

**DISPOSITION OF CHARGES**

PD 468-142A (Rev. 1-06)

CASE NO.
2021-24072
BOOK & PAGE NO.
Page 1 of 2
PERSONNEL ORDER NO.

SPECIFICATIONS AGAINST RANK/SURNAME	FIRST	M.I.	COMMAND
Police Officer Romero,	Jermack		Bronx Court Section
SHIELD NO.	TAX REGISTRY NO.	DATE APPOINTED	
22674	941294	July 10, 2006	
RANK/NAME OF COMPLAINANT			COMMAND
Inspector Charlie A. Bello			44 Precinct
DATE OF CHARGES	DATE TRIAL COMMENCED	DATE TRIAL CONCLUDED	
October 6, 2021	July 25, 2023	July 25, 2023	
TRIAL COMMISSIONER			
Honorable Vanessa Facio-Lince			

SPECIFICATIONS	DISPOSITION	RECOMMENDED PENALTY	
		PLEA <input type="checkbox"/>	TRIAL <input checked="" type="checkbox"/>
1. Said Police Officer Jermack Romero, while off-duty and assigned to the 44 Precinct, on or about September 30, 2021, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer Romero engaged in a verbal and physical altercation with an individual known to the Department, causing injury to said person.	GUILTY	It is recommended that Respondent be DISMISSED from the New York City Police Department.	
2. Said Police Officer Jermack Romero, while off-duty and assigned to the 44 Precinct, on or about September 30, 2021, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer Romero spat at an individual known to the Department and grabbed her phone as she was attempting to call for assistance.	GUILTY		

Reviewed by Deputy Commissioner of Trials

*By JSA*  
1/5/Rosemarie Maldonado 9/7/23  
DEPUTY COMMISSIONER DATE

Police Commissioner's Approval:

- ☒ Approved  
☐ Disapproved  
☐ Other Action (Describe)

Edward A. Caber 10/19/23  
POLICE COMMISSIONER DATE



**DISPOSITION OF CHARGES**

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Honorable Vanessa Facio-Lince				

SPECIFICATIONS	DISPOSITION	RECOMMENDED PENALTY	
		PLEA <input type="checkbox"/>	TRIAL <input checked="" type="checkbox"/>
3. Said Police Officer Jermack Romero, while off-duty and assigned to the 44 Precinct, on or about September 30, 2021, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer Romero by pulling on an individual known to the Department's shirt and necklace, causing the shirt to rip and the chain to break.	GUILTY	See Page 1.	

Reviewed by Deputy Commissioner of Trials

*By JJA*  
*/s/ Rosemarie Maldonado*  
DEPUTY COMMISSIONER

*9/7/23*  
DATE

Police Commissioner's Approval:

- ☒ Approved  
☐ Disapproved  
☐ Other Action (Describe)

*Edward A. Cab...*  
POLICE COMMISSIONER

*10/19/23*  
DATE





POLICE DEPARTMENT

-----X  
In the Matter of the Disciplinary Proceedings :

- against - :

FINAL

Police Officer Jermack Romero :

ORDER

Tax Registry No. 941294 :

OF

Bronx Court Section :

DISMISSAL  
-----X

Police Officer Jermack Romero, Tax Registry No. 941294, having been served with written notice, has been tried on written Charges and Specifications numbered 2021-24072, as set forth on form P.D. 468-121, dated October 6, 2021, and after a review of the entire record, Respondent 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 Police Officer Jermack Romero from the Police Service of the City of New York.

HONORABLE EDWARD A. CABAN  
POLICE COMMISSIONER

EFFECTIVE: 10/19/23

COURTESY • PROFESSIONALISM • RESPECT

Website: <http://nyc.gov/nypd>



POLICE DEPARTMENT

September 7, 2023

-----X

In the Matter of the Charges and Specifications	:	Case No.
- against -	:	2021-24072
Police Officer Jermack Romero	:	
Tax Registry No. 941294	:	
Bronx Court Section	:	

-----X

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

Before: Honorable Vanessa Facio-Lince  
Assistant Deputy Commissioner Trials

APPEARANCES:

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

For the Respondent: Eric Sanders, Esq.  
The Sanders Firm, P.C.  
30 Wall Street, 8<sup>th</sup> Floor  
New York, NY 10005

To:

HONORABLE EDWARD A. CABAN  
POLICE COMMISSIONER  
ONE POLICE PLAZA  
NEW YORK, NY 10038

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## CHARGES AND SPECIFICATIONS

1. Said Police Officer Jermack Romero, while off-duty and assigned to the 44 Precinct, on or about September 30, 2021, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer Romero engaged in a verbal and physical altercation with an individual known to the Department, causing injury to said person.

