September 11, 2023

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Christy Harris**
Tax Registry No. 951807
Manhattan Court Section
Disciplinary Case Nos. 2019-21282 & 2021-23502

The above named member of the service appeared before Assistant Deputy Commissioner Paul M. Gamble on September 2, 2022, and was charged with the following:

DISCIPLINARY CASE NO. 2019-21282

1. Said Police Officer Christy Harris, while assigned to the Military and Extended Leave Desk, on or about June 13, 2018, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, in that: she inaccurately identified herself to on-duty Members of the Service as a shooting victim's cousin.

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

2. Said Police Officer Christy Harris, while assigned to the Military and Extended Leave Desk and the 44th Precinct, on or about and between June 21, 2019 and November 4, 2019, knowingly associated with a person or organization reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities, to wit: said Police Officer continued to associate with [redacted] after she was aware of his criminal history.

P.G. 203-10, Page 1, Paragraph 2(c) — **PUBLIC CONTACT – PROHIBITED CONDUCT**

3. Said Police Officer Christy Harris, while assigned to the Military and Extended Leave Desk, on or about June 21, 2019, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer gave [redacted] access to operate her personal vehicle knowing that his driving privileges in New York were suspended.

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

Misc. 243-41 (06-09)

4. Said Police Officer Christy Harris, while assigned to the Military and Extended Leave Desk, on or about June 21, 2019, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer failed to safeguard her Department issued rain jacket and traffic vest, in that she left said items in her personal vehicle and gave access to said vehicle to a civilian.

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

5. Said Police Officer Christy Harris, while assigned to the 44th Precinct, on or about November 4, 2019, during her official Department interview intentionally made false statements regarding who she had given her vehicle's keys to and for what purpose.

P.G. 208-08, Page 1, Paragraph 1 **MAKING FALSE STATEMENTS**

6. Said Police Officer Christy Harris, while assigned to the Military and Extended Leave Desk and the 44th Precinct, on or about and between August 2, 2018 to November 4, 2019, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer insured her personal vehicles at an address in [redacted] New York, when the vehicles were in fact kept at an address in [redacted] New York, and therefore received a reduced insurance premium.

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

DISCIPLINARY CASE NO. 2021-23502

1. Said Police Officer Christy Harris, while assigned to the 44th Precinct, Military and Extended Leave Desk and the Specialized Training Section, on or about and between November 4, 2019 and May 26, 2021, knowingly associated with a person or organization reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities, to wit: said Police Officer continued to associate with [redacted] after she was aware of his criminal history.

P.G. 203-10, Page 1, Paragraph 2(c) **PUBLIC CONTACT – PROHIBITED CONDUCT**

2. Said Police Officer Christy Harris, while assigned to the 44th Precinct, Military and Extended Leave Desk and the Specialized Training Section, on or about and between November 4, 2019 and May 26, 2021, after being given a lawful order to stop associating [redacted], said Police Officer continued to associate with [redacted]

P.G. 203-03, Page 1, Paragraph 2 **COMPLIANCE WITH ORDERS**

In a Memorandum dated November 10, 2022, Assistant Deputy Commissioner Paul M. Gamble found Police Officer Christy Harris guilty of Specification Nos. 1, 2, 3, and 4 (Police Officer Harris entered a plea of guilty to Specification No. 2), and not guilty of Specification Nos. 5 and 6, in Disciplinary Case No. 2019-21282. In Disciplinary Case No. 2021-23502, Assistant Deputy Commissioner Paul M. Gamble found Police Officer Christy Harris guilty of all Specifications after Police Officer Harris entered a plea of guilty to all Specifications. Having read the Memorandum and analyzed the facts of this matter, I approve of the findings, but disapprove the penalty.

After reviewing the facts and circumstances of this matter, I have determined that while a severe penalty is warranted for the misconduct in this matter, separation from the Department is not necessary. Police Officer Harris' misconduct, while serious, has been narrowly focused, and has not appeared to impact her performance of her job duties. As such, Police Officer Harris will retain her position with the Department. In addition to a substantial penalty, a period of close monitoring will ensure that further, similar misconduct is not undertaken.

Therefore, Police Officer Christy Harris shall forfeit thirty (30) suspension days already served, forfeit fifty-five (55) vacation days, and be placed on one (1) year dismissal probation, as a disciplinary penalty.

