

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF THE BRONX

-----X
JOSUE G. TORRES

Plaintiffs,

-against-

THE CITY OF NEW YORK, KEECHANT L. SEWELL,
EDWARD A. CABAN, and AMY J. LITWIN

Defendants'
-----X

Summons

Index No.

Jury Demand

To the Defendant named above:

You are hereby summoned and required to serve a written answer to the attached Verified Complaint upon the Plaintiff's attorney at the address below.

If this Summons is personally delivered to you within the State of New York, you must serve your answer within twenty (20) days after such service, exclusive of the service date.

If this Summons is served upon you in any other manner authorized by law, you must serve your answer within thirty (30) days after service is complete, as provided by the New York Civil Practice Law and Rules.

Should you fail to appear or answer within the applicable period stated above, judgment may be entered against you by default for the relief demanded in the Verified Complaint, without further notice.

This action is venued in the Supreme Court of the State of New York County of the Bronx 851 Grand Concourse Bronx, New York 10451.

Dated: March 8, 2026
New York, N.Y.

Respectfully submitted,

By: s/Eric Sanders

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DEFENDANT ADDRESSES

Defendant THE CITY OF NEW YORK
c/o New York City Law Department
100 Church Street
New York, N.Y. 10007

Defendants' THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN,
and AMY J. LITWIN
c/o Police Department City of New York
One Police Plaza
New York, N.Y. 10038

SUPREME COURT OF THE STATE OF NEW YORK
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Plaintiffs,

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THE CITY OF NEW YORK, KEECHANT L. SEWELL,
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Verified Complaint

Index No.

Jury Demand

The Plaintiff JOSUE G. TORRES through his attorney The Sanders Firm, P.C., files this Verified Complaint against Defendants' THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN respectfully set forth and allege that:

INTRODUCTION

This is a civil rights action for equitable relief and money damages brought by Plaintiff JOSUE G. TORRES, a male officer of color and victim of domestic violence, against Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, along with former Deputy Commissioner AMY J. LITWIN.

Plaintiff JOSUE G. TORRES alleges that his constitutional and statutory rights were violated when the Defendants—driven by a pervasive confirmation bias against male officers—falsely arrested and maliciously prosecuted him, ultimately resulting in his pending termination.

Despite the NYPD's public representation of a "fair, effective, timely, and transparent disciplinary process," official reports from 2016 through 2023, as well as the findings of a 2019 Independent Panel, reveal a systemic lack of transparency and unchecked discretion exercised by Defendants SEWELL and CABAN. This institutional opacity is further compounded by the

Department's ongoing and unlawful use of sealed arrest information in violation of CPL §§ 160.50 and 160.60, a practice that continued under the leadership of Defendants SEWELL, CABAN, and LITWIN even after multiple court orders expressly enjoined such conduct.

As detailed in the **Master Comparator Lists** (Tables I, II, and III), the Defendants maintain arbitrary and capricious disciplinary standards that lack uniform application:

- **Table I** documents a decade-long pattern of **Arrest History Discrimination**, where the Department routinely retains or promotes officers with substantiated records of **assault, strangulation, and arson**, while selectively terminating others—like Plaintiff—for similar or lesser conduct.
- **Table II** exposes the **Official Misconduct and Coordinated Nonfeasance** inherent in the **Rohan L. Shaw** investigation, where responders committed acts of evidence suppression yet were granted administrative immunity by the Department's disciplinary machinery.
- **Table III** highlights the contemporary failures of the "**Matrix**" Era under Defendant THE CITY OF NEW YORK, where "mitigated" penalties are granted for violent acts and false statements by favored officers, while others face immediate felony indictments for nearly identical conduct.

Plaintiff JOSUE G. TORRES alleges that the adverse actions taken against him were tainted by an unlawful reliance on arrest-related information and a deliberate indifference to the workplace protections afforded to victims of domestic violence under New York City Administrative Code § 8-107.1.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action because Plaintiff JOSUE G. TORRES asserts claims arising under the New York State Human Rights Law, N.Y. Exec. Law § 296, including discrimination and retaliation based on arrest record, sex/gender, and status as a victim of domestic violence, and under the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-107 and 8-107.1, including discrimination and retaliation based on arrest record, gender, and actual or perceived status as a victim of domestic violence.

2. Plaintiff JOSUE G. TORRES further alleges that Defendants' THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN acted in violation of, and/or in derogation of, the protections codified in CPL §§ 160.50 and 160.60 by inquiring into, relying upon, disclosing, or taking adverse action based upon matters terminated in his favor and sealed under New York law.

3. Venue is proper in Bronx County pursuant to CPLR 504(3) because defendant CITY OF NEW YORK is sued herein, and a material part of the unlawful acts, omissions, adverse employment practices, and retaliatory conduct complained of occurred in Bronx County.

4. Other portions of the challenged conduct also occurred in Kings County and New York County.

5. Plaintiff JOSUE G. TORRES resides in the Bronx and continues to suffer the ongoing consequences and damages of Defendants' THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN unlawful conduct there, including continuing economic, professional, emotional, and reputational harm.

PROCEDURAL REQUIREMENTS

6. Plaintiff JOSUE G. TORRES previously commenced an action in the United States District Court for the Southern District of New York, captioned *Torres v. City of New*

York, et al., Docket No. 23-cv-4258, on May 22, 2023, arising in part from the same nucleus of operative facts alleged herein.

7. While the parties in that federal action were engaged in discovery, Plaintiff JOSUE G. TORRES was notified that he was being arrested based on allegations that, while employed by the Department and assigned to Manhattan Central Booking in 2022, he had assaulted two prisoners.

8. In light of the pending criminal prosecution and in order to protect Plaintiff JOSUE G. TORRES'S constitutional rights, plaintiff and the appearing defendants entered into a Stipulation of Dismissal Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) on September 30, 2025.

9. Under that stipulation, Counts I through IV were dismissed with prejudice as against all defendants; Count V was dismissed with prejudice as against certain defendants and without prejudice, without adjudication on the merits, and without costs or attorneys' fees as against Defendant THE CITY OF NEW YORK, KEECHANT L. SEWELL, and AMY J. LITWIN.

10. A Rule 41(a)(1)(A)(ii) stipulation is effective without a court order when signed by all parties who have appeared.

11. On December 16, 2025, Plaintiff JOSUE G. TORRES was acquitted of the criminal charges referenced above.

PLAINTIFF

12. Plaintiff JOSUE G. TORRES is a male citizen of the United States of America, over twenty-one (21) years of age and resident of Bronx County.

DEFENDANTS'

13. Defendant THE CITY OF NEW YORK, is a municipal corporation organized and

existing under the laws of the State of New York.

14. At all times relevant hereto, Defendant THE CITY OF NEW YORK acted by and through its charter-mandated agency, the POLICE DEPARTMENT CITY OF NEW YORK ("NYPD"), which is a department, agency, bureau, and/or subdivision of the City.

15. In this capacity, Defendant THE CITY OF NEW YORK is an "employer" as defined by the New York State Human Rights Law and the New York City Human Rights Law, and is legally responsible for the acts, omissions, policies, and practices of its employees, including the Individual Defendants, under the doctrines of *respondeat superior* and municipal liability.

16. Defendant THE CITY OF NEW YORK is sued for its systemic failure to train, supervise, and discipline its personnel to prevent gender-based confirmation bias, the unlawful use of sealed arrest information, and the disparate treatment of victims of domestic violence.

17. Defendant KEECHANT L. SEWELL, was, at all times relevant hereto, the Police Commissioner of the City of New York, appointed by the Mayor as the chief executive officer of the Police Department of the City of New York ("NYPD").

18. In this capacity, Defendant SEWELL possessed broad, non-delegable authority and plenary power over the administration, discipline, and operations of the NYPD, including the final authority to approve or modify disciplinary penalties and to oversee the Department's adherence to state and city human rights laws.

19. Defendant SEWELL is sued in her individual and official capacities for her role in ratifying discriminatory disciplinary outcomes, maintaining opaque and arbitrary disciplinary standards, and permitting the unlawful use of sealed arrest information in violation of CPL §§ 160.50 and 160.60.

20. Defendant EDWARD A. CABAN, was, at all times relevant hereto, the First Deputy Commissioner of the Police Department City of New York ("NYPD"), and subsequently served as the Police Commissioner.

21. In his capacity as First Deputy Commissioner, Defendant CABAN served as the second-in-command of the Department, exercising significant command authority and influence over the NYPD's disciplinary infrastructure, including the Department Advocate's Office and the internal adjudicative process.

22. Defendant CABAN is sued in his individual and official capacities for his role in maintaining a disciplinary system marked by opacity and unchecked discretion, for using his official position to influence disciplinary matters through improper, extra-record considerations, and for permitting the ongoing, unlawful use of sealed arrest information in violation of CPL §§ 160.50 and 160.60.

23. Defendant AMY J. LITWIN, was, at all times relevant hereto, the Deputy Commissioner of the Department Advocate's Office ("DAO") of the Police Department City of New York ("NYPD").

24. In this capacity, Defendant LITWIN served as the chief prosecutor for the Department, exercising direct supervisory authority over all agency attorneys and the strategic direction of internal disciplinary prosecutions.

25. Defendant LITWIN is sued in her individual and official capacities for her role in initiating and maintaining discriminatory and retaliatory prosecutions against male officers, for exercising unchecked prosecutorial discretion characterized by institutional bias, and for the intentional, unlawful use of sealed arrest information in violation of CPL §§ 160.50 and 160.60.

BACKGROUND

THE DOMESTIC INCIDENT INVESTIGATION

The Aspiring Actor's History of Blatant Misrepresentations

26. Plaintiff JOSUE G. TORRES alleges that on or about October 24, 2015, the alleged complainant an aspiring “actor” showcased her “acting” skills with a Facebook post detailing her cameo television appearance in The Good Wife Season 7 Episode 1, which aired on CBS where she proudly claimed “they arrested my man” for her followers.

27. Plaintiff JOSUE G. TORRES alleges that due to the alleged complainant’s great “acting” skills, he’s pending termination with the Police Department City of New York.

28. Plaintiff JOSUE G. TORRES alleges that the alleged complainant leveraged her great “acting” skills and authority over him by repeatedly over the years threatening to contact the department, have him arrested, suspended and terminated.

29. Plaintiff JOSUE G. TORRES alleges that this is a common tactic used against officers particularly males of color involved in personal relationships with others.

30. Plaintiff JOSUE G. TORRES alleges that the department is fully aware this is a significant problem and instead of exercising care and due diligence, blame the officers when they are victims.

