POLICE DEPARTMENT CITY OF NEW YORK

October 20, 2016

MEMORANDUM FOR: Police Commissioner

Re: Captain Seth Lynch
Tax Registry No. 932932
32 Precinct
Disciplinary Case No. 2015-14171

Charges and Specifications:

1. Said Lieutenant Seth Lynch, on or about July 4, 2014, at approximately 2215 hours, while assigned to the 46th Precinct and on duty, in the vicinity of [redacted], Bronx County, abused his authority as a member of the New York City Police Department in that he stopped RAMON SANCHEZ without sufficient legal authority.

   P.G. 212-11, Page 1, Paragraph 1 – STOP AND FRISK

2. Said Lieutenant Seth Lynch, on or about July 4, 2014, at approximately 2215 hours, while assigned to the 46th Precinct and on duty, in the vicinity of [redacted], Bronx County, wrongfully used force in that he struck RAMON SANCHEZ with a radio without police necessity.

   P.G. 203-11 – USE OF FORCE

3. Said Lieutenant Seth Lynch, on or about July 4, 2014, at approximately 2215 hours, while assigned to the 46th Precinct and on duty, in the vicinity of [redacted], Bronx County, was discourteous in that he stated to ROSALINA CANO, in sum and substance, "Shut the fuck up."

   P.G. 203-09, Page 1, Paragraph 2 – PUBLIC CONTACT – GENERAL

4. Said Lieutenant Seth Lynch, on or about July 4, 2014, at approximately 2215 hours, while assigned to the 46th Precinct and on duty, in the vicinity of [redacted], Bronx County, wrongfully used force in that he pushed ROSALINA CANO in the upper chest area, without police necessity.

   P.G. 203-11 – USE OF FORCE

5. Said Lieutenant Seth Lynch, between July 4, 2014, at approximately 2230 hours and July 5, 2014 at approximately 0550 hours, while assigned to the 46th Precinct and on duty, in the vicinity of The 46TH Precinct station house, located at 2120 Ryer Avenue, Bronx County, abused his authority as a member of theN ew York City Police Department, in that he authorized a strip search of Individual 1 without sufficient legal authority.

P.G. 208-05, Page 2, Paragraph C – ARRESTS – GENERAL SEARCH GUIDELINES

6. Said Lieutenant Seth Lynch, on or about July 5, 2014, at approximately 0550 hours, while assigned to the 46th Precinct and on duty, in the vicinity of The 46TH Precinct, located at 2120 Ryer Avenue, Bronx County, engaged in conduct prejudicial to the good order, efficiency or discipline of the New York City Police Department, in that he issued an unreasonable noise summons to Individual 1without sufficient legal authority.

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONDUCT

Appearances:

For the CCRB: Andre D. Applewhite, Esq.
Civilian Complaint Review Board
100 Church Street, 10th Floor
New York, NY 10007

For the Respondent: Louis C. La Pietra, Esq.
La Pietra & Krieger PC
30 Glenn Street, Suite 105
White Plains, NY 10603

Hearing Dates:
May 11, July 6 and July 20, 2016

Decision:
Specification Nos. 1-2: Not Guilty
Specification Nos. 3-6: Guilty

Trial Commissioner:
ADCT David S. Weisel

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before the Court on May 11, July 6 and July 20, 2016. Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. The CCRB called Helen Presberg, Rosalina Cano, Carmen Cuello, and Sergeant Laura Barbato as witnesses. The CCRB also presented the interview transcript of Individual 1. Respondent called Police Officer Nicholas Kourounis as a witness and testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

After reviewing the evidence presented at the hearing, and assessing the credibility of the witnesses, the Court finds Respondent Not Guilty of Specification Nos. 1 and 2, and Guilty of Specification Nos. 3 through 6.

FINDINGS AND ANALYSIS

It was undisputed that on the night of July 4, 2014, Respondent, then a Lieutenant, was on patrol in the 46 Precinct as the Operation Impact supervisor. Police Officer Nicholas Kourounis was his driver. At approximately 2215 hours, in the vicinity of [redacted], the officers witnessed fireworks being set off as well as music being played outside. It was undisputed that fireworks generally are illegal in New York without a permit.