Edward A. Caban
Police Commissioner

POLICE DEPARTMENT

November 10, 2022

In the Matter of the Charges and Specifications	:	Case Nos.
- against -	:	2019-21282
Police Officer Christy Harris	:	2021-23502
Tax Registry No. 951807	:	
Manhattan Court Section	:	

At: Police Headquarters
One Police Plaza
New York, NY 10038

Before: Honorable Paul M. Gamble
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Jamie Moran, Esq.
Department Advocate's Office
One Police Plaza
New York, NY 10038

For the Respondent: Joseph Garafola, Esq.
45 Knollwood Road, Ste. 502
Elmsford, NY 10523

To:

HONORABLE KEECHANT L. SEWELL
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

CHARGES AND SPECIFICATIONS

Disciplinary Case No. 2019-21282

1. Police Officer Christy Harris, while assigned to the Military and Extended Leave Desk, on or about June 13, 2018, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, in that: she inaccurately identified herself to on-duty Members of the Service as a shooting victim's cousin.

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

2. Police Officer Christy Harris, while assigned to the Military and Extended Leave Desk and the 44th Precinct, on or about and between June 21, 2019, and November 4, 2019, knowingly associated with a person or organization reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities, to wit: said Police Officer continued to associate with [redacted] after she was aware of his criminal history.

   P.G. 203-10, Page 1, Paragraph 2(c) — PUBLIC CONTACT – PROHIBITED CONDUCT

3. Police Officer Christy Harris, while assigned to the Military and Extended Leave Desk, on or about June 21, 2019, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer gave [redacted] access to operate her personal vehicle knowing that his driving privileges in New York were suspended.

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

4. Police Officer Christy Harris, while assigned to the Military and Extended Leave Desk, on or about June 21, 2019, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer failed to safeguard her Department issued rain jacket and traffic vest, in that she left said items in her personal vehicle and gave access to said vehicle to a civilian.

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

5. Police Officer Christy Harris, while assigned to the 44th Precinct, on or about November 4, 2019, during her official Department interview, intentionally made false statements regarding who she had given her vehicle's keys to and for what purpose.

   P.G. 203-08, Page 1, Paragraph 1 — MAKING FALSE STATEMENTS

6. Police Officer Christy Harris, while assigned to the Military and Extended Leave Desk and the 44th Precinct, on or about and between August 2, 2018, to November 4, 2019,

engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer insured her personal vehicles at an address in [redacted] New York when the vehicles were in fact kept at an address in [redacted] New York, and therefore received a reduced insurance premium.

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

Disciplinary Case No. 2021-23502

1. Police Officer Christy Harris, while assigned to the 44th Precinct, Military and Extended Leave Desk and the Specialized Training Section, on or about and between November 4, 2019, and May 26, 2021, knowingly associated with a person or organization reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities, to wit: said Police Officer continued to associate with [redacted] after she was aware of his criminal history.

   P.G. 203-10, Page 1, Paragraph 2(c) — PUBLIC CONTACT – PROHIBITED CONDUCT

2. Police Officer Christy Harris, while assigned to the 44th Precinct, Military and Extended Leave Desk and the Specialized Training Section, on or about and between November 4, 2019, and May 26, 2021, after being given a lawful order to stop associating with [redacted] said Police Officer continued to associate with [redacted]

   P.G. 203-03, Page 1, Paragraph 2 — COMPLIANCE WITH ORDERS

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on September 2, 2022. Respondent, through her counsel, entered pleas of Guilty to Specifications 1 and 2 in Disciplinary Case No. 2021-23502 and Specification 2 of Disciplinary Case No. 2019-21282; she entered a plea of Not Guilty to the remaining charges. The Department called Lieutenant Dagoberto Rodriguez, Sergeant Arnaldo Ramos, and Lieutenant Vladislav Chernyak. Respondent called Shirley Harris and [redacted] and testified on her own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

Having reviewed all of the evidence in this matter, the Tribunal finds Respondent, in accordance with her pleas, Guilty of Specification 2 in Disciplinary Case No. 2019-21282; and Specifications 1 and 2 in Disciplinary Case No. 2021-23502.

In Disciplinary Case No. 2019-21282, I find Respondent Guilty of Specifications 1, 3, and 4; I find Respondent Not Guilty of Specifications 5 and 6. I recommend that Respondent be Dismissed from the Department.

