



POLICE DEPARTMENT

January 22, 2010

MEMORANDUM FOR: Police Commissioner

Re: Detective Gregory Wilson
Tax Registry No. 916922
Hate Crimes Task Force
Disciplinary Case No. 85155/09

The above-named member of the Department appeared before me on October 6, 2009, charged with the following:

1. Said Detective Gregory Wilson, while off-duty and assigned to the Hate Crimes Task Force, on or about December 15, 2008, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department in that said Detective, during a verbal dispute with Chamell Wilson, did force open a door causing the wooden door frame to break.

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT PROHIBITED
CONDUCT GENERAL REGULATIONS

2. Said Detective Gregory Wilson, while off-duty and assigned to the Hate Crimes Task Force, on or about December 15, 2008, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department in that said Detective, during a dispute with Chamell Wilson, did grab Chamell Wilson's arm.

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT PROHIBITED
CONDUCT GENERAL REGULATIONS

3. Said Detective Gregory Wilson, assigned to the Hate Crimes Task Force, on or about and between November 16, 2007 and December 15, 2008 did wrongfully and without just cause engage in off-duty employment without authority or permission to do so.

P.G. 205-40, Page 1, Paragraph 1 OFF-DUTY EMPLOYMENT
PERSONNEL MATTERS

The Department was represented by Pamela Naples, Esq., Department Advocate's Office, and the Respondent was represented by Philip Karasyk, Esq.

The Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

The Respondent is found Not Guilty of Specification Nos. 1 and 2 and Guilty of Specification No. 3.

SUMMARY OF EVIDENCE PRESENTED

The Department's Case

The Department offered the two, out-of-court statements of Chamell Wilson as Department Exhibits (DX) 1 and 2. The Department called Detective Doreen Glover-Pierce and Sergeant Trevor Austin as its witnesses.

First Interview of Chamell Wilson

Chamell Wilson (Wilson) was interviewed by the Brooklyn North Investigations Unit on December 15, 2008 concerning events that happened earlier that day (DX 1). The interview was conducted by Sergeant Dunko (phonetic). Present at the interview were Captain Jeff Campisi, the Brooklyn North Duty Captain, and Sergeant McCloskey (phonetic) of the Brooklyn North Investigations Unit.

Wilson stated that the Respondent was requesting the keys to the car that she uses but that is registered in the Respondent's name. She told him to use his own keys and

that she was not going to give him her keys, and he became angry. Wilson said that the Respondent then tore the covers off of her and told her that she was not going to get any sleep unless he got the keys. Wilson stated that when she refused to give him the keys, the Respondent tried to grab her arm and attempted to wake her up so she sat up. Wilson explained that she was on the opposite side of the bed from the Respondent and she informed him that if he did not stop, she was going to call the police and get the job involved in the matter. She stated that she did not want to do that but the Respondent was making her afraid.

Wilson said that the Respondent charged to her side of the bed and asked her if she was threatening him. She ran downstairs and closed the basement door to an apartment and locked it. The Respondent then came and kicked the door in. Wilson said she then ran to another room downstairs where her sister lives and begged the Respondent not to kick down the door because her sister was standing near the door. The Respondent then opened the door. Wilson said she pleaded with the Respondent to stop but he stated that he was not leaving until he received the keys. Wilson threatened the Respondent again with calling the police and then she, in fact, called the police. Once she called the police, the Respondent left and went back upstairs.

Wilson stated that the Respondent resided at the same home; that he was her husband, but he had not been in there since November 29. She said that he had packed some of his clothes and left the home. She explained that they were separated and that the cause of the separation was based on a business they had together. She further explained that she noticed \$1500.00 missing from the bank account and when she inquired about the money, the Respondent got angry, packed his clothes and left. Wilson

said that the bank account was a joint business account that had both of their names on it.

Wilson said that the business was a day care center called, "Lots of Love Group Family Day Care." She stated that she had the license to the business and that the checks came to her. She put the Respondent's name on the account because they started the business together. Wilson admitted that they had an equal partnership with respect to the day care center that is run out of their home.

Wilson said that the incident with the Respondent occurred about 4:30 am. The Respondent had been in the living room with two friends since 7:30 pm when she came home from a trip with her son and found him in the living room. She stated that she just went straight to bed and the next time she saw the Respondent was when he woke her up.

The car is a 2007 Toyota Camry registered to the Respondent but insured in both of their names. Wilson said they each had a set of keys to the car. When asked why she would not just give him the keys, she explained that the Respondent went to the bank and took \$5000.00 out of the account leaving only \$20.00. She felt that he was trying to take everything from her so that she could not survive. She explained that she has a license to run the day care, but does not work for the day care center. Her regular job is working as a caseworker for the Administration for Children Services and she uses the car to drive to work and to transport her son to school. She further explained that the Respondent has his own car, a Hyundai, but she does not have keys to his car.

