schedule "C" Command Discipline with a penalty of up to 20 days (Disciplinary Matrix, p. 55); Impeding an Investigation- 30 penalty days and dismissal probation (Disciplinary Matrix, p. 34).

In Respondent's testimony before this Tribunal, he asserted that he was merely trying to assist friends and had no nefarious intent. He further stated that he was accessing Department databases and records, in part, to conduct a self-guided tutorial which would position him for an assignment to a public safety team. I do not find Respondent's claims to be evidence of mitigation. While Respondent's pleas of Guilty to six of nine specifications meet the legal definition of acceptance of responsibility, his explanations fall short of constituting remorse.

I further find that the relevant, credible evidence established the presence of five aggravating factors: (1) the nature of the events were such that they allowed for deliberate reflection or action; (2) willful misuse of technology with no legitimate law enforcement purpose; (3) conduct demonstrating a pattern of behavior that indicates an inability to adhere to Department rules and standards; (4) the lack of candor of the Member of Service and failure to cooperate with the investigation; and (5) the adverse impact upon the Department regarding its mission, reputation, credibility and relationship with the community, and the impact upon public trust. Given the aggravating factors, and Respondent's repeated acts of misconduct, termination is warranted.

The corrosive effect of Respondent's misconduct upon public trust in this Department cannot be overstated. Respondent treated this Department's databases like a public library through which he could rummage at his leisure. When citizens provide personal information to this Department during an investigation or after becoming the victim of a crime, they have a right to expect that their personal information will be used only for official law enforcement purposes. Respondent violated the privacy rights of a decedent's family by displaying a photograph of the decedent to R.O. and Q.B. Respondent's computer misuse was particularly egregious because one of the people whose information he repeatedly searched was a cohabitant

with a criminal record. His decision to allow R.O. to move into his apartment in July 2023, when he had known with certainty since June 2022 that R.O. had an arrest history, was irresponsible and brazen.

Finally, Respondent's shameful performance on December 18, 2023, where he pretended to call Con Edison in the presence of his brother police officer is compelling evidence that he lacks the integrity, character, and empathy to continue serving as a sworn Member of Service.

Based upon the foregoing, the only penalty consistent with good order and discipline in this Department is termination.

Respectfully submitted,

Paul M. Gamble, Sr.
Assistant Deputy Commissioner Trials

APPROVED
OCT 07 2024
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 BENBELLA ROBERT
TAX REGISTRY NO. 973718
DISCIPLINARY CASE NO. C-030786

Respondent was appointed to the Department on December 29, 2021. On his most recent performance evaluations, he was rated "Exceeds Expectations" for 2024 and received a 3.5 rating of "Highly Competent/Competent" in 2023.

Respondent has no formal disciplinary history. In connection with the instant matter, he was placed on Level 1 Discipline Monitoring in July 2024; monitoring remains ongoing.

For your consideration.

Paul M. Gamble, SI
Assistant Deputy Commissioner Trials