ANALYSIS

The following is a summary of the facts not disputed in this case.

Respondent is a ten-year Member of Service and a military reservist. She is engaged to be married to [redacted] with whom she is also in a domestic partnership (T. 133, 138, 143, 149, 157, 161, 162; Resp. Ex. C).

Internal Affairs Bureau began an investigation into Respondent after her fiancé, [redacted], was the victim of a shooting, and she went to the hospital to see him on June 13, 2018. Lieutenant (then Sergeant) Dagoberto Rodriguez testified that he received a phone call from Police Officer Collins informing him that an off-duty police officer[1] arrived at the Saint Barnabas Hospital emergency room and told them "the only way they were going to take the victim, Mr. [redacted] back to the 52nd Precinct [was] if they put him in handcuffs" and that he was unwilling to go back to the precinct (T. 28, 32).

Lieutenant Rodriguez spoke with Respondent in the hospital parking lot. She showed him her police identification card and told him [redacted] was her cousin; she did not inform him he was her fiancé. Rodriguez stated that Respondent denied that she was trying to interfere with

[1] When Respondent appeared at the hospital, she was in active military service at McGuire Air Force Base and on extended military leave from this Department.

the investigation but that it was [redacted] who did not want to talk to the Detective Squad. He later saw Respondent in the 52nd Precinct with [redacted] by the desk. Rodriguez notified Internal Affairs about this, reporting that, in his opinion, Respondent did not interfere with the shooting investigation (T. 29, 35, 37, 39, 41, 45).

Sergeant Arnaldo Ramos, assigned to Group 21 of the Internal Affairs Bureau, conducted surveillance of Respondent's residence and participated in [redacted]'s arrest on June 21, 2019. [redacted] was arrested on that date for operating Respondent's vehicle without a valid license; Ramos arrived on the scene after the arrest. Inside Respondent's car were an NYPD rain jacket, an NYPD traffic vest, a PBA card inside of an identification card holder that had "Officer's Brother" printed on the front of it, and a handwritten note[2] (T. 49; Dept. Ex. 1). Sergeant Ramos conducted a DAS Lite run on [redacted] and learned that he had 32 arrests[3] (T. 54, 55; Dept. Ex. 2).

Sergeant Ramos later placed a telephone call to Respondent on June 21, 2019, in which he portrayed himself as an Anti-Crime sergeant (Dept. Exs. 3, 3A). In this recorded conversation, Respondent, who was deployed abroad on military duty, was informed that [redacted] had been arrested while driving one of her vehicles. Respondent identified [redacted] as her fiancé and asserted that she had given [redacted] keys to her vehicle so that he could move her car in accordance with alternate-side parking regulations. She also acknowledged that [redacted] had a suspended license and proffered that it was suspended because he was a

[2] Respondent admitted giving [redacted] a PBA card and a handwritten note, which identified [redacted] as her brother (T. 175).

[3] Including unlicensed operator of a vehicle, criminal possession of a weapon, and murder. Of these 32 arrests, eight concluded with convictions after a guilty plea from Mr. [redacted] 15 are marked as sealed, and two are marked as voided. There are no remarks and no convictions for the remaining seven arrests.

scofflaw. In a second call the same day, Ramos informed Respondent that [redacted] had been arrested on 32 occasions and that he had affiliations with two gangs (T. 59, 63, 74).

Respondent was interviewed by Internal Affairs investigators in two official Department interviews: on November 4, 2019, and on May 26, 2021 (Department Exhibits 4, 4A, 5, 5A). During each interview, Respondent was ordered to dissociate herself from [redacted] As of the date of trial, Respondent continues to associate herself with [redacted] still asserts that he is her fiancé, and has filed a domestic partnership with him.

GUILTY PLEAS

Disciplinary Case No. 2019-21282

Specification 2: Criminal Association

Specification 2 alleges that Respondent criminally associated with [redacted] a person reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities, between June 21, 2019, and November 4, 2019, after she was aware of his criminal history. In accordance with Respondent's plea of Guilty, I find her Guilty of Specification 2.

Disciplinary Case No. 2021-23502

Specification 1: Criminal Association

Specification 1 alleges that Respondent criminally associated with [redacted] a person reasonably believed to be engaged in, likely to engage in, or have engaged in criminal activities between November 4, 2019, and May 26, 2021. In accordance with Respondent's plea of Guilty, I find her Guilty of Specification 1.

