

GENERAL INFORMATION

Supervisor: TBD OPEN SLOT Dispatcher: JTRI TRICKLER Call Taker: JTRI TRICKLER
Date/Time: 11/25/14 11:52 Reported Signal: PERSONNEL COMPLAINT/COMMENDATION 101
Actual Signal: PERSONNEL COMPLAINT/COMMENDATION 101 Received By: WALK-IN
Received: 11:52:33

Vehicle Description:

Plate No.: State: NY
Disposition: Disp. Date: 11/25/14 11:52 Report Taken: NO
Action Taken:
Reference No. 1: Reference No. 2:

LOCATION

Location Name: Zone:
Address:
Alt. Address: Direction:
Apt. No.: City: GENEVA Intersection:
Phone No.: (315) ____-____

CALLER INFORMATION

Last Name: CHIEF First Name: TRICKLER Middle Name/Suffix:
Alias/Maiden Name: [REDACTED]
Address: GPD
City: GENEVA State: NY Zip: 14456-____
Phone: (315) ____-____ Anonymous: NO

RESPONDING UNITS/OFFICERS

<u>Unit/Officer</u>	<u>Dispatched</u>	<u>En Route</u>	<u>Arrived</u>	<u>Cleared</u>
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ASSOCIATED PERSONS

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

RECEIVED PERSONNEL COMPLAINT FROM [REDACTED].

GENEVA POLICE DEPARTMENT

Complaint Action Form

This form is to be completed in full and signed by the complaining citizen and a notary republic, if not signed by a Sergeant or Lieutenant of the Geneva Police Department. **WARNING: False Statements made herein are punishable as a Class A Misdemeanor crime pursuant to Section 210.45 of the Penal Law of the State of New York. Please type or Print.**

COMPLAINANT

Name: _____
Address: _____
Occupation: _____
Work Address: _____
Email Address: _____

ACCUSED OFFICER(S)

See Police Report

Name: _____
Name: _____

Badge Number _____

Badge Number _____

INCIDENT

Time/Date: _____

Location: *ON the street in*
Nature of Complaint *front of property**Incomplete Police Report*

WITNESS(ES)

Name: _____
Address: _____
Name: _____
Address: _____

Phone Number

(H) _____ (W) _____

Numerous others present on street
(H) _____ (W) _____

Are you making this complaint of your own free will:

Yes ☒No ☐

Were you arrested as a result of this incident:

Yes ☐No ☒

If yes, what charge: _____

Disposition (fine, imprisonment, etc.): _____

3. Are you willing to appear and give testimony under oath at a department hearing and/or criminal proceeding: Yes ☒ No ☐

COMPLAINT - state exact circumstances of the complaint

On [redacted] my car was hit while parked on the street in front of my home. An eye witness was present to observe the entire incident and send someone to get me. He reported the details of the scene to all of us. I observed the men arrested person as the driver that hit my car initially and photographed her with my camera phone. She asked if we could work it out without calling the police I said no. At that time the initial driver and passengers changed seats as we watched. I called 911 to report that the second driver was attempting to pull off and flee the scene of the accident. But after multiple attempts her front right wheel fell off. Both ladies stated that they were at [redacted] prior to the accident having drinks. Both were visibly intoxicated and were hopping around. One fell during the sobriety check (arrested driver). She kept saying that she had family on the force and that it was better if she received the DWI instead of the other lady. Several witnesses listened & heard make the statement. She asked not to be handcuffed outside of the car so, (she was given a choice) and was handcuffed inside the car after she sat down. I never received a driver insurance exchange form. I had to go + get one the next day.

Disposition (fine, imprisonment, etc.): _____

3. Are you willing to appear and give testimony under oath at a department hearing and/or criminal proceeding: Yes ☒ No ☐

COMPLAINT - state exact circumstances of the complaint

Photo graphs taken [redacted] During Incident
1st Driver switched seats with Passenger
1st Driver. Damage to car, slid marks in road, car leave
Driver Attempting to flee the
Scene while on the phone with 911
Dispatch
Others called 911 out of
fear 2nd driver (owner was leaving scene)
Eyewitness - gave report to initial
officers and Sgt. when they
arrived. My vehicle was parked & unoccupied
I was asked for Insurance & registration proof.
No Tow truck called for my car
by police. Had to call myself
next day. Frame extending out of
bumper.

GPD #50 - 10/03

**** if necessary, additional sheets may be attached hereto and made a part hereof.**

I understand that this statement of complaint will be submitted to the Geneva Police Department and may be the basis for an investigation. Further, I declare the facts contained herein are accurate and true to the best of my knowledge and belief. Further, I declare that my statement has been made by me voluntarily without persuasion, coercion or promise of any kind. **False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law.** Accordingly and with notice of the foregoing I hereby affirm that the foregoing statements are true.

Signature of Complainant:

Date 11/10/14

(must be signed in presence of Supervisor, **if not notarized**)

Time 10:46

Supervisor Receiving Complaint:

CHS [Signature]

ADMINISTRATIVE USE ONLY

Reviewed By: _____

Name & Rank

Date Reviewed: _____ GPD Log No.: _____

☐ NO FURTHER ACTION

☐ INVESTIGATION ASSIGNED TO:

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of New York

COUNTY OF _____

This document was acknowledged before me on _____ [Date] by
_____ [name of principal].

[Notary Seal, if any]:

(Signature of Notarial Officer)

Notary Public for the State of New York

My commission expires: _____



November 26, 2014

[REDACTED]

[REDACTED]

Subject: Complaint Action Form – Officers Geneva Police Department

[REDACTED]

Dear [REDACTED]

I am in receipt of your complaint action form dated 11-10-2014, against various Officers of the Geneva Police Department. I have been entrusted by the Chief of Police in investigating this matter. Be confident that this matter will be investigated with professionalism and accuracy devoted to the facts of this case. I will forward my final report to the Chief of Police at which time you will then be notified by the Chief of Police regarding any action. I can be reached at any time.

Respectfully,

Sergeant Chris Keear
315-789-1111

ckear@geneva.ny.us



Geneva Police Department
JEFFREY E. TRICKLER
Chief of Police
255 Exchange St. - Geneva, New York 14456
(315) 789-1111 - Fax (315) 789-1814 - www.geneva.ny.us





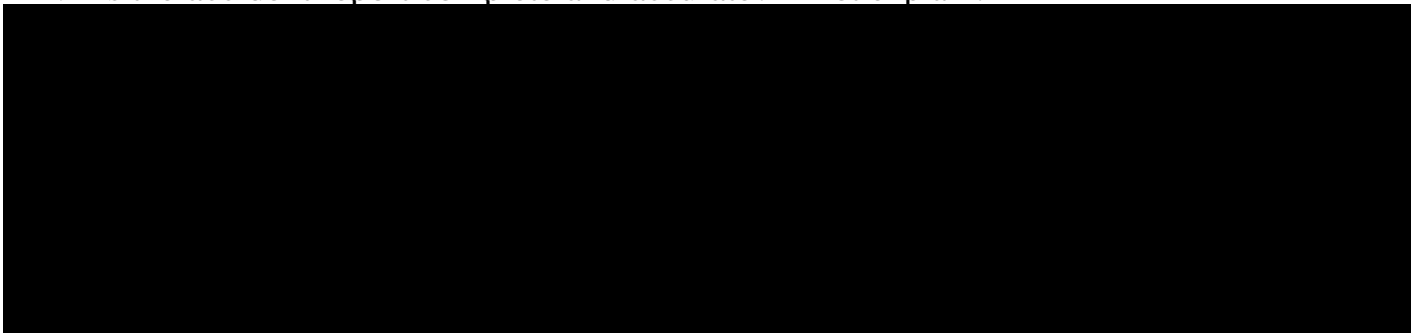
12/2/14

Sergeant Valenti
Geneva Police Department

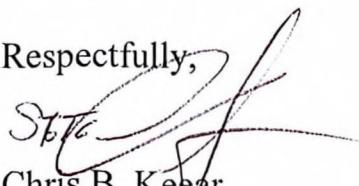
Dear Sergeant Valenti,

You were the Supervisor who responded with Officer Grenier to a motor vehicle accident on [REDACTED] (reference CR# [REDACTED] and subsequent arrest of the operator [REDACTED] for Driving While Intoxicated. (reference CR# [REDACTED] There has been a personnel complaint submitted to the office of the Chief of Police regarding this investigation. I have been directed to investigate these allegations by the Chief of Police. Please respond in writing answering the following questions by 12/9/14.

1. Is the accident report complete and accurate? If not explain.



Respectfully,


Chris B. Keefer



Geneva Police Department

JEFFREY E. TRICKLER

Chief of Police

255 Exchange St. - Geneva, New York 14456

(315) 789-1111 Fax (315) 789-1814 - www.geneva.ny.us



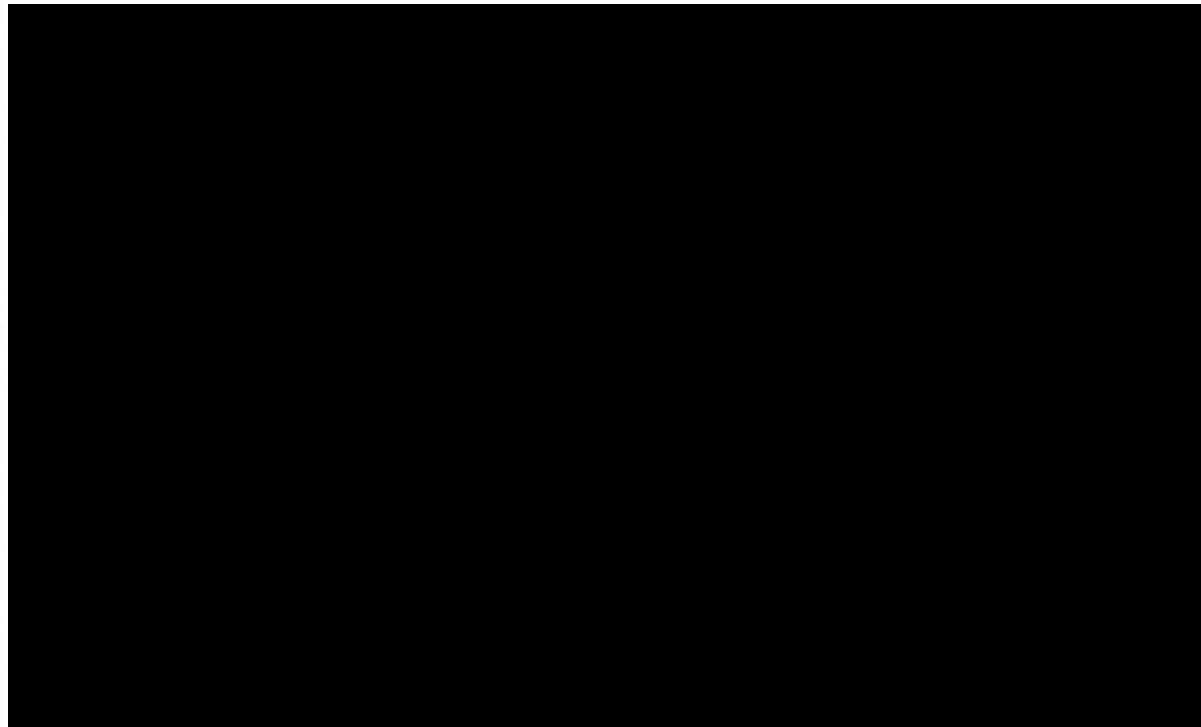


To: Sergeant Keear
From: Sergeant Valenti
Date: December 3, 2014
Subject: Personnel Complaint [REDACTED]

Dear Sergeant Keear,

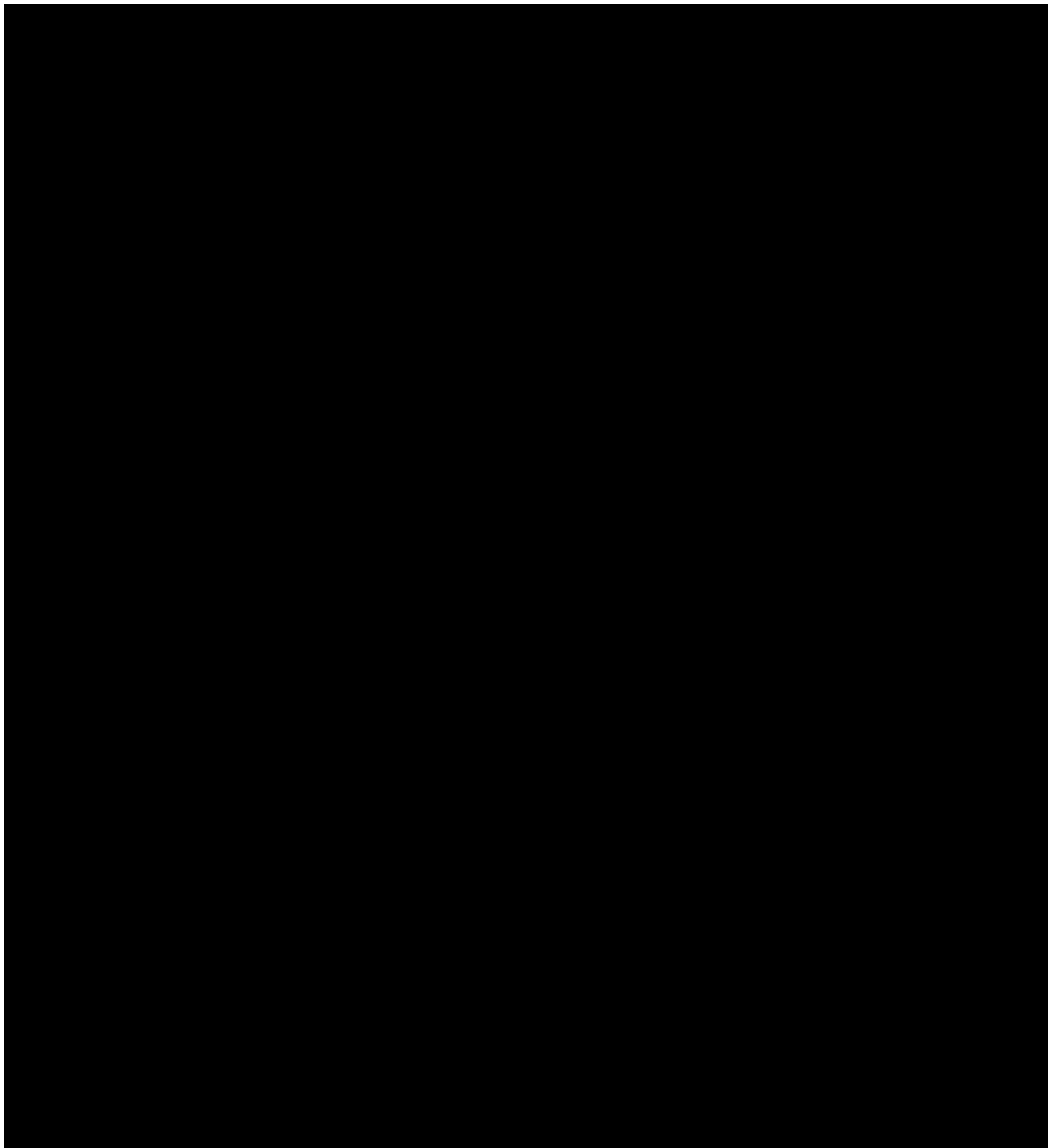
On [REDACTED], I responded to [REDACTED] for a Property Damage Accident involving a parked vehicle. The following are the answers to your questions regarding the personnel investigation.

1 – The accident report was completed by Officer Grenier and approved by me. After recent review of the accident report, it appears that the passenger in the [REDACTED] vehicle was not listed. Her name is [REDACTED]. This was an oversight on my behalf as I approved the report. [REDACTED] was in the vehicle at the time of the accident. I will have Officer Grenier make an amended MVA report.



Geneva Police Department
JEFFREY E. TRICKLER
Chief of Police
255 Exchange St. - Geneva, New York 14456
(315) 789-1111 - Fax (315) 789-1814 - www.geneva.ny.us





Sincerely,

Sgt Matt J Valenti

Sgt. Matthew J. Valenti

12/2/14



Officer R. Grenier
Geneva Police Department

Dear Officer Grenier,

You were the responding officer at a motor vehicle accident on [REDACTED] (reference [REDACTED] and subsequent arrest of the operator [REDACTED] for Driving While Intoxicated. [REDACTED] There has been a personnel complaint submitted to the office of the Chief of Police regarding this investigation. I have been directed to investigate these allegations by the Chief of Police. Please respond in writing answering the following questions by 12/9/14.

