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1 October 11th, 2018, that you failed and neglected to
2 safeguard your Metro card. Did that occur?

3 A. No, I don't recall that charge at all. That is
4 why -- previously when I said scroll up, because I was
5 looking at it. I have no idea what that charge is.

6 Q. Does the NYPD provide its officers with Metro
7 cars?

8 A. They do.

9 Q. Is it a violation of the patrol guide or the
10 regulations to lose the Metro cards?

11 A. Yes, yes, it is.

12 Q. And then paragraph six, it indicates on
13 October 11th, 2018, that you engaged in conduct prejudicial
14 to the good order, efficiencies or discipline in the
15 department, to wit, that you made misleading statements
16 during your official department interview. Do you know
17 what this is in reference to?

18 A. No, I have no idea whatsoever what this is in
19 reference to.

20 Q. Did you ever make misleading statements or false
21 statements regarding a hit and run by Lieutenant Lau?

22 A. No, I did not. I believe Lieutenant Lau was
23 involved in a hit and run.

24 Q. What do you base that belief on?

25 A. That fact that his car had damage to it and he

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1 mentioned it to his driver while I was present.

2 Q. Did you submit an anonymous complaint indicating
3 that you had actually seen Lieutenant Lau engaged in a hit
4 and run?

5 A. I had submitted an anonymous complaint, that is
6 correct.

7 Q. And in the complaint itself, did it indicate that
8 you had seen the events?

9 A. Not that I had seen the events, no.

10 (Whereupon, Bates-stamped documents
11 Defendant's 04124 to 04296 were collectively
12 marked as Defendants' Exhibit D for
13 identification as of this date by the Reporter.)

14 MS. DANRIGE: Defendants' Exhibit D, it
15 starts with Bates Stamps Defendants' Exhibit 4124
16 and we end at 4296.

17 Q. And I'm just going to direct your attention,
18 Mr. Khazin, to this last page, which is Defendants' 4296
19 and I'm going to ask you to read it. There you go. Let me
20 know when you are done.

21 A. I'm done reading it.

22 Q. Do you recognize this document?

23 A. Yes.

24 Q. Is this the anonymous complaint that you
25 submitted indicating that Lieutenant Lau had engaged in a

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1 hit and run?

2 A. Yes.

3 Q. Let's go through the document. It starts off,
4 it's dated September 15th, 2017, it says dear Sir or Madam,
5 I wanted to inform you of a crime that I observed happen
6 (sic). Who is the I in that statement?

7 A. An anonymous jogger who was also a good
8 samaritan.

9 Q. Was this an anonymous jogger that you spoke to?

10 A. No.

11 Q. Was this a good samaritan that you spoke to?

12 A. No.

13 Q. Was this an anonymous jogger that existed?

14 A. No.

15 Q. Was it a good samaritan that existed?

16 A. No.

17 Q. So the I was you?

18 A. No.

19 Q. So it was a figment of someone's imagination?

20 A. It was -- I was using it in the context of
21 knowing that Internal Affairs never reviewed any of my
22 complaints and they didn't do anything if I submitted
23 anything and I wanted them to actually investigate this
24 matter.

25 Q. So the events in this anonymous complaint, did

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1 anyone observe these events?

2 A. In this particular letter, no.

3 Q. So in this particular letter, the content
4 therein, the contents are all false?

5 A. No, Lieutenant Lau was involved in a collision.
6 He was drunk. He did mention it to his driver. I did
7 overhear it.

8 Q. Okay, what in the first statement is true?

9 A. I want to inform you of a crime that occurred.

10 Q. What about that statement is true --

11 A. Lieutenant Lau --

12 Q. -- if the person does not exist?

13 A. That the fact that Lieutenant Lau was -- he did
14 mention to his driver while I was there that he was
15 inebriated, he did -- he was involved in a collision.

16 Q. So you based that off a statement that you heard
17 him, Lieutenant Lau, tell someone else?

18 A. Yes.

19 Q. What in the second statement, on August 30th,
20 2017, I was jogging near 44 Trinity Place and I saw a white
21 Lexus, four-door, New York State license plate GYB 6039
22 driving really fast and hit another, parenthetical, it hit
23 the other car's front passenger door and the wheel well in
24 the rear, vehicle licence plate HPK 7184, New York plates
25 for both cars.

