



OFFICE OF THE POLICE COMMISSIONER  
ONE POLICE PLAZA • ROOM 1400

CHANTA

April 4, 2013

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Chanta James**  
Tax Registry No. 933871  
49<sup>th</sup> Precinct  
Disciplinary Case No. 2012-6902

The above named member of the service appeared before Assistant Deputy Commissioner Amy J. Porter on January 30, 2013 and was charged with the following:

**DISCIPLINARY CASE NO. 2012-6902**

1. Said Police Officer Chanta James, currently assigned to Bronx Court Section, while off-duty, on or about between November 21, 2005 through November 11, 2011, did wrongfully and without just cause engage in off duty employment without authority or permission to do so. (*As amended*)

**P.G. 205-40**

**OFF-DUTY EMPLOYMENT**

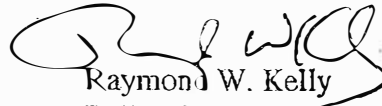
2. Said Police Officer Chanta James, currently assigned to Bronx Court Section, while off-duty, on or about between January 27, 2010 through September 21, 2010, did wrongfully engage in unauthorized off-duty employment on forty-eight (48) occasions at Lincoln Hall Treatment Program in Lincolndale, New York, while on r [REDACTED] sick leave.

**P.G. 205-01, Page 1, Paragraph 4**

**REPORTING SICK**

In a Memorandum dated March 18, 2013, Assistant Deputy Commissioner Porter found the Respondent Guilty of Specification Nos. 1 and 2 in Disciplinary Case No. 2012-6902. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

Police Officer James was found guilty of serious misconduct in that she violated the Department's off-duty employment policy for a significant amount of time and she deceitfully manipulated the Department's sick leave policy. Based on these circumstances, Police Officer James shall be offered to enter into a post-trial negotiated agreement in which she shall forfeit sixty (60) vacation days, be placed on one (1) year dismissal probation and pay restitution in the amount of \$2,704.24, as a disciplinary penalty. If Police Officer James does not agree to the terms of this post-trial negotiated agreement as noted, this Office is to be notified without delay.



Raymond W. Kelly  
Police Commissioner



POLICE DEPARTMENT

March 18, 2013

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Chanta James  
Tax Registry No. 933871  
49 Precinct  
Disciplinary Case No. 2012-6902  
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The above-named member of the Department appeared before me on January 30, 2013, charged with the following:

1. Said Police Officer Chanta James, currently assigned to Bronx Court Section, while off-duty, on or about between November 21, 2005 through November 11, 2011, did wrongfully and without just cause engage in off-duty employment without authority or permission to do so. (*As amended*)

P.G. 205-40 – OFF-DUTY EMPLOYMENT

2. Said Police Officer Chanta James, currently assigned to Bronx Court Section, while off-duty, on or about between January 27, 2010 through September 21, 2010, did wrongfully engage in unauthorized off-duty employment on forty-eight (48) occasions at Lincoln Hall Treatment Program in Lincolndale, New York, while on [REDACTED]/sick leave.

P.G. 205-01, Page 1, Paragraph 4 – REPORTING SICK

The Department was represented by Javier Seymore, Esq., Department Advocate's Office, and Respondent was represented by Craig Hayes, Esq.

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 became a member of the Department on January 20, 2004. Before she worked for the Department she worked at Lincoln Hall, a treatment facility for juveniles. She started working at Lincoln Hall on November 1, 1998 as a Crisis Intervention Specialist. While attending the Police Academy she stopped working at Lincoln Hall.

After she graduated from the Police Academy she was assigned to the 47 Precinct. Around November 21, 2005, she began working again at Lincoln Hall. She explained that she missed the people that she worked with and was having financial difficulties.

She admitted that she continued working at Lincoln Hall through about November 11, 2011. She also admitted that she never asked permission from the Department to work off-duty. Respondent explained that this was an oversight on her part: "We got a new CO [Commanding Officer], different -- it was different reasons." Besides needing the money, Respondent explained that she enjoyed working at Lincoln Hall.

Between January of 2010 and September of 2010 [REDACTED]

[REDACTED] [REDACTED]. She worked at Lincoln Hall while [REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]. Because she had no confidence that [REDACTED], Respondent kept working as much as she could. She did finally receive support [REDACTED]. Since 2011, Respondent stopped working at Lincoln Hall, no longer works off-duty anywhere, and is now familiar with the Department requirements.

Respondent testified that she regretted not doing the proper paperwork to get authorization for off-duty employment earlier and that it will not happen again.

Respondent agreed that the work of a police officer, who has to run and chase people can be physically strenuous. The work at Lincoln Hall was not strenuous, so she was able to do it during the later part of her pregnancy.

On cross-examination, Respondent agreed that her employment at Lincoln Hall ended once she entered the Police Academy. In the two-year probation period between the time that she graduated from the Police Academy until she returned to work at Lincoln Hall, Respondent did not work off-duty.

Respondent admitted that during the two-year period when she was a probationary officer working off-duty without permission from the Department would be improper. She also admitted that she worked at Lincoln Hall unauthorized by the Department for approximately six years.

Respondent agreed that from January 27, 2010 until September 21, 2010, she called in sick with the Department on days that she worked at her unauthorized off-duty job. [REDACTED]. [REDACTED]

[REDACTED]. She admitted that between August 1, 2010 and



September 7, 2010, she worked several times at Lincoln Hall [REDACTED]. She also admitted that, [REDACTED], she went back to work at Lincoln Hall while she was still on [REDACTED] leave from the Department.

