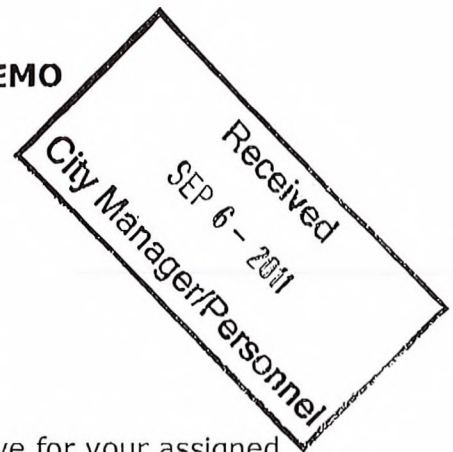


EMPLOYEE COUNSELING MEMO



TO: P.O. Matthew Colton

FROM: Sgt. Turner

RE: Failure to report for duty on June 2nd 2011

Written Narrative: On June 2nd 2011 you did not arrive for your assigned shift at 10:30p.m. at The Geneva Police Department. You also failed to make any notification to a supervisor that you were not going to be reporting at the required time. You did arrive at the Geneva Police Department later at 11:45 p.m which was an hour and fifteen minutes late. Although unintentional your failure to report for duty put a strain on the other Officers working the shift.

Your failure to report to work at the appropriate time was a direct violation of General Order 305 **Reporting for Duty** of the Geneva Police Department General Order Manual.

This counseling memo is being served upon you so you may take corrective measures so it will not happen again.

As you may or may not be aware further violation of this General Order may result in disciplinary action taken against you.

My signature acknowledges that I have read and received a copy of this counseling memorandum. It does not mean I agree or disagree with the contents. I know I have the right to attach a rebuttal.

DATED: 8-7-11

A handwritten signature in ink, appearing to be "M. Colton", written over a horizontal line.

Employee's Signature

A handwritten signature in ink, appearing to be "Sgt. Turner", written over a horizontal line.

Supervisor's Signature

EMPLOYEE WARNING RECORD

Employee's Name PO Colton Clock or Payroll No. _____ Dept. City Police
Shift 2300-0700 Time _____ a.m. Date of Warning 11/02/10
p.m.

WARNING

Date of Violation 11/02/10 NATURE OF VIOLATION ☐ Substandard Work ☒ Conduct ☐ Tardiness ☐ Uncooperative
Time of Violation 0345
Place Violation Occurred NYS Rte 5 @ 20 ☒ Carelessness ☐ Disobedience ☐ _____

COMPANY REMARKS

Officer took marked patrol vehicle into Seneca County to run radar. Officer did not have permission to leave city. Officer was involved in a motor vehicle accident out side the City of Geneva when he did not have permission to leave the city

HAS EMPLOYEE BEEN WARNED PREVIOUSLY? <input type="checkbox"/> YES <input type="checkbox"/> NO	Form of Warning	WHEN WARNED and BY WHOM		
		1st Warning	2nd Warning	3rd Warning
	Oral			
	Written			

EMPLOYEE'S REMARKS RE: VIOLATION

The absence of any statement on the part of the EMPLOYEE indicates his/her agreement with the report as stated.

I have entered my version of the matter above.

Employee's Signature _____ Date _____

ACTION TO BE TAKEN

Sergeant to issue counseling memo with emphasis of selecting a safe site for radar operations. The safety of the officer and the public is a priority.

Approved By Frank T. Pave Name Chief of Police Title 11-7-10 Date

I have read this "warning" and understand it.

Employee's Signature _____ Date _____

DISTRIBUTION OF COPIES

- ☐ Employee ☐ Personnel Department
☐ Foreman or Supervisor ☐ Plant Manager

Signature of person who prepared warning _____ Title _____ Date _____

Supervisor's Signature _____ Date _____

EMPLOYEE COUNSELING MEMO

TO: PO MATTHEW K. COLTON

FROM: SERGEANT R. MIDDLEBROOK

RE: PD MVA OUTSIDE PATROL AREA / OUTSIDE CITY OF GENEVA

WRITTEN NARRATIVE: On November 02, 2010 you were assigned marked patrol vehicle GV-7. You were assigned to patrol duties in the east side of the City of Geneva. At 0345 you were involved in a property damage motor vehicle accident, on State Route 5@20 east of The Seneca Lake State Park. You reported that you were operating stationary radar in the grass median and when you went to pursue a speeding vehicle you struck a metal delineator post. Causing damage to the patrol vehicle and destroying the delineator. You were operating stationary radar in Seneca County. This property damage motor vehicle accident took place in Seneca County, outside your assigned patrol area and out side the City of Geneva. Being outside the city and your assigned patrol area is a violation of section 415 III A 3 a, of the City Of Geneva Police Department General Orders

You must understand that this counseling memo is being served upon you so you may take corrective action so it does not happen again.

We realize that you did not intentionally involve your self in the motor vehicle accident, however your safety and the public safety is our number one concern.

As you may or may not be aware further violation of this General Order may result in disciplinary action taken against you.

My signature acknowledges that I have read and received a copy of this counseling memorandum. It does not mean I agree or disagree with the contents. I know I have the right to attach a rebuttal.

DATED: 12/28/2010

PC. [Signature]
Employee Signature

[Signature]
Supervisor Signature

GENERAL INFORMATION

Supervisor: RMID MIDDLEBROOK Dispatcher: JSMI SMITH Call Taker: JSMI SMITH
Date/Time: 11/02/10 03:55 Reported Signal: MVA/PROPERTY DAMAGE 50
Actual Signal: MVA/PROPERTY DAMAGE 50 Received By:
Received: 03:55:03 Cleared: 03:55

Vehicle Description:

Plate No.: State: NY
Disposition: R Disp. Date: 11/02/10 03:55 Report Taken: NO
Action Taken:
Reference No. 1: Reference No. 2:

LOCATION

Location Name: PUBLIC SAFETY BUILDING Zone: EAST
Address: 255 EXCHANGE ST
Alt. Address:
Apt. No.: City: GENEVA Direction:
Phone No.: () - Intersection:

CALLER INFORMATION

Last Name: MIDDLEBROOK First Name: SERGEANT Middle Name/Suffix:
Alias/Maiden Name: DOB:
Address: GPD
City: GENEVA State: NY Zip: 14456-
Phone: (315) 789-1111 Anonymous: NO

RESPONDING UNITS/OFFICERS

<u>Unit/Officer</u>	<u>Dispatched</u>	<u>En Route</u>	<u>Arrived</u>	<u>Cleared</u>
MIDDLEBROOK, SGT ROBERT	03:55			03:55
COLTON, MATTHEW	03:55			03:55

ASSOCIATED PERSONS

<u>Name</u>	<u>Alias</u>	<u>DOB</u>	<u>Address</u>	<u>Phone</u>	<u>Inv.</u>
COLTON, MATTHEW K			GPD, GENEVA, NY 14456		SUB

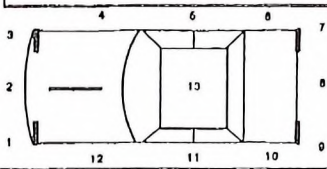
NOTES

SGT MIDDLEBROOK REPORTS AN MVA INVOLVING GV7. PO COLTON WAS THE OPERATOR.

