



POLICE DEPARTMENT

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 In the Matter of the Disciplinary Proceedings :
 - against - : FINAL
 Sergeant Adrian DeJesus : ORDER
 Tax Registry No. 944491 : OF
 Quartermaster Section : DISMISSAL
 -----X

Sergeant Adrian DeJesus, Tax Registry No. 944491, having been served with written notice, has been tried on written Charges and Specifications numbered 2022-26805, as set forth on form P.D. 468-121, dated August 1, 2022 (amended on January 26 and February 3, 2023), and after a review of the entire record, Respondent, having pleaded Guilty, is found Guilty.

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


 KEECHANT L. SEWELL
 POLICE COMMISSIONER

EFFECTIVE: 2/23/23



POLICE DEPARTMENT

February 13, 2023

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In the Matter of the Charges and Specifications : Case No.
- against - : 2022-26805
Sergeant Adrian DeJesus :
Tax Registry No. 944491 :
Quartermaster Section :
-----X

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

Before: Honorable Jeff S. Adler
Assistant Deputy Commissioner Trials

APPEARANCES:

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

For the Respondent: John Arlia, Esq.
Wenger & Arlia, Esqs.
20 Vesey Street, Rm. 210
New York, NY 10007

To:

HONORABLE KEECHANT L. SEWELL
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

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CHARGES AND SPECIFICATIONS

1. Sergeant Adrian DeJesus, while assigned to the 123 Precinct, on or about between February 23, 2022 and July 27, 2022, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Sergeant wrongfully possessed and affixed an altered, forged, or counterfeit license plate to his personal vehicle.

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

GENERAL REGULATIONS
PROHIBITED CONDUCT

Penal Law § 170.25

CRIMINAL POSSESSION OF A
FORGED INSTRUMENT IN THE
SECOND DEGREE

2. Sergeant Adrian DeJesus, while assigned to the 123 Precinct, on or about February 23, 2022, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Sergeant caused false or inaccurate entries in the business records of an enterprise, the New York State Department of Motor Vehicles.

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

GENERAL REGULATIONS
PROHIBITED CONDUCT

Penal Law § 175.05

FALSIFYING BUSINESS
RECORDS IN THE
SECOND DEGREE

3. Said Sergeant Adrian DeJesus, while assigned to the 123 Precinct and designated Chronic "A" sick from June 12, 2022 to June 16, 2022, was observed in New Jersey in violation of the Department's Sick Leave policy on June 13, 2022 and June 15, 2022.

A.G. 330-01, Page 1, Para. 4(a)

REGULAR SICK

4. Said Sergeant Adrian DeJesus while on-duty, in uniform, and assigned to the 123 Precinct, on or about and between February 13, 2022 and July 9, 2022, did wrongfully patronize a designated off-limits location, located at 2 Sneden Avenue, Richmond County. *(As added)*

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

GENERAL REGULATIONS
PROHIBITED CONDUCT

A.G. 318-19, Pages 1-2, &
A.G. 318-28, Pages 1-4

INTEGRITY MONITORING FILE
DISCIPLINARY MATTERS

5. Said Sergeant Adrian DeJesus while on-duty, in uniform, and assigned to the 123 Precinct, on or about and between February 13, 2022 and July 9, 2022, was observed inside 2 Sneden Avenue on multiple occasions totaling fifty-seven hours and six minutes.

for reasons unrelated to Department business and while failing to supervise his subordinates. *(As added)*

A.G. 304-05, Page 1, Paragraph 1

PERFORMANCE ON DUTY

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

PROHIBITED CONDUCT

P.G. 202-19, Page 1,
Paras. 2, 4, 6, 11, 12, & 18

DUTIES AND RESPONSIBILITIES
PATROL SUPERVISOR

P.G. 202-01, Page 1, Para. 8

DUTIES AND RESPONSIBILITIES
POLICE OFFICER

6. Said Sergeant Adrian DeJesus, while assigned to the 123 Precinct, on or about March 10, 2022, wrongfully engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that said Sergeant directed undercover officers from the Internal Affairs Bureau to an individual who sold narcotics to the undercover officers. *(As amended)*

A.G 304-06, Page 2, Para. 8 (c)

GENERAL REGULATIONS
PROHIBITED CONDUCT

Penal Law § 115.00(1)

CRIMINAL FACILITATION IN
THE FOURTH DEGREE

7. Said Sergeant Adrian DeJesus, while assigned to the 123 Precinct, on or about and between February 13, 2022 and July 26, 2022, knowingly associated with a person reasonably believed to be engage in, likely to engage in, or have engaged in criminal activities. *(As added)*

A.G 304-06, Page 1, Para. 1 &
Page 2, Para. 8 (c)