It was further undisputed that the actual individual or individuals setting off the fireworks were not detained. The officers nonetheless told the crowd that the music had to be turned off and that they needed to disperse. One woman, Rosalina Cano, protested this. She was arrested for disorderly conduct. It was further undisputed that Individual 1was arrested for making unreasonable noise. At the stationhouse, both eventually were given summonses and released. It was further undisputed that there was a notation in the command log by the desk officer, Sergeant Laura Barbato, circling "Y" for whether Individual 1 was strip-searched, and listing Respondent as the authorizing supervisor.

What is in dispute is whether Respondent stopped and summonsed Individual 1 with sufficient legal authority. Respondent also is charged with striking Individual 1 with the radio that was playing the music. Respondent further is charged with telling Cano to "Shut the fuck up" and pushing her in the chest. Finally, the CCRB asserts that the command log entry is proof that Respondent authorized a strip search of Individual 1, and that there was no basis to do so. Respondent denied that a strip search occurred.

Cano was the actual CCRB complainant, but Individual 1 also was interviewed by the agency. Individual 1 did not appear at trial due to "reluctance" (Tr. 3), but his CCRB interview was admitted into evidence. Individual 1 stated to the CCRB that he was standing outside a neighborhood home on the Fourth of July around 2215 hours with about four friends, perhaps as many as six. He had drank one or two beers but denied that he was intoxicated. Some kids began "throwing" fireworks. Two police officers arrived and people started running. Individual 1 stayed where he was because he had done nothing wrong (CCRB Ex. 1, transcript, p. 7, 10-13, 34, 38-39; and see CCRB Ex. 2, recording).

Individual 1 said that one of the officers had a white shirt and the other a blue shirt. The officer in the white shirt approached Individual 1 and asked, "[W]hose radio is this"? Individual 1 claimed during the interview that he did not know if the radio was turned on. Individual 1 added that when he said he did not know who the radio belonged to, the officer handcuffed him, threw him against the wall, and roughly threw him into the back of the police vehicle. The officer ripped the radio's power cord out of the outlet and threw the radio into the back of the car, hitting Individual 1's left elbow. The officer also chased and arrested a woman that stood up for Individual 1 and threw her in the back of the car. The woman told Individual 1 that the officer kicked over a grill (Ex. 1, pp. 7-8, 13-24, 35-37).

Individual 1 stated that after he and the woman were transported to the precinct in a separate van, the officer in the white shirt strip-searched him. Individual 1 amended this to say that the officer instructed his partner to strip-search him. The partner stood outside by the bathroom door and instructed Individual 1 to remove his clothes. Nothing was recovered during the strip search. Individual 1 later was released with a summons for loud music. After his release between approximately 0600 and 0630 hours, Individual 1 met up at the station house with the woman that was arrested and they took a cab together (Ex. 1, pp. 3, 8-9, 24-33, 38-39).

Cano did appear at trial and testified that she also was on [redacted] for a barbecue at around 2215 hours on July 4, 2014. Fireworks were going off across the street from where she and other friends and families were sitting. Cano stated that two police officers arrived. They went across the street to try to determine who was setting off these pyrotechnics (Tr. 47-48).

Cano testified that one of the officers, Respondent, kicked a radio. Individual 1 was standing right next to the radio. Respondent asked whose radio it was but Individual 1 said that he did not know. Respondent pushed Individual 1 against a phone booth and kicked him as he arrested him. Respondent also kicked the radio, damaging it, and kicked over a grill. Cano was about five to six feet away from this interaction. According to Cano, Individual 1 had just arrived at the location with his spouse and child (Tr. 48-50, 52-53, 55-56, 58, 67-68, 70-72).

Cano testified that she walked across the street and asked Respondent why he had done that. In her view, the radio did not belong to Individual 1 and he was not doing anything. Respondent kept screaming at Individual 1, "Shut the fuck up" and "very loud[ly]" said to clear the area. Cano protested this order, asking three times why they had to leave and noting that they were only having a barbecue. She characterized her voice as normal, not loud, but she admitted "speaking with my hand." Cano testified that Respondent screamed at her as well. He instructed an officer to handcuff her. She "turned around to go" and "pick up my belongings," but Respondent came in front of her and pressed down on her chest with his fist. He again said, "Shut the fuck up." Cano denied resisting during the arrest process. She noted that she sat down in her chair as she was being arrested (Tr. 49-53, 56, 60-62, 65-66, 75; see CCRB Ex. 3, self-photograph of Cano with red mark on chest between breasts).