31. Plaintiff JOSUE G. TORRES alleges that he and other officers suffer in silence instead of seeking assistance.

32. Plaintiff JOSUE G. TORRES alleges that unbeknownst to him, on or about July 17, 2019, the alleged complainant made blatant misrepresentations on an application for public housing to the New York City Housing Authority.

33. Plaintiff JOSUE G. TORRES alleges that without mentioning every blatant

misrepresentation, in particular, the alleged complainant falsely claimed she did not live with anyone who was a New York City employee although they lived as a family unit in the Bronx.

34. Plaintiff JOSUE G. TORRES alleges that the alleged complainant falsely claimed she had no assets when in fact, she held a checking and savings account.

35. Plaintiff JOSUE G. TORRES alleges that the alleged complainant falsely claimed to self-identify as Native Hawaiian or other Pacific Islander in addition to Hispanic or Latino; meanwhile, she has always self-identified as Puerto Rican and Mexican.

The Unequal Application of the Laws

36. Plaintiff JOSUE G. TORRES alleges that according to the NYPD website, it responds to approximately 230,000 domestic incidents annually, or nearly six-hundred calls a day.

37. Plaintiff JOSUE G. TORRES alleges that according to the NYPD website, domestic violence prevention police officers face unpredictable, potentially volatile situations and therefore, are *highly trained to help ensure victims' safety* as well as their own.

38. Plaintiff JOSUE G. TORRES alleges that according to the NYPD website, more than 400 NYPD domestic violence prevention officers, investigators and supervisors *assist* victims of domestic violence in precincts and Housing Bureau police service areas citywide.

39. Plaintiff JOSUE G. TORRES alleges that according to the NYPD website, the Department is *committed* to serving all communities in the City of New York, **especially those vulnerable to victimization.**

40. Plaintiff JOSUE G. TORRES alleges that according to the NYPD website, in addition to *enforcing the laws and working to ensure victims' safety*, the NYPD Domestic Violence Unit performs domestic violence awareness outreach. Each local precinct and police

service area has a domestic violence office.

41. Plaintiff JOSUE G. TORRES alleges that the aforementioned regarding the department's *commitment* to domestic violence is nothing more than public relations propaganda.

42. Plaintiff JOSUE G. TORRES alleges that his personal experience as a male officer of color and victim of domestic violence, is that his claims were treated as a mere bother and his equal protection rights in particular the application of the primary physical aggressor defense under the criminal procedure law and defenses of justification under the penal law designed to prevent false arrests and malicious prosecutions were not applied equally to, he, as similarly situated female victims.

The First False Arrest

43. Plaintiff JOSUE G. TORRES alleges that on or about July 1, 2020, he and the alleged complainant argued about her repeatedly threatening to get him "jammed up."

44. Plaintiff JOSUE G. TORRES alleges that the alleged complainant falsely claimed to Sergeant Barry Driscoll, 52nd Precinct that he grabbed her by her arms, forced her to the ground and used her own hands to strike her about the face while also slamming her head and body on the floor.

45. Plaintiff JOSUE G. TORRES alleges that Sergeant Driscoll observed injuries to the left side of her neck and the lower part of her face.

46. Plaintiff JOSUE G. TORRES alleges that prior to his arrest, he essentially told Sergeant Driscoll that he and the alleged complainant argued about she repeatedly threatening his employment.

47. Plaintiff JOSUE G. TORRES alleges that at some point, the alleged complainant moved towards him in a threatening manner so, he tried to physically restrain her and she may

have been injured during the tussle.

48. Plaintiff JOSUE G. TORRES alleges that using the alleged complainant's tears and injuries as benchmarks due to Sergeant Driscoll's confirmation bias against males, his assertion of the available legal defenses was treated as a mere bother.

49. Plaintiff JOSUE G. TORRES alleges that Sergeant Driscoll's unequal application of the primary physical aggressor defense under the criminal procedure law and defenses of justification under the penal law designed to prevent false arrests and malicious prosecutions, led to him being falsely arrested.

50. Plaintiff JOSUE G. TORRES alleges that later that day during an informal interview, Duty Captain, Patrol Borough Bronx Denis O'Hanlon interviewed the alleged complainant, where she admitted he has never been physically abusive.

51. Plaintiff JOSUE G. TORRES alleges that later that day during a department interview, Captain O'Hanlon never challenged Sergeant Driscoll's application of the primary physical aggressor defense under the criminal procedure law and defenses of justification under the penal law designed to prevent false arrests and malicious prosecutions. Nor did Sergeant Driscoll ever disclose Torres asserted the primary physical aggressor defense under the criminal procedure law and defenses of justification under the penal law designed to prevent false arrests and malicious prosecutions.

52. Plaintiff JOSUE G. TORRES alleges that the Body Worn Camera, ultimately used against him in the Department Trial as Department's Exhibit No.: 3A at 10:40, 10:52:05 and 10:52:20, 11:05:40 – 11:06, where the alleged complainant is clearly seen using both hands without difficulty or injury which is inconsistent with the physical altercation she alleged.

53. Plaintiff JOSUE G. TORRES alleges that he never should have been arrested or

received department charges without corroboration as the alleged complainant was not “credible.”

54. Plaintiff JOSUE G. TORRES alleges that Captain O’Hanlon should have voided his arrest consistent with department policy but, failed to do so because he engaged in the same conformation bias as Sergeant Driscoll.

55. Plaintiff JOSUE G. TORRES was immediately suspended without pay for thirty (30) days.

56. Plaintiff JOSUE G. TORRES alleges that on or about July 1, 2020, he was arraigned in the Bronx Criminal Court Docket No.: CR-009678-20BX for allegedly violating PL 260.10 (1) Endangering the welfare of a child (A Misdemeanor), PL 120.00 (1) Assault in the Third Degree (A Misdemeanor), PL 240.26 (1) Harassment in the Second Degree (Violation) and PL 240.20 Disorderly Conduct (Violation).

57. Plaintiff JOSUE G. TORRES alleges that on or about July 31, 2022, he was restored to duty on modified assignment.

58. Plaintiff JOSUE G. TORRES alleges that on or about September 15, 2021, the aforementioned top three (3) charges were dismissed and sealed under CPL 160.55 and he pled Guilty to the remaining charge of PL 240.20 Disorderly Conduct (Violation) with a Conditional Discharge of one (1) year.

The First False Allegation of Chocking Their Minor Child

59. Plaintiff JOSUE G. TORRES alleges that on or about March 19, 2022, he self-reported an incident inside of the 33rd Precinct while exchanging the minor children for visitation.

60. Plaintiff JOSUE G. TORRES alleges that he self-reported that the alleged

complainant falsely accused him of choking their minor child.

61. Plaintiff JOSUE G. TORRES alleges that Captain Albert Rodriguez, Executive Officer 33rd Precinct interviewed he and the alleged complainant, then reviewed the video footage of the Main Entrance Lobby and determined her allegations were false.

62. Plaintiff JOSUE G. TORRES alleges that on or about April 5, 2022, Sergeant Vicente Rodriguez, Criminal Justice Bureau Investigations Unit, performed a background investigation of the alleged complainant. The search revealed that the alleged complainant filed two (2) prior complaint reports including a claim for aggravated harassment in 2004.

63. Plaintiff JOSUE G. TORRES alleges that on or about April 5, 2022, Sergeant Rodriguez informally interviewed the alleged complainant where she falsely claimed he choked his minor child.

64. Plaintiff JOSUE G. TORRES alleges that August 10, 2022, Sergeant Rodriguez reviewed the video footage of the Main Entrance Lobby and determined the alleged complainant's allegations were false.

65. Plaintiff JOSUE G. TORRES alleges that on or about August 10, 2022, Sergeant Rodriguez informally interviewed Police Administrative Aide Renay Rolle who confirmed she did not observe him mishandling the minor child but, said, "he seems like a 'loving father' and the children wanted to stay with him."

66. Plaintiff JOSUE G. TORRES alleges that on or about August 17, 2022, Sergeant Rodriguez informally interviewed Police Officer Mohamed Shemis who confirmed there was nothing out of the ordinary during the exchange and the alleged complainant never claimed the minor child was choked.

67. Plaintiff JOSUE G. TORRES alleges that on or about August 17, 2022, Sergeant

Rodriguez informally interviewed Sergeant Muhammad Uddin, as the Desk Officer who confirmed there was nothing out of the ordinary during the exchange and the alleged complainant never claimed the minor child was choked.

The Second False Allegation of Child Abuse and Maltreatment

68. Plaintiff JOSUE G. TORRES alleges that on or about October 17, 2022, a false report was made to the New York Statewide Central Register of Child Abuse and Maltreatment alleging a child had been abused or maltreated.

69. Plaintiff JOSUE G. TORRES alleges that in yet another false allegation, the alleged complainant accused him of kicking one of his minor children in the head.

70. Plaintiff JOSUE G. TORRES alleges that on or about December 30, 2022, the New York State Office of Children and Family Services notified him that the report of Child Abuse and Maltreatment filed by the alleged complainant alleging their minor had been abused or maltreated was closed as Unfounded.

The Second False Arrest

71. Plaintiff JOSUE G. TORRES alleges that on or about September 28, 2022, he and the alleged complainant had another disagreement over the health, safety and welfare of their minor children. At this point, there were communicating via a Family Court Wizard Application.

72. Plaintiff JOSUE G. TORRES alleges that on September 22, 2022 and September 27, 2022, sent the following messages “When are you going to realize that your decision making is complete & utter garbage, and yet you have the gall to take it personal when I’ve critiqued them as it has always been the case... I would’ve never completely uprooted them just for you to have less time with them, good parents don’t do that to their kids, ignorant trash do. Stop putting up this façade & stop pretending to be scorned, I know everything. You never had feelings for

me whatsoever I was a means to an end for you & enough with trying to take my rights away... I am absolutely disgusted by lack of wherewithal & parenting skills, yet wonder why I've always critiqued you. He also sent additional messages calling her "inconsistent, a pathological liar, lazy and a con artist."

73. Plaintiff JOSUE G. TORRES alleges that Sergeant Elvis Cornea, 73rd Precinct falsely arrested him due to confirmation bias related to his gender as these aforementioned text messages are not "objectively" violative of any law or court order.

74. Plaintiff JOSUE G. TORRES alleges that he never should have been arrested or received department charges without corroboration as the alleged complainant was not "credible."