GENERAL REGULATIONS
PROHIBITED CONDUCT

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on February 3, 2023. Respondent, through his counsel, entered a plea of Guilty to the charged misconduct, and testified in mitigation of the penalty. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having reviewed all of the

evidence in this matter, I find Respondent Guilty and recommend that his employment with the Department be Terminated.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent admits to committing multiple acts of misconduct between February and July of 2022. In his testimony, he provided some context for what was going on in his personal life during the time period in question. According to Respondent, in 2020 he began going through a difficult divorce proceeding with his wife, which was finalized in 2021. They have two children, who are now seven and three years of age. Respondent testified how the divorce "devastated" him, that it "turned [his] life upside down." In an effort to get back to normal, he reached out to the Department chaplain by phone for assistance, and also met virtually with a private therapist once a week. (Tr. 21-24, 48-49)

Unfortunately, his situation got worse and events spiraled out of control. Respondent was sobbing on the witness stand as he testified that he started binge eating and drinking, which further clouded his judgment. The time he was permitted to spend with his children was significantly curtailed because he was no longer living with them. Respondent testified that he became deeply depressed and thought about committing suicide. His behavior became reckless and impulsive. Respondent explained how he stopped caring about things, and gave up on himself. (Tr. 24-26, 50)

Respondent's self-destructive behavior spilled into his work. He admitted that while on duty, he regularly patronized a Staten Island bar that had been designated as an off-limits location by the Department (as alleged in Specifications 4 and 5). Although he never drank alcohol at the bar, Respondent conceded that there was no legitimate work reason for the 57

hours he spent at the bar between February and July of 2022. He explained that he "just wanted to feel a part of something again." He was respected at the bar, and he was treated like a "super hero" because of his badge. (Tr. 26-27, 48)

Respondent also enjoyed the attention he received from women at the bar. He testified, "They made me feel almost normal. They made me feel good." On one occasion in March 2022, he had a discussion with two female undercover officers inside the location who were there as part of a targeted integrity test involving Respondent (as alleged in Specification 6). Part of that conversation was recorded (Dept. Ex. 5)¹, during which the undercovers can be heard asking Respondent where they can purchase "good smoke" and "pills." Respondent answers, "Casper, when he's working," referring to an individual who was a security guard at the bar. Respondent, who was on duty and in uniform at the time, told them to wait until he left the location, and then they should speak with Casper; that portion of the conversation was not captured by the recording in evidence, but Respondent admitted to it. Respondent testified that he had heard that Casper smoked a lot of marijuana, so he figured Casper might know where the undercovers could purchase the narcotics that they were looking to buy. Respondent explained he was just trying to impress one of the female undercovers, who was attractive and flirting with him. He "wanted to feel like somebody." Respondent readily acknowledged that his behavior was "egregious and horrible," and completely tarnished his badge. Looking back, he was not in his right state of mind, and acted foolishly. (Tr. 28-30, 45-47, 51-52)

With respect to Casper, Respondent admitted to wrongfully associating with that individual (as alleged in Specification 7), exchanging phone calls and text messages with Casper, and following him on social media. Respondent did so even though he was aware that Casper

¹ Department Ex. 5 is a 31-second audio recording capturing a part of the conversation between Respondent and the undercover officers.

had, at some point in time, been arrested; in fact, Casper called Respondent after the arrest for help, but Respondent declined to assist him. (Tr. 44-45)

On two occasions in June 2022, Respondent left the state and went to a club in New Jersey while he was out sick (as alleged in Specification 3). Respondent admitted he did so even though he was Chronic "A" sick at the time and prohibited from doing so. (Tr. 35-36)

Additionally, Respondent admitted to using a counterfeit license plate on his personal automobile, and causing false or inaccurate entries to be made in the business records of the DMV (as alleged in Specifications 1 and 2). Specifically, Respondent testified that had difficulty paying attention to things while he was going through his divorce, and he allowed his car insurance to lapse. When he received a call that his license was suspended, he rushed to the DMV to rectify the situation, since he needed his car to drive to and from work, and to pick up his kids from school. He was able to obtain a conditional license, but was told he needed to surrender his plates, and that it would take three months to receive new ones. According to Respondent, when he explained to the DMV supervisor how this would be a hardship, she suggested that since he was a police officer no one would question him if he just surrendered one plate, reported the other one as lost, and used that second plate to continue driving his automobile. Respondent testified that out of desperation, he made the "impulsive" and "ridiculous" decision to follow this advice, even though he knew it was wrong to do so. He falsely reported one of the plates as lost, ordered a counterfeit plate from Amazon, and continued to drive his vehicle back and forth between Brooklyn and Staten Island. (Tr. 31-35, 40-43; Dept. Exs. 1-4)

Respondent openly acknowledged that because of his foolish, regretful actions, for which he takes full responsibility, he can no longer serve as a member of this Department. He is

embarrassed by his behavior, and regrets everything that he has done. Criminal charges are still pending with respect to the license plate incident; Respondent testified that he intends to plead guilty to a misdemeanor in criminal court to quickly resolve that matter. Respondent stated that it kills him that he put himself and his family in this position, and his main concern is that his young children not suffer for his mistakes by losing their health insurance. He wants to move forward now for the sake of his kids. Respondent recognizes that he "needs to be better, needs to do better." (Tr. 36-38)

PENALTY

In order to determine an appropriate penalty, this Tribunal, guided by the Department's Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent's employment history also was examined. *See* 38 RCNY § 15-07. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached memorandum. In 2014, Respondent resolved two disciplinary matters with concurrent pleas, one involving inaccurate information on a property voucher, the other for misconduct while he was out sick.