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1 What in that statement is true?

2 A. That a collision did occur at that time.

3 Q. Is the you jogging near 44 Trinity Place true?

4 A. I was not jogging at that location.

5 Q. Was anyone that you know jogging at that
6 location?

7 A. No one that I knew, no.

8 Q. Is the, you observing a white Lexus, four-door,
9 with New York State license plate GYB 6039 true?

10 A. That, I did not personally observe, no.

11 Q. When Lieutenant Lau was speaking to his driver,
12 did he state his own license plate number when speaking to
13 the driver?

14 A. No, I knew his license plate number.

15 Q. How did you know it?

16 A. Because he parked his car in the Department of
17 Education parking lot. That is how --

18 Q. Did you go look at it and write it down?

19 A. No, that is how I was able to determine that he
20 had damage on his car.

21 Q. By observing the car?

22 A. Yes, after he made the statement to his driver I
23 did see the damage to his vehicle.

24 Q. Did he state when he was talking to his driver
25 that he incurred, that he was in an accident on

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1 October 30th of 2017?

2 A. He did not mention that.

3 Q. Where did you get the date from?

4 A. I don't remember at this point.

5 Q. And when he was speaking to his driver, did he
6 also mention the vehicle license plate of the other car,
7 HPK 7184?

8 A. I don't believe he did.

9 Q. Where did you get that license plate number from?

10 A. I believe it was from an accident report.

11 Q. Where did you see that accident report?

12 A. Within our computer system.

13 Q. And did you just happen upon it?

14 A. No, I was actually trying to figure out where
15 this accident actually occurred, the one that he mentioned
16 to his driver.

17 Q. Why were you trying to do that?

18 A. I was just trying to investigate a matter as a
19 police officer at that point.

20 Q. And how did you determine it was the accident
21 report featuring a car with the license plate HPK 7184?

22 A. I believe there was an accident report for a hit
23 and run at that time.

24 Q. And in that accident report, did it indicate that
25 there was another Lexus with the license plate GYB 6039?

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1 A. By the nature of our hit and runs, we don't
2 always put in the other vehicle.

3 Q. And when Lieutenant Lau was speaking to the
4 driver, did he say he engaged in a hit and run at 44
5 Trinity Place?

6 A. He indicated to his driver that he was drunk and
7 he did get into an accident.

8 Q. How did you determine that the report reflecting
9 a hit and run that occurred at 44 Trinity Place with the
10 license plate number was the accident Lieutenant Lau was
11 in?

12 A. I just did a very basic investigation. That is
13 the route that he would usually take to get to work and it
14 would corollate with the correct time of when he told his
15 driver that he was involved in an accident so I just
16 deduced that that could have been it and so I filed the
17 allegation.

18 Q. Did the accident report that you reviewed
19 indicate that an Asian male had been involved?

20 A. No.

21 Q. So did the accident report that you reviewed only
22 indicate that a white Lexus had been involved?

23 A. No, it indicated that there was a hit and run.

24 Q. So it indicated that it was a hit and run and
25 that a white Lexus was involved and you deduced from that

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1 that it was Lieutenant Lau who was involved in this?

2 A. At the time it seemed probable that he was
3 involved based on the timeframe, based on his driver and
4 based on his route from home to work.

5 Q. Were you aware that IAB did an investigation into
6 this anonymous complaint?

7 A. At my GO 15, the same people who investigated me
8 told me that they were the ones who cleared Lieutenant Lau.

9 Q. Were you aware that they looked into his driving
10 records and realized and found out he was nowhere near this
11 area?

12 A. I'm not aware of their investigations or even if
13 there was a full fledged investigation. I'm only aware of
14 what they told me.

15 Q. Did you ever review the materials that were
16 produced in discovery that included the entire IAB file in
17 this case?

18 A. No, never.

19 Q. Had you filed another complaint on an individual
20 based off events that you never saw?

21 A. Yes, I believe I did once.

22 Q. What complaint was that?

23 A. It was into Officer Rosovitch from Highway
24 Patrol.

25 Q. What was the substance of that complaint?

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1 A. That he was conducting off-duty employment on job
2 time.

