



OFFICE OF THE POLICE COMMISSIONER  
ONE POLICE PLAZA • ROOM 1400

January 27, 2010

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Ladatra Lee**  
Tax Registry No. 925597  
115 Precinct  
Disciplinary Case No. 83495/07

GHAN

The above named member of the service appeared before Assistant Deputy Commissioner John Grappone on August 19, 2009 and was charged with the following:

**DISCIPLINARY CASE NO. 83495/07**

1. Said Police Officer Ladatra Lee, assigned to the 115 Precinct, on or about November 8, 2006, upon becoming aware that she was the Respondent or Defendant on an Order of Protection, said Officer did not immediately notify her Commanding Officer, her Supervisory Head or the Internal Affairs Bureau Command Center of said order of protection, as required.

**P.G. 208-37, Page 4, FAMILY OFFENSES AND DOMESTIC VIOLENCE  
INVOLVING UNIFORMED OR CIVILIAN MOS**

In a Memorandum dated October 26, 2009, Assistant Deputy Commissioner Grappone found the Respondent GUILTY of the sole Specification. Having read the Memorandum and analyzed the facts of this instant matter, I approve the findings, but disapprove the penalty.

With consideration of all evidence and the totality of circumstances adduced at trial, in addition to noting the Respondent's otherwise good service record with the Department, the disciplinary penalty shall be reduced, to a forfeiture of ten (10) Vacation days.

  
Raymond W. Kelly  
Police Commissioner



POLICE DEPARTMENT

October 26, 2009

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Ladatra Lee <sup>1</sup>  
Tax Registry 925597  
115 Precinct  
Disciplinary Case No. 83495/07  
-----

The above-named member of the Department appeared before me on August 19, 2009, charged with the following:

1. Said Police Officer Ladatra Lee, assigned to the 115 Precinct, on or about November 8, 2006, upon becoming aware that she was the Respondent or Defendant on an Order of Protection, said Officer did not immediately notify her Commanding Officer, her Supervisory Head or the Internal Affairs Bureau Command center of said order of protection as required.

P.G. 208-37, Page 4 – FAMILY OFFENSES AND DOMESTIC VIOLENCE  
INVOLVING UNIFORMED OR CIVILIAN MOS

The Department was represented by Amy Avila, Esq., Department Advocate's Office, and the Respondent was represented by John Tynan, Esq.

The Respondent, through her counsel, entered a plea of Not Guilty to the subject charge. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

---

<sup>1</sup> The original charges and specifications reflected the Respondent's married name of Owens. She has subsequently changed her name to Lee which is now on record with the Department.



DECISION

The Respondent is found Guilty as charged.

SUMMARY OF EVIDENCE PRESENTED

The Department's Case

The Department called Sergeant Marcus Lewis, Lieutenant Michael Adler, and Lieutenant Newton Harvey as witnesses.

Sergeant Marcus Lewis

Sergeant Marcus Lewis is a fifteen-and-a-half year member of the Department assigned to the Auxiliary Police Section. Prior to that command he was assigned to the Patrol Borough Queens North Investigations Unit and was assigned there for approximately three years.

Lewis testified that he was familiar with the Respondent in that he received her case to investigate. The misconduct in question was that the Respondent made a recorded message on her husband's answering machine telling him that he would be arrested if he did not return money that he had taken out of their joint account and that she believed was owed to her. At that time, according to Lewis, the Respondent had an order of protection against her husband [REDACTED]. During the course of his investigation, however, he not only discovered that she had an order of protection against [REDACTED] but that it appeared that [REDACTED] also an order of protection against her. Lewis stated that the order of protection was issued in [REDACTED] Court.

Lewis stated that while the written order of protection was not signed for "at the same time I was told that when the order states both parties are present when the judge

issues the order, the stay away order, that's just as good as served in family court." He acknowledged that according to his investigation the Respondent was present in court and therefore had knowledge of the issuance of the order of protection.

[This Court after reviewing the order of protection which was issued in the term of the Supreme Court of the State of New York in [REDACTED] County notes that it states that in the presence of Honorable Esther M. Morgenstern the caption reads:

In the Matter of a [REDACTED] Offense Proceeding

[REDACTED], Petitioner

against

Ladatra Owens, Respondent

A "Temporary Order of Protection" was issued and it also shows in the upper right corner that "Both parties were present in court."

