

***Dep't of Correction v. Young***

OATH Index No. 1637/26 (May 11, 2026)

Petitioner proved that, during an escort of a rear-cuffed detainee on a transportation bus, correction officer used impermissible force by pushing her into a small holding pen with such force that her face hit the metal grate on the bus window, causing serious facial injury. Termination of employment recommended.

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**New York City Office of  
Administrative Trials and Hearings**

*In the Matter of*  
**Department of Correction**

*Petitioner*

*-against-*

**Christopher Young**

*Respondent*

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**Report and Recommendation**

**Seon Jeong Lee, *Administrative Law Judge***

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Petitioner, the Department of Correction (the “Department”), brought this disciplinary proceeding under section 75 of the Civil Service Law, alleging that respondent Correction Officer Christopher Young inefficiently performed his duties, engaged in conduct unbecoming an officer and of a nature to bring discredit upon the Department, and used excessive, unnecessary, or retaliatory force when he pushed a detainee who was “rear cuffed” into a holding pen in a Department transportation bus, causing her face or head to strike the grating on the window of the bus and resulting in injury (ALJ Ex. 1).

This case was filed on March 23, 2026, and is designated for expeditious resolution under section F(2) of the Nunez Action Plan. See *Nunez v. City of New York*, No. 11 Civ. 5845 (LTS) (JCF) at 18-19 (S.D.N.Y. June 14, 2022).

Trial was held by videoconference on April 9, 2026. Petitioner presented documentary and video evidence, and testimony of an investigator. Respondent testified on his own behalf, offered the testimony of his partner officer, Correction Officer Taisha Bonner, and submitted video and documentary evidence.

For the following reasons, I find that petitioner proved the charges and recommend termination of respondent’s employment.

## **Background**

This incident stemmed from detainee Angelle Thompson’s resistance to an order from the Department’s supervisor for her to appear in court (Pet. Ex. 9 at 1, 3)<sup>1</sup>. Body-worn cameras

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<sup>1</sup> According to the investigator, a court order to produce Thompson did not exist. The investigation revealed that Intake Captain Trisha Young contacted the Criminal Justice Bureau (“CJB”), after which she was informed that Thompson needed to go to court (Tr. 53-54, Pet. Ex. 9 at 6). It is unclear whether the CJB is part of the court or within the Department. Respondent argued that the Department supervisors acted without permission to compel Thompson, and with a use of force, to go to court without a court order (Tr. 54, 192-93). Even if this were the case, the absence of a court order does not diminish or excuse misconduct by correction officers who are “charged with the proper care, custody, and control” of detainees (Pet. Ex. 2 at 2). See *Dep’t of Correction v. Angrum*, OATH Index Nos. 933/05 & 934/05 at 46 (July 13, 2006); see also Employee Rules and Regulations § 3.05.120 (“Members of the Department are responsible for the efficient performance of their duties and for the proper supervision of any inmates under their direction.”).

("BWCs") captured Thompson's refusal to comply with directives from members of service relating to her transport on October 14, 2025 (Pet. Exs. 5, 6; Resp. Exs. A, B, C). Videos showed that at approximately 11:00 a.m., Thompson was inside a holding pen at the Rose M. Singer Center ("RMSC"), and correction officers Jessica Arzu, Sherine Lee, Tamara Davis, and respondent were standing in front of the pen and had activated their BWCs with audio (Pet. Ex. 5; Resp. Exs. A, B, C). Captain Trisha Young was also present, and Officer Arzu opened the door to the pen (Pet. Ex. 5 at 11:04:48-11:04:50). From inside the pen, Thompson screamed repeatedly that she was not going to court and, while cursing at the captain, questioned the captain's authority to force her to go (*Id.* at 11:04:58-11:05:22). Thompson said she was not feeling well, so she saw the doctor that morning who told her to take naproxen, which staff did not give her, and the doctor told her she could take it later (*Id.* at 11:05:23-11:05:54). Captain Young said the doctor's visit made her "fit" for court, but Thompson retorted that the doctor did not tell her she had to go to court (*Id.* at 11:05:55-11:05:57). By this time, Assistant Deputy Warden ("ADW") Zeus Peng joined the officers in front of the pen to get Thompson to cooperate (*Id.* at 11:06:20).

Captain Young stated, "There's no refusing court," and instructed staff to apply a mechanical restraint on Thompson (*Id.* at 11:05:59-11:06:01). Thompson lashed out in response, "I'm not going . . . you can't make me go to court, fuck you!" and continued to curse and scream at staff members (*Id.* at 11:06:02-11:06:28). Captain Young ordered the officers to handcuff Thompson, and staff members tried to get Thompson to cooperate through verbal communication (*Id.* at 11:06:16-11:06:28). Thompson continued with her belligerent refusals, explaining that she could not go to court because she was unwell (*Id.* at 11:06:28-11:07:40). As staff members continued to talk with Thompson to gain cooperation, Officer Arzu walked into the pen (*Id.* at 11:07:41-11:08:12).

Captain Young told Thompson that she could get her medicine and that she would take Thompson to speak with the doctor (*Id.* at 11:08:04-11:08:28). Thompson agreed and stepped out of the pen (*Id.* at 11:08:28). Immediately, Captain Young ordered the pen door closed and instructed Thompson to place her hands behind her back so that she could go to court (*Id.* at 11:08:29-11:08:35). Thompson resisted and walked away from the officers who were trying to

gain compliance through verbal communication (*Id.*; Resp. Ex. A at 11:08:37-11:09:08). Officer Arzu placed her hand on Thompson's shoulder, but Thompson pulled away (Pet. Ex. 5 at 11:09:09-11:09:11). Officer Lee also tried to place her hand on Thompson's upper body, but she blocked the officer (Resp. Ex. B at 11:09:22-11:09:24). Officer Lee took out her OC spray and threatened to spray Thompson, who reluctantly complied by placing her hands behind her back while repeatedly screaming, "You're gonna die and you know it," combined with profanity and racial epithets (Resp. Ex. A at 11:09:27-11:10:30). Officers Arzu and Lee, with assistance from Officer Davis, handcuffed Thompson's hands behind her back (*Id.*; Resp. Ex. B at 11:09:25-11:10:00).

