



POLICE DEPARTMENT

April 4, 2014

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Natasha Moseley
Tax Registry No. 939082
70 Precinct
Disciplinary Case No. 2011-5794

The above-named member of the Department appeared before me on January 7, 2014, charged with the following:

1. Said Police Officer Natasha Moseley, assigned to the 104th Precinct, while on duty, on or about June 1, 2011, acted in a discourteous and insubordinate manner towards New York Police Department Sergeant Arlene Maldonado, to wit: said Police Officer did not respond when instructed by Sergeant Maldonado to properly amend a Police Accident Report (P.A.R.), then stated in sum and substance, I wasn't talking to you.

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

2. Said Police Officer Natasha Moseley, assigned to the 104th Precinct, while on duty, on or about September 22, 2011, acted in a discourteous and insubordinate manner towards New York Police Department Sergeant Arlene Maldonado, to wit: when questioned by Sergeant Maldonado as to the value of the property taken in her Grand Larceny arrest, said Police Officer yelled at Sergeant Maldonado and questioned her involvement in said Police Officer's arrest processing.

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

The Department was represented by Pamela Naples, Esq., Department Advocate's Office, and Respondent was represented by Michael Martinez, Esq., Worth, Longworth & London, LLP.

Respondent, through her counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent, having pleaded Guilty, is found Guilty as charged.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent is an eight-and-a-half year member of the Department and is currently assigned to the 70 Precinct as the domestic violence officer. She was assigned to the 104 Precinct for seven years as a patrol officer before being moved to the 70 Precinct. On June 1, 2011, Respondent and her partner, Officer [REDACTED] were called to respond back to the precinct. Upon returning to the precinct, [REDACTED] went inside to find out why he and Respondent were called back while Respondent put gas in the patrol car. [REDACTED] returned outside and told Respondent that she needed to amend a Police Accident Report (PAR) she had previously filed. Respondent went into the precinct. She did not know who from the precinct had requested her to amend the PAR.

When she entered the precinct she recognized the driver (motorist) of the vehicle from an accident which took place one to two weeks prior. Motorist approached her and began asking Respondent to modify the picture Respondent had drawn of the scene of the accident. Respondent stated that she "looked it over" and determined that she had incorrectly positioned the motorist's car in her drawing (it was facing the wrong direction). At that time, Respondent still did not know who from the precinct had

requested her to amend the PAR. During Respondent's conversation with the motorist, Respondent stated that Sergeant Maldonado (the crime analysis sergeant) "was a couple of feet away from" her.

According to Respondent, Maldonado began to yell at Respondent, "from across the precinct," telling her she must amend the PAR. Respondent realized that it was Maldonado who had made the request for Respondent to report back to the precinct to amend the PAR. Respondent said Maldonado kept yelling at her which caused Respondent to get upset. Respondent then yelled back at Maldonado saying, "I'm not talking to you." Respondent said she was conferring with the motorist about what changes needed to be made to the PAR when Maldonado began to yell at her. After the incident, Maldonado told Respondent to accompany her to the 124 room so Maldonado could address the situation with Respondent.

During their conversation, Maldonado told Respondent she is not sure "where the friction came" from between the two of them. Maldonado also told Respondent, "From now on, you will be addressed as Officer Moseley and I as Sergeant Maldonado." Respondent replied by saying she always calls her "Sergeant Maldonado" and denied ever calling her by her first name. Two days later Respondent was informed, by another sergeant, she would be getting a "CD" (command discipline) due to the verbal altercation with Maldonado. Additionally, Respondent said she was "split up" from her partner of one year as a result of the incident.

On September 22, 2011, Respondent arrested a store employee who was stealing from a store by using another individual's Electronic Benefits Transfer (EBT) card. Respondent's partner, Lieutenant Maloney, made the decision to arrest and to charge the

individual with “grand larceny because of the amount she stole from the store.”

Respondent transported the individual to the 104 Precinct where Respondent began the arrest processing. During this process, Maldonado came over to Respondent and, after being told what the arrest was for, Maldonado “snatched the paperwork” from Respondent and began to examine it. Respondent testified Maldonado acted within her scope of duties by reviewing the paperwork and getting involved in the arrest, but she usually only gets involved “after everything is said and done,” not during.

Maldonado took the paperwork to the desk and called the complainant on the phone. Respondent attempted to retrieve the paperwork from Maldonado so Respondent could finish her paperwork because she had to be at traffic court at 1 p.m. However, when Respondent went to pick up the paperwork Maldonado “snatched it back” from her. Respondent then asked Maldonado why she was on the phone with her complainant. In response, Maldonado began to yell at Respondent and said, “Every time I have to talk to you, you always give me attitude.” As a result of this second verbal altercation, Respondent’s tour was changed to “4 to 12’s” and she was administratively transferred to the 70 Precinct in August 2012. Respondent concedes that she should not have spoken to Maldonado in the way that she did, but explained that she was upset because she processes arrests without any problems from other supervisors and she felt Maldonado was “riding me.”