75. Plaintiff JOSUE G. TORRES alleges that Duty Captain, Patrol Borough Brooklyn North Investigations Unit James Wilson should have voided his arrest consistent with department policy but, failed to do so because he engaged in the same conformation bias as Sergeant Cornea.

76. Plaintiff JOSUE G. TORRES was immediately suspended without pay for thirty (30) days

77. Plaintiff JOSUE G. TORRES alleges that on or about September 29, 2022, he was arraigned in the Kings Criminal Court Docket No.: CR-027939-22KN for allegedly violating PL 215.50 (3) Criminal Contempt in the Second Degree (A Misdemeanor).

78. Plaintiff JOSUE G. TORRES alleges that on or about October 29, 2022, he was restored to duty on modified assignment.

79. Plaintiff JOSUE G. TORRES alleges that on or about January 12, 2023, the aforementioned charge was dismissed and sealed under CPL 170.30 (1)(f) and 160.50, due to insufficient evidence.

THE NYPD DISCIPLINARY AND REVIEW PROCESS

80. Plaintiff JOSUE G. TORRES alleges that on or about June 21, 2018, then-Police Commissioner James P. O'Neill appointed an Independent Panel to review the internal disciplinary system of the New York City Police Department and to propose recommendations for improvement. The Report states that the Panel was appointed "to conduct a review of the internal disciplinary system" of the NYPD and "to propose recommendations to improve it."

81. Plaintiff JOSUE G. TORRES alleges that the Independent Panel consisted of the Honorable Mary Jo White, as Chair, the Honorable Robert L. Capers, and the Honorable Barbara S. Jones. The Report identifies those three individuals as the Panel members and reflects that the Report was dated January 25, 2019.

82. Plaintiff JOSUE G. TORRES alleges that, according to the Report, the Panel surveyed NYPD policies and procedures governing how disciplinary matters are initiated, prosecuted, adjudicated, and resolved, and examined the role of entities centrally involved in that process, including the Department Advocate's Office ("DAO"), the Civilian Complaint Review Board ("CCRB"), and the Police Commissioner's decision-making in disciplinary cases. The Panel also states that it reviewed statutes, rules, court decisions, disciplinary files, variance materials, case data, and information from internal and external stakeholders.

83. Plaintiff JOSUE G. TORRES alleges that the Panel's Executive Summary expressly centered its work on four core subjects: (1) lack of transparency into the disciplinary process and outcomes; (2) the Police Commissioner's virtually unlimited discretion over disciplinary cases; (3) allegations of favoritism, bias, and inconsistent penalties; and (4) delay in the resolution of cases. The Report also separately identifies "Lack of Transparency into the Disciplinary Process," "The Police Commissioner's Plenary Authority Over Individual Cases,"

and “Allegations of Favoritism, Bias, and Inconsistent Penalties” as major findings and areas of concern.

84. Plaintiff JOSUE G. TORRES alleges that the Report expressly recognized that “[a]llegations of systemic favoritism, bias, or significant inconsistencies in any adjudicatory system strike at the core of its legitimacy.” The Panel further reported that, in light of frequently voiced allegations of favoritism, it undertook a review of whether disciplinary outcomes reflected “white-shirt immunity” and whether decision makers in the disciplinary process were subject to inappropriate internal or external influence.

85. Plaintiff JOSUE G. TORRES alleges that although the Panel stated that it found no direct evidence that high-ranking officers generally received more lenient discipline than other members, the Panel nevertheless found that certain disciplinary decision-makers “may be susceptible to pressures” that could adversely affect the integrity of the disciplinary process, and specifically found that the Department Advocate was “particularly vulnerable to internal and external influences.” The Panel therefore recommended that the Department establish protocols to insulate disciplinary decision-makers from inappropriate influences.

86. Plaintiff JOSUE G. TORRES alleges that the Report also found a “fundamental and pervasive lack of transparency into the disciplinary process and about disciplinary outcomes.” The Panel identified lack of transparency as one of the most frequent complaints it heard, noted that the Department itself released minimal public data on disciplinary outcomes or decision-making, and concluded that the absence of such information had engendered mistrust and undermined public confidence and oversight.

87. Plaintiff JOSUE G. TORRES alleges that, with respect to individual disciplinary outcomes, the Report found that the Police Commissioner exercised complete authority over

disciplinary determinations, could overturn findings of guilt or modify recommended penalties, and operated without written guidelines governing the exercise or explanation of that discretion. The Report further states that neither the Commissioner's decisions nor the explanations for departures from recommended outcomes were made public.

88. Plaintiff JOSUE G. TORRES alleges that the Panel further found that the operations of the Department Advocate's Office raised special concerns because DAO was susceptible to outside pressure and influence. The Report states that DAO, and particularly the Department Advocate, may be vulnerable to internal and external influences outside the formal disciplinary process, creating a risk to the integrity of disciplinary outcomes.

89. Plaintiff JOSUE G. TORRES alleges that these official findings are consistent with plaintiff's claim that the NYPD disciplinary process was not a neutral or transparent system, but one marked by opacity, unchecked discretion, vulnerability to influence, and inconsistent treatment. Plaintiff further alleges that, notwithstanding longstanding public commitments by the Department to transparency and fairness in discipline, officers and their representatives have continued to face barriers in obtaining meaningful disciplinary-comparator information needed to test whether similarly situated members are treated differently on the basis of protected characteristics or retaliatory motive. The Independent Panel itself identified the lack of transparency, the absence of meaningful public reporting, the non-public nature of disciplinary reasoning, and the need for better insulation against inappropriate influence as systemic concerns.

**Defendants' Own Reports Confirm Continuing Transparency
Deficiencies in the NYPD Disciplinary System**

The 2016–2017 NYPD Discipline Report

90. Plaintiff JOSUE G. TORRES alleges that the New York City Police Department published an official report entitled “**Discipline in the NYPD 2016–2017**,” in which the Department described its disciplinary system, its stated objectives, and the manner in which disciplinary matters were investigated and resolved.

91. Plaintiff JOSUE G. TORRES alleges that, in the Introduction to that report, the Department represented that public trust is eroded each time a New York City police officer’s conduct fails to conform to Department values and standards, and further represented that when misconduct is substantiated, discipline is imposed to correct employee misconduct, maintain the orderly functioning of the Department, ensure compliance with high standards of conduct, and assure the public that the Department will hold employees accountable for misconduct.

92. Plaintiff JOSUE G. TORRES alleges that the same report affirmatively states that discipline “must be imposed fairly and with equity,” and defines “equity” to mean that unacceptable behavior for one employee is unacceptable for all employees, “regardless of rank, demographic, assignment or tenure.”

93. Plaintiff JOSUE G. TORRES alleges that, according to the report, the Department receives misconduct complaints from the public, from Department personnel, and from proactive internal investigations, and that such complaints may range from simple policy violations to serious allegations of unlawful or criminal conduct. The report further states that criminal allegations may result in both criminal prosecution and internal disciplinary proceedings.

94. Plaintiff JOSUE G. TORRES alleges that the report identifies the Internal Affairs Bureau as conducting comprehensive investigations of corruption and misconduct complaints, including criminal conduct, and also identifies the Equal Employment Opportunity Division within the Department’s Office of Equity and Inclusion as the unit that investigates allegations of

employment discrimination and harassment and provides training and advice on equality and fairness in the workplace.

95. Plaintiff JOSUE G. TORRES alleges that the report also recognizes that outside entities examine Department policies and procedures regarding misconduct and discipline, including the Commission to Combat Police Corruption and the Inspector General for the NYPD, thereby acknowledging that oversight of disciplinary integrity and accountability extends beyond the Department's own internal processes.

96. Plaintiff JOSUE G. TORRES alleges that the report states that in calendar year **2017** the NYPD closed discipline cases involving **480 officers**, and that those cases represented **1.3%** of the Department's staff during that year. The report further breaks out those cases by rank and staffing percentages.

97. Plaintiff JOSUE G. TORRES alleges that the report further states that, of the officers charged with disciplinary cases who pleaded guilty or were found guilty in 2017, the majority involved **Department Rule Violations (223 officers)** and **Misconduct Involving Public Interaction (47 officers)**, and that **67%** of those officers had **no prior disciplinary history**.

98. Plaintiff JOSUE G. TORRES alleges that the report separately includes a category labeled "**Domestic Incident**," showing **23 officers** in 2017 within that category, all of whom were listed as having pleaded or been found guilty, with penalties including dismissals, penalty days, and dismissal probation.

99. Plaintiff JOSUE G. TORRES alleges that the report's own language is significant because the Department publicly represented that its disciplinary system operated fairly, equitably, and without distinction based on rank, demographic, assignment, or tenure, while also

publishing only aggregate disciplinary outcomes rather than the kind of comparator-specific material necessary to test whether that stated principle was consistently honored in practice.

100. Plaintiff JOSUE G. TORRES alleges that the Department's own 2016–2017 discipline report publicly proclaimed that discipline must be imposed fairly and with equity regardless of rank, demographic, assignment, or tenure, yet disclosed only aggregate disciplinary outcomes, thereby leaving unresolved whether that professed equity was actually borne out in practice and limiting meaningful scrutiny of whether similarly situated officers were treated differently on impermissible grounds.

The 2018 NYPD Discipline Report

101. Plaintiff JOSUE G. TORRES alleges that in its official report, **Discipline in the NYPD 2018**, the Department again represented that discipline “must be imposed fairly and with equity,” and that unacceptable behavior is unacceptable for all employees “regardless of rank, demographic, assignment or tenure.” The report further stated that each disciplinary matter is “unique,” requires a comprehensive analysis, and must be evaluated based upon the totality of the circumstances.

102. Plaintiff JOSUE G. TORRES alleges that the Department's 2018 report also published aggregate statistical data concerning disciplinary outcomes, including that **303 officers** had disciplinary cases resolved in 2018, representing approximately **0.8%** of the Department's staff. The report further segmented those cases down by rank, stating that **66.0%** involved police officers, **10.9%** detectives, **15.2%** sergeants, **6.6%** lieutenants, and **1.3%** captains and above.

103. Plaintiff JOSUE G. TORRES alleges that the same report further segmented disciplinary cases down by years of service, stating that **56.8%** of charged officers had between

six and fifteen years of service, and further reported that **292 officers**, or **96%**, either pleaded guilty or were found guilty.

104. The report identified the leading categories of sustained or adjudicated misconduct as including **Department Rule Violations** and **DWI/Alcohol Related Infractions**, and further stated that **35%** of officers who pleaded guilty or were found guilty had **no prior disciplinary history**.