Thompson continued to scream her refusal to go to court and directed verbal abuse toward the officers, who escorted her to the clinic (Resp. Ex. A at 11:10:34-11:12:29). At the clinic, Thompson entered the medical cubicle, where she was visually examined by clinical staff for any injuries to her hands while being handcuffed (*Id.* at 11:12:30-11:14:37). Thompson denied being injured and asked to have her medicine ordered for later (*Id.*).

After the clinic visit, Thompson continued with her loud refusals and walked away from the officers (*Id.* at 11:14:38-11:14:53). Officers Arzu and Lee took hold of Thompson's left and right arms and escorted her forward through the building. Thompson continued to scream profanities and hostile comments like, "have a fucking heart attack" and "drop dead" (*Id.* at 11:14:38-11:15:56). When Thompson realized that she was being escorted out of the building, she tensed her body, but the officers overpowered her and continued to move her forward until they stopped in front of a bus (Pet. Ex. 5 at 11:15:58-11:16:22; Resp. Ex. A at 11:15:47-11:16:22). ADW Peng, Captain Young, and respondent followed them (Pet. Ex. 5 at 11:15:58-11:16:24; Resp. Ex. C at 11:15:50-11:16:53).

Respondent boarded the bus first (Pet. Ex. 5 at 11:16:26-11:16:34; Resp. Ex. A at 11:16:39-11:16:41). As Officers Arzu and Lee tried to get Thompson on to the bus, she kicked at them (Resp. Ex. C at 11:16:50-11:16:55). Officer Arzu's BWC fell to the ground (Resp. Ex. A at 11:16:40). From inside the bus, respondent grabbed Thompson by the arms and her sweatshirt and assisted with getting her onto the bus (Pet. Ex. 5 at 11:16:52-11:16:55; Resp. Ex. B at 11:16:52-11:16:55).

Respondent continued the escort of Thompson inside the bus (Pet. Ex. 5 at 11:16:55). These charges arose from what transpired inside the bus during respondent's escort of Thompson.

## **Analysis**

### **Petitioner's Case**

#### **Body Worn Camera Videos**

Both respondent and Officer Bonner activated their BWCs to record the escort on the bus (Pet. Exs. 5, 6). The Department's transportation bus looks like a white school bus (Pet. Ex. 5 at 11:16:18). At the front of the bus are the driver's seat, front door, and steps from the door (*Id.* at 11:16:25). Next to the steps is one seat for an officer. Along the sides of the bus where seats would be on a typical bus are holding pens with steel-gate partitions with plexiglass covering on the outside and steel-gate doors with three vertical solid bars that open toward the aisle. In the middle of the bus is an aisle leading to the pens (*Id.* at 11:16:33-11:16:50). Officer Bonner is at the back of the bus (*Id.* at 11:16:35). She is holding the door open and standing behind it (*Id.*; Pet. Ex. 6 at 11:16:57).

As Thompson is getting on the bus she screams, "No, no, no . . . I'm gonna kill you, bitch," and resists the officers' hold (Pet. Ex. 5 at 11:16:44-11:16:54). Respondent pulls Thompson onto the bus by taking hold of her shirt and arms that are restrained behind her back (*Id.* at 11:16:51-11:16:55; Pet. Ex. 6 at 11:16:54-11:16:55). Thompson looks sideways toward the entrance and kicks one leg out in the direction of the bus door (Pet. Ex. 6 at 11:16:55-11:16:56).

Once Thompson is on the bus, respondent positions himself behind her and grabs hold of her left elbow with his left hand and her right wrist with his right hand for the escort (Pet. Ex. 5 at 11:16:59). Thompson briefly turns her head to look behind her and then begins to walk forward (*Id.* at 11:16:59-11:17:00). Respondent holds Thompson's rear-cuffed arms at about an arm's length away from him as they walk, and Thompson's upper body is leaning slightly forward (*Id.*). Thompson takes one big step and as she takes a second step forward, she grunts and kicks back toward respondent (Pet. Exs. 5, 6 at 11:16:59-11:17:01). Respondent immediately says in a stern voice, "Don't kick me" (Pet. Ex. 6 at 11:17:00-11:17:01).

In a few steps, Thompson is in front of a small holding pen with a double seat (Pet. Ex. 6 at 11:17:01.897). Still holding on to Thompson's rear-cuffed arms with his two hands in the escort hold position, he extends both arms away from his body to push her into the pen (Pet. Ex. 5 at 11:17:01-11:17:02; Pet. Ex. 6 at 11:17:02.398-11:17:02.597). Instantly, Thompson's face and upper body hit the metal grate on the bus window (Pet. Ex. 5 at 11:17:02-11:17:03; Pet. Ex. 6 at 11:17:02.717). She appears to bounce off the metal grate from the impact, and her body rotates around and lands on the seats with her face forward (Pet. Ex. 6 at 11:17:03.195-11:17:03.714). Thompson says to respondent, "Ooo, alright, you're gonna die, cracker, you're gonna die" (Pet. Ex. 5 at 11:17:04-11:17:07). Officer Bonner shuts the door to the pen and respondent locks it (*Id.* at 11:17:05). He says repeatedly, "Don't kick me" and "Do not kick me" (*Id.* at 11:17:05-11:17:16).

