



POLICE DEPARTMENT CITY OF NEW YORK **RECEIVED**

February 8, 2016

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FIRST DEPUTY COMMISSIONER'S
OFFICE

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Nikaurys Martinez
Tax Registry No. 953062
Police Service Area 6
Disciplinary Case No. 2015-13316

Police Officer Shawn Moynihan
Tax Registry No. 953147
Police Service Area 7
Disciplinary Case No. 2015-13315

Charges and Specifications:

Disciplinary Case No. 2015-13316

1. Said Police Officer Nikaurys Martinez, assigned to Housing Borough Manhattan Impact Response Team, on or about November 22, 2013, in the confines of Bronx County, engaged in conduct prejudicial to the good order, efficiency, and discipline of the Department, to wit: said officer improperly struck Person A while he was handcuffed.

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

Disciplinary Case No. 2015-13315

1. Said Police Officer Shawn Moynihan, while assigned to Housing Borough Manhattan Impact Response Team, on or about November 22, 2013, in the confines of Bronx County, engaged in conduct prejudicial to the good order, efficiency, and discipline of the Department, to wit: said officer improperly struck Person A while he was handcuffed.

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

Appearances:

For Department Advocate's Office: Beth Douglas, Esq.

For Respondents: Stuart London, Esq.

Hearing Date(s):

November 2 and 4, 2015

Decision:

Guilty

Trial Commissioner:

ADCT Paul M. Gamble

REPORT AND RECOMMENDATION

The above-named members of the Department appeared before me on November 2 and 4, 2015. Respondents, through their counsel, entered pleas of Not Guilty to the subject charges. The Department called Person A, Sergeant Natalie Bautista and Detective Wojciech Lipinski as witnesses. Respondents called Lieutenant Leonardo Holguin, Detective Colen Little, Police Officer Thomas O'Rourke and Police Officer Michael Pando as witnesses. Respondents testified on their 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, I find Respondents guilty.

FINDING AND ANALYSIS

It is not in dispute that on November 22, 2013, Respondents answered a domestic disturbance call at [REDACTED] the home Person B, who did not speak English, was interviewed through the use of a Spanish-speaking officer and informed them that she had been assaulted by her son,

Person A. Respondents left the apartment to look for Person A and, after a brief canvass of the area, saw him walking on East 135th Street carrying several bags. Person A made eye contact with Respondents, dropped his bags and fled. At this point, Respondent Martinez gave chase while Respondent Moynihan broadcast a "10-85 Officer Needs Assistance" call.

Respondents pursued Person A to [REDACTED] where Respondent Martinez caught up with him. Person A turned toward Respondent Martinez in a pugnacious posture. After a brief standoff, Person A was brought to the ground by Respondent Moynihan, who grabbed his arm to take him off his feet. Respondent Moynihan was then able to secure one handcuff around Person A's left wrist. Even though Person A was on the ground with one hand cuffed, he struggled with Respondents and tried to keep his right hand under his body. In the course of trying to cuff Person A's right hand, Respondents Moynihan and Martinez each knelt on Person A left arm and shoulder, respectively. Once Respondent Moynihan was able to cuff Person A's right hand, he and Respondent Martinez raised Person A to his feet. During the course of the attempt to handcuff Person A, he sustained a laceration to his nose. By the time they had brought Briones to a standing position, they had been joined by a fellow officer, Police Officer Thomas O'Rourke, who had responded to the "10-85" call with his partner, Detective Colen Little.

As Respondents began walking Person A back to a vehicle, he continued to struggle with them. O'Rourke's police van was parked nearby. Once Respondents reached O'Rourke's van, one of the police officers opened the door to place Person A inside it. Respondent Moynihan suddenly realized that Person A had not been searched.

The door was then closed and Person A was placed face-first against the rear of the van. As Respondent Moynihan attempted to conduct a pat-down, O'Rourke and Respondent Martinez held Person A against the van. During this search, Person A continued to struggle with the officers, attempting to push off the van.

Sergeant Natalie Bautista, an Impact Sergeant and Respondents' supervisor that evening, heard the "10-85" call and responded to it with her operator, Police Officer Michael Pando. After making observations at the scene which are disputed by Respondents, Sergeant Bautista took Person A into custody and transported him to PSA-7, speaking to him en route. After arriving with Person A, Sergeant Bautista called the Internal Affairs Bureau PRIDE line, where she reported her observations of Respondents to an investigator. Person A was taken to [REDACTED] Hospital for medical treatment, then on to Central Booking, where criminal charges were filed.

