



# PALM BEACH COUNTY 10-13 CLUB

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SEPT 2020

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VOL. 24 ISSUE 1

An organization of active and retired New York City Police Officers of all ranks.



## NEVER FORGET



### PRESIDENTS MESSAGE

On behalf of the executive board of the Palm Beach County 10-13 Club, we hope all is well with everyone and that you are safe. The VFW hall where we usually hold our meetings is still closed and we are looking for a new venue to hold our meetings. The membership will be notified as soon as a date and location have been secured to hold a meeting in a safe manor.

As we enter the election season, please take the time to vote your choice. Our 10-13 national President has officially endorsed President Trump in his re-election. See page 13 of this newsletter for a copy of a letter sent to the White House.

The NYPD PBA and the National FOP have also endorsed President Trump.

John Caparosa, President, PBC 10-13 Club

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# NYPD news

New York City Police Department

## Letter from the LBA

Over the upcoming holiday weekend, you will be called to respond to numerous quality of life conditions, i.e. large gatherings, loud music, community members not social distancing. Please use the utmost discretion when enforcing these infractions. The following is how such a scenario will more than likely play out:

Police respond to a minor criminal offense or quality of life complaint.

Police engage with the individual(s) perpetrating the offense(s)

Perpetrator(s) is/are now emboldened to combat police officers as a result of a catastrophically created and imposed criminal justice reform agenda.

A so called "innocent by-stander" will film the interaction between the officer(s) and the offender(s) and immediately post the video on social media

If the offense leads to an arrest, the District Attorney will more than likely decline to prosecute on all the charges; including resisting arrest.

The perpetrator(s) will claim to have received a phantom injury if physical force was used to effect the arrest.

The now exonerated perpetrator will then file a Civilian Complaint against the officer(s) and, in addition, will file a civil suit against the City and potentially the officers(s).

The Officer(s) will not be indemnified by the city because there is an open Civilian Complaint on the Officer(s).

The "ATM", AKA - City of New York, will settle and pay the claimant without even employing a good faith attempt to refute the claim and you may be required to pay a portion of the settlement out of your own pocket.

Now, with the repeal of 50-a, your CCRB and Civil Lawsuit records will be made public for everyone to see.

If you need proof of this, ask yourself how many people were actually prosecuted for violating the curfew during the riots.

## The DEA Now Has Its Own App

The DEA cell phone and tablet App is now available and active.

If you have an Apple iPhone iOS, go to your Apple App store and search DEA NYPD to download.

If you have an Android phone, go to your Google store and search DEA NYPD to download.

To gain access to the App, you need to enter your DEA website login information, including email address and password.

If you've never logged onto the DEA website at [www.nycdetectives.org](http://www.nycdetectives.org) before, you have to do so and create your own login. Everything that is listed on the DEA website is listed on our DEA App, designed for easy viewing on a smaller screen. If you have any problems logging in, go to the DEA website and choose "General Login Support" on the drop-down menu under Website Support.

Don't miss this specially designed application created so that our members can always access DEA information any time of day or night.

## **NYPD to standardize its penalties for misconduct**

A cop should be fired if they kill or seriously injure a suspect with a chokehold, or wrongly use deadly physical force — even if the person doesn't die, according to a set of NYPD-proposed guidelines to standardize punishment for police misconduct.

The guidelines, required by a new city law, are what lawmakers call a “disciplinary matrix” to make the NYPD's internal discipline rules less secretive and arbitrary. The Daily News has obtained a draft copy; it's expected to be released for public comment Monday.

“The NYPD's lack of a standard disciplinary system has long built mistrust between the department and the communities they serve,” said City Council member Donovan Richards, who chairs the public safety committee and championed the law requiring the matrix.

“The disciplinary framework released today by the NYPD is a major step in ensuring the department holds officer accountable for misconduct in a fair and consistent manner.”

The NYPD Commissioner would still have the final say over how penalties are doled out, and the guidelines list factors that might mitigate an officer's misconduct — or make it more egregious.

So-called “white shirt immunity,” which means supervisors get a pass for offenses other cops would be punished for, would end under the new system. In fact, supervisors should be hit with harsher penalties, the guidelines state.

“Supervisors are expected to lead by example and they are responsible for holding their subordinates accountable,” the proposal reads. “The Department has higher expectations for supervisors, including their ability to exercise sound judgment and to be more deliberate in their actions than subordinate members.”

A seven-month investigation by the News last year showed the NYPD was wildly inconsistent in how it punishes errant cops, and offenses against the public were punished with slaps on the wrists, while protocol violations resulted in heavier punishment.