105. Plaintiff JOSUE G. TORRES alleges that the report also included a category labeled “**Domestic Incident**,” reflecting **23 cases** in that category, with **22** resulting in a guilty finding or plea, and penalties including forced separation, dismissal probation with penalty days, and penalty-day dispositions.

106. Plaintiff JOSUE G. TORRES alleges that, although the 2018 report publicly reaffirmed the Department’s stated commitment to fairness and equity and provided broad statistical summaries regarding rank, years of service, charge categories, and penalty outcomes, it did not provide the comparator-specific transparency necessary to meaningfully test whether similarly situated officers were in fact treated alike in practice.

107. Plaintiff alleges that the Department’s own 2018 reporting therefore left unresolved whether its professed principle of equitable discipline was actually being applied consistently and free from selective, retaliatory, or discriminatory enforcement.

The 2019 NYPD Discipline Report

108. Plaintiff JOSUE G. TORRES alleges that in its official report, **Discipline in the NYPD 2019**, the Department again represented that discipline “must be imposed fairly and with equity,” and that unacceptable behavior is unacceptable for all employees “regardless of rank,

demographic, assignment, or tenure.” The report further stated that each disciplinary matter is unique, requires a comprehensive analysis, and must consider the totality of the circumstances.

109. Plaintiff JOSUE G. TORRES alleges that the Department’s 2019 report also published aggregate statistical data concerning disciplinary outcomes, including that **339 UMOS** had disciplinary cases resolved in calendar year 2019, representing **0.9%** of the Department’s staff. The report further segmented those cases down by rank, stating that **64.6%** involved police officers, **13.0%** detectives, **14.7%** sergeants, **6.2%** lieutenants, and **1.5%** captains and above.

110. Plaintiff JOSUE G. TORRES alleges that the same report further segmented disciplinary cases down by years of service, stating that **50.2%** of UMOS with disciplinary charges in 2019 had between **six and fifteen years of service**. The report additionally stated that, in 2019, there were **79 department trials**, of which **13 UMOS** pleaded guilty and had a mitigation hearing, **49 UMOS** were found guilty of at least one charge after trial, and **17 UMOS** were found not guilty of all charges.

111. Plaintiff JOSUE G. TORRES alleges that the report further stated that **322**, or **95%**, of UMOS charged with a disciplinary case either pleaded guilty and entered into settlement agreements or were found guilty after trial. The report identified the leading categories of adjudicated or sustained misconduct as including **Department Rule Violations (187 UMOS)**, **DWI/Alcohol Related infractions (25 UMOS)**, **Force (18 UMOS)**, **Domestic Incident (17 UMOS)**, **Misconduct Involving Public Interaction (17 UMOS)**, **False Statements (20 UMOS)**, **Firearms (16 UMOS)**, **Unlawful/Criminal Conduct (18 UMOS)**, **Narcotics Related (2 UMOS)**, and **Sexual Misconduct (2 UMOS)**. The report further stated that **26%** of UMOS who pleaded guilty or were found guilty after trial had **no prior disciplinary history**.

112. Plaintiff JOSUE G. TORRES alleges that the report also included a category labeled “**Domestic Incident**,” reflecting **17 cases** in that category, with **17** resulting in a guilty finding or plea, and penalties including **1 dismissal, 2 forced separations, 8 dismissal-probation-and-penalty-day dispositions, and 6 penalty-day dispositions**. The report further stated that, of the **322 UMOS** who pleaded guilty or were found guilty after trial, **3.1%** were dismissed, **5.3%** submitted for service or vested retirement, **29.2%** received dismissal probation with forfeited penalty days, and reprimand was not used in any disciplinary case closed in 2019.

113. Plaintiff JOSUE G. TORRES alleges that, although the 2019 report publicly reaffirmed the Department’s stated commitment to fairness and equity and provided broad statistical summaries regarding rank, years of service, charge categories, and penalty outcomes, it did not provide the comparator-specific transparency necessary to meaningfully test whether similarly situated officers were in fact treated alike in practice.

114. Plaintiff JOSUE G. TORRES alleges that the Department’s own 2019 reporting therefore left unresolved whether its professed principle of equitable discipline was actually being applied consistently and free from selective, retaliatory, or discriminatory enforcement.

The 2020 NYPD Discipline Report

115. Plaintiff JOSUE G. TORRES alleges that in its official report, **2020 Discipline Report**, the Department represented that it was committed to a “fair, effective, timely, and transparent disciplinary process.” The report further stated that discipline must be imposed fairly and with equity, and that unacceptable behavior for one employee is unacceptable for all, regardless of rank, demographic, assignment, or tenure.

116. Plaintiff JOSUE G. TORRES alleges that the same report also emphasized that each disciplinary matter is unique, requires a comprehensive analysis, and must consider the

totality of the circumstances, including mitigating and aggravating factors, disciplinary history, and the number of charges in a case.

117. Plaintiff JOSUE G. TORRES alleges that the Department's 2020 report published aggregate statistical data concerning disciplinary outcomes, including that **619 cases** in which charges were preferred were disposed of with a penalty in 2020, of which **489 cases (79.0%)** involved uniformed members of the service and **130 cases (21.0%)** involved civilian members of the service. Plaintiff further alleges that the report stated that **49 members** were subject to forced separation from Department employment in 2020 as a result of disciplinary matters.

118. Plaintiff JOSUE G. TORRES alleges that the report further summarized the disciplinary process through aggregate measures, including the volume of cases, broad categories of penalties, and overall case outcomes, rather than through comparator-specific disclosures that would permit meaningful case-to-case analysis of whether similarly situated employees were treated consistently.

119. Plaintiff JOSUE G. TORRES alleges that, although the 2020 report publicly reaffirmed the Department's stated commitment to fairness, equity, and transparency, the report continued to present disciplinary information in broad statistical form and did not provide the degree of comparator-level transparency necessary to meaningfully test whether similarly situated officers were in fact treated alike in practice.

120. Plaintiff JOSUE G. TORRES alleges that the Department's own 2020 reporting therefore left unresolved whether its professed principle of equitable discipline was actually being applied consistently and free from selective, retaliatory, or discriminatory enforcement.

The 2021 NYPD Discipline Report

121. Plaintiff JOSUE G. TORRES alleges that in its official report, **2021 Discipline Report**, the Department represented that it was committed to a “fair, effective, timely, and transparent disciplinary process.” The report further stated that discipline must be imposed fairly and with equity, and that unacceptable behavior for one employee is unacceptable for all, regardless of rank, demographic, assignment, or tenure.

122. Plaintiff JOSUE G. TORRES alleges that the same report emphasized that each disciplinary matter is unique, requires a comprehensive analysis, and must consider the totality of the circumstances, including mitigating and aggravating factors, disciplinary history, and the number of charges in a case.

123. Plaintiff JOSUE G. TORRES alleges that the Department’s 2021 report also published aggregate statistical data concerning disciplinary outcomes, including that in 2021 more than **13,300 penalty days** were forfeited by members of the service in disciplinary cases, that **72 members** were subject to forced separation from Department employment as a result of disciplinary matters, and that as of **December 31, 2021**, there were **984 active cases** with charges preferred against members of the service.

124. Plaintiff JOSUE G. TORRES alleges that the 2021 report also highlighted what the Department characterized as “transformative changes” in transparency and accountability, including the release of disciplinary guidelines, publication of deviation explanations, trial decisions, and other public-facing materials concerning disciplinary outcomes.

125. Plaintiff JOSUE G. TORRES alleges that, notwithstanding those claimed reforms, the 2021 report continued to present discipline information in broad aggregate form rather than through comparator-specific disclosures that would permit meaningful case-to-case testing of whether similarly situated employees were treated consistently.

126. Plaintiff JOSUE G. TORRES alleges that the Department's own 2021 reporting therefore continued to leave unresolved whether its professed commitment to fairness, equity, and transparency was being carried out consistently in practice and free from selective, retaliatory, or discriminatory enforcement.

The 2022 NYPD Discipline Report

127. Plaintiff JOSUE G. TORRES alleges that in its official report, **Discipline in the NYPD 2022**, the Department continued to represent that it was committed to a "fair, effective, timely, and transparent disciplinary process." The report further stated that discipline must be imposed fairly and equitably, and that unacceptable behavior for one employee is unacceptable for all, regardless of rank, demographic, assignment, or tenure.

128. Plaintiff JOSUE G. TORRES alleges that the same report again emphasized that each disciplinary matter is "unique," requires a comprehensive analysis, and must consider the totality of the circumstances, including mitigating and aggravating factors, disciplinary history, and the number of charges in a case.

129. Plaintiff JOSUE G. TORRES alleges that the Department's 2022 report published aggregate statistical data concerning disciplinary outcomes, including that members of the service forfeited more than **13,272 penalty days** in 2022, that **84 members** were subjected to forced separation from Department employment as a result of disciplinary action, and that as of **December 31, 2022**, there were **1,097 active cases** with charges preferred against members of the service.

130. Plaintiff JOSUE G. TORRES alleges that the 2022 report further stated that the Department preferred **54.2%**, or **570**, of active cases with charges, while the CCRB preferred

45.8%, or 482, and that as of **December 31, 2022, 806 uniformed members of the service**, representing **2.3%** of the uniformed workforce, had active charges and specifications.

131. Plaintiff JOSUE G. TORRES alleges that the 2022 report also described what the Department characterized as expanded transparency measures, including continued public use of the internal discipline matrix, publication of written deviation explanations, operation of the Officer Profile Portal, and public access to trial decisions.

132. Plaintiff JOSUE G. TORRES alleges that, notwithstanding those claimed transparency measures, the Department expressly admitted in the same 2022 report that its formal discipline data are stored in a **case-management style database**, that the purpose of that database is to manage cases rather than to catalog and manipulate data, and that **lateral comparisons** are difficult because mitigating and aggravating factors, the number of charges per case, and disciplinary history make each case unique.

133. Plaintiff JOSUE G. TORRES alleges that the Department further stated that, as a result of those limitations, the 2022 report was confined to “broad data points” such as intake volume, active cases, case length, and separations, rather than the kind of comparator-specific data necessary to permit meaningful scrutiny of whether similarly situated members were treated consistently.