Wilson continued that the Respondent was angry the night of the incident and he never acted in that manner before. She said that he is always calm no matter what they are going through. Dunko asked why did the Respondent pull her arm and Wilson stated that he was attempting to get her up. She said when he grabbed her, she sat up. She

acknowledged that her car was blocking the Respondent's car. She said that she offered twice to get up and move the car so that the Respondent could get his car out. Wilson denied that the Respondent ever threatened her physically or with his gun at anytime in their relationship. She said that when the Respondent left the marital home he took his firearm with him because he was working.

Wilson denied that she was physically injured in any way or that she needed medical assistance. Wilson stated that she is not afraid of the Respondent being in the house. She explained that normally he is a very calm person and now that he understands that she is not alone in the situation, he will stop. Wilson said that she has one child who is eight years old and when the incident occurred, he was asleep in his bed.

Wilson said that prior to coming home, she had spent the night out with her cousin, and her son was at her mother's house. When the incident occurred at 4:30 in the morning, the Respondent's guests had already left. The only other witness to the events was her sister because she woke up. When asked about the damage to the door, Wilson stated that the door is still in place but the wood frame around the door was cracked.

Second Interview of Chamell Wilson

Detective Glover-Pierce of the Chief of Detectives Investigations Unit attempted to interview Wilson on January 21, 2009 with respect to the incident of December 15, 2008. Wilson refused to answer questions regarding the incident. She did state that she would answer other questions. Wilson stated that the Respondent withdrew money from the joint bank account, but that he gave her the \$5000.00 back when she asked him for it. He also withdrew \$1500.00 but he informed her that he used that money to pay his

personal bills such as credit cards.

Wilson stated that when the incident happened, they had a business account in both of their names. She stated that she has since closed that account and opened a new account in just her name and that she will handle the finances for the business. Prior to the new account being opened, Wilson said that the Respondent would pay the bills for the day care center using checks from the account. The problem started when he withdrew the money and did not tell her about it.

Wilson stated that she does not have the statements from the closed bank account. She closed the account the day before the incident and she did not receive her final statement from the bank yet. She explained that the bank statement had, "Lots of Love Day Care Center" and not their names, on the account. She said the business certificate for the day care center was only in her name. Wilson said that she had a document showing the names of the children in the day care center and that the checks received came in her name. When asked what role the Respondent has in the business, Wilson stated that the Respondent encouraged her to open the business. She explained that her salary is not that much and he encouraged her to open a day care center to supplement her income. She said that his only role was to be supportive of her in the business. She stated that everything was in her name. She said that she has two employees working for the day care center and 12 children enrolled. She further explained that when the day care opened, if she did not have sufficient funds to make payroll, the Respondent would deposit money into the account from his personal money to make payroll. She said she used the ADP payroll system and payroll checks were issued from the account. The Respondent did not issue payroll checks to her employees.

As far as the current living arrangement, Wilson said the Respondent was home since the weekend. He no longer has access to the business account and she handles all the business affairs. They are attending counseling classes. There have been no further incidents and there were no incidents prior to the December 15, 2008 incident.

Detective Doreen Glover-Pierce

Glover-Pierce is a 19-year-member of the Department currently assigned to the Chief of Detectives Investigations Unit. She stated that her responsibilities as an investigator are to investigate misconduct allegations against members of the Detective Bureau. She explained that she was assigned to investigate a matter involving the Respondent in December of 2008. She further explained that upon being assigned the case she immediately put in a request for the call out package pertaining to the night of the incident. She submitted a request for the 911 tape and a SPRINT¹ printout for the night of the incident. She first received a call out package which contained an Official Department Interview of the Respondent, an interview of his wife, an initial interview of his wife, and a 911 tape. Glover-Pierce testified that she reviewed all of the documents she received and learned that on the night of the incident the Respondent's wife [Wilson] was in fear for her safety. She was chased by the Respondent out of her bed into another room where she locked the door. The Respondent then pushed open the door, breaking its frame, while she ran into another room where she called 911.

Glover-Pierce said that she learned from Wilson's interview that she and the Respondent co-owned a day care center. They had a joint bank account for the day care center and they got into an argument a few days prior to the incident with respect to the

¹ Special Police Radio Inquiry Network.

Respondent withdrawing money from the joint account. Wilson stated that the Respondent withdrew \$5000.00 from the business account and when she confronted him he did not give any explanation, but he did put the money back into the account on a later date. The Respondent also withdrew \$1500.00 from the same account and when he was confronted, he stated that he used the money to pay his personal bills.