When the Court asked why having a new CO would prevent Respondent from reporting her off-duty employment, Respondent explained, "Usually when there's a new CO they don't know, like, my work history so that they would deny off-duty employment and my previous CO that knew of how I worked had left to a -- a -- different appointment."

Respondent also stated that she learned at the Police Academy that officers cannot work while they are on probation.

On re-direct examination, Respondent agreed that she was worried that because the new CO did not know her history, he might reject her application for off duty employment. This was why she did not give the new CO her application.

#### 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 January 20, 2004. Information from her personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has admitted to engaging in off duty employment from November 21, 2005 through November 11, 2011 without permission from the Department; and to

engaging in unauthorized off-duty employment on 48 occasions while on [REDACTED]

[REDACTED] leave between January 27, 2010, and September 21, 2010.

On June 28, 2012, Respondent had agreed to plead guilty to the subject charges in a negotiated settlement, forfeit 30 vacation days and be placed on one year dismissal probation. The Police Commissioner disapproved the proposed settlement on September 6, 2012, and directed that the case be renegotiated for a penalty consisting of the forfeiture of 60 vacation days, one year dismissal probation, and payment of \$2,704.24 in restitution. When the Department recommended the same penalty, Respondent opted to have this mitigation hearing.

Respondent's attorney argued that 60 days in this case was excessive and unnecessary. Because officers receive 27 vacation days a year, Respondent would lose over two years of vacation. [REDACTED]

[REDACTED]

[REDACTED].

The attorney argued that restitution would be a fairer method of correcting Respondent's misconduct. She could pay back the money which she had received improperly by "double dipping." A penalty of 30 vacation days, Respondent's attorney asserted, would be an effective deterrent to any future misconduct.

Her attorney maintained that Respondent did not work to support a lavish lifestyle. She works now with the Department as a public servant. At Lincoln Hall she worked with juveniles who were trouble. Her work demonstrates the type of character and person Respondent is.



In 2004 and 2005, police officers' salaries were extremely low for the first couple of years on the job. Respondent was living alone and she needed the money.

Regarding Specification No. 2, Respondent's attorney argued that Respondent was a single mother. Respondent was in a desperate situation: [REDACTED]

[REDACTED] She had another job where she could make money, so she worked. Respondent's attorney asserted that while her conduct was not right, legal or in keeping with Department regulations, her reasons for continuing to work at Lincoln Hall should be considered strong mitigation.

Respondent's attorney also argued that in his trial work for over nine years, the forfeiture of 60 vacation days with a year probation is at the top five percent of Department penalties. He maintained that, after termination, offers involving vested-interest retirement and 90-day penalties, a 60-day penalty ranks fourth place in severity.

The Department argued that Respondent was well aware that she could not work off duty because she testified that she knew that during her two year probation she could not work off duty. The *Patrol Guide* clearly explains the procedures that members of the service are required to follow when they want to work off-duty. The very first step for a member of the service is to submit an application to their Commanding Officer for approval. In the entire six years of Respondent's unauthorized off-duty employment, she never submitted an application to the Department.

Between January 27, 2010 and September 21, 2010, Respondent [REDACTED] worked at her off-duty unauthorized employment. She called in sick and said she could not make it to work for the Department but then worked at Lincoln Hall. During her [REDACTED] [REDACTED] [REDACTED], Respondent worked at Lincoln Hall.



After [REDACTED] was still on the Department's [REDACTED] leave, she also worked shifts at Lincoln Hall.

Based on Respondent's misconduct, the Department requested a forfeiture of 60 vacation days, one year dismissal probation, and the restitution of \$2704.24 for the payment that she received from the Department while she was out sick and on [REDACTED] leave but was working at the unauthorized off duty employment.

Because of the seriousness of the combined offenses, the Court agrees with the Department. Respondent was well aware of her responsibility to notify the Department about any off duty employment. Police officers have the benefit of unlimited sick leave, a benefit which Respondent abused.

Under NYC Administrative Code § 14-115, this tribunal does not have the authority to recommend that Respondent pay restitution.

Accordingly, it is recommended that Respondent be DISMISSED from the New York City Police Department, but that her dismissal be held in abeyance for a period of one year, pursuant to Section 14-115 (d) of the Administrative Code, during which time she remains on the force at the Police Commissioner's discretion and may be terminated at anytime without further proceedings. Additionally, it is recommended that Respondent forfeit 60 vacation days.

Respectfully submitted,



Amy J. Porter  
Assistant Deputy Commissioner - Trials

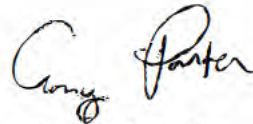


POLICE DEPARTMENT  
CITY OF NEW YORK

From: Assistant Deputy Commissioner Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER CHANTA JAMES  
DISCIPLINARY CASE NO. 2012-6902

In 2012, Respondent received a rating of "Highly Competent/Competent," 3.5, on her annual performance evaluation. For her two previous evaluations, she received a rating of "Highly Competent," 4.0. She has no prior formal disciplinary record and no monitoring records. [REDACTED]  
[REDACTED]

For your consideration.



Amy J. Porter  
Assistant Deputy Commissioner – Trials