



The City of New York
Department of Investigation

MARK G. PETERS
COMMISSIONER

80 MAIDEN LANE
NEW YORK, NY 10038
212-825-5900

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CONTACT: DIANESTRUZZI
212-825-5931

**DOI INVESTIGATION LEADS TO INDICTMENT OF TWO CITY CORRECTION OFFICERS AND FOUR INMATES
ON CHARGES OF ORCHESTRATING AN ASSAULT ON AN IMATE**

Mark G. Peters, Commissioner of the New York City Department of Investigation ("DOI"), announced that a DOI investigation led to the indictment of two City Correction Officers on charges of orchestrating, and then covering up, the assault of an inmate at the Vernon C. Bain Center ("VCBC"), a five-story jail barge that houses medium-to-maximum security inmates in the Bronx. The investigation also resulted in charges against four inmates, two of whom have been identified by the City Department of Correction ("DOC") as members of the Bloods gang. Each of the four inmates has been charged with assaulting the inmate at the behest of the two correction officers on January 29, 2014. DOI began investigating the incident after high-level DOC staff, including members of DOC's Investigation Division, reported to DOI that there were discrepancies in how the use of force incident was reported internally. The indictment, which was unsealed today, charges two Correction Officers and four inmates with Assault in the Second Degree, a class D felony, and related offenses. One Correction Officer ("CO") was arrested today and the arrests of a second CO and four inmates are pending.

DOI Commissioner Mark G. Peters said: "This is a stunning example of correction officers conspiring with the very inmates they guard to use violence in settling a personal score, according to the charges. There is no tolerance for this type of thuggish behavior. We will find it; we will root it out; we will see that it is prosecuted."

The following two City Correction Officers have been charged by indictment:

- NAKIA GALES, 39, of the Bronx, was arrested today. She has been employed by DOC as a Correction Officer ("CO") since June 2002 and receives a base salary of \$76,488. She was arraigned late today and is being held on bail.
- HERMAN JIMINIAN, 41, of the Bronx, is awaiting arrest. He has been employed with DOC as a CO since February 2004 and receives a base salary of \$76,488.

GALES was suspended today.

The following inmates are awaiting arrest and have been charged by indictment. Each is currently serving time in a New York State correctional facility:

- PERCY AYERS, 31, is currently housed in the New York State Department of Correction's (NYSDOC's) Franklin Correctional Facility, and is serving an eight-year sentence on a First Degree Manslaughter conviction.

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- LUIS GARCIA, 36, is currently housed at NYSDOC's Fishkill Correctional Facility, and is serving an eight-year sentence on a First Degree Burglary conviction.
- EDWIN MARTINEZ, 27, is currently housed at NYSDOC's Mohawk Correctional Facility, and is serving a four-year sentence on a First Degree Attempted Assault and Third-Degree Robbery conviction.
- TROY ROBERTS, 21, is currently housed at NYSDOC's Greene Correctional Facility, and is serving a three-year sentence on a Second Degree Assault conviction.

Upon conviction, a class D felony is punishable by up to seven years in prison.

According to DOI's investigation and the indictment, on January 29, 2014, during the incident in question, CO GALES and CO JIMINIAN were the only correction officers on site. CO GALES called an inmate from one of the two housing areas at VCBC to the vestibule area to pick up a package he was expecting. GALES remained in a glass-enclosed operations control room that overlooks the vestibule and housing areas, and instructed the inmate to enter the vestibule area and close the door behind him, which he did. Once that door was closed, the inmate was locked in a secure area controlled by GALES who then opened a second door to an adjoining housing area, letting in a group of inmates who attacked the inmate. The inmate sustained bruising and other injuries.

The investigation determined that GALES orchestrated the assault on the inmate as retribution for the inmate insulting another CO.

In the use of force reports submitted by COs GALES and JIMINIAN, they stated a different version of the event specifically, that the inmate waiting for his package attacked GALES in the vestibule area and that JIMINIAN responded to assist GALES. DOC's Probe Team, a specialized emergency response team, was ultimately called to respond to the incident. The investigation found; however, that GALES would have had to unlock the door for JIMINIAN to assist in such attack, and that would have been impossible if GALES was being attacked in the vestibule area. Due to this and other discrepancies, VCBC's warden refused to sign off on the use of force reports.

Commissioner Peters thanked DOC Commissioner Joseph Ponte and Bronx County District Attorney Robert T. Johnson, and their staffs, for their assistance and cooperation in this investigation. Commissioner Peters also thanked the high-ranking DOC staff who questioned this incident at the outset and reported it to DOI.

This investigation was conducted by DOI's Office of the Inspector General for DOC, specifically Special Investigator Richard Askin, under the supervision of First Deputy Inspector General Chin Ho Cheng, Inspector General Jennifer Sculco, Deputy Commissioner/Chief of Investigations Michael Carroll and First Deputy Lesley Brovner.

This case is being prosecuted by Assistant District Attorney Ilya Kharkover of the Bronx County District Attorney's Office, under the supervision of Deputy Chief of the Rackets Bureau James Goward.

An indictment is an accusation. Defendants are presumed innocent until proven guilty.

DOI is one of the oldest law-enforcement agencies in the country and New York City's corruption watchdog. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City. DOI's strategy attacks corruption comprehensively through systemic investigations that lead to high-impact arrests, preventive internal controls and operational reforms that improve the way the City runs.

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