The disputed issue in this case is whether Respondents Moynihan and Martinez struck Person A while he was handcuffed and standing at the rear of the police van. The evidence presented by the Department was factually irreconcilable with that presented by Respondents. Sergeant Bautista testified that she observed Respondent Moynihan and Respondent Martinez each strike Person A in the back. Moreover, she testified that after she placed Person A in her police van, he told her that he had been punched. In his in-court testimony, however, Person A claimed he did not recall the statement he made immediately after the contested incident in which he confirmed Sergeant Bautista's observations. Three police witnesses who were present at the scene of Person A's arrest asserted at trial that they had not seen either Respondent strike Person A. Respondents each testified that they had not struck Person A.

Thus, the factual findings in this case rest almost entirely upon credibility assessments made by the tribunal. Based upon the credible evidence, I find that Respondents improperly struck Person A while he was handcuffed at the rear of the police van.

The Department presented the testimony of three witnesses: (1) Person A; (2) Sergeant Bautista; and (3) Detective Wojciech Lipinski, the Internal Affairs investigator who received and transcribed Sergeant Bautista's telephonic report.

The following is a summary of Sergeant Bautista's testimony:

As Pando drove up to the van where Respondents had Person A in custody, and Sergeant Bautista began exiting her van, she saw Respondent Moynihan and Respondent Martinez each strike Person A in the back (T. 98, 102, 104). Sergeant Bautista told Respondent Moynihan to stop, causing Respondent Moynihan to look in her direction (T. 103). Respondent Moynihan then threw another punch at Person A (Id., 106-107). Sergeant Bautista ran over to the van where Respondents had Person A in custody and shoved Respondent Moynihan out of her way (T. 107). Sergeant Bautista then took Person A into her custody and brought him over to the van she had arrived in (T. 108). After Sergeant Bautista and Pando placed Person A in the back of her van, she asked him if he was okay and he recounted what had happened (T. 109).

Person A told Sergeant Bautista that he had an argument with his mother in his apartment, then left to go outside. As he was walking down the street, he saw the police officers walking toward him, so he ran away from them. After a short distance, Person A realized he had nowhere to run to, so he turned around and was confronted by the officers. Person A said he was approached by Respondent Moynihan in a fighting stance

and was then knocked to the ground. The police officers handcuffed him, pulled his hood over his head and then walked him to a police van. (T. 116-117) According to Sergeant Bautista, he said that the officers "stood him up in the back of the van and they continued to punch him" (T. 117). Sergeant Bautista observed that Person A was bleeding from his nose; Person A further complained that his ribs hurt (T. 112).

Sergeant Bautista transported Person A to PSA-7 and placed him in a juvenile room (T. 113-114). After arranging for medical attention, she placed a call to the PRIDE line of the Internal Affairs Bureau, where she reported Respondents for using unauthorized force (T. 114). Sergeant Bautista also informed Lieutenant Mufaddi, the Impact Lieutenant and her direct supervisor, of what she witnessed, what Person A had told her and that she had to report Respondents to Internal Affairs (Id.).

In assessing the credibility of witnesses, the tribunal considers many factors, among them, the witness's: (1) ability to have perceived the facts which are the subject of his testimony; (2) motive to lie; (3) interest in the outcome of the litigation; (4) bias for or against a party to the litigation; (5) prior statements which may be inconsistent with his testimony before the tribunal; and (6) criminal or bad conduct (*New York Criminal Jury Instructions, 2d ed., Credibility*).

This tribunal found Sergeant Bautista to be forthright, logical and credible. Respondents' position was that Sergeant Bautista deliberately lied about the incident because of her purported animosity toward Respondents.

Assuming for the sake of argument that her observations were unclear or subject to interpretation, her initial impression that Person A had been punched while standing at the rear of the van was corroborated by an excited utterance from Person A. As discussed

above, Person A's complaint of his ribs hurting further supports Sergeant Bautista's testimony that she saw Respondents strike him.

I further find that Sergeant Bautista, as a 15-year member of the Department exercising supervisory and training responsibility over Respondents, well understood the seriousness of a report to IAB regarding Respondents' actions, undercutting Respondents' arguments that her report was a fabrication motivated by malice. Sergeant Bautista had a limited interest in the outcome of the case and made a prompt report of her observations to her immediate chain of command, as well as to Internal Affairs, factors which are further indicia of her reliability.

