



POLICE DEPARTMENT

August 15, 2022

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In the Matter of the Charges and Specifications :

- against - :

Police Officer Ivy Roman :

Tax Registry No. 961538 :

41st Precinct :

Case No.

2019-20323

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

Before: Honorable Paul M. Gamble
Assistant Deputy Commissioner Trials

APPEARANCES:

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

For the Respondent: John Tynan, Esq.
Worth, Longworth & London, LLP
111 John Street, Suite 640
New York, NY 10038

To:

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

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CHARGES AND SPECIFICATIONS

2. Said Police Officer Ivy Roman, while assigned to the 44th Precinct, while on-duty, on or about August 6, 2018, wrongfully used her personal cellular phone while on-duty.

P.G. 203-06, Page 2, Paragraph 16

PERFORMANCE ON DUTY-
PROHIBITED CONDUCT

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on July 25, 2022. Respondent, through her counsel, entered a plea of Guilty to the subject charge and testified in mitigation of the penalty. 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 Guilty and recommends instruction.

SUMMARY OF EVIDENCE IN MITIGATION

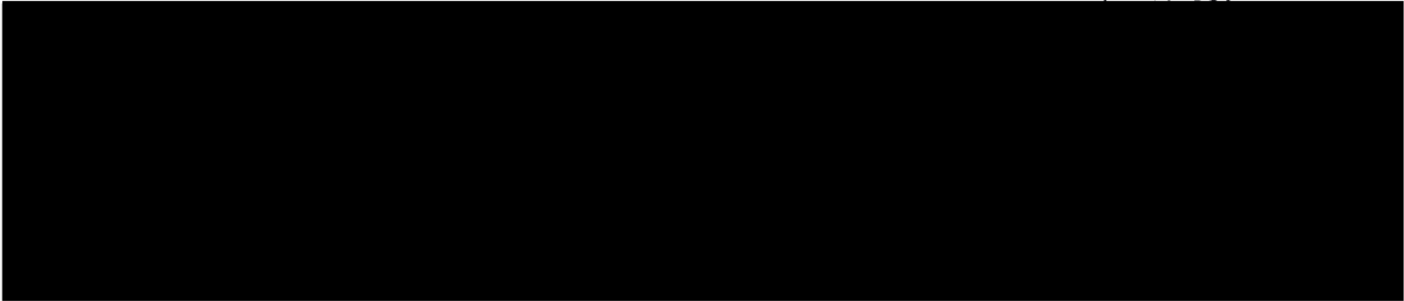
Respondent testified that she has been a Member of Service since April 2016; she is married to another member of service and is the mother of three children, ages eight, three and one. On August 6, 2018, she was on duty in the 44th Precinct, assigned as a sergeant's operator. According to Respondent, Police Officer Almeida was also working as the sergeant's operator that day. (T. 8-10)

Respondent testified that while she was waiting for the sergeant to begin their patrol, she received a telephone call from her babysitter on her personal mobile phone. The babysitter, who at that time had only been employed by Respondent for approximately two weeks, called Respondent to report that her then-five-year-old, who suffers from hypoglycemia, was running a fever. According to Respondent, the child's glucose levels had to be tested every two hours to ensure that it did not drop below 70, which would risk a seizure. The child was also receiving insulin and had been taking antibiotics. Respondent spoke to the babysitter for approximately

two minutes and provided her a course of action to reduce the child's fever. Respondent's sergeant appeared and observed Respondent in conversation on her phone; he admonished her not to conduct personal business. (T. 11-15)

Approximately 30 minutes later, the babysitter placed another call to Respondent, in which she informed her that she was experiencing difficulty obtaining a blood sample from the five-year old. Respondent provided advice to the sitter on how best to obtain the sample. This conversation took place in the sergeant's presence. (T. 15-17)

Approximately one hour later, Respondent received a third call from her babysitter. In the one-minute conversation that ensued, the sitter advised Respondent that she had been able to obtain a blood sample and that the child's glucose levels were at a medium rate. (T. 17-18)



She recalled that after the first call from her babysitter, the sergeant did ask whether she needed to take lost time but that she told him it was unnecessary and she was handling the issue. The sergeant questioned her again after the third call but Respondent told him the issue had been handled. Respondent testified that she made an EEO complaint against this same sergeant on an unrelated matter. (T. 20, 25, 27)

PENALTY

In order to determine an appropriate penalty, this Tribunal, guided by the Department's Disciplinary System Penalty Guidelines, considered the relevant facts and circumstances,

including potential aggravating and mitigating factors established in the record. Respondent's employment history was examined as well (*see* 38 RCNY § 15-07). Information from her personnel record that was considered in making this penalty recommendation is contained in an attached memorandum. The Department has recommended a forfeiture of 15 penalty days. I find that recommendation excessive and believe a lesser penalty is warranted, based on the record before me.

The presumptive penalty for conducting personal business while on duty is 10 penalty days, the aggravated penalty is 15 days and the mitigated penalty is five days. I find that even the mitigated penalty overstates any misconduct committed by Respondent.

I have accepted Respondent's Guilty plea because it was made in a knowing and voluntary manner while represented by counsel. I do, however, have concerns that the type of "personal business" proscribed by the Patrol Guide was not intended to extend to a parent responding to a babysitter's call about a chronically ill child. I find that it is just as unlikely for a mother to ignore a call from a babysitter about her child, as it would be for a Member of Service to ignore a cry for help from the public. While the proscription serves an important purpose in permitting Members of Service to focus on their important duties to the public without becoming distracted, the effect of extending that rule in such an inflexible manner to this situation would ineluctably lead to a highly distracted parent who would be of little value to the public.

I also note that at the time of this offense, Respondent had only been a police officer for about two years.

Based upon the totality of the circumstances present in this record, I believe that the retraining of a junior Member of Service is a more appropriate sanction to ensure compliance with Department rules than the forfeiture of vacation time.

Accordingly, I recommend that Respondent receive instruction.

Respectfully submitted,

Paul M. Gamble *PM*

Paul M. Gamble
Assistant Deputy Commissioner Trials

APPROVED

SEP 02 2022
[Signature]
KEECHANT L. SEWELL
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER IVY ROMAN
TAX REGISTRY NO. 961538
DISCIPLINARY CASE NO. 2019-20323

Respondent was appointed to the Department on April 6, 2016. On her two most recent annual performance evaluations, she was rated “Exceeds Expectations” for 2020 and 2021. Respondent has been awarded one medal for Excellent Police Duty.

Respondent has no formal disciplinary history.

For your consideration.

Paul M. Gamble ^{RM}

Paul M. Gamble
Assistant Deputy Commissioner Trials