#### **Investigator's Testimony**

Investigator Nieoka Gayle-Brown was assigned to this case for further review after a preliminary investigation (Tr. 18-19). She has worked for the Department for approximately three years and is presently assigned to the Investigation Division (Tr. 16). She has conducted approximately 32 impartial investigations into uses of force and has not always found misconduct (Tr. 18). She received training on the Department's use of force and defensive tactics guidelines, as well as on "situational awareness" for being cognizant of one's surroundings (Tr. 17).

During her investigation of respondent's use of force, Gayle-Brown reviewed videos, including footage from correction officers' BWCs (Tr. 21). She stated that the case involved the use of force against detainee Thompson, who was threatening staff and refusing to go to court (Tr. 20, 52). A "minor use of force" occurred when correction officers placed Thompson "in the restraints" to escort her to the clinic (Tr. 20). The clinical staff reported no injuries to Thompson during an exam at 11:00 a.m. and cleared her for court in the "Injury to Inmate" report, that was signed off at 11:20 a.m. (Tr. 20, 34-35; Pet. Ex. 7 at 1).<sup>2</sup> From the clinic, Thompson was escorted to the bus (Tr. 20). Gayle-Brown stated that during this time Thompson displayed

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<sup>2</sup> According to a BWC recording, Thompson visited the clinic between 11:12 a.m. to 11:14 a.m. (Resp. Ex. A), before being escorted to the bus, and this report is likely of that clinic visit.

“aggressive resistance,” which she described as “pushing, pulling, striking the officer where they could cause physical harm” (Tr. 24-26, 41).

Respondent took over the escort on the bus. Gayle-Brown testified that Thompson’s resistance level changed several times “within seconds” during this escort (Tr. 20-21, 42, 46-47). For example, in the moment respondent took over the escort inside the bus, she stated that Thompson displayed “active resistance,” described as “tensing her body” and “pulling away” from the officer (Tr. 28). But at the time respondent pushed Thompson into the pen, she was “complying with the escort” and “just walking,” thus displaying “passive resistance,” which is verbal communication without any physical involvement (Tr. 29, 47, 57). Gayle-Brown agreed that if Thompson kicked at respondent, he would be authorized to use a “soft hand technique,” such as a push, to control the detainee and stop the assault (Tr. 89-90).

Gayle-Brown testified that Thompson had kicked respondent once during the escort on the bus, which was captured on respondent’s and Officer Bonner’s BWCs between the times of 11:16:57 and 11:17:01 (Pet. Exs. 5, 6; Tr. 28, 32-33, 67-68). However, she could not determine where respondent was kicked because the video recordings did not show it (Tr. 67, 99). Respondent immediately stated, “Don’t kick me,” and continued with the escort to the pen (Tr. 28, 33). She noted that nothing about respondent’s actions indicated significant pain or injury after being kicked (Tr. 100). Thereafter, with a “few steps,” respondent and Thompson approached the pen and respondent “pushed” her inside, causing her head or face to “mak[e] contact” with the grate (Tr. 28, 33, 100). Respondent then secured the pen door and instructed Thompson not to kick him (Tr. 34, 102). As a result, Thompson suffered lacerations to her face that required sutures and a hematoma to her forehead (Tr. 29-30).

Gayle-Brown applied the Department’s Use of Force Directive 5006R-D, effective September 27, 2017 (the “Directive”), to conclude that respondent’s use of force was not objectively reasonable considering the totality of the circumstances (Tr. 38-39, 43-48). She highlighted specifically their size disparity, noting that Thompson was “significantly smaller” compared with respondent’s “considerably bigger” size, and that Thompson was “rear-restrained with her hands behind her back” and could not “brace her fall” (Tr. 43-44, 48-49). She also noted that the environment, which was a small, confined area where “there wasn’t a

lot of space” created a “situation where there wasn’t much [Thompson] could have done to help herself” to prevent injury (Tr. 45). She stated that respondent “didn’t utilize situational awareness” skills at the time he pushed Thompson into a “very tight” space (Tr. 48).

Gayle-Brown noted that respondent did not seek help from other officers even though Officer Bonner was on the bus behind the pen door and other staff members were right outside the bus (Tr. 29, 45).

Gayle-Brown testified that as a practical alternative, respondent could have “placed [Thompson] into the pen to sit down” or “placed her in the pen” and then secured the door (Tr. 33, 45-46). She concluded that the force respondent used to push Thompson was unnecessary and excessive (Tr. 48-49).

#### **Investigation Finding**

Gayle-Brown documented her findings in a report that was created on October 17, 2025, and updated by Natasha Coronel on February 25, 2026 (Pet. Ex. 9 at 12). The report is largely consistent with the investigator’s testimony, except that it did not characterize Thompson as exhibiting “passive resistance,” but noted that she displayed “aggressive resistance” toward respondent by “kicking back towards” him (*Id.* at 10-11). It concluded that although Thompson displayed “aggressive resistance,” respondent used “excessive and disproportional” force because Thompson’s hands were restrained behind her back, and she was unable to break her fall (*Id.* at 11).

The report provided a summary of respondent’s use of force report on the date of the incident (*Id.* at 5). Respondent’s report was not offered into evidence. The investigator wrote:

Officer Christopher Young #10779 (UOF Report dated 10/14/25) reported in sum that while he was escorting Ms. Thompson to the bus pen, she kicked him in the upper thigh and groin area. He instructed her not to kick, and she continued her aggression and act of violence towards staff by trying to kick him again which caused him to push her away from him, creating separation. Ms. Thompson tripped on the double seat causing her to fall forward into the other seat in the holding pen.

