



Written by [Michael Tennant](#) on March 6, 2018

NYPD's Secret Tribunals May Keep Guilty Cops on the Job

New York Police Department (NYPD) employees who are found guilty of serious, sometimes even criminal, offenses by an internal tribunal frequently remain on the job with only a slap on the wrist, with devastating effects not just for their victims but for other civilians and cops as well.

According to [BuzzFeed News](#), secret NYPD disciplinary files obtained by the website “reveal that from 2011 to 2015 at least 319 New York Police Department employees who committed offenses serious enough to merit firing were allowed to keep their jobs.”

Under a 1976 law keeping police “personnel records” under wraps unless released by a judge, the NYPD, with court acquiescence, has expanded the definition of “personnel records” to encompass practically everything having to do with an employee’s history, including discipline. Officially, disciplinary trials are open to the public, “but the schedule and location are not announced and the results are not disclosed,” notes BuzzFeed. The trials are overseen by an administrator appointed by the police commissioner, and the commissioner has carte blanche to rule on each case regardless of the administrator’s recommendation.

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Based on the records it received and painstakingly confirmed, BuzzFeed reports:

Many of the officers lied, cheated, stole, or assaulted New York City residents. At least fifty employees lied on official reports, under oath, or during an internal affairs investigation. Thirty-eight were found guilty by a police tribunal of excessive force, getting into a fight, or firing their gun unnecessarily. Fifty-seven were guilty of driving under the influence. Seventy-one were guilty of ticket-fixing. One officer, Jarrett Dill, threatened to kill someone. Another, Roberson Tunis, sexually harassed and inappropriately touched a fellow officer. Some were guilty of lesser offenses, like mouthing off to a supervisor.

At least two dozen of these employees worked in schools. Andrew Bailey was found guilty of touching a female student on the thigh and kissing her on the cheek while she was sitting in his car. In a school parking lot, while he was supposed to be on duty, Lester Robinson kissed a woman, removed his shirt, and began to remove his pants. And Juan Garcia, while off duty, illegally sold prescription medication to an undercover officer.

All of these officers were assigned “dismissal probation,” in which they were able to keep their same jobs and salaries while enduring a few minor, short-lived consequences.

One particularly egregious offender, Officer Raymond Marrero, “was accused of viciously beating one person, falsely arresting another, assaulting a third, and fabricating evidence against a fourth” during his first six years as a cop, writes BuzzFeed. Between 2008 and 2014, the city paid roughly \$900,000 to settle claims against Marrero. Almost \$400,000 went to one man who had sought Marrero’s assistance





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only to wind up in the hospital getting 12 staples to close a gash Marrero's baton had opened in his head; Marrero was forced to pay just \$4,000 of the settlement. Despite his record, the police commissioner simply put Marrero on dismissal probation for a year, and he remains on the force to this day.

As BuzzFeed points out, however, it's not just cops' victims who suffer as a result of capricious discipline and extreme secrecy.

Defendants in criminal cases, for instance, have to decide whether to plead guilty or take their cases to trial. Knowing whether the arresting officer has a poor disciplinary record, especially if it involves lying, could have a significant impact on that decision. But getting such information in New York is almost impossible, and when prosecutors do finally hand it over, it's often right before the trial. (Sometimes this comes back to bite them: If the only witness to a crime is an officer who is later discovered to have a history of lying, the defendant, even if guilty, may be allowed to go free.)

The NYPD's system of arbitrary punishment is also bad for officers, who never know what to expect when they are accused of wrongdoing. "If 10 cops did the same exact thing that was bad, the outcome is different every time," former NYPD internal affairs investigator Diane Davis told BuzzFeed. "If you've complained, forget about it."

Damon Porter, a Latino who left the force in 2013, told BuzzFeed he endured years of retribution for suing the NYPD over what he and other Latino officers believed were discriminatory disciplinary standards. Finally, in 2012, one year before he reached retirement age, he was put on trial over his handling of a case and declared no longer fit to serve. His partner in the case was merely reprimanded.

Outside of minor infractions such as disrespecting superiors, if officers are credibly accused of crimes such as perjury, theft, or assault, these accusations ought to be handled as they would be for civilians. Police officers, no less than the people they serve, have a right to due process of law and public legal proceedings. By contrast, the NYPD's "internal trials are merely a 'kangaroo court,' rife with favoritism, racism, and pressures to just plead guilty," some officers told BuzzFeed. "Some said they did not fight their charges out of fear they would face harsher punishment." Such proceedings are unfair to both officers and the public, neither of whom can be sure that the cops who are found guilty in these hearings really are guilty or that they are being disciplined appropriately.

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