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*****FOR IMMEDIATE RELEASE*****

LEGAL AID FILES LAWSUIT AGAINST NYPD OFFICER WHO TASED, USED BANNED CHOKEHOLD ON CLIENT SUSPECTED OF PLAYING LOUD MUSIC ON SUMMER NIGHT IN WASHINGTON HEIGHTS

NCO OFFICER FABIO NUNEZ'S LONG HISTORY OF MISCONDUCT INCLUDES 37 CCRB COMPLAINTS – MANY FOR EXCESSIVE USES OF FORCE, INCLUDING THE USE OF BANNED CHOKEHOLDS – AND FIVE SEPARATE CIVIL RIGHTS SETTLEMENTS TOTALING \$220,000

(NEW YORK, NY) – The Legal Aid Society and Covington & Burling LLP filed a civil rights lawsuit in the United States District Court for the Southern District of New York against the City of New York, New York City Police Department (NYPD) Neighborhood Coordination Officer Fabio Nunez, et al. for using a banned chokehold on their client while policing noise conditions in Washington Heights during an overtime shift.

Background

On July 14, 2018, Mr. Medina and several friends were enjoying an evening in Washington Heights listening to music and enjoying each other's company —as they, and many other neighborhood residents, routinely do on summer weekends in the Heights.

At approximately 11 PM, Neighborhood Coordination Officer Fabio Nunez and his partner Police Officer Shanee Pierce pulled up next to the group in an unmarked car and asked whose

speaker was playing music. The music was turned off immediately and the individuals present began to pack up. According to police guidelines, that should have ended the encounter.

Despite the resolution of the purported noise violation, Defendant Nunez repeatedly approached Mr. Medina and asked him for identification in order to issue a summons. Mr. Medina informed Defendant Nunez that he did not have any identification. However, this did not deter Defendant Nunez, who, even after learning that neither the music nor the speaker belonged to Mr. Medina, continued to demand Mr. Medina's identification.

Throughout this encounter, Mr. Medina and his friends were continuing to pack up—unplugging the speaker, rolling up extension cords, and compressing folding chairs. Yet, Defendant Nunez and his partner remained on the scene, intent on getting Mr. Medina's identification, purportedly to issue a summons relating to the already resolved noise violation.

When all the chairs were folded, Mr. Medina sought to return the folded chairs to the nearby dealership. As Mr. Medina walked towards the dealership, Defendant Nunez followed him and, without any provocation, pushed him against a car. Defendant Nunez proceeded to place Mr. Medina in a chokehold for more than twenty seconds and subjected Mr. Medina to thirteen shots of electricity with a Taser.

Despite Defendant Nunez's actions, Mr. Medina was charged with felony assault on an officer, resisting arrest, and other charges. After over a year of prosecution, all charges against Mr. Medina will be dismissed and sealed later this year. The Civilian Complaint Review Board has substantiated the complaint relating to Defendant Nunez's unlawful use of a Taser and the chokehold, and is administratively prosecuting him.

Surveillance footage of Officer Nunez using a banned chokehold on Mr. Medina can be accessed [here](#).

NYPD body worn camera footage of Officer Nunez employing a banned chokehold on Mr. Medina can be accessed [here](#).

Tomas Medina was represented in his criminal case by Gurmeet Singh, Staff Attorney with Legal Aid's Manhattan Trial Office.

“For years the NYPD has failed to discipline officers like Nunez who use chokeholds and it's time to send a clear message to officers that if you go for the neck, you will lose your job with very limited exceptions,” said **Cynthia Conti-Cook, Staff Attorney with the Special Litigation Unit at The Legal Aid Society**, while also noting that “the same is true for the widespread excessive use of tasers that goes way beyond what is considered tolerable even by NYPD and industry standards, yet unpunished.”

“The violence perpetrated against Mr. Medina, by an officer with a known history of using excessive force, was too easily dismissed by the NYPD. Mr. Medina has brought this action to ensure that what happened to him and countless other New Yorkers doesn't happen again,” said **David L. Kornblau, a partner at Covington & Burling LLP**.

Officer Fabio Nunez's Long History of Misconduct

- 37 allegations of misconduct reported to the CCRB arising out of 17 separate complaints beginning in 2003;
- at least one modified assignment resulting from a prior use of force;
- five separate settlements since 2005 arising from Defendant Nunez's conduct, including multiple incidents of alleged excessive force, resulting in the payment of more than \$220,000 by the city;
- and contradictory testimony under oath in 2009.

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