



The City of New York
Department of Investigation
ROSE GILL HEARN
COMMISSIONER

80 MAIDEN LANE
NEW YORK, NY 10038
212-825-5900

Release #63-2010
nyc.gov/html/doi

FOR IMMEDIATE RELEASE
WEDNESDAY, AUGUST 18, 2010

CONTACT: DIANE STRUZZI
(212) 825-5931

DOI ARRESTS DEPUTY SHERIFF CHARGED WITH EMBEZZLING UNION FUNDS

ROSE GILL HEARN, Commissioner of the New York City Department of Investigation ("DOI"), announced the arrest of a New York City Deputy Sheriff charged with embezzling approximately \$13,000 from his union, the New York City Deputy Sheriffs' Association ("DSA"), while serving as its treasurer. The matter was brought to DOI's attention by the DSA, which cooperated in DOI's investigation. Deputy Sheriff JAMES SMYTH was arrested by DOI this morning in Brooklyn. The office of Kings County District Attorney Charles J. Hynes obtained the indictment and is prosecuting the case.

SMYTH, 51, of Brooklyn, is charged with Grand Larceny in the Third Degree, a class D felony, seven counts each of Grand Larceny in the Fourth Degree and Falsifying Business Records in the First Degree, class E felonies, and two counts of Petit Larceny, a class A misdemeanor. Upon conviction, a class D felony is punishable by up to seven years in prison, a class E felony by up to four years in prison, and a class A misdemeanor by up to one year's incarceration.

DOI Commissioner Rose Gill Hearn said, "According to the charges, this defendant stole money from his fellow workers and falsified union records to conceal the theft. Appropriately, the union alerted DOI and cooperated in our investigation, resulting in this indictment obtained by District Attorney Hynes and his staff. While the arrest of a law enforcement officer is never good news, the encouraging fact here is that City employees reported the charged wrongdoing to DOI and recognized the importance of maintaining integrity in this matter, which relates to their public employment."

In November 1994, SMYTH began employment with the Office of the Sheriff, which is now a division of the New York City Department of Finance, and receives an annual salary of \$76,488. He was suspended without pay today.

As outlined in the indictment, DOI's investigation found that between February 2008 and January 2009, SMYTH, who was then DSA's treasurer, wrote eight unauthorized checks to himself totaling approximately \$13,000, from three DSA accounts, including two accounts that contained funds contributed by the City for employees' and retirees' benefits, such as vision care and prescription expenses. The unauthorized checks were deposited into SMYTH's personal bank accounts. SMYTH is also charged with seven counts of creating false records of the expenditures, indicating, for example, that the money was used to purchase a laptop computer for accounting of union funds and for office furniture, neither of which, the investigation found, had been acquired by or for the DSA.

SMYTH has resigned as DSA treasurer.

Commissioner Gill Hearn thanked Kings County District Attorney Charles J. Hynes, Department of Finance Commissioner David M. Frankel, and DSA President James R. Davis, III and their staffs for their assistance in the investigation.

Assistant District Attorney Hilda Mortensen, Bureau Chief in the Rackets Division of the Kings County District Attorney's Office, is prosecuting the case.

The investigation was conducted by Floralba Paulino of DOI's Office of Inspector General for the City Sheriff's Office.

An indictment is an accusation. A defendant is presumed innocent until proven guilty.

DOI is one of the oldest law-enforcement agencies in the country. The agency investigates and refers for prosecution City employees and contractors engaged in corrupt or fraudulent activities or unethical conduct. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City.

DOI's press releases can also be found at twitter.com/doinews
Get the worms out of the Big Apple. To report someone ripping off the City, call DOI at (212) 825-5959.