New York State Department of Motor Vehicles **POLICE ACCIDENT REPORT** MV-104A (7/01)

Local Codes
 2010-22148

☐ AMENDED REPORT

1	Accident Date Month <u>11</u> Day <u>2</u> Year <u>2010</u>		Day of Week <u>TU</u>	Military Time <u>03:45</u>	No. of Vehicles <u>1</u>	No. Injured <u>0</u>	No. Killed <u>0</u>	Not Investigated at Scene <input type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																																																																																																																	
2	VEHICLE 1				VEHICLE 2 <input type="checkbox"/> BICYCLIST <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> OTHER PEDESTRIAN																																																																																																																						
3	VEHICLE 1 - Driver License ID Number <u>[REDACTED]</u> State of Lic. <u>NY</u>				VEHICLE 2 - Driver License ID Number <u>[REDACTED]</u> State of Lic. <u>[REDACTED]</u>																																																																																																																						
4	Driver Name - exactly as printed on license <u>COLTON, MATTHEW, K</u>				Driver Name - exactly as printed on license <u>[REDACTED]</u>																																																																																																																						
5	Address (Include Number & Street) <u>255 EXCHANGE STREET</u>				Address (Include Number & Street) <u>[REDACTED]</u>																																																																																																																						
6	City or Town <u>GENEVA</u> State <u>NY</u> Zip Code <u>14456</u>				City or Town <u>[REDACTED]</u> State <u>[REDACTED]</u> Zip Code <u>[REDACTED]</u>																																																																																																																						
7	Date of Birth Month <u>[REDACTED]</u> Day <u>[REDACTED]</u> Year <u>[REDACTED]</u> Sex <u>M</u> Unlicensed <input type="checkbox"/> No. of Occupants <u>1</u> Public Property Damaged <input checked="" type="checkbox"/>				Date of Birth Month <u>[REDACTED]</u> Day <u>[REDACTED]</u> Year <u>[REDACTED]</u> Sex <u>[REDACTED]</u> Unlicensed <input type="checkbox"/> No. of Occupants <u>[REDACTED]</u> Public Property Damaged <input type="checkbox"/>																																																																																																																						
8	Name - exactly as printed on registration <u>CITY OF GENEVA POLICE DEPT.</u> Sex <u>U</u> Date of Birth Month <u>[REDACTED]</u> Day <u>[REDACTED]</u> Year <u>[REDACTED]</u>				Name - exactly as printed on registration <u>[REDACTED]</u> Sex <u>[REDACTED]</u> Date of Birth Month <u>[REDACTED]</u> Day <u>[REDACTED]</u> Year <u>[REDACTED]</u>																																																																																																																						
9	Address (Include Number & Street) <u>255 EXCHANGE ST</u> Apt. No. <u>[REDACTED]</u> Haz. Mat. Code <u>[REDACTED]</u> Released <input type="checkbox"/>				Address (Include Number & Street) <u>[REDACTED]</u> Apt. No. <u>[REDACTED]</u> Haz. Mat. Code <u>[REDACTED]</u> Released <input type="checkbox"/>																																																																																																																						
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11	Plate Number <u>GV7</u> State of Reg. <u>NY</u> Vehicle Year & Make <u>2007 FORD</u> Vehicle Type <u>4DSD</u> Ins. Code <u>994</u>				Plate Number <u>[REDACTED]</u> State of Reg. <u>[REDACTED]</u> Vehicle Year & Make <u>[REDACTED]</u> Vehicle Type <u>[REDACTED]</u> Ins. Code <u>[REDACTED]</u>																																																																																																																						
12	Ticket/Arrest Number(s) <u>[REDACTED]</u>				Ticket/Arrest Number(s) <u>[REDACTED]</u>																																																																																																																						
13	Violation Section(s) <u>[REDACTED]</u>				Violation Section(s) <u>[REDACTED]</u>																																																																																																																						
14	Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.				Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.																																																																																																																						
15	VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more Damage Codes				VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more Damage Codes																																																																																																																						
16	Vehicle Towed: By <u>[REDACTED]</u> To <u>[REDACTED]</u>				Vehicle Towed: By <u>[REDACTED]</u> To <u>[REDACTED]</u>																																																																																																																						
17	VEHICLE DAMAGE CODING: 1-13. SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER																																																																																																																										
18	Reference Marker				Place Where Accident Occurred: County <u>SENECA</u> <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town of <u>WATERLOO NY 13164</u> Road on which accident occurred <u>NYS ROUTE 5@20</u> (Route Number or Street Name) at 1) Intersecting street <u>[REDACTED]</u> (Route Number or Street Name) or 2) <u>528.0</u> <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W of <u>DRIVEWAY TO SENECA LAKE STATE PARK</u> (Milepost, Nearest intersecting Route Number or Street Name)																																																																																																																						
19	Accident Description/Officer's Notes <u>VEHICLE ONE IS A MARKED PATROL VEHICLE FOR THE CITY OF GENEVA POLICE DEPARTMENT.</u> <u>DRIVER ONE STATES HE WAS OPERATING STATIONARY RADAR IN THE GRASSY MEDIAN, WHEN HE WENT TO PURSUE A VEHICLE FOR A TRAFFIC INFRACTION. AS DRIVER ONE WAS PULLING OUT ONTO THE HIGHWAY TO TRAVEL WEST ON ROUTE 5@20 HE STRUCK A METAL DELINEATOR POST CAUSING</u>																																																																																																																										
20	ALL INVOLVED																																																																																																																										
21	<table border="1"> <thead> <tr> <th></th> <th>8</th> <th>9</th> <th>10</th> <th>11</th> <th>12</th> <th>13</th> <th>14</th> <th>15</th> <th>16</th> <th>17</th> <th>BY</th> <th>TO</th> <th>18</th> <th>Names of all involved</th> <th>Date of Death Only</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>1</td> <td>1</td> <td>4</td> <td></td> <td>23</td> <td>M</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>MATTHEW K COLTON</td> <td></td> </tr> <tr> <td>B</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>C</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>D</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>E</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>F</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>												8	9	10	11	12	13	14	15	16	17	BY	TO	18	Names of all involved	Date of Death Only	A	1	1	4		23	M								MATTHEW K COLTON		B																C																D																E																F															
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F																																																																																																																											
22	Officer's Rank and Signature Print Name <u>Sgt. R. M. [REDACTED]</u> In Full <u>Sgt. R. M. [REDACTED]</u>				Badge/ID No. <u>RMID</u>				NCIC No. <u>003402</u>		Precinct/Post/ Troop/Zone <u>ALL POSTS</u>		Station/Beat/ Sector <u>ALL</u>		Reviewing Officer <u>JTRI</u>		Date/Time Reviewed <u>11-2-10 @ 1000</u>																																																																																																										