Specification 2: Failure to Obey a Lawful Order

Specification 2 alleges that Respondent continued to associate with [redacted] between November 4, 2019, and May 26, 2021, after being given a lawful order to stop

associating with him. In accordance with Respondent's plea of Guilty, I find her Guilty of Specification 2.

CONTESTED CHARGES

The contested issues, in this case, are: (1) whether Respondent made false statements to Department investigators regarding whom she had given her car keys and for what purpose she provided them; (2) whether Respondent provided inaccurate information to on-duty police officers when she identified herself as [redacted]'s cousin; (3) whether Respondent gave access to her vehicle to [redacted] so that he could drive it while being aware that his driving privileges in New York had been suspended; (4) whether Respondent failed to safeguard her Department rain jacket and vest in her vehicle by giving [redacted] access to the vehicle; and (5) whether Respondent insured her vehicles at an address where she did not reside to obtain an economic benefit.

The following is a summary of the relevant evidence presented at the trial.

In the controlled call Sergeant Ramos placed to Respondent on June 21, 2019, she told him she had given a copy of the keys to her vehicle to her mother and her fiancé, so that [redacted] could move the car due to alternate side parking regulations (T. 59; Dept. Ex. 3A, p. 4, lns. 15-20). She explained that the truck was hers and was registered in New Jersey, as she was stationed on a military base there; she asked Ramos to permit her to pick up the truck (Dept. Ex. 3A, p. 3, lns. 11-16). When Ramos informed her that [redacted] had been arrested for a felony, Respondent began sobbing and expressed concern about it (T. 63, 74; *see* Dept. Ex. 3A, p. 7). Ramos called Respondent again to inform her that they would not release the vehicle because of [redacted]'s extensive criminal history (T. 63).

Lieutenant Vladislav Chernyak was the assigned team leader to Respondent's case, which began on June 13, 2018. During his investigation, he discovered that Respondent had two vehicles, a 2017 red Chevy Silverado and a 2008 blue Honda Accord, both listed at an address in [redacted] New York, when she actually resided in [redacted] Having both vehicles listed at the [redacted] address, Lieutenant Chernyak testified that Respondent saved over $600 in premiums over six months (T. 77-78, 92).

He testified further that during Respondent's November 4, 2019[4] Department interview, she denied giving her car keys to [redacted], stating that she did not remember giving them to him but was sure that she had given them to her mother (Dept. Ex. 4A, p. 24, lns. 2-3). After Lieutenant Chernyak warned her that she could be subject to discipline for making false and misleading statements, she continued to assert that she did not give [redacted] the keys (T. 90; *Id.* at p. 23, lns. 21-22).

Respondent claimed she was unaware of [redacted]'s multiple arrests and only recalled one robbery arrest she asked him about (*see* Dept. Ex. 4A, p. 29-30). Lieutenant Chernyak testified that an e-Justice report was run on [redacted] and the information indicated that he had eight convictions[5] (T. 98; Dept. Ex. 6). After the interview, he instructed Respondent to end her association with [redacted] due to his extensive criminal history and gang affiliations.

Lieutenant Chernyak interviewed Respondent again on May 26, 2021, as part of a programmatic review case, to ensure she notified her insurer about her current residence address and to see whether she was still associating with [redacted] after being ordered not to do so (T.

[4] In the written transcript of this interview, Lieutenant Chernyak is referred to as "Lt. Taylor" (T. 84).
[5] One felony conviction for criminal possession of a firearm (PL § 265.01-b), for which he received a sentence of five years probation. He has also pled guilty to various Vehicle and Traffic Law infractions, two separate pleas to criminal possession of a firearm in the fourth degree (PL § 265.01), obstructing governmental administration in the second degree (PL § 195.05), and criminal contempt in the second degree (PL § 215.50).

94-95). Chernyak discovered that while Respondent complied with changing the insurance policy addresses, she was still associating with [redacted], despite his order and her stating that she would end their relationship. She told him that they were still working on getting married (Dept. Ex. 5A, p. 6, ln. 7). Chernyak issued another order to Respondent at the end of the interview to cease all contact with [redacted] and to disassociate herself from him.

Respondent's mother, Shirley Harris, and her fiancé, [redacted] testified on her behalf.

