THE POLICE COMMISSIONER
CITY OF NEW YORK

MEMORANDUM IN SUPPORT OF NYPD'S DEVIATION FROM THE DISCIPLINARY SYSTEM PENALTY GUIDELINES

Re: PODS Case No. C-032774 regarding Sergeant Kamil Choinski

Date: December 15, 2025

This disciplinary matter was investigated by the Civilian Complaint Review Board ("CCRB") which involved an allegation that Sergeant Choinski took photographs of an individual without police necessity. CCRB has determined that a downward deviation from the Disciplinary System Penalty Guidelines is warranted.

I concur with the downward deviation for the reasons articulated by CCRB in the attached correspondence.

Therefore, the Charges and Specifications in this matter will be dismissed and Sergeant Choinski will be issued a Schedule "B" Command Discipline with the forfeiture of ten (10) vacation days, as negotiated by CCRB.

Jessica S. Tisch
Police Commissioner

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ERIC L. ADAMS
MAYOR

MOHAMMAD KHALID
INTERIM CHAIR

July 9, 2025

The Honorable Jessica Tisch
Police Commissioner
New York City Police Department
One Police Plaza
New York, New York 10038

Re: CCRB v. Sgt. Kamil Choinski, Tax No. 948471
CCRB Disciplinary Case No.: 202307821 (PODS No. C-32774)

Commissioner Tisch:

A negotiated settlement of a dismissal of the charge along with a Command Discipline Schedule (B) and the forfeiture of ten (10) vacation days was agreed upon and signed by all parties on May 20, 2025. Assistant Deputy Commissioner Anne E. Stone endorsed the negotiated settlement on July 1, 2025.

On August 17, 2023, while riding on a Middle Village-bound M train, [redacted] (they/them) encountered Sergeant Kamil Choinski of Transit District 2 riding the same train. Mx. [redacted] was travelling on a downtown M train when four officers got on the train. Two positioned themselves across from where Mx. [redacted] was seated, and Sgt. Choinski and another officer stood next to Mx [redacted]. Mx. [redacted] saw that the officers were on their phones and told them that they were not supposed to be on their phones while at work. Sgt. Choinski responded, "This is my work device." The officers then decided to turn on their BWCs. In response, Mx [redacted] also started recording the officers with their cellphone. This continued until the West 4th Street – Washington Square stop, at which point, both the officers as well as Mx. [redacted] deboarded. As Sgt. Choinski got off the train, he turned around, lifted his phone upright to face Mx. [redacted], and took a photograph of Mx. [redacted]'s face.

For the charge of improper recording of a police incident (using any personal electronic device or record or take photographs during any police encounter), the mitigated penalty is the forfeiture of fifteen (15) vacation days, the presumptive penalty is the forfeiture of twenty (20) vacation days, and the aggravated penalty is the forfeiture of thirty (30) vacation days.

The CCRB recommends a Command Discipline Schedule "B" with a penalty of 10 days for the charge of improper recording of a police incident with a personal device. The negotiated settlement deviates from NYPD disciplinary guidelines as to this charge. We believe that this downward departure is appropriate given the facts and circumstances of this case – the photos

were not taken in the course of an active investigation or as evidence, nor was there enforcement action such as arrest or summons that resulted from this incident. Additionally, Sgt. Choinski had been a MOS for 15 years and has no prior disciplinary history.

Given these factors the CCRB deems it appropriate to deviate from the Matrix and recommends the dismissal of the charge along with a Command Discipline Schedule (B) and the forfeiture of ten (10) vacation days.

Respectfully submitted.

Andre D. Applewhite

Andre Applewhite
Chief Prosecutor
NYC Civilian Complaint Review Board