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Local Codes
2010-22148New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT
MV-104A (7/01)☒ **AMENDED REPORT**

1	Accident Date Month Day Year	Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene <input type="checkbox"/> Accident Reconstructed <input type="checkbox"/>	Left Scene <input type="checkbox"/> Police Photos <input type="checkbox"/> Yes <input type="checkbox"/> No	19	
2	VEHICLE 1 VEHICLE 1 - Driver License ID Number Driver Name - exactly as printed on license Address (Include Number & Street) City or Town State Zip Code				<input type="checkbox"/> VEHICLE 2 <input type="checkbox"/> BICYCLIST <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> OTHER PEDESTRIAN VEHICLE 2 - Driver License ID Number Driver Name - exactly as printed on license Address (Include Number & Street) City or Town State Zip Code					20
3	Date of Birth Sex Unlicensed <input type="checkbox"/> No. of Occupants Public Property Damaged <input type="checkbox"/> Name - exactly as printed on registration Address (Include Number & Street) City or Town State Zip Code				Date of Birth Sex Unlicensed <input type="checkbox"/> No. of Occupants Public Property Damaged <input type="checkbox"/> Name - exactly as printed on registration Address (Include Number & Street) City or Town State Zip Code					21
4	Plate Number State of Reg. Vehicle Year & Make Vehicle Type Ins. Code				Plate Number State of Reg. Vehicle Year & Make Vehicle Type Ins. Code					22
5	Ticket/Arrest Number(s) Violation Section(s)				Ticket/Arrest Number(s) Violation Section(s)					23
6	Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.				Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.					24
7	VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more Damage Codes				VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more Damage Codes					25
8	Vehicle By Towed: To				Vehicle By Towed: To					26
VEHICLE DAMAGE CODING: 1-13. SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER										27
ACCIDENT DIAGRAM 9. Cost of repairs to any one vehicle will be more than \$1000. <input type="checkbox"/> Unknown/Unable to Determine <input type="checkbox"/> Yes <input type="checkbox"/> No										28
Reference Marker Coordinates (if available) Latitude/Northing: Longitude/Easting:										29
Place Where Accident Occurred: County <input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town of Road on which accident occurred (Route Number or Street Name) at 1) Intersecting street (Route Number or Street Name) or 2) <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W of (Milepost, Nearest intersecting Route Number or Street Name) Feet Miles										30
Accident Description/Officer's Notes DAMAGE TO THE PATROL VEHICLE AND THE DELINEATOR TO BE RIPPED FROM THE GROUND										31

ALL INVOLVED	8	9	10	11	12	13	14	15	16	17	BY	TO	18	Names of all involved	Date of Death Only
A															
B															
C															
D															
E															
F															

Officer's Rank and Signature Print Name in Full	Badge/ID No. NCIC No.	Precinct/Post Troop/Zone	Station/Beat Sector	Reviewing Officer	Date/Time Reviewed
SGT. [Signature] SGT. [Signature]	87113 003462	A11/P25	A11		

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**CITY OF GENEVA
POLICE DEPARTMENT**

255 EXCHANGE STREET
GENEVA, NEW YORK 14456

FRANK T. PANE
Chief of Police

Phone: (315) 789-1111
Fax: (315) 789-1814

11/03/10

Chief Pane,

On November 2, 2010 at or about 0345 Officer Colton was assigned marked patrol vehicle GV-7. The officer reports he was operating stationary radar in the grassy median on NYS Route 5@20 west of the Seneca Lake State Park and he was facing west. This part of 5@20 is outside the City of Geneva and outside Ontario County. The Officer states he went to pursue a gray Ford Focus for no tail lamps and inadequate exhaust. This part of 5@20 is not lit with street lights and I am wondering how he was able to get so details of the vehicle he was going to pursue. The Officer reports when he went to pursue the vehicle in question he struck and ran over a metal delineator post causing damage to front bumper of GV-7. The metal delineator was ripped from the ground and dragged out into the highway. There was a heavy frost on the night in question. When I went to the scene of the accident this Sergeant wasn't able to locate where the patrol vehicle had been sitting. None of the frost was melted or thawed in any way from the heat of the motor or exhaust system of the warm and running patrol vehicle. There were no spin marks in the grass where the Officer took off to pursue this vehicle and no frost was melted in the tire tracks. I could clearly see where Officer Colton's patrol vehicle travelled 85 feet 8 inches in the median before striking the sign post. This motor vehicle accident was **Preventable** the officer had no business being outside the City of Geneva or in Seneca County. GV-7 was taken out of service until it could be checked by a city mechanic the following day. CR# 2010-22148 was assigned to the motor vehicle accident. The damage to the patrol vehicle and the scene were documented with photographs. New York State Department of Transportation was contacted regarding the destroyed delineator.

Respectfully Submitted

Sergeant Robert L. Middlebrook

POLICE DEPARTMENT, CITY OF GENEVA, N. Y.

PDO.....✓ INJ.....

