



The City of New York
Department of Investigation

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PROBATION OFFICER ARRESTED FOR OFFICIAL MISCONDUCT

ROSE GILL HEARN, Commissioner for the Department of Investigation, announced today the felony arrest of Nicole Waite, a probation officer, on bribery and misconduct charges for allegedly having sexual relations with a client in exchange for a favorable review before the client's sentencing.

Waite, 36, of Brooklyn, has been charged with Bribe Receiving in the Third Degree, a "D" felony, and Official Misconduct, an "A" Misdemeanor. If convicted, she faces up to seven years in jail.

The identity of the victim, 17, will not be released to protect his privacy.

"The conduct of this probation officer is egregious and goes against everything expected from representatives of law enforcement," said DOI Commissioner Rose Gill Hearn.

The circumstances of the case are as follows:

In April 2003, Probation Officer Waite was assigned to conduct a Pre-Sentencing Investigative report on a 17-year old male. These reports often describe an individual's family background, criminal history and include statements from the defendant. They are used by judges when determining sentences or probation periods. During her initial meeting with the young man, Waite allegedly told him he must behave in order to receive a favorable evaluation. They met on three occasions -- at a restaurant, in her office and at a hotel where they engaged in sexual relations.

Commissioner Rose Gill Hearn thanked Department of Probation Commissioner Martin Horn for his assistance and cooperation in this investigation.

This investigation was conducted by DOI Assistant Commissioner and Correction/Probation Inspector General Michael Caruso and members of his staff including Valerie Brown, Octavia Hill and Cindy Tsui. The Office of Manhattan District Attorney Robert M. Morgenthau is handling the case with Michael Dougherty prosecuting under the supervision of Sex Crimes Bureau Chief Lisa Friel.

Criminal complaints are merely accusations. All defendants are presumed innocent unless and until proven otherwise.

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