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

PROHIBITED CONDUCT

2. Said Police Officer Jermack Romero, while off-duty and assigned to the 44 Precinct, on or about September 30, 2021, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer Romero spat at an individual known to the Department and grabbed her phone as she was attempting to call for assistance.

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

PROHIBITED CONDUCT

3. Said Police Officer Jermack Romero, while off-duty and assigned to the 44 Precinct, on or about September 30, 2021, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer Romero by pulling on an individual known to the Department's shirt and necklace, causing the shirt to rip and the chain to break.

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

PROHIBITED CONDUCT

## REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on July 25, 2023.

Respondent, through his counsel, entered a plea of Not Guilty to the charged misconduct. The Department called Complainant<sup>1</sup> and Sergeant James Rahill as witnesses. Respondent testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having evaluated all of the evidence in this matter, the

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<sup>1</sup> Complainant's identity is known to the Tribunal. As a victim of alleged domestic violence, her name is omitted from this memorandum.

Tribunal finds Respondent Guilty of all three specifications and recommends that his employment be terminated.

## ANALYSIS

### *Undisputed Facts:*

Respondent's former girlfriend is Complainant in this matter. They met in the late summer of 2020 at Orchard Beach while Respondent was on-duty. At that time Complainant was seventeen years of age and Respondent was thirty-seven. They "officially" started dating in November 2020. (Tr. 12) Although Complainant and Respondent did not live together, Complainant often stayed overnight at Respondent's apartment in the Bronx.

On September 30, 2021, Complainant was at Respondent's apartment spending time with him. They had shared dinner and Respondent prepared "Hennessy cocktails" for him and Complainant to drink together. It is worth noting that at the time that Respondent made this cocktail for Complainant she was 19-years-old and under the legal age to consume alcohol in New York. After dinner and drinks, Complainant and Respondent engaged in a verbal dispute regarding a text exchange between Respondent and his friend, Bruce. The verbal altercation escalated quickly and Respondent asked Complainant to leave his apartment.

Complainant complied with Respondent's initial request to leave his home. While she was in the vestibule area of his building, she called her cousin for a ride. At that point Respondent came out and asked Complainant to come back in to his apartment. Once inside, Respondent decided he wanted to go to sleep and went into his bedroom, shut off the lights and went to bed. Complainant wanted to discuss their relationship issues, so she turned on the lights in the bedroom. Yet another verbal altercation ensued between Respondent and Complainant. The facts of what transpired next is disputed and will be discussed in detail below.

*Complainant's testimony:*

Complainant testified that on the night of the incident, she was visiting Respondent, her boyfriend at the time, at his apartment. She had spent the night before over his house. After they shared dinner and cocktails, Complainant made a joke about Respondent's relationship with his friend, Bruce. Respondent stated in response: "You're a hating ass bitch." (Tr. 15) According to Complainant, she was only joking with Respondent so she was surprised by his reaction and his subsequent request for her to leave the apartment.

Complainant got dressed and packed her belongings after Respondent told her to leave. She was having trouble getting an Uber to drive her home, so while she was in the vestibule area she called her cousin to help her get a cab. Respondent then stepped out of his apartment and asked her to hang up the phone and come back inside. (Tr. 21)

Shortly after reentering his apartment, the Respondent went to his bedroom, turned off the lights and went to bed. Complainant turned on the bedroom lights again and asked to have a conversation with him about their "issues." Respondent proceeded to turn off the lights and stated: "Turn off the fucking light and go to sleep." (Tr. 23) He then grabbed her overnight bag and threw it out of his apartment.