1. Is the accident report complete and accurate? If not explain.

[REDACTED]

Respectfully,

Chris B. Kear

Geneva Police Department
Jeffrey E. Trickler

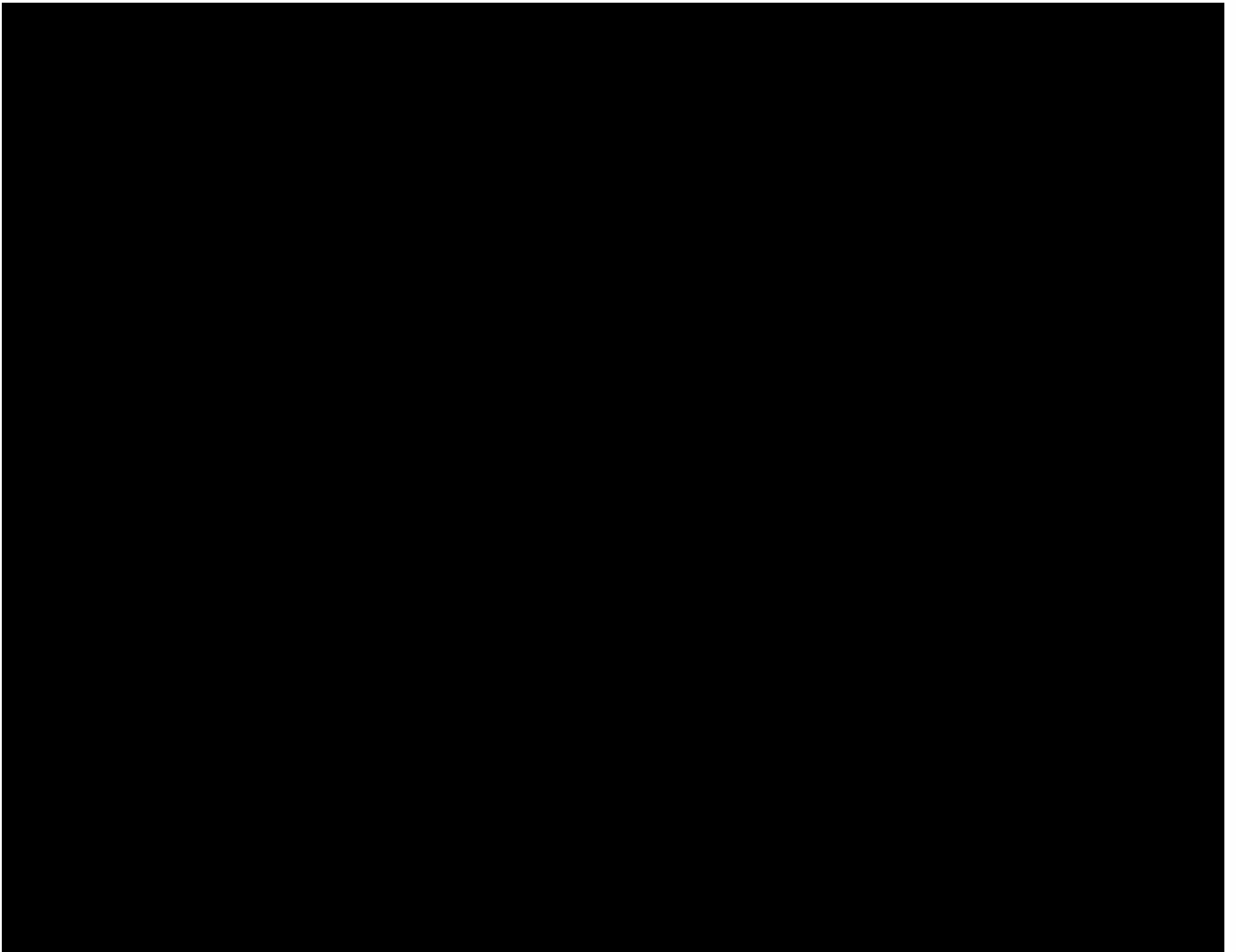
PSB255 Exchange Street- GENEVA, NEW YORK 14456

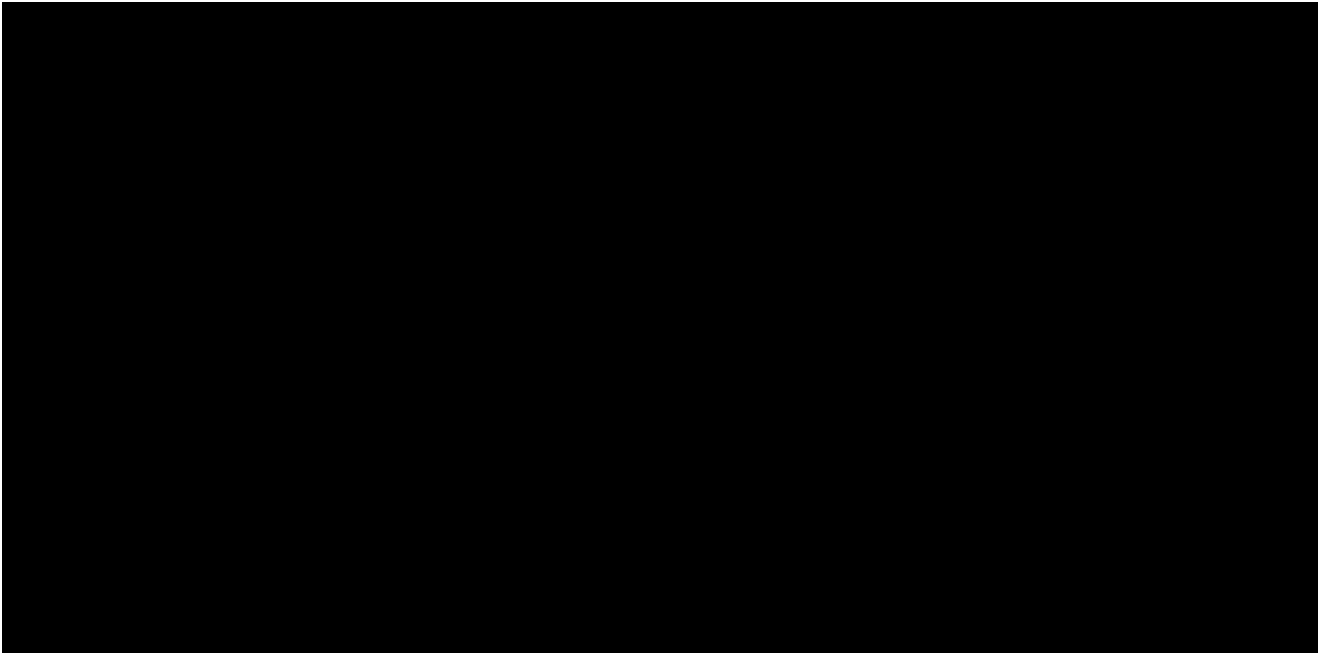
12/09/2014

Sgt. Keear,

In regards to the personnel complaint filed against me on 12/01/2014, I am submitting my response to said complaint. The details to the matter which occurred on [REDACTED] are as follows and the points listed in the memorandum you gave me will be addressed.

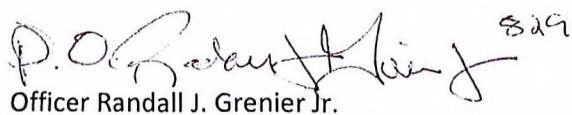
1. There was in fact an accident report completed for CR# [REDACTED] and said report was submitted for review. Upon my review of the accident report, I found that I did not include the passenger ([REDACTED]) under the "all involved" section of the report. This was an oversight on my part and I take full responsibility for not putting her on the report. [REDACTED] is however, included in all other report(s)/paperwork submitted for the incident.





I have addressed this matter in detail and all necessary paperwork was submitted and approved. The incident was investigated to the best of my ability and I again take full responsibility on any and all paperwork that I completed and submitted. If there are any further questions or concerns, please feel free to contact me at any time.

Respectfully,

 829
Officer Randall J. Grenier Jr.

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

03502

☐ AMENDED REPORT

1 Accident Date	Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene <input type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos <input type="checkbox"/>
	FR	20:25	2	0	0	Accident Reconstructed <input type="checkbox"/>		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
VEHICLE 1			VEHICLE 2			BICYCLIST <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> OTHER PEDESTRIAN <input type="checkbox"/>		

2								
3								
4								
5								

6								
7								
8								

9	Ticket/Arrest Number(s)	1192(3), 1192(2AA)	Violation Section(s)
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10	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.	Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.
11	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	1. 2. 3. 4. 5. 6. 7. 8.
12	Vehicle By DANNY'S GARAGE Towed To DANNY'S GARAGE	Vehicle By Towed To	ACCIDENT DIAGRAM

13	VEHICLE DAMAGE CODING: 1-13. SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER		Cost of repairs to any one vehicle will be more than \$1000. <input type="checkbox"/> Unknown/Unable to Determine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
----	--	--	--

14	Reference Marker Coordinates (if available) Latitude/Northing: Longitude/Easting:	Place Where Accident Occurred: County ONTA City <input checked="" type="checkbox"/> Village <input type="checkbox"/> Town <input type="checkbox"/> of GENEVA Road on which accident occurred at 1) intersecting street or 2) 50.0 Feet Miles of
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15	Accident Description/Officer's Notes V1 was traveling West when it struck V2. V2 was parked on North side of street facing West. Operator of V1 stated she did not see V2 parked due to her cataracts. Operator of V1 was arrested for DWI.
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16	Names of all Involved Date of Death Only
17	A 1 1 4 1 B C D E F

18	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
19	P.O. [Signature] R.S. Grenier Sr. RGRE 03402 EAST SGT [Signature] 10/7/14 @ 0724

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

COPY

03502

☒ **AMENDED REPORT**

1	Accident Date	Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene <input type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
-		FR	20:25	2	0	0	Accident Reconstructed <input type="checkbox"/>		

2									
3									
4									

5	Ticket/Arrest Number(s)	Ticket/Arrest Number(s)
1		
	Violation Section(s)	Violation Section(s)
	1192(3), 1192(2AA)	

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.	Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.
2	VEHICLE 1 DAMAGE CODES	VEHICLE 2 DAMAGE CODES	
7	Box 1 - Point of Impact	Box 1 - Point of Impact	
3	Box 2 - Most Damage	Box 2 - Most Damage	
	Enter up to three more Damage Codes	Enter up to three more Damage Codes	
	Vehicle By DANNY'S GARAGE	Vehicle By	
	Towed: To DANNY'S GARAGE	Towed: To	

8	VEHICLE DAMAGE CODING: 1-13. SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 15. TRAILER 16. OVERTURNED 17. DEMOLISHED 18. NO DAMAGE 19. OTHER	9.
		Cost of repairs to any one vehicle will be more than \$1000. <input type="checkbox"/> Unknown/Unable to Determine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Reference Marker	Coordinates (if available)	Place Where Accident Occurred:
	Latitude/Northing:	County ONTA City Village Town of GENEVA
	Longitude/Easting:	Road on which accident occurred (Route Number or Street Name)
		at 1) Intersecting street (Route Number or Street Name)
		or 2) 50.0 Feet Miles of (Milepost, nearest intersecting Route Number or Street Name)

Accident Description/Officer's Notes
V1 was traveling West when it struck V2. V2 was parked on North side of street facing West. Operator of V1 stated she did not see V2 parked due to her cataracts. Operator of V1 was arrested for DWI.

ALL INVOLVED	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	1											
B	1	3	4	1											
C															
D															
E															
F															

Officer's Rank and Signature	Badge/ID No.	NCIC No.	Precinct/Post Troop/Zone	Station/Beat/Sector	Reviewing Officer	Date/Time Reviewed
Print Name in Full	RGRE	03402		EAST	SGT Velt.	12/16/14 @ 0628

INCIDENT	Agency GENEVA POLICE DEPARTMENT		Division/Precinct EAST		New York State INCIDENT REPORT		ORI NY0340200		Orig. [REDACTED] In [REDACTED]			
	Report Day Fri		Report Time 20:56:00		Occurred On/From: Fri		Date 10/03/2014		Time 20:25			
	Incident Type DWI - MISD V1192-2		Business Name				Weapon(s)					
	Address [REDACTED]				City, State, Zip GENEVA				Location Code 3502			
ASSOCIATED PERSONS	OFF.	LAW	SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE		CTS	No. of Victims
	01	VTL	1192	2A	U	M		C	DRIVING WHILE INTOXICATED (AGGRAVATED)		1	0
	02	VTL	1192	3	U	M		C	DRIVING WHILE INTOXICATED		1	No. of Suspects
												1
VICTIM	Person Type: CO=Complainant OT=Other PI=Person Interviewed PR=Person Reporting WI=Witness NI=Not Interviewed VI=Victim Victim also Complainant NO											
	Type/No.	Name (Last, First, Middle, Suffix)				Date of Birth		Street No., Street Name, Apt. No., City, State, Zip				Telephone No.
	PA 002	[REDACTED]				[REDACTED]		[REDACTED]				[REDACTED]
	PI 003	[REDACTED]				[REDACTED]		[REDACTED]				[REDACTED]
SUSPECT	Person No.	Suspect No.	Date of Birth	Age	Sex	Race	Ethnic Origin	Handicapped	Residence Status			
	Victim DID receive information on Victim's Rights and Services pursuant to New York State Law <input type="checkbox"/> YES <input type="checkbox"/> NO											
	Type/No.	Name (Last, First, Middle, Suffix)				Alias/Nickname/Maiden Name				Apparent Condition		
	A	[REDACTED]				[REDACTED]				02		
PROPERTY	Suspect No.	Status	Type	Measure	Drug Type							
NARRATIVE	Veh. Status	License Plate No.		State	Exp. Yr.	Plate Type	Value		0.00			
	Veh. Yr.	Make	Model	Style	VIN							
	Color(s)	Towed By/To				Vehicle Notes						
	<p>On the above stated date and time, I responded to the above location for the reported motor vehicle accident. Dispatch informed me that a parked vehicle had been struck at the above location and that the operator of the vehicle may be intoxicated.</p> <p>Upon arrival, I observed a [REDACTED] parked on the North side of the street and a green [REDACTED] with its hazard lights on about 30 feet in front of it. Upon approaching the scene, [REDACTED] exited the [REDACTED] and started walking back toward the [REDACTED]. I asked both females if they were injured and they stated they were not. I then told both females to head back to their vehicle and I would be right with them. As the two females were walking back to their vehicle, I spoke with (PI) [REDACTED], who stated they (motioning to the females) struck his wife's car while it was parked on the street. (PI) [REDACTED] stated he believes the females are intoxicated as they switched positions after stopping their vehicle. (PI) [REDACTED] stated the vehicle that struck her vehicle tried to flee the scene and stopped where the vehicle was and that the female drivers switched sides. I asked (PI) [REDACTED] who was driving before the vehicle came to a stop and he stated it was the female walking in front (indicating the female who was later identified as [REDACTED] as neither female had made it to their vehicle yet). It was then that Sgt. Valenti and PO Cole arrived on scene. There was another unidentified male with (PI) [REDACTED] and (PI) [REDACTED] that stated it was the other female driving (opposed to whom (PI) [REDACTED] identified). I asked (PI) [REDACTED] what made him believe the driver of the vehicle was intoxicated and he stated because they switched drivers. As both females were walking to their car, the</p>											
ADMINISTRATIVE	Inquiries		NYSPIN Message No.				Complainant's Signature				use cover sheet	
	Reporting Officer's Signature (Include Rank)		ID No.		Supervisor's Signature (Include Rank)		ID No.		Page			
	CLEARED BY ARREST (ADULT)		10/09/2014						1			
	Status	Status Date	Notified/TOT		Review Date							

INCIDENT	Agency GENEVA POLICE DEPARTMENT				Division/Precinct		New York State INCIDENT REPORT		ORI		Supp.		Case No.	Ir		
	Report Day	Report Date		Report Time		Occurred On/From:	Day	Date	Time	Occurred To:	Day	Date				
	Incident Type					Business Name					Weapon(s)		A			
	Address								City, State, Zip			Location Code		B		
	OFF.	LAW	SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE				CTS	No. of Victims	C	
													No. of Suspects	D		
ASSOCIATED PERSONS	Person Type: CO=Complainant OT=Other PI=Person Interviewed PR=Person Reporting WI=Witness NI=Not Interviewed VI=Victim Victim also Complainant														E	
	Type/No.	Name (Last, First, Middle, Suffix)					Date of Birth		Street No., Street Name, Apt. No., City, State, Zip					Telephone No.		F
																G
																H
																I
VICTIM	Person No.	Suspect No.	Date of Birth		Age	Sex	Race		Ethnic Origin		Handicapped		Residence Status		J	
	Victim DID receive information on Victim's Rights and Services pursuant to New York State Law ____ YES ____ NO														K	
SUSPECT MISSING/ARRESTED PERSON	Type/No.	Name (Last, First, Middle, Suffix)					Alias/Nickname/Maiden Name					Apparent Condition		L		
	Address (Street No., Street Name, Apt. No., City, State, Zip)								Phone No.			Social Security No.			M	
	Date of Birth		Age		Sex		Race		Ethnic Origin		Skin		Occupation		N	
	Height		Weight		Hair		Eyes		Glasses		Build		Employer/School			
	Scars/Marks/Tattoos (Describe)										Misc.				1	
															2	
PROPERTY	Victim or Suspect No.	Property Status	Property Type	Quantity/ Measure	Make/ Drug Type	Model	Serial No.		Description				Value		3	
															4	
															5	
															6	
															7	
															8	
VEHICLE	Veh. Status	License Plate No.				State		Exp. Yr.	Plate Type		Value				9	
	Veh. Yr.	Make		Model		Style		VIN							10	
	Color(s)		Towed By/To						Vehicle Notes						11	
															12	
NARRATIVE	<p>female walking in front of the other walked over to the driver's side of the vehicle and got into it, while the other female got into the passenger side.</p> <p>I approached the [redacted] bearing NY Reg. [redacted] which returned to [redacted]. I asked the driver for her license, registration and proof of insurance which she provided to me with no issue. I confirmed the driver as [redacted] through her NYS driver's license. I asked [redacted] where she and her passenger were coming from and if she knew she had struck a parked vehicle. [redacted] stated she was coming back from [redacted] and that she knew she had struck the vehicle. [redacted] went on to say that she did not see the vehicle due to her having cataracts and that it was dark out. I saw that [redacted]'s eyes were watery and bloodshot. I asked [redacted] if she had been drinking this evening, to which she stated she had two glasses of wine with dinner. I then asked [redacted] if with her having cataracts, should she be driving. [redacted] stated she had yet to make an appointment with the doctor and that she had no restrictions on her license other than having to wear corrective lenses, which she was wearing. I asked [redacted] if she would step out of the vehicle and that I was just going to conduct some tests to see if she was ok to drive the vehicle. [redacted] exited the vehicle with no issue and I directed her to the sidewalk where it would be safe to conduct SFST's. I asked [redacted] to remove her glasses and that I would be starting the SFST's now. The results are as follows:</p>														13	
ADMINISTRATIVE	Inquiries				NYSPIN Message No.				Complainant's Signature				use cover sheet		B	
	Reporting Officer's Signature (Include Rank)				ID No. RGRE		Supervisor's Signature (Include Rank)				ID No. MVAL		Page 2			
	Status				Status Date		Notified/TOT				Review Date					