Glover-Pierce testified that she also reviewed the Official Department Interview of the Respondent. The Respondent stated in his interview that he co-owned the day care center with his wife and that they had agreed that he would run the financial aspects of the day care business. He said that he paid the salaries of the two employees that worked for the day care center.

Glover-Pierce said that approximately one month after receiving the case she did conduct an interview of Wilson. Wilson explained that she did not want to discuss what happened the night of the incident, but she did state that she and the Respondent co-owned the day care center together. She explained that the day care center was in her name and that she ran the business. She reiterated the withdrawal by the Respondent of the \$5000.00 and again of the \$1500.00 from the joint account. She further explained that from time to time the Respondent would either deposit money into the account or withdraw money with respect to the paying of the two employees who worked for the day care center. Glover-Pierce said that she also put in a request with HIDTA² to ascertain whether the Respondent's name was associated with any businesses. Glover-Pierce testified that there were no records showing a connection between any businesses and the Respondent. Glover-Pierce stated that she checked the Respondent's personnel file and

² HIDTA is an acronym for High Intensity for Drug Trafficking Area. It is an inter-agency task force that conducts highly sensitive confidential investigations.

found that there was no application for off-duty employment.

During cross-examination, Glover-Pierce acknowledged that she read the call out package with respect to this incident. She stated that the initial investigation was conducted by another unit. She admitted that when she testified that the Respondent broke into the door and dragged his wife by the arm she did not receive that information from the complainant. She also acknowledged that the Respondent did not admit in his Official Department Interview that he had dragged his wife by the arm. Glover-Pierce stated that what she had testified to was that the Respondent had pushed the door open, he followed his wife, he did not chase her and that he pushed open the door. Glover-Pierce admitted that the Respondent stated that he pushed the door open because it gets stuck at times. Glover-Pierce stated that Wilson said in her interview that the Respondent went to grab her by the arm but she jumped out of the bed and ran out of the room and was frightened because she felt threatened.

Glover-Pierce acknowledged that when she went to the home of Wilson to interview her personally about the matter, Wilson refused to talk to her about the allegations. Glover-Pierce acknowledged that Wilson signed a withdrawal form (Respondent's Exhibit[RX] B) stating that she did not want to pursue charges against the Respondent.³ She admitted that when she went to the residence to interview Wilson, the Respondent was living at home again, but he was not present at the time Wilson signed the form.

Glover-Pierce acknowledged that she reviewed the Respondent's Central Personnel Index with the Department and that the Respondent has never been the subject

³ Wilson stated in the form that she and the Respondent are seeking counseling to help with their family, and she signed the document.

of any force monitoring or disciplinary monitoring. Glover-Pierce acknowledged that because Wilson would not speak to her directly about what transpired on the night of the incident, she conducted her own investigation with respect to any financial dealings the Respondent may have had with the day care center. She obtained a social security (SS-4) application with an employee identification number (RX D). The form had Chamell Wilson listed as the president and she signed the form. The Respondent did not sign that form. Glover-Pierce obtained an attendance record for the day care center listing the number of students in attendance (RX E). The document was signed by Wilson and there was no signature for the Respondent on that document.

Glover-Pierce also submitted a request to the Regional Intelligence Support Center to do an investigation and determine whether there was any connection between the Respondent and the business identified as Lots of Love Group Family Day Care. She received a briefing report from the Center (RX F). The report indicated that there were no currency transactions or any suspicious financial activity associated with the Respondent and the business.

Glover-Pierce also obtained a Lexis Nexis Business Report which indicated that there was no relationship between the Respondent and the Lots of Love Group Family Day Care (RX G). Glover-Pierce submitted a New York/New Jersey HIDTA Regional Intelligence Watch Request form to ascertain whether there was any relationship between the Respondent and the business. She testified that there were no positive results linking the Respondent to the day care center. Glover-Pierce did acknowledge during the course of her investigation that she did do a check of Wilson. She ascertained that Wilson was a former member of the service employed as a Police Administrative Aide. She had one

disciplinary matter in her background which involved a complaint filed by the mother of the Respondent's child.

During redirect examination, Glover-Pierce testified that the Respondent still had access to the day care center's business account. She explained that Wilson informed her that they had closed the previous business account but together had reopened a new one. They still had joint access to the new account and she was now paying the two employees of the day care center via automated payments. Wilson stated that they had closed the first account based on the past issues she had with the Respondent taking money out of the business account.

During further cross-examination, Glover-Pierce stated that Wilson informed her that the Respondent would occasionally withdraw or deposit money into the account to pay the employees but Wilson never specified a dollar amount. Glover-Pierce also stated that she inquired about other functions the Respondent performed with respect to the day care center and Wilson stated that there were no other functions that he performed.