Ms. Harris testified that Respondent gave her two sets of keys to her 2017 Chevy Silverado truck before she deployed on military duty. She stated that she gave [redacted] the second set of keys so he could move the vehicle because she struggled to find parking for two cars while dealing with a hip injury. It was difficult for her to park Respondent's truck as it did not have the required parking sticker to be in the area. According to Ms. Harris, he was given the keys only to move the car when alternate side parking was in effect. She testified that she informed Respondent that she gave [redacted] the keys. She claimed to be unfamiliar with his criminal history and did not know if he had a valid New York State driver's license when she gave him Respondent's keys (T. 117-19, 126-27).

[redacted] testified that Ms. Harris provided him the keys to Respondent's vehicle a few days before June 21, 2019, with instructions to only move the car from side to side on the street. He was arrested on June 21, 2019, and paid a fine of approximately $1,300 for being a scofflaw. When [redacted] was shown Department Exhibit 1, he stated he did not recognize the items that the police photographed in Respondent's car; he stated further stated that he did not believe Respondent knew his driving privileges had been suspended, despite her assisting with paperwork vacating the suspension (T. 135, 137-38, 144-45, 147-49). [redacted] asserted that he

has been with Respondent for eight years, and they have a domestic partnership, with the intention of getting married (T. 138-39; *see* Resp. Ex. C). He testified that he told Respondent about his felony conviction while he was on probation[6], but could not recall exactly when he told her (T. 142-43).

Respondent testified that she knew her mother had given [redacted] the second set of car keys for him to move the vehicle since Ms. Harris could not continue. She testified that her NYPD rain jacket was secured in the trunk of her car, stating that she believed she could just put it anywhere for it to be considered secured. She recalled finding out about [redacted]'s arrest from her mother and then calling the precinct, where she spoke with Sergeant Ramos. She asserted that she was unaware, until that conversation, of [redacted]'s prior arrest record and that he was on probation, but admitted being aware that he had 40 scofflaw violations. She further admitted assisting [redacted] with paperwork to have the violations dismissed (T. 156-58).

Respondent conceded that she called [redacted] her "cousin" and her "fiancé" at various times when she was at the hospital on June 13, 2018, because she felt that asserting a blood relationship would allow her to stay in the room, to speak with him, and to obtain his property from the hospital (T. 186-87). She testified that she thought the most important thing was identifying herself as a police officer to the other Members of Service who were present, which she did (T. 187). Respondent explained that after she was informed of his record by Sergeant Ramos, [redacted] got his police paperwork, and they discussed certain arrests that he had. She testified that she attempted to disentangle herself from [redacted] and his finances. Still, since they had already been together for so long, she rationalized, "if we were going to get married,

[6] [redacted]'s probation began on December 1, 2015, and concluded on December 1, 2020.

then we would be okay" (T. 161). Respondent and [redacted] filed for a domestic partnership with the [redacted] County Clerk on June 24, 2021 (Resp. Ex. C).

Respondent testified that when she received the phone call from Sergeant Ramos, she was "very upset" and did not want the officers to think [redacted] had stolen her car. She explained that she told Sergeant Ramos she gave the keys to [redacted] even though she had only given the keys to her mother, because "if I gave my mom the keys, she's a part of who I am, so I figured I was the one pretty much giving it to him" (T. 166). Respondent testified that at her first Departmental interview on November 4, 2019, she corrected her previous assertion to Sergeant Ramos so the investigators would understand to whom she gave the keys. She stated on cross-examination that she did not provide [redacted] with the set of keys because she was aware that his driving privileges had been suspended (T. 167, 176).

Respondent testified that she always contacted GEICO when she moved locations to let them know where her vehicles were. According to Respondent, she was advised by GEICO that she only had to update her residence if she spent six months plus one day in a new location with her vehicles (T. 163-164). She stated she was aware of the [redacted] address because she previously resided there with her mother for a few months in 2011 before her mother moved in 2012 (T. 184-85). Respondent claimed that she did not receive any billing correspondence from GEICO because her premium payments were automatically deducted from her bank account (T. 185-186).

Disciplinary Case No. 2019-21282

Specification 1: Inaccurately Identified Herself to MOS as Victim's Cousin

I find that the Department Advocate has met her burden of proof that Respondent inaccurately identified herself as [redacted]'s cousin, rather than fiancé, on June 13, 2018, and

that such an inaccurate statement was prejudicial to good order, discipline, and efficiency of this Department.