On cross-examination, Respondent acknowledged that during the June 1 incident, while Respondent was speaking with the motorist about amending the PAR, Respondent had walked to the telephone switchboard operator and began speaking with another officer. Respondent explained it was sometime between the two conversations that

Maldonado began to yell at Respondent, although Respondent could not remember the exact timing. Respondent further acknowledged the conversation she had with the other officer occurred prior to her amending the PAR. Respondent then explained it was her assumption that being split up from her partner was a punishment. Respondent never confronted Maldonado to find out if she had done something wrong after the June 1 incident or during the September 22 incident.

In regard to the September 22 incident, Respondent acknowledged that Maloney and Maldonado's duties were not the same; and that it was Maldonado's duty to "make sure that the complaints were properly classified." Respondent added that Maldonado's duties (for complaint classification) are "usually" not initiated until after the completion of arrest processing; but there is nothing which says it can't be during. Respondent did not take any affirmative action to find out why identity theft was the proper charge and not grand larceny. Respondent stated she felt Maldonado was "riding me" and she did not feel it was necessary for Maldonado to intervene with the arrest because Respondent had already received instructions from Maloney.

Upon further questioning by the Court, Respondent testified that after being split up from [REDACTED], she never talked with him about the situation or to see if he had requested the partner change. Respondent conceded she therefore did not know the basis for the partner change. Respondent explained the receipts provided by the store for the grand larceny charge included "two numbers" which should not have been added to the total amount, making the grand larceny charge a mistake. Correcting the mistake resulted in the charge being lowered to identity theft. Respondent admitted to not seeing this mistake, but being told the mistake had occurred. Prior to the June and September

incidents, Respondent's interaction with Maldonado was limited to questions regarding mistakes on reports after the reports were filed by Respondent. Respondent said the "CD never came down" after the June incident. After the September incident she was "transferred to 4 to 12 and subsequently the charges and specs came." Respondent never had a consultation with her CO regarding a command discipline.

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on July 11, 2005. Information from her personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has pleaded Guilty to acting in a discourteous and insubordinate manner toward Sergeant Maldonado in that Respondent did not respond when instructed to amend a Police Accident Report (PAR). Respondent stated to Maldonado in sum and substance, "I wasn't talking to you."

Respondent acknowledged that Maldonado was yelling at her from across the station house floor that she must amend the PAR and she did not respond to Maldonado by acknowledging her statement. Instead, Respondent continued to talk to the motorist who came back to the station house regarding an error in the PAR pertaining to the placement of his vehicle. Respondent then became upset and yelled at Maldonado that she was not speaking to her. Respondent also acknowledged that sometime between the

time Maldonado was speaking to her and her amendment of the PAR, she began to speak to another officer on matters unrelated to the PAR.

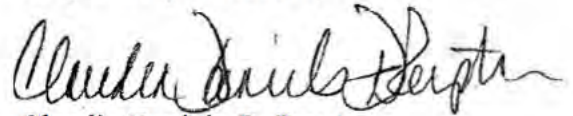
In the second Charge and Specification, Respondent was charged with being discourteous and insubordinate to Maldonado who questioned her about the value of the property taken in a grand larceny arrest. Respondent acknowledged that she yelled at Maldonado, questioned her involvement in Respondent's arrest processing and even admitted that it was Maldonado's job to question the numbers in reports, and that crimes received the appropriate classification because Maldonado was the crime analysis sergeant. Although Respondent testified that Maldonado snatched paperwork from her to review it, Respondent also acknowledged that she attempted to remove the paperwork from Maldonado, but Maldonado took it back.

Respondent testified that she felt that Maldonado was "riding" her or picking on her, Respondent did not seem to fully evaluate her own conduct in each of the two situations which was discourteous and insubordinate.

The Assistant Department Advocate asked for a penalty of the forfeiture of 30 vacation days. The penalty seems excessive given the fact that Respondent testified that she has already been transferred from her command where she has worked since completing Impact training as a result of these incidents.

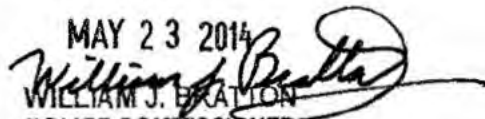
Based on the above and Respondent's service record, it is recommended that Respondent forfeit 15 vacation days.

Respectfully submitted,



Claudia Daniels-DePeyster
Assistant Deputy Commissioner Trials

APPROVED

MAY 23 2014

WILLIAM J. BRATTON
POLICE COMMISSIONER

POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER NATASHA MOSELEY
TAX REGISTRY NO. 939082
DISCIPLINARY CASE NO. 2011-5794

In 2011, Respondent received an overall rating of 3.0 "Competent" on her annual performance evaluation. In 2012, she received a rating of 3.5 "Highly Competent/Competent," and in 2013 she received a rating of 4.0 "Highly Competent." Respondent has received one Excellent Police Duty Medal in her career to date.

[REDACTED]

In 2008, Respondent received Charges and Specifications for failing to conduct an investigation prior to issuing a summons to an individual for obstructing a driveway. Respondent pleaded Guilty and accepted a penalty of the forfeiture of five vacation days.

For your consideration.


Claudia Daniels-DePeyster
Assistant Deputy Commissioner Trials