INCIDENT	Agency GENEVA POLICE DEPARTMENT				Division/Precinct		New York State INCIDENT REPORT		ORI		Supp.		Case No.	Incident No.	
	Report Day	Report Date	Report Time	Occurred On/From:	Day	Date	Time	Occurred To:	Day	Date	Time				
	Incident Type				Business Name				Weapon(s)				A		
	Address							City, State, Zip			Location Code				B
	OFF.	LAW	SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE				CTS	No. of Victims	C
													No. of Suspects	D	
ASSOCIATED PERSONS	Person Type: CO=Complainant OT=Other PI=Person Interviewed PR=Person Reporting WI=Witness NI=Not Interviewed VI=Victim Victim also Complainant														E
	Type/No.	Name (Last, First, Middle, Suffix)				Date of Birth		Street No., Street Name, Apt. No., City, State, Zip				Telephone No.			
															F
															G
															H
															I
VICTIM	Person No.	Suspect No.	Date of Birth	Age	Sex	Race	Ethnic Origin	Handicapped	Residence Status				J		
	Victim DID receive information on Victim's Rights and Services pursuant to New York State Law ____ YES ____ NO														K
SUSPECT MISSING/ARRESTED PERSON	Type/No.	Name (Last, First, Middle, Suffix)				Alias/Nickname/Maiden Name				Apparent Condition				L	
	Address (Street No., Street Name, Apt. No., City, State, Zip)							Phone No.			Social Security No.				M
	Date of Birth	Age	Sex	Race	Ethnic Origin	Skin	Occupation								N
	Height	Weight	Hair	Eyes	Glasses	Build	Employer/School	Address							
	Scars/Marks/Tattoos (Describe)							Misc.							1
															2
PROPERTY	Victim or Suspect No.	Property Status	Property Type	Quantity/Measure	Make/Drug Type	Model	Serial No.	Description				Value			3
															4
															5
															6
															7
															8
VEHICLE	Veh. Status	License Plate No.			State	Exp. Yr.	Plate Type	Value						5	
	Veh. Yr.	Make		Model	Style		VIN						6		
	Color(s)		Towed By/To				Vehicle Notes						7		
															8
															9
															10
NARRATIVE	<p>HGN: Failed. Walk and Turn: Failed. One Leg Stand: Failed. Finger to Nose: Failed. Alphabet: Failed.</p> <p>(see SFST field notes)</p> <p>After administering the SFST's, I questioned [REDACTED] regarding her and her passenger switching positions in the vehicle. I asked [REDACTED] if she had been driving the entire time and if she was operating her vehicle when it struck the other car. Prior to this, Sgt. Valenti had informed me that (PI) [REDACTED] had taken a photo on her cell phone of the passenger (later identified as [REDACTED]), on the driver's side of the vehicle. (PI) [REDACTED] showed both Sgt. Valenti and I the photo that does in fact show [REDACTED] on the driver's side of [REDACTED]'s vehicle, but it does not show her getting in or out of the car. [REDACTED] stated she was the only one driving and neither she</p>														11
															12
															13
ADMINISTRATIVE	Inquiries				NYSPIN Message No.				Complainant's Signature				use cover sheet		B
	Reporting Officer's Signature (Include Rank)				ID No. RGRE		Supervisor's Signature (Include Rank)				ID No. MVAL		Page 3		
	Status				Status Date		Notified/TOT				Review Date				

INCIDENT	Agency GENEVA POLICE DEPARTMENT				Division/Precinct		New York State INCIDENT REPORT		ORI		Supp.		Case No.	Inc.		
	Report Day	Report Date		Report Time		Occurred On/From:	Day	Date	Time	Occurred To:	Day	Date	Time			
	Incident Type						Business Name				Weapon(s)			A		
	Address								City, State, Zip			Location Code			B	
	OFF.	LAW	SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE				CTS	No. of Victims	C	
													No. of Suspects	D		
ASSOCIATED PERSONS	Person Type: CO=Complainant OT=Other PI=Person Interviewed PR=Person Reporting WI=Witness NI=Not Interviewed VI=Victim Victim also Complainant														E	
	Type/No.	Name (Last, First, Middle, Suffix)						Date of Birth		Street No., Street Name, Apt. No., City, State, Zip				Telephone No.		F
																G
																H
																I
VICTIM	Person No.	Suspect No.	Date of Birth		Age	Sex	Race	Ethnic Origin		Handicapped		Residence Status			J	
	Victim DID receive information on Victim's Rights and Services pursuant to New York State Law ____ YES ____ NO														K	
SUSPECT MISSING/ARRESTED PERSON	Type/No.	Name (Last, First, Middle, Suffix)						Alias/Nickname/Maiden Name				Apparent Condition		L		
	Address (Street No., Street Name, Apt. No., City, State, Zip)								Phone No.		Social Security No.				M	
	Date of Birth		Age		Sex	Race		Ethnic Origin		Skin		Occupation			N	
	Height		Weight		Hair	Eyes	Glasses	Build	Employer/School		Address					
	Scars/Marks/Tattoos (Describe)									Misc.					1	
															2	
PROPERTY	Victim or Suspect No.	Property Status	Property Type	Quantity/Measure	Make/Drug Type	Model	Serial No.		Description				Value		3	
															4	
															5	
															6	
															7	
															8	
VEHICLE	Veh. Status	License Plate No.				State	Exp. Yr.	Plate Type		Value				9		
	Veh. Yr.	Make		Model		Style		VIN						10		
	Color(s)		Towed By/To						Vehicle Notes						11	
															12	
															13	
NARRATIVE	<p>nor [REDACTED] switched positions in the car. I then informed [REDACTED] that she was under arrest for DWI and placed her in handcuffs and into the back of my patrol car.</p> <p>Sgt. Valenti and I then spoke with [REDACTED] and I asked her if she had been driving [REDACTED]'s vehicle when it struck the other car, or at any point there after. [REDACTED] stated she at no point drove the car and that [REDACTED] had been driving the entire time. When questioned about the picture, [REDACTED] stated she may have got out on the driver's side, but she could not remember for sure. [REDACTED] stated she was too worried about [REDACTED] to remember. [REDACTED] did not appear to be intoxicated, had a valid NYS Driver's License and has never been arrest for DWI in the past. [REDACTED] called a friend for a ride.</p> <p>Upon further inspection of [REDACTED]'s vehicle, it appeared that the tie rod had broke and the passenger side front wheel had been damaged. Sgt. Valenti had dispatch call for the on duty tow. I also observed that both [REDACTED] and [REDACTED] are about the same height, so I could not tell from the position of the seat as to who was driving.</p> <p>PO Cole stood by for Danny's Garage to take the vehicle and for [REDACTED] ride. I transported [REDACTED] to the PSB for processing.</p>															
ADMINISTRATIVE	Inquiries				NYSPIN Message No.				Complainant's Signature				use cover sheet		B	
	Reporting Officer's Signature (Include Rank)				ID No. RGRE		Supervisor's Signature (Include Rank)				ID No. MVAL		Page 4			
	Status				Status Date		Notified/TOT				Review Date					

INCIDENT	Agency GENEVA POLICE DEPARTMENT				Division/Precinct		New York State INCIDENT REPORT		ORI		Supp.		Case No.	Incident No.		
	Report Day	Report Date		Report Time		Occurred On/From:	Day	Date	Time	Occurred To:	Day	Date	Time			
	Incident Type					Business Name					Weapon(s)			A		
	Address								City, State, Zip			Location Code			B	
	OFF.	LAW	SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE				CTS	No. of Victims	C	
													No. of Suspects	D		
ASSOCIATED PERSONS	Person Type: CO=Complainant OT=Other PI=Person Interviewed PR=Person Reporting WI=Witness NI=Not Interviewed VI=Victim Victim also Complainant														E	
	Type/No.	Name (Last, First, Middle, Suffix)						Date of Birth		Street No., Street Name, Apt. No., City, State, Zip					Telephone No.	F
																G
																H
																I
VICTIM	Person No.	Suspect No.	Date of Birth		Age	Sex	Race		Ethnic Origin		Handicapped		Residence Status		J	
	Victim DID receive information on Victim's Rights and Services pursuant to New York State Law ____ YES ____ NO														K	
SUSPECT MISSING/ARRESTED PERSON	Type/No.	Name (Last, First, Middle, Suffix)						Alias/Nickname/Maiden Name				Apparent Condition		L		
	Address (Street No., Street Name, Apt. No., City, State, Zip)								Phone No.		Social Security No.				M	
	Date of Birth		Age		Sex		Race		Ethnic Origin		Skin		Occupation		N	
	Height		Weight		Hair		Eyes		Glasses		Build		Employer/School			
	Scars/Marks/Tattoos (Describe)										Misc.				1	
															2	
PROPERTY	Victim or Suspect No.	Property Status	Property Type	Quantity/Measure	Make/Drug Type	Model	Serial No.		Description				Value		3	
															4	
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															6	
															7	
															8	
VEHICLE	Veh. Status	License Plate No.				State		Exp. Yr.	Plate Type		Value				9	
	Veh. Yr.	Make		Model		Style		VIN							10	
	Color(s)		Towed By/To						Vehicle Notes						11	
															12	
															13	
NARRATIVE	<p>While at the PSB, [REDACTED] agreed to take a breath test on the Datamaster. After conducting said test, it was found that [REDACTED] BAC was 0.18%.</p> <p>While being processed, [REDACTED] stated she probably shouldn't have been driving due to her having been drinking (see 710.30 notice).</p> <p>[REDACTED] was processed, given her tickets and released to a third party per Sgt. Valenti. A third party release form was signed and submitted.</p> <p>[REDACTED] is scheduled to appear in the Geneva City Court at a later date to answer to the charges.</p> <p>Case closed by arrest.</p>															
ADMINISTRATIVE	Inquiries				NYSPIN Message No.				Complainant's Signature						use cover sheet	
	Reporting Officer's Signature (Include Rank)				ID No. RGR		Supervisor's Signature (Include Rank)				ID No. MVAL		Page 5			
	Status				Status Date		Notified/TOT				Review Date					

Supporting Deposition
General C.P.L. 100.20

Form No. 257

STATE OF NEW YORK : COUNTY OF ONTARIO
CITY COURT : CITY OF GENEVA

The People of the State of New York
-against-

SUPPORTING DEPOSITION
GENERAL

Defendant

RESIDING at by this Supporting Deposition,
makes the following allegations of fact in connection with an accusatory instrument filed, or to be filed, with this
Court against the above named defendant(s):

MY NAME IS AND I LIVE AT I AM
AT THE CITY OF GENEVA POLICE DEPARTMENT TO GIVE A STATEMENT OF FACT. ON A SATURDAY IN
OCTOBER I WAS AT MY SISTER-IN-LAW AND BROTHER-IN-LAW'S HOUSE AT
THEY ARE AND . I WAS IN THE BACK YARD OF THE HOUSE WHEN I HEARD A
LOUD CRASH. I CAME OUT TO THE FRONT OF THE HOUSE AND I SAW THAT A CAR HAD CRASHED
INTO CAR.

Q: HOW LONG FROM THE TIME YOU HEARD THE CRASH UNTIL YOU MADE IT TO THE FRONT OF THE
HOUSE?

A: ABOUT 12 SECONDS.

Q: WHAT DID YOU SEE?

A: I SAW A SHORTER LADY IN THE DRIVERS SEAT AND A TALLER LADY WAS OUT OF THE CAR AND THE
PASSENGER DOOR WAS OPEN.

Q: WHAT WAS THE LADY IN THE DRIVER'S SEAT DOING?

A: SHE WAS JUST SITTING THERE. THE TALLER LADY WAS LOOKING AT THE CARS. I RAN IN TO GET
CAME OUTSIDE. MY WIF WAS ALREADY OUTSIDE.
BASICALLY THE WHOLE HOUSE CAME OUTSIDE.

Q: WHEN YOU ALL CAME BACK OUTSIDE, WHO DID YOU SEE BEHIND BEHIND WHEEL?

A: BOTH THE LADY'S WERE ON THE SIDEWALK.

Q: THEN WHAT HAPPENED?

A: THEY BOTH GOT IN THE CAR AND THEN THEY REALIZED THE CAR WOULD NOT GO ANYWHERE.

Q: WHO WAS BEHIND THE WHEEL?

A: THE TALLER LADY, THE ONE WHO COPPED TO IT.

Q: DID THE TALLER LADY LOOK DRUNK?

A: YES

Q: DID THE SHORTER LADY LOOK DRUNK?

A: SHE HAD A SWAY.

Q: DID YOU SEE BOTH WOMAN BEHIND THE WHEEL OF THE CAR ATTEMPTING TO DRIVE THE CAR?

A: THE TALLER ONE WAS, BUT THE SHORTER ONE WAS BEHIND THE WHEEL WHEN THE I HEARD THE
ACCIDENT AND CAME FROM THE BACK YARD.

Q: WHO WAS ARRESTED THE TALLER WOMAN OR THE SHORTER WOMAN?

A: THE TALLER ONE.

Q: WHO DID YOU SEE DRIVING?

A: TALLER ONE WAS ATTEMPTING BUT THE CAR WOULDN'T GO.

END OF STATEMENT

The foregoing factual allegations are based upon personal knowledge of the deponent (and upon information and belief, the sources of deponent's information and belief being, PERSONAL KNOWLEDGE).

False statements made in the foregoing instrument are punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. Accordingly and with notice of the foregoing, I heareby affirm that the foregoing statements of facts are true, under penalty of perjury, this 12/23/2014.

Subscribed and Sworn to before me on December 23, 2014.

(Official's Signature)

POLICE SERGEANT

Supporting Deposition
General C.P.L. 100.20

Form No. 257

STATE OF NEW YORK : COUNTY OF ONTARIO
CITY COURT : CITY OF GENEVA

The People of the State of New York
-against-

SUPPORTING DEPOSITION
GENERAL

Defendant

RESIDING at by this Supporting Deposition,
makes the following allegations of fact in connection with an accusatory instrument filed, or to be filed, with this
Court against the above named defendant(s):

MY NAME IS AND I LIVE AT AND I AM AT THE GENEVA POLICE
DEPARTMENT TO GIVE A STATEMENT OF FACT.

Q: WHEN YOU FIRST HEARD THE ACCIDENT AND CAME OUT TO SEE WHAT WAS GOING ON WHO DID
YOU SEE BEHIND THE WHEEL?

A: THE TALL ^{Thin} LADY?

Q: WHAT WAS SHE DOING?

A: TRYING TO DRIVE AWAY, BUT THE CAR WOULDN'T GO ANYWHERE BECAUSE THE WHEEL HAD
SNAPPED.

Q: WAS THE MOTOR RUNNING AND THE VEHICLE TRYING TO MOVE?

A: YES.

Q: WHERE WAS THE SHORTER LADY?

A: SHE WAS IN THE PASSENGER SEAT.

Q: WHO DID YOU SEE OPERATING THE VEHICLE?

A: TALLER THINNER LADY.

Q: DID YOU EVER SEE THE OTHER SHORTER LADY BEHIND THE WHEEL?

A: I DID NOT WITNESS THAT PART.

Q: WHO WAS ARRESTED?

A: THE TALL THIN LADY.


Q: DID YOU SEE THE SHORTER LADY DRIVING?

A: I DID NOT SEE HERE GET BEHIND THE WHEEL.

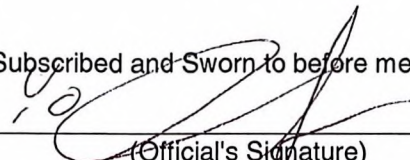
END of statement

The foregoing factual allegations are based upon personal knowledge of the deponent (and upon information
and belief, the sources of deponent's information and belief being, PERSONAL KNOWLEDGE).

False statements made in the foregoing instrument are punishable as a Class A misdemeanor pursuant to section
210.45 of the Penal Law. Accordingly and with notice of the foregoing, I hereby affirm that the foregoing
statements of facts are true, under penalty of perjury, this 12/23

PH-19E6-


Subscribed and Sworn to before me on December 23, 2014.



(Official's Signature)

SERGEANT



To: Chief Jeffrey Trickler

From: Sgt. Chris B. Kear

Date: February 10, 2015

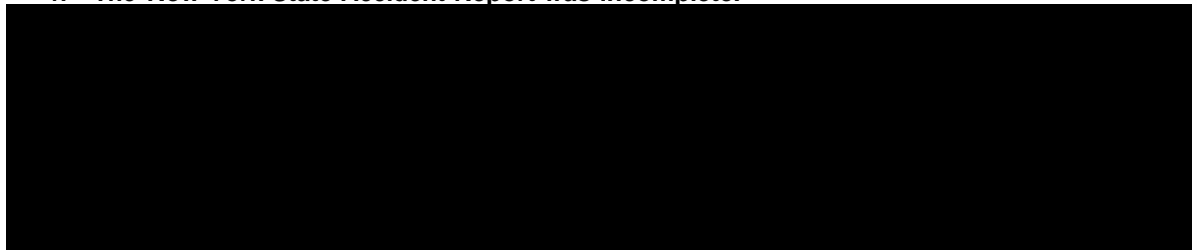
Subject: Internal Investigation – [REDACTED]

Introductory Paragraph

On 11-25-2014 this Officer did receive a Geneva Police Department Complaint Action Form submitted by [REDACTED] [REDACTED] [REDACTED] [REDACTED] vehicle bearing New York registration [REDACTED] was struck while parked on [REDACTED] in front of her residence on [REDACTED]. After a roadside investigation the driver of the other vehicle was arrested by Geneva Police Officer Randall Grenier for driving while intoxicated.

[REDACTED] alleges several separate issues in her complaint against the Geneva Police Department and its Officers assigned to investigate the accident and subsequent arrest of the intoxicated driver.

1. The New York State Accident Report was incomplete.



Findings Section for the Specific Violations

The information supplied is from Officer Randall Grenier and Sergeant Matthew Valenti, both employed by the City of Geneva Police Department, statements from witnesses [REDACTED] and this Officers investigation.



Geneva Police Department
JEFFREY E. TRICKLER
Chief of Police
255 Exchange St. - Geneva, New York 14456
(315) 789-1111 - Fax (315) 789-1814 - www.geneva.ny.us



1. Sustained – The New York State Accident Report was issued to [REDACTED] [REDACTED] incomplete.

Evidence to Support the Specific Allegations

The New York State Accident Report was submitted incomplete. The passenger of the [REDACTED] vehicle [REDACTED] [REDACTED] was not listed on ALL INVOLVED section of the report. This was corrected.

I made contact with [REDACTED] [REDACTED] on several occasions in an attempt to meet with her, her husband [REDACTED] and her son [REDACTED]. I was informed that it would be difficult as her son [REDACTED] [REDACTED] I spoke to [REDACTED] concerning a meeting on the following dates. I also informed [REDACTED] [REDACTED] that I would change my schedule to accommodate her busy schedule.

1. December 16, 2014 – no time could be arranged for the following week. I met with [REDACTED] instead on 12/23/2014.
2. January 8, 2015 – no arrangements for the following week.
3. January 22, 2015 – no arrangements for the following week.
4. January 28, 2015 – Made arrangements for 2/2/2015 to meet at Geneva Police Department. No call and no show for that meeting.

At this time I am requesting that this matter be closed as the complainant in this case is not cooperating in the investigation.

Attachments

1. [REDACTED] Personnel Complaint
2. Personnel Complaint Package
3. Sergeant Valenti response
4. Officer Grenier response
5. (2) NYS Police Accident Reports (1 Amended)
6. DWI report CR# [REDACTED]
7. Deposition from [REDACTED]
8. Deposition from [REDACTED]

Respectfully Submitted

Sgt6
Sergeant C. Keear

Jeff Trickler

From: Christopher Keear
Sent: Tuesday, February 17, 2015 10:13 PM
To: Jeff Trickler
Subject: RE: internal

Chief,

After I spoke with [REDACTED] I learned that [REDACTED] was the only person to witness the driver, [REDACTED] exit the vehicle. He had stated everyone else was in the [REDACTED] back yard. I then attempted to speak with [REDACTED] and her family concerning what they had witnessed. Besides their story, I needed [REDACTED] to assist me in putting me in contact with [REDACTED]. My attempts to locate them and interview them proved negative. I also thought that since [REDACTED] failure in assisting me in the investigation the case should closed.