It cannot be gainsaid that both Respondent Moynihan and Respondent Martinez are interested witnesses and have a strong motivation to present self-serving testimony in this proceeding. I find that their denials of striking Person A were tailored to avoid being held responsible for their actions. Their factual assertions regarding the initial encounter with Person A and his subsequent arrest, appeared plausible and credible. The case turned upon whether their denials, in the face of the other evidence in the case, were credible. Ultimately, it was their decision to combine those denials with a scorched-earth strategy of discrediting an otherwise credible witness through unsupported accusations of resentment, which undermined their credibility, leading me to reject the denials.

Respondents advanced what amounted to a conspiracy theory, that Sergeant Bautista's testimony was fabricated. In support of this argument, Respondent Moynihan offered evidence of Sergeant Bautista's direction to him to downgrade arrests in another case to summonses and an admonition to remain on his post, rather than pursue a suspect with an open warrant, as supporting his claim that she was biased against him, rather than

simply performing her duty as a training sergeant. Respondent Moynihan and Lieutenant Holguin each testified to instances where Sergeant Bautista allegedly cried during discussions she had concerning Respondent Moynihan, suggesting the absence of professional detachment, at best, and emotional instability at worst. Finally, Respondents asserted that Sergeant Bautista used Spanish in her interaction with Person A as evidence of some sinister purpose on her part. In addition to being uncorroborated by credible evidence of these machinations, these claims, considered individually and in the aggregate, amounted to an attempt at deflection which reflected adversely on Respondents' own credibility. In sum, Respondents' attempt to paint Sergeant Bautista as an emotionally unstable, vindictive supervisor who lied under oath was unpersuasive and revelatory of Respondents' own bias towards her.

First, Respondents claimed Sergeant Bautista was jealous of Respondent Moynihan but offered no persuasive evidence in support of that assertion. While counsel for Respondent Moynihan argued that Sergeant Bautista was jealous of the productivity of Moynihan's squad because it made her squad look deficient by comparison, no evidence of such inter-squad competition was ever presented.

Second, the specific incidents which Respondents offered in evidence to establish a claim of bias reflected the normal interactions between rookie police officers and a supervisor tasked with training and, if need be, critiquing their performance. Respondent Moynihan attempted to discredit Sergeant Bautista by relating an incident in which after she directed him to downgrade arrests, he conferred with Respondent Martinez to decide what they were going to do (T. 357-358). Respondent Moynihan further admitted that he spoke with his delegate once he returned to the precinct because he did not want to let the

prisoners go on summonses and "didn't appreciate what [Sergeant Bautista] had done to me on the scene" (T. 358). Respondent Moynihan further asserted that his delegate had told him Sergeant Bautista had been crying during their discussion (Id.).

Respondent Moynihan's testimony revealed that he did not appreciate how treating Sergeant Bautista's direction, which, based upon his own recitation was an unambiguous order, as open for discussion with Respondent Martinez, in Sergeant Bautista's presence, could be viewed as extremely disrespectful, if not insubordinate. Furthermore, instead of being chastened, Respondent Moynihan sought his delegate to intercede on his behalf to achieve the result he wanted, completely ignoring the chain of command. Finally, he apparently felt no compunction about repeating that Sergeant Bautista started crying when speaking with his delegate. It may well be that Respondent Moynihan was personally embarrassed by Sergeant Bautista's correction; nevertheless, it was his duty to follow her order, regardless of his opinion of how the matter should have been handled. In a paramilitary organization, the importance of maintenance of the chain of command and obedience to orders renders the bruised egos of police officers insignificant in comparison.

Respondent Martinez, in his own attempt to establish Sergeant Bautista's purported bias, testified regarding an incident in which she allegedly left him standing in the rain while she inspected his memo book. Even if the tribunal were to accept his assertion, such trivial behavior cannot be conflated to a sufficient bias to lie under oath, as Respondents suggest.

Finally, both Respondents testified that Sergeant Bautista spoke to Person A in Spanish. It is unclear exactly what the significance of this asserted fact was.