Report of Motor Vehicle Accident

No. 2010-22148

Date 11-2-10 Time Accident Occurred 0345 A.M. P.M.
 Date Accident Occurred 11-2-10 Date Accident Investigated 11-2-10
 Investigated by SGT. R. WISSEBRUGH Time Investigated 0355 A.M. P.M.
 Location NYS ROUTE 510
 Road Conditions: Dry (X) Wet () Snowy () Icy () Under Repair ()
 Width of Road.....Shoulder Width.....Type Road: Concrete () Macadam (X) Gravel ()
 Weather: Clear (X) Cloudy () Fog () Drizzle () Rain () Snow () Dawn () Daylight () Dusk () Dark ()

CAR No. 1

Name of Operator COTTON, MATTHEW K Address.....
 Ident. #.....
 License.....
 Ins. Co. GOVERNMENT 994 Agent SAF
 Address 255 EXCHANGE ST GENEVA 14456
 Year, Make, Type of Car 2007 FORD CROWN VIC
 Damage FRONT END Seat Belts F.....R.....V.....
 Female.....Male X Phone 315 789-1111
 Vehicle Owner CITY OF GENEVA Police DEPT.
 Registration No.....
 Garage Towed To NOT TOWED

CAR No. 2

Name of Operator..... Address.....
 Age..... D.O.B..... Ident. #..... State.....
 License Issued..... Expires.....
 Female.....Male..... Phone.....
 Ins. Co..... Agent.....
 Vehicle Owner..... Address.....
 Registration No..... Expires.....
 Year, Make, Type of Car.....
 Garage Towed To..... Damage..... Seat Belts F.....R.....

CAR No. 3

Name of Operator..... Address.....
 Age..... D.O.B..... Ident. #..... State.....
 License Issued..... Expires.....
 Female.....Male..... Phone.....
 Ins. Co..... Agent.....
 Vehicle Owner..... Address.....
 Registration No..... Expires.....
 Year, Make, Type of Car.....
 Garage Towed To..... Damage..... Seat Belts F.....R.....
 Witness.....
 Witness.....

Injured in Car No. NO INJURIES Address.....
 Nature of Injury..... Hospital or Doctor.....
 Injured in Car No. Address.....
 Nature of Injury..... Hospital or Doctor.....
 Injured in Car No. Address.....
 Nature of Injury..... Hospital or Doctor.....

Enforcement Action NONE AT THIS TIME Subject..... Court Date..... Car No.

Officer.....
 Description of Accident DRIVER ONE REPORTS HE WAS OPERATING STATIONARY RADAR IN THE GRASS MEDIAN ON ROUTE 500 NEAR THE SENECA LAKE STATE PARK. HE WENT TO PURSUE A VEHICLE FOR A TRAFFIC VIOLATION. AS HE WAS TRAVELING WEST TO IN DRIVER ONE STRUCK A MEDIAN DELINCTOR CAUSING DAMAGE TO THE PATROL VEHICLE. THE DELINCTOR WAS RIPPED FROM THE GROUND AND DESTROYED.
 THE PATROL VEHICLE WAS TAKEN OUT OF SERVICE.

Signature of Person Filing Report
 SGT. R. WISSEBRUGH


Officer Receiving Report
 R. WISSEBRUGH

02 November 2010

Chief Pane,

On the aforementioned date at or around 03:50 I was operating marked unit GV-7. I was running stationary radar in the median on Routes 5 & 20, just passed the city limit, facing west. I pulled out of the parked position to pursue a Gray, Ford Focus hatchback with an inadequate exhaust and no tail lights. While I was pulling onto the highway I struck a metal road marker in the median with the right portion of the front bumper. I stopped and exited my vehicle to find the road marker had damaged the right side of the front bumper. I notified Sergeant Middlebrook of the incident directly after.

Officer Matthew K. Colton

A handwritten signature in black ink, appearing to read "M. Colton", followed by a horizontal line.

**GENEVA POLICE DEPARTMENT
OFFICER'S DAILY ACTIVITY SHEET**

OFFICER	SHIELD #	SHIFT	DATE	DAY	VEHICLE #	PORT #	START MILEAGE: 96575	SHIFT TOTAL
COLTON, MATTHEW K	MCOL	11-7	11/01/10	Mon	GV7	EAST	ENDING MILEAGE: 96609	34

VEHICLE & EQUIPMENT CHECK

- | | | |
|---------------------------------------|--------------------------------------|--|
| <input type="checkbox"/> Tires | <input type="checkbox"/> Spare | <input type="checkbox"/> Wipers |
| <input type="checkbox"/> Battery | <input type="checkbox"/> Oil | <input type="checkbox"/> Trans Fluid |
| <input type="checkbox"/> Pwr Steering | <input type="checkbox"/> Head Lights | <input type="checkbox"/> Brake Lights |
| <input type="checkbox"/> Washer Fluid | <input type="checkbox"/> Tail Lights | <input type="checkbox"/> Signal Lights |

EMERGENCY LIGHTS & EQUIPMENT

- | | | |
|--|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> 4-Ways | <input type="checkbox"/> Revolving | <input type="checkbox"/> Grill |
| <input type="checkbox"/> Wig-Wag | <input type="checkbox"/> Siren | <input type="checkbox"/> Radio |
| <input type="checkbox"/> 1st Aid Kit | <input type="checkbox"/> Blanket | <input type="checkbox"/> Flares |
| <input type="checkbox"/> Fire Ext | <input type="checkbox"/> Slim Jim | <input type="checkbox"/> Deck Lights |
| <input type="checkbox"/> Take Down
Lights | <input type="checkbox"/> Alley Lights | <input type="checkbox"/> Rear Flash |
| | <input type="checkbox"/> Spot Light | |

VEHICLE CONDITION

Cleanliness ☐ Exterior ☐ Interior
Body Damage: Repair Needed

✓-OK, X-Repair Needed, 0-Repair Made

TODAY'S ACTIVITY TOTALS

HOURS OF:

Patrol	_____
Dispatch	_____
Traffic Control	_____
Foot Patrol	_____
Court	_____
Administrative	_____
Stationary Radar	_____
Investigations	_____
Service of Papers	_____
Security Checks	_____
Officer Assists	_____
Other Jurisdiction Assn...	_____
Miscellaneous	_____
Overtime Hours	_____

NUMBERS OF:

Felony Arrests .....	.....
Misdemeanor Arrests ....	.....
Violation Arrests .....	.....
Ordinance Arrests (TV) .	.....
Moving U/I's .....	.....
Other UTT's .....	.....
Parking Tickets .....	.....
Warning Tickets .....	.....
Equipment Repair Checks .	.....
Accidents .....	.....
Public Relation Assists ..	.....
Warrants Checked .....	.....
Miscellaneous .....	.....
OT Code .....	.....

Signature:

Approved
By:

COMPLAINT NO.