Respectfully Chris Keear

From: Jeff Trickler
Sent: Tuesday, February 17, 2015 1:38 PM
To: Christopher Keear
Subject: internal

Sgt.,

I noticed on [REDACTED] complaint she listed [REDACTED] as witnesses. Were they ever reached out to? I will need to know so that I can add it into my letter to her. If not is there a reason why?

Chief Jeffrey E Trickler
Geneva Police Department
255 Exchange St.
Geneva, NY 14456
(315) 828-6777
jtrickler@geneva.ny.us





March 11, 2015

Dear [REDACTED]:

Relative to your complaint regarding a motor vehicle accident involving your vehicle the following investigation was undertaken by Police Sergeant Keear:

- Review of the complaint
- Review of the MVA report
- Review of the incident report
- Statement of Officer Grenier
- Statement of Sgt. Valenti
- Statement of [REDACTED]
- Statement of [REDACTED]

Specific Complaint –

1. Incomplete police Report

Findings –

1. Sustained – The passenger of the vehicles name was erroneously left out of the report and has since been added.


Thank you for calling your concerns to my office. Complaints and inquiries often can have a beneficial effect to my department.



Geneva Police Department
JEFFREY E. TRICKLER
Chief of Police

255 Exchange St. - Geneva, New York 14456
(315) 789-1111 - Fax (315) 789-1814 - www.geneva.ny.us

Sincerely,


Jeffrey E. Trickler
Chief of Police



GENERAL INFORMATION

Supervisor: MPAS PASSALACQUA Dispatcher: MMAH MAHONEY Call Taker: MMAH MAHONEY
Date/Time: 08/16/12 15:53 Reported Signal: PERSONNEL COMPLAINT/COMMENDATION 101
Actual Signal: PERSONNEL COMPLAINT/COMMENDATION 101 Received By: WALK-IN
Received: 15:53:00

Cleared: 15:53

Vehicle Description:

Plate No.:

State: NY

Disposition: P

Disp. Date: 08/16/12 15:53

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:

Intersection:

Phone No.: () -

CALLER INFORMATION

Last Name

Unit/Officer

PASSALACQUA, SGT. MICHAEL

Dispatched

15:53

En Route**Arrived****Cleared**

15:53

ASSOCIATED PERSONS

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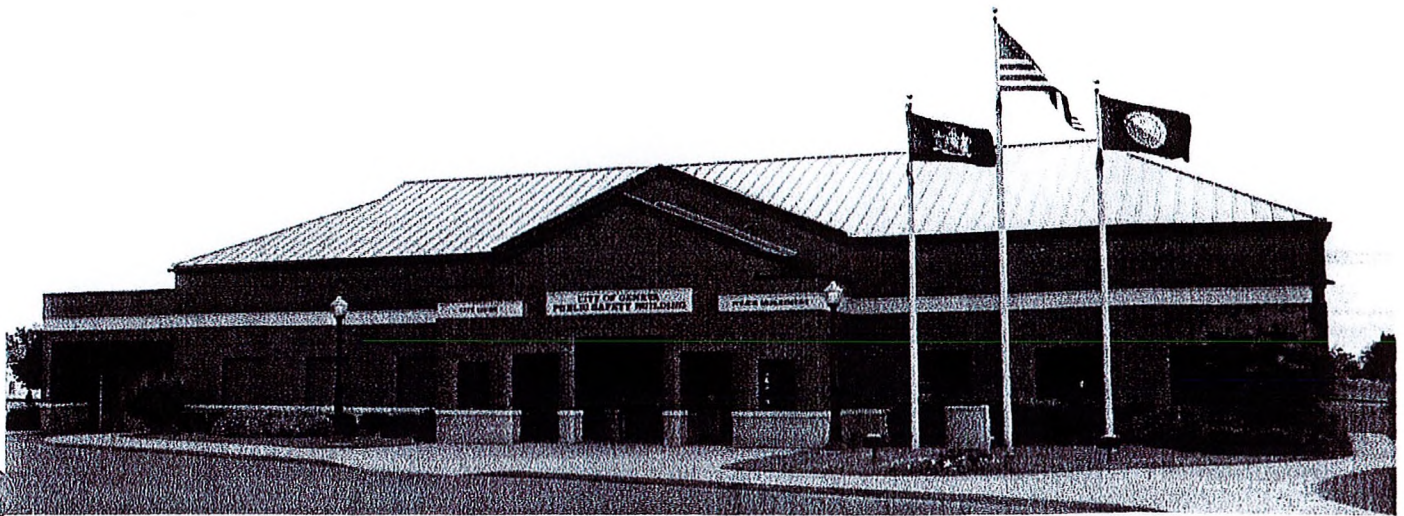
NOTES

GPD CITIZENS COMPLAINT FORM COMPLETED BY ABOVE COMPL WAS DROPPED OFF AT THE PD BY A MALE SUBJECT. FORM WAS NOTARIZED ON TODAY'S DATE.

COMPLETED FORM WAS GIVEN TO SGT PASSALACQUA.

GENEVA POLICE DEPARTMENT

Citizens Complaint Form



Chief J. Trickler

Public Safety Building
255 Exchange Street
Geneva, New York 14456
315.789.1111

Summary of Complaint Process

- The complaint can be downloaded from the City of Geneva website: www.geneva.ny.us or picked up at Geneva Police Department, 255 Exchange Street, Geneva, New York.
- After completion of the form it should be notarized by a Notary of your choice or signed in front of Sergeant or Lieutenant of the Geneva Police Department.
- After your complaint has been filed, it is assigned and investigated and given a Case Number. All available witnesses will be contacted, and any physical or other relevant evidence including records, reports, recordings and computer data will be collected and reviewed. You will be personally contacted by a Lieutenant or another person designated by the Chief of Police.
- Once the investigation is completed, the investigation and its report will be forwarded to the Chief of Police for final disposition of the case. When a complaint is sustained, the Chief shall determine and administer appropriate corrective and/or disciplinary action.
- Department policy requires that the complaint investigation to be completed within 45-60 days; however, the Chief of Police can waive the time frame depending on the complexity and sensitivity of the investigation.
- After the investigation has been completed and the Chief of Police has made a final decision on the case, you will be notified of the results by mail.

Most Often Asked Questions

- **HOW DO I FILE A COMPLAINT?** We would prefer to talk with you about your complaint in person; however complaints will be accepted by mail or in person. If they are submitted by mail, please ensure they have been notarized.
- **WHAT IS A COMPLAINT?** A complaint is a belief that a member of the Geneva Police Department has violated a Department Rule or Procedure, a federal or state law, an ordinance of the City of Geneva, or dissatisfaction with a policy or procedure of the Geneva Police Department.
- **WHAT DOES THIS PROCESS NOT HANDLE?** This process does not litigate or decide the outcome of any parking, traffic, criminal or non-criminal offense. These questions should be directed to the court of jurisdiction or your own legal counsel.
- **WHO CAN MAKE A COMPLAINT?** Anyone can file a complaint if they truly and honestly believe a police employee has acted improperly.
- **WHO INVESTIGATES A CITIZEN COMPLAINT?** Complaints of alleged misconduct are investigated by the Internal Affairs Lieutenant and his staff as needed. The investigation is then reviewed by the Chief of Police and Personnel Office if needed.
- **WHAT WILL HAPPEN TO THE EMPLOYEE?** That will depend on the results of the investigation. If the employee is found to be at fault the complaint will be SUSTAINED and the appropriate corrective

GENEVA POLICE DEPARTMENT

Complaint Action Form

This form is to be completed in full and signed by the complaining citizen and a notary republic, if not signed by a Sergeant or Lieutenant of the Geneva Police Department. **WARNING: False Statements made herein are punishable as a Class A Misdemeanor crime pursuant to Section 210.45 of the Penal Law of the State of New York. Please type or Print.**

COMPLAINANT

Name:	[REDACTED]	Phone Number	[REDACTED]
Address:	[REDACTED]		
Occupation:	[REDACTED]		
Work Address	[REDACTED]		
Email Address	[REDACTED]		

ACCUSED OFFICER(S)

Name:	<u>P.O. Bielowicz</u>	Badge Number	_____
Name:	<u>P.O. Grenier</u>	Badge Number	_____

INCIDENT

Time/Date	[REDACTED]	Location	[REDACTED]
Nature of Complaint	<u>I was arrested for no reason</u>		

WITNESS(ES)

Name:	[REDACTED]	Phone Number	[REDACTED]
Address:	[REDACTED]		
Name:	_____		
Address:	_____ (H) _____ (W) _____		

- Are you making this complaint of your own free will: Yes ☒ No ☐
- Were you arrested as a result of this incident: Yes ☐ No ☐

If yes, what charge: _____

Date: _____

Disposition (fine, imprisonment, etc.): _____


3. Are you willing to appear and give testimony under oath at a department hearing and/or criminal proceeding: Yes ☒ No ☐

COMPLAINT - state exact circumstances of the complaint

Me and my friend came home from grocery shopping. We just got back from [REDACTED]. We were getting the groceries out of the car then out of no where two general officers came around the building. They told me that I had a warrant for my arrest, you have to come with us to see the judge. I ask them if I could finish bringing the groceries to my house and they told me no, and to hurry up. Then they told me to leave my earrings and property because I wasn't going to need them. They were laughing. They took me to the car and put the handcuff on me and I told them not to put them on me cause my hands are bad. I started crying. They ask if I was [REDACTED] and I said yes. They never ask me for my last name or I.D. The cops took me to the police station. They cuff me to a rail to wait for the judge. The cops were laughing then, they told me who I was being arrested. They told me that [REDACTED] press charges against me. I told them I didn't know who was [REDACTED]. I gave them my Day of birth and I. They check the computer then they realize that I was [REDACTED] not [REDACTED]. When they realize I wasn't the person they were looking for they told me they were sorry and took me home.

**** if necessary, additional sheets may be attached hereto and made a part hereof.**

I understand that this statement of complaint will be submitted to the Geneva Police Department and may be the basis for an investigation. Further, I declare the facts contained herein are accurate and true to the best of my knowledge and belief. Further, I declare that my statement has been made by me voluntarily without persuasion, coercion or promise of any kind. **False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law.** Accordingly and with notice of the foregoing I hereby affirm that the foregoing statements are true.

Signature of Complainant: 

Date 8-16-12

(must be signed in presence of Supervisor, *if not notarized*)

Time 3:22 pm

Supervisor Receiving Complaint: Sgt. May 

ADMINISTRATIVE USE ONLY

Reviewed By: _____

Name & Rank

Date Reviewed: _____ GPD Log No.: _____

☐ NO FURTHER ACTION
☐ INVESTIGATION ASSIGNED TO: _____

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of New York
COUNTY OF Ontario

This document was acknowledged before me on August 16, 2012 [Date] by
 [name of principal].

[Notary Seal, if any]:


(Signature of Notarial Officer)

Notary Public for the State of New York

My commission expires: April 30, 2014

Diane M. Dougherty
4728453
Notary Public, State of New York
Qualified in Ontario County
My commission expires APRIL 30th, 2014



To: Chief Jeffrey Trickler

From: Lt. Eric Heieck

Date: 9.1.2012

Personnel Complaint: 2012-15496 8.16.2012

Subject: Internal Investigation – Procedural Violation [REDACTED]

Introductory Paragraph

1. On or about [REDACTED] this Officer learned through an email from Lt. G. Bendzlowicz that Officer's Grenier & Bielowicz while assigned to a warrant detail and while out on warrant check in the area of [REDACTED] did make a an arrest that resulted in the mistaken identity of a warrant suspect.
2. Officers Bielowicz & Grenier while assigned to a warrant detail did make contact with a women that Officer Grenier believed to be a [REDACTED] [REDACTED], [REDACTED] who had an active warrant out to the City of Geneva Court for 2 (cts) of PL 260.10-01 Endangering the Welfare of Child < 17 yoa.
3. Officer Grenier asked the women on [REDACTED] if she was [REDACTED] [REDACTED] and the women replied, "Yeah I'm [REDACTED]. {See attachment}" and subsequently made the warrant arrest.
4. Furthermore, while out on [REDACTED] in the City of Geneva, County of Ontario, State of New York, said Officers did fail to correctly identify [REDACTED] and identify a [REDACTED] [REDACTED] [REDACTED] without verifying her date of birth and took her into custody for the warrant charges, when in fact this women was the wrong [REDACTED] [REDACTED].
5. Officers failed to obtain proper identification, and that this person, namely [REDACTED] [REDACTED] [REDACTED] was now subjected to arrest and was in fact not the person for whom there was probable cause to arrest.

Geneva Police Department

JEFFREY E. TRICKLER

Chief of Police

255 Exchange St. - Geneva, New York 14456
(315) 789-1111- FAX (315) 789-1814 - www.geneva.ny.us

6. It was at the Geneva Public Safety Building that Officer(s) Grenier and Bielowicz learned that the [REDACTED] [REDACTED] [REDACTED] that was currently in custody was not the same one as listed on the warrant. In fact, the current female in custody was approximately fifteen years her senior, had a different address and had a hyphenated last name.
7. Upon this realization, both Sgt. Valenti and Sgt. Passalacqua directed Officer Grenier to immediately release [REDACTED] [REDACTED] [REDACTED] from custody and transport her back to her home on [REDACTED]

Findings Section for the Specific Violations

The information alleged by Sgt(s) Valenti & Passalacqua, Officer Greniers and Bielowicz and other members of the City of Geneva Police Department and this Officers investigation is as follows:

1. Warrant was for a [REDACTED] [REDACTED] [REDACTED] not [REDACTED], [REDACTED]
2. Officer Grenier did after taking [REDACTED] [REDACTED] [REDACTED], [REDACTED] Geneva, New York 14456 make a false arrest.
3. Once it was apparent to Officer(s) Grenier and Bielowicz, supervisory notification was made and [REDACTED] [REDACTED] [REDACTED] [REDACTED], [REDACTED] Geneva, New York 14456 was released from custody.

The facts of the investigation support the findings of:

1. **Sustained** – the act of the complainant did occur and constituted a violation of police, procedure, rules, regulations or statute.

Evidence to Support the Specific Allegations

- Signed depositions from:
 - Sgt. Passalacqua
 - Sgt. Valenti
 - Officer Bielowicz

- Officer Grenier
- Calls For Service
- Warrant & Warrant Jacket

Evidence to Refute the Specific Allegations

- **None**

Identification & Explanation of Allegations and Recommended Findings

1. Officer did fail to verify or confirm an active warrant as contained in City of Geneva Police Department General Order 535, Section 10A Sub 1-3 – Legal Process by not verifying the proper identification of the female [REDACTED]
[REDACTED]
2. Failure to do so did result in the arrest and detainment of the wrong female as the one listed in the active warrant from Geneva City Court.

Complainant and Involved Witnesses:

[REDACTED], [REDACTED]
14456

Officers and Involved Personnel:

Sgt(s) Passalacqua & Valenti, Officers Grenier and Bielowicz

Independent Witnesses:

None @ this time or as contained above.

Recommended Finding:

At the time of this report based upon the information available to me the following is: **Sustained.**

Attachments

- | | |
|---|---|
| 1. [REDACTED] | Call for Service |
| 2. [REDACTED] | Incident Report & Supplemental |
| 3. Personnel Complaint | 8.16.2012 |
| 4. Shift Roster | |
| 5. G.O. 535 | Legal Process |
| 6. G.O. 500 | Arrest Procedures |
| 7. Detail of Actions | Passalacqua, Valenti, Grenier, Bielowicz |
| 8. Letter to Complainant | [REDACTED] [REDACTED] [REDACTED] |
| 9. Response of Action | Passalacqua, Valenti, Grenier, Bielowicz |
| 10. City Court Warrant | Original |
| 11. E-Justice Data | Confidential to Investigation |
| 12. NYSDCJS | Warrant Application |
| 13. Warrant Jacket | Copy |
| 14. NYS Warrant Cancel | Confidential to Investigation |
| 15. NYS Arrest Card | Previous Arrest 4.19.2012 (Warrant Suspect) |
| 16. Warrant Attempts | Supplemental PO M. Tapscott |
| 17. Warrant Attempt | Supplemental PO J. Keyser |
| 18. Original Call for Service | |
| 19. Warrant Attempt | |
| 20. Confidential Investigation Call for Service | |
| 21. NYS Incident & Supplemental of Arrest | |

Respectfully Submitted,

Eric R. Heieck

Lt. Eric R. Heieck

GENERAL INFORMATION

Supervisor: MPAS PASSALACQUA Dispatcher: MMAH MAHONEY Call Taker: NBIE BIELOWICZ
Date/Time: [REDACTED] Reported Signal: ARREST - GPD WARRANT 15W
Actual Signal: POLICE INFORMATION 04 Received By: RADIO
Received: 16:22:00 Arrest: 16:22 Cleared: 16:22

Vehicle Description:

Plate No.:

Dispositions: R, R

Action Taken:

Reference No. 1:

State: NY

Disp. Date: 08/11/12 21:48

Report Taken: NO

Reference No. 2:

LOCATION

Location: [REDACTED]

Zone:

Alt. Address:

Apt. No.:

Phone No.: () -

City: GENEVA

Direction:

Intersection:

CALLER INFORMATION

Last Name: BIELOWICZ

First Name: PO

Middle Name/Suffix:

Alias/Maiden Name:

DOB:

Address: GPD

City: GENEVA

State: NY

Zip: 14456-

Phone: (315) 789-1111

Anonymous: NO

RESPONDING UNITS/OFFICERSUnit/Officer

BIELOWICZ, NICHOLAS

Dispatched

16:22

En RouteArrivedCleared

16:22

ASSOCIATED PERSONSName

[REDACTED], [REDACTED]

[REDACTED], [REDACTED]

[REDACTED], [REDACTED]

[REDACTED]

Inv.
SUB

SUB

NOTES

OFFICER GRENIER APPROACHED AP [REDACTED] AND ASKED HER IF SHE "[REDACTED] [REDACTED]." AP [REDACTED] STATED "YEAH, I'M [REDACTED]." AP [REDACTED] WAS THEN ARRESTED AND BROUGHT TO THE PD. AP [REDACTED] THEN STATED SHE WASN'T AP [REDACTED] AND STATED THIS IS THE SECOND TIME SHE WAS ARRESTED FOR BEING MISTAKEN AS AP [REDACTED]. AP [REDACTED] WAS BROUGHT BACK HOME AND RELEASED.

