

## Eric Sanders

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**From:** EEOC <no-reply@service.eeoc.gov>  
**Sent:** Monday, September 16, 2024 05:37  
**To:** Eric Sanders Esq.; Mr. Joel Ramirez  
**Subject:** Your Attorney-Submitted Charge of Discrimination Is Signed / El cargo de discriminación presentado por su abogado está firmado



**U.S. Equal Employment Opportunity Commission  
New York District Office**

33 Whitehall St 5th Floor New York, NY 10004

(929) 506-5270

Website: [www.eeoc.gov](http://www.eeoc.gov)

09/16/2024

Mr. Joel Ramirez

Re: Mr. Joel Ramirez v. The City of New York - NYPD Legal Bureau  
EEOC Charge Number: 520-2024-08105

Dear Mr. Joel Ramirez,

This is to acknowledge receipt of your EEOC charge of discrimination, which has been filed under the following statute(s):

Title VII of the Civil Rights Act of 1964 (Title VII).

We will contact your attorney when we need more information. A notice of the charge will be sent to the organization you filed the charge against within 10 days of today as required by our procedures. Many states, counties, cities, and towns have their own laws prohibiting discrimination and responsible for enforcing those laws. These agencies are referred to as Fair Employment Practices Agencies (FEPAs). Usually, the laws enforced by these agencies are similar to those enforced by the EEOC. If the charge is initially filed with the EEOC and the charge is also covered by state or local law, the EEOC dual files the charge with the state or local FEPA (meaning the FEPA will receive a copy of the charge), but the EEOC typically retains the charge for processing.

Please use the EEOC charge number listed at the top of this email whenever you or your attorney contact us about this charge. Please notify the EEOC's New York District Office of any change to your or your attorney's contact information or if you either of you will ever be unavailable for a long time. Failure to cooperate may lead to dismissal of the charge.

The quickest and most convenient way for your or your attorney to obtain the status of your charge and to submit documents is to use the [EEOC Public Portal](#).

Sincerely,

The Equal Opportunity Employment Commission (EEOC)

Asunto: Mr. Joel Ramirez v. The City of New York - NYPD Legal Bureau  
Número de cargo de la EEOC: 520-2024-08105

Estimado(a) Mr. Joel Ramirez,

Este documento sirve para confirmar que hemos recibido su cargo de discriminación de la EEOC, que ha sido presentado bajo la(s) siguiente(s) ley(es):

Title VII of the Civil Rights Act of 1964 (Title VII).

Nos pondremos en contacto con su abogado cuando necesitemos más información. Se enviará una notificación del cargo a la organización contra la que presentó el mismo en un plazo de 10 días a partir de hoy, tal como exigen nuestros procedimientos. Muchos estados, condados, ciudades y pueblos tienen sus propias leyes que prohíben la discriminación y son responsables de hacerlas cumplir. Estas agencias se denominan Agencias de Prácticas de Empleo Justas (FEPA, por sus siglas en inglés). Normalmente, las leyes que hacen cumplir estas agencias son similares a las que hace cumplir la EEOC. Si el cargo se presenta inicialmente ante la EEOC y también está cubierto por la legislación estatal o local, la EEOC presenta el cargo ante la FEPA estatal o local (lo que significa que la FEPA recibirá una copia del cargo), pero la EEOC suele conservar el original del cargo para procesarlo.

Utilice el número de cargo de la EEOC que aparece en la parte superior de este correo electrónico siempre que usted o su abogado se pongan en contacto con nosotros en relación con este cargo. Por favor, notifique la New York District Office de la EEOC de cualquier cambio en su información de contacto o en la de su abogado, o si alguno de los dos no va a estar disponible en algún momento durante mucho tiempo. La falta de cooperación puede dar lugar a la desestimación del cargo.

La forma más rápida y cómoda para que usted o su abogado obtengan el estado de su cargo y presenten documentos es utilizar el [Portal público de la EEOC](#).

