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Southern District of New York

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**MANHATTAN U.S. ATTORNEY ANNOUNCES CHARGES AGAINST
FORMER NYC DEPARTMENT OF HOMELESS SERVICES POLICE
SERGEANT FOR VIOLATING THE CONSTITUTIONAL RIGHTS OF
NYC RESIDENT**

Geoffrey S. Berman, the United States Attorney for the Southern District of New York, and Margaret Garnett, the Commissioner of the New York City Department of Investigation ("DOI"), announced today the unsealing of a criminal complaint charging CORDELL FITTS, a former New York City Department of Homeless Services ("DHS") police sergeant, in the assault of an individual at a homeless shelter. FITTS was charged with using excessive force against an individual seeking services ("Victim-1") at the Bellevue Men's Homeless Shelter in Manhattan (the "Bellevue Shelter"), in violation of Victim-1's rights under the United States Constitution, and for filing a false report in order to cover up the assault. During an altercation with Victim-1, FITTS used excessive and unnecessary force, including by kicking, punching, and stomping on the head of Victim-1 more than 10 times. FITTS was arrested today and is expected to be presented before the U.S. Magistrate Judge Debra Freeman in federal court later today.

Manhattan U.S. Attorney Geoffrey S. Berman said: "As alleged, Cordell Fitts, a former sergeant in the New York City Department of Homeless Services Police Department, used excessive force against an individual seeking services at a city facility. Fitts's alleged conduct not only betrayed his duty as an officer to protect those under his charge, but also violated the law. When the constitutional rights of individuals experiencing homelessness are violated, particularly by law enforcement officers, we will act aggressively to bring wrongdoers to justice."

DOI Commissioner Margaret Garnett said: "Instead of upholding the law, this sworn officer allegedly broke it by violently attacking a man seeking assistance at a Manhattan homeless shelter, according to the charges. Shelters should provide a safe environment for the homeless of our City, not one where clients fear the officers employed to protect them. DOI

thanks the Office of the U.S. Attorney for the Southern District of New York for its partnership on this investigation and prosecution.”

According to the Complaint¹ unsealed today in Manhattan federal court:

The Bellevue Shelter is a men’s homeless shelter located in Manhattan, New York. It is maintained by DHS and its security is provided for by, among others, DHS police officers. On the night of March 6, 2017, Victim-1 was seeking services at the Bellevue Shelter.

At the time of the incident Victim-1 was in the lobby of the Bellevue Shelter and interacting with approximately three DHS officers, including FITTS. In the initial moments of the interaction, FITTS and Victim-1 exchanged words for approximately five to ten seconds, and FITTS gestured toward an exit area of the Bellevue Shelter. FITTS then reached toward Victim-1, putting his hands on or about the chest area of Victim-1, and Victim-1 responded by swinging at FITTS with what appear to be closed fists.

For approximately 30 seconds, FITTS and other officers struggled with Victim-1 in a physical altercation, which resulted in Victim-1 being taken to the floor of the lobby. When Victim-1 was taken to the ground, two officers were on the legs and back of Victim-1, and FITTS was standing next to Victim-1. At this point, with Victim-1 on the ground and two other officers on top of Victim-1, FITTS punched Victim-1 in the area of his head approximately two times. Subsequently, while Victim-1 remained on the ground, FITTS kicked and stomped on the head of Victim-1 approximately 11 times.

After kicking and stomping on Victim-1’s head, FITTS backed away from Victim-1 for approximately 10 seconds, as two other officers were attempting to place handcuffs on Victim-1 while he was face-down on the floor. Following that brief period of disengagement, FITTS walked back to Victim-1 and punched him in the area of his head approximately two additional times.

In connection with this incident, FITTS dictated a report about the incident that stated, among other things, that “necessary force” was used to “safely detain” Victim-1. The Report also stated: “After initial medical assessment [Victim-1] stated ‘I am off my psych medication and going through a lot.’” These statements were false and were included in the report by FITTS in order to cover up and justify the assault.

* * *

CORDELL FITTS, 34, of Manhattan, New York, is charged with one count of deprivation of rights under color of law through use of excessive force, which carries a

¹ As the introductory phrase signifies, the entirety of the text of the Complaint and the description of the Complaint set forth herein constitute only allegations, and every fact described should be treated as an allegation.

maximum penalty of 10 years in prison, and one count of falsifying a report, which carries a maximum penalty of 20 years in prison.

The statutory maximum penalties are prescribed by Congress and are provided here for informational purposes only, as any sentencing of the defendant would be determined by the judge.

Mr. Berman praised the investigative work of the Special Agents at the United States Attorney's Office and thanked the New York City Department of Investigations for its assistance.

This case is being handled by the Office's Civil Rights and Public Corruption Units. Assistant U.S. Attorneys Alex Rossmiller and Jennifer Jude are in charge of the prosecution.

The charges and allegations contained in the Complaint are merely accusations, and the defendant is presumed innocent unless and until proven guilty.

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