(*Id.*). Respondent claimed that he sustained injuries “to his upper thigh and groin area” (*Id.* at 8). The facility is required to photograph staff injuries, but no photographs of respondent’s alleged injuries were uploaded into their database system (*Id.* at 8, 10). The report noted that no staff received medical attention in connection with this incident (*Id.* at 7, 8, 10).

The report also contained a summary of Thompson’s written statement to investigators provided on October 15, 2025, one day after the incident (*Id.* at 3). Her written statement was not offered into evidence. According to the report, Thompson stated that a “white male transporter forcefully grabbed [her] by the arms causing severe pain” and she “kicked him and screamed ‘don’t touch me’” (*Id.* at 4). The transporter then “opened the pen in [the] court transport bus and threw Ms. Thompson face first into the metal pen causing a gash on her lip, head injuries and nose pain” (*Id.*).

According to the “Injury to Inmate” report on October 14, 2025, at 11:44 a.m., Thompson suffered “forehead hematoma, lip abrasion, and philtrum laceration” (Pet. Ex. 7 at 2). A photograph of her injury showed a bloodied cut in the lip area and blood dripping from her nose (Pet. Ex. 8).

## **Respondent’s Case**

### **Respondent’s Testimony**

Respondent is 33 years old and was hired by the Department in 2015 (Tr. 138). After graduating high school, he studied criminal justice in a community college, during which time he took a test to become a correction officer and was hired by the Department (*Id.*). He received training at the academy for four to five months on various topics, including use of force and “escorting” (Tr. 138-39). He began work as a correction officer at the George R. Vierno Center in Rikers Island, where he remained for over nine years on assignment to the intake unit for both the general population and high security detainees (Tr. 139-41). He was also a member of a response team for disturbances involving detainees (*Id.*). He testified that he has had experience managing uncooperative detainees and was involved in many use-of-force incidents (Tr. 170-71). In April 2024, respondent was transferred to the Transportation Division responsible for transporting detainees by bus from the housing facilities to the courts (Tr. 141-43).

On October 14, 2025, at approximately 11:00 a.m., respondent and Officer Bonner, his partner at the Transportation Division since June 2024, were dispatched to RMSC to pick up Thompson for court (Tr. 144-45). He entered the facility to get Thompson, who said she was not going to court (Tr. 145). He informed RMSC staff about Thompson's refusal and notified the dispatch personnel (*Id.*). But Captain Young instructed that Thompson must go to court, as did ADW Peng, and RMSC staff tried to get her to cooperate (*Id.*). He complied with the captain's instruction that Thompson be transported to court (*Id.*).

Respondent's testimony about what occurred when Thompson stepped outside the pen until her escort to the bus is consistent with the video evidence. Respondent said he waited inside the RMSC "intake pit" to hear from dispatch, then he went outside to the bus (Tr. 146-47).

At the entrance to the bus, Thompson was kicking and screaming, stating that she was not going on the bus (Tr. 147). The bus had 13 individual "cages" with plexiglass on the outside; seven of the cages on the right have double seats (Tr. 149). Inside the bus, Officer Bonner opened the "third double pen" on the right side of the bus with a double seat and stood by it (Tr. 147, 174-75). He retrieved leg irons to shackle Thompson's legs but decided against it because she could kick the officers in the face if they bent down (Tr. 147). Respondent helped to get Thompson up the bus steps with an "escort hold" by placing "one hand on the wrist or forearm area and one hand on the elbow" (Tr. 147-48). This was respondent's first physical contact with Thompson (Tr. 150). Thompson was "being aggressive," saying, "'I'm going to kill you, bitch. I'm not going,'" and kicked sideways at Officer Lee's facial area (Tr. 147-48, 150).

Respondent said he positioned Thompson in front of him and secured her in an escort hold to bring her to the pen (Tr. 147-48). The aisle of the bus was too narrow, so he walked behind her (Tr. 148). He is six feet, one inch tall and weighs 278 pounds (*Id.*). He estimated that Thompson was approximately five feet, six or seven inches tall and believed that her weight was on the "heavier" side (*Id.*). Respondent testified that as they were walking next to the "second double" pen that was before Thompson's pen, she kicked him in his "groin area" (Tr. 150). He told her not to kick him and was "trying to control her" but admitted that he never lost control of Thompson during the escort (Tr. 150, 177, 179). Respondent testified that everything

happened “so fast,” and the kick in the groin was “painful,” but he did not exclaim in pain because his “focus [was] on getting [Thompson] into the pen . . . to get away from her . . . to create some type of separation” (Tr. 154-55). He explained that “everybody deals with pain differently” and that he was acting “in a professional manner throughout” (Tr. 177).

Respondent testified that he continued to hold Thompson but she “leaned forward to . . . kick [him] again,” using “almost like a thrusting motion” (Tr. 155, 158). Her attempt to kick him again “cause[d] [him] to push her,” so that he could “get her away” from Thompson and “create a distance” (Tr. 158). He believed that if he held on to her, she would kick again and hit him (*id.*). Respondent used both hands to push Thompson forward and then closed the pen door (Tr. 151, 179, 185). He testified that he was allowed to defend himself, that a “push, pull, or grab” is a minimum amount of force, a “soft hand technique,” and his push was not “unnecessary” because he was being “kicked at [and] . . . being assaulted” (Tr. 163). He did not think that their physical size difference or that she was a female were relevant considerations for the use of force because he was “being kicked in the groin” (Tr. 164). He could not just place Thompson into the pen and shut the door because she was “kicking at him” (Tr. 179).

Respondent testified that when he pushed Thompson away, she “hit[ ] that outer seat” of the double seat inside the pen and that “change[d] her trajectory, which caused her to fall towards the floor” (Tr. 151, 161, 180). Respondent denied pushing Thompson’s face forward or acting in anger because she had just kicked him (Tr. 181).