Sincerely,

The Equal Opportunity Employment Commission (EEOC)

Cc:

Eric Sanders Esq.  
The Sanders Firm, P.C.  
30 wall street  
8th Fl  
New York, NY 10005

212-652-2782

# CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

FEPA  
 EEOC

New York State Division of Human Rights and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Joel Ramirez

Home Phone (Incl. Area Code)



Date of Birth

Click here to enter text.

Street Address

City, State and ZIP Code



Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

The City of New York

No. Employees, Members

500+

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

Click here to enter text.

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check the appropriate box(es).)

RACE     COLOR     SEX     RELIGION     NATIONAL ORIGIN  
 RETALIATION     AGE     DISABILITY     GENETIC INFORMATION  
 OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest    Latest  
09/02/2022    present

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

### I. Overview of the Allegations:

This charge is filed against the City of New York - New York City Police Department (NYPD) for race and national origin discrimination, retaliation, and violations of federal, state, and local laws, including:

1. Title VII of the Civil Rights Act of 1964 (prohibiting employment discrimination based on race, color, religion, sex, and national origin),
2. The Equal Protection Clause of the Fourteenth Amendment (guaranteeing equal protection under the law),
3. New York State Executive Law § 296 (New York State Human Rights Law, prohibiting discrimination in employment based on race, national origin, and other protected classes),
4. New York Labor Law § 215 (prohibiting retaliation against employees for reporting misconduct),

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

9/15/2024

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.  
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

15TH SEPTEMBER 2024 COURT OF WESTCHESTER

REG # 02SA0013820 EXP. 09.26.2027

### CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

- FEPA
- EEOC

New York State Division of Human Rights

and EEOC

*State or local Agency, if any*

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- 5. New York Labor Law § 740 (whistleblower protection law for employees reporting substantial and specific dangers to public health or safety),
- 6. New York City Administrative Code § 8-107 (prohibiting employment discrimination based on race, national origin, and other protected classes).

The discrimination and retaliation Charging Party JOEL RAMIREZ has experienced stem from the NYPD's coverup and mishandling of the Electric Zoo incident, the AWOL investigation involving UC 351, and the biased disciplinary process. Despite being well-qualified and consistently maintaining good standing, Charging Party JOEL RAMIREZ was denied promotion to Captain in retaliation for challenging the coverup and misconduct related to the Electric Zoo incident and the so-called AWOL investigation involving UC 351. The NYPD's actions demonstrate a pattern of selective enforcement, racial bias, and retaliation against whistleblowers like myself, particularly officers of color.

**II. Facts of the Case:**

**1. The Electric Zoo Investigation and Cover-Up**

The timeline of events and subsequent actions involving Charging Party JOEL RAMIREZ during the Electric Zoo Festival on Randall's Island paint a troubling picture of internal misconduct, mishandling of evidence, and a blatant cover-up by senior officers. Charging Party JOEL RAMIREZ, tasked with overseeing narcotics enforcement, was primarily stationed with the Prisoner Van (P-Van) to prevent misconduct similar to the infamous Chambers incident; despite his clear focus on his assigned responsibilities, sergeants and detectives under his direct and indirect supervision engaged in illegal activities, which were later concealed by senior management.

**Timeline of Events – Friday, September 2, 2022**

At 1230 hours, Charging Party JOEL RAMIREZ led a pre-tactical meeting with the Narcotics Borough Manhattan North (NBMN) team, planning for undercover narcotics operations at the Electric Zoo Festival. Charging Party JOEL RAMIREZ'S role was to manage two teams of one sergeant and eight detectives covering the 23rd and 32nd Precincts modules, ensuring coordination for drug enforcement actions.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

9/15/2024

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

Date

Charging Party Signature

15th SEPTEMBER 2024 COUNTY OF WESTCHESTER

REG # 025A 0013820 EXP. 09.26.2027

As part of Charging Party JOEL RAMIREZ duties, he specifically supervised the P-Van, a decision influenced by concerns stemming from the Chambers case—a prior incident of misconduct involving a prisoner van. A few years ago, the City of New York settled with Anna Chambers for \$125,000 following serious allegations against two former NYPD detectives, Eddie Martins, and Richard Hall, who were accused of raping Chambers in 2017 while she was in their custody.