TIME,

RECEIVED

COMPLETED

CONSUMED

LOCATION, TYPE OF ACTIVITY AND ACTION TAKEN

GENEVA POLICE DEPARTMENT
OFFICER'S DAILY ACTIVITY SHEET - Monday November 01 2010

Officer: COLTON, MATTHEW K Shield #: MCOL Shift: 11-7

Comments:

DAMAGE TO RIGHT PORTION OF THE FRONT BUMPER



**CITY OF GENEVA
POLICE DEPARTMENT**

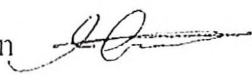
255 EXCHANGE STREET
GENEVA, NEW YORK 14456



FRANK T. PANE
Chief of Police

Phone: (315) 789-1111
Fax: (315) 789-1814

TO: FRANK T. PANE, CHIEF OF POLICE

FROM: P.O. Matthew Colton 

DATE: January 5, 2010

RE: Complaint of Police Chief Frank Pane that I did
violate the Rules of Conduct and Conformance
to Laws of the Geneva Police Department

Having been advised that I will not be dismissed from my position as a Police Sergeant, I elect not to challenge the allegations of the Chief of Police that I did violate the Rules of Conduct, which is part of the General Orders Manual of the Police Department, by certain prohibited conduct under General Order 305,111,2A-4A Unbecoming Conduct and Conformance to Laws

Unbecoming conduct – Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorable on the department. Conduct unbecoming an officer shall include that which brings the department into disrepute or reflects discredit upon the officer as a member of the department, or that which impairs the operation or efficiency of the department or officer.

Conformance to Laws – Officers and employees shall obey all laws of the United States and of any state and local jurisdiction in which the Officers/employees are present.

Further, I elect to accept the correctional or disciplinary actions, less dismissal as aforesaid, imposed by the Chief of Police.



**CITY OF GENEVA
POLICE DEPARTMENT**

255 EXCHANGE STREET
GENEVA, NEW YORK 14456

FRANK T. PANE
Chief of Police

Phone: (315) 789-1111
Fax: (315) 789-1814

TO: P.O. Matthew Colton

FROM: FRANK T. PANE, CHIEF OF POLICE

DATE: January 5, 2010

RE: **Disciplinary Action related to an
acknowledgement of your violation of
General Order 305,111,2A-4A of the Rules
of Conduct**

Unbecoming conduct
Conformance to Laws

Upon your election not to challenge allegations that you violated the rule as specified in the attached affidavit, the correctional action to be imposed is as follows:

That you forfeit five (5) days of leave which can include vacation days, holidays or personal leave days.



**CITY OF GENEVA
POLICE DEPARTMENT**

255 EXCHANGE STREET
GENEVA, NEW YORK 14456



FRANK T. PANE
Chief of Police

Phone: (315) 789-1111
Fax: (315) 789-1814

January 5, 2010

Jennifer Slywka
Assistant to the City Manager/Personnel
47 Castle St.
Geneva, NY 14456

Dear Ms. Slywka:

Having agreed not to challenge a rules violation allegation made against me, I have elected to accept the corrective action imposed – a loss of five (5) days of leave. I will surrender five (5) holidays to satisfy the penalty.

Sincerely,

P.O. Matthew Colton



**CITY OF GENEVA
POLICE DEPARTMENT**

255 EXCHANGE STREET
GENEVA, NEW YORK 14456



FRANK T. PANE
Chief of Police

Phone: (315) 789-1111
Fax: (315) 789-1814

Facts of Allegations
P.O. Matthew Colton
General Order 305, Rules of Conduct, 111 2A-4A
Unbecoming Conduct, Conformance to Laws

On December 4, 2009, at approximately 12:25 AM, you were observed by Sergeant Tyler Turner and P.O. Bret Steve, driving a pick up truck in an Easterly direction on Hamilton Street near Pulteney Street. Both Officers, in separate vehicles, estimated your speed at approximately 60 MPH. The speed limit on Hamilton Street is 35 MPH.

Previous to the above incident, you were given a counseling memo by Lieutenant Trickler on September 29, 2009 for operating a private vehicle at a rate of speed exceeding 90 MPH on September 9, 2009. The incident took place on Routes 5 & 20 near the Seneca County line.



City of Geneva

POLICE DEPARTMENT

255 Exchange Street
Geneva, New York 14456
Phone: (315) 789-1111 Fax: (315) 789-1814

Frank T. Pane
Chief of Police

12-10-09

To: LT. TRICKLER
From: P.O. B. STEVE

ON 12-04-09 AT APPROXIMATELY 0025 HRS THIS OFFICER WAS TRAVELING EAST ON HAMILTON STREET IN A MARK PATROL UNIT BELIEVED TO BE GV5. WHILE PROCEEDING EAST ON HAMILTON STREET IN THE LEFT HAND LANE THIS OFFICER SAW A ORANGE PICK UP TRUCK BEHIND THE PATROL VEHICLE, OFFICER COLTON WAS DRIVING. THE ORANGE PICK UP TRUCK PROCEEDED TO THE RIGHT HAND LANE AND BEGAN TO PASS THE MARKED PATROL UNIT. THIS TOOK PLACE JUST BEFORE THE HILL ON HAMILTON STREET. WHILE GOING OVER THE HILL THIS OFFICER SAW MARKED PATROL UNIT GV6 PROCEEDING WEST ON HAMILTON STREET JUST PAST PULTENEY STREET. OFFICER COLTONS VEHICLES BRAKE LIGHTS CAME ON FOR A SECOND AND VEHICLE STILL PROCEEDED EAST. THIS OFFICER SAW GV6 CONDUCT U-TURN TO FOLLOW OFFICER COLTONS PICK UP TRUCK. AT THIS TIME THIS OFFICER INFORMED SGT. TURNER OVER THE RADIO IT WAS ONE OF OURS. SGT. TURNER ASKED IF IT WAS ORANGE THIS OFFICER SAID "YES." THIS OFFICER BELIEVES HE WAS TRAVELING AT 40 MPH IN THE MARKED PATROL VEHICLE. THIS OFFICER DID NOT ESTIMATE OFFICERS COLTONS SPEED BECAUSE IT WAS A FELLOW OFFICER. IF I HAD TO JUDGE HIS SPEED ON HOW FAST HE PASSED MARKED PATROL UNIT, THIS OFFICER WOULD SAY OFFICER COLTONS VEHICLE WAS GOING APPROXIMATELY 15 TO 20 MPH FASTER THAN THIS OFFICERS VEHICLE.