After reviewing 162 official NYPD disciplinary dispositions between December 2017 and March 2019, The News revealed most cops found guilty in departmental proceedings of false arrest, assault or discourtesy toward people they meet on the street had to give up fewer than 15 vacation days.

Thirty-one of the cases reviewed involved the public, but stricter penalties of 16 vacation days or more were imposed in only a third of them and only two cops were put on dismissal probation, the last stop before being fired.

In the remaining 131 cases, cops accused of interdepartment offenses that had nothing to do with the public, or misbehavior while off-duty, were hit with more severe punishments. Forty-five officers lost up to 25 vacation days, while another 55 cops were put on dismissal probation and ordered to give up 30 or more days.

The process enraged both criminal justice advocates, who felt offenses against the public resulted in no more than a slap on the wrist, and rank-and-file cops, who bemoaned how some officers got minor penalties for major mistakes like losing their guns, while others were raked over the coals for lateness.

The NYPD created a panel to review the disciplinary process in 2018, after a series of News articles highlighted the helter-skelter way the department punished misconduct. The disciplinary matrix was one of the panel's recommendations.

The 52-page proposal lists suggested penalties for different types of misconduct and criminal activities.

Intentionally making a false statement should result in firing, as should failing to intervene when a fellow officer kills someone by wrongly using deadly physical force. Refusing to get medical assistance for someone who's visibly injured should cost a cop 20 vacation or suspension days.

A first-offense domestic-violence incident should result in 30 lost days, dismissal probation, and 24 weeks counseling, while a second offense or a criminal conviction should result in firing.

Drunken driving, meanwhile, should lead to 30 days suspension, another 20 penalty days, dismissal probation and counseling



## **Disbarred attorney allegedly bilked \$1M in 9/11 compensation from NYPD cop**

A disbarred lawyer stole \$1 million in 9/11 compensation from a retired NYPD cop who contracted cancer from working at Ground Zero, federal officials said Thursday.

Gustavo Vila, 62, of Yorktown Heights, represented the victim in his case despite his attorney privileges having been revoked in 2015, according to a Southern District of New York complaint filed in White Plains.

“Vila allegedly attempted to profit off of the suffering of a retired NYPD officer who risked his life at Ground Zero,” said special agent Kenneth Diffenbach in a statement. **“Because of Vila’s alleged greed, the victim never received about \$1 million he was awarded from the 9/11 Victims Compensation Fund.”**

Vila was arrested Thursday and was expected to be arraigned in the afternoon.

The crooked lawyer filed a compensation claim on behalf of the retired cop in 2013 along with forms authorizing the deposit of any award into his bank account, according to court papers.

The victim eventually settled for \$1,030,622 in 2016 but Vila never forked over the money, officials said.

He is charged with stealing government funds and faces up to 10 years in prison if convicted.

## **Homeless man with crack pipe arrested for attacking NYPD chaplain**

A homeless man was arrested Tuesday **for robbing** NYPD Chief Chaplain Rabbi Alvin Kass on the Upper West Side earlier in the day, cops said.

Rafael Diaz, 39, was charged with robbery and criminal possession of a controlled substance for allegedly attacking Kass, 84, while the religious leader was on his morning walk near West 107th Street and Riverside Drive, cops said.

Diaz was picked up around about 11 hours after the 5:45 a.m. attack. He had a crack pipe on him, cops said.

Police said the suspect said he was hungry and demanded money, rifling through Kass’ pockets and grabbing his wallet.

The wallet fell to the ground and the attacker fled with nothing.

Kass was mugged previously on his morning walk in 2016.

## **NYPD does away with weekends off for most uniformed cops**

NYPD Commissioner Dermot Shea has ordered sweeping changes to police schedules that will ruin weekends for a lot of cops, The Post has learned.

The changes are meant to beef up weekend staffing during a spike in shootings and sometimes violent protests and will affect all uniformed officers under the rank of sergeant who currently have both Saturdays and Sundays off, according to an internal memo obtained by The Post.

One-third of those cops will keep their prized weekends, according to the memo.

But another one-third will have to start working Sunday through Thursday, and the remaining one-third will have to start working Tuesday through Saturday, the Shea-signed memo instructs.

The memo leaves it up to the bureau heads to divide up the new schedules.

The schedule changes must be locked in by Aug. 31, the memo instructs.

# BOOSTERS

## Thank You

### FOR YOUR HELP

Thank you to all our members and associate members for your contributions. The PBC 10-13 Club could not function without your continued support.