According to Complainant, when he returned to the bedroom, Respondent grabbed her by the hair and dragged her out of his apartment. (Tr. 25) She testified that as Respondent dragged her by her hair, she grabbed his boxers and ripped them while attempting to stand up. (Tr. 26) She then grabbed Respondent's shirt and he let go of her hair. At this point they were in the hallway between the kitchen and bathroom, when Respondent grabbed Complainant by her triceps and attempted to forcibly remove her from the apartment. She detailed that he was holding her pretty tightly because she ended up with a "pencil length bruise on the back of her



triceps.” (Tr. 27). Complainant’s testimony is corroborated by Department’s Exhibit 5, a picture depicting the bruises on her triceps.

Complainant testified that she was pleading with Respondent to let her go and began to feel like she was going to “black out” (Tr. 27) Complainant recalled that she struck Respondent in the face and he finally let go of her. She then made her way to the exit and collected her bag and belongings that were strewn in the hallway outside Respondent’s apartment.

Respondent went inside and changed his ripped boxers. Complainant contended that when he came back outside he spit on her face, causing his blood to splatter about her face and sweatshirt. He then threatened to call the police and report her as an “EDP.” Upon hearing this, Complainant became concerned that she would be arrested and/or brought to the precinct, so she decided to contact her mother via FaceTime for assistance. (Tr. 28)

Complainant further testified that on the day of the incident, she was wearing a gold necklace and a quarter-zip sweatshirt. At some point during the altercation, when they were outside of Respondent’s apartment, Respondent grabbed her sweatshirt ripping it down the middle of her torso, and in the process ripped off the gold chain she was wearing around her neck. Respondent stated in sum and substance: “You want to rip shit, I can fucking rip shit too.” (Tr. 67) She was not able to retrieve the necklace that was ripped off of her neck. Complainant’s testimony regarding the ripped sweatshirt was corroborated by Department’s Exhibits 6 and 7 which depict a rip down the center of Complainant’s blood-spattered sweatshirt. Additionally, Complainant testified that she sustained scratches on her neck, she believed, from when the gold necklace was ripped off. Department’s Exhibit 8 shows Complainant’s scratches as described at trial.



Complainant testified that when her mother answered the call, her face had Respondent's blood on it and she believed her mother assumed it was Complainant's own blood on her face. Complainant's mother told her she would be calling 911 to report this incident. At this juncture, Respondent took the phone from Complainant's hand and ended the call. He then stated: "Why do you have to call your mom. A grown woman wouldn't do that. A grown woman would just get up and leave." He then backed the Complainant into a corner and told her: "You're lucky I don't break your face right now." (Tr. 29)

After Complainant spoke to her mother on FaceTime, her grandmother sent a cab to pick her up from Respondent's apartment. On her way home, Complainant received a call from IAB officers requesting that she go to the 50 precinct to be interviewed about this incident. Complainant complied with this request and was interviewed by different officers, including Sergeant Rahill. Complainant provided officers with a detailed explanation of the events that transpired that evening. She testified that they took pictures of her injuries and damage to her property. She also signed a Domestic Incident Report (Resp. Ex. A) that evening which summarized the incident. (Tr. 29)

During cross-examination, Complainant was asked if Respondent ever punched her. She testified that although he never punched her, there have been occasions in the past when she and Respondent had verbal disagreements and he threw her out of his apartment. She described Respondent's behavior during these past disputes as "aggressive" and detailed that he had previously pulled her hair. (Tr. 52) On redirect, she further elaborated that there were multiple occasions when Respondent took her glasses off of her face (glasses that she needs to see) in an attempt to "disable her." (Tr. 69) She stated that Respondent verbally abused her and pulled her hair during arguments in the past. Complainant estimated that this occurred approximately four

or five times before the incident that is the subject of this hearing, however she never reported him because she “didn’t want to jeopardize his job.” (Tr. 70)

*Sergeant James Rahill’s testimony:*

Sergeant Rahill testified about his interactions with Complainant and Respondent on the day of the incident. On that evening, he and other officers responded to a 911 call of an assault in progress at Respondent’s apartment in the Riverdale section of the Bronx. After locating Respondent’s apartment, they knocked on the door for some time but there was no answer. He directed two officers assigned to that sector to remain at the apartment until the end of their tour (approximately 11:20pm) in case someone arrived. Respondent, did not, however return home while the officers were stationed there. Thereafter, Sergeant Rahill returned to the 50 precinct to interview Complainant. (Tr. 73-75)