Respectfully,

P.O. STEVE

cc:

December 9, 2009

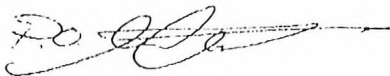
Lieutenant Trickler,

Sir, I am directing this document to you as requested for the allegation of my excessive rate of speed on the 4th day of December, 2009. On said date, I was operating my personal vehicle in an Easterly direction on Hamilton Street. I was traveling behind marked unit GV8, near Jefferson Avenue at speeds at or around thirty miles per hour. At this time I passed marked unit GV8 in a safe and non-reckless manner. As I crested the hill on Hamilton Street I observed marked unit GV6 driving in a Westerly direction, near Pulteney Street. At no time was I operating my personally owned vehicle at an excessive rate of speed.

On the 5th day of December, 2009, Sergeant Turner spoke with me regarding my alleged high rate of speed. Sergeant Turner started the conversation off by stating, "Going a little fast last night fucker or what?" Sergeant Turner then stated that I was operating my personally owned vehicle at sixty miles per hour. I informed Sergeant Turner that I was not driving at such a speed and that I did nothing wrong. Sergeant Turner then stated, "First of all, who said you did anything wrong? You're going fucking too fast. That's what the problem was." I then asked Sergeant Turner how fast I was going, to which he stated, "You were going probably fifty five or sixty."

Sir, I request that I personally speak with you about this matter. At no time was I operating my personal vehicle at an excessive rate of speed. As you know, I have taken full responsibility and have accepted all disciplinary action for my past actions. I have never once declined nor argued my actions in the past. This allegation made against me is false and I wish for you to listen to the recorded conversation between myself and Sergeant Turner. I am not declining that I was speeding above the posted speed limit but it was no more than that of forty five miles per hour, no traffic or pedestrians were using the roadway and my vehicle was under control at all times.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "M. Colton", with a horizontal line extending to the right.

Officer Matthew K. Colton

To: Lt. Trickler
From: Sgt. Turner
Re: P.O. Colton
12-08-09

On 12-04-09 at 12:25a.m. I was patrolling in GV-6 westbound on Hamilton Street and saw a pick up truck heading eastbound at approximately 55-60 mph, I didn't know it at the time but it was Colton driving the orange truck. I turned around on the vehicle and Colton continued eastbound after spiking his brakes. P.O. Steve was in the area and he called on the radio stating that it was one of ours. I caught the red light at Pulteney Street and did not pursue Colton. I met up with P.O. Steve and asked him about the incident. P.O. Steve stated that Colton was trying to show off and was going over 60 mph. There was quite a few pedestrians out as well as cars at the Pulteney Street intersection and the speed was not acceptable at all and definitely unsafe.

On 12-04-09 at approximately 11:40p.m. I met with P.O. Colton to advise him to slow down as he was driving way too fast on Hamilton Street the previous night. P.O. Colton became highly defensive and insisted that he did nothing wrong. I told him he needs to be responsible both on and off duty. P.O. Colton again insisted that he had done nothing wrong.

A handwritten signature in black ink, appearing to read "Sgt. Turner", with a long horizontal line extending to the right.

EMPLOYEE COUNSELING MEMO

TO: PO Matt Colton
FROM: Lt. Jeffrey Trickler
RE: Traffic Stop Involving Sgt Middlebrook

Written Narrative: PO Colton

On 09-09-09, at or about 0000 hrs, Sgt Middlebrook notified dispatch that he was pursuing a vehicle that was traveling at a high rate of speed east bound on Rt. 5& 20. Dispatch then notified Seneca County Sheriff's Department that the pursuit was entering their county. Sgt Middlebrook determined the speed of the vehicle to be at least 90-100 MPH. Once the vehicle was stopped it was determined that you were operating the vehicle.

Your actions not only put yourself in jeopardy but also the other occupant of the vehicle, other patrol units and any citizens in the area. Being police officers, you must realize that we are held to a higher standard than the ordinary population and when police officers become involved in incidents such as this it has the ability to reflect unfavorably, not only on the officer, but on the department as a whole.

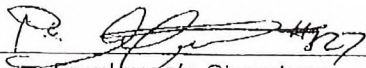
Your actions that night are in direct violation of General Order 305, RULES OF CONDUCT, SECTION 2-A and 4-A, contained in the Geneva Police Departments Police and Procedural Manual.

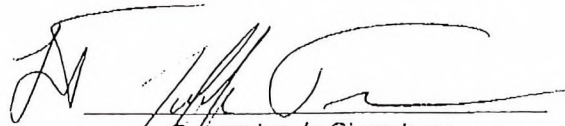
You must understand that this counseling memo is being served upon you so you may take immediate corrective measures so it does not happen again.

As you may or may not be aware, further violation of the General Order may result in disciplinary action taken against you.

My signature acknowledges that I have read and received a copy of this counseling memorandum. It does not mean I agree or disagree with the contents. I know I have the right to attach a rebuttal.

DATED: 9.29.09


Employee's Signature

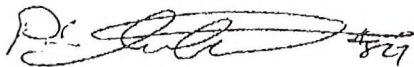

Supervisor's Signature

September 9th, 2009

To Whom It May Concern:

On the 8th day of September, 2009 at or around 23:45 hours, I was traveling in a P.O.V. in an Easterly direction on Routes 5&20 near the State Park at a speed of 55 to 60mph. I observed a marked Geneva Police Vehicle traveling West on the above named highway. When I observed the marked unit, I did accelerate the vehicle that I was operating to a speed of around 85mph. I did observe the marked unit turn around while I accelerated passed it. I kept this speed until I was approximately 500 feet away from the underpass on Routes 5&20, in Seneca County. I did not believe that the marked unit was in pursuit of me, due to me not observing emergency lights and my belief of the operator of the marked unit, being Officer Vine recognizing the vehicle that I was operating. I slowed the vehicle that I was operating to the posted speed limit approximately 500 feet from the underpass and stopped for the red traffic signal on Routes 5&20 and 96A. While sitting at the traffic light, marked unit GV9 pulled behind me with its emergency lights activated. I looked into the rear view mirror and observed that the operator of marked unit GV9 was Sgt. Middlebrook. At this time, I identified myself and apologized for my actions. I am full aware that my erratic driving may have caused injury or even death to Sgt. Middlebrook, the passenger in my vehicle, other persons and myself. I will take full disciplinary action for the incident and understand all consequences involved.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Colton", with a stylized flourish at the end.