Upon questioning by the Court, Glover-Pierce stated that she did not have an estimate as to how many deposits the Respondent made to the business account. Glover-Pierce stated that the first business account was in the name of the Respondent and Wilson, but the new account that was opened was in the name of the day care center. She further explained that the new account was a joint account that they both had access to. Glover-Pierce stated that she was not able to search the history of the bank accounts because the bank account numbers were not provided to her and she did not have the means to search and ascertain the bank account information.

Sergeant Trevor Austin

Austin is an over nine-year-member of the Department currently assigned to the 75 Precinct. He is a school sergeant and his duties and responsibilities include supervising school police officers. On December 15, 2008, Austin testified that he was assigned to the 75 Precinct as a midnight patrol supervisor. He stated that during that tour he was asked to respond to the scene of a domestic dispute. When he arrived at the scene, he was greeted by the police officers who were assigned to the job and they informed him that the dispute involved a uniformed member of the service and his wife. He asked where the victim and the alleged perpetrator were. They informed him that the victim was downstairs in the basement. Austin went into the basement to interview her (later identified as Wilson).

Austin stated that Wilson informed him that she had a dispute with her husband (the Respondent) over money. She was in her bed at the time and the Respondent came in and they had a dispute and she ran down into the basement. The Respondent followed behind her and kicked down one of the doors to get to her. She explained that she was actually behind another door but by the time her husband got to her, she had already dialed 911 and informed him that the police was on the telephone. She stated that the dispute was over car keys but that they were also having other marital problems as well. She further stated that her husband had withdrawn money from the account without informing her and that she had not seen him for approximately two weeks prior to that incident date.

Austin testified that he had also spoken to the Respondent. The Respondent informed him that he had spent the two weeks staying at his mother's house. He

informed Austin that, knowing the nature of his job, he did not want to have confrontations with his wife so he decided to stay at his mother's house. Austin said he inquired as to what happened to the door downstairs in the basement and the Respondent informed him that his wife ran past the door and locked it and he kicked down the door, breaking the door jamb, in order to get to where she was. Austin testified that while he was there he did observe what happened to the door. He stated that the door jamb was broken and on the ground. He said that this was reflected on the domestic violence report that was prepared (DX 3). He also reviewed an amplified version of a photograph of the door jamb which also displayed the door jamb on the floor in the apartment (DX 3A). He stated that this was the condition he found the door jamb in on the night of the incident.

During cross-examination, Austin acknowledged that Wilson never alleged that the Respondent had any physical contact with her. He admitted that there was no allegation that the Respondent hit or struck her in any way. He acknowledged that when he spoke with Wilson, he did not observe any injuries on her. He also admitted that when he spoke with Wilson during her interview she acknowledged that she refused to give the Respondent the keys.

Austin acknowledged that when he spoke to the Respondent he was sitting in the living room upstairs. He admitted that he was very cooperative with him. He also admitted that the words he chose were also cooperative words.

During redirect examination, Austin stated that Wilson did not inform him why she refused to give the Respondent the car keys.

During questioning by the Court, Austin stated that Wilson's demeanor was relatively calm. He explained that the incident occurred very early in the morning at a

time when someone may not be expecting to speak to someone but he stated that she was not hysterical or crying. He acknowledged that during midnight patrol he would encounter people who were awakened out of their sleep and that Wilson did not appear to be disturbed in any manner. With respect to the Respondent's demeanor, he stated that he found him sitting in a chair laid back, he was cooperative with respect to the questions asked and he answered all of the questions that were posed to him. Austin further explained that he informed the Respondent to listen; that he was going to take him back to the station house; that he would be subjected to further questioning by the duty captain and possibly interviewed; and the Respondent stated that he understood and that was the extent of the discussion. The Respondent's only question was whether he could ride to the station house in the sergeant's car.

During redirect examination, Austin was asked what time did the incident take place. He refreshed his recollection by looking at his Official Department Interview and stated that it occurred approximately at 4:30 in the morning. He further stated that it took him approximately 15 minutes to respond to the location after receiving the request for a patrol supervisor from the officers who responded to the scene. After a review of the complaint report, Austin testified that the initial 911 call was made at 4:00 a.m.

During further cross-examination, Austin testified that he did not detect any alcohol on the Respondent's breath and that he was fit for duty.

The Respondent's Case

The Respondent offered the out-of-court 911 tape from the incident as evidence and testified in his own behalf.

911 Tape

RX A is the tape of the 911 call placed by the Respondent's wife, Wilson. During the first call, Wilson seems to be arguing with someone as the 911 operator is asking what the emergency is. Wilson then states that she is being threatened by her husband who is kicking the door. She says that he is a cop and she does not want him to hurt her. The call ends after 45 seconds when the operator informs her that she will be transferred to the Internal Affairs Bureau (IAB).