At the 50 precinct, Sergeant Rahill and a lieutenant interviewed Complainant. He described her as “cooperative,” “forthcoming” and “eager to explain what happened.” (Tr. 77) According to Sergeant Rahill, Complainant did not appear intoxicated or impaired despite her admittance that she had consumed alcohol earlier that night. He observed that she was injured in that she had “scratches to her forehead and neck area, cuts to her knuckles and bruises.” (Tr. 79) He also observed that her sweatshirt was ripped and blood stained. Sergeant Rahill memorialized the injuries and damage to her sweatshirt by taking pictures. He further testified that after he concluded his interview with Complainant, Respondent arrived at the precinct and was arrested for Assault in the Third Degree. (Tr. 82)

During cross examination, Sergeant Rahill was questioned extensively about the manner in which he handled this domestic incident. He was asked specifically how he came to the conclusion that the complainant was the victim and not the primary aggressor. He explained that



he made his determination based on a “totality of the facts” including his interview of the Complainant, assessing her demeanor and his observations of her injuries and property damage. (Tr. 86-87, 95-96) When asked why he did not conduct an interview of Respondent, Sergeant Rahill replied: “I was unable to. He wasn’t on scene.” (Tr. 87) Moreover, at the time of his arrest, Respondent did not mention that he had been assaulted or that his girlfriend was the primary aggressor in this altercation. Additionally, Sergeant Rahill testified that he did not recall seeing any injury on Respondent at the time of his arrest, so he did not believe any further investigation into this incident was necessary. (Tr. 87-88)

*Respondent’s Testimony:*

Respondent provided a markedly different account, claiming he was a victim of Complainant’s aggression and used only moderate force to remove her from his home. Respondent, a seventeen (17) year veteran of the Department, testified that he met Complainant in the summer of 2020 at Orchard Beach. On the date of the incident, he was in his home with Complainant. They had ordered food and were watching television together. He admitted that they both consumed alcoholic beverages that evening, a Hennessy and cranberry juice cocktail that he prepared for them.

At some point during the evening, he was texting his friend Bruce and Complainant made a comment to him about Bruce being his girlfriend and she said that he pays more attention to Bruce than he does to her. He admitted that he was annoyed by Complainant’s comments. A verbal argument ensued and he told her that she should go home. He subsequently “grabbed her bag and put it outside the apartment door.” (Tr. 106) Upon her complying with his request, he realized “it was stupid arguing and sending someone home for nonsense.” (Tr. 107) Respondent invited Complainant back in and decided he was going to lay down.

He testified that when he went to lay in his bed, Complainant was standing by the bedroom doorway. She stated that she wanted to talk things out and proceeded to turn on the light. He informed her that he did not want to continue arguing with her and at this point he became agitated. (Tr. 108) He then got up and turned the light back off. He acknowledged that a physical altercation commenced at this point.

Respondent recalled that he, once again, told Complainant to leave and he began counting down from 5 to 1 for her to leave. He then “grabbed her by the arms and took her out of the apartment.” (Tr. 108) He corroborated Complainant’s version of events in that she was fighting back and ripped his boxers. Once he got Complainant to the doorway of his apartment, he testified that they continued arguing in the vestibule outside his apartment and that’s when she punched him in the face. Respondent was shocked by this and he “quickly spit the blood that was in his mouth” (Tr. 112) while Complainant was standing in front of him. During his testimony, Respondent made no mention about grabbing Complainant by her hair and/or dragging her through his apartment by her hair.

Respondent testified that he remembered Complainant using her phone and he was “curious to find out who she was calling.” (Tr. 112) He said he took the phone away from Complainant once he realized she was calling her mother because he wanted to let Complainant’s mother know that the blood on her face was his blood and not Complainant’s. He testified that after that, he went back inside his apartment and did not see Complainant leave.