INCIDENT	Agency GENEVA POLICE DEPARTMENT			Division/Precinct GV8		New York State INCIDENT REPORT		ORI NY0340200		Orig. [REDACTED]			
	Report Day Wed	Report Date [REDACTED]	Report Time 16:22:00	Occurred On/From:	Day Wed	Date [REDACTED]	Time 16:20	Occurred To:	Day	Date	Time		
	Incident Type POLICE INFORMATION POLICE			Business Name				Weapon(s)			A		
	Address INFORMATION						City, State, Zip GENEVA		Location Code 3502		B		
	OFF.	LAW	SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE		CTS	No. of Victims	C
												No. of Suspects	D
ASSOCIATED PERSONS	Person Type: CO=Complainant OT=Other PI=Person Interviewed PR=Person Reporting WI=Witness NI=Not Interviewed VI=Victim Victim also Complainant NO											E	
	Type/No.	Name (Last, First, Middle, Suffix)				Date of Birth		Street No., Street Name, Apt. No., City, State, Zip				Telephone No.	
	SU	[REDACTED]				[REDACTED]		[REDACTED]				[REDACTED]	
	SU	[REDACTED]				[REDACTED]		[REDACTED]				[REDACTED]	
VICTIM	Person No.	Suspect No.	Date of Birth	Age	Sex	Race	Ethnic Origin	Handicapped	Residence Status		J		
	Victim DID receive information on Victim's Rights and Services pursuant to New York State Law ___ YES ___ NO											K	
SUSPECT MISSING/ARRESTED PERSON	Type/No.	Name (Last, First, Middle, Suffix)					Alias/Nickname/Maiden Name			Apparent Condition		L	
	Address (Street No., Street Name, Apt. No., City, State, Zip)						Phone No.		Social Security No.			M	
	Date of Birth	Age	Sex	Race	Ethnic Origin	Skin	Occupation				N		
	Height	Weight	Hair	Eyes	Glasses	Build	Employer/School	Address		77			
	Scars/Marks/Tattoos (Describe)							Misc.			<input checked="" type="checkbox"/>		
PROPERTY	Victim or Suspect No.	Property Status	Property Type	Quantity/Measure	Make/Drug Type	Model	Serial No.	Description			Value		
VEHICLE	Veh. Status	License Plate No.		State	Exp. Yr.	Plate Type		Value		0.00			
	Veh. Yr.	Make		Model	Style		VIN						
	Color(s)		Towed By/To		Vehicle Notes								
NARRATIVE	<p>This officer assigned to a warrant detail with Officer Grenier responded to [REDACTED] to look for a (SUB) [REDACTED]. Upon arrival, a female was taking groceries out of her vehicle and this officer identified her as (SUB) [REDACTED]. Officer Grenier then walked up to the female and asked her "Are you [REDACTED]?" The female stated "Yeah, I'm [REDACTED]". Officer Grenier then stated that we had a warrant for endangering the welfare of a child. Officer Grenier then tried to explain that the warrant was for the two kids that were dropped off. The female [REDACTED] and stated she does watch two kids and used to live on [REDACTED] Street. The female then finished putting her groceries away and was handcuffed and arrested by Officer Grenier. The female was then transported to the PSB and this officer put the file on the table in front of the female and she stated that she was [REDACTED]. The female stated she was (SUB) [REDACTED] and that this was the second time she was arrested for being [REDACTED]. Officer Grenier then transported (SUB) [REDACTED] home and she was released from custody.</p> <p>At this time, this officer didn't know that there was two [REDACTED] in the City of Geneva. The only reason we went to [REDACTED] is due to this officer going to that address with Ontario County in the past looking for (SUB) [REDACTED].</p>												
ADMINISTRATIVE	Inquiries			NYSPIN Message No.			Complainant's Signature			use cover sheet		B	
	Reporting Officer's Signature (Include Rank)			NBIE			Supervisor's Signature (Include Rank)			MPAS		Page 1	
	Status			ID No.			Notified/TOT			Review Date			
	CLOSED			08/11/2012									

GENERAL INFORMATION

Reporting Officer: RGRE

File Date: 08/14/2012

Last Updated On: 08/15/2012

Incident No: [REDACTED]

Reference No. 1:

Reference No. 2:

Reference No. 3:

NARRATIVE

On [REDACTED] at about 1622, Officer Bielowicz and myself were on warrant detail and went to [REDACTED] to check on a warrant for a [REDACTED]. I saw on the warrant that [REDACTED] had a [REDACTED] address, however Officer Bielowicz stated he had gone to [REDACTED] before, looking for [REDACTED]. We pulled in the driveway and saw a [REDACTED] standing by the side door to the apartment. I asked the female if she was [REDACTED], to which she stated, "yeah, I'm [REDACTED]." I then explained to [REDACTED] that there was a warrant for an endangering the welfare of a child charge and that we were going to have to take her in. [REDACTED] stated she did not know what we were talking about, so I further explained that it was for improper supervision of two young children. [REDACTED] stated she had watched two children before, however I could not understand what she was trying to explain due to [REDACTED]. I told [REDACTED] that we would get it straightened out when we got to the police department. Officer Bielowicz and I brought [REDACTED] in and started to book her when I saw that the year [REDACTED] was born was [REDACTED]. I then asked [REDACTED] when she was born and she stated [REDACTED]. [REDACTED] then looked down at the paperwork on the counter and saw that it read [REDACTED]. [REDACTED] then looked at me and stated she was [REDACTED], not [REDACTED]. I then checked [REDACTED]' ID which confirmed her identity. I apologized to [REDACTED], who stated that this has happened before and that she was getting a lawyer. I then released [REDACTED] from custody and transported her back to her house. I have never seen either [REDACTED] nor [REDACTED] before and was not aware of what either looked like. No further information to report.

08/15/12 22:37:10

****P.O. RANDALL J GRENIER****

SUPERVISORY REVIEW _____

DATE: _____

ter	Officer	C/E	C/E	C/E	X	X	C/W	C/W	C/E	X	X	C/W		C/E	C/W	C/E
	Officer	X	XXXX	XXXX	XXXX	XXXX	X	X	XXXX	XXXX	XXXX	XXXX	X	X	X	XXXX
	Dispatcher	X	Desk	Desk	Desk	Desk	V	X	X	Desk	Desk	Desk	Desk	Desk	Desk	X
	Court Officer	X	CLO	CLO	CLO	GLO SICK	C/E	X	X	CLO	CLO	CLO	CLO	CLO	CLO	X
	SRO	X	SSch	SSch	SSch	SSch		X	X	V	V	V	V	V	V	X
	SRO	X	C/E	C/W	C/E	C/W	Desk	X	X	C/E	C/W	C/E	C/W	PL		X
	Officer	XXXX	XXXX	XXXX	XXXX	XXXX			XXXX	XXXX	XXXX	XXXX	XXXX			
	Floud	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	Desk	Desk	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	Desk
		(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	
	Sergeant	SUP	SUP	H	Sup	Sup	X	X	Sup	Sup	Sup	Sup	Sup	Sup	X	X
	Sergeant	X	X	SUP	SUP	SUP	SUP	SUP	Sup	Sup	X	SUP	X	SUP	SUP	
	Officer	X	C-W B-1	C-W BEAT	BEAT C-R	C/E	X	X	BEAT C/R	C/W	C/E	C/W	X	X	C/R	
	Officer	C/E	X	X	C/W	BEAT	C/E	C/R BEAT	X	X	H/W	H/W	BEAT C/R	C/W	X	
	Officer	DESK	C/W DAYS	C-R	X	X	C/W	BEAT C-R	630a C-W	C/R	X	X	C/E	BEAT C/R	630a C-	
	Officer	X	X	DESK	LD	LD	LD	X	X	LD	LD	LD	LD	X	X	
	Officer	DEU	DEU	X	X	DEU	DEU	S/D BIKE	DEU	X	X	DEU	DEU	DEU	DEU	
	Officer	BEAT	H/W	C/E	WAR BEAT	X	X	C/W	C/E	BEAT C/R	C/R	X	X	C/E	BEAT C/R	
	Officer	X	C/E B-2	BEAT C-R	C/E	C/W	X	X	C/W	C-E BEAT	BEAT C/R	C/E	X	X	C-E BEAT	
	Dispatcher	X	X	V	Desk 11P-3A	Desk	Desk	Desk	X	X	Desk	Desk	Desk	Desk	Desk	
	Officer	X	C-W B-1	C/W	BEAT C/R	C/E	X	X	BEAT C/R	C/W	C/E	C/W	X	X	C/E	
	Dispatcher	7a-3p	Desk	XXXX	XXXX	XXXX	XXXX	XXXX	Desk	Desk	5K 11P-7a		XXXX	XXXX	XXXX	
ation								NO HV V						NO HV	NO H	
		(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	
	Sergeant	X	SUP	SUP	SUP	DESK	X	SUP	X	X	Sup	Sup	Sup	SUP	SUP	
	Sergeant	SUP	SUP	/	PL	SUP	SUP	X	V	V	V	V	V	X	X	
	Officer	X	B-1	C/E	C/W	BEAT	X	X	C/W	BEAT C/E	DESK	X	X	X	X	
	Officer	C/W	X	X	C/E	C/W	C/E	BEAT	X	X	FL	FL	C/E	B-2	X	
	Officer	C/E	B-2	C/W	X	X	C/W	C/E	DESK	C/W	X	X	BEAT	C/E	BEAT	
	Officer	X	X	MLV	MLV	MLV	MLV	C	X	X	MLV	MLV	MLV	MLV	X	X
b)	Officer	BEAT	C/W	X	X	C/E	BEAT	C/W	C/E	X	X	C/W	C/R	BY	C/E	
	Dispatcher	Desk	Desk	Desk	X	X	Desk	Desk	Desk	Desk	X	X	Desk	Desk	Desk	
	Officer	BEAT	C/W	X	X	C/W	C/W	BEAT C/R	NO HV V	C/R	X	X	C/R	NO HV V	NO HV V	
ation		(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	
	Officer	X	3-11p BEAT	3-11p BEAT	3-11p BEAT	PL 1	X	X			3-11p BEAT	3-11p BEAT	X	X	3-11	
	Officer	V	X	X	V	V	V	V	X	X	3-11p BEAT	3-11p BEAT	X	X	3-11	

Geneva Police Department GENERAL ORDERS		LEGAL PROCESS	
<input type="checkbox"/> new: <input checked="" type="checkbox"/> rescinds: Policy & Procedure 61.2-3 <input type="checkbox"/> amends:		cross-reference: G.O. 500; G.O. 510; G.O. 712 Accreditation/Recognition standards: C.A.L.E.A.: NYS L.E.A.P.: 8.12; 8.13	
effective date: 5-18-05	issue/amend date: 5-18-05		
I. PURPOSE	The purpose of this General Order is to establish and describe policies and procedures for the receipt, documentation, and service of legal process.		
II. DEFINITIONS	<p>A. Legal Process: Any item of civil or criminal process that is valid on its face and is to be served by the Department.</p> <p>B. Arrest Warrant: "A warrant of arrest is a process issued by a local criminal court directing a police officer to arrest a defendant designated in an accusatory instrument filed with such court and to bring him before such court in connection with such instrument. The sole function of a warrant of arrest is to achieve a defendant's court appearance in a criminal action for the purpose of arraignment upon the accusatory instrument by which such action was commenced." New York Criminal Procedure Law (CPL), § 120.10-1.</p> <p>Note: The procedures in this order apply to all warrants requiring the arrest of a person, including arrest warrants, bench warrants, and indictment warrants. The terms, "arrest warrants" or "warrants," as used in this order, will apply to all such warrants.</p> <p>C. Civil Process: Those writs, summonses, mandates, or other orders issued from a court pertaining to a cause of action of a civil nature, e.g., warrants of eviction, order to seize property.</p>		
III. POLICY	<p>A. It is the policy of the Geneva Police Department to bring about the efficient and timely execution and service of warrants and other legal processes, while documenting all attempts of execution in order to conform with New York State Criminal Procedure Law (NYSCPL) § 30.30 (due diligence/timely).</p> <p>B. The Geneva Police Department will conform to applicable standards in serving arrest warrants.</p>		
IV. ADMINISTRATIVE PROCEDURES	<p>A. The Department's Court Liaison Officer (CLO) shall be responsible for administrative management and control of arrest warrants. The CLO has primary responsibility for all legal process functions involving arrest warrants received by the Department.</p> <p>B. <u>Court Liaison Officer's Responsibilities</u></p> <p>The duties and responsibilities of the CLO include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Processing warrants received by the Department to include: <ol style="list-style-type: none"> a. entering warrant information into the NYSPIN system and the Department's Records Management System (Digi-Torque); b. copying and assembling the necessary paperwork for Warrant Jackets; 		

IV. ADMINISTRATIVE PROCEDURES (CONT.)	<ul style="list-style-type: none"> c. conducting periodic surveys, in cooperation with the Ontario County District Attorney's Office, of outstanding warrants held by the Department in order to identify and purge documents which are out-of-date, or cannot be executed. d. act as the Department liaison with other criminal justice agencies when sending or receiving warrants; and e. other duties as directed.
V. WARRANT PROCESSING AND RECORDKEEPING	<ul style="list-style-type: none"> A. <u>Availability of Arrest Warrants</u> <ul style="list-style-type: none"> 1. Original active criminal warrants (arrest, bench or indictment) are available to Department personnel on a 24-hour basis via the warrant file located in the Communications Center which is accessible to Department personnel. 2. Information regarding these warrants is also available to Department personnel or other law enforcement agencies on a 24-hour basis via the Department's Communications Center and NYSPIN which includes a National Crime Information Center (NCIC) interface. 3. Information on the existence of active criminal warrants from other jurisdictions can be obtained by personnel on a 24-hour basis from the NYSPIN system. B. <u>Processing Procedures</u> <ul style="list-style-type: none"> 1. The CLO will retrieve warrants issued by Geneva City Court on a daily basis. All other criminal warrants received by the Department by mail, fax, or other means will be forwarded to the CLO for processing. 2. Upon receipt the CLO will: <ul style="list-style-type: none"> a. Enter the warrant information in the Digi-Torque Warrant Record System and note the Warrant Control Number generated by the Digi-Torque System on the warrant jacket. Personnel entering information into the Digi-Torque System will verify the information on the warrant and if records exist in the system . Any discrepancies (e.g., name, DOB, SSN, etc.) will be brought to the attention of an on-duty supervisor, and if necessary, City Court personnel, to ensure accurate information is provided to personnel serving the warrant(s). b. Obtain the subject's file history from the Digi-Torque System , to include an address history, to be included in the Warrant Jacket. 3. <u>NYSPIN File 5 Teletype Procedures</u> <ul style="list-style-type: none"> a. A File 5 teletype will be sent through the NYSPIN system on all warrants processed by the Department, excluding minor Vehicle and Traffic warrants or where the subject lives locally within the City. If a warrant does not have sufficient information to complete a File 5 teletype message, the CLO will attempt to obtain the necessary information and may request assistance from other Department personnel in obtaining the required information. b. The CLO or other assigned personnel entering a File 5 into the NYSPIN system will use the appropriate extradition codes as designated by the District Attorney's Office.

**V. WARRANT
PROCESSING AND
RECORDKEEPING
(cont.)**

1. Any questions concerning the proper extradition code will be directed to the CLO or the District Attorney's Office if necessary.
- c. The CLO or personnel so assigned, will enter a File 5 message on any warrant that is issued for a subject that resides locally within the City which is not executed by the patrol staff within thirty (30) days.
4. Warrant Jacket Preparation
 - a. Once all the necessary information has been entered into Digi-Torque and NYSPIN, and the necessary criminal history inquiries have been run, the CLO will assemble a Warrant Jacket for service.
 - b. The CLO will enter as much information as possible on the Warrant Jacket, including any officer safety warnings.
 - c. The following documents will be included in the Warrant Jacket:
 1. original copy of the warrant, if available;
 2. a copy of the NYSPIN **File 05** message;
 3. if the warrant is for continuation of proceedings, a copy of the original Arrest Report, if available;
 4. any available information indicating a safety risk or history of violence and/or weapons possession by the defendant
5. Once the Warrant Jacket has been prepared, it shall be filed with the other active warrants for service by the patrol force, unless otherwise directed. The CLO will prepare a list of all new warrants entered into the system to be posted with the warrant file in Communications.
6. **Upon completion of the above duties the CLO will check all documents and computer entries to ensure accuracy of all information.**

**VI. WARRANTS
TRANSFERRED
TO OTHER
AGENCIES**

A. Transferring Warrants

1. The CLO will forward active warrants to other criminal justice agencies as necessary using the following procedures.

Note: If the CLO is not on duty and a warrant must be transferred to another agency for immediate service, an on-duty supervisor, or their designee, shall perform the duties as specified below.

 - a. The CLO will obtain a copy of the accusatory instrument that underlies the warrant. The accusatory instrument will be attached to warrant should arraignment be necessary outside the City. (CPL § 120.90)
 - b. The CLO will prepare a fax coversheet and obtain any other additional information that may be necessary for transmittal with the warrant.
 - c. Once the warrant and additional information, if any, has been transferred, the CLO will enter the information on the Warrant Jacket and place copies of the information transferred in the Warrant Jacket.

**VII. WARRANTS
RECEIVED FROM
OTHER AGENCIES**

A. Warrant Received from Outside Agencies

1. The CLO will generate a Control Report Number (CR#) for all warrants received by the Department from outside agencies for service within the City.
2. The CLO will prepare a Warrant Jacket as described in this Order (NYSPIN criminal history, no File 05). Once this has been accomplished, the Warrant Jacket will be forwarded to the patrol force for service.
3. General Considerations
 - a. If the warrant(s) meet NYSPIN entry criteria, the forwarding agency will be requested to complete the necessary entries.
 - b. If the warrant is for a Felony, it will not be accepted for service unless the appropriate NYSPIN/NCIC entries have been completed.

Note: In exigent circumstances involving a serious or violent offense, personnel may accept a warrant for service prior to NYSPIN entry. In such cases no attempts to serve the warrant will be made until the Department receives a copy of the warrant by fax or otherwise. Also, personnel must obtain the name, agency affiliation, and title of the official requesting service of the warrant and request that it be entered into NYSPIN as soon as possible.
 - c. The warrant must have sufficient information (e.g., the name, race, physical description, DOB, last known address) to effectively execute the warrant, otherwise the warrant will not be accepted for service.
 - d. If the minimum requirements are not met, the warrant will be returned to the forwarding agency immediately, with information regarding the reasons the warrant was returned.
4. The CLO will be responsible for obtaining the endorsement of a City Court Judge on warrants from within New York State, but outside Ontario County or the adjoining Counties.
(CPL § 120.70)
5. The CLO will ensure that the warrant is addressed to a Police Officer of the Geneva Police Department on its face, or bears a delegation from a member of the forwarding agency prior to execution. (CPL § 120.60)
6. The CLO will be responsible for handling a warrant obtained under the provisions of CPL § 570.32, when the warrant is received from another State.
7. A diligent effort will be made to serve the warrant in a timely manner.
8. If the warrant cannot be executed within thirty (30) days, it shall be returned. The CLO will either call the originating agency, or return the warrant along with a letter, explaining the service efforts.