Wilson is then transferred to IAB where a second call takes place. She informs the person she is speaking with that the Respondent is angry and that she does not have his car keys. She seems to be talking to a male and informing him that she does not have his keys. She is asked whether there is a weapon or if she is injured and she states that she is not injured yet. Wilson is informed that someone will be responding to her residence and the call ends after approximately 76 seconds. Both calls ended in a total of two minutes and one second.

The Respondent

The Respondent is a 14-year member of the Department, currently assigned to the Hate Crimes Task Force. He has been in the rank of Detective since November 2005. He explained that he has made several hundred arrests for assault, robberies, gun violence and homicides. His first assignment was at the 77 Precinct in Crown Heights, Brooklyn. He worked patrol for approximately three years and then went to the Street Narcotics Enforcement Unit where he worked for two years until he went to the Anti-Crime Unit. He stated that he was later assigned to the detective squad based on his street history and

activity. He was assigned to the 77 Precinct Detective Squad until he was transferred to the Hate Crimes Task Force. He explained that he is still on full duty.

The Respondent testified that Chamell Wilson is his wife and they are still presently married. He said that he met Wilson in 1997 when she was a Police Administrative Aide assigned to the 77 Precinct Station House. He stated that prior to their marriage they did have one domestic incident. He stated that on or about the year 2000 they had split up for approximately four months. During that time period he started dating another woman and they were coming up the stairs to her residence when they were confronted by Wilson on the third floor landing. Wilson began to curse and threaten the Respondent's new girlfriend as well as him. Wilson then proceeded to attack the Respondent by punching, kicking and scratching him as well as ripping his shirt. The Respondent stated that he made out a complaint report against Wilson. He said no complaint was filed against him. He also explained that Wilson learned the address of his new girlfriend by using the Department computer to run her license plate. The Respondent explained that he had driven his girlfriend's car to work and that Wilson was able to get the license plate number at that time. The Respondent stated that the only discipline he knew that Wilson received was that she was transferred to the 79 Precinct.

The Respondent testified that he married Wilson in 2004. Wilson wanted to build a day care so he put up the money to have the day care created. He explained that he paid for the work for the basement, building a staircase to the back window so there would be two exits and the day care would be approved. He estimated that he spent approximately \$8000.00 for the repairs. He explained that he paid the carpenter to do the work for the basement.

The Respondent stated that he also made deposits into an account when there were insufficient funds to pay for employees who worked for the day care center. He explained that he made deposits into the business account for the Lots of Love Group Family Day Care. He stated that there was never a time when the business account was in his name. The Respondent testified that his only relationship to the day care center was to make the deposits into the account and that he performed no other functions for the day care center.

The Respondent denied ever taking care of the children. He denied ever cleaning up downstairs or vacuuming anything related to the day care center. He denied supervising the employees. He denied having any contact with the mothers of the children who attended that day care center. The Respondent acknowledged that he was interviewed in connection with this matter by the Department. He acknowledged stating that he was co-owner of the day care center when interviewed. He stated that he did not sign any documents in relation to being a co-owner of the day care center.

The Respondent stated that he did not sign any agreement or partnership agreement with his wife. He further stated that he did not make any court filings or file any papers with the county clerk to obtain a business certificate. He said that his wife did state that she was going to make him a partner, but he never signed any paperwork to become a partner. He also took no action to become a partner in the business.

The Respondent testified that he never thought to obtain off-duty employment authorization in relation to the day care center. He explained that he never worked for the business and that if he had been doing off-duty employment he would have obtained permission to do so. He stated that he had done off-duty employment in the past and he

had submitted paperwork to the Department to do so on those occasions.

The Respondent testified that prior to the incident date of December 15, 2008, he had a verbal dispute with his wife concerning taking money from the business bank account for the day care center which was in the day care center's name. He explained that his wife called him a thief for taking money out of the account. He stated that he took out \$5000.00 on one occasion and \$1500.00 on another occasion. He said he took the \$5000.00 because the business actually owed him \$7000.00 and he needed the money to pay bills which had accrued because of the business. As a result of that dispute, the Respondent stated that he left the residence for about two weeks and went to stay with his mother.

The Respondent stated that he came back to the residence on December 15, to hold a card game at his home. His wife was unaware that he was having his card game there. The Respondent said he had approximately four or five friends over. His wife came home with his son, they said hello to everyone and they walked to the back where the bedrooms were. The Respondent explained that his son was eight years old at the time. He is currently nine years old and he also has a 19-year old daughter that is not his wife's child. The Respondent stated that the card game lasted until 4 o'clock in the morning. He cleaned up and was planning to leave but as he went out to the driveway, his wife's car was blocking him in.