After she first had been placed in a car, Cano was transported to the precinct in a van. After she was released from the precinct at approximately 0630 hours, Cano testified, she and

Individual 1, whom she never had met previously, took a cab together. Individual 1 told Cano that the radio did not belong to him and that he was strip-searched at the precinct (Tr. 55-59).

Cano at first denied that she was ever arrested in the past. She further said that she did not recall being arrested on September 13, 2004, within the confines of the 6 Precinct, even after counsel attempted to refresh her recollection with a document indicating the events of a court case. She eventually relented, "I don't remember getting arrested, and I don't remember why I got arrested if I did – I don't remember. I don't remember what happened. I really don't remember." In the end, she did not dispute that she might have been arrested (Tr. 75-81).

Carmen Cuello also attended the Fourth of July barbecue. According to Cuello, there were a lot of people on the block, around 10 to 15 on the side of the street where Cuello was, and more on the other side. Cuello's good friend, Cano, was on the same side of the street as Cuello, as was her friend Individual 1. Things were loud but Cuello did not recall any music being played. People were setting off fireworks in the middle of the street (Tr. 133, 135, 138, 142-49, 154).

Cuello testified that she observed a commotion in which police officers arrived in a vehicle and were yelling and screaming. According to Cuello, one of the officers, Respondent, was "very upset" and "furious." Cuello saw that her friend, Cano, was involved in the commotion. She saw Cano "going back with her hands up" while talking to Respondent, leaning toward a chair. Cuello denied, however, that Cano was animated or agitated. Individual 1 approached Respondent and was handcuffed. As "they were talking and everything," Cuello observed Respondent push Cano into the chair with his hands onto her chest. Cuello also observed Respondent kick or knock over a grill. A large boombox-type radio was dropped on the ground and Cano was handcuffed (Tr. 133-35, 138, 143-45, 148-58, 161).

Sergeant Laura Barbato was assigned as the desk officer on the evening that Individual 1 and Cano were arrested. Barbato did not recall anything about the incident itself. She agreed,

however, that she was assigned as desk officer and made command log entries for arrestees that were brought to the precinct (CCRB Ex. 4), as they were in her handwriting. Barbato agreed that she made two entries at 2228 hours, one each for Individual 1 and Cano. Kourounis was the arresting officer and Respondent was listed as the supervisor. Barbato also made a third entry at 2230 for an unrelated arrest from Respondent and Kourounis. Barbato circled "Y" on the command log for whether a strip search was to be conducted on Individual 1. She listed the supervisor authorizing the strip search as Respondent. For Cano and the third arrestee, Barbato circled "N" (Tr. 97-101, 104-06, 108, 111-12).

Barbato nonetheless testified that no one said to her Individual 1 was to be strip-searched and no one told her of negative results. Barbato testified that she did not speak to anyone about a strip search of Individual 1. Barbato did not recall any superior officer ordering her to authorize a strip search (Tr. 108-10).

Kourounis testified that he had been assigned to the 46 Precinct for all of his career, which began in July 2013. According to Kourounis, drug sales, unreasonable noise, and "[p]eople just hanging out" always had been conditions on that block of [redacted]. Respondent concurred, adding that there had been crew- or gang-related violence in that area as well (Tr. 163-64, 191-92, 201).

Kouronis testified that on the night in question, he was the driver for Respondent, who was the Impact supervisor. Kourounis observed approximately 15 to 20 people on the street and sidewalk setting off fireworks into the air. He and Respondent exited the vehicle and instructed the crowd several times to disperse. Most people complied but Kouronis did not recall if the people lighting the fireworks ran. He claimed not to recall if others stayed as well. In any event, Cano approached Kourounis and "gave me an attitude." Cano asked him, "[W]e didn't do anything. Why should I leave?" Kouronis reiterated that it was because of the fireworks, but she

refused to comply. Kouronis described Cano as loud but not screaming, yet very aggressive. He arrested her, although with the intent to run her for warrants and eventually release her with a summons for failing to disperse. He did, in fact, write her a summons (Tr. 164-67, 169-70, 174-75, 181, 183, 190-91, 212).

Kouronis testified that he was about five to ten feet from Respondent, but could only hear him in a "[v]ery vague" way. Kouronis never told Cano to "shut the fuck up," and did not hear Respondent say this either. He said that he did not recall whether Cano talked back to Respondent, or whether she used profanity. Kouronis agreed that Respondent called for a 10-85 (officers need assistance) and other officers arrived (Tr. 167-68, 173, 177-78).