Respondents suggested that it would have been inappropriate for her to have initiated a conversation with Person A in Spanish before speaking to her own police officers but Sergeant Bautista denied doing so in her testimony. Sergeant Bautista did testify, however, that if Person A had responded to her questions in Spanish, as a bilingual English-Spanish speaker, she would have continued the conversation in the language that he apparently felt more comfortable in. Further obfuscating the significance of this assertion is Respondent Martinez' admission that he speaks and understands Spanish. Assuming for the sake of argument that Sergeant Bautista had a design to engage in a clandestine communication with Person A while he was surrounded by police officers, that purpose would have been frustrated by Respondent Martinez' presence on the scene. Whatever the purpose of eliciting this testimony, I find it has no probative value on either credibility or bias grounds.

Lieutenant Leonardo Holguin was called by Respondents to testify regarding an incident where Sergeant Bautista had initiated the process of issuing Respondents command disciplines for taking the wrong transportation van and thereby being taken to the wrong housing project, in contravention of their assignment. At the time of the incident, Lieutenant Holguin was still a Sergeant and assigned as the other Impact Supervisor of PSA-7. While then-Sergeant Holguin characterized Sergeant Bautista's decision to write up Respondents as inordinately punitive, in his opinion, it is clear to this tribunal that the root of the problem was Respondents' lack of attention to detail and failure to be at their appointed place of duty at the designated time. Since Lieutenant Holguin had no personal knowledge of the other incidents of purported bias testified to

by Respondents, he merely repeated what Respondents had told him, reflecting their self-interested perspectives on Sergeant Bautista's admonitions.

It bears noting that Lieutenant Holguin's demeanor before the tribunal reflected his own bias against Sergeant Bautista. Rather than appearing as a disinterested witness, he seemed to advocate for Respondents. For example, he volunteered that he had "numerous complaints from my cops" (referring to Sergeant Bautista) and attempted to offer testimony which was not responsive to any question put before him. He appeared hostile and became visibly agitated when admonished by the tribunal not to volunteer information which was not elicited by a question. In a surprising assertion, he volunteered that Bautista appeared to cry during his attempt to dissuade her from issuing command disciplines to Respondents. Accordingly, I found Lieutenant Holguin to be an unreliable witness.

Based upon the foregoing, I reject Respondents' argument that Sergeant Bautista's testimony is incredible due to bias.

I also could not credit Person A' in-court testimony where he claimed he could not recall the very first statement he made to Sergeant Bautista in her police van. Person A's statement to Sergeant Bautista in her van bears indicia of reliability because the evidence shows he made the statement while still experiencing the excitement of a tumultuous event sufficient to "still his reflective faculties, thereby preventing opportunity for deliberation which might lead the declarant to be untruthful," namely: his flight from, struggle with and arrest by, police officers (see *People v. Edwards*, 47 NY2d 493, 497 [1979]). Thus, his claim not to recollect at trial that either Respondent had punched him was not credible.

Person A was confronted on cross-examination with a statement he allegedly gave to [REDACTED] Hospital medical staff approximately thirty minutes after his arrest, in which he “denies any direct hit . . .” (Dept. Ex. 2-A). This denial is recorded in a note by Dr. Amir H. Navaei, the visit provider. In this particular venue, hearsay is permissible and the statement would be considered without regard to its qualification under a hearsay exception. I admitted records of Person A’s hospital visit, without objection, during the trial. Nevertheless, the rationale behind the hearsay exception permitting out-of-court statements made for the purpose of medical diagnosis is instructive.

Recitations of the “acts or occurrences leading to the patient’s hospitalization,” unless germane to diagnosis or treatment, are not admissible (*Coleman v. New York City Transit Authority*, 2015 NY Slip Op 08906 [1st Dept. 2015] citing, *Williams v. Alexander*, 309 N.Y. 283, 287 [1955]). In sum, such tangential statements may not be inherently reliable. Here, troubling evidence was presented on this point. For example, Person A told this tribunal during direct examination that two police officers came to the hospital and questioned him while he was handcuffed to a gurney (T. 28). On cross-examination, Person A denied having a conversation with either a triage nurse or a doctor about what happened to him. (T. 78). Person A reiterated that “the only two people that [he] spoke to when [he] was in the hospital were two officers that came to a call. They said they were there to ask questions” (T. 77).

Person A’s assertions are illogical and directly contradicted by the medical records. The initial Emergency Department note, transcribed by Dr. Navaei, lists “patient” as the informant (Department Exhibit 2-A). The medical records establish that Person A was first seen at approximately 1230 hours on November 23, 2013 and was eventually

discharged at 0631 hours the same day. During this period, Person A was assessed by Nurse Alexandra Alessi at 0227 hours; 0259 hours; and 0451 hours (Id.). During each of these assessments, Nurse Alessi apparently recorded at least one declaration by Person A as to his current physical condition. Furthermore, the hospital records reflect that Person A was accompanied in the Emergency Department by Person B whose call to police led to his arrest, as well as his father. Based upon the contradictions between his statements and the documentary evidence, as well as the presence of parties which could have had an influence upon his candor, Person A cannot be considered a reliable reporter concerning his hospital visit. The presence of a notation in his medical records as to cause despite the aforementioned factors raises additional questions about the reliability of that entry.