The Respondent testified that he had no dispute with his wife during the time the card game was going on, that she never came out to complain about the loud noise or anything of that sort. The Respondent explained that on the incident date he had a 1999 Hyundai and his wife drove a 2007 Toyota Camry. He further explained that he owned

both vehicles and that they were both registered to his name. On the incident date, he immediately went to the kitchen drawer to look for the car keys where they are usually kept, but the keys were not there. He proceeded to the rear bedroom where his wife was and started to look through the drawers in that room so not to wake her. He continued to look through pockets and everywhere but could not find the car keys. He eventually called her name out and she woke up.

The Respondent informed Wilson that he wanted the car keys so that he could get out of the driveway. Wilson told him that she did not have the keys. He told her that she had to have the keys because she parked the car in the driveway. Wilson then told him that she was not going to give him the keys. The Respondent told her that she was not going to get any sleep until he got the keys. The Respondent stated that Wilson got out of the bed and proceeded to the doorway, past him and down the stairs. At no point did he attempt to physically block her from leaving the bedroom. He denied grabbing her arm at any point. He stated that he thought she was going downstairs to get the keys.

The Respondent stated that a minute after Wilson headed downstairs, he followed behind her. He got downstairs to the first door to the living quarters and the door was closed. He explained that the door gets stuck all the time and he pushed it twice with his shoulder in an attempt to open it, but the second time, a piece of the wood from the molding popped off and landed on the floor.

The Respondent said that he entered that room and Wilson was not in that room. He proceeded to the next bedroom where his sister-in-law stays and he explained that that room had a security lock on the door. He punched in the code to the security lock, opened the door and he found his sister-in-law sitting on the bed as well as his wife, on

the back of the bed, holding a telephone. Wilson stated that she was going to call the police and the Respondent explained that he thought she was joking. He again asked her for the keys and she then proceeded to dial on the telephone. Wilson spoke with an operator and informed the operator that her husband was threatening her and that he was a cop. The Respondent stated that once he heard her state to the operator that she was being threatened and he could hear a voice on the line, he proceeded to walk upstairs to the first floor and waited for the police to respond.

The Respondent testified that at no time when he was downstairs with his wife did he attempt to have any physical contact with her. He denied ever threatening her. He stated that the extent of his conversation with her was to repeatedly ask her for the keys. He sat in the living room for approximately five minutes before the police arrived. He stated that at the time of the altercation he had been living at his mother's residence which was located a couple of miles away.

The Respondent testified that two police officers responded to his residence. One of the officers asked him what happened and he explained what took place. He told one of the officers that his wife was downstairs. One of the officers stayed with him and the other one went downstairs and interviewed his wife. The officer who remained upstairs continued to speak with him. The officer who went downstairs came back up and questioned why they were there and stated that they were just having an argument. He stated that the cops appeared to be leaving and he informed them that they could not leave because his wife called the 911 operator, stated that he threatened her and that he was a cop. The officers then inquired as to whether he was a police officer. They stated that the job did not come over the radio as involving a member of the service. He

informed the police officers that she definitely stated he was a cop and he heard her state it and that they made a call to the dispatcher to verify that information.

Once the police officers discovered that the call did involve a member of the service, they then called for a sergeant to respond to the scene. The two police officers then informed him that a sergeant would be responding and that he would also have to speak with the duty captain. The Respondent stated that he was aware of that information and he said that the sergeant eventually responded to the scene. He spoke with the sergeant and the sergeant also spoke with his wife and informed them that they had to go to the precinct and speak to the duty captain. The Respondent said he got in the car with the sergeant and he was taken to the 75 Precinct. His wife got in a separate car with the responding officers and they took her to the station house.

The Respondent was questioned about statements made by Investigator Glover-Pierce. He stated that he was aware that his wife was interviewed on January 21, 2009, but he explained he had not moved back into the home at that time. He said that he moved in the following month. The Respondent stated that he has asked Wilson for a divorce and they are currently going through the process.

He testified that aside from these Charges and Specifications, he had never been the subject of any disciplinary action by the Department. He said he had never even received a Command Discipline. He explained that he lost his shield the night of the incident with his wife but he was not issued a Command Discipline for it. He stated that he had received five Civilian Complaint Review Board complaints in his career, but none of them were substantiated. He said that to the best of his knowledge, his last annual performance evaluation was rated a "4.0." The Respondent stated that his performance

evaluation before that was also a "4.0." He stated that he had several Excellent Police Duty Medals and Meritorious Police Duty Medals. He acknowledged that he had approximately 46 Excellent Police Duty medals and nine Meritorious Police Duty medals in his career.

During cross-examination, the Respondent acknowledged that he told his wife she was not going to get any sleep until he got the keys. He admitted that it was at that point that she got out the bed and left the room. The Respondent acknowledged that the door downstairs that got stuck had never been broken prior to the incident date.