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# HEALTH AND WELFARE



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APPOINTMENT DATE \_\_\_\_\_ RETIREMENT DATE \_\_\_\_\_ LAST CM'D\* \_\_\_\_\_

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DATE OF APPLICATION \_\_\_\_\_ SIGNATURE \_\_\_\_\_  
(APPLICANT)

### FOR NEW MEMBERS

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**NOTE:** If any of your information (address, phone number, email, etc.) changes, please fill out this application and return it to the above address so we can update our records.

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### Consider the needs of looters

A district attorney in California reportedly told members of law enforcement that they should consider the needs of looters before deciding to charge them with looting.

Costa County District Attorney Diana Becton expressed her view that officers should consider whether "the target business" was "open or closed" at the time the looting took place, and "what was the manner and means" by which the looters had managed to get inside the business, the *Daily Wire* reported.

The charging guidelines were laid out by Jennifer Van Laar of RedState, which are as follows:

- 1.) Was this theft offense substantially motivated by the state of emergency, or simply a theft offense which occurred contemporaneous to the declared state of emergency?
- 2.) Was the target business open or closed to the public during the state of emergency? ii. What was the manner and means by which the suspect gained entry to the business? iii. What was the nature/quantity/value of the goods targeted? iv. Was the theft committed for financial gain or personal need? v. Is there an articulable reason why another statute wouldn't adequately address the particular incident?

Van Laar goes on to quote Shouse California Law Group: "Under Penal Code 463 PC, California law defines 'looting' as taking advantage of a state of emergency to commit burglary, grand theft or petty theft. Looting charges can be filed as a misdemeanor or a felony and is punishable by up to 3 years in jail.

Becton's ideas run counter to those in charge of Sacramento County, where Sheriff Scott Jones reportedly requested on Friday that the federal government send in the National Guard after "roughly 200 protesters broke windows at the downtown offices of the sheriff, district attorney and other government agencies the night before."

Jones was flanked by "blown-up photographs" depicting protesters dressed in body armor during a protest that took place Thursday, and he referred to the demonstrations as an "attempted insurrection." Sacramento County District Attorney Anne Marie Schubert suggested that the actions of the demonstrators was planned.

"It's been one day and I'm already done with this," Jones said during a Friday news conference.

The *Daily Wire* reported that Becton is the same district attorney who charged a couple with a "hate crime" for painting over a Black Lives Matter mural in front of the Wakefield Taylor Courthouse.





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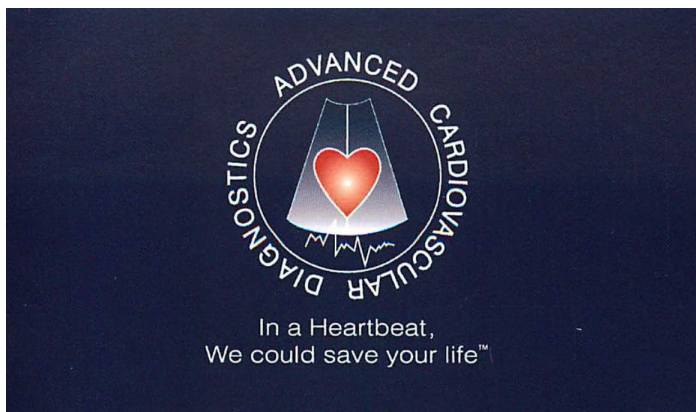
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Chairman of the Board Eugene E. Loewy and Chief Operating Officer Nicholas C. Miele, representing the New York 10-13 Associations of America, the largest organization of retired New York City Police Officers with 16,000 plus members; comprised of sixteen individual chapters throughout the United States; hereby endorse President Donald J. Trump for re-election to the Presidency of these United States.

On this 8<sup>th</sup> day of September, in the year of our Lord 2020.

Eugene E. Loewy  
Chairman

Nicholas C. Miele  
C.O.O.

## Spiritual Advisor

Rev. Jeffrey Dillon

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Kevin Fitzpatrick, Esq.





Several New York City Police Department (NYPD) officers saw Flight 11's impact with the North Tower and immediately reported it to dispatchers. Ten minutes after Flight 11's impact and seven minutes before Flight 175's impact, the NYPD chief of department was en route to the scene and raised the police mobilization to level 4, thereby sending around 22 lieutenants, 100 sergeants, and 800 police officers to the World Trade Center. NYPD personnel were primarily responsible for assisting in evacuations and helping injured civilians.

***FIDELIS AD MORTEM—FAITHFUL UNTO DEATH***)



**Palm Beach County 10-13 Club  
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**TO:**