<p>VIII. LEGAL REQUIREMENTS</p>	<p>A. For guidance on the authority to enter a private premises to serve an arrest warrant, <i>see</i> G.O. 712 <i>Warrantless Searches and Seizures</i>, § IV. In the event a search warrant is needed to enter a private premises, officers should be guided by CPL, § 120.80-4.</p> <p>B. Pursuant to CPL Article 120 the following legal requirements apply to the execution of arrest warrants:</p> <ol style="list-style-type: none"> 1. A warrant of arrest may be executed on any day of the week and at any hour of the day or night. CPL, § 120.80-1 2. Unless encountering physical resistance, flight or other factors rendering normal procedure impractical, the arresting police officer must inform the defendant that a warrant for his arrest for the offense designated therein has been issued. CPL, § 120.80-2. 3. If the officer is authorized to enter premises without giving notice of his authority and purpose, or if after giving such notice he is not admitted, he may enter such premises, and by a breaking if necessary. CPL, § 120.80-5. 4. Upon request of the defendant, the officer must show him the warrant if he has it in his possession. The officer need not have the warrant in his possession, and, if he has not, he must show it to the defendant upon request as soon after the arrest as possible. CPL, § 120.80-2. <p><u>Note:</u> Officers are not required to have the warrant in their possession when serving the warrant and arresting the defendant. The defendant does have the right to see the warrant upon request but this may be done during the booking process.</p> <ol style="list-style-type: none"> 5. Officers will familiarize themselves with and adhere to CPL Article 120, which contains legal requirements and procedures for arrest warrants.
<p>IX. WARRANT EXECUTION</p>	<p>A. The arrest of individuals for whom the Department holds an active warrant is the responsibility of <u>all</u> sworn personnel. Only sworn personnel will effect the arrest of wanted individuals.</p> <p>B. The patrol force has the primary responsibility for the physical execution of warrants held by the Department.</p> <p>C. Any information developed concerning an individual who is wanted, will be entered on the Warrant Jacket by the personnel obtaining the information. Officers will attempt to develop information on the wanted subject's location to facilitate the execution of the warrant(s).</p> <p>D. The on-duty supervisor(s) will normally assign warrants to officers for service. Individual officers may also attempt to serve warrants during their tour-of-duty.</p> <p>E. Personnel assigned to serve, or attempting to serve, warrants will take the Warrant Jacket(s) or unprocessed warrant(s) with them.</p> <ol style="list-style-type: none"> 1. As service of the warrant is attempted, personnel will enter the attempt of service and any new information learned about the subject on the Warrant Jacket.

IX. WARRANT EXECUTION (CONT.)	<p>2. If service of the warrant is not accomplished, the Warrant Jacket will be returned to the appropriate file by the personnel who removed the file. UNDER NO CIRCUMSTANCES WILL WARRANT JACKETS OR WARRANTS BE LEFT IN ANY POLICE VEHICLE, PERSONAL BRIEFCASES, OR OTHER AREA WITHIN THE DEPARTMENT.</p>
X. APPREHENSION PROCEDURES	<p>A. <u>Warrant Checks</u></p> <ol style="list-style-type: none"> 1. When Department personnel encounter an individual they believe may be wanted by the Department or other law enforcement agency, they shall contact the Communication Center and request that a warrant check be completed for local records, NYSPIN/NCIC, or both. 2. If an active warrant is confirmed for a Department-held warrant, communications personnel will check the warrant file drawer to ensure that the warrant is still active, and that the actual warrant is available to be served. If the actual warrant cannot be located, or there is any discrepancy in information, do not arrest the individual. <ol style="list-style-type: none"> a. If there appears to be discrepancies in information, personnel will consult with an on-duty supervisor and the CLO, if available, prior to arresting a subject on the warrant. 3. Confirmation or "HITS" obtained on warrants held by other agencies will be processed as set forth in this Order. <p>B. <u>Apprehension on a Department Warrant by Department Personnel</u> - When a subject is arrested on a Department-held warrant the following procedures will be adhered to:</p> <ol style="list-style-type: none"> 1. <u>Arresting Officer</u> <ol style="list-style-type: none"> a. The arresting officer will complete the necessary paperwork to document and process the arrest, as set forth in G.O. 500 - <i>Arrest Procedures</i> and book the subject as expeditiously as possible. <i>See G.O. 510 Prisoner Booking and Detention Procedures.</i> <ol style="list-style-type: none"> i. Upon completion of the booking process, the warrant and all required paperwork will be placed in the CLO's tray in Communications, unless City Court is in session at which time the subject will be arraigned and all paperwork forwarded to the CLO. ii. The arresting officer will also ensure that the front of the warrant jacket is filled out properly with the Arrest CR#, date and time of arrest and officer's initials. 2. <u>Communications Personnel</u> <ol style="list-style-type: none"> a. Once the arresting officer has completed the necessary paperwork, Communications personnel will cancel the File 05 message from the NYSPIN system. b. Communications personnel will also ensure that the NYSPIN cancel number is logged on the warrant jacket and a copy of the cancelled file 5 message placed inside of the warrant jacket.

**X. APPREHENSION
PROCEDURES
(CONT.)**

3. On-Duty Supervisor

- a. The on-duty supervisor will ensure that the warrant has been canceled in the NYSPIN system.

C. Apprehension on a Department Warrant by Another Agency

1. When Department personnel are notified that an outside agency has a subject wanted on a Department-held warrant, the following procedures will be adhered to:
 - a. Personnel will obtain a contact name and telephone number from the apprehending agency.
 - b. Personnel will verify that the warrant is still active and is available for service. Personnel will also verify the extradition code.
 - c. Personnel will notify the on-duty supervisor and advise them of the warrant and whether or not the extradition is required.
 1. If the subject is outside the extradition code, an on-duty supervisor will determine whether the Department will or will not retrieve the subject and advise Communications to notify the apprehending agency of same.
2. If the extradition code indicates that the Department will retrieve the subject, the on-duty supervisor will see that the following is inquired of the apprehending agency:
 - a. whether the subject is being held on the warrant only, or if local charges are pending;
 - b. if outside New York State, whether the subject will waive extradition; or
 - c. if in New York State and the offense is other than a felony, does the subject want to be arraigned or post bail (*See* CPL 120.90)

Note: In felony cases, the District Attorney and Chief of Police must be consulted if the subject is arrested outside of New York State.

3. If the decision is made to retrieve the subject, personnel will advise the apprehending agency of an approximate time that the pick-up will occur.

4. Hit Confirmation Procedures

- a. Communications personnel will adhere to the NYSPIN Hit Confirmation procedures when the decision is made to retrieve a subject wanted on a Department-held warrant.
- b. Personnel will fax a copy of the warrant to the apprehending agency as soon as possible after the Hit Confirmation has been completed.

D. Apprehension of a Subject Wanted on a Warrant from Another Agency

1. Copy of warrant is filed with the Geneva Police Department (GPD)

- a. If a subject is apprehended on a warrant that is from an outside agency, and the warrant is on file with the Department, the arresting officer will process the subject in accordance with the procedures set forth in this Order, to include verifying the warrant is still active.

**X. APPREHENSION
PROCEDURES
(CONT.)**

- c. While the subject is being processed, the on-duty supervisor will see that arrangements are made with the agency holding the original warrant to retrieve the subject.

2. No warrant on file

- a. The officer detaining the subject will request that Communications personnel contact the agency holding the warranted to verify:

1. the warrant is still active and provide whatever details are required to establish the subject being detained is in fact the wanted individual;
AND

2. whether or not the agency will extradite the subject.

- b. If the agency holding the warrant verifies the warrant and **will not** extradite, the subject **will be immediately released if there are no local charges pending.**

- c. If the agency holding the warrant verifies the warrant and will extradite, personnel will advise an on-duty supervisor, who will see that the agency is contacted and:

1. advise the agency of any local charges;
2. request a copy of the warrant and associated paperwork be faxed to the Department; and
3. attempt to determine when the agency will pick up the subject.

d. Hit Confirmation Procedures

1. Communications personnel will adhere to the NYSPIN Hit Confirmation procedures when the decision is made to retrieve a subject wanted on a Department-held warrant.

**XI. OTHER LEGAL
PROCESSES**

A. Criminal Summons – CPL Article 130.00

1. A Criminal Summons is a procedure that is used by a criminal court in response to the filing of an accusatory instrument charging any offense and may be issued in any case in which the court is authorized to issue an arrest warrant. A Criminal Summons must be served upon a defendant personally by a police officer and may be served anywhere within the county of issuance or an adjoining county.
2. Criminal summonses issued by City Court are received by the CLO, recorded, and turned over to Records Bureau personnel who will attach a certificate of service and enter the summons into a record book. Once completed, the criminal summons will be turned over to the duty supervisor for execution. Upon execution, the certificate of service will be forwarded to the Records Bureau for recording and the CLO notified as to same.

C. Subpoenas, Family Court Summons and Orders of Protections

1. Upon receipt of a subpoena, family court summons, or order of protection, by whatever means, it should be forwarded to Records Bureau personnel who will attach a certificate of service and enter it into a record book.

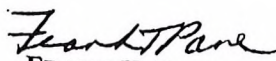
**XI. OTHER LEGAL
PROCESSES (CONT.)**

2. After entry, the subpoena, family court summons, or order of protection will be given to the duty supervisor for assignment.
3. If service is successfully accomplished, a certificate of service will be completed by the officer and forwarded to the Records Bureau for documentation.
 - a. It is expected that an officer receiving a subpoena, family court summons, or order of protection for service will make at least one (1) attempt to serve it during their tour-of-duty. In the event that the officer is unable to make service, the subpoena, family court summons, or order of protection is to be returned to the supervisor who assigned same, who will then forward the paperwork to the on-coming shift supervisor for reassignment. All attempts of service shall be noted on the certificate of service and initialed by the officer attempting same.
 - b. Personnel may receive a subpoena either directly or through the GPD, notifying them that their attendance at a court proceeding has been ordered by the District Attorney's Office, another prosecutor, or by an attorney for the defendant. If received directly, upon receipt of the subpoena, personnel shall advise their immediate supervisor in order that the chain of command is aware of the subpoena and a copy forwarded to the Record's Bureau for filing. In the event personnel receive a subpoena on behalf of a defendant in a criminal matter, the District Attorney's Office shall also be advised.

D. Orders of Eviction

1. All orders of eviction are received by Records Bureau personnel who will record them and then forward them to the CLO or other assigned personnel for service.
2. Upon service, the respondent will be given the Notice of Eviction documents advising them of the "72-Hour Notice of Eviction" date that they must vacate the premises by. A copy of the Notice of Eviction with that date will be completed by personnel issuing it and be forwarded to Record's Bureau personnel.
3. Upon conclusion of the "72-Hour Notice of Eviction", personnel will check the premises to ascertain if the respondent did vacate the property. At that time, a Return Form for Eviction will be completed and the Landlord-Petitioner placed in full possession of the property.

Approved By


FRANK T. PANE
CHIEF OF POLICE

Geneva Police Department GENERAL ORDERS		ARREST PROCEDURES	
<input checked="" type="checkbox"/> new: <input type="checkbox"/> rescinds: <input type="checkbox"/> amends:		cross-reference: G.O. 400 / G.O. 505 / G.O. 510	
effective date: 4-30-04		Accreditation/Recognition standards: C.A.L.E.A.: 1.2.5 NYS L.E.A.P.:	
issue/amend date: 4-30-04			
I. PURPOSE	The purpose of this General Order is to establish and describe policies and procedures for Department personnel when making arrests.		
II. POLICY	It is the policy of the Geneva Police Department to adhere to the laws of arrest, search and seizure as defined in the United States and New York Constitutions, New York Criminal Procedure Law, and other applicable laws. Further, to ensure that all persons arrested and taken into custody are handled in a manner that protects officers, prisoners, and other persons from unnecessary injury and to protect the rights and dignity of those arrested and to preserve property and physical evidence from destruction.		
III. DEFINITIONS	<p>A. <u>Arrest</u>- To deprive a person of his/her liberty by legal authority. (Black's Law Dictionary.)</p> <p>B. <u>Arrest Authority</u>- Legally granted authority to arrest, with or without a warrant, which includes the legal authority to physically remove a person from his/her location, taking that person to a place of confinement or judicial authority.</p> <p>C. <u>Custody</u>- Legal or physical control of a person in an area or facility or while in transit; legal, supervisory, or physical responsibility for a person.</p>		
IV. ARREST PROCEDURES	<p>A. Only sworn personnel with arrest authority shall make arrests or serve arrest warrants. Non-sworn personnel shall direct persons surrendering at the Public Safety Building (PSB) to an officer for arrest.</p> <p>B. All personnel with arrest authority shall review New York State Criminal Procedure Law (NYCPL) Article 120- <i>Warrant of Arrest</i> and Article 140- <i>Arrest Without a Warrant</i> periodically and keep themselves apprised of any statutory changes concerning arrest procedures.</p> <p>C. Pursuant to NYCPL § 140.15-2, "[t]he arresting officer must inform [the person being arrested] of his authority and purpose and of the reason for such arrest unless he encounters physical resistance, flight or other factors rendering such procedure impractical."</p> <p>D. The use of force to make an arrest will be consistent with NYS Penal Law Article 35 and the policies and procedures set forth in G.O. 400 - <i>Use of Physical Force/Deadly Physical Force & Firearms</i>.</p> <p>E. During the arrest and transportation of prisoners, officers shall take precautions to prevent escape, injury, or damage to property.</p>		



**CITY OF GENEVA
POLICE DEPARTMENT**

255 EXCHANGE STREET
GENEVA, NEW YORK 14456



JEFFREY E. TRICKLER
Chief of Police

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

[REDACTED]
Officer Randall Grenier

Geneva Police Department

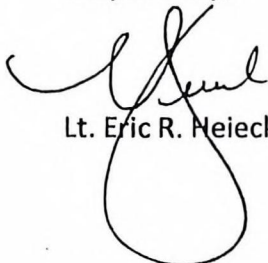
Dear Officer Grenier,

You are hereby ordered to detail your actions in specificity regarding the incidents surrounding the police encounter, detention, arrest and eventual release of [REDACTED], [REDACTED], [REDACTED] Geneva, New York. The date of this police action was [REDACTED] @ approximately 1622 in the afternoon. Currently [REDACTED] has made a complaint against you and this department regarding false arrest.

Please provide me your signed response NLT 8.22.2012 @ 1500.

Please supply me with any additional civilian or officer witnesses or any other pertinent information you may feel is relevant to this matter.

Respectfully,


Lt. Eric R. Heieck



**CITY OF GENEVA
POLICE DEPARTMENT**

255 EXCHANGE STREET
GENEVA, NEW YORK 14456



JEFFREY E. TRICKLER
Chief of Police

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

██████████
Officer Nicholas Bielowicz

Geneva Police Department

Dear Officer Bielowicz,

You are hereby ordered to detail your actions in specificity regarding the incidents surrounding the police encounter, detention, arrest and eventual release of ██████████, ██████████, ██████████, ██████████ Geneva, New York. The date of this police action was ██████████ @ approximately 1622 in the afternoon. Currently ██████████ has made a complaint against you and this department regarding false arrest.

Please provide me your signed response NLT 8.22.2012 @ 1500.

Please supply me with any additional civilian or officer witnesses or any other pertinent information you may feel is relevant to this matter.

Respectfully,

Lt. Eric R. Heieck



**CITY OF GENEVA
POLICE DEPARTMENT**

255 EXCHANGE STREET
GENEVA, NEW YORK 14456



JEFFREY E. TRICKLER
Chief of Police

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

[REDACTED]
Sergeant Michael Passalacqua

Geneva Police Department

Dear Sergeant Passalacqua,

You are hereby ordered to detail your actions in specificity, as shift supervisor regarding the incidents surrounding the police encounter, detention, arrest and eventual release of [REDACTED] [REDACTED], [REDACTED] Geneva, New York. The date of this police action was [REDACTED] @ approximately 1622 in the afternoon. Currently [REDACTED] [REDACTED] has made a complaint against Officers of this department regarding false arrest.

Please provide me your signed response NLT 8.22.2012 @ 1500.

Please supply me with any additional civilian or officer witnesses or any other pertinent information you may feel is relevant to this matter.

Respectfully,


Lt. Eric R. Heieck



**CITY OF GENEVA
POLICE DEPARTMENT**

255 EXCHANGE STREET
GENEVA, NEW YORK 14456



JEFFREY E. TRICKLER
Chief of Police

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

[REDACTED]
Sergeant Matthew Valenti

Geneva Police Department

Dear Sergeant Valenti,

You are hereby ordered to detail your actions in specificity, as shift supervisor regarding the incidents surrounding the police encounter, detention, arrest and eventual release of [REDACTED] [REDACTED], [REDACTED] Geneva, New York. The date of this police action was [REDACTED] @ approximately 1622 in the afternoon. Currently [REDACTED] [REDACTED] has made a complaint against Officers of this department regarding false arrest.

Please provide me your signed response NLT 8.22.2012 @ 1500.

Please supply me with any additional civilian or officer witnesses or any other pertinent information you may feel is relevant to this matter.

Respectfully,


Lt. Eric R. Hejcek



**CITY OF GENEVA
POLICE DEPARTMENT**

255 EXCHANGE STREET
GENEVA, NEW YORK 14456



JEFFREY E. TRICKLER
Chief of Police

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



Dear [REDACTED],

The City of Geneva Police Department is in receipt of your complaint action form against Officers of the Geneva Police Department. Please be advised that this matter will be thoroughly investigated and the results of this investigation will be reviewed by the Chief of Police Jeffrey Trickler.

I am available for any questions or concerns regarding this process at 315.789.1111, 315.828.6782 or email ehieck@geneva.ny.us

Please supply me with any additional witnesses or any other pertinent information you feel is relevant.