Kouronis indicated that a male was in possession of a large boombox, from which loud music was being played. The male was placed under arrest and the radio was taken to the precinct. Respondent instructed Kouronis to write a summons for Individual 1 Kouronis asked Individual 1 at the precinct whether it was his radio but did not recall his response (Tr. 168, 171, 181, 184, 186-87).

Kouronis said that both Individual 1 and Cano were placed in Kouronis's sedan. He agreed that Barbato was the desk officer and he interacted with her. He denied, however, that anyone was strip-searched at the precinct. No one instructed him to conduct a strip search (Tr. 169, 178).

Respondent testified that he observed an individual lighting fireworks in the middle of the street. He followed that individual and interacted with a crowd of people. There were about 10 to 20 people in the immediate area. Individual 1 was standing next to a loud radio. Respondent asked him about the radio but "the exchange wasn't progressing." Individual 1 was "[i]ndifferent. He was denying knowledge of a radio that was almost touching his leg." Respondent did not directly ask Individual 1 if it was his radio. It was possible, Respondent testified, that Individual 1 said

he did not know whose radio it was. Respondent nonetheless testified that because Individual 1 was in custody and control of the radio, he was placed under arrest. Respondent denied striking Individual 1 with the radio, which he described as medium-sized, like from the era of the early 1990s, before digital music was common. He did not recall kicking it or throwing it into the back seat of the vehicle where Individual 1 was placed. He admitted that it was possible he kicked over a barbecue grill. According to Respondent, Individual 1 pleaded guilty to the criminal court summons, although the CCRB prosecutor later stated that he actually received an adjournment in contemplation of dismissal (Tr. 193-97, 200, 203-08, 212-19).

According to Respondent, as he approached Individual 1, Cano became agitated. She was loudly "commenting" on, but not "protesting," the police presence. In Respondent's view, Cano was trying to incite the crowd. He spoke to her but did not recall what was said, including whether he told her to "shut the fuck up." He did not recall whether he had to place his hands on her, but claimed it only would have been to handcuff her. Cano was arrested also (Tr. 195, 197-99, 211-12, 214).

Respondent denied that he instructed anyone, including Kouronis, to conduct a strip search of Individual 1. He did not tell Barbato that he was authorizing a strip search (Tr. 199-200).

Specification No. 1

The first specification alleges that Respondent stopped Individual 1 without sufficient legal authority. It was undisputed that there was a boombox-type radio at the location during the incident when Respondent and Kouronis arrived. Although the CCRB witnesses did not state that there was any music playing, it was undisputed that Respondent asked Individual 1 whose radio it was. In fact, this was only a "stop" to the extent Respondent approached Individual 1, who was stationary. Because there would have been no reason to ask this question if the radio was not

playing loudly enough for it to be a police issue, the Court credits Respondent and Kouronis that the radio was so engaged.

It was further undisputed that Individual 1 was standing next to the radio. This gave rise to a founded suspicion that criminality was afoot. This allowed Respondent the common-law right of inquiry under Step II of the street encounters analysis set forth in People v. De Bour, 40 N.Y.2d 210 (1976). See People v. McEachin, 148 A.D.2d 551, 551-52 (2d Dept. 1989) (defendant observed following another pedestrian on deserted street near midnight, entering lobby of apartment building when he saw he was being observed, only to exit moments later). At the very least, it was more akin to a situation allowing Respondent to make a Step I request for information –to whom did the radio belong –not necessarily indicative of criminal activity by Individual 1. See People v. Bazzey, 2007 N.Y. Misc. Lexis 3344, *5, 841 N.Y.S.2d 220 (Dist. Ct., 1st Dist., Suffolk County 2007) (officer had articulable, objective reason to approach defendant, who was standing outside car on public road, drinking beer, with car door open, interior light on and music playing, to ask whether he needed assistance). As such, the stop was proper and Respondent is found Not Guilty of Specification No. 1.

Specification No. 6

The sixth specification charges Respondent with issuing Individual 1 the unreasonable noise summons without sufficient legal authority. Because this really is asking whether Respondent had probable cause to issue the summons, it is chronologically addressed here.