3 Q. What did you base that information on?

4 A. I found an add on SideGig of him offering
5 services and that add and that allegation led to the NYPD
6 figuring out that Rosovitch was embezzling NYPD money and
7 using their credit cards to better his business.

8 Q. And how did you submit your complaint?

9 A. By e-mail.

10 Q. Was it anonymous?

11 A. Yes.

12 Q. And how were you aware that based off of your
13 anonymous complaint, that that is how the NYPD found out
14 that he was committing credit card fraud?

15 A. Shortly after that there was an article in the
16 New York Post.

17 Q. Now, have you ever filed a complaint or pursued
18 an investigation into a civilian based off events that you
19 did not see?

20 A. Every day.

21 Q. And did you ever make conclusions based off
22 events you did not see and only hearsay statements from
23 other people?

24 A. In New York you are allowed to arrest based on
25 the statements of other people.

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1 Q. Have you ever concluded an investigation based
2 off hearsay statements?

3 A. Yes, or they were witness statements.

4 Q. Of people who actually observed what happened,
5 correct?

6 A. People who were present.

7 Q. But you based this complaint off no one who was
8 present?

9 A. That was not a complaint. This was an
10 allegation. This was not filed with any courts. This was
11 an allegation which I submitted in hopes of an
12 investigation.

13 Q. And why is it that you believe that the contents
14 herein are not false?

15 A. Because I believe Lieutenant Lau based on his
16 statements was drunk and did -- and I do know for a fact
17 that he was involved in a collision.

18 Q. And why didn't you submit an anonymous complaint
19 saying that you overheard, that an anonymous person
20 overheard Lieutenant Lau admitting to engaging in a hit and
21 run?

22 A. I'm sorry, anonymous, did you state anonymous?

23 Q. Yes.

24 MR. SCOLA: Can you repeat the question,
25 Danielle.

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1 MS. DANRIGE: Sure.

2 Q. As opposed to creating a fiction, why didn't you
3 just submit an anonymous complaint that you overheard, that
4 someone overheard Lieutenant Lau admitting to engaging in a
5 hit and run?

6 A. Well, I just want to differentiate that this
7 wasn't a complaint. This was an allegation and I didn't
8 think it mattered how you submit an allegation. I was
9 hoping for an investigation and for them to further approve
10 it.

11 Q. But my question to you is: As opposed to
12 creating something that did not occur, why didn't you just
13 submit an allegation of facts that actually did occur which
14 is you saying that you overheard a statement?

15 A. There was no reason. That would have yielded all
16 the same results that this report yielded. There was no
17 context behind it, no thought process, no attempt to
18 deceive anybody. I simply was submitting an allegation for
19 review and a pending investigation.

20 Q. Going to the middle of the anonymous allegation,
21 it indicates, well, it's actually towards the end, I
22 stopped and watched an Asian male walk into the police
23 station. Fast forward to September 6th, I was jogging near
24 East 5th Street and First Avenue when I spotted the same
25 car, so I followed it and it pulled into a parking lot

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1 adjacent to the 9th Precinct of the NYPD. I stopped and
2 watched an Asian male walk into the police station at
3 5:50-ish. It was the same guy I saw hit the car days ago.
4 I came back 30 minutes later and asked a group of cops
5 standing outside if they knew whose car it was. They told
6 me it was a police lot and I cannot go into it. I walked
7 into the police station and saw Internal Affairs in a glass
8 encasement and thought this was my best chance to bring
9 justice. Considering that I thought the Asian male was a
10 police officer who did the hit and run I find this whole
11 situation as disgusting and I'm hoping you can remedy the
12 situation and discover the identity of this menace.

13 Why did you include all that if in the first part
14 of your anonymous complaint you provided the license plate
15 number?

16 A. There was no thought behind it, no particular
17 reason why I included all that, but to be completely frank,
18 I was disgusted by the whole situation.

19 Q. You were disgusted by the whole situation that
20 did in fact not occur?

21 A. Well, I still believe it did occur. I believe
22 Lieutenant Lau did get involved in a collision and he was
23 inebriated at the time.

24 Q. Why didn't you arrest him?

25 A. In the New York City Police Department you can't

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1 arrest a rank above you and you would need to do an even
2 more thorough investigation which I was hoping Internal
3 Affairs would do.

