
In the Matter of a Disciplinary Proceeding
Pursuant to Section 75 of the Civil Service Law

CITY OF CANADAIGUA

**STIPULATION
AGREEMENT**

-against-

Jeremiah Jackson, Employee.

WHEREAS, I, the undersigned employee, have agreed to the results of the internal affairs investigation #001-2014

WHEREAS, I have been informed that the City has the right to initiate a Disciplinary Action against me under Section 75 of the Civil Service Laws of New York, wherein I would have the right to a hearing at which the City must prove any charges and I would be given an opportunity to be heard at the hearing and present evidence or witnesses on my behalf; and

WHEREAS, in lieu of a Disciplinary Action and hearing I am desirous of making an agreement with the City relative to my misconduct and/or incompetence.

NOW THEREFORE, it is stipulated by and between the parties as follows:

1. Employee acknowledges violating the following General Orders of the Canandaigua Police Department on February 9, 2014 at approx. 0200 hrs.

General Orders 105 Rules and Regulations XVII Sub C Members shall remain awake while on duty unless granted permission from a supervisor/command officer.

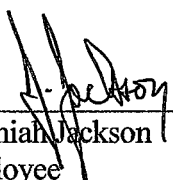
2. Employee hereby waives any rights and entitlements he has pursuant to Section 75 of the Civil Service Law and accepts the within discipline in satisfaction of a potential Disciplinary Action for incompetence and/or misconduct.

3. MY DISCIPLINARY ACTION SHALL CONSIST OF THE FOLLOWING:

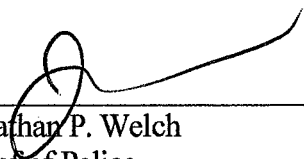
- **Loss of 3 Personal Days**

4. Employee freely and voluntarily enters into this Stipulation Agreement. Employee consents and agrees to be bound by its terms and conditions and understands the contents thereof. Employee further understands that he is entitled to be represented by an attorney and hereby waives any such representation.

Dated: 2-15-14


Jeremiah Jackson
Employee

Dated: 2-13-14


Jonathan P. Welch
Chief of Police

I do not accept the above and wish to proceed at a Section 75 Hearing. I am fully aware that if I choose this hearing, termination may result.

Employee

Date

001-2014

INTEROFFICE MEMORANDUM

TO: CHIEF JONATHAN WELCH
FROM: LT. SCOTT P. FERGUSON
SUBJECT: P.O. JACKSON
DATE: 2/11/2014

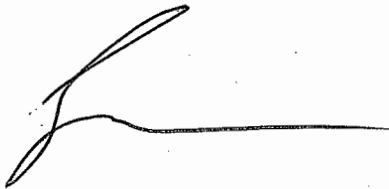
Chief,

Attached is a memorandum sent to me by Sgt. Feldman. In the memorandum, Sgt. Feldman describes another incident where P.O. Jackson was observed sleeping during his tour of duty. This incident is alarming considering he was observed sleeping in his car at 0200hrs in an area known for frequent pedestrian traffic during bar closing time.

Sgt. Feldman continues, stating previous discussions with P.O. Jackson regarding sleep habits as well as previous disciplinary actions relating to this same issue. He also forwarded a picture that he took of P.O. Jackson while sleeping in his patrol vehicle.

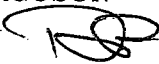
Since this issue was directly observed by a supervisor as well as it being a continuous course of conduct, I recommend that this incident be forwarded to you for action without the necessity for further investigation by me.

Respectfully submitted,

LT. 

INTEROFFICE MEMORANDUM

TO: LT. SCOTT FERGUSON

FROM: SGT FELDMAN 

SUBJECT: JEREMIAH JACKSON

DATE: 2/10/2014

Lt. Ferguson,

On Sunday 2/09/14 at 0200 hrs., I was making regular patrols in the downtown area looking for problems at bar closing time. I pulled off of Bristol Street to check the back of the Pickering Pub and then drove over into the Coach Street side of the parking lot. I saw P/O Jackson's patrol car parked across a few spaces in front of the Bristol Coach Plaza and swung around to check and see how things were going. As I stopped with my passenger side next to his car, I saw that P/O Jackson was sound asleep with his mouth open.