Lieutenant Rodriguez credibly testified that when he arrived at St. Barnabas Hospital and spoke with Respondent, she identified herself as a police officer and identified [redacted] as her cousin. Further, Respondent testified that she did call [redacted] her cousin, at some point while she was in the hospital, to obtain his property from the nurses and be able to see him.

Implicit in the allegation of misconduct is the materiality of the allegedly inaccurate factual assertion. To properly analyze this allegation, the Tribunal must consider the totality of the circumstances. Respondent telling fellow MOS at a hospital that she was [redacted]s cousin, rather than his fiancée, was a voluntary declaration of filiation. It bears noting that while Respondent asserted that she was [redacted]s cousin, she also identified herself as a police officer.

Based on the evidence in the record, this declaration was the genesis of the subsequent Internal Affairs investigation into Respondent's association with [redacted] Whether she identified herself as a family member or a fiancée, as a Member of Service, it was inevitable that she would be investigated once [redacted]s criminal history came to light.

While there is no evidence that this assertion led to [redacted] receiving any material benefit, either intentionally or unintentionally, it caused the Internal Affairs Bureau to initiate an investigation into Respondent. The investigators were appropriately concerned about whether Respondent was indeed a family member of [redacted]s, as that would essentially put an end to their investigation. Lieutenant Chernyak testified that there are two types of criminal association investigations in the Internal Affairs Bureau: criminal association family and criminal association other than family (T. 81-82). According to Chernyak, if the person with a

criminal background is a family member, "the Department can't tell you not to associate with them" (T. 82).

Under all the surrounding circumstances, Respondent's inaccurate assertion was material to the investigation. Accordingly, I find her Guilty of Specification 1.

Specification 3: Providing Access to a Vehicle to an Individual with a Suspended License

I find that the Department has met its burden of proof that Respondent gave [redacted] access to her vehicle, knowing that his driving privileges in New York were suspended.

On June 21, 2019, Respondent told Sergeant Ramos that she gave [redacted] her keys to move her car for parking purposes. In that conversation, she admitted that she assisted him in sending paperwork to Albany to reinstate his license.

During two Department interviews, on November 4, 2019, and May 26, 2021, Respondent denied giving [redacted] her keys.

At trial, Respondent reiterated that she did not give [redacted] a key to her car but conceded that she was aware that her mother had provided a set of keys to him because she was no longer able to move Respondent's car herself. Respondent further admitted that she did not attempt to dissuade her mother from giving [redacted] access to her car. Based upon the foregoing, Respondent, at minimum, acquiesced in her mother's decision to grant access to [redacted] for which she is responsible, even if she did not personally hand him a set of her car keys.

I further find that Respondent's ratification of her mother's decision to give [redacted] access to Respondent's car was contrary to good order, discipline and efficiency. Police officers are expected to follow the law, in addition to being sworn to enforce it. Even if all Respondent did was ratify her mother's decision, without protest, she frustrated the statutory scheme of the

Vehicle and Traffic law as it pertained to the suspension of driving privileges. Her actions might also suggest to a member of the public that she considered herself above the law, a perception that this Department cannot encourage.

Accordingly, I find Respondent Guilty of Specification 3.

Specification 4: Failure to Secure Department Equipment

I find that the Department has met its burden of proof that Respondent failed to secure her Department-issued rain jacket and traffic vest. Sergeant Ramos testified that he observed the rain jacket and traffic vest in the front cabin of the vehicle (T. 49).

The same analysis set forth above, concerning Specification 3, applies to the misconduct charged in this specification. Since Respondent was aware of the Department property located in her car, when she acquiesced in [redacted] having access to her car, she effectively gave him access to the Department property contained therein.

Accordingly, I find Respondent Guilty of Specification 4.

Specification 5: False Statements

I find that the Department has not met its burden of proof that Respondent intentionally made false statements regarding who she had given her vehicle's keys and for what purpose during her November 4, 2019, official Department interview.

A false statement is an "intentional statement that a member of the service knows to be untrue, which is material to the outcome of the investigation, proceeding, or other matter in connection with which the statement is made." A fact is material if it is "essential to the determination of the issue and where the suppression, omission, or alteration of such fact would reasonably result in a different decision or outcome" (Disciplinary Guidelines, p. 31).