4 Q. So you can't arrest a rank above you, but you can
5 do an investigation into a rank above you?

6 A. Well, even if I investigate, if my investigation
7 yielded something, I still need to turn it over and no, I
8 cannot arrest a rank above me.

9 Q. I understand that, but you can still, you can do
10 an investigation into a rank above you?

11 A. Sure, Internal Affairs does it all the time.

12 Q. Well, you are not Internal Affairs.

13 A. No, I'm not.

14 Q. So you as a sergeant in a precinct, you can do an
15 investigation into a rank above you?

16 A. I'm sure any officer can do an investigation into
17 a rank above them. I mean it wouldn't be a formal
18 investigation, just like mine wasn't a formal
19 investigation.

20 Q. So it's your understanding that any officer can
21 do an informal investigation of any officers ranking above
22 them?

23 A. Anybody can do an investigation, yes, but it
24 would not be a formal investigation.

25 Q. What do you base that belief on?

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1 A. Just being a police officer, take the oath that
2 we swore to uphold the laws.

3 Q. Now, on that date that you started your
4 investigation into Lieutenant Lau or looking at the
5 complaints of hit and runs, didn't Lieutenant Lau reprimand
6 you for putting up signs in the precinct saying Yelp
7 reviews allowed?

8 A. Well, that wasn't a reprimand. It was just a
9 conversation we had, but --

10 Q. Did he tell you to take it down?

11 A. He did tell me to take it down.

12 Q. Did he tell you it was not professional?

13 A. And I believe he said that as well, yes.

14 Q. And then, is that the day you commenced your
15 investigation into him?

16 A. I'm not sure. It's been a while.

17 Q. Now, how is that not in retaliation for him
18 making a comment to you?

19 A. I don't know how you could see this as a
20 retaliation. I think that drunk driving is pretty serious.

21 Q. So any time there is a serious crime or
22 misconduct, it's not retaliation when officers engage in an
23 investigation; is that correct?

24 A. I'm sorry, can you rephrase that question or just
25 repeat it.

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1 Q. When officers engage in an investigation of
2 misconduct, it's not retaliation?

3 A. No, I don't believe an officer who would be
4 investigating a crime would do it for retaliatory purposes,
5 no.

6 Q. And making false statements to the New York City
7 Police Department is a crime, correct?

8 MR. SCOLA: Objection. He didn't make false
9 statements, he said he didn't.

10 Q. Is making false statements to the New York City
11 Police Department a crime?

12 A. No, you are not under oath.

13 Q. So it's not a crime to report a crime that you
14 did not observe?

15 A. Well --

16 Q. Is that your understanding?

17 A. It's not a crime to make an allegation.

18 Q. So it's not a crime to make an allegation that a
19 crime was observed even though it was not observed?

20 A. It is not a crime to make an allegation on a
21 crime that I believe that had occurred.

22 Q. So just so I'm clear, if I heard someone
23 screaming but did not see it and knew nothing other than
24 that someone was screaming but reported to the NYPD that
25 someone was stabbed, that would not be a false report?

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1 A. No, it happens pretty much every day.

2 Q. So that is not a false report?

3 A. No, and just to clarify that one example, if you
4 were to take the call logs and see how many radio runs are
5 marked as unfounded by NYPD, that would mean that the
6 caller on every one of those calls would be arrested in
7 that mindset and the NYPD does not do that.

8 Q. Then why did you believe that this anonymous
9 complaint would lead to an investigation?

10 A. Because I did know based on the statements that
11 Lieutenant Lau made that he was involved in a collision and
12 he was inebriated at the time.

13 Q. Now, who did he, who was his driver?

14 A. I forget his driver's name, but I can describe
15 him to you.

16 Q. Would you remember the driver's rank?

17 A. He was a police officer.

18 Q. And where did you overhear this conversation?

19 A. They were nearby the desk, because they were
20 speaking. I believe his driver at the time was assigned as
21 my telephone switchboard operator and Lieutenant Lau was
22 next to him speaking to him at the time.

23 Q. And what did Lieutenant Lau say?

24 A. He stated to him that he was involved in an
25 accident, his car was destroyed and he mentioned that he

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1 had a couple of drinks.