While Charging Party JOEL RAMIREZ diligently supervised the P-Van and monitored detainees, among other supervisory duties, unbeknownst to him, a group of detectives—Jonathan Gonzalez, Warren Golden, and Wojciech Czech—along with many others—began consuming alcohol and engaging in inappropriate behavior. Sergeants Robert Kelly, and Sean Pittman supervised this group. These supervisors failed to intervene despite their direct responsibility for overseeing these officers.

### **The Events Leading to the Theft of Ace of Spades Champagne**

Saturday, September 3, 2022, was a particularly significant day. Charging Party JOEL RAMIREZ began his tour at 1300 hours, focusing on administrative duties, reviewing kite reports, and monitoring operations. At 1430 hours, Charging Party JOEL RAMIREZ was informed by Sergeant Pittman that Detectives Gonzalez, Golden, and Czech would be assisting with law enforcement activities on Randall's Island.

Later that evening, at approximately 1915 hours, while Charging Party JOEL RAMIREZ was still occupied with his supervisory duties, unbeknownst to him, security personnel assigned to the VIP section of the festival detained the three detectives—Gonzalez, Golden, and Czech—after they were caught stealing two bottles of Ace of Spades champagne worth nearly \$3,000. The detectives were accused of taking the bottles when the individuals who had purchased them temporarily left their table. Detectives Gonzalez allegedly placed the bottles in a black backpack with the intent to remove them from the VIP area. Detectives Czech and Golden were present but failed to intervene or stop Gonzalez from committing the theft.

The incident was reported to festival security and the original champagne owners, who were able to recover the bottles from Gonzalez's possession. Charging Party JOEL RAMIREZ, still at the P-Van and unaware of the situation, was not present when the theft occurred.

### **The Cover-Up by Senior Officers**

Later that evening, Charging Party JOEL RAMIREZ became aware of the alleged theft, was immediately informed, and escalated the matter to his superiors. However, instead of addressing the situation through proper investigative protocols, senior officers intervened to protect the detectives involved, including Deputy Inspector Christopher Henning and Inspector Peter Fiorillo.

Deputy Inspector Daniel Campbell, in particular, instructed the detectives to change their clothes and leave the festival grounds before they could be seen by the Internal Affairs Bureau (IAB), who had been notified of the incident. Despite the seriousness of the offenses, the detectives were not immediately disciplined. The IAB was investigating, but rather than allowing the investigation to proceed without interference, the senior officers actively worked to shield the detectives from accountability.

Tuesday, September 6, 2022, Charging Party JOEL RAMIREZ was ordered by Inspector Fiorello to report to his office. Upon his arrival, Inspector Fiorillo and Deputy Inspector Campbell were on a conference call with Chief McGee. He overheard Chief McGee say, "Kenny [meaning Chief of Detectives Joseph Kenny] said, make sure Ramirez is the fall guy."

### **The Internal Affairs Investigation**

The Internal Affairs Bureau's investigation into the events at the Electric Zoo festival revealed significant inconsistencies in the disciplinary actions taken against Charging Party JOEL RAMIREZ, suggesting that his discipline was based on conjecture rather than solid evidence.

Video footage and receipts clearly show that several detectives, including Detectives Gonzalez, Czech, and Golden, along with others, purchased and consumed alcohol at the event. This consumption occurred in Sergeants Dooley, Kelly, and Pittman's presence but notably outside Charging Party JOEL RAMIREZ'S presence. The receipts confirm the purchase of drinks at specific times, yet no evidence shows RAMIREZ was aware of or condoned these actions.

The investigation confirmed that once Charging Party JOEL RAMIREZ arrived at the scene, the detectives quickly removed the black bag containing the vodka. Detective Czech, in particular, was observed taking action to hide the evidence. Despite this, Charging Party JOEL RAMIREZ was charged with failing to supervise the police personnel and providing misleading statements about the consumption of alcohol. However, the evidence suggests that Charging Party JOEL RAMIREZ had no opportunity to witness the consumption of alcohol, as the detectives concealed the black bag almost immediately after his arrival.