134. Plaintiff JOSUE G. TORRES alleges that the 2022 report also included demographic data concerning closed disciplinary cases involving charges preferred against uniformed members of the service, stating that **White officers comprised 43.6% of UMOS and 36.2% of closed cases, Black officers comprised 15.5% of UMOS and 19.9% of closed cases, Hispanic officers comprised 30.6% of UMOS and 33.0% of closed cases, and Asian-American/Pacific Islander officers comprised 10.2% of UMOS and 10.6% of closed cases.**

135. Plaintiff JOSUE G. TORRES alleges that the same report further included gender data for uniformed members of the service, stating that **male officers comprised 80.4% of UMOS but 84.3% of closed disciplinary cases**, while **female officers comprised 19.6% of UMOS and 15.7% of closed disciplinary cases**.

136. Plaintiff JOSUE G. TORRES alleges that the 2022 report also stated that **police officers comprised 71.0%** of uniformed members with charges preferred in closed cases, compared to **10.1%** for detectives, **11.4%** for sergeants, **5.1%** for lieutenants, and **2.4%** for captains and above.

137. Plaintiff JOSUE G. TORRES alleges that, although the 2022 report publicly reaffirmed the Department's stated commitment to fairness, equity, and transparency, and although it disclosed broad data regarding discipline volume, demographics, rank, and penalties, the Department simultaneously admitted that its own system was not structured for the cataloging and manipulation of data necessary for meaningful lateral comparison across cases.

138. Plaintiff JOSUE G. TORRES alleges that the Department's own 2022 reporting therefore continued to leave unresolved whether its professed principles of equitable and transparent discipline were being applied consistently in practice, and continued to limit meaningful scrutiny of whether similarly situated officers were treated differently in disciplinary matters.

The 2023 NYPD Discipline Report

139. Plaintiff JOSUE G. TORRES alleges that in its official report, **Discipline in the NYPD 2023**, the Department again represented that it "continues to be committed to a fair, effective, timely, and transparent disciplinary process." The report further stated that discipline

must be imposed fairly and equitably, and that all employees are to be held accountable regardless of rank, demographic, assignment, or tenure.

140. Plaintiff JOSUE G. TORRES alleges that the same report again emphasized that each disciplinary matter is unique, requires a comprehensive analysis, and must consider the totality of the circumstances, including mitigating and aggravating factors, disciplinary history, and the number of charges in a case.

141. Plaintiff JOSUE G. TORRES alleges that the Department's 2023 report published aggregate statistical data concerning disciplinary activity, including that in 2023 there were **1,720 disciplinary cases** referred to the Department for investigation, that as of **December 31, 2023, 967 members of the service**, or **2.9%**, had active investigations of serious misconduct, that members of the service forfeited **12,768 penalty days** due to disciplinary cases, and that **78 members** were subjected to forced separation from the Department as a result of disciplinary action.

142. Plaintiff JOSUE G. TORRES alleges that the 2023 report further stated that the Department and CCRB each contributed nearly half of all disciplinary intake in 2023, with **862 cases** initiated by the CCRB and **858 cases** initiated by the Department, and that as of **December 31, 2023**, there were **1,079 active cases** in which charges had been preferred.

143. Plaintiff JOSUE G. TORRES alleges that the 2023 report also included demographic data concerning closed disciplinary cases involving uniformed members of the service. The report stated that **White officers comprised 41.9% of UMOS and 33.5% of closed cases**, **Black officers comprised 15.9% of UMOS and 20.1% of closed cases**, **Hispanic officers comprised 31.5% of UMOS and 37.8% of closed cases**, and **Asian-American/Pacific Islander officers comprised 10.7% of UMOS and 8.6% of closed cases**.

144. Plaintiff JOSUE G. TORRES alleges that the same report further included gender data for uniformed members of the service, stating that **male officers comprised 79.7% of UMOS but 87.5% of closed disciplinary cases**, while **female officers comprised 20.2% of UMOS but only 12.5% of closed disciplinary cases**.

145. Plaintiff JOSUE G. TORRES alleges that the 2023 report also included rank data for uniformed members of the service, stating that **police officers comprised 64.7% of UMOS but 70.0% of closed disciplinary cases**, while **detectives comprised 15.3% of UMOS and 9.7% of closed disciplinary cases**, **sergeants comprised 12.8% of UMOS and 12.1% of closed disciplinary cases**, **lieutenants comprised 4.9% of UMOS and 6.0% of closed disciplinary cases**, and **captains and above comprised 2.3% of UMOS and 2.2% of closed disciplinary cases**.

146. Plaintiff JOSUE G. TORRES alleges that the 2023 report also described what the Department characterized as transparency measures, including public release of the Discipline Matrix, use of written deviation explanations, operation of the Officer Profile Portal, and publication of trial decisions.

147. Plaintiff JOSUE G. TORRES alleges that, notwithstanding those claimed transparency measures, the Department expressly admitted in the same 2023 report that its formal discipline data are stored in a **case management database** intended to manage cases rather than to catalog and manipulate data, that the complexity of individual cases makes **lateral comparisons difficult**, and that the report is therefore limited to broad data points such as intake volume, active cases, case length, and separations.

148. Plaintiff JOSUE G. TORRES alleges that the 2023 report also acknowledged that when a Department employee is charged criminally with a violation of federal or state law, the

Department also files internal disciplinary charges because criminal conduct is treated as a violation of Department policy, and further acknowledged that disciplinary matters involving parallel criminal prosecutions may proceed in tandem where the Department determines that doing so will not compromise the criminal case.

149. Plaintiff JOSUE G. TORRES alleges that, although the 2023 report publicly reaffirmed the Department's stated commitment to fairness, equity, and transparency, and although it disclosed broad data concerning discipline volume, demographics, rank, penalties, and case processing, the Department simultaneously admitted that its own system was not structured for the cataloging and manipulation of data necessary for meaningful lateral comparison across cases.

150. Plaintiff JOSUE G. TORRES alleges that the Department's own 2023 reporting therefore continued to leave unresolved whether its professed principles of equitable and transparent discipline were being applied consistently in practice, and continued to limit meaningful scrutiny of whether similarly situated officers were treated differently in disciplinary matters.

The Department's Own Reports Support Plaintiff's Claims of Continuing Transparency Failures

151. Plaintiff JOSUE G. TORRES alleges that, taken together, the Department's own reports and review materials demonstrate a continuing pattern under Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN: the NYPD repeatedly proclaimed that its disciplinary system was fair, equitable, and transparent, while simultaneously maintaining a reporting structure that, by the Department's own description, was too limited to permit meaningful lateral comparison across materially similar cases.

152. Plaintiff JOSUE G. TORRES alleges that this continuing lack of comparator-specific transparency is not collateral or academic. It bears directly on plaintiff's ability to test whether the discipline imposed against him, the treatment of arrest-related information concerning him, the Department's handling of domestic-violence-related allegations, and the retaliatory actions alleged herein were consistent with the treatment of similarly situated members of the service or instead reflected selective discipline, unequal treatment, retaliation, or other unlawful bias.

153. Plaintiff JOSUE G. TORRES alleges that Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN maintained, implemented, enforced, ratified, and/or permitted the continuation of a disciplinary reporting and review structure that invoked the appearance of fairness, equity, and transparency while withholding the kind of reliable, comparator-level disclosure necessary for meaningful scrutiny of consistency in disciplinary decision-making, including deviations from stated standards and the treatment of similarly situated officers.

The Unlawful Use of Sealed Records in the NYPD Disciplinary Process

154. Plaintiff JOSUE G. TORRES repeats and realleges the preceding paragraphs as if fully set forth herein.

155. Plaintiff JOSUE G. TORRES alleges that New York law forbids the use of criminal matters terminated in favor of the accused and sealed under CPL §§ 160.50 and 160.60 as a basis for adverse treatment, except as otherwise permitted by law.

156. Plaintiff JOSUE G. TORRES alleges that, on April 29, 2019, in *R.C., A.G., J.J. v. The City of New York, et al.*, Index No. 153739/2018, the Supreme Court, New York County, through Defendant THE CITY OF NEW YORK and former Police Commissioner James P.

O'Neill, Hon. Alexander M. Tisch, held that the sealing statutes do not permit the NYPD to use sealed records for investigatory purposes absent a lawful basis and rejected the Department's contrary interpretation of the law.

157. As later recognized by the same court, Justice Tisch had already ruled that sealed records could not be used for investigatory purposes, subject only to narrow exceptions and lawful unsealing procedures.

158. Plaintiff JOSUE G. TORRES alleges that Defendant THE CITY OF NEW YORK and the NYPD were on notice of that ruling no later than April 29, 2019, because the City was a defendant in *R.C.* and the ruling expressly addressed NYPD access to and use of sealed records.

159. Plaintiff JOSUE G. TORRES alleges that, notwithstanding Justice Tisch's ruling, the Department continued to maintain and use training and operational practices that permitted access to and use of sealed arrest information.

160. Plaintiff JOSUE G. TORRES alleges that, on September 27, 2021, in the same action, the Supreme Court, New York County, through Hon. Lyle E. Frank, granted plaintiffs' motion for a preliminary injunction and held that defendants' prior training regarding the sealing of records was "contrary to law."

161. Justice Frank further held that sealed records may not be used for investigatory purposes without a properly obtained unsealing order, except as provided in enumerated statutory exceptions and applicable case law.

162. Plaintiff JOSUE G. TORRES alleges that Justice Frank also found it "concerning" that, according to the defendants, more than **800 people** had access to sealed records within the NYPD, and held that the breadth of such access itself ran afoul of the sealing statutes.

163. Plaintiff JOSUE G. TORRES alleges that Justice Frank's September 27, 2021 Order expressly enjoined defendants from instructing NYPD personnel in a manner that violates the sealing statutes, required the Department to issue guidance stating that NYPD personnel may not access sealed arrest information without a court order, and directed the City to submit a compliance plan concerning the cessation of the use of sealed records for investigatory purposes unless an unsealing order had been obtained or a recognized exception applied.

164. Plaintiff JOSUE G. TORRES alleges that Defendant THE CITY OF NEW YORK and the NYPD were on notice of Justice Frank's September 27, 2021 Decision and Order no later than September 27, 2021, when the Decision and Order was filed in *R.C.*, and certainly by the time defendants were required to comply with its injunctive directives.

165. Plaintiff JOSUE G. TORRES alleges that, despite these rulings and despite the injunctive relief entered against Defendant THE CITY OF NEW YORK and the NYPD, the Department under Defendants KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN continued to maintain, implement, enforce, ratify, and/or permit disciplinary practices in which sealed arrest information was used as part of charging decisions, prosecutorial decisions, adjudicative decisions, penalty determinations, and related adverse employment action.