With respect to the business, the Respondent acknowledged that he withdrew money without conferring with his wife and that he used the money to pay personal bills, not bills related to the business. The Respondent explained that the only financial responsibility he had for the business was to put money into the account when there was not enough money to pay the employees. He stated that he did not write checks and that he generally made deposits to the account. The Respondent explained that when he took the \$1500.00 it was the first time that he had taken money out of the account. He further explained that the second withdrawal was for the purchase of a vehicle because the engine of his wife's car had ceased. He stated that he came to handle the financial responsibilities for the business because his wife was putting money in the account but she did not have the proper funds to manage the account and she asked him to help out. He explained that the money was the basis of the problems that they had prior to the incident date.

With respect to the day care center, he considered himself co-owner of it. He acknowledged that his wife did state that she was going to put him down as a co-owner of

the day care center. The Respondent was asked if he kicked the door and he stated that he did not. He was questioned with regard to a statement he made at his Official Department Interview, where he stated that the door was stuck and that he kicked it and pushed the door because it sticks. The Respondent acknowledged that he did make the statement that he kicked the door. He explained that he kicked the bottom of the door. The Respondent stated that in the past, anytime the door was stuck he would kick it at the bottom and push it at the top using his shoulders. With regard to how he felt on the evening of the incident, the Respondent stated that he was not angry but he was upset and bothered that his wife was not giving him the keys.

Upon questioning by the Court, the Respondent stated that he did not know the door was locked at the time he pushed it with his shoulders. He explained that there was no damage to the door but there was some damage to the lock. He explained that the damage was on the side of the door that he broke. The Respondent stated that on the two occasions that he withdrew money from the business account, his wife knew about the \$1500.00, which was to fix the car, but she did not know about the \$5000.00 withdrawal. The Respondent acknowledged that the problems in his marriage stem from the business and that there are no other factors that contribute to the marital discord.

FINDINGS AND ANALYSIS

Specification No 1

The Respondent stands charged with engaging in conduct prejudicial to the good order, efficiency or discipline of the Department in that during a verbal dispute with his

wife, Chamell Wilson, he forced open a door causing the door frame to break. The Respondent is found Not Guilty of misconduct.

The Assistant Department Advocate presented a hearsay case in this matter. The complainant, Wilson, refused to come forward and testify at this Department trial. Two previous statements that she made to investigators were entered into evidence. The only direct evidence regarding the incident came from the Respondent. The Respondent acknowledged that during a verbal disagreement with Wilson, she walked down to the basement and closed a door in their home; and he kicked the room door and pushed it with his shoulder in an attempt to open it. This resulted in the door frame breaking. The Respondent stated that the door generally gets stuck and force has to be used to open it. He also testified that he did not know that his wife had locked the door at the time that he attempted to push it open. Such action during a private domestic dispute in his home does not amount to actionable police misconduct. The Respondent's action in a verbal dispute with his wife did not lead to physical action being used against her and did not amount to prohibited conduct under the Patrol Guide either.

Accordingly, I find the Respondent Not Guilty of Specification No. 1.

Specification No. 2

The Respondent stands charged with engaging in conduct prejudicial to the good order, efficiency or discipline of the Department in that during a verbal dispute with Chamell Wilson he did grab Wilson's arm. The Respondent is found Not Guilty as charged.

Wilson made a 911 call and never stated in the call that the Respondent physically grabbed her or did anything else physical to her. She stated that he was threatening her and that he was a cop. The patrol supervisor, Austin, responded to her residence the night of the incident. Wilson spoke with him and advised him that she ran into a room and the Respondent forced the door open, and by the time he got near her, she informed him that she had 911 on the telephone. Wilson made no mention of her arm being grabbed by the Respondent to Austin, who questioned her on the night of the incident. Austin also testified that he examined Wilson and that she had not sustained any injury in the dispute with her husband.

When this matter was later investigated by the Chief of Detectives Investigations Unit, Wilson refused to discuss the altercation with Investigator Glover-Pierce who attempted to interview her in person at her home. She also refused to appear in court at the Respondent's trial to address the allegations she made against him. The Respondent denied ever grabbing Wilson by the arm that night as he testified at trial.

Based on the fact that aside from the first interview when one of the interviewers asked Wilson why the Respondent grabbed her, there was no corroborating evidence to support the claim that the Respondent grabbed Wilson by the arm during a verbal altercation. Wilson stated in the interview prior to that leading question that the Respondent attempted to grab her, not that she was actually grabbed. Given the lack of corroborating evidence, this charge cannot be sustained by a preponderance of the credible evidence.

Accordingly, I find the Respondent Not Guilty of Specification No. 2.