Respondent was subsequently arrested at the 50 precinct. He indicated that when he got there he was questioned about the incident. He claimed that he had visible injuries on his face, but no one at the precinct bothered to take pictures of him. He also testified that he had pictures of his injuries that he took himself, but he did not offer them because no one asked him about it,



even though he was a victim too. He felt like the officers at the 50 precinct were against him. (Tr. 114)

During cross examination, he admitted that he and Complainant had gotten into arguments over “small things” in the past, but the police were never involved. (Tr. 118) He further stated that he has “told her to go home” about three or four times in the past when they have argued. He was probed about his police training when it comes to responding domestic incidents. He admitted that he has received training on de-escalation techniques as well as hand-to-hand combat. (Tr. 119-21)

When shown Department’s Exhibits 4 and 5 Respondent acknowledged that the bruises on Complainant’s arms were consistent with him grabbing her and attempting to pull her out of his apartment (Tr. 130) Respondent was then shown Department’s Exhibits 1 and 7 and he admitted that he spit at Complainant splattering his blood on her face and sweatshirt. He acknowledged taking Complainant’s phone from her during a FaceTime call to explain to her mother that the blood of her face was his not hers. He recalled telling Complainant that he was going to “call her in as an EDP.” (Tr. 139) He also acknowledged that there was a rip in Complainant’s sweatshirt but could not recall exactly how it happened. He did, however, testify that it could have occurred when they were “tussling.” (Tr. 140-41)

Respondent attested that he went on a walk to “go for a breather after what had transpired.” (Tr. 151) He did not realize that the police had been called until about 25-30 minutes later when he received a phone call from his delegate. He went back home, took a shower and followed his delegate’s instructions to report to the 50 precinct. (Tr. 149)

*Specification 1: Verbal and Physical Altercation with Injury*

I find that the Department has met its burden by a preponderance of the credible, relevant evidence that Respondent engaged in a verbal and physical altercation with Complainant which resulted in physical injury to her. This Tribunal credits Complainant's testimony regarding the events on September 30, 2021, the corroborating photographs of the injuries, and Sergeant Rahill's observations of the injuries. Complainant made a prompt outcry to Sergeant Rahill and other officers at the 50 precinct. All of the surrounding circumstances support a finding that Complainant spoke to police at the first suitable moment and in close temporal proximity to the incident, leaving limited time for reflection or fabrication. Complainant's statements to Sergeant Rahill and her testimony before this Tribunal were consistent throughout. Therefore this Tribunal found her veracity as a witness to be reliable.

Moreover, several portions of Respondent's testimony include admissions that corroborate Complainant's testimony. He admitted that they had a verbal dispute and that during the altercation, he grabbed her arms to remove her from his apartment. He admitted that the pictures in evidence of her injuries were an accurate depiction of the injuries she sustained from his grabbing her arms. Although he omitted the portion about him grabbing her by the hair and dragging her out, many other parts of his testimony corroborate her version of events. The key distinction is that he would have this tribunal believe that he was justified to forcibly remove his then-girlfriend from his home when she refused to leave on her own. Rather than attempting to de-escalate the situation, as he has been trained to do by the Department, or calling 911 for assistance, Respondent chose to exert his physical strength over Complainant to remove her from his home. Additionally, Respondent admitted that this was not the first time he asked her to leave



his apartment during an altercation. In fact, he recalled that it had occurred three or four times before.

According to Respondent this was the first time he used force to remove Complainant from his apartment. However, he could not provide a persuasive explanation for his actions on the night of the incident, other than asserting his rights as a citizen to remove an unwanted person from his home.<sup>2</sup> This Tribunal rejects Respondent's proffered defense of justification and contention that he was also "victim" in this incident. While it is undisputed that Complainant hit Respondent during the altercation, I found his statement about the extent of his injury and having pictures to corroborate it, lacking merit. It is illogical that if Respondent had photos of his injuries he would not have furnished them upon his arrest. Moreover, Respondent did not offer any such evidence at this hearing, despite testifying that they were in his possession. (Tr. 114) Accordingly, this Tribunal found insufficient, credible evidence to support Respondent's narrative.