Officer M. Colton

GENERAL INFORMATION

Supervisor: CREA REALE
Date/Time: 09/28/09 22:01
Actual Signal: FOUND PROPERTY 19
Received: 22:01:00
Arrived: 22:07

Dispatcher: MMAH MAHONEY
Reported Signal: FOUND PROPERTY 19
Dispatched: 22:06

Call Taker: MMAH MAHONEY
Received By: CELL
En Route: 22:06
Cleared: 22:11

Vehicle Description:

Plate No.:

Disposition: H

Action Taken:

Reference No. 1:

State: NY

Disp. Date: 09/28/09 22:11

Report Taken: NO

Reference No. 2:

LOCATION**CALLER INFORMATION**

Last Name: [REDACTED]

First Name: [REDACTED]

Middle Name/Suffix: J

Alias/Maiden Name:

DOB: [REDACTED]

Address:

City: [REDACTED]

State: [REDACTED]

Zip: [REDACTED]

Phone: [REDACTED]

Anonymous: NO

RESPONDING UNITS/OFFICERSUnit/Officer

COLTON, MATTHEW

Dispatched

22:06

En Route

22:06

Arrived

22:07

Cleared

22:11

ASSOCIATED PERSONS

<u>Name</u>	<u>Alias</u>	<u>DOB</u>	<u>Address</u>	<u>Phone</u>	<u>Inv.</u>
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NOTES

COMPL, [REDACTED] CALLED THE PD TO REQUEST AN OFFICER MEET HIM AT THE [REDACTED] SO THAT HE CAN TURN OVER A KNIFE HE FOUND.

PO COLTON DETAILED...

OFFICER REPORTS COMPL TURNED OVER A SMALL KNIFE AND A FLASHLIGHT. NEITHER ITEM IS OF ANY VALUE AND OFFICER WILL BE DISPOSING OF THEM. COMPL REQUESTS EXTRA CHECKS OF THE AREA.



FROM THE DESK OF LT. JEFFREY E TRICKLER

TO: SGT REALE
FROM: LT. JEFFREY E TRICKLER
SUBJECT: [REDACTED]
DATE: 10-06-09
CC: COP/LT CATALINE



I received the flashlight in by box but not the knife involved in the above referenced CR.

A couple of questions:

- 1.) Where is the knife?
- 2.) Why does the complaint state that the items were to be disposed of when the officer kept them?
- 3.) Why does the complaint say that the items are of no value when in fact it is clear that the flash light is new and in very good condition? In fact the owner states that he bought it a month ago for \$35.00.
- 4.) What would have happened if these it was determined that these items were used in the commission of a crime? I would first suspect that the items could be used as burglar's tools.
- 5.) What was the purpose of the officer keeping them? Was it for his own benefit?
- 6.) Is the officer familiar with GO 905 which deals with property management?

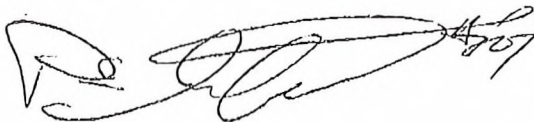
I would like PO Colton to put into writing the reasoning for his actions and the discrepancies between the complaint and his actions. When I called PO Colton and asked him about the items he stated that they were in his locker. I then called the owner of the items and relayed that information to him. If the knife can not be located that puts me in a very precarious position and it does not reflect favorably on the department. It would appear that the officer was attempting to keep the items for his own benefit. Please have these answers to me by the end of his shift.

October 6th, 2009

Sgt. Reale,

I was unable to locate the small novelty knife in my locker on the 5th of October, 2009. After a more thorough search of my locker and other places it may have been I located the knife in the bottom of my duty bag. I had full intentions of disposing of the two items but forgot to throughout my tour of duty on the date of the original complaint. When my tour of duty was over on the day of the complaint I seen the items in my duty bag and placed them on the top shelf in my locker. I believed that both items had no value, due to the flashlight not having a charger which renders it useless and the knife being of very little or no value which also renders it virtually worthless. I checked the front lobby area of the [REDACTED] for any sign of a crime being committed, about to be committed or had been committed, which resulted negative. After not being able to locate the knife on the 5th, I was asked to write Lieutenant Trickler a memo in regards to me not locating the knife. Once again, I clearly forgot to write a memo to Lieutenant Trickler. On the 6th day of October, I attempted to contact Lieutenant Trickler which I could not. I have also read General Orders Section 905 and clearly understand that I have made a mistake. I will correct my actions in the future and will follow correct procedure in the finding of lost property. The flashlight was turned over to Lieutenant Trickler and the knife was placed in his mail box on the 6th of October.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Colton', with a stylized flourish at the end.

PO M. Colton

Lt:

Please find the following information that needs to be corrected on PO Colton's "Found Property of a Quarter" Incident Report:

Evidence Errors:

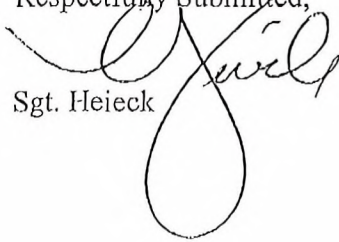
1. All information that is Not Applicable will be marked N/A on label (GO 905 Section VII B Property Label Procedure)
2. No CR was found on the Label (added by Sgt. Heieck) (GO 905 Section VII B Property Label Procedure)
3. Initials were not used on partially the package and partially the label ensuring evidence chain of command (GO 905 Section X A 6 General Packaging Guidelines)
4. No where does Officer Colton indicate that said currency was counted by two officers, nor is it contained in his Incident Report. (GO 905 Section X Section I General Packaging Guidelines - Currency)

Incident Report Errors:

5. The original incident indicates Case Number as [REDACTED]
6. In the property details section of the incident Officer Colton lists the UCR offense as "other offense." Found property is not characterized by any Offense.

Respectfully Submitted,

Sgt. Heieck

A handwritten signature in black ink, appearing to read "Sgt. Heieck", written over the printed name.

TO: Lt. Trickler
FROM: Sgt. Reale
DATE: 10-7-2009
RE: [REDACTED]

I spoke to Officer Colton on 10-5-2009 concerning the above-referenced matter. I indicated that you wanted the knife and flashlight left in your box so the items could be returned to their rightful owner. Officer Colton indicated to me that he had already taken care of it.

Later Dispatcher Mahoney advised me that you phoned and wanted me to make sure those items were left in your box. I checked your mailbox and observed the flashlight, but no knife. I asked Officer Colton about the knife, and he said that he could not find it. I asked why he told me that he took care of it already if he couldn't find the knife. He said he looked everywhere and couldn't find it, but he would look again. I told him to leave a note for Lt. Trickler about the knife if he couldn't find it.