Person A also admitted that he lied in a statement he gave to the Internal Affairs Bureau on January 23, 2015, when he denied being aware that Respondents were police officers when he initially fled from them (T. 60). Person A explained that he denied knowing Respondents were, in fact, police officers because he thought it would compromise his pending criminal case to admit that he knew he was running from the police (Id.). With this admission, Person A clearly demonstrated his willingness to place his own penal interests ahead of truthfulness.

Finally, Person A proved to be extremely suggestible and readily changed his position from direct examination to cross-examination. For example, Person A testified on direct examination that when he was at the rear of the van with Respondents, he heard Sergeant Bautista yell "Stop!" in English, who then asked if he was okay, again in English (T. 27). On cross-examination, when challenged on this point, he at first

indicated that he was unsure, then proceeded to recant that portion of his direct testimony:

- Q. Do you speak Spanish?
A. Yes.
Q. But you're not Hispanic, are you?
A. Yes.
Q. You are Hispanic?
A. I'm Mexican.
Q. Mexican. Okay. So you understand Spanish fluently, correct?
A. Yes.
Q. Okay. When the sergeant comes on the scene, isn't it a fact that she speaks to you in Spanish and in English?
A. I don't remember.
Q. Is it possible she spoke to you in Spanish when she first got there?
A. Maybe. Yeah, she asked me, "Tu 'ta bien?"
Q. "Tu 'ta bien" means are you okay?
A. Are you okay.
Q. Right. Does she then say to you, "Did they hit you" in Spanish?
A. Yes.
Q. She does, right?
A. (Nodding head).
Q. And how would you say that in Spanish?
* * *
A. "Ellos te dieron?"

(T. 70-72).

As set forth above, Person A's in-court testimony was equivocal at times and contained material inconsistencies. In addition, his testimony was tainted by at least one statement he acknowledged to be untruthful at the time he made it and further acknowledged making with the intent to deceive. Accordingly, the tribunal finds his in-court testimony incredible.

Respondents called three other officers who were present during the arrest: Police Officer Thomas O'Rourke, Detective Colen Little and Police Officer Michael Pando.

I find that the testimony of the three ostensibly independent witnesses, either in combination with Respondents' testimonies or individually, were not of such

unimpeachable character as to undermine the clear and unambiguous observations of Sergeant Bautista. While Respondents obviously presented the testimony of these witnesses in the hope that an arithmetic tally favoring Respondents' position would be sufficient to overcome the probative value of the sole Department witness inculcating them, the witnesses' testimony lacked sufficient detail to permit the tribunal to infer that, since they claimed not to have seen any blows struck, *ipso facto* no blows were in fact struck. The tribunal declines to take that inferential leap based solely upon their assertions in the face of the other credible evidence in the record.

None of them went so far to assert that they had Person A and Respondents in view at all relevant times such that had any blows been struck, they would have seen it. The police actions under review occurred at night: Sergeant Bautista testified that it was dark out but that there were streetlights (T. 96). While it is certainly possible that some of these officers could have witnessed Respondents strike Person A, as did Sergeant Bautista, and others might not, it is extremely unlikely that all three would have identical, exculpatory observations. While O'Rourke and Little claimed not to have seen any strikes thrown, they placed themselves in a position to do so through their testimony. O'Rourke, according to his testimony, was standing with Respondent Moynihan and Respondent Martinez, holding him against the side of the police van and would have had to have seen or felt the blows struck. Little testified that he observed his partner, O'Rourke, holding Person A against the van while Respondent Moynihan attempted to conduct a pat-down. Based upon his description of his point of view, Little would have also had to have seen the blows which struck Person A.

O'Rourke had an additional incentive not to testify candidly with respect to the blows struck by Respondents, as his act of holding Person A against the van while blows were struck by Respondent Moynihan and/or Respondent Martinez would make him an accessory to that assault, exposing himself to potential Departmental discipline.