I further find that Respondent's violent acts are prejudicial to good order, discipline, and efficiency in this Department. While no human relationship is immune from periodic discord, violence is unacceptable, especially against an intimate partner. The evidence in this case establishes convincingly that on September 30, 2021 Respondent used force against Complainant

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<sup>2</sup> Counsel for Respondent argued, in his summation, that Respondent was justified in using physical force against Complainant in defense of his home pursuant to Article 35 of the NY State Penal Law. Section 35.20 states, in relevant part: "A person in possession or control of any premises may use physical force upon another person when he or she reasonably believes such to necessary to prevent or terminate what he or she reasonably believes to be the commission of attempted commission of a criminal trespass upon such premises." The fact that the Respondent asked his girlfriend to leave his apartment during an argument and she did not immediately comply, does not convert her remaining in his home into criminal trespass. Standing alone, this proof is insufficient as a matter of law because "unlawful remaining" requires that the actor have knowledge that remaining is unlawful. Under the circumstances present here, it was reasonable for Complainant to conclude that she had a license or privilege to remain in her boyfriend's home given the frequency with which she visited and was invited to stay overnight. Such belief, even if mistaken, negates the element of knowingly, "unlawfully remaining." See *People v. Ranieri*, 144 A.D. 2d 1006 (4th Dept. 1988) Counsel's reliance on the defense of justification in this context is therefore unavailing.

for refusing his request for her to leave his apartment because she wanted to discuss their relationship. He used his physical strength to remove her from his home and then his authority as an officer to intimidate her by stating that he would “report her as an EDP.” The misconduct charged in this specification is not merely a Patrol Guide violation, but constitutes criminal conduct committed by a police officer.

Based upon the foregoing, I find Respondent Guilty of Specification 1.

*Specification 2: Spat at Complainant and grabbed her phone as she was attempting to call for assistance*

Based upon the testimony of both Complainant and Respondent, there is no question that Respondent spat on Complainant during the altercation and took her phone out of her hand on the night in question. Complainant testified that after she struck the Respondent in the face, he went inside his apartment to change his clothes and when he came back out he spit the blood that was in his mouth in her face. (Tr. 18) Respondent’s blood splattered across her face and sweatshirt. He then threatened to report her as an EDP. Upon hearing this, Complainant called her mother for assistance. That is when she recalled the Respondent taking the phone from her hand, hanging it up and stating: “Why do you have to call your mom. A grown woman wouldn't do that. A grown woman could just get up and leave.” (Tr. 21)

Respondent offered a sanitized version of this interaction. He testified that after Complainant punched him in the face, he was so shocked by what happened that he spit because he “felt like he had something on his lip and it was blood.” (Tr. 110) When he spit, Complainant was directly in front of him, so the blood splattered across her face and sweatshirt. He then testified that he momentarily “zoned out” but remembers seeing Complainant use her phone. (Tr. 111) According to Respondent, he was “curious” to find out who she was calling and that’s when



he took Complainant's phone from her hand. He further explained that he wanted to make sure complainant's mother knew that it was his blood on Complainant's face and not her own. (Tr. 112)

This Tribunal finds Respondent's version to be a self-serving and veiled effort to justify his actions. While he may have been shocked about being punched in the face, one can infer that he knew that Complainant was in front of him. He, nonetheless, aimed his blood and saliva in Complainant's direction. Moreover, it was clear from his testimony that as soon as he saw that Complainant was calling her mother, he took the phone from her in an attempt to absolve himself of any wrongdoing because her mother was threatening to call 911.

Respondent's actions of spitting at Complainant added insult to injury and further humiliated her. Moreover, by taking her phone Respondent was effectively, disarming Complainant of her ability to call for assistance. This was yet another attempt at asserting his power and authority over her. Not only were Respondent's actions unbecoming of a Member of Service but a blatant disregard for basic human decency and civility.

Accordingly, I find Respondent Guilty of Specification 2.

*Specification 3: Pulling on Complainant's shirt and necklace, causing damage*

I find the Department has met its burden of proof by a preponderance of the credible, relevant evidence that Respondent ripped Complainant's sweatshirt and gold chain on September 30, 2021. In reaching this finding, I credit Complainant's statements as consistent and logical. Complainant testified that once outside of the apartment, Respondent stated: "You want to rip shit, I can fucking rip shit too," (Tr. 67) presumably referencing his ripped boxers. According to her, Respondent proceeded to rip the quarter-zip sweatshirt that she was wearing halfway down her torso and in the process ripped the gold chain she was wearing around her neck. Sergeant

Rahill testified that Complainant told him about Respondent ripping her sweatshirt and necklace during his interview of her shortly after the incident. Sergeant Rahill subsequently observed the ripped and blood-stained sweatshirt at the precinct and took pictures of it. (Dept. Exs. 6 & 7) I find that Complainant's explanation to Sergeant Rahill on the date of the incident coupled with her testimony before the Tribunal was consistent and comports with common sense.