Respondent testified that he had no other options but “to push [Thompson] to create distance” (Tr. 156, 163, 180). He could not “take her down” on the bus because that might cause head injuries and Thompson could still kick him if they were on the floor, and his partner might get trapped behind the gate (Tr. 157). He believed that help from RMSC staff was not feasible due to the “narrow corridor of a bus” and he would continue to get kicked while waiting for help (Tr. 157-58). Furthermore, if he left Thompson unsecured to get help from RMSC staff who were standing outside the bus, that might expose Officer Bonner to being “front kick[ed]” by Thompson and potential injury (Tr. 157-58). Respondent acknowledged that he did not ask for help from Officer Bonner or RMSC staff (Tr. 172, 184).

Respondent notified dispatch personnel that he was assaulted by a detainee and had used force (Tr. 151, 185). He was told to “proceed on,” so he drove to a different facility for another pick up but noticed that Thompson was bleeding and returned her to RMSC (Tr. 151). He wrote a use-of-force incident report and finished the remainder of his tour that day (Tr. 151-52).

Even though respondent said he had intermittent pain in his groin area during the remainder of his work tour on the day of the incident, he did not seek medical attention because he “didn’t think anything else of it” (Tr. 152, 186). He indicated that he might have experienced less pain because he “had adrenaline at that time” (Tr. 186). Furthermore, the Department did not instruct him to visit the clinic for his injury (*Id.*). However, respondent testified that a couple of days after the incident the pain worsened, and when he was home, he saw blood in his urine (Tr. 152). He also experienced impotence, which caused him to see a doctor (Tr. 152-53). On October 20, 2025, six days after the incident, he went to CityMD urgent care, where he was told that he may have a “contortion in [his] testicles” and was instructed to go to the hospital (Tr. 153). He submitted medical records from CityMD and from the hospital visit on October 20, 2025 (Resp. Ex. D; Tr. 153-54). Respondent denied any intervening events in the six days between the incident until the hospital visit that could have caused his injury and stated that he had filed a workers’ compensation claim for the work-related injury (Tr. 189-90).

#### **Correction Officer Taisha Bonner’s Testimony**

Officer Bonner joined the Department in 2015 and worked at RMSC until her transfer to the Transportation Division in 2017 (Tr. 107-08). Her responsibility is to transport detainees on a bus as either a driver or a “recorder,” who is responsible for the paperwork and the appointment (Tr. 108-09).

Officer Bonner testified that on October 14, 2025, she was assigned as the recorder and respondent was the driver (Tr. 109-10). They were dispatched to RMSC to pick up Thompson (Tr. 110-11, 123). Upon arrival, she remained on the bus to prepare the paperwork while respondent went inside the building (Tr. 111). She remembered waiting a long time before she saw respondent walking ahead of RMSC staff escorting Thompson, who was rear cuffed and “very irate, yelling, kicking, screaming” (Tr. 111-12, 125). As they approached, she went to the

back of the bus to open the door to the holding pen (Tr. 112-13). She also activated her BWC on her chest area (Tr. 114, 118). Respondent boarded the bus, said he needed “extra equipment,” and stood at the front of the bus to assist with getting Thompson on board (Tr. 112-13).

Officer Bonner testified that “immediately when [Thompson] got on the bus . . . she started kicking” respondent, who was escorting her down the aisle towards the pen (Tr. 113). She stated that the first kick to respondent occurred at 11:17:01 on her BWC (Tr. 116-17; Pet. Ex. 6). Thompson “continued to aggressively kick” respondent, so he gave her “several verbal commands to stop kicking him” (Tr. 113, 126). She further testified that “when [respondent] got to the pen, [Thompson] attempted to kick again, and he pushed her in” (Tr. 113). She said this occurred at 11:17:02.318 on her BWC (Tr. 117-18; Pet. Ex. 6). Immediately before the second kick, she saw Thompson “lean[ ] forward and kicked backwards” (Tr. 118, 127-28). From where she stood behind the cage, she said she saw Thompson kick respondent approximately two or three times (Tr. 113, 128).

Officer Bonner testified that respondent pushed Thompson to “creat[e] distance to terminate the situation,” and Thompson “caused herself to go forward [by] kicking backwards” (Tr. 132). Respondent did not seek her help even though she was available to assist, nor did he ask for help from RMSC staff who were standing outside the bus (Tr. 126-27, 129).

### **The Use of Force Charge**

Petitioner alleges that on or about October 14, 2025, at approximately 1034 hours, inside a Department transportation bus at RMSC, respondent used excessive, unnecessary, or retaliatory force when he pushed detainee Thompson, who was rear cuffed, into a pen on the bus, causing her face to strike the window grating and inflicting facial injury (ALJ Ex. 1).<sup>3</sup> It is undisputed that Thompson kicked respondent during the escort, and respondent pushed Thompson. Respondent denied any wrongdoing, contending that he had no other option but to use minimal force to defend himself and create space between him and Thompson, who had kicked him in the groin and attempted to kick him again.

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<sup>3</sup> According to the video evidence, this use of force occurred at approximately 11:17 a.m. (Pet. Exs. 5, 6), and there is no dispute about the time of the incident.

Petitioner must prove the charges by a preponderance of the credible evidence. *See Dep't of Correction v. Hall*, OATH Index No. 400/08 at 2 (Oct. 18, 2007), *adopted*, Comm'r Dec. (Nov. 5, 2007), *aff'd*, NYC Civ. Serv. Comm'n Item No. CD 08-33-SA (May 30, 2008). Relevant factors in assessing credibility include demeanor, consistency of a witness's testimony, supporting evidence, witness motivation, bias or prejudice, and the degree to which a witness's testimony comports with common sense and human experience. *See, e.g., Dep't of Sanitation v. Menzies*, OATH Index No. 678/98 at 2-3 (Feb. 5, 1998), *adopted*, Comm'r Dec. (Feb. 17, 1998), *aff'd*, NYC Civ. Serv. Comm'n Item No. CD 98-101-A (Sept. 9, 1998).