It is undisputed that Individual 1 did not acknowledge ownership or control over the boombox radio, whether the question was "Is this your radio?" or "Whose radio is this?" Rather, Respondent took Individual 1's non-engagement with him on the issue as establishing that Individual 1 had custody and control over the radio. Because Individual 1 would not acknowledge the radio,

which "was almost touching his leg," it signaled to Respondent that he had custody and control over it.

To establish possession of property, a person must exercise dominion or control over it by having a sufficient level of control over the area where the property is found. People v. Manini, 79 N.Y.2d 561, 573 (1992). The possession must be knowing, something that can be established by circumstantial evidence. People v. Tirado, 47 A.D.2d 193, 195 (1st Dept. 1975), aff'd, 38 N.Y.2d 955 (1976).

The evidence demonstrated that Respondent did not have sufficient information to conclude that Individual 1 exercised dominion and control over the boombox. Respondent observed Individual 1 for a period of mere seconds. Nothing that Individual 1 was doing, other than standing nearby, indicated that he was controlling the volume of the music, the musical selection, the direction of the speakers, or anything else about the radio. The Court does not find that Individual 1's acceptance of an adjournment in contemplation of dismissal establishes that he actually was guilty.

In sum, because Respondent did not have probable cause to determine that Individual 1 was making unreasonable noise, the summons was issued without sufficient legal authority and Respondent is found Guilty of Specification No. 6.

Specification No. 2

Here, Respondent is charged with excessive force by striking Individual 1 with the boombox radio. Individual 1 told the CCRB that Respondent threw the boombox into the back seat of the police vehicle where Individual 1 was sitting and it hit his elbow. Respondent testified that he did not recall throwing the radio into the back seat.

In this question of credibility, the Court finds that the CCRB failed to prove by a preponderance of the evidence that Respondent struck Individual 1 with the radio. Although hearsay

is admissible in this forum, see Matter of Ayala v. Ward, 170 A.D.2d 235 (1st Dept. 1991), there are significant reasons for caution in matters like this that present close questions of credibility. The hearsay is central to the CCRB's case on this specification, so there is a question of basic fairness in using the hearsay to reach a finding of fact. See *Case No. 77005/01*, p. 6 (May 27, 2002) (hearsay declarations are insufficient to support findings of guilt in cases that pose close questions of credibility).

In light of Individual 1's failure to testify, the Court cannot observe his demeanor, explore possible motives to lie, or assess the credibility of his account after the test of cross-examination. Therefore, Respondent is found Not Guilty.

Specification Nos. 3 & 4

The fourth specification charges Respondent with wrongfully using force against Rosalina Cano by pushing her, without police necessity, in the upper chest area. The third specification charges that Respondent told Cano to "shut the fuck up." Cano testified that Respondent instructed an officer to handcuff her. She tried to leave, but Respondent came in front of her and pressed down on her chest with his fist and told her to "shut the fuck up." Cano produced a photograph, which she said she took the next day after her release, showing what appeared to be redness between her breasts (CCRB Ex. 3). Cano's friend, Carmen Cuello, testified that she observed Respondent push Cano into the chair with his hands onto her chest. Respondent did not recall placing his hands on Cano, but said that if he did, it would have been to arrest her.

The Court credits the testimony of Cano and Cuello and discredits that of Respondent. The testimony of both women was concise and unembellished. Cano did not describe being injured in any other way. She did not even state that she was in pain. Respondent, on the other hand, claimed not to recall placing his hands on Cano. In light of the fact that Respondent is

accused not simply of placing his hands on Cano, which would be expected during any arrest, but of pushing her hard in the chest, this is self-serving and incredible. The Court does not find Cano's claim of not remembering an arrest from 2004 to be dispositive in this matter. In the end, she admitted that she might have gotten arrested back then. Therefore, Respondent is found Guilty of Specification No. 4.

Respondent claimed that he did not remember telling Cano to "shut the fuck up." This is not a credible statement. Unlike minutiae such as clothing, times of day, the exact amount of people on the street, etc., the uttering of a profane sentence is not something one is likely to forget. See *Case Nos. 85591 & 85593/09, & 86379/10*, p. 33 (Aug. 9, 2010) (officer's answer of "Not that I recall" to question of whether be told falsely told Absence Control he was at a certain doctor's office, and giving a phone number, was incredible as these were not facts one would forget). Respondent's supposed failure to remember is a sign that he actually made the statement.