Specification No. 3

The Respondent stands charged with wrongfully and without just cause engaging in off-duty employment without authority or permission to do so. I find the Respondent Guilty of this Specification. Evidence adduced at trial established that the Respondent co-owned the Lots of Love Group Family Day Care Center with his wife. The Respondent testified that he co-owned the day care center. Wilson stated in her interviews that the Respondent suggested that she start the business to earn additional funds and that they started the business together. This is evinced by the fact that when they opened up a business account for the day care center, they opened up a joint bank account. Both the Respondent and Wilson were able to write checks. The Respondent paid \$8000.00 of his own money toward the renovation of his basement into a day care center.

In addition, the Respondent testified candidly that he ran the financial aspects of the business. One would assume if bills had to be paid, the Respondent would handle them. It was clear from the trial testimony that if the day care center ran short of the funds to make payroll, the Respondent would deposit money into the account to make the payroll. The Respondent had access to the account to make deposits as well as withdrawals on behalf of the day care center.

The Respondent raised some issues in his defense. One was that his name did not appear on any business paperwork or business certificates for the day care center. Glover-Pierce supported this claim that the Respondent's name did not appear on the business records. This, however, does not undermine the fact that the Respondent believed he was co-owner of the day care center. His name was, in fact, one of the

authorized signatures for the business. He handled the financial affairs of the business, and when payroll was short, he contributed monetarily to the business. The Respondent's name was on the financial records of the business [which Glover-Pierce did not gain access to] because he jointly owned the business bank account with Wilson. For all intents and purposes, the Respondent had a financial stake in the operation of the day care center.

The second point the Respondent raised in his defense was he was not a day-to-day employee of the day care center. He did not work security or clean the day care center. He did not select the children who attended the day care center. He did not speak to parents about the day care center or sign any reports for the day care center. While the Respondent did not run the day-to-day operations of the day care center as a salaried employee, he ran the financial aspects of it. He insured that the salaries of the two paid employees were made and when the funds were short, he made deposits to cover payroll. Moreover, his wife did not run the day-to-day operations either. She had two employees who did that while she worked another job just like the Respondent. However, someone had to oversee the overall operation of the day care center and its management. Wilson, along with the Respondent, managed the day care center and its finances. Therefore, I find the Respondent Guilty of engaging in off-duty employment without authority or permission to do so.

Accordingly, I find the Respondent Guilty of Specification No. 3.

PENALTY

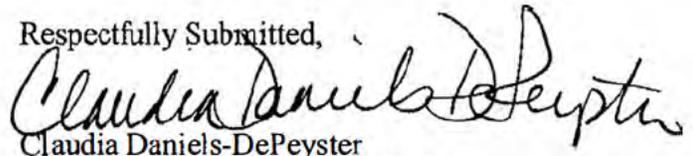
In order to determine an appropriate penalty, the Respondent's service record was examined. See Matter of Pell v. Board of Education, 34 N.Y.2d 222 (1974).

The Respondent was appointed to the Department on June 30, 1995. Information from his personnel file that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Respondent has been found Guilty of engaging in off-duty employment without authority or permission to do so. The Respondent was in charge of the financial aspects of the day care center he co-owned with his wife. In Disciplinary Case No. 81852/06, a four-year member of the Department with no prior disciplinary record having pleaded Guilty forfeited ten vacation days for engaging in off-duty employment as a disc jockey. In Disciplinary Case No. 83461/07, a ten-day penalty was increased to 15 days. In that matter, a 15-year member of the Department with no prior discipline having pleaded Guilty to engaging in off-duty employment as a disc jockey testified that he thought he had to work at least 20 hours a week before seeking permission from the Department to work off duty. The Police Commissioner found that the Respondent's assertions of being unaware of the Department rules and procedures regarding off-duty employment were not persuasive, especially given his tenure with the Department.

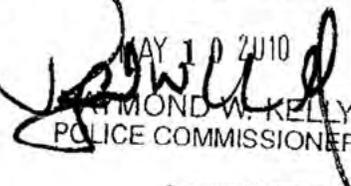
Based on the above, I recommend that the Respondent forfeit ten vacation days.

Respectfully Submitted,



Claudia Daniels-DePeyster

Assistant Deputy Commissioner Trials

APPROVED
MAY 10 2010

RAYMOND W. KELLY
POLICE COMMISSIONER

POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
DETECTIVE GREGORY WILSON
TAX REGISTRY NO. 916922
DISCIPLINARY CASE NO. 85155/09

In 2006, 2007, and 2008, the Respondent received overall ratings of 3.5 "Highly Competent/Competent," 4.0 "Highly Competent," and 4.5 "Above Highly Competent" on his last three annual performance evaluations. The Respondent has received 46 Excellent Police Duty Medals and nine Meritorious Police Duty Medals in his career. [REDACTED]

The Respondent has no prior formal disciplinary record.

For your consideration.



Claudia Daniels-DePeyster
Assistant Deputy Commissioner Trials