Respectfully,

Lt. Eric R. Heieck

Need Prints

WARRANT # 2012-183

NEW YORK STATE
INTEGRATED SYSTEMS DEVELOPMENT

WARRANT CONTROL JACKET

	DATE	SIGNATURE/SHIELD#			
1. WCO Initial Logging	08/07/12	KR			
2. ID Record Search Record Available Y <input type="checkbox"/> N <input type="checkbox"/> Photo Available Y <input type="checkbox"/> N <input type="checkbox"/>	/ /				
3a. COMMUNICATIONS NYSPIN Info. Sent: Message No. 201213619 Time: 0629					
3b. DMV HIT Y <input type="checkbox"/> N <input checked="" type="checkbox"/> Printout Y <input type="checkbox"/> Included: N <input type="checkbox"/>	08/08/12	S			
4. ASSIGNMENT INFORMATION ON REVERSE SIDE					
5. ARREST DATA Arrest No. _____ Time: _____	/ /				
6. WCO pending further Investigation	/ /				
7. COMMUNICATIONS NYSPIN Info. Cancelled: Message No. _____ Time: _____	/ /				
8. WCO Warrant and WCS Part I forwarded to Originating Agency	/ /				
9. WCO Warrant Recall and Final Review	/ /				
10. WARRANTS FORWARDED TO OTHER AGENCIES					
DATE SENT	AGENCY	BY	DATE RECALLED	WHO NOTIFIED	DATE REC'D
/ /			/ /		/ /
/ /			/ /		/ /
/ /			/ /		/ /
/ /			/ /		/ /

ASSIGNMENTS

[illegible]

GENERAL INFORMATION

Supervisor: MVAL VALENTI Dispatcher: MMAH MAHONEY Call Taker: MMAH MAHONEY
Date/Time: 04/19/12 17:45 Reported Signal: ARREST/SUBJECT IN CUSTODY 15
Actual Signal: ARREST/SUBJECT IN CUSTODY 15 Received By: RADIO
Received: 17:45:00 Arrest: 17:45 Cleared: 17:45

Vehicle D [REDACTED]
Plate No.: [REDACTED]; NY
Disposition: AR-A Disp. Date: 04/19/12 17:45 Report Taken: NO
Action Taken:
Reference No. 1: Reference No. 2:

LOCATION

Location Name: Zone: EAST
Address: MIDDLE STREET
Alt. Address: Direction:
Apt. No.: City: GENEVA Intersection: WADSWORTH ST
Phone No.: (315) ____-____

CALLER INFORMATION

Last Name: VINE First Name: PO 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>
VINE, STEVEN	17:45			17:45

ASSOCIATED PERSONS

<u>Name</u>	<u>Alias</u>	<u>DOB</u>	<u>Address</u>	<u>Phone</u>	<u>Sex</u>	<u>Inv.</u>
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	A

NOTES

PO VINE 15-1 WITH [REDACTED] [REDACTED] UNDER ARREST FOR AUO 3RD DEGREE AND DRIVER'S VIEW OBSTRUCTED. SUBJECT PROCESSED AND RELEASED ON \$250 CASH BAIL, TO RETURN THURSDAY MAY 3, 2012 AT 0830.

FEMALE TRANSPORT: MIDDLE AT WADSWORTH TO PSB
START: 8.4 @ 1746
END: 8.6 @ 1747

1. NYSID No.	2. OBTS No.	3. Case No.	4. Ref. No.	4a.	4b.
5. FBI No.	6. Arrest No. 2012-283	7. Agency GENEVA POLICE DEPARTMENT			8. Division/Precinct

DEFENDANT INFORMATION

9. Name (Last, First Middle Suffix)

DEJONGH, MICHEL

ARREST INFORMATION

37. Arresting Officer STEVEN VINE	38. ID No. SVIN	39. Assisting Officer	40. ID No.	41. Arrest Date 04/19/2012	42. Time 17:45
43. [C]T[V] Location Of Arrest (Street Number and Name, City, State Zip) [C] MIDDLE ST , GENEVA, NY 14456-_____			44. Juvenile NO	45. Condition of Defendant at Arrest APP NORMAL	
46. Weapon -	47. Co-Defendant's Arrest No.	48. Miranda NO	49. Miranda By []	50. Miranda Date	51. Miranda Time
52. Statements VERBAL	53. Status	54. Search Warrant NO		55. ID Procedure NONE	
56. Arraignment Court -	57. Arraignment Judge -	58. Date		59. Time	
60. Property NO	61. Evidence NO	61a. Processed By []	61b. Disposition -		

CHARGE INFORMATION

62. Incident No. 2012-7239		63. Release Status CASH BAIL		64. Bail Amount 250.00		65. Bondsman -								
66. Photo No. -		67. Arrest Type CIP				68. Warrant No. -								
69. Arrest FOA NO		70. Other Agency -				71. F/P Taken NO								
72. [C]T[V] Location Of Offense (City, County, State) [C] GENEVA, ONTARIO, NY				73. Offense Date 04/19/2012		74. No. Offenders 1		75. No. Victims -						
76. Return Court CITY OF GENEVA				77. Return Judge TOOLE		78. Return Date [REDACTED]		79. Return Time 08:30						
80. Defendant/Case TOT Agency -				80a. Officer's Name -		80b. ID No. -		81. Time		82. Date				
83. LAW	SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE	CTS	NCIC Code	Age	Sex	Victims Handicap	ASSOC. NO.	TYPE
VTL	511	1A	U	M	3	O	AUO 3RD	1	03402			NO		OTH
VTL	375	30	U	I		O	DRIVERS VIEW OBSTRUCTED	1	03402			NO		UTT

GENERAL INFORMATION

Reporting Officer: MTAP
Incident No: 2012-13619
Reference No. 3:

File Date: 07/26/2012
Reference No. 1:

Last Updated On: 08/17/2012
Reference No. 2:

NARRATIVE

On July 26, 2012 at approximately 0830hrs this officer attempted to contact [REDACTED] [REDACTED] via telephone, there was a message stating that the number was disconnected. This officer also attempted to contact [REDACTED], [REDACTED]'s father, at 0830hrs via telephone and received a message stating the number had been disconnected. At approximately 0900hrs this officer attempted to contact [REDACTED] at his residence, [REDACTED] and had negative contact, this officer attempted again at approximately 1030hrs with negative results again. At approximately 1100hrs this officer went down to [REDACTED] store to contact the original caller [REDACTED] to obtain a supporting deposition. [REDACTED] gave this officer a supporting deposition based on the incident that took place on July 24, 2012.

08/17/12 09:23:19

****P.O. MICHAEL TAPSCOTT****

SUPERVISORY REVIEW

DATE:

GENERAL INFORMATION

Reporting Officer: JKEY
Incident No: 2012-13619
Reference No. 3:

File Date: 08/02/2012
Reference No. 1:

Last Updated On: 08/17/2012
Reference No. 2:

NARRATIVE

This Officer did file for a warrant for [REDACTED] [REDACTED] on this date, 8/2/2012. There have been numerous attempts for more than a week to speak with her and all have resulted in negative contact.

08/17/12 09:22:48

****P.O. JEFFREY KEYSER****

SUPERVISORY REVIEW

DATE:

GENERAL INFORMATION

Supervisor: Dispatcher: SVEN VENTURINO Call Taker: SVEN VENTURINO
Date/Time: 07/24/12 10:33 Reported Signal: ENDANGER WELFARE CHILD 118
Actual Signal: ENDANGER WELFARE CHILD 118 Received By: PHONE
Received: 10:33:30 Dispatched: 10:33
Arrived: 10:34 Cleared: 11:12

Vehicle Description:
Plate No.: State: NY
Dispositions: R, R Disp. Date: 07/27/12 10:21 Report Taken: NO
Action Taken:
Reference No. 1: Reference No. 2:

LOCATION**CALLER INFORMATION****RESPONDING UNITS/OFFICERS**

<u>Unit/Officer</u>	<u>Dispatched</u>	<u>En Route</u>	<u>Arrived</u>	<u>Cleared</u>
TAPSCOTT, MICHAEL	10:33		10:34	11:12
POTTER, JEFFREY	10:33		10:34	11:12
STEVE, BRET	10:41		10:43	11:10

ASSOCIATED PERSONS

<u>Name</u>	<u>Alias</u>	<u>DOB</u>	<u>Address</u>	<u>Phone</u>	<u>Sex</u>	<u>Inv.</u>
						SUB
						OT
						OT
						OT
						OT

NOTES

REPORTS 2 UNATTENDED (1 ABOUT 4 YOA WEARING A BR STRIPED SHIRT; THE OTHER'S ABOUT 6 YOA WEARING A RD/BK/WH STRIPED SHIRT WITH A HEART ON THE FRONT) @ (ABOVE LOCATION); NO SUPERVISING ADULT

PO POTTER/TAPSCOTT DETAILED.

INCIDENT	Agency GENEVA POLICE DEPARTMENT			Division/Precinct WEST		New York State INCIDENT REPORT		ORI NY0340200		Orig. Tue		Case No.	Incident No. 2012-13619		
	Report Day Tue	Report Date 07/24/2012	Report Time 10:33:00	Occurred On/From:	Day Tue	Date 07/24/2012	Time 09:30	Occurred To:	Day Tue	Date 07/24/2012	Time 10:33				
	Incident Type ENDANGERING THE WELFARE OF A CHILD 260.10				[REDACTED]							A			
	Address CHILD 260.10				[REDACTED]							Location Code 3502	B		
ASSOCIATED PERSONS	OFF.	LAW	SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE				CTS	No. of Victims	C
														No. of Suspects	D
	Person Type: CO=Complainant OT=Other PI=Person Interviewed PR=Person Reporting WI=Witness NI=Not Interviewed VI=Victim Victim also Complainant NO												E		
	Type/No.	Name (Last, First, Middle, Suffix)				Date of Birth		Street No., Street Name, Apt. No., City, State, Zip				Telephone No.			F
SUSPECT MISSING/ARRESTED PERSON	[REDACTED]														G
	[REDACTED]														H
	[REDACTED]														I
	Person No.	Suspect No.	Date of Birth	Age	Sex	Race	Ethnic Origin	Handicapped	Residence Status						J
	Victim DID receive information on Victim's Rights and Services pursuant to New York State Law ___ YES ___ NO														K
	Type/No.	Name (Last, First, Middle, Suffix)				Alias/Nickname/Maiden Name				Apparent Condition					L
	Address (Street No., Street Name, Apt. No., City, State, Zip)							Phone No.			Social Security No.				M
	Date of Birth	Age	Sex	Race	Ethnic Origin	Skin	Occupation						N		
	Height	Weight	Hair	Eyes	Glasses	Build	Employer/School	Address						77	
	Scars/Marks/Tattoos (Describe)							Misc.							<input type="checkbox"/>
PROPERTY	Victim or Suspect No.	Property Status	Property Type	Quantity/Measure	Make/Drug Type	Model	Serial No.	Description				Value			<input type="checkbox"/>
															<input type="checkbox"/>
															<input type="checkbox"/>
															<input type="checkbox"/>
															<input type="checkbox"/>
															<input type="checkbox"/>
VEHICLE	Veh. Status	License Plate No.			State	Exp. Yr.	Plate Type	Value				0.00			<input type="checkbox"/>
	Veh. Yr.	Make	Model	Style	VIN										<input type="checkbox"/>
	Color(s)	Towed By/To				Vehicle Notes									<input type="checkbox"/>
															<input type="checkbox"/>
NARRATIVE	REPORTS 2 UNATTENDED [REDACTED] 1 ABOUT 4 YOA WEARING A BR STRIPED SHIRT; THE OTHER'S ABOUT 6 YOA WEARING A RD/BK/WH STRIPED SHIRT WITH A HEART ON THE FRONT [REDACTED] (ABOVE LOCATION); NO SUPERVISING ADULT														<input type="checkbox"/>
	PO POTTER/TAPSCOTT DETAILED.														<input type="checkbox"/>
															<input type="checkbox"/>
															<input type="checkbox"/>
ADMINISTRATIVE	Inquiries				NYSPIN Message No.				Complainant's Signature				use cover sheet B		
	Reporting Officer's Signature (Include Rank)				ID No.		Supervisor's Signature (Include Rank)				ID No.		Page 1		
	Status CLOSED				Date 07/25/2012		Notified/TOT				Review Date				

INCIDENT	Agency GENEVA POLICE DEPARTMENT			Division/Precinct		New York State INCIDENT REPORT		ORI		Supp.		Case No.	Incident No. 2012-13619		
	Report Day	Report Date	Report Time	Occurred On/From:	Day	Date	Time	Occurred To:	Day	Date	Time				
	Incident Type				Business Name				Weapon(s)				A		
	Address							City, State, Zip			Location Code		B		
ASSOCIATED PERSONS	OFF.	LAW	SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE				CTS	No. of Victims	C
														No. of Suspects	D
	Person Type: CO=Complainant OT=Other PI=Person Interviewed PR=Person Reporting WI=Witness NI=Not Interviewed VI=Victim Victim also Complainant														E
	Type/No.	Name (Last, First, Middle, Suffix)				Date of Birth		Street No., Street Name, Apt. No., City, State, Zip				Telephone No.			
VICTIM															
SUSPECT MISSING/ARRESTED PERSON	Person No.	Suspect No.	Date of Birth	Age	Sex	Race	Ethnic Origin		Handicapped	Residence Status				J	
	Victim DID receive information on Victim's Rights and Services pursuant to New York State Law ____ YES ____ NO														K
	Type/No	Name (Last, First, Middle, Suffix)						Alias/Nickname/Maiden Name				Apparent Condition		L	
	Address (Street No., Street Name, Apt. No., City, State, Zip)								Phone No.		Social Security No.				M
	Date of Birth	Age	Sex	Race	Ethnic Origin		Skin	Occupation				N			
	Height	Weight	Hair	Eyes	Glasses	Build	Employer/School	Address							
	Scars/Marks/Tattoos (Describe)								Misc.				1		
															2
PROPERTY	Victim or Suspect No.	Property Status	Property Type	Quantity/ Measure	Make/ Drug Type	Model	Serial No.	Description				Value		3	
															4
															5
															6
															7
															8
VEHICLE	Veh. Status	License Plate No.			State	Exp. Yr.	Plate Type	Value							
	Veh. Yr.	Make	Model	Style	VIN								9		
	Color(s)	Towed By/To				Vehicle Notes						10			
															11
NARRATIVE															12
ADMINISTRATIVE	Inquiries				NYSPIN Message No.				Complainant's Signature				use cover sheet	B	
	Reporting Officer's Signature (Include Rank)				ID No.		Supervisor's Signature (Include Rank)		ID No.		Page 2				
	Status				Status Date		Notified/TOT		Review Date						

GENERAL INFORMATION

Supervisor: MPAS PASSALACQUA Dispatcher: NBIE BIELOWICZ Call Taker: NBIE BIELOWICZ
Date/Time: 08/08/12 21:58 Reported Signal: WARRANT ATTEMPT 100
Actual Signal: WARRANT ATTEMPT 100
Received: 21:58:59 Received By:
Cleared: 21:59

Vehicle Description:

Plate No.: State: NY
Dispositions: P, P Disp. Date: 08/08/12 21:59 Report Taken: NO
Action Taken:
Reference No. 1: Reference No. 2:

LOCATION

Location Name: Zone:
Address: [REDACTED]
Alt. Address: Direction:
Apt. No.: City: GENEVA Intersection:
Phone No.: () -

CALLER INFORMATION

Last Name: BIELOWICZ First Name: PO 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>
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ASSOCIATED PERSONS

<u>Name</u>	<u>Alias</u>	<u>DOB</u>	<u>Address</u>	<u>Phone</u>	<u>Sex</u>	<u>Inv.</u>
[REDACTED]			[REDACTED]			SUB

NOTES

NO ONE HOME.

GENERAL INFORMATION

Supervisor: JTRI TRICKLER Dispatcher: EHEI HEIECK Call Taker: EHEI HEIECK
Date/Time: 08/17/12 08:21 Reported Signal: CONFIDENTIAL INVESTIGATION 115
Actual Signal: CONFIDENTIAL INVESTIGATION 115 Received By:
Received: 08:21:37

Vehicle Description:

Plate No.: State: NY
Dispositions: R, R Disp. Date: 08/17/12 08:22 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: Direction:
Apt. No.: City: GENEVA Intersection:
Phone No.: () -

CALLER INFORMATION

Last Name: HEIECK First Name: LT. Middle Name/Suffix:
Alias/Maiden Name: DOB:
Address: GENEVA POLICE DEPARTMENT
City: GENEVA State: NY Zip: 14456
Phone: (315) 828-6782 Anonymous: NO

RESPONDING UNITS/OFFICERS

<u>Unit/Officer</u>	<u>Dispatched</u>	<u>En Route</u>	<u>Arrived</u>	<u>Cleared</u>
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ASSOCIATED PERSONS

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

CR CREATED FOR INTERNAL INVESTIGATION RE: [REDACTED] @ THE DIRECTION OF CHIEF J. TRICKLER

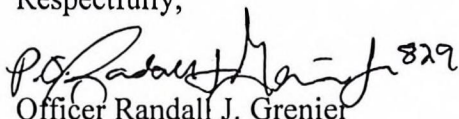
08.18.2012

Lt. Heieck,

In regards to complaint number [REDACTED] PO Bielowicz and I were assigned to warrant detail on [REDACTED]. At about 1622 hrs, PO Bielowicz and I went to [REDACTED] in search for a [REDACTED], who had an active warrant out of the city for endangering the welfare of child. We pulled into the driveway of [REDACTED] and I looked at the warrant and saw that it had an address of [REDACTED]. I brought this to the attention of PO Bielowicz who stated he had previously helped out the Ontario County Sheriff's Department in locating [REDACTED] and [REDACTED]. is where they looked for her and that the black car parked in the driveway was hers. PO Bielowicz and I got out of the car and there was [REDACTED] unloading items from an SUV. I approached the female and asked if she was [REDACTED], to which she replied, "Yeah, I'm [REDACTED]." I then stated that there was a warrant out of the City of Geneva for her and that charge was endangering the welfare of a child. [REDACTED] then stated she did not know what I was talking about and knew of no such warrant. I stated to [REDACTED] that the charge had something to do with the improper supervision of children and she stated she had recently watched children. [REDACTED]

[REDACTED] I then told [REDACTED] that we were going to have to take her in and we would straighten everything out when we get to the police department. [REDACTED] stated ok and asked if she could get her purse before going. [REDACTED] got her purse and was placed in handcuffs and then placed into the back of a patrol car. We brought [REDACTED] into the booking area and then I went to the court to get the paperwork. When I got back, PO Bielowicz had already completed an arrest card for [REDACTED]. I was looking at the paperwork and saw that at the top of the information, it showed a year of birth as being [REDACTED] for [REDACTED]. I looked at the [REDACTED] we had in custody and asked her for her date of birth. [REDACTED] stated she was born in [REDACTED] and then looked down at the information and saw the [REDACTED] and the name [REDACTED]. [REDACTED] then looked at me and stated she was not [REDACTED] that her name was [REDACTED]. I then asked for her ID and it showed that she was in fact [REDACTED] born in [REDACTED], not [REDACTED] born in [REDACTED]. I then told PO Bielowicz this information, who then called sergeants Valenti and Passalacqua. PO Bielowicz then told me after getting off the phone with the sergeants that we have to release her. I then apologized to Ms. [REDACTED] and told her I would take her back to her residence. [REDACTED] then stated that this has happened before and that she was getting a lawyer. I apologized to her again and then dropped Ms. [REDACTED] off at [REDACTED]. After that, PO Bielowicz and I resumed normal patrol.