Respondent also submitted that even if he did make the remark, it should fall within the exception for otherwise offensive language, "when the tension is raised and adrenaline is flowing, there might be a curse that is uttered at the time" (Tr. 226). It is true that prior tribunal decisions have held that profane remarks, made during stressful situations or while an officer is trying to get a chaotic situation under control, are not misconduct. See, e.g., *Case No. 2014-11644*, pp. 7-8 (June 19, 2015) (officer told prisoner to "shut up and mind your fucking business" while attempting to help another officer who was wrestling on the ground of the holding cell with another prisoner).

The extension of an exception to a rule should be circumscribed. Otherwise, the exception will swallow the rule. In Respondent's case, the situation was not so chaotic that the duty of courteous and professional behavior should be overridden by the immediate need to maintain order. Respondent's claim that Cano was riling up the crowd is not supported by the

evidence. She was speaking loudly but that does not equal chaos. Kouronis did not feel that a 10-85 was necessary –Respondent was the one that called it in –and Cano and Individual 1 were the only two arrests from the incident (Tr. 113, 175). As such, the " Shut the fuck up" remark was completely unnecessary and without a legitimate police purpose. Therefore, Respondent is found Guilty of the third specification as well.

Specification No. 5

Respondent is charged here with authorizing a strip search on Individual 1 without sufficient legal authority. Individual 1 told the CCRB that Respondent instructed Kouronis to strip search him. Both Kouronis and Respondent denied this. Barbato, the desk officer on the night in question, did not recall the incident. Her command log entry for Individual 1's arrest, however, indicated that a strip search was performed and Respondent was the authorizing supervisor.

Barbato' s entry is strong evidence that Respondent authorized the strip search. She specifically circled " Y" on Individual 1's entry for whether a strip search was performed, and "N" on the entries for Cano and a third, unrelated prisoner who was brought in a few minutes thereafter. Respondent's speculation that the command log was inconclusive because there were other lieutenants or above working, so "[w]e don't know who allegedly gave the words that create the entry in that command log about a strip search," is uncompelling. We do know because Barbato listed the authorizing supervisor as Respondent.

Furthermore, a strip search only may be performed when there is reasonable suspicion that weapons, contraband or evidence may be concealed on the person or in the clothing of the arrestee in a manner such that a standard search would not find it. See Patrol Guide § 208-05 (1)(C)(1). Respondent agreed that Individual 1 was not violent, suspected to be in possession of a weapon or drugs, or to have sold narcotics (Tr. 208). Therefore, there was no basis for the strip search and Respondent is found Guilty.

PENALTY RECOMMENDATION

In order to determine an appropriate penalty, Respondent's service record was examined. See Matter of Pell v. Board of Educ., 34 N.Y.2d 222, 240 (1974). He was appointed to the Department on July 1, 2003. Information from his personnel folder that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has been found Guilty of issuing a summons without proper legal authority, pushing a suspect for no reason, offensive language, and an improper strip search. The CCRB recommended a penalty of the forfeiture of 40 vacation days.

In *Case No. 2011-5337* (Oct. 1, 2012), a ten-year sergeant with no prior disciplinary history negotiated a penalty of 30 vacation days for authorizing an improper stop, detention and removal to the precinct, as well as a strip search. Among other misconduct, he improperly detained a suspect after learning that the suspect would make a complaint to the CCRB and improperly authorized the issuance of a summons.

This prior case adequately addresses all of the misconduct here. The Court notes that Respondent has an excellent work history. As such, the Court recommends that Respondent forfeit 25 vacation days as a penalty in this matter.

Respectfully submitted,

David S. Weisel
Assistant Deputy Commissioner Trials

APPROVED

MAR 27 2017

JAMES P. O'NEILL
POLICE COMMISSIONER

POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner Trials

To: Police Commissioner

Subject: CONFIDENTIAL MEMORANDUM
CAPTAIN SETH LYNCH
TAX REGISTRY NO. 932932
DISCIPLINARY CASE NO. 2015-14171

Respondent was appointed to the Department on July 1, 2003. In his last three performance evaluations, he received 4.5 overall ratings of "Extremely Competent/Highly Competent." He has two medals for Excellent Police Duty and also received a Combat Cross. [redacted]

Respondent has no prior formal disciplinary history. He was placed on Level 1 Force Monitoring from January 16, 2015, to September 29, 2015, for having had three or more CCRB complaints in a one-year period.

For your consideration.

David S. Weisel
Assistant Deputy Commissioner Trials