2 Q. Did he say he was drunk?

3 A. He said he had a couple of drinks.

4 Q. And did he say he hit another car?

5 A. He said that somebody hit him.

6 Q. And you deduced from that he hit somebody?

7 A. Yes, I believe that he did.

8 Q. Did you question the driver about the statements
9 that you overheard?

10 A. No, his driver would not speak to me about it. I
11 did not question him, but he wouldn't speak to me. He was
12 always very quiet around me, because he knew that me and
13 Lieutenant Lau had a tumultuous relationship.

14 Q. Had you ever seen Lieutenant Lau drunk before?

15 A. When he used to arrive to the precinct I could
16 smell the odor of marijuana -- I'm sorry, the odor of
17 alcohol off of him.

18 Q. Did you ever report that anonymously?

19 A. No.

20 Q. Why not?

21 A. This was the complaint that included that, the
22 fact that he gets drunk.

23 Q. Where does it include that he gets drunk on a
24 regular basis?

25 A. In this complaint I believe it indicates that he

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1 was drunk or it infers that he was drunk.

2 Q. But where does it state in the complaint that he
3 goes to work drunk? I just don't see it. I mean, point it
4 out to me, please.

5 A. And the driver of the Lexus was a (sic) seemed
6 drunk and very out of it.

7 Q. But he was not working on that day, it's not
8 until September 6th, days later, that you see him at work,
9 where does it indicate that he was drunk at work or
10 arriving to work drunk?

11 A. Well, based on the context of this, I was trying
12 to indicate that he is usually drunk.

13 Q. Is there any reason why you didn't report that he
14 was arriving to work drunk prior to him getting into an
15 accident such that he wouldn't get into an accident?

16 A. Well, the same reason why it took me so long to
17 report this, I always feared retaliation from Internal
18 Affairs. They never took any of my complaints seriously
19 but things always get substantially worse from my
20 complaints.

21 Q. What other complaints did you make to Internal
22 Affairs that were not take seriously?

23 A. Well, I made a complaint to Internal Affairs
24 about my work conditions. They never took that seriously.
25 I made a report to Internal Affairs that they unjustly --

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1 that somebody unjustly used an administrative warrant on my
2 phone records. They didn't take that seriously. I made a
3 report to Internal Affairs that they were holding my
4 overtime slips. They did not take that seriously. Any
5 time I complained to the police department it's not taken
6 seriously and I just seemed to suffer the brunt of making
7 the complaints.

8 Q. Why were you complaining to Internal Affairs
9 about internal matters, internal workplace matters that
10 weren't crimes?

11 A. I'm sorry for cutting you off. There is no one
12 else to complain to.

13 Q. Well, did you believe that the changes to your
14 work conditions and the administrative warrant and the OT
15 slips or the holding of the OT slips were retaliatory
16 events?

17 A. Yes, I strongly believed that.

18 Q. So why didn't you go to the Office of Equal
19 Employment which handles discrimination or retaliation?
20 Why were you going to IAB?

21 A. I did, I did go to them. They unfounded my
22 complaint and then just recently I understood why they
23 unfounded my complaint.

24 Q. Does IAB normally investigate situations such as
25 the holding of one's OT slips?

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1 Q. After they didn't respond to the first or second
2 complaint, why did you keep complaining to them?

3 A. Because these were all exclusive, like separate
4 incidents.

5 Q. Now, did you think that anyone at the 9th
6 Precinct had issued or requested the administrative
7 warrant?

8 A. I don't know.

9 Q. Do you believe that it was Inspector Ge who had
10 requested the administrative warrant?

11 A. I believe that Inspector Ge was behind this whole
12 situation that had brought me to this specific point that
13 I'm in today.

14 Q. Now, why do you believe that once you left
15 Highway Inspector Ge was orchestrating all these events?

16 A. When I first arrived to the 9th Precinct I
17 received a phone call -- well, I'm sorry, I didn't receive
18 the phone call, but the commanding officer received a phone
19 call indicating that I'm coming here, that I was a piece of
20 garbage, that I'm the worst employee in the world and we
21 are very sorry to send him to you which set the stage for
22 the rest of my time at the 9th Precinct and further and I
23 was told that by the executive officer at the time that the
24 phone call was made and I was told by a lieutenant that the
25 phone call was made as well and by a sergeant who is now a