The order reads in relevant part that Respondent was ordered to observe the following conditions of behavior: Stay away from [REDACTED], his home, and his place of employment. It also states that she refrain from communication or any other contact by mail, telephone, email, voicemail or other means with [REDACTED]; Refrain from assault, stalking, harassing, menacing, reckless endangerment, disorderly conduct, intimidation, threats or any criminal offense against [REDACTED]. It further states that "this temporary order of protection shall remain in effect up to and including December 14, 2006." The order is dated November 8, 2006. (DX 2)]

Lewis further testified that according to worksheet No. 19 (DX 1) Ms. Ann Nolan of [REDACTED] County informed him that on August 8, 2006, the Respondent and her husband



had a court date and the Respondent was served with an order of protection. Ms. Nolan further stated that in Family Court the order is in effect when it is verbally served, however, the order will not show as served in the computer system until the next court date. Ms. Nolan stated that the order was portioned in the [REDACTED] Court, but integrated into the [REDACTED] Court because of the divorce proceedings. Ms. Nolan stated that the "serve date" on the orders is just the order of protection being extended to the next court date. Ms. Nolan informed Lewis that the next court date was set for February 6, 2007. Lewis' interview of Ms. Nolan took place on January 18, 2007.

Lewis further stated that according to his information and interview with Ms. Nolan the parties were present in court and that when the temporary order of protection was issued "the judge let the parties know about the temporary order of protection that it was in effect from the time that he told her whether it was signed for or not."

On-cross examination Lewis reiterated that when the order was issued both parties were present in court. He further stated that according to his investigation since the Respondent's phone call to her husband was made in the [REDACTED], the order was initiated in the [REDACTED] and then was transferred to the [REDACTED] County so that the Respondent could actually be present in court concerning this issue. Lewis stated that the Respondent did in fact receive an order of protection for herself against her husband and each time that an order was issued under those circumstances she reported it to the Department. Lewis stated that when he interviewed the Respondent "she explained that she didn't sign for it (the order of protection) but she knew about it." He added that she seemed unsure as to what was going on concerning the order of protection. He further stated that "she said she was verbally served, but not served officially."

On re-direct examination, Lewis acknowledged again that he officially interviewed the Respondent and that she admitted that she had verbal notice of the order of protection issued on November 8, 2006. She further admitted that she was present in court when this order was served.

The Court asked Lewis if the order of protection in question was issued because of the phone call the Respondent made to her husband and Lewis replied, "he used that as an excuse for being in fear" and had an order of protection issued against her. "He came and made a complaint to the Internal Affairs Bureau, and he didn't notify me that he went to get an order of protection but I found out through the computer."

Lieutenant Michael Adler

Adler is a seventeen-and-half-year member of the Department currently assigned to the 45 Precinct. Prior to that command he was assigned to the 115 Precinct from May 1999 to 2007. His position at the 115 Precinct was the Integrity Control Officer (ICO). He stated that he knew the Respondent and that she was assigned to payroll while he was assigned as the ICO.

Adler testified that the procedure in place for members of the service who are served with an order of protection is that they must notify the Department in that "they can either notify the ICO or the commanding officer." If the notification was made to him as the ICO, he would then notify his "fellow lieutenant ICO and the commanding officer." When asked if the Respondent at any time notified him that an order of protection had been issued against her he replied, "No." He also indicated that she never informed him that her husband filed a complaint against her because of a phone call that she had made. It was only when she was called for an interview by the "Queens

Inspections Unit” that he became aware of the fact that she had been served with an order of protection. It was at that time that he told the investigators that he had no knowledge of the order of protection.

On cross-examination, Adler stated that he heard through hearsay that the Respondent and her husband were divorcing and that he had filed complaints against her with the Department. He stated that as the ICO it is not his responsibility to check the well-being of officers under his command. The hearsay he was referring to was through people at the command speaking about the reason why she was on modified assignment. He stated at that time he was the Assistant ICO and did not actually monitor her as far as her daily activities were concerned, but he was aware of the fact that she was on modified assignment.

Adler also testified that he never received any teletype or any notice through the Department that she had in fact been the subject of an order of protection nor did the courts notify him that she was the subject of an order of protection. He reiterated that he learned about the order of protection through his interview with the “Queens Inspections Unit.” He added that “the conversations I ever had with her, and I will clarify this with you, is that she said that an order of protection was issued against her husband and not to her. That’s it.” At that point he notified the commanding officer.

Lieutenant Newton Harvey

Harvey is a twenty-three year member of the Department, currently assigned to the 115 Precinct. He has worked there for approximately four years and is the Platoon Commander of the First Platoon. He is familiar with the Respondent in that he knew her as a police officer at that command. In November 2006, he held the position of ICO. He



stated that while in that position if a member informed him of being served with an order of protection he would notify the commanding officer. When asked if at any time did the Respondent notify him that she had been served with an order of protection issued on behalf of her husband [REDACTED] he replied, "No." When asked how certain he was that she did not notify him he replied, "I would like to believe I would remember that conversation and I would have went to my commanding officer with that knowledge." He further indicated that the Respondent never informed him that her husband filed a complaint against her because of phone calls she had made to him.