While Pando and Sergeant Bautista presumably had a similar field of view of Respondents and Person A as they approached the scene in their van it is certainly possible that he testified truthfully when he claimed not to have seen any blows thrown.

The Patrol Guide mandates that any member of the service who witnesses corruption or other misconduct, which includes the use of excessive force, has an obligation to report it to the Internal Affairs Bureau (P.G. 207-21). The failure to hold police officers accountable for their conduct is a corrosive which undermines the Department's mission to enforce the law. Sergeant Bautista had no other option under the regulations of this Department to take any actions other than the ones she took. Moreover, as a supervisor tasked with the training of rookie police officers, a failure to act would have been dereliction of her assigned duty. Had Sergeant Bautista simply looked the other way, her tacit approval of the misconduct would no doubt have been duly noted by the other police officers under her command.

Based upon the credible evidence in the record, I find that the Department has met its burden of proof and find both Respondents guilty of the specification.

PENALTY RECOMMENDATIONS

Penalties in recent Department cases where Respondent was found Guilty of punching or striking a handcuffed individual have generally ranged from ten to thirty vacation days. In *Case No. 2014-12487* (September 10, 2015), a five-year police officer

with no disciplinary record forfeited fifteen vacation days for punching a prisoner who was handcuffed and lying flat in the back of the Respondent's RMP with such force that he fractured the prisoner's jaw in two places. *See also Case No. 2014-11827* (August 21, 2015) (seventeen-year sergeant with no prior disciplinary history negotiated a penalty of thirty (30) vacation days for striking an arrestee while he was handcuffed with a closed fist without police necessity); *Case No. 2013-10481* (November 12, 2014) (five-year police officer with no disciplinary record negotiated a penalty of ten (10) vacation days for punching a handcuffed individual who had spit in his face); *Case No. 8631/12* (July 30, 2013) (eight-year police officer with no prior disciplinary record negotiated a penalty of twelve vacation days for punching a handcuffed suspect on the left side of his face).

The Department has requested that Respondents each suffer a penalty of 20 vacation days.

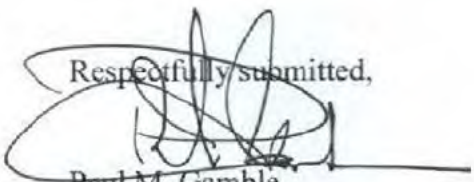
While Respondents' brief tenure in this Department might be mitigating in another circumstance, it is aggravating in this case. Both Respondents were appointed to this Department with significant adult life experience, yet they evince a disturbing sense of entitlement which is antithetical to their successful integration into a police force whose ethos is grounded in discipline and self-sacrifice over personal interest. Because of their willingness to engage in the misconduct for which they were found guilty at such a formative stage of their careers, the penalty must be sufficiently severe to serve as a deterrent against future misconduct.

While Respondents have an absolute right to present a defense against the allegations, the manner in which they did so in this trial was contemptible, in that they

sought to smear the reputation of the Department's main witness in an attempt to escape responsibility for their actions.

I do find that Person A's admitted bellicosity presented Respondents with an arrest situation which would have challenged the professionalism of seasoned police officers. Nevertheless, Respondents were dealing with a belligerent 16-year old, not a hardened criminal.

Accordingly, I recommend that Respondents' penalty be the forfeiture of 15 vacation days each.

Respectfully submitted,

Paul M. Gamble
Assistant Deputy Commissioner Trials

APPROVED

JUN 23 2010

WILLIAM J. BRATTON
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER NIKAURYS MARTINEZ
TAX REGISTRY NO. 953062
DISCIPLINARY CASE NO. 2015-13316

Respondent was appointed to the Department on July 11, 2012. In his last three evaluations, he received an overall rating of 3.5 "Highly Competent/Competent," 3.0 "Competent," and a 3.5 "Highly Competent/Competent." [REDACTED]

[REDACTED] He has no prior formal disciplinary record.

For your consideration.

Paul M. Gamble
Assistant Deputy Commissioner Trial



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner –Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER SHAWN MOYNIHAN
TAX REGISTRY NO. 953147
DISCIPLINARY CASE NO. 2015-13315

Respondent was appointed to the Department on July 11, 2012. In his last three evaluations, he received an overall rating of 4.0 "Highly Competent," another 4.0 "Highly Competent" and a 3.5 "Highly Competent/Competent."

He has no prior formal disciplinary record.

For your consideration.

Paul M. Gamble
Assistant Deputy Commissioner Trials