In general, I found that Gayle-Brown and Officer Bonner offered credible testimony based on their training, experience, and recollection. In contrast, I found that respondent's testimony regarding certain details of his use of force was inconsistent with credible evidence. I gave no weight to witness testimony on aspects of the video evidence that were in dispute and relied upon my independent evaluation of the videos.

The Directive defines a "use of force" as "any instance where Staff use their hands or other parts of their body, objects, instruments, chemical agents, electronic devices, firearms, or any other physical method to restrain, subdue, or compel an Inmate to act or stop acting in a particular way" (Pet. Ex. 1 at § III). Prior to a use of force, a staff member should try to de-escalate and resolve the situation without force and when "an Inmate refuses an order, force should not be the first response" (*Id.* at § VI(A)(1)). However, force may be used "[a]s a last resort and where there are no practical alternatives available to prevent physical harm to Staff, visitors, Inmates, or other persons," and to prevent or stop an assault (*Id.* at § V(A)).

In any use of force, "[t]he Inmate's level of resistance will always determine a Staff Member's response" (*Id.* at § VI(B)(1)(c)). The Directive provides the levels of resistance, which could vary during the incident, and the appropriate staff responses (*Id.* at § VI(B)(1)(c), (d)). In a case of "passive resistance," such as verbal abuse or refusing an order, the staff member should call a supervisor, maintain a safe distance, and use interpersonal communication skills to resolve the situation (*Id.* at § VI(B)(1)(d)). For "active resistance," such as pulling or pushing away staff or tensing the body to avoid or prevent control, the staff member may apply a combination of body holds and soft hand techniques, such as grasping or pushing, to regain control of the

inmate (*Id.* at §§ VI(B)(1)(d), VI(B)(1)(f)(iii)). It is noted that a threat to staff members or the likelihood of injury is not present in such cases (*Id.* at § VI(B)(1)(d)). For “aggressive resistance,” such as “attempts to push, throw, strike, tackle, or otherwise physically harm a Staff Member or another person,” as well as for “deadly resistance,” where serious injury or death is possible, “appropriate force is authorized” (*Id.*).

“When using force, Staff shall always use the minimum amount necessary to stop or control the resistance or threat encountered and it must be proportional to the resistance or threat encountered” (*Id.* at § II(C)). But “Staff are not obligated to start at the lowest level of force, or to exhaust every lesser level in escalating to an effective level” (*Id.* at § VI(A)(1)). Whether the use of force is necessary should be based on consideration of “all elements of the situation confronting Staff and by the type and amount of resistance exhibited by the Inmate and applying an objective ‘reasonableness’ standard” (*Id.* at § VI(B)(1)(b)). The reasonableness of the force used “must be judged from the perspective of a reasonable Staff Member on the scene at the time of the incident” (*Id.*).

The Department makes clear in the Directive that it expressly prohibits and “has a zero tolerance policy for excessive and unnecessary force” (*Id.* at § II(D), (F)), as well as for force employed “[t]o punish, discipline, assault, or retaliate against an Inmate” (*Id.* at § V(B)(1)(a)).

The credible evidence established that respondent used excessive, unnecessary, and retaliatory force against Thompson, who was rear cuffed and could not brace her fall. After Thompson kicked respondent, he pushed her with a force that propelled her forward face first into a metal grate on the window of a holding pen, causing serious injury to her face. The charge should be sustained.

Respondent argued that Thompson had kicked him in the groin and was attempting to kick him again, which justified his use of a minimal amount of force to push her away to create separation (Tr. 155-56). Respondent’s argument is unpersuasive because the extent of injury he claimed to have suffered on the date of the incident to justify a self-defensive action is not supported by credible evidence, and the force used was neither a minimal amount necessary nor proportional to the threat.

Respondent testified that he was in pain from injury after Thompson kicked him in the groin (Tr. 154-55). However, his testimony is not supported by the video and audio evidence. There is no video footage showing the kick making contact with respondent's body. The video evidence also did not show respondent cry out, grimace, or exhibit any signs of being in pain the moment he was kicked or immediately thereafter (Pet. Exs. 5, 6 at 11:16:59-11:17:16). His immediate response instead was to tell Thompson in a stern voice, "Don't kick me" (Pet. Ex. 6 at 11:17:00-11:17:01). According to the investigation finding that summarized respondent's statement in his contemporaneous use of force report, he wrote that he was kicked "in the upper thigh and groin area" and sustained injuries in those areas (Pet. Ex. 9 at 8). But there was no mention of pain in the report summary, and the alleged injuries were not documented (Pet. Ex. 9 at 5, 8). In addition, respondent's claim that he was in pain from the kick to demonstrate that he had suffered significant injury is at odds with his failure to request or receive medical treatment on the day of the incident (Tr. 152, 186). See *Dep't of Correction v. Joseph*, OATH Index No. 3676/23 at 19 (Aug. 14, 2023), *adopted*, Comm'r Dec. (Oct. 12, 2023), *aff'd*, NYC Civ. Serv. Comm'n Case No. 2023-0545 (Jan. 18, 2024) (finding incredible respondent's testimony that detainee's actions inflicted physical pain where respondent did not appear in the video evidence to be in pain and did not request nor receive medical attention). He also felt well enough to finish the remainder of his work tour (Tr. 152). Although respondent submitted records from medical examinations six days after the incident for a groin injury that he attributed to this incident, it does not appear that at the time of the incident he believed he had suffered significant bodily injury. Thus, respondent's description of his injury at trial appeared exaggerated to justify his use of force.