On cross-examination, Harvey testified that at one point he was aware that the Respondent was a victim of domestic violence but he had no knowledge that she was a complainant in a criminal matter during the same time period. He added that she never told him about the problems she was having as a victim of a crime and further stated that he had no knowledge about an order of protection. He added that the only time that he had knowledge of the order of protection was when his commanding officer informed him of such, explaining that "I would have to yeah, at that point I am not really sure how that knowledge that I gained of her order of protection came about." Harvey stated that he never saw the order of protection.

#### The Respondent's Case

The Respondent testified in her own behalf.

#### The Respondent

The Respondent is a nine-and-half year member of the Department currently assigned to the 115 Precinct. She testified that on April 2, 2004, she married [REDACTED]



██████ and that a divorce from him was finalized in October 2007. Prior to the dissolution of her marriage she stated that she was a victim of a crime in that he was charged with the possession of a firearm and assault. She stated that after that incident she notified the Department about the acts that he had taken against her and also noted that ██████ filed approximately fifteen to twenty complaints against her with the Internal Affairs Bureau. She acknowledged that when she was a victim of a crime he was arrested and an order of protection was issued against him in ██████ County. She stated that with regard of her being a victim of a crime, she spoke to her ICO, who she believed was Harvey and informed him that she was in fact a victim of a crime. The Respondent further testified that the allegation against ██████ was ultimately dismissed and "done without my approval."

At one point, ██████ brought a case in ██████ Court regarding their marriage status. She testified that the case began in the ██████ and subsequently transferred to ██████ County. According to the Respondent, there were appearances made by her at different times but with regard to the order of protection issued against her the case was adjourned to November 8, 2006, in ██████ County.

The Respondent stated that she first learned from the Department that there was an order of protection from ██████ Court in ██████ County. She acknowledged that it was "Inspections" that informed her that there was an actual an order of protection against her. She stated that prior to that she did not have any knowledge of an order of protection and further acknowledged that at that time the Department clearly knew about the order of protection. She further stated that the Queens North Investigations Unit, after being aware of the order of protection, asked her if she was served with the order and she told them that she had not been served. She stated "they basically told me that if



I was not served then I should not worry about it.” She stated that she was shocked that an order of protection had been issued against her. When asked if she knew why the order was opened she stated “I called down to the court to find out why exactly it was open and they explained to me it was transferred over from the [REDACTED] to [REDACTED] and that’s how it picked up another docket number.” She was shocked because when her case was dismissed from the [REDACTED] it was her understanding that the order also died in the [REDACTED] case.

The Respondent after reviewing the order of protection (DX 2) was asked if she remembered it being issued in [REDACTED] Court on November 8, 2006 and she replied that she did not remember the order being issued. She also did not remember seeing it and noted that her signature is not on the order. When asked why she didn’t stay in court to receive the written order of protection that day she stated “when they had mentioned about a verbal order we were in a divorce proceeding at the time so basically the judge expressed to myself and Mr. [REDACTED] stay away from each other and that was it and I assumed that that was the verbal order that I got... I didn’t know I was to receive an actual paper order.”

On cross-examination, the Respondent acknowledged that the [REDACTED] Court order of protection was issued on November 6, 2008. When asked when she left the court on that day if she had no idea that an order of protection was issued against her she stated, “A verbal order yes but not an actual [REDACTED] Court order.” When she was further asked if she had knowledge that she had to stay away from [REDACTED] she replied, “Correct, that was through the divorce proceeding, yes.” This Court then asked the Respondent if the Judge issued these instructions to her from the bench and she replied “Yes,” and further stated, “Verbally served with an order to stay away from each other.” She was further



asked if the order of protection was issued against her on behalf of [REDACTED] and she replied, "Yes." She was further asked if she was ordered to have no contact with him she replied, "Yes." The Respondent added that the order of protection was in effect until the divorce proceedings were over.

The Respondent acknowledged that the order of protection was issued because of the phone call that she had made to [REDACTED]. When asked what threat she made to him she stated "I threatened to make a police report if he didn't return my money." The Respondent further acknowledged that the Department takes orders of protection seriously. The Respondent testified that with regards to officers being suspended for having an order of protection she stated, "I didn't know I would be suspended for that. I always had something going on and I was never suspended or arrested so I didn't think it would go that far."

The Respondent stated that she notified Adler about the verbal order of protection that she received from the court but she wasn't sure if she notified Harvey. The Respondent was then reminded about her Official Department Interview, on January 2007, where she gave the following answers:

Question: Officer Owens in a previous interview you stated that you were recently served with an order of protection for your soon to be ex-husband [REDACTED] on November 8, 2006 is that true?

Answer: Yes.

Question: Upon being verbally served with an order of protection who did you notify? Did you notify any one from the job about this order of protection?

Answer: Yes, my ICO Lieutenant Harvey and my assistant ICO Sergeant Adler.

Question: Sergeant Adler?

Answer: Yes.