I attempted to wake Jackson by shinning the spot light on him several times but that did not wake him up. I pulled away and turned around so that I was driver's side to driver's side and then used my flashlight to rap on his car window. After I struck his window the fifth time, P/O Jackson woke up startled and wide eyed. He put his window down and I spoke to him. I told him that he had obviously stopped for too long and that he could not be sleeping in the parking lot in front of a bar at bar closing time in full view of the public. He stated, "I know, I will put my window down." I spoke to him for a few more minutes to ensure he was fully awake then continued my patrol.

P/O Jackson and I have had several conversations due to past problems about him unintentionally falling asleep. He has stated that he never stops with the intent to fall asleep but will fall asleep as he is tired from not being able to sleep properly during the day. I advised P/O Jackson that he can combat this problem in two ways with the first being that when he feels as if he is falling asleep, to get out of the car and walk around and check doors on businesses. The second was to come back to the police station, inform me of his location and then take a power nap inside the building where he was out of the eye of the public and in a location that I knew I could find him or call him on the phone.

As you are aware, sleeping in the car has been an ongoing issue with P/O Jackson. The problem I believe is created because P/O Jackson does not conform to a true night shift sleep pattern and unlike others is not able to stay awake when tired. I have advised him to speak with his doctor about the issue and follow his doctor's recommendations. I have also suggested that he sleep at the same time each day so that he can develop a sleep pattern for his body to adjust too. These are things that I have done myself at the direction of the sleep specialist that I see. P/O Jackson has seen his doctor about the issue and was at one time given a sleep aid which he stated did not work for him.

The disciplinary actions of the past in relations to P/O Jackson falling asleep in his car do not seem to have had the desired effect. I feel that P/O Jackson either cannot or will not make the needed changes to his lifestyle or behavior to prevent him from falling asleep again while in his car. I feel that the best solution to the problem for both P/O Jackson and the department would be to assign him to a shift that allows him to sleep at night.

Jon Welch

From: Jon Welch
Sent: Tuesday, February 11, 2014 9:21 AM
To: Jeremiah Jackson
Cc: Peter J. Mastracy
Subject: Sleeping on Duty

You are hereby advised that my office is conducting an internal affair investigation relating to the allegations that you were sleeping on duty on 2/9/14 at the Coach St Lot. You are to report to my office on 2-13-14 at 1400 hrs. Thank you.

Jonathan P. Welch
Chief of Police
Canandaigua Police Department
21 Ontario St
Canandaigua, NY 14424
585-396-5035
FBINA 239

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Jon Welch

From: Jon Welch
Sent: Thursday, February 13, 2014 2:03 PM
To: Jeremiah Jackson
Cc: Peter J. Mastracy
Subject: Stipulation Agreement

Please have your responses back to my office no later than 2/18/14 at 0900 hrs.

Jonathan P. Welch
Chief of Police
Canandaigua Police Department
21 Ontario St
Canandaigua, NY 14424
585-396-5035
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ADMINISTRATIVE WARNINGS

I wish to advise you that you are being questioned as part of an official investigation of the Canandaigua Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office.

You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

However, I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges that may result in your dismissal from the Department. If you do answer, neither your statements nor any information or evidence, which is gained by reason of such statements, can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.

Any member being questioned in respect to possible disciplinary charges shall have the right to representation by the PBA President or his designee before making any written statement. The members shall be allowed reasonable time to procure such representation.



OFFICER'S SIGNATURE




WITNESS'S SIGNATURE

DATE: 2-13-14

TIME: 1100 hrs

I wish to waive my right
to union representation



2-13-14

Meeting with Jackson #

2/13/14 1400

CT. 

"I needed off" I'm not going to deny it