

Vindicated Cop Still Mystified by Bust

By REUVEN BLAU

When Police Officer Jeanine O'Malley was arrested in October 2002 for her alleged involvement in a car insurance scam, she insisted that she was innocent.

After four years, numerous court appearances, and a NYPD trial room hearing, she has finally been exonerated. "The day I was arrested, my name was on the front page of every paper," Ms. O'Malley said in a March 7 phone interview.

'Weight of World Lifted'

"Sometimes I feel like the weight of the world has been lifted off my shoulders."

Brooklyn District Attorney Charles J. Hynes held a press conference in 2002 announcing the arrest of Ms. O'Malley, two other cops from the 61st Precinct in Sheepshead Bay, and 27 civilians for bilking insurance companies out of an estimated \$1.5 million through fake car accident reports.

But the Brooklyn DA's Office dropped the charges against Ms. O'Malley six months after she was arrested for insurance fraud, falsifying business records, official misconduct, and grand larceny. She had faced up to seven years in prison if convicted.

Despite that dismissal, the NYPD maintained that Ms. O'Malley had violated departmental rules by writing false accident reports and pursued disciplinary charges against her. A trial room administrative judge, however,

ruled in her favor and dismissed the case last spring.

"There was never any real evidence against her," contended her attorney, Howard Tanner. "I was able to show the DA that they didn't have enough evidence to go forward in the case. I tried to approach the Police Department in the same way, but they felt obligated to move forward."

'A Question of Honor'

On several occasions, the department offered to decrease its initial suggested penalty, but Ms. O'Malley rejected those deals. "It was a question of honor," she said. "My integrity could not be blemished in any way."

The DA had alleged that the officers were paid between \$20 and \$100 to generate fictitious accident reports for a criminal ring. Investigators said Police Officer Susan F. Lavin, a 15-year NYPD veteran, was given new wheels for her car and at times received the prescription painkiller Vicodin as payment.

The DA's Office has since successfully prosecuted most of the individuals involved in the scheme. Ms. Lavin is currently in prison and Officer Robert L. Herold was fired from the department.

"This is a 21st century version of a fraud that is as old as the insurance industry," Mr. Hynes told reporters when he announced the arrests.

Ms. O'Malley, a 12-year

(Continued on Page 11)

(Continued from Page 1)

veteran of the NYPD, said she first became aware of the investigation after noticing several undercover Internal Affairs Bureau (IAB) officers follow her to her father's house. "I knew something bad was happening the day they came to my dad's house," she said.

Her father, retired Detective Thomas O'Malley, later discovered that she was being looked into because the unidentified ringleader of the scheme mentioned her name during the investigation.

But Ms. O'Malley insisted that she was not involved, noting that six months prior to her arrest she made a car insurance fraud "collar," but needed help from the DA's Office in order to complete the necessary paperwork. "In fact, I had called their offices numerous times looking for assistance, being that I was unfamiliar with the operation of insurance fraud," she said.

An Elaborate Scheme

According to investigators, the officers who participated in the scheme got the names and vehicle descriptions to be put on accident reports from con artists known as "runners." The DA alleged that the cops then filed the information with the Police Department.

Prosecutors said that the runners would solicit other persons known as "jump-ins" to provide information included in the phony reports. The jump-ins often cited pre-existing injuries as having been caused by auto accidents that didn't actually occur, according to investigators.

Ms. O'Malley noted that she had worked with the other two officers implicated in

the scheme and said that she had previously spoken with some of the civilians who were charged while she was on patrol. "It was like I was guilty by association," she said.

NYPD 'Unreasonable'

Mr. Tanner argued that the case should not have taken four years to resolve. "The evidence was insufficient from the very beginning," he contended. "And anyone who would have done a proper investigation would have realized it."

The NYPD's disciplinary policies, he charged, are deeply flawed. "I think that

sometimes Police Officers are held to an unreasonable standard," he asserted. "They are looked at uniquely by investigative agents as presumed guilty until proven innocent, as opposed to the rest of us who are given a presumption of innocence."

Paul J. Browne, the NYPD's chief spokesman, replied, "Police Officers are held to a high standard, not an unreasonable one."

Court documents revealed that Officer Herold wore a wire on several occasions at the behest of investigators in an attempt to get Ms. O'Malley to implicate herself. "The conduct of Internal Affairs

was terrible," Mr. Tanner argued. "In their quest to nail Jeanine, they used improper tactics in coercing the other defendants to implicate Jeanine in their crime."

Officer O'Malley added, "I guess they figured if they kept rattling the tree, something would fall."

Found New Niche

The NYPD suspended her for 30 days after she was arrested. The department then placed her on modified duty and transferred her to the Queens Quartermaster equipment storage division. "They gave me whatever girl job they could find for me to