On 10-6-2009, I asked Officer Colton to submit a memo to me in response to the issues brought up in your memo to me. I told him to review G. O. 905 and to indicate that he did so in his memo. I also told him to include in the memo why he failed to leave a note for you concerning the knife as he was directed.

Later Officer Colton later indicated to me that he found the knife in his duty bag. I told him to leave it in your box and include his recovery of it in the memo. Officer Colton submitted a memo to me concerning the matter, including the above-mentioned items, a copy of which you have received.



FROM THE DESK OF LT. JEFFREY E TRICKLER

TO: CHIEF PANE
FROM: LT. JEFFREY E TRICKLER
SUBJECT: MATT COLTON
DATE: 10-09-09
CC: LT CATALINE



On, or about, October 1st I was advised by [REDACTED] that he was missing a knife and a flashlight. [REDACTED] stated that [REDACTED] advised him that the items were turned over to the Geneva Police Department. He stated that he went to the police department to retrieve his items and he was advised that they have been thrown out. (refer to [REDACTED]) [REDACTED] was distraught over losing the items as he felt that he needed them for protection and he had just bought the flashlight a month ago for \$35.00. He requested that I looked into the matter.

On, or about, 10-05-09 I contacted PO Colton via phone. PO Colton stated that he felt that the items had no value and that they were placed in his locker. This is contrary to what the call for service states. PO Colton stated that he would leave the items in my mail box. I then called [REDACTED] and advised him that I have located the items and they would be returned to him.

The next day I returned to find the flashlight in my box but not the knife. It is clear that the flashlight was new and I cannot comprehend how PO Colton can declare it as not having any value. I contacted Sgt Reale and inquired as to where the knife was. He stated that PO Colton could not find the knife. I asked Sgt Reale to have PO Colton write a letter to me advising me why the knife was placed in his locker and not placed into found property. I contacted [REDACTED] and now advised him that I had the flashlight but the knife could not be found. The next day I found the knife in my box but no letter from PO Colton. I asked Sgt Reale where PO Colton's explanation was and he stated that he did direct PO Colton to write me a letter. PO Colton apparently disregarded this order by his supervisor. I, once again, contacted [REDACTED] and advised him that I now had both items and that they would be returned to him.

I had Sgt Reale, once again, direct PO Colton to forward me his explanation about the property and why he disregarded a direct order from his supervisor to do this in the first place. The next day this was placed in my box.

It was then brought to my attention that PO Colton "found" a quarter in the parking lot and brought it in to log in as found property. I believe this was an attempt to scrutinize the policies and procedures of the Geneva Police Department. This quarter that was

placed into the evidence locker was reviewed by Sgt Heieck and found to be incomplete with numerous errors. I was further advised that PO Colton did an incident report about checking a playground (refer to [REDACTED]). After reading the report it is clear that this was another attempt to impair Sgt Turners ability to supervise. No where on this call for service does it state that there was an incident report attached.

PO Colton's actions has caused unnecessary work for several members of the Geneva Police Department and it shows that he has a total lack of respect for both the policy and procedures of the police department and the supervisors. His actions took him off the street and brought him into the PD just so that he could make a point. I personally feel that I was put into an embarrassing situation as I had to call [REDACTED] on at least three separate occasions with different information regarding his property. I also feel that because of his actions [REDACTED] has lost a great deal of respect for the members of the department.

I believe that the actions of PO Colton are in direct violation of the following General Orders:

G.O. 905 VII (a,b,c,f)

G.O. 905 X II

G.O. 305 18a

Thank-you

EMPLOYEE COUNSELING MEMORANDUM

TO: Police Officer Matthew Colton
FROM: Police Sergeant C. S. Reale
DATE: October 12, 2009
RE: Found Property Call for Service [REDACTED]

Officer Colton,

On [REDACTED] you responded to the above-referenced Call for Service for found property at the [REDACTED] a [REDACTED] employed with the [REDACTED] turned over to you at that time a flashlight and a pocket knife that he had found. The Call for Service indicated that the items were of no value and that you would be disposing of them. This is despite the fact that both items were in very good working condition and the flashlight was in fact brand new. Contrary to what was indicated on the Call for Service, you did not dispose of the items but retained possession of them.

On or about October 5, 2009 you had a telephone conversation with Lieutenant Trickler in which he informed you that the owner of these items, [REDACTED] had contacted him and would like the items returned. You then told Lieutenant Trickler that the items were in your locker and that you would leave them in his mailbox. Lieutenant Trickler then advised [REDACTED] that his property would be returned to him. Lieutenant Trickler also asked me to make sure that you remembered to leave the items in his box so that he could return them to their rightful owner.

On October 5, 2009, I asked you if you had left the items in Lieutenant Trickler's mailbox. You told me that you had already taken care of it. However when I checked the mailbox, only the flashlight was present. I then asked you about the knife and you told me that you could not find it. I then told you to make every attempt to find the knife, and further that if you could not find it, to leave Lieutenant Trickler a note indicating such. You told me you had taken care of the matter when in fact you had only partially completed what was asked of you. Furthermore, you failed to leave an explanatory note as you were directed.

Your handling of this matter resulted in Lieutenant Trickler having to explain to [REDACTED] an ever-changing account of what happened to his property on at least three separate occasions. In turn, this has caused a citizen of our community to lose a great deal of respect for members of this department.

Your actions are in direct violation of the following General Orders contained in the Geneva Police Department's General Orders Manual:

G. O. 905, PROPERTY AND EVIDENCE MANAGEMENT, SECTION VII (A,B,C,F)

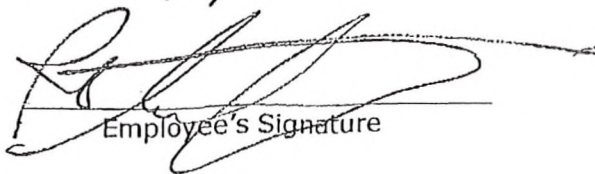
G. O. 305, RULES OF CONDUCT, SECTION III (A18a)

You must understand that this counseling memorandum is being served upon you so that you may take immediate corrective measures to ensure similar incidents do not occur in the future.

As you may or may not be aware, further violation of the General Orders may result in disciplinary action being taken against you.

My signature acknowledges that I have read and received a copy of this counseling memorandum. It does not mean I agree or disagree with the contents. I know I have the right to attach a rebuttal.

DATED: 11/3/09


Employee's Signature


Supervisor's Signature