Charging RAMIREZ with misconduct for failing to supervise under these circumstances seems unwarranted. The Internal Affairs Bureau's investigation points to Charging Party JOEL RAMIREZ arriving at approximately 1934 hours, at which point the police personnel already had the alcohol. The officers' actions to remove the bag before Charging Party JOEL RAMIREZ could notice it suggest that he was not privy to their misconduct. Holding him accountable for events before his arrival, for which there is no evidence he was aware, stretches the bounds of reasonable supervision.

Additionally, the Bureau charged Charging Party JOEL RAMIREZ with making misleading statements regarding the consumption of alcohol. However, given the timeline established through receipts and video evidence, it appears that any statements Charging Party JOEL RAMIREZ made denying knowledge of the alcohol consumption were truthful. The officers had hidden the alcohol before he had a chance to observe it, meaning his statements reflected his understanding of the situation. The Bureau's conclusions appear to be based more on assumptions than verified facts.

The investigation also established Detective Gonzalez stole two Ace of Spades champagne bottles. Mr. Charles Zhang, who observed Gonzalez taking the bottles, confirmed this theft. Detective Czech assisted in moving the bottles, which were eventually concealed in Detective Gonzalez's backpack. However, there is no evidence tying Charging Party JOEL RAMIREZ to this theft, as it occurred outside his presence.

The Bureau's decision to charge Charging Party JOEL RAMIREZ with misconduct, despite the officers' efforts to conceal their wrongdoing from him, raises serious questions about the fairness of the investigation and his discipline. The removal of the black bag containing the vodka and the concealment of the stolen champagne occurred before Charging Party JOEL RAMIREZ had a chance to intervene, leaving him unaware of the full extent of the officers' actions.

## **2. The AWOL Investigation Regarding UC 351**

By Tuesday, September 20, 2022, Charging Party JOEL RAMIREZ was informed that an investigation had been initiated regarding the unauthorized absences of UC 351, an undercover officer whose leave had been approved by Inspector Peter Fiorillo. UC 351 had been on authorized leave since July 8, 2022, but Charging Party JOEL RAMIREZ was falsely accused of failing to document his absences and properly supervise his return to duty.

- **Misleading Claims:** Despite following all protocols for UC 351's leave, which included five weeks of approved leave, Charging Party JOEL RAMIREZ was accused of not maintaining accurate records. This accusation arose after Deputy Inspector John Wilson and Chief Brian McGee sought to use this minor issue to discredit Charging Party JOEL RAMIREZ'S leadership and retaliate against UC 351 because unbeknownst to him, UC 351 sent an email to the Internal Affairs Bureau reporting the theft and consumption of alcohol as he learned the information through a WhatsApp Group Chat. On September 20, 2022, Charging Party JOEL RAMIREZ was informed that the AWOL investigation had been escalated despite no legitimate reason for concern.

## **3. The Role of Management and Internal Affairs Bureau (IAB) Involvement**

The cover-up of the Electric Zoo incident extended beyond the officers involved. Senior officers in the NYPD, including Deputy Inspector Campbell, Inspector Fiorillo, Deputy Inspector Henning, and Chief McGee, deliberately shifted the focus of blame onto Charging Party JOEL RAMIREZ, ignoring the clear violations committed by Detectives Gonzalez, Golden, Czech, and Katehis. Despite the severity of the theft and alcohol consumption, these officers were protected by management.

- **Deputy Inspector Daniel Campbell:** DI Campbell instructed the detectives to change out of their uniforms, leave the scene, and avoid IAB investigators. He then collaborated with Inspector Fiorillo to create a false narrative that Charging Party JOEL RAMIREZ had failed in his supervisory responsibilities.

- **Inspector Peter Fiorillo:** Inspector Fiorillo delayed notifying IAB about the misconduct, ensuring the detectives had enough time to cover their tracks. He later provided misleading information to IAB, focusing their investigation on Charging Party JOEL RAMIREZ instead of the officers.
- **Deputy Inspector Christopher Henning:** DI Henning further distorted the facts by claiming that the individuals involved in the theft were impersonating police officers rather than reporting the truth about the detectives' criminal behavior.
- **Chief Brian McGee:** Chief McGee played a central role in framing Charging Party JOEL RAMIREZ with the failure of supervision at Electric Zoo, despite knowing that the senior management was protecting the officers involved.