On June 21, 2019, Respondent told Sergeant Ramos that she gave [redacted] her keys to move her car for parking purposes. In that conversation, she admitted that she assisted him in sending paperwork to Albany to reinstate his license.

During her November 4, 2019, Department interview, Respondent denied giving [redacted] her car keys and asserted that she gave the keys to her mother, asking her to move the car when alternate side parking rules required (Dept. Ex. 4). Later in the same interview, she offered that her mother must have given [redacted] the keys but asserted that she never authorized [redacted] to drive her car while she was deployed (*Id.*). Toward the end of the interview, investigators confronted Respondent with the factual assertions she made to Sergeant Ramos during their telephone conversation on June 21, 2019, namely, that she had given [redacted] one set of her car keys just before she left for deployment and that she was aware that his driving privileges had been suspended (*Id.*). Respondent then explained that she must have conflated her mother's disclosure to her that she had given [redacted] a set of keys to move Respondent's car with her recollection of whether she had herself given [redacted] a set of keys but continued to deny that she gave [redacted] a set of her keys.

During her May 26, 2021, Department interview, Respondent stated that [redacted] now had permission to drive her vehicles, as the State of New York had restored his driving privileges. She modified the position she took in the November 4, 2019, interview, where she denied giving [redacted] a set of her keys, to admitting that he had access to her keys since he was staying in her apartment while she was deployed (Dept. Ex. 5). She further admitted that she never told [redacted] not to drive her car and eventually conceded that he was allowed to use her car while she was deployed (*Id.*).

At trial, Respondent testified that the assertion she made in her November 4, 2019, interview that she did not give [redacted] her car keys was true; she explained that she told Sergeant Ramos in their June 21, 2019, telephone conversation that she had given [redacted] a set of keys because she was concerned that he would be arrested for stealing her car if she did not make that assertion, which she admitted was false (T. 166). She further explained that she would never have given him a set of her keys at that time because she knew that his driving privileges had been suspended (T. 177).

Based upon the totality of the evidence, I find Respondent's admission that her assertion to Sergeant Ramos that she provided [redacted] with a set of her car keys was false to be credible. While it may appear that her in-court admission conveniently permits her to escape accountability for making a false statement during her Department interview, her trial testimony makes sense in this case. It evinces Respondent's desire to protect [redacted] even if she had to lie to Ramos. I find it credible because it also comports with a pattern of Respondent making other false assertions in an attempt to insulate [redacted] from the treatment she was concerned he might receive (*e.g.*, writing a note asking any police officer who encountered [redacted] to "[p]lease show mercy," describing him as "my brother [redacted]" [T. 148]).

Accordingly, I find Respondent Not Guilty of Specification 5.

Specification 6: Rate Jumping

I find that the Department Advocate has failed to meet her burden of proof by a preponderance of the evidence that Respondent fraudulently caused her vehicles to be insured at an address in [redacted] New York, while she kept said vehicles at an address in [redacted] New York.

"Rate-jumping" is a term used within the auto insurance industry to describe when a person applying for insurance lists their home address at a significantly lower price than where they reside.[7] For an insurance company to prove an individual is rate-jumping, there must be sufficient evidence to "establish prima facie that the insured intentionally misrepresented her address to obtain insurance at reduced premiums, and that the misrepresentation was material" (*AA Acupuncture Serv., P.C. v. Safeco Ins. Co. of Am.*, 25 Misc. 3d 30, 31-32 [App. Term 2009]).

While Respondent admitted at trial that she was familiar with the [redacted] address because she lived there with her mother in 2011, she could not explain why that address was still listed on her insurance in 2019. She asserted that she always called the insurance company when she moved her vehicles between her military base and [redacted], so the old [redacted] address should not have been listed. Respondent further asserted that since GEICO deducted her premium payments directly from her bank account, they sent no billing statements to her residence.

While there is no dispute that the [redacted] address was no longer valid after 2012, it may be that Respondent was simply careless in making sure her insurance company had a current address for her, despite her assertion to the contrary. There is no evidence that GEICO rescinded her coverage and refunded her premiums after Lieutenant Chernyak's inquiry, which they would be entitled to do if they believed their risk assessment was based upon a misrepresentation by Respondent. Furthermore, in the absence of testimony from a GEICO records custodian, the retention of inaccurate information in their records could also have resulted from human error by a GEICO employee.