Although Thompson exhibited both active and aggressive resistance on the bus, kicking respondent and possibly pulling away by leaning forward during the escort, the videos showed, and respondent conceded, that he never lost control of Thompson during the escort (Pet. Ex. 5 at 11:16:59-11:17:02; Pet. Ex. 6 at 11:17:00-11:17:02; Tr. 179). The Directive provides that "Staff shall cease use of all force when control of the Inmate has been established" (Pet. Ex. 1 at § VI(B)(1)(c)). Thus, if respondent never lost control over Thompson, the use of force was

unjustified. And, despite Thompson's aggressive physical resistance toward respondent, there was no need for him to push Thompson into the pen with the force he employed.

If force was necessary, it must be the minimum amount needed and proportional to the resistance or threat encountered, which is measured by the objective "reasonableness" standard set forth in the Directive (*Id.* at §§ II(C), VI(B)(1)(b)). The Department's Training Manual provides that the reasonableness of a use of force for a given situation is determined by the "totality of circumstances" (Pet. Ex. 4 at 7). Staff members should consider the "person-in-custody factors," such as the person's "size, age, physical abilities, mental health history, weapons, alcohol/drug use"; "staff factors," such as the member's "physical size, training, experience, impairment"; "environmental factors," such as the "availability of assistance, location of incident, prolonged duration of event, unfavorable positioning"; and "other factors," such as "number of persons in custody involved, level of resistance, [and] time" (*Id.*).

Here, the relevant factors for consideration include the size disparity between Thompson and respondent, Thompson's inability to use her arms because she was rear cuffed, the small holding pen in the transportation bus with the double seat and metal grate on the window, and respondent's training and experience. Based on my review of the video, respondent is significantly taller and more muscular in body than Thompson, who appeared to be of medium build, height, and weight. Respondent estimated that Thompson was about six-inches shorter than him (Tr. 148). Respondent asserted that their size disparity "doesn't matter" because he was defending himself against a groin kick (Tr. 164). However, as discussed above, the credible evidence does not support respondent's claim that he suffered a painful injury inflicted by Thompson and was defending against a repeat kick.

Thompson was particularly vulnerable to injury from a push because she was rear cuffed. I credited Gayle-Brown's testimony that Thompson could not brace herself for the fall to prevent injury because she was "rear-restrained" (Tr. 48). See *Dep't of Correction v. Carnes*, OATH Index No. 2067/24 at 16 (Feb. 16, 2024), *modified on penalty*, Comm'r Dec. (Jan. 14, 2025) (finding that rear-cuffed detainee would be unable to protect himself from injury or brace for impact while being taken down). Respondent attributed Thompson's injury not to his push but to her body hitting the outer part of the double seat inside the pen, which "change[d] her

trajectory” and caused her to fall forward (Tr. 151, 161, 180). This is not supported by the video evidence. When respondent forcefully pushed Thompson into the small pen, her face made immediate contact with the metal grate on the window (Pet. Ex. 6 at 11:17:02.717). Although it is likely that Thompson’s feet hit the seats that filled the space inside the pen, this did not affect the trajectory of her fall as Thompson’s body lurched forward in the direction of the push and did not change course (Pet. Ex. 5 at 11:17:01-11:17:02). In addition to ignoring Thompson’s inability to use her rear-cuffed hands to protect herself at the time of the incident, respondent also disregarded the spatial limits of the small, enclosed pen with the metal grate on the windows.

Respondent is an experienced and trained correction officer with many previous use-of-force encounters (Tr. 170-71). This use of force that caused serious injury to Thompson was contrary to the Directive that instructs a correction officer to “apply force in the most responsible manner possible to minimize injuries to both Staff and Inmates” (Pet. Ex. 1 at § I). *See also Training Manual: Practical Applications of Force and Defensive Tactics, New York City Department of Correction* (Pet. Ex. 4 at 8) (“Staff should utilize the minimum amount of force that appears warranted based on an assessment of all factors and in a manner that minimizes injury to both staff and persons in custody.”). Considering the totality of the circumstances, respondent’s use of force exceeded the bounds of the objective reasonableness standard.

Practical alternatives were available to respondent to separate himself from Thompson with minimal amount of force or without force. He could have pushed her into the pen with less force so that her body could fall onto the seats and then immediately secure the door. This would have instantly separated them with a minimum amount of force and potential for injury to Thompson. Another option, as the investigator offered, was to simply place her inside the pen or on the seat and then secure the door (Tr. 33, 45-46).

Instead, respondent pushed Thompson into the pen with both arms extended, hurling her forward a very short distance, face first, in the direction of the window that was covered with a metal grate on the opposite end of the pen. Thompson’s face inevitably hit the metal grate, causing facial injury that required sutures. The force of respondent’s push was clearly disproportionate to Thompson’s resistance or threat, given that respondent had control over

Thompson throughout the escort, Thompson was rear cuffed, and they were already at the entrance of the pen where she could be secured immediately. *See Dep't of Correction v. Lockamy*, OATH Index No. 1029/22 at 13-14 (Apr. 4, 2022), *adopted*, Comm'r Dec. (May 3, 2022) (finding that a two-handed push of a detainee that sent him "into the air" to land on his back about eight or nine feet away was a "wildly disproportionate" use of force under the circumstances and contrary to the Directive).