The Internal Affairs Bureau, a political operative of former Police Commissioner Keechant L. Sewell, Bureau Chief David P. Barrere, influenced by senior management, conducted a biased investigation that disregarded vital evidence of the senior management's misconduct and instead targeted Charging Party JOEL RAMIREZ for retaliation. This pattern of selective enforcement and protection for white officers' members of the NYPD Gaelic Football Club reflects the systemic discrimination Charging Party JOEL RAMIREZ has faced throughout this ordeal.

#### 4. Departmental Retaliation

After the Electric Zoo incident, Charging Party JOEL RAMIREZ faced immediate and severe retaliation from senior officers in the NYPD. This retaliation included:

- **Position Changes:** Following the incident, Charging Party JOEL RAMIREZ was reassigned multiple times, moving from Module Lieutenant to Administrative Lieutenant. He was also instructed not to accrue overtime, which limited his ability to earn income. Meanwhile, the senior management nor the other officers were subject to such restrictions.
- **Issuance of Charges and Specifications:** Despite not engaging in misconduct, Charging Party JOEL RAMIREZ was issued Charges and Specifications for failing to supervise and report the officers' misconduct. These charges were baseless and designed to shift responsibility away from the senior management and Sergeants Dooley, Kelly, Pittman, Detectives Gonzalez, Golden, Czech, Katehis, and others while focusing entirely on RAMIREZ.
- **Isolation:** Senior officers, including Deputy Inspector Wilson and Chief McGee, worked to isolate me within the department. Sergeants Dooley, Kelly, and Pittman were accused of attempting to cover up the officers' misconduct, and Charging Party JOEL RAMIREZ'S reputation within the department was severely damaged. Meanwhile, the officers involved in the theft and alcohol consumption continued to serve without any severe consequences.

### III. The Disciplinary Process: Findings and Application to Ramirez's Case

The handling of Charging Party JOEL RAMIREZ'S case highlights several issues that align with concerns raised in the 2019 Panel Report on the NYPD's Disciplinary System, specifically those regarding transparency, external influences, and inconsistencies in disciplinary outcomes.

1. **Lack of Transparency in the Disciplinary Process:** One of the most significant concerns raised in the Panel Report is the pervasive lack of transparency in the disciplinary process. Charging Party JOEL RAMIREZ was charged with failure to supervise, yet there is no clear evidence of any misconduct on his part. This lack of evidence and transparency raises questions about how decisions were made and how accountability was enforced.
2. **Susceptibility to External Pressures:** Another issue noted by the Panel is that disciplinary decision-makers are potentially vulnerable to inappropriate influences. Charging Party JOEL RAMIREZ'S case demonstrates this vulnerability. Although the detectives directly involved in the theft of alcohol were protected by their superiors, Charging Party JOEL RAMIREZ, who was involved peripherally and focused on his supervisory duties, was targeted for disciplinary action. This suggests that external pressures, perhaps from higher-ranking officials, influenced the decision to focus on RAMIREZ while deflecting blame from the more culpable senior management and officers.
3. **Inconsistent Disciplinary Outcomes:** The Panel also identified inconsistency in the penalties imposed on officers. Despite his documented actions to address the situation, Charging Party JOEL RAMIREZ'S charges for failure to supervise appear disproportionate compared to the lenient handling of the detectives who were directly involved in the theft. This inconsistency in punishment reflects broader concerns that the NYPD does not always impose discipline in a fair or evenhanded manner.
4. **Influence of Internal Hierarchy:** The Panel Report also expresses concerns about the undue influence of internal hierarchy on the outcome of disciplinary cases. Charging Party JOEL RAMIREZ'S situation is emblematic of this, as it

appears that decisions were made to protect the senior management and officers with stronger internal connections. The Panel notes that higher-ranking officials sometimes escape accountability, while lower-ranking individuals or those without strong internal advocates, like Charging Party JOEL RAMIREZ, are unfairly disciplined.