166. Plaintiff JOSUE G. TORRES alleges that this continued use of sealed records was especially significant because the Department's own disciplinary materials acknowledge that criminal allegations and internal disciplinary charges may proceed in tandem, that the Department files internal charges when a member is charged with a crime because criminal conduct is treated as a violation of Department policy, and that such internal matters may proceed on a parallel track or remain pending while the criminal case is being resolved.

167. Plaintiff JOSUE G. TORRES alleges that, taken together, the April 29, 2019 ruling by Justice Tisch and the September 27, 2021 Decision and Order by Justice Frank placed Defendant THE CITY OF NEW YORK and the Department on actual notice that the use of sealed records for internal investigatory and disciplinary purposes was unlawful absent lawful authorization, yet the Department under these defendants continued to use sealed records as part of its disciplinary charging, prosecution, and adjudication decisions.

168. Plaintiff JOSUE G. TORRES alleges that Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN continued use of sealed records during the disciplinary process infected the fairness of that process, permitted adverse inferences and decisions to be shaped by arrest-related information that New York law required to be sealed, and supports plaintiff's claims that the adverse actions challenged herein were tainted by unlawful reliance on arrest-related information.

Defendants' Control Over Prior Disciplinary Files, Comparator Outcomes, and Settlements

169. Plaintiff JOSUE G. TORRES repeats and realleges the preceding paragraphs as if fully set forth herein.

170. Plaintiff JOSUE G. TORRES alleges that Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN, through the Department's disciplinary infrastructure, maintain and have access to an extensive body of prior disciplinary matters, including charges, specifications, negotiated resolutions, penalty recommendations, trial decisions, deviation determinations, and settlement outcomes.

171. Plaintiff JOSUE G. TORRES alleges that this body of prior disciplinary information functions as a comparative library of disciplinary treatment, from which the

Department may assess prior cases, invoke precedent, evaluate penalties, argue aggravation or mitigation, and position current cases against prior disciplinary outcomes.

172. Plaintiff JOSUE G. TORRES alleges that, notwithstanding defendants' access to that body of prior disciplinary information, plaintiff and other similarly situated officers, their counsel, and their representatives do not have ready, equal, or meaningful access to the same full universe of prior disciplinary cases, settlements, and outcomes necessary to test whether disciplinary standards are being applied consistently.

173. Plaintiff JOSUE G. TORRES alleges that this asymmetry in access is material because Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN may invoke prior cases, prior outcomes, prior settlements, and internal disciplinary practice as justification for charging decisions, prosecution strategy, trial positions, and penalty recommendations, while plaintiff and others are denied comparable visibility into the full set of matters needed to identify similarly situated comparators and challenge selective treatment.

174. Plaintiff JOSUE G. TORRES alleges that the Department's control over prior disciplinary files, comparator outcomes, and settlements contributes to the lack of meaningful transparency alleged herein and impairs plaintiff's ability to determine whether the discipline imposed against him was consistent with the treatment of similarly situated members of the service or instead reflected selective discipline, retaliation, unequal treatment, and/or other unlawful bias.

175. Plaintiff JOSUE G. TORRES alleges that this imbalance is especially significant in a disciplinary system that publicly proclaims fairness, equity, and transparency while preserving for Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD

A. CABAN, and AMY J. LITWIN an internal comparative record that is not equally and readily accessible to the officers subjected to discipline.

Table I: Master Comparator List (Disparate Treatment and Retention of Employees with Arrest Histories) - Pre-Trial¹

This table establishes the baseline for **Arrest History Discrimination** by documenting the retention of officers despite convictions or admissions of violent and dishonest acts.

Year	Name	Tax #	M / F	Offense(s)	Penalty	Fired
2008	Kaz R. Daughtry	940052	M	Judicial Finding of False Testimony: U.S. District Court found testimony regarding a defendant's status was false .	No Action Documented	No
2008	Kaz R. Daughtry	940052	M	Computer Misuse: Substantiated allegation of department rules and violations.	Schedule B Command Discipline	No

¹ The longitudinal data set forth in **Table I** serves as a verified anchor proving that the NYPD operates an arbitrary disciplinary system that routinely retains members of service despite substantiated acts of moral turpitude, violence, and criminal convictions.

This decade-long record demonstrates that the Department's purported "Zero-Tolerance" policies for offenses such as **Assault, Strangulation, and Endangering the Welfare of a Child**—as seen in the cases of Officers **Augustin, Sanchez, Nunez, and Korycki**—are selectively bypassed through the use of "unreviewable" dismissal probation.

Furthermore, the Department's practice of granting discretionary promotions to officers with criminal convictions, such as **Lieutenant Mullan** and **Detective Gries**, illustrates a systemic culture of nepotism that contradicts the assertion that such conduct poses an "unreasonable risk to the public". By maintaining a dual standard of justice that shields favored or well-connected officers like **Kaz R. Daughtry** from termination despite judicial findings of **False Testimony**, the Defendants have established an arbitrary threshold for "Integrity" that discriminates against individuals on the basis of their arrest history while weaponizing felony statutes against others.

Year	Name	Tax #	M / F	Offense(s)	Penalty	Fired
2009	Kaz R. Daughtry	940052	M	Excessive Force/Abuse of Authority: Pointed firearm at civilian and threatened: "I will fucking kill you"	Forfeiture of 10 Vacation Days	No
2012	Kaz R. Daughtry	940052	M	Department Rule Violation: Substantiated failure to request patrol supervisor for off-duty member incident.	Forfeiture of 8 Vacation Days	No
2013	Rohan L. Shaw	919965	M	Insurance Fraud: Pled guilty to "rate jumping," a version of insurance fraud.	Forfeiture of 25 Vacation Days	No
2015	Joseph M. Essig	956626	M	Arrested: Felony Criminal Sexual Misconduct; Pled to Health Code violation.	\$1,000 fine; Restored to full duty	No
2017	Marissa Sorocco	937119	F	Arrested: Arson (5th Degree) and Criminal Mischief (4th Degree).	30-Day Pay Forfeit; 1-Year Dismissal Probation.	No
2017	Mary Mullan	922843	F	Arrested: Drunk Driving (DWI) involving an accident.	23-Day Suspension; 20-Day Vacation Loss; Promoted.	No
2017	Jeffrey Augustin	944210	M	Arrested: Choking wife and threatening to kill her.	13-Day Suspension; 1-Year Dismissal Probation.	No

Year	Name	Tax #	M / F	Offense(s)	Penalty	Fired
2018	Handoly Ramos	953297	M	Associated with criminals; Improper computer use; Misleading statements.	35-Day Vacation Loss; 1-Year Dismissal Probation.	No
2018	Edel D. Sanchez	935686	M	Internal Finding of Choking: Charged with Felony Strangulation and Assault.	26-Day Pay Forfeit; 30-Day Vacation Loss; 1-Year Probation.	No
2018	Victor J. Cruz	957501	M	Arrested: Assault of girlfriend.	1-Year Dismissal Probation; Docked suspension days.	No
2018	Anthony Amirally	939872	M	Internal Finding of Assault: Arrested for choking his mother.	32-Day Suspension; 12-Month Dismissal Probation.	No
2018	Nalik O. Zeigler	951461	M	Arrested: DWI involving crashing into parked cars.	1-Year Dismissal Probation; Retained in Intelligence Bureau.	No
2019	Rohan L. Shaw	919965	M	Fatal MVA: Speeding (85 mph); .108 BAC; Refused all testing.	5 Department Charges mirroring arrest.	No
2019	Kaz R. Daughtry	940052	M	Equipment Violation: Failure to safeguard Body Worn Camera.	Schedule B Command Discipline.	No

Year	Name	Tax #	M / F	Offense(s)	Penalty	Fired
2019	Philip H. Case	932140	M	Pled Guilty: Disorderly Conduct; Internal finding of Menacing (pulled gun in road rage).	1-Year Dismissal Probation; Docked vacation days.	No
2019	Chon Huang	960687	M	Internal Finding of Assault: Arrested for punching an e-bike driver.	30-Day Suspension; 1-Year Dismissal Probation.	No
2020	Oscar H. Nunez	935412	M	Pled Guilty: DWAI; Endangering Welfare of a Child; Unfit for Duty; Physical Altercation.	25-Day Vacation Loss; 1-Year Dismissal Probation.	No
2020	Rafal Korycki	952946	M	Pled Guilty: Endangering Welfare of a Child; Criminal Trespass; Criminal Mischief.	34-Day Vacation Loss; 1-Year Dismissal Probation.	No
2020	Chris Alvarado	933607	M	Convicted: Drunken off-duty incident; Fled scene; Impeded investigation.	Decision overturned by Commissioner; Remained on job.	No
2020	Nelson Reyes	953309	M	Admitted: Assaulted wife (smacked her in the chin).	35-Day Vacation Loss; 1-Year Dismissal Probation.	No
2020	Omar Salem	943768	M	Guilty: Physical altercation; Pushed and held wife down.	30-Day Pay Forfeit; 1-Year	No

Year	Name	Tax #	M / F	Offense(s)	Penalty	Fired
					Dismissal Probation.	
2021	Kaz R. Daughtry	940052	M	Misleading Statements: Pled guilty to misleading and inaccurate statements.	20-Day Vacation Loss.	No
2021	Chris Valencia	963788	M	Arrested: Strangled, held prisoner, and bit girlfriend.	Offered ACD; Retained on Modified Duty.	No
2022	Aliea S. Persaud	951048	F	Arrested/Pled: Assault and Criminal Mischief (Domestic Dispute).	15-Day Vacation Loss; 1-Year Dismissal Probation.	No
2023	Willie Thompson	958120	M	Sexual relations with witness; Intimidating/threaten witness.	30-Day Vacation Loss; 1-Year Dismissal Probation.	No

Table II: Official Misconduct & Coordinated Nonfeasance (The Shaw Case) - Pre-Trial²

² The investigation into the December 8, 2019, fatal motor vehicle accident involving **Rohan L. Shaw [Tax #919965]** serves as a definitive anchor for the Department's arbitrary and capricious disciplinary standards, where a "Zero-Prosecution" threshold was established for the officers involved despite a civilian fatality.

Under the **Verified Anchor Rule** of *People v. Herlihy*, Duty Captain **Robert J. Dantone [946895]** and Lieutenant **Michael H. Solowitz [923197]** committed actionable **Official Misconduct** by failing to perform their "special duty" to suppress the intentional concealment of evidence by subordinates.