Additionally, during cross-examination the Advocate asked Respondent how Complainant's sweatshirt ripped and he responded. "I don't recall. We were tussling. She was holding on to my stuff, I was holding on to her. That's how it happens." (Tr. 141) Although Respondent does not admit intentionally ripping her sweatshirt or necklace, his response suggests that it *may* have occurred while they were tussling. Respondent was then confronted by the Advocate with Department's Exhibit 10, which depicts lacerations on the Complainant's neck which she alleged she sustained at the time that he ripped her sweatshirt and necklace. He was asked if the marks in the photograph occurred when he ripped Complainant's sweatshirt and necklace off. Respondent replied "In the tussle, yeah." Again, while Respondent is not outwardly denying the fact that the sweatshirt and gold chain were ripped, he seemed to be mitigating his culpability to avoid the consequences of his actions. I found Respondent's testimony unconvincing and lacking candor.

For the foregoing reasons, I find Respondent Guilty of Specification 3.

## 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.

Respondent, who was appointed to the Department on July 10, 2006, has been found Guilty of all three specifications. The Department has recommended that his employment be terminated. I concur with their recommendation.

I note that his performance evaluations indicate that he has had an otherwise positive tenure with the NYPD. In this case, however, a solid employment record does not mitigate the egregious misconduct of which he has been found guilty.

The presumptive penalty for a single physical act of domestic violence is 30 suspension days, dismissal probation, and a 24-week counseling program; the aggravated penalty is termination.

I find the following aggravating factors to have been established by the evidence:

- (1) Respondent caused physical injury to Complainant.
- (2) Respondent used his power and authority to coerce, control and intimidate Complainant, who was significantly younger and less experienced than him.
- (3) Respondent knowingly served alcohol to Complainant when she was under the legal age to consume alcohol.
- (4) Respondent's lack of candor; and
- (5) Respondent's engaged in conduct that would constitute a crime.

The evidence, in this case, establishes that Respondent, a seventeen-year Member of Service assaulted his 19-year-old girlfriend by dragging her by her hair, grabbing her by her triceps with enough pressure and force to leave substantial bruising, spitting on her face and then ripping her clothing and necklace until he ultimately pushed her out of his apartment. He then attempted to absolve himself of any wrongdoing by taking Complainant's phone away from her when she tried calling her mother for help.

Members of Service agree to be held to a higher standard of behavior than is required for civilians. The commission of violence against an intimate partner of this nature and severity has been found by this Tribunal to be grounds for dismissal. (*See Disciplinary Case No. 2020-22965* [Feb. 16, 2023]; *Disciplinary Case No. 2019-21373* [July 20, 2022]; *Disciplinary Case No. 2020-22809* [June 3, 2022]; *Disciplinary Case Nos. 2016-16254 & 2018-19141* [July 9, 2021])

The evidence against Respondent and the substance of his testimony reveals that he lacks the integrity necessary to remain a Member of Service. Resorting to violence when another person does not accede to your will is bullying. Such selfish and ruthless behavior cannot be tolerated. Moreover, Respondent's actions on the day in question demonstrate that he is lacking good judgment and impulse control. Because of his misconduct, the Respondent has forfeited the moral authority to enforce the law.

Based upon the entirety of this record, I recommend that he be DISMISSED from the Department.

Respectfully submitted,



Vanessa Facio-Lince  
Assistant Deputy Commissioner Trials

**APPROVED**

OCT 19 2023  
  
EDWARD A. CABAN  
POLICE COMMISSIONER





## POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD  
POLICE OFFICER JERMACK ROMERO  
TAX REGISTRY NO. 941294  
DISCIPLINARY CASE NO. 2021-24072

Respondent was appointed to the Department on July 10, 2006. On his three most recent annual performance evaluations, he was rated “Exceeds Expectations” for 2020 and 2022, and “Exceptional” for 2021.

In connection with the instant matter, Respondent was suspended without pay from October 1, 2021 through October 31, 2021. He was placed on Level 2 Discipline Monitoring in November 2021; monitoring remains ongoing.

Respondent has no disciplinary history.

For your consideration.

Vanessa Facio-Lince  
Assistant Deputy Commissioner Trials