#### **IV. The Department Trial and Disciplinary Findings**

##### **The Case Against Lt. Ramirez is Based on Conjecture, Not Direct Evidence**

The allegations and findings against Charging Party JOEL RAMIREZ are grounded in speculation rather than direct, substantiated evidence. There is no credible testimony or concrete observation that definitively shows Charging Party JOEL RAMIREZ witnessed any of his subordinate's consuming alcohol or exhibiting signs of intoxication. Several testimonies throughout the trial dismantle the department's case, revealing a troubling reliance on assumptions rather than facts.

##### **Internal Inconsistencies in the Application of Reasonableness**

The Electric Zoo case displays an irreconcilable contradiction within the report and recommendation involving absence without leave (AWOL) of UC 351. In the AWOL matter, Charging Party JOEL RAMIREZ was found not guilty because he reasonably relied on department records, such as roll call sheets, to account for his personnel. Specifically, the tribunal correctly concluded that he was entitled to trust these records to manage his team and could not be held accountable for discrepancies in the system beyond his control.

However, this standard of reasonable reliance is inexplicably denied to Charging Party JOEL RAMIREZ in the Electric Zoo case. The recommendation claims that Charging Party JOEL RAMIREZ should have known his team members were consuming alcohol, even though there was no direct evidence to support this assertion. Testimonies from Police Officer Victor Nunez and Detective Gary Perez explicitly state that no alcohol was consumed in Charging Party JOEL RAMIREZ'S presence, nor did anyone alert him to its consumption.

The contradiction is stark: either Charging Party JOEL RAMIREZ is entitled to rely on official records and the integrity of his personnel, or he is not. The selective application of reasonableness undermines the findings against him and reflects an unjust inconsistency in adjudicating these cases.

##### **Contradictory Standards for Supervision**

In the AWOL case, Ramirez was not held accountable for UC 351 because he relied on department records indicating that the officer was on authorized leave. Yet, despite having no direct evidence or indicators of misconduct in the Electric Zoo case, Charging Party JOEL RAMIREZ is held to an unreasonable standard, as if he should have somehow known what was happening with his subordinates. This inconsistency reflects a clear bias and lack of fairness in applying supervisory responsibility.

The report and recommendation are internally inconsistent in applying a reasonableness standard. When Charging Party JOEL RAMIREZ relied on Sergeant Pittman's explanations regarding Detective Katehis's condition, the ruling dismissed this reliance as insufficient. Yet, in the AWOL case, Charging Party JOEL RAMIREZ'S reliance on faulty department records is deemed reasonable. This selective and inconsistent rule application undermines the disciplinary recommendation's validity.

##### **Testimonies that Disprove Assumptions of Guilt**

1. **Lieutenant Shaun Tanner's Testimony:** Tanner's statements highlight the speculative nature of the charges against Ramirez. Tanner did not provide any direct evidence that Charging Party JOEL RAMIREZ was aware of alcohol consumption. Instead, his testimony relies on assumptions that have no factual basis.
2. **Police Officer Victor Nunez's Testimony:** Nunez's testimony is pivotal in dismantling the department's case. He clearly stated that alcohol was never poured in Charging Party JOEL RAMIREZ'S presence, and there were no overt signs of intoxication visible to him. This testimony directly contradicts the assumption that RAMIREZ should have known about the alcohol consumption.



3. **Detective Gary Perez's Testimony:** Perez admitted to drinking but confirmed that no supervisors, including Charging Party JOEL RAMIREZ, were informed of this. Perez's testimony reinforces the fact that any alcohol consumption was hidden, further invalidating the notion that RAMIREZ should have known.
4. **Sergeant Gairy James's Testimony:** James emphasized the importance of relying on observable facts, such as slurred speech or the smell of alcohol, to determine intoxication. No such indicators were present, making the assumptions against Charging Party JOEL RAMIREZ even more speculative.