Respectfully,

 829
Officer Randall J. Grenier



**CITY OF GENEVA
POLICE DEPARTMENT**

255 EXCHANGE STREET
GENEVA, NEW YORK 14456



To: Lt. Heieck
JEFFREY E. TRICKLER
From: Chief of Police Sgt. Valenti
Subject: [REDACTED]
Date: August 17, 2012

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

Lt. Heieck,

Regarding the above CR, Sgt. Passalacqua, along with myself, were supervising the shift. We were both out of the office at the time of the incident. Prior to the shift starting for the day, we had assigned PO Grenier and PO Bielowicz to the Warrant detail. Both officers took several outstanding warrants from Dispatch and left in a marked Geneva unit.

At approximately 1622 hrs I heard the officers on the radio call out at [REDACTED] with a "29 check". I then heard them call "15-1" and that they would be heading to the PSB with her. Approximately 10 minutes later I received a call on my personal cell phone from PO Bielowicz. PO Bielowicz stated "We have a problem". When I inquired as to what happened he informed me that they arrested the wrong person. PO Bielowicz stated that they arrested a "[REDACTED]" and not "[REDACTED]". I asked how they knew it was the wrong person and PO Bielowicz stated that when they brought the Court paperwork up to Dispatch "[REDACTED]" stated that the DOB on the paperwork was not hers.

I immediately advised PO Bielowicz to unhandcuff [REDACTED] and release her. I also advised PO Bielowicz to immediately transport [REDACTED] back to her residence.

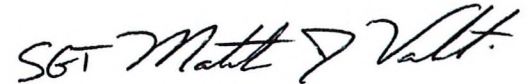
PO Bielowicz stated that after [REDACTED] observed the wrong DOB she stated that this was the second time she was arrested for this incident and she was contacting her attorney.

I asked both PO Grenier and PO Bielowicz how they approached [REDACTED] and how she was arrested. I also asked as to what brought them to [REDACTED] when the address on the warrant was [REDACTED]. PO Bielowicz stated that he remembered assisting OCSD a [REDACTED] and speaking with a "[REDACTED]" there. Both PO Grenier and PO Bielowicz stated that when they arrived at [REDACTED] they observed [REDACTED] and asked her if she was "[REDACTED]". They stated that the female stated "yes" and they placed her under arrest. I then asked if either officer asked the female her DOB to confirm the warrant. Both officers stated that they did not ask for her DOB. They stated that they confirmed her name and placed her under arrest.

PO Bielowicz's regular scheduled days off were August 9th and 10th, and PO Grenier had taken those days off as well. On August 11th I instructed PO Bielowicz that he needed to complete an incident report regarding the above incident. PO Grenier was instructed to complete a Supplemental Report when he returned to work.

I am not sure who witnessed the incident but Dispatcher Mahoney was working as well as PO R. Peters.

Sincerely,

A handwritten signature in black ink that reads "SGT Matt J Valenti". The signature is written in a cursive, flowing style.

Sgt. Matthew J. Valenti

On [REDACTED] I was assigned to a warrant detail with officer Randy Grenier. There was a warrant in the warrant box for [REDACTED] [REDACTED]. About two months prior, a deputy from the Ontario County Sheriffs' Department had me meet him at [REDACTED] to make an advisement for [REDACTED] [REDACTED] in regards to an aggravated harassment complaint. We then responded to [REDACTED] and [REDACTED] was unloading groceries from her vehicle into an apartment. Officer Grenier then asked the female if she was [REDACTED] [REDACTED]. She stated "Yeah, I'm [REDACTED]." Officer Grenier then explained that we had a warrant for her for endangering the welfare of a child. During the conversation, she stated she watched two kids and used to live on [REDACTED] [REDACTED]. After she finished unloading her vehicle, officer Grenier placed her under arrest and handcuffed her in the front. She was then transported to the police department in the rear of GV9. At the police department, I put the warrant jacket on the table in front of her and she looked down and stated she wasn't [REDACTED] [REDACTED]. She then stated this was the second time she had been arrested for being [REDACTED] [REDACTED] and stated her name was [REDACTED] [REDACTED]. I then contacted Sergeant Valenti and advised him of the situation. Sergeant Valenti stated to un-arrest her and bring her home. Officer Grenier then apologized and brought her home. I then asked Sergeant Valenti what needed to be done and he stated to just cover everything on the white copy. When I returned to work the next day, Sergeant Valenti advised me to complete an incident report which was completed.

A handwritten signature in black ink, appearing to be 'Randy Grenier', located at the bottom right of the page.



**CITY OF GENEVA
POLICE DEPARTMENT**

255 EXCHANGE STREET
GENEVA, NEW YORK 14456



JEFFREY E. TRICKLER
Chief of Police

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

To: Lieutenant Heieck

From: Sergeant Passalacqua

Re: [REDACTED]

Date: August 29, 2012

Lieutenant Heieck,

Regarding the above CR#, I was supervising the afternoon shift along with Sgt. Valenti. Both Sgt. Valenti and I were out of the office and together when Sgt. Valenti received a phone call on his personal cell phone. After hanging up the phone, Sgt. Valenti advised me that PO Bielowicz and PO Grenier who were assigned to a warrant detail had made an arrest on [REDACTED] on an active City Court Warrant, but had arrested the wrong person. Sgt. Valenti advised PO Bielowicz over the phone to immediately release [REDACTED] as the active warrant was for [REDACTED]

Myself and Sgt. Valenti did have a conversation in dispatch with both PO Bielowicz and PO Grenier. Both admitted to being wrong and did state that they did not confirm a date of birth on scene before arresting and transporting [REDACTED] to the PSB.

Sincerely,

Sgt. Michael J. Passalacqua



Chief Trickler:

During the month of August 2012, training was conducted specifically related to the NYS Criminal Procedure Law and Warrants of Arrest for the Criminal Justice Professional. All members of the Geneva Police Department were trained via a half hour PowerPoint presentation, attached to this document.

Topic of the Training Included:

1. Fourth Amendment and Arrest
2. Necessary Elements for an Arrest
3. What is a Seizure?
4. Warrant Arrests
5. Issuance of Arrest Warrants
6. Warrantless Arrests – Citizens Arrest
7. Felony vs. Misdemeanor
8. Requirements & Provisions for making an Arrest
9. Assistance & Discretion
10. Validity and Execution of Warrants
11. Exigent Circumstances
12. Use of Force
13. Effect of an Illegal Arrest

Respectfully Submitted,

Lt. Eric R. Heieck



Geneva Police Department
JEFFREY E. TRICKLER
Chief of Police
255 Exchange St. - Geneva, New York 14456
(315) 789-1111 - Fax (315) 789-1814 - www.geneva.ny.us





GENEVA POLICE DEPARTMENT



Criminal Procedure for Arrest
TRAINING TIME: .50 VIA POWERPOINT

EMPLOYEE	DATE	SIGNATURE
CHIEF J. TRICKLER	08-21-12	<i>[Signature]</i>
LT. E. HEIECK	8.20.2012	<i>[Signature]</i>
LT. G. BENDZLOWICZ	8/20/2012	<i>[Signature]</i>
SGT. J. PICCHI	8-28-12	<i>[Signature]</i>
SGT. C. REALE		2090 - NOT @ WORK IN 2012
SGT. T. TURNER	8/24/2012	<i>[Signature]</i>
SGT. R. MIDDLEBROOK	8/20/12	<i>[Signature]</i>
SGT. M. PASSALACQUA	8/27/12	<i>[Signature]</i>
SGT. M. VALENTI	8/24/12	<i>[Signature]</i>
Y.O. C. KEEAR	8/29/12	40 <i>[Signature]</i>
DET. B. CHOFFIN	8-29-12	B.C. <i>[Signature]</i>
Y.O. P. NOLIN	8-29-12	<i>[Signature]</i>
P.O. P. QUIGLEY		
P.O. H. BENNETT		
P.O. K. GREER	08-29-12	<i>[Signature]</i>
P.O. T. YANCEY	8-21-12	<i>[Signature]</i>
P.O. J. KEYSER	8-28-12	<i>[Signature]</i>
P.O. B. STEVE	8-28-12	<i>[Signature]</i>
P.O. J. POTTER	8-24-12	<i>[Signature]</i>
P.O. T. PETERS	8-25-12	<i>[Signature]</i>
P.O. T. VANDERLINDE	8-28-12	<i>[Signature]</i>
P.O. R. ARROYO	8/21/12	P.O. <i>[Signature]</i> #539
P.O. D. FELICE	8/28/12	<i>[Signature]</i> #513
P.O. R. PETERS	8/26/12	<i>[Signature]</i> #519
P.O. JD WINTER	8-21-12	<i>[Signature]</i> #522
P.O. M COLTON	8-29-12	<i>[Signature]</i> #524
P.O. J. MORTIER	8-21-12	<i>[Signature]</i>
P.O. S VINE	8-29-12	<i>[Signature]</i>
P.O. N BIELOWICZ	8/25/12	<i>[Signature]</i>
P.O. R GRENIER	8-24-12	<i>[Signature]</i>
P.O. J MONTESANTO	8/24/12	<i>[Signature]</i> #545
P.O. J. VANSavage	8/26/12	<i>[Signature]</i> #18
P.O. D. HALL	8/25/12	<i>[Signature]</i> #11
P.O. M. TAPSCOTT	8-21-12	<i>[Signature]</i>
P.O. D. SCHUG	8-28-12	<i>[Signature]</i>
P.O. J. COLE	8/28/12	<i>[Signature]</i>
P.O. C. REYNOLDS		<i>[Signature]</i>

Please see that all members listed read and acknowledge the training within seven days of issuance

Eric R. Heieck

Lt. Eric R. Heieck

Criminal Procedure in Arrest for the Criminal Justice Professional



Arrest



The Law Governing Arrest

- *An arrest is a type of seizure* and clearly is governed by the Fourth Amendment.
 - The right of the people to be secure in their *persons*, houses, papers and effects, against unreasonable searches and *seizures*, shall not be violated and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched and the *persons* or things to be *seized*. U.S. Const., Amend. 4 (*italics added*).

Types of Arrests

Formal Arrest

- The basic elements necessary for a formal arrest are:
 - A law enforcement officer's purpose or intention to take a person into the custody of the law
 - The officer's exercise of real or pretended authority
 - That the arrestee be taken into custody either by physical force or by submission to assertion of authority
 - Understanding by the person to be arrested of the officer's intention to arrest

Seizures Tantamount to Arrest

- A seizure of a person that is substantially indistinguishable from a formal arrest is illegal unless it is supported by probable cause to believe that the person has committed or is committing a crime.

Authority to Arrest

Arrests Pursuant to a Warrant

- » Arrests made under the authority of a warrant have always been preferred.
- » Arrest warrants protect officers in an important way. If a warrant is proper on its face and officers do not abuse their authority in obtaining or executing the warrant, they have qualified immunity against civil liability for damages, even though the warrant is later determined to be invalid.

Issuance of Arrest Warrants

- » An arrest warrant is a written order to arrest a person, issued by a proper judicial authority on the basis of a sworn complaint (affidavit) charging the commission of a crime, supported by a statement of facts and circumstances establishing probable cause.
 - A summons is similar, except that it directs a person to appear in court rather than ordering the person's arrest.

Warrantless Arrests

- The Fourth Amendment permits warrantless arrests in a public place under certain circumstances. Generally, authority to arrest without a warrant depends on the difference between a felony and a misdemeanor.

Felonies

- In most jurisdictions, a law enforcement officer may make a warrantless public arrest for a felony if, at the time of arrest, the officer has probable cause to believe that a felony has been committed and that the person to be arrested is committing or has committed the felony.

Misdemeanors

- A warrantless arrest for a misdemeanor may be made only when the misdemeanor is committed in the officer's presence, unless otherwise provided by statute or state constitution.
 - All five senses may be used to satisfy the "in the officer's presence" requirement.
 - Certain devices that enhance the senses may also be used to meet this requirement.
 - The arrest should be made as without unnecessary delay.

Citizen's Arrests

²⁸ A private person may make a valid citizen's arrest.

- Must be based on probable cause.
- A private citizen may use a reasonable degree of force in making the arrest.
- Private citizens who are mistaken when they make a citizen's arrest may be civilly liable for damages.

Citizen's Arrest by Police Outside Jurisdictional Power

²⁹ Law enforcement officers outside their jurisdiction generally have the same authority as private citizens.

- The officers may not use the powers of their office that are unavailable to private citizens when making a citizen's arrest.
- The officers are subject to civil liability for their mistakes in the same way a private citizen would be.

Making an Arrest

Requirements for Arrest

⁷⁵ Requirements are:

- A law enforcement officer's intention to take a person into the custody to answer for an alleged crime, under real or pretended authority, accompanied by detention or restraint of the person and an understanding by the person that an arrest is being made.
- Other aspects of making an arrest include notice, time of day, assistance, and discretion.
- Warrantless arrests are discretionary and should always be justified by the circumstances.

Provisions for all Arrests

- ⁷⁶ Unless there are extenuating circumstances, an officer arresting a person should give notice that the person is under arrest as well as notice of the officer's authority and the cause of arrest.

Time of Day

- ⁷⁷ An arrest, with or without a warrant, may be made on any day of the week and at any time of the day or night, unless otherwise provided in the warrant or by statute.

Entry in Dwellings

- » Absent exigent circumstances or consent, a law enforcement officer may not make a warrantless entry into a suspect's or third party's home to make a routine felony arrest.

Assistance

- » Law enforcement officers may request private citizens to aid them in making an arrest.
 - When private citizens aid a known law enforcement officer, they have the same rights and privileges as the officer, including the right to use force and to enter property.
 - If a person aiding an officer acts in good faith, he or she is protected from liability even if the officer was acting illegally.

Discretion

- » When an arrest would create a great risk of public harm or would cause embarrassment to a person who poses no real threat to the community, proper police practice may call for delay or restraint in exercising the power of arrest.

Additional Procedures for Executing an Arrest Warrant

" Officers are simply required to carry out the command of the warrant. The only questions of concern are:

1. Whether the person to be arrested is the person identified in the warrant, and
2. Whether the warrant is valid on its face.
3. Verification of Name & Date of Birth
4. Verification of Any other descriptors that tend to prove or disprove the identity of the person.

Determining the Facial Validity of a Warrant

" An arrest warrant is invalid on its face if one or more of the following are true:

- The court issuing it clearly has no jurisdiction.
- It fails to adequately indicate the crime charged.
- It fails to name or describe any identifiable person.
- It is not signed by the issuing magistrate.
- It is not directed to the officer who is about to execute it.

Place of Execution

" In general law enforcement officers have no authority to make warrantless arrests outside the geographic limits of the jurisdiction for which they have been elected or appointed.

Exigent Circumstances

▪ Courts have established several categories of exigent circumstances that have been held to authorize a law enforcement officer's warrantless entry into a home.

- A risk that evidence will be destroyed
- Hot pursuit of a fleeing felon
- A threat to the safety of a suspect or others
- A likelihood that the suspect will flee and thereby escape

Manner of Execution

▪ Absent extenuating circumstances, before law enforcement officers may lawfully force their way into a dwelling to arrest someone inside, they should first knock on the door, announce their authority and purpose, and then demand admittance and be refused admittance.

Returning the Warrant

▪ An officer executing an arrest warrant must make a return of the warrant. The return is made by entering on the warrant the date of the arrest, signing the warrant, and filing the warrant with the court. Failure to return an arrest warrant may invalidate the arrest and subject the officer to civil liability for damages.

Place of Arrest

- ▣ Law enforcement officers may arrest outside their jurisdiction in "fresh pursuit."
- Fresh pursuit means an officer's immediate and continuously maintained pursuit of a criminal suspect into another jurisdiction after the officer has attempted to arrest the person in the officer's own jurisdiction.

Use of Force

- ▣ The basic rule covering the use of force while making an arrest is that law enforcement personnel may use whatever force is necessary to make the arrest, but may not use excessive force.

Deadly Force

- ▣ Deadly force may only be used by law enforcement officers:
 - In defense of their own lives
 - In defense of the lives of others
 - To stop the escape of a fleeing suspect if there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm.

Excessive Force under the Fourth Amendment

- Use of force is judged under the totality of the circumstances under *Graham's* balancing test.

After Making an Arrest

Booking

- **Booking** is a police administrative procedure officially recording an arrest in a police register.
 - Booking involves recording the name of the person arrested; the name of the officer making the arrest; and the time of, place of, circumstances of, and reason for the arrest.
 - Booking may include a search of the arrested person, fingerprinting, photographing, a lineup, or other identification procedures.
 - The arrested person may be temporarily detained in a jail or lockup until release on bail can be arranged.

Initial Appearance

- After arresting a person, with or without a warrant, a law enforcement officer must take the person before a magistrate or deliver the person according to the mandate of the warrant.

- Statutes in different jurisdictions require that this be done promptly, within 48 hours, using terms such as immediately, without unnecessary delay, forthwith, within a specified time period, or other similar language.

Safety Considerations

- A law enforcement officer may monitor the movements of an arrested person, as judgment dictates, to ensure the officer's safety and the arrest's integrity.
 - Once a person is lawfully arrested and in custody, police may search the person and any containers or items in his or her possession (*inventory searches*)
 - An arrested person may be subjected to various identification and examination procedures. Reasonable force may be used for these purposes.

Effect of an Illegal Arrest

Jurisdiction and Evidence

- Jurisdiction to try a person for a crime is not affected by an illegal arrest.
- In general evidence that is obtained by exploitation of an illegal arrest and is a product of that arrest will be inadmissible in court in a prosecution against the person arrested.



October 4, 2012

Dear [REDACTED]

Relative to your complaint of Unlawful Arrest, the following investigation was undertaken by Police Lieutenant Eric Heieck:

- Review of your complaint
- Review of statement from Sgt. Passalacqua
- Review of statement from Sgt. Valenti
- Review of statement from Officer Bielowicz
- Review of statement from Officer Grenier
- Calls for service
- Warrant and Warrant jacket
- Review of incident report

Specific complaint – Being placed under arrest for an outstanding warrant when in fact the warrant was for another individual.

Finding – Sustained – the act complained of did occur and constituted a Violation of Rule. Police Officer Grenier will be dealt with internally by my office.

Thank you for calling your concerns to my office. Complaints and inquiries often can have a beneficial effect.

Sincerely,

Jeffrey E. Trickler
Chief of Police



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