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[7] *See* Rate-Jumping: Don't Do It! - Schwartzapfel Lawyers P.C. (fightingforyou.com)

These unanswered questions lead the Tribunal to conclude that the Department Advocate has failed to prove that Respondent made a material misrepresentation to her insurer intending to receive an unwarranted financial benefit.

Accordingly, I find Respondent Not Guilty of Specification 6.

PENALTY

In order to determine an appropriate penalty, this Tribunal, guided by the Department's Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent's employment history also was examined. *See* 38 RCNY § 15-07. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached memorandum.

Respondent, who was appointed to the Department on January 9, 2012, has been found guilty of making an inaccurate statement, giving [redacted] access to her vehicle while his license was suspended, and failing to safeguard Department-issued property. She has been found Not Guilty of making false statements and receiving a reduced insurance rate through misrepresentation. She has also pled guilty to failing to obey a lawful order and to two counts of criminal association.

The Department has recommended termination; I concur.

The range of penalties for engaging in conduct prejudicial to the good order and efficiency of the Department range from a mitigated penalty of training to an aggravated penalty of termination.

The presumptive penalty for making an inaccurate official statement is ten penalty days; the aggravated penalty is 15 penalty days. The presumptive penalty for criminal association is 20 penalty days; the aggravated penalty is 30 penalty days.

Respondent has pleaded guilty to associating with [redacted] from June 19, 2019, to May 26, 2021, but they had been in a relationship for approximately five years before Respondent ever came under Department scrutiny. Even assuming that Respondent was utterly unaware of [redacted]'s arrest history before being informed of it by Sergeant Ramos, she has maintained her relationship with him despite his history. Moreover, Respondent has maintained this relationship after twice being ordered to disassociate herself from [redacted] She declared at trial that she and [redacted] were still engaged with the intention of marrying in the future. The Tribunal finds, on this record, that Respondent has unequivocally decided to remain in a relationship with [redacted]. She has the right to make this choice, but that does not mean the decision does not have significant ramifications.

This Department's proscription against criminal associations is rational and advances the interests of good, order, discipline, and maintenance of public trust. While exceptions to this policy have been made for associations with specific categories of people, such as those who are legally married, allegations of criminal association are determined with a case-by-case, fact-based examination of the relationship between the MOS and the person with whom they are associating (*Disciplinary Case No. 2017-17412* [July 17, 2020]).

Based upon this trial record, it is abundantly clear that Internal Affairs investigators were concerned that Respondent may have been a confederate of a person affiliated with two gangs. The prospect of such an individual being a Member of Service is chilling. While the Department Advocate presented no evidence at trial that Respondent had ever committed any misconduct

involving attempting to secure preferential treatment for [redacted] or using her status as a police officer to access confidential Department information to share it with criminal elements, her unwavering devotion to [redacted] and her willingness to make misrepresentations to protect him raises the question of whether she might do so in the future. She was ordered to disassociate herself from him on two occasions and has defiantly refused to obey those orders over the course of three years in the face of Department discipline. While [redacted] is as entitled to redemption as any other individual, such redemption does not require this Department to ignore regulations issued to safeguard the integrity of the force.

Under the circumstances presented in this case, Respondent's continued presence in this Department is antithetical to maintaining good order, discipline, and morale among the members of the force. While this Tribunal will assume that Respondent's allegiance to [redacted] is based upon a principled stand, that allegiance comes at a high cost.

Accordingly, this Tribunal recommends Respondent be DISMISSED from the New York City Police Department.

Respectfully submitted,

Paul M. Gamble
Assistant Deputy Commissioner Trials

DISAPPROVED

SEP 19 2023

EDWARD A. CABAN
POLICE COMMISSIONER

POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER CHRISTY HARRIS
TAX REGISTRY NO. 951807
DISCIPLINARY CASE NOS. 2019-21282 and 2021-23502

Respondent was appointed to the Department on January 9, 2012. On her three most recent annual performance evaluations, she was rated "Exceptional" for 2021 and "Exceeds Expectations" for 2017 and 2018.

Respondent has no disciplinary history. In connection with Case No. 2021-23502, she was suspended without pay from May 26, 2021, to June 24, 2021. In July 2021, Respondent was placed on Level 2 Discipline Monitoring; this monitoring remains ongoing.

For your consideration.

Paul M. Gamble
Assistant Deputy Commissioner Trials