This coordinated nonfeasance included Sergeant **Christopher Muller [925795]** pointing his Body-Worn Camera (BWC) at the ceiling to avoid recording Shaw's intoxication and the collective failure

This table chronicles the specific timeline of the **Rohan L. Shaw [Tax #919965]** cover-up, where high-ranking officers and responders committed acts of **Official Misconduct** without criminal charge. This alignment demonstrates that while the 2026 felony comparators face indictment for evidence tampering, the officers involved in the 2019 fatal MVA investigation were granted administrative immunity or negligible penalties for the same category of **Official Misconduct**.

Year	Name	Tax No.	M/ F	Role	Misconduct (Dec 8, 2019 Fatal MVA)	Penalty
2020	Sean F. Kelleher	901759	M	Responder	Failed to activate BWC during transport of intoxicated officer.	None
2020	Terrence Creighton	921241	M	Cousin	Unauthorized crime scene entry; retrieved Shaw's Glock.	2-Day Vac. Loss
2020	Michael Solowitz	923197	M	Lieutenant	Failed to activate BWC; questioned intoxicated officer alone.	2-Day Vac. Loss

of responders **Woodburn [947617]**, **Schwartz [961262]**, and **Grella [952810]** to activate BWCs at a fatal crime scene. Per *Sharp v. Erie R. Co.*, these officers were "liable to prosecution" for failing to arrest Shaw for a DUI committed in their presence, yet they received only negligible administrative penalties such as "2-day vacation loss" or "Letters of Instruction."

This disparate application of the law stands in direct contrast to the 2026 felony indictments of **Michael A. Caligiuri** and **Ryan P. McLoughlin** for similar BWC manipulation, proving that the Department weaponizes criminal statutes against some while granting immunity to others who facilitate a high-profile cover-up.

Year	Name	Tax No.	M/ F	Role	Misconduct (Dec 8, 2019 Fatal MVA)	Penalty
2020	Chris Muller	925795	M	Sergeant	Pointed BWC at ceiling to avoid recording; falsely reported fitness to DA.	2-Day Vac. Loss
2020	Robert J. Dantone	946895	M	Captain	Duty Captain; failed to suppress misconduct or discipline failures.	None
2020	Peter Woodburn	947617	M	Responder	First on scene; failed to record statements or activate BWC.	Instruction
2020	Robert Grella	952810	M	Responder	Failure to activate BWC during a crime with a fatality.	Instruction
2020	Mayer Schwartz	961262	M	Responder	Failure to activate BWC; failed to record evidence of intoxication.	Instruction

The Department Adjudication

176. Plaintiff JOSUE G. TORRES alleges that on or about July 6, 2020, he received department charges related to the July 1, 2020, false arrest.

177. Plaintiff JOSUE G. TORRES alleges that on or about September 28, 2022, he received department charges related to the September 28, 2022, false arrest.

178. Plaintiff JOSUE G. TORRES alleges that on or about January 26, 2023, he received amended department charges related to the July 1, 2020, false arrest.

179. Plaintiff JOSUE G. TORRES alleges that on or about March 7, 2023, the department trial commenced against him.

180. Plaintiff JOSUE G. TORRES alleges that prior to the commencement of the department trial, Defendant AMY J. LITWIN, along with Agency Attorneys Lauren Silverstein and Christine McGrath conferenced his case and despite the alleged complainant's history of blatant misrepresentations and false allegations against him, proceeded to prosecute anyway due to their confirmation bias against male officers, particularly of color.

181. Plaintiff JOSUE G. TORRES alleges that with reckless disregard for the truth, on or about March 7, 2023, Defendant AMY J. LITWIN, along with Agency Attorneys Lauren Silverstein and Christine McGrath commenced the disciplinary trial against him In the Matter of the Charges and Specifications against Police Officer Josue Torres Case Nos.: 2020-22300 and 2022-27204, for allegedly engaging in a physical altercation with the alleged complainant, related charges and criminal contempt.

182. Plaintiff JOSUE G. TORRES alleges that Sergeant Driscoll testified the alleged complainant did not have any injuries to her hands or wrists.

183. Plaintiff JOSUE G. TORRES alleges that this was supported by the Body Worn Camera, Department's Exhibit No.: 3A at 10:40, 10:52:05 and 10:52:20, 11:05:40 – 11:06, where the alleged complainant is captured using both hands without difficulty or injury which is inconsistent with the physical altercation she alleged.

184. Plaintiff JOSUE G. TORRES alleges that he never should have been arrested or received department charges without corroboration as the alleged complainant was not “credible.”

185. Plaintiff JOSUE G. TORRES alleges that the internal investigation established the failure to notify the department of Change of Address as Unfounded, yet Defendant AMY J. LITWIN, along with Agency Attorneys Lauren Silverstein and Christine McGrath proceeded to prosecute him anyway.

186. Plaintiff JOSUE G. TORRES alleges that the internal investigation established the address of the incident is leased in his name yet, Defendant AMY J. LITWIN, along with Agency Attorneys Lauren Silverstein and Christine McGrath proceeded to prosecute him anyway knowing under prevailing law even if the door or latch was damaged, that is not a crime under the penal law.

187. Plaintiff JOSUE G. TORRES alleges that Defendant AMY J. LITWIN, along with Agency Attorneys Lauren Silverstein and Christine McGrath used their “subjective” personal feelings (confirmation bias) to prosecute him regarding the text messages sent via the Family Court Wizard application despite the fact the Kings Criminal Court having reviewed the messages, determined there was insufficient evidence to proceed alleging he committed the crime of Criminal Contempt in the Second Degree.

188. Plaintiff JOSUE G. TORRES alleges that after a two (2) day department trial, on or about April 24, 2023, Assistant Deputy Commissioner - Trials Paul M. Gamble consistent with his history of confirmation bias against male officers particularly of color, recommended a finding of GUILTY and DISMISSAL from the department.

189. Plaintiff JOSUE G. TORRES alleges that Assistant Deputy Commissioner–Trials Paul M. Gamble recommended a finding of GUILTY and DISMISSAL from the Department while crediting the alleged complainant notwithstanding her history of material misrepresentations and false accusations.

190. Plaintiff JOSUE G. TORRES further alleges that Gamble disregarded exculpatory legal principles, including the primary physical aggressor framework and the defenses of justification under the Penal Law, both of which exist to guard against false arrest, wrongful prosecution, and distorted fact-finding.

191. Plaintiff JOSUE G. TORRES alleges that Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, and AMY J. LITWIN, through the Department’s charging, prosecutorial, and adjudicative machinery, did not apply the protections and purposes embodied in Administrative Code § 8-107.1 during plaintiff’s disciplinary proceedings.

192. Plaintiff JOSUE G. TORRES alleges that the Department’s draft report and recommendation dated April 24, 2023 evaluated the matter solely through a punitive domestic-violence framework, recommended termination, and invoked domestic-violence penalty guidelines and aggravating factors without assessing whether plaintiff’s domestic-violence-related circumstances triggered the workplace protections recognized by New York City law.

193. Plaintiff JOSUE G. TORRES further alleges that this one-sided treatment reflected arbitrary and unequal standards shaped by gender-based assumptions about who may be recognized as a victim of domestic violence and whose circumstances merit protection rather than discipline.

Extra-Record Communications and Defendant Caban’s Apparent Influence During the Pendency of Plaintiff’s Disciplinary Matter

194. Plaintiff JOSUE G. TORRES alleges that, while the disciplinary charges against him were pending, his mother, retired Police Officer Lisette Torres, Tax Registry No. 919968, communicated with Defendant EDWARD A. CABAN concerning plaintiff's disciplinary matter.

195. Plaintiff JOSUE G. TORRES alleges that the extra-record communications between his mother, retired Police Officer Lisette Torres [Tax Registry No. 919968], and Defendant EDWARD A. CABAN were facilitated by a deep-seated professional nexus and a prior work relationship stratified over decades, originating at the 48th Precinct where CABAN exercised supervisory authority as a Lieutenant in or about late 2004.

196. Plaintiff JOSUE G. TORRES alleges that in or about May 2022, Ms. Torres met with Defendant EDWARD A. CABAN at One Police Plaza, at a time when CABAN was serving as First Deputy Police Commissioner under Defendant KEECHANT L. SEWELL.

197. Plaintiff JOSUE G. TORRES alleges that during that meeting, and while plaintiff's disciplinary matter remained pending within a process subject to Defendant EDWARD A. CABAN'S command authority and influence, CABAN assured Ms. Torres that he would "take care of" plaintiff.

198. Plaintiff JOSUE G. TORRES alleges that, as Ms. Torres was leaving CABAN'S office, Defendant EDWARD A. CABAN spoke to her in a lowered voice and, in substance and words to that effect, stated: "Don't worry about your son. I'm going to take care of your son. Don't forget you owe me dinner. Next time come by yourself."

199. Plaintiff JOSUE G. TORRES alleges that, between approximately May 2022 and thereafter, Ms. Torres and Defendant EDWARD A. CABAN did not meet for dinner, although CABAN continued to communicate with her for a period of time.

200. Plaintiff JOSUE G. TORRES alleges that after Ms. Torres did not go to dinner with Defendant EDWARD A. CABAN, CABAN largely ceased communicating with her.

201. Plaintiff JOSUE G. TORRES alleges that Defendant EDWARD A. CABAN'S statements and conduct are probative of his awareness of plaintiff's pending disciplinary matter, his perceived ability to influence or affect that matter, and the existence of arbitrary, extra-record, and improper considerations surrounding the disciplinary process challenged herein.

202. Plaintiff JOSUE G. TORRES alleges that Defendant EDWARD A. CABAN'S subsequent failure to intervene or 'take care of' the Plaintiff's matter—after his personal overtures to Ms. Torres were not reciprocated—constituted a retaliatory and arbitrary exercise of his command authority, which directly contributed to the Final Order of Dismissal entered on June 23, 2023.

Final Review

203. Plaintiff JOSUE G. TORRES alleges that yet despite the alleged complainant's history of blatant misrepresentation and false allegations against him and the history of confirmation bias of Defendant KEECHANT L. SEWELL, on June 23, 2023, she adopted Assistant Deputy Commissioner – Trials Paul M. Gamble's recommendation which was itself based upon the unlawful use of sealed arrest information in violation of CPL § 160.50—and entered a Final Order of Dismissal pursuant to Section 14-115 of the Administrative Code of the City of New York.

Table III: Post-Termination Master Comparator List – Post Termination³

³ The data contained in Table III is a critical evidentiary anchor because it exposes a continuing practice lacking transparency and a failure of the 2021 Disciplinary Matrix to ensure objective, uniform standards.