Respondent's use of force under these circumstances, particularly the degree of force he employed to push Thompson into the pen in the direction of the window with the metal grate, appeared retaliatory and designed to punish Thompson for kicking aggressively at him seconds earlier. *See Dep't of Correction v. Antoine*, OATH Index No. 228/21 at 12 (June 16, 2021), *adopted*, Comm'r Dec. (Oct. 19, 2021) (finding video evidence showed that respondent had retaliated against and inflicted pain on a detainee who was unarmed and visibly smaller in stature by punching the detainee in the face for a "disrespectful and smutty remark"); *Dep't of Correction v. Thompson*, OATH Index No. 2232/19 at 6 (Dec. 2, 2020), *adopted*, Comm'r Dec. (Apr. 13, 2021) (finding that respondent's unnecessary head strike after detainee pushed him moments earlier was retaliatory).

The credible evidence established that respondent used unnecessary, excessive, and retaliatory force contrary to the Directive and Department's rules and regulations. These charges are sustained.

## **Findings and Conclusions**

Petitioner established that respondent violated the Department's Directive and rules and regulations by using excessive, unnecessary, and retaliatory force against a detainee on October 14, 2025, causing serious facial injury.

## **Recommendation**

Upon making these findings, I obtained and reviewed respondent's personnel abstract with the Department (ALJ Ex. 2). Respondent joined the Department in March 2015. The Department awarded him with a "unit citation" in October 2021 and May 2022 in recognition of his performance. Respondent has a significant disciplinary history, including five prior instances

of misconduct for use of excessive force. One charge, dated April 11, 2017, was resolved with ten compensatory/vacation days. Four excessive use-of-force charges, dated November 20, 2017, March 1, 2019, February 5, 2020, and May 15, 2020, were settled together with five use-of-force reporting charges, dated April 24, 2017, May 4, 2014, June 19, 2018, December 18, 2018, and February 26, 2019, for a combined penalty of 50 compensatory/vacation days. A use-of-force charge involving inefficient performance, dated April 3, 2024, was resolved as a command discipline with two compensatory/vacation days. In the last 12 months, he had another command discipline, dated September 24, 2025, for which he forfeited four vacation days. In the instant case, the Department imposed a one-week pre-trial suspension.

At trial, petitioner sought termination of respondent's employment for the charged misconduct, citing to the Disciplinary Guidelines for Use of Force Incidents (the "Guidelines"), established pursuant to the consent judgment and remedial order entered in *Nunez* (Tr. 212, 217; Pet. Ex. 2). *Nunez*, slip op. at 18-19. The requested penalty is appropriate in this case.

To determine the appropriate penalty, this tribunal is guided by the principle of progressive discipline, which aims to modify employee behavior through increasing penalties for repeated or similar misconduct. *Dep't of Correction v. Pearce*, OATH Index No. 1765/25 at 15 (Apr. 29, 2025), *adopted*, Comm'r Dec. (June 2, 2025), *aff'd*, NYC Civ. Serv. Comm'n Index No. 2025-0364 (Nov. 3, 2025).

The Guidelines also reflect the progressive discipline framework, with certain exceptions for conduct that is particularly egregious. Termination is an appropriate penalty under the Guidelines even when the instant case is a first offense if the evidence established that the use of force was: (1) a deliberate strike on a detainee "in restraints, in a manner that poses a risk of serious injury," with no "objectively reasonable" basis for the action; or (2) a deliberate strike in the head "in a manner that is punitive, retaliatory, or designed to inflict pain" and presents an unnecessary risk of serious injury to a detainee (Pet. Ex. 2 at § (1)(a), (b)).

Here, credible evidence established that respondent's use of excessive force was an egregious deliberate strike. Thompson was rear cuffed and could not protect herself or brace her fall. During an escort where respondent maintained control, he forcefully pushed Thompson face forward into a small pen on the bus, causing her face to hit the metal grate on

the bus window, inflicting serious facial injury. His conduct constituted an unjustifiable deliberate strike of a detainee in restraints that resulted in serious injury. *See Carnes*, OATH 2067/24 at 21 (indicating that correction officer deliberately struck a rear-cuffed detainee by pulling and swinging him into a metal barrier when he was unable to protect himself or break his fall, unjustifiably posing a risk of serious injury). Respondent's conduct, which followed seconds after Thompson had kicked him and caused Thompson to suffer serious facial injury, was also retaliatory. *See Dep't of Correction v. Lovelace*, OATH Index No. 3501/24 at 5, 10-11 (July 30, 2024), *adopted*, Comm'r Dec. (Aug. 21, 2024), *aff'd*, NYC Civ. Serv. Comm'n Case No. 2024-0573 (Nov. 29, 2024) (finding that correction officer's striking a restrained detainee three times in the face after being spat at, was punitive and retaliatory and carried out in anger and without justification); *Joseph*, OATH 3676/23 at 22-23 (rejecting captain's contention that he reacted spontaneously or in self-defense when punching a detainee in the face, and finding instead that the use of force which caused a needless risk of serious injury was a deliberate and retaliatory response to detainee's "antagonizing" behavior).

Furthermore, at trial, respondent showed no regret or remorse for his misconduct and minimized his use of force. While recognizing his ten years of service with the Department and his recent unit citation awards, he also has a significant disciplinary history, including five prior use-of-force incidents since 2017. Thus, termination is also warranted under the Guidelines which provides for termination for three or more use-of-force violations (Pet. Ex. 2 at § (4)). Despite multiple opportunities to modify his behavior, respondent continued to engage in similar use-of-force misconduct. Thus, he has demonstrated an inability to rehabilitate and abide by the Department's Directives, and he cannot be trusted with the "proper care, custody, control and treatment" of detainees (Pet. Ex. 2). *See Employee Rules and Regulations* § 2.30.010.

Accordingly, I recommend termination of respondent's employment.

Seon Jeong Lee  
Administrative Law Judge

May 11, 2026

Submitted To:

**Stanley Richards**

*Commissioner*

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