### **Misapplication of the Derek Miller Precedent**

The recommendation against Charging Party JOEL RAMIREZ blatantly disregards the precedent set in *Police Department City of New York v. Derek Miller*, which established that intoxication cannot be presumed without clear, overt signs like slurred speech or the smell of alcohol. In Charging Party JOEL RAMIREZ'S case, none of these signs were present, yet the recommendation relies on speculative assumptions that he "should have known" his team was consuming alcohol.

The *Miller* case set a clear standard: officers cannot be disciplined based on assumptions of intoxication without direct evidence. The report's failure to apply this standard is a severe legal misstep and further emphasizes Charging Party JOEL RAMIREZ'S unjust treatment.

### **Report and Recommendation Consistent with the 2019 Panel Report's Concerns**

The flaws in the report against Charging Party JOEL RAMIREZ echo the systemic issues highlighted in the 2019 Panel Report on NYPD disciplinary practices. The Panel warned of the dangers of inconsistent disciplinary standards, unfair assumptions, and decisions not based on evidence. In Charging Party JOEL RAMIREZ'S case, these concerns are starkly evident.

The 2019 Panel Report criticized the Department's reliance on assumptions rather than concrete evidence. Charging Party JOEL RAMIREZ'S case is a textbook example of this. Instead of basing conclusions on observable facts, the recommendation is rooted in speculative "should have known" reasoning, which is insufficient to justify disciplinary action.

The inconsistent application of standards and reliance on conjecture in Charging Party JOEL RAMIREZ'S case highlight the need for reconsidering the department's disciplinary processes to ensure fairness and transparency, as emphasized by the 2019 Panel Report.

### **V. Passed Over for Promotion to Captain in Retaliation**

Despite Charging Party JOEL RAMIREZ'S qualifications and his placement as List No.: 56.5 with a score of 88.44 on the Promotion to Captain Examination No.: 2558. The New York City Department of Citywide Administrative Services (DCAS) established a 244-name list for promotion to Captain on December 21, 2022. Despite Charging Party JOEL RAMIREZ'S ranking and merit, he has consistently been denied advancement and passed over for promotion more than fifteen times since the Electric Zoo incident.

Charging Party JOEL RAMIREZ alleges that the failure to promote is discriminatory and in retaliation for challenging senior management with covering up the Electric Zoo incident to protect the white officers' members of the NYPD Gaelic Football Club reflects the systemic discrimination Charging Party JOEL RAMIREZ has faced throughout this ordeal.

### **VI. Failure to Promote and the Harm Caused**

The NYPD's discriminatory failure to promote Charging Party JOEL RAMIREZ'S to Captain, despite his proven qualifications and eligibility, has caused significant harm to RAMIREZ'S career, finances, and well-being:

1. **Lost Wages and Benefits:** Charging Party JOEL RAMIREZ has been passed over for promotion to Captain more than fifteen times and, therefore, has been denied pay increases, benefits, and pension adjustments, resulting in substantial financial losses.
2. **Career Stagnation:** Charging Party JOEL RAMIREZ'S career progression has been unfairly halted, preventing him from advancing to a leadership position within the NYPD despite his qualifications.

3. **Emotional and Psychological Distress:** The actions against Charging Party JOEL RAMIREZ have caused him severe emotional and psychological harm, including stress, humiliation, and anxiety about remaining employed with the department and any future opportunities.
4. **Damage to Reputation:** The baseless charges and disciplinary actions brought against the Charging Party JOEL RAMIREZ, have severely tarnished his professional reputation.

## **VII. Request for Relief**

Charging Party JOEL RAMIREZ respectfully requests that the United States Equal Employment Opportunity Commission (EEOC) investigate the NYPD's discriminatory and retaliatory practices and provide the following relief:

1. **Immediate Promotion:** Charging Party JOEL RAMIREZ requests that his name be immediately restored to the promotion list and retroactively promoted to Captain, including full pay, benefits, and seniority dating to the first canvass of the list.
2. **Emotional Distress and Reputational Damage:** Charging Party JOEL RAMIREZ requests compensation for the emotional distress and harm to his professional reputation.
3. **Corrective Action:** The NYPD must implement measures to prevent future discriminatory and retaliatory actions, including reforms to the promotional and disciplinary processes to ensure fairness and transparency.