Specifically, the retention of Kimberly Lucas [958844] for substantiated false statements and Wojciech Bagan [948637] for Criminal Contempt—contrasted against the 2026 felony indictments

This table chronicles recent disciplinary outcomes and criminal arrests from 2024 through 2026 to establish a pattern of disparate treatment in the modern "Matrix" era.

Year	Name	Tax #	M/F	Offense(s)	Penalty	Terminated?
2024	Kimberly Lucas	958844	F	Fraudulent COVID Cards: Intentionally provided false statements during official interview.	85-Day Vacation Loss; 1-Year Dismissal Probation.	No
2024	Delare Rathour	952149	M	Reckless Endangerment (2nd); Criminal Contempt; Reckless Driving; Violation of Order of Protection.	30-Day Suspension; 1-Year Dismissal Probation.	No
2025	Wojciech Bagan	948637	M	Criminal Contempt (2nd Degree): Intentional disobedience of a Family Court Order of Protection.	Forfeit 30 suspension days; Counseling	No
2026	Michael A. Caligiuri	966975	M	Felony Tampering; Falsifying	Indicted	[Pending]

of Caligiuri [966975] and McLoughlin [975022]—illustrates an arbitrary threshold for prosecution that targets specific individuals while shielding others through 'unreviewable' dismissal probation.

Year	Name	Tax #	M/F	Offense(s)	Penalty	Terminated?
				Records; Official Misconduct related to evidence tampering.		
2026	Ryan P. McLoughlin	975022	M	Felony Tampering; Falsifying Records; Official Misconduct related to BWC	Indicted	[Pending]
2026	Caiden R. Martinez	968611	M	Arrested: Criminal Contempt (2nd Degree); Alleged possession of a " ghost gun ".	Suspended Feb. 10; \$60K Cash Bail.	[Pending]

VIOLATIONS AND CLAIMS ALLEGED

**COUNT I
ARREST HISTORY DISCRIMINATION
IN VIOLATION OF
NYS EXECUTIVE LAW § 296(16)
(Against All Defendants)**

204. Plaintiff JOSUE G. TORRES repeats and realleges each and every allegation contained in the preceding paragraphs as if fully set forth herein.

205. New York State Executive Law § 296(16) prohibits any person, agency, or corporation from making any inquiry about, or acting upon adversely, any arrest or criminal

accusation which has terminated in favor of the accused and has been sealed pursuant to CPL § 160.50.

206. Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN acted in open defiance of these sealing statutes by inquiring into, relying upon, and disclosing protected arrest information to facilitate Plaintiff's disciplinary prosecution and termination.

207. This unlawful conduct persisted despite the Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN being on actual notice of multiple court orders, including the September 27, 2021 Order by Justice Lyle E. Frank, which expressly enjoined the NYPD from using sealed records for internal disciplinary purposes.

208. As established in **Table I** and **Table III**, Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN routinely retain officers with active criminal convictions—such as **Christopher Alvarado** (convicted of fleeing a scene) and **Wojciech Bagan** (admitted Criminal Contempt)—while selectively weaponizing the "Arrest History" of Plaintiff, whose criminal matters were terminated in his favor, to justify his dismissal.

209. By utilizing sealed records to shape adverse inferences during the Department Trial, Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN deprived Plaintiff of the "presumption of innocence" mandated by New York law.

COUNT II
GENDER DISCRIMINATION
IN VIOLATION OF
NYS EXECUTIVE LAW § 296(1)
(Against All Defendants)

210. Plaintiff JOSUE G. TORRES repeats and realleges each and every allegation contained in the preceding paragraphs as if fully set forth herein.

211. New York State Executive Law § 296(1) makes it an unlawful discriminatory practice for an employer to discharge an individual or discriminate in the terms and conditions of employment because of the individual's gender.

212. Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN discriminated against Plaintiff by denying him the same workplace protections and investigative due diligence afforded to similarly situated female victims of domestic violence.

213. This disparate treatment was driven by a pervasive **confirmation bias** against male officers, which infected the charging and prosecutorial decisions overseen by Defendant AMY J. LITWIN and the final adjudicative order entered by Defendant KEECHANT L. SEWELL.

214. The **Master Comparator Lists** (Tables I, II, and III) demonstrate that the Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN maintain a dual standard of justice: retaining officers like **Mary Mullan** (promoted after a DWI) and **Marissa Sorocco** (retained after an Arson arrest) while moving for the harshest possible penalty of dismissal against Plaintiff for a domestic incident where he was the victim.

215. Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN further permitted the disciplinary process to be tainted by **arbitrary, extra-record, and improper considerations**, including the personal overtures and subsequent retaliation of Defendant EDWARD A. CABAN.

**COUNT III
RETALIATION
IN VIOLATION OF
NYS EXECUTIVE LAW § 296(7)
(Against All Defendants)**

216. Plaintiff JOSUE G. TORRES repeats and realleges each and every allegation contained in the preceding paragraphs as if fully set forth herein.

217. New York State Executive Law § 296(7) makes it an unlawful discriminatory practice to retaliate against any person because he or she has opposed any practices forbidden under the Human Rights Law.

218. Plaintiff JOSUE G. TORRES engaged in protected activity by opposing the false arrests and discriminatory assumptions of the responding supervisors and by asserting his status as a victim of domestic violence.

219. In direct retaliation for this opposition, Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN accelerated a punitive disciplinary prosecution that ignored exculpatory evidence, such as Body-Worn Camera footage proving the complainant was not injured as alleged.

220. The temporal proximity between Plaintiff JOSUE G. TORRES'S protected reports of victimization and the Defendants' subsequent decision to seek his termination established a clear retaliatory motive, further evidenced by Defendant EDWARD A. CABAN'S cessation of communication following the rejection of his personal overtures.

COUNT IV
ARREST HISTORY DISCRIMINATION
IN VIOLATION OF
NYC ADMIN. CODE § 8-107
(Against All Defendants)

221. Plaintiff JOSUE G. TORRES repeats and realleges each and every allegation contained in the preceding paragraphs as if fully set forth herein.

222. New York City Administrative Code § 8-107(11) makes it an unlawful discriminatory practice for an employer to make any inquiry about, or to take adverse action against, any person based on an arrest or criminal accusation that was terminated in their favor.

223. Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN violated this provision by relying upon and disclosing Plaintiff's sealed arrest information to facilitate his disciplinary prosecution.

224. As demonstrated by **Table I** and **Table III**, the Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN maintain a policy of retaining or promoting officers with active criminal records (e.g., **Mary Mullan, Chris Alvarado**) while using Plaintiff's favorably terminated arrest history as a "pretext" for his dismissal.

225. This selective enforcement constitutes disparate treatment on the basis of arrest history in direct violation of the NYCHRL.

COUNT V
GENDER DISCRIMINATION & STATUS AS A VICTIM OF DOMESTIC VIOLENCE
IN VIOLATION OF
NYC ADMIN. CODE §§ 8-107 AND 8-107.1
(Against All Defendants)

226. Plaintiff JOSUE G. TORRES repeats and realleges each and every allegation contained in the preceding paragraphs as if fully set forth herein.

227. Under NYC Admin. Code § 8-107.1, it is an unlawful discriminatory practice for an employer to refuse to provide reasonable accommodations or to take adverse action against an employee based on their actual or perceived status as a **victim of domestic violence**.

228. Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN discriminated against Plaintiff by failing to apply these mandatory workplace protections, instead evaluating his case solely through a "punitive domestic-violence framework".

229. This failure was rooted in a **gender-based confirmation bias** that refuses to recognize male officers of color as victims, as evidenced by the Department's 2023 data showing that male officers are disproportionately subjected to closed disciplinary cases compared to their female counterparts.

230. The Defendants' decision to terminate Plaintiff JOSUE G. TORRES—while retaining favored officers who were the primary physical aggressors in violent incidents (e.g., **Jeffrey Augustin, Edel Sanchez**)—demonstrates an arbitrary and discriminatory standard of justice.

**COUNT VI
RETALIATION
IN VIOLATION OF
NYC ADMIN. CODE § 8-107(7)
(Against All Defendants)**

231. Plaintiff JOSUE G. TORRES repeats and realleges each and every allegation contained in the preceding paragraphs as if fully set forth herein.

232. The NYCHRL prohibits retaliation "in any manner" against an individual who has opposed a discriminatory practice, with the standard being whether the action was "reasonably likely to deter a person from engaging in protected activity."

233. Plaintiff JOSUE G. TORRES engaged in protected activity by opposing the false arrests and asserting his legal defenses of justification as a victim of domestic violence.

234. Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN retaliated by using their "plenary authority" to fast-track a dismissal recommendation that ignored exculpatory Body-Worn Camera evidence.

235. The retaliatory motive is further established by Defendant EDWARD A. CABAN'S withdrawal of "extra-record" support following the rejection of his personal overtures to Plaintiff's mother, illustrating that Plaintiff's career was used as a tool for personal and political leverage.

JURY TRIAL

236. Plaintiff JOSUE G. TORRES demands a trial by jury of all issues in this action that are so triable.

PRAYER FOR RELIEF

Wherefore, Plaintiff JOSUE G. TORRES demands compensatory and punitive damages from Defendants THE CITY OF NEW YORK, KEECHANT L. SEWELL, EDWARD A. CABAN, and AMY J. LITWIN jointly and severally, in an amount to be determined at trial, plus available statutory remedies, both legal and equitable, interests and costs.

Dated: March 8, 2026
New York, N.Y.

Respectfully submitted,

By: s/Eric Sanders

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ATTORNEY VERIFICATION

STATE OF NEW YORK

ss:

COUNTY OF WESTCHESTER

ERIC SANDERS, ESQ., affirms as follows:

I am an attorney admitted to practice in the State of New York courts. As the attorney for the plaintiff in the action, I am familiar with all the facts and circumstances.

The Verified Complaint is true to the knowledge of the affirmant, except for those matters stated to be alleged upon information and belief, and he believes those matters to be factual.

The affirmant further states that this verification is made by the affirmant and not by the Plaintiff because the Plaintiff is not within the county of Westchester, where the affirmant maintains his office.

The undersigned attorney affirms that the previous statements are true under the penalties of perjury and Rule 2106 CPLR.

Dated: March 8, 2026
New York, N.Y.

Respectfully submitted,

By: s/Eric Sanders

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF THE BRONX

INDEX NO.:

JOSUE G. TORRES

Plaintiffs,

-against-

THE CITY OF NEW YORK, KEECHANT L. SEWELL,
EDWARD A. CABAN, and AMY J. LITWIN

Defendants'

SUMMONS WITH VERIFIED COMPLAINT

Duly submitted by:

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