

THE LEGAL AID SOCIETY

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

Legal Aid Calls on City to Fire NYPD Officer Fabio Nunez on Two-Year Anniversary of CCRB Substantiation of Illegal Chokehold and Taser Abuse Over Noise Complaint

(NEW YORK, NY) – The Legal Aid Society [called](#) on Mayor Bill de Blasio, New York City Police Department (NYPD) Commissioner Dermot Shea, and others to fire NYPD Detective Fabio Nunez, a Neighborhood Coordination Officer ostensibly tasked with community outreach and forging bonds with neighborhoods, on the two-year anniversary of the Civilian Complaint Review Board (CCRB) substantiating complaints against Nunez for using an illegal chokehold and employing a taser without provocation thirteen times on Tomás Medina, a Legal Aid client.

“Detective Nunez must be held accountable for what he did, and he should not be allowed to patrol the streets with a gun and a badge,” said Tomás Medina. “He might behave the same way with somebody else as he did with me. The City must act now, and I’m calling on NYPD Commissioner Shea to fire Detective Nunez without any further delay.”

“The NYPD disciplinary system is failing victims of police violence like Tomás Medina who have been—and will be—brutalized by dangerous NYPD officers like Fabio Nunez,” said **Molly Griffard, Legal Fellow with the Cop Accountability Project at The Legal Aid Society**. “We demand that NYPD swiftly move forward with the disciplinary process for Nunez and that Commissioner Shea follow the Disciplinary Matrix and impose the presumptive penalty of termination to ensure that officers like Fabio Nunez can no longer abuse New Yorkers with impunity.”

Background

On July 14, 2018, NYPD Detective Fabio Nunez was caught on [police body-worn cameras](#) and surveillance footage as he attacked Tomás Medina in an encounter that began due to an alleged noise complaint. Nunez applied a banned chokehold and shocked Mr. Medina thirteen times with a Taser without any provocation. Detective Nunez was highly trained in de-escalation tactics as a Neighborhood Coordination Officer and he was certified in Taser use just one month before he brutally assaulted Mr. Medina, violating NYPD policies and the Taser manufacturer’s warnings.

Shortly after the assault, Medina filed a CCRB complaint against Nunez, and on February 25, 2019, the CCRB substantiated the allegations. Two years have since passed, and the NYPD has yet to schedule a disciplinary trial or issue so much as a reprimand to Nunez.

Meanwhile, Nunez has been allowed to continue policing the streets of Washington Heights and Inwood. During this time, Nunez has continued abusing civilians and accruing additional CCRB complaints, including an [additional substantiated chokehold allegation](#), and has been named in at least seven civil rights lawsuits against the City with a [combined settlement total of over \\$200,000](#).

Throughout his career, Nunez has been the subject of 46 CCRB allegations and at least seven civil rights lawsuits for claims including excessive force and [false arrest](#). The City has paid out over \$200,000 in settlements for Nunez's violence. He has [earned](#) himself a place on the Manhattan District Attorney's list of officers with credibility issues after testifying untruthfully in at least one criminal case.

According to the newly adopted NYPD Disciplinary Matrix, the presumptive penalty for Detective Nunez's conduct is termination. He is, however, entitled to an administrative disciplinary trial adjudicated by the NYPD's Office of the Deputy Commissioner of Trials (DCT). Ordinarily, a case resulting from a CCRB complaint would be prosecuted by the CCRB's Administrative Prosecution Unit (APU).

However, the NYPD's Department Advocate's Office—the disciplinary prosecution unit within the NYPD for non-CCRB matters—has taken over jurisdiction in this case from the CCRB. Since the NYPD took jurisdiction over the case, Tomás Medina and his counsel have not been able to obtain information on the status of the disciplinary charges against Nunez.

Videos

Surveillance footage of the incident: <https://vimeo.com/284533710>

BWC footage of the incident: <https://vimeo.com/365090966>

Documents

CCRB Substantiated Investigation Report on Detective Nunez: <https://tinyurl.com/48eehdf>

Tomas Medina's civil lawsuit against Detective Nunez and the NYPD: <https://tinyurl.com/4euhyo08>

Manhattan DA's Giglio letter on Detective Nunez for testifying untruthfully: <https://tinyurl.com/yvehxfnq>

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org