Respondent, who was appointed to the Department on July 9, 2007, has pleaded guilty to each of the charges against him. The Department Advocate recommends that Respondent be terminated from the Department. The Advocate argues that Respondent's cumulative actions demonstrate "a pattern of deceit to further his own interests," which justifies termination. Counsel for Respondent concedes that his client should no longer work for the Department, but asks for the mitigated penalty of "forced separation," which would allow him to retire. Counsel

asks the Court to consider that Respondent was under "immense personal stress" at the time of his misconduct.

On the one hand, it is important to acknowledge Respondent's 15 years with the Department, during which he was promoted to the rank of sergeant in 2020. The misconduct in this case occurred within a six-month time frame, coinciding with the turmoil Respondent was experiencing in his personal life. His divorce from his wife, and the impact it had on the amount of time he could spend with his young children, sent Respondent into a deep depression. Respondent testified in detail about how that depression, and his low self-esteem, led to a series of bad decisions over a span of several months, decisions he fully regrets. Respondent was remorseful on the witness stand, as he openly professed his embarrassment at how he tarnished his shield.

Nevertheless, the multiple acts of misconduct committed by Respondent are deeply troubling. He repeatedly patronized an off-limits bar, *while he was on duty and in uniform*, when he should instead have been supervising his officers. Indeed, Respondent was observed at the bar for approximately *57 hours* during the time period between February and July of 2022. During one such visit, female undercover officers approached him as part of an integrity test and pretended to be looking to purchase narcotics. Rather than simply declining to engage with the undercovers in this conversation, Respondent referred them to Casper. Even if there was no indication that Respondent was working with Casper, it is of great concern that Respondent arranged the meeting between the parties leading to the illegal transaction. Through his actions, Respondent, himself, demonstrated that he was aware of the wrongfulness of his behavior, as he specifically instructed the undercovers to wait until he left the location before proceeding with Casper.

Respondent's association with Casper is problematic as well. He exchanged texts and phone calls with Casper over the course of one year. At some point in time, Casper was arrested, and reached out to Respondent for assistance. To his credit, Respondent declined to help Casper. Respondent also admitted to improperly leaving his residence on two occasions to go party with friends at a club in New Jersey while he was out sick, in violation of the procedures for an officer who was designated Chronic "A" at the time. Respondent did so after having previously been disciplined for being out of residence while on sick report in the 2014 case.

Additionally, when the DMV requested that he turn in the license plates for his personal vehicle, Respondent incorrectly informed them that one of his license plates was missing. He then affixed that plate to the rear of his vehicle, and continued to drive the car. He also attached a counterfeit plate in the front, which is felony-level misconduct that Respondent intends to resolve with a misdemeanor plea. Even if it was the DMV supervisor who suggested the idea, as Respondent claimed on the witness stand, the responsibility remained with Respondent to exercise sound judgment and avoid such illegal behavior.

With his actions, Respondent flagrantly and repeatedly disregarded the rules and regulations of the Department, to the extent that termination is the appropriate penalty here. Respondent not only broke the law in connection with the counterfeit license plate, on another occasion he separately assisted in the sale of narcotics by directing the buyer to the seller. Even worse, Respondent had that conversation with the undercovers in the bar while he was on duty and in uniform. Although this Tribunal is sympathetic to the difficulties Respondent was experiencing in connection with his divorce, those difficulties cannot excuse the egregious pattern of bad behavior engaged in by Respondent. Taking into account the totality of the facts

and circumstances in this matter, I recommend that Respondent's employment with the New York City Police Department be terminated.

Respectfully submitted,



Jeff S. Adler
Assistant Deputy Commissioner Trials

APPROVED



FEB 23 2023
KEECHANT L. SEWELL
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Deputy Commissioner – Trials
To: Police Commissioner
Subject: SUMMARY OF EMPLOYMENT RECORD
SERGEANT ADRIAN DEJESUS
TAX REGISTRY NO. 944491
DISCIPLINARY CASE NO. 2022-26805

Respondent was appointed to the Department on July 9, 2007. On his three most recent annual performance evaluations, he was rated “Meets Standards” for 2019, “Exceeds Expectations” for 2018, and “Exceptional” for 2017. Respondent has been awarded two medals for Excellent Police Duty.

In 2014, Respondent forfeited 25 suspension days for misconduct that was the subject of two disciplinary cases. In the first case, he pled guilty to failing to accurately indicate the correct amount of currency being vouchered on a property clerk invoice. In the second case, Respondent pled guilty to (i) improperly reporting sick after his request for “lost time” was denied, (ii) being out of residence in Puerto Rico while designated Chronic “A” sick without permission, and (iii) failing to appear at a Department interview when directed to do so.

In connection with the instant case, Respondent was placed on Level 2 Disciplinary Monitoring on September 16, 2022; this monitoring is ongoing.

For your consideration.

Jeff S. Adler
Assistant Deputy Commissioner Trials