Question: When did you notify him?

Answer: approximately a day after.

Question: The very next day?

Answer: Yes.

When the Respondent was asked if she remembered making those statements she replied, "Vaguely." She further acknowledged that while she stated that she notified both Adler and Harvey, she testified at this trial that she only notified Adler. She explained that "I say that because I spoke to Harvey about things that happened off-duty and to definitely state that I mentioned it to him I couldn't say that I definitely did. However, it was a possibility that I may have to sit here and say that I definitely notified Harvey I can't say that but I can say that I notified Lieutenant Adler." The Respondent further acknowledged that she did not notify her commanding officer or the Internal Affairs Bureau of the order of protection.

On redirect examination, she reiterated that after she was given the verbal order from the judge to refrain from getting involved with [REDACTED] she stated that she "informed my ICO, well, my assistant ICO Adler about the order."

#### FINDINGS AND ANALYSIS

The Respondent is charged that on November 8, 2006, she did not immediately notify her Commanding Officer, her Supervisory Head or the Internal Affairs Bureau when she learned that an Order of Protection had been issued against her by her former husband.



On November 8, 2006, the Respondent admittedly was present in [REDACTED] County [REDACTED] Court when an Order of Protection was issued against her by the presiding judge, ordering her to stay away from her then husband [REDACTED]<sup>2</sup> While she did not remain in the court room to receive the actual printed order (DX 2), she admitted that during the proceedings she heard the judge "verbally served ...an order... to myself and Mr. [REDACTED] to stay away from each other..." She claims that she did not know she was to receive an actual piece of paper containing the order. This Court finds that at that point in time she was officially served with an order of protection by the judge and as such was required to notify the Department. The piece of paper is the document containing the order but it was the verbal order issued by the judge that created the order and made it legally binding.

The Respondent during her official interview stated she told her ICOs, Adler and Harvey, about the order but during her testimony at trial she stated that she only informed Adler. Adler and Harvey credibility testified that she did not notify them about the order and each had no knowledge of it. This Court, therefore, cannot find it credible that she made any mention of the order to either of them.

Adler and Harvey testified that the procedure for notifying the Department of an order of protection is for a member to notify the ICO or the commanding officer. The Respondent knew she was required to notify the Department when an order of protection is issued to a member because she did so in the past when she had orders issued against her husband.

---

<sup>2</sup> The order of protection specifically states that "Both parties were present in court."

This Court therefore finds that the Respondent had the responsibility to notify the Department once the judge verbally issued the order in the courtroom and she failed to do so.

Accordingly, the Respondent is found Guilty as charged.

PENALTY

In order to determine an appropriate penalty, the Respondent's service record was examined. See Matter of Pell v. Board of Education, 34 N.Y.2d 222 (1974).

The Respondent was appointed to the Department on March 1, 2000. Information from her personnel file that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Respondent has been found Guilty of failing to notify the Department when she learned that an order of protection had been issued against her. This Court is mindful that the Respondent was involved in a stressful situation with her former husband that culminated in divorce proceedings. This Court is also mindful that the Respondent is a member of the Department and has the responsibility to notify the Department whenever an Order of Protection is issued against her.

Based on the foregoing I recommend that the Respondent forfeit a penalty of 20 vacation days.

Respectfully submitted,



John Grappone  
Assistant Deputy Commissioner - Trials



POLICE DEPARTMENT  
CITY OF NEW YORK

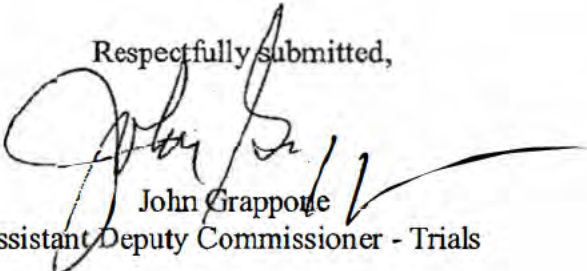
From: Assistant Deputy Commissioner -- Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER LADATRA LEE  
TAX REGISTRY NO. 925597  
DISCIPLINARY CASE NO. 83495/07

The Respondent was appointed to the Department on March 1, 2000. The Respondent on her last three annual performance evaluations recorded in 2006, 2007 and 2008, was rated 4.5, 4.5 and 3.5, respectively.

The Respondent's disciplinary record shows that she on April 1, 2006 she was issued a COMMAND DISCIPLINE B for failing to identify herself to responding police officers on three occasions; and called and harassed her ex-husband and failed to make required notifications regarding four domestic incidents. On March 6, 2006 she was issued a COMMAND DISCIPLINE for failing to safeguard her Department issued ID card. The Respondent has no prior history of receiving charges and specifications.

For your consideration.

Respectfully submitted,



John Grappone  
Assistant Deputy Commissioner - Trials