

GENEVA POLICE DEPARTMENT
Complaint Action Form

This form is to be completed in full and signed by the complaining citizen or officer. 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:	

ACCUSED OFFICER(S)

Name:	<u>Brat Steve</u>	Shield Number _____
Name:	_____	Shield Number _____

INCIDENT

Time			Location	
Date:				

WITNESS(ES)

Name:	
Address:	
Name:	
Address:	
Name:	
Address:	

1. Are you making this complaint of your own free will: Yes ✓ No _____
2. Were you arrested as a result of this incident: Yes _____ No ✓
If yes, what charge: Aggravated 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

I were mowing my lawn, got done cutting the lawn went to light bug killer and were bent over lighting the light that when Brat Steve walked up behind me yelling to me stay the hell away from my uncle Don't bother my uncle anymore or I will have you arrested and heard you spit on my uncle, that a lie his uncle were so close in my face with his finger almost up my nose that's why he got mist most from my mouth we were mouth to mouth that when I walked away before something happened that didn't supposed to have as all I wanted from his uncle to leave me along as so as Brat but thing just getting bigger and bigger. I never had problem with the family see me and the 4, have a lot of ? against me I f [REDACTED] stay away from me every thing [REDACTED]

I never came off with anything out of
the way with neither of them I don't want
what seems to make a big thing out of
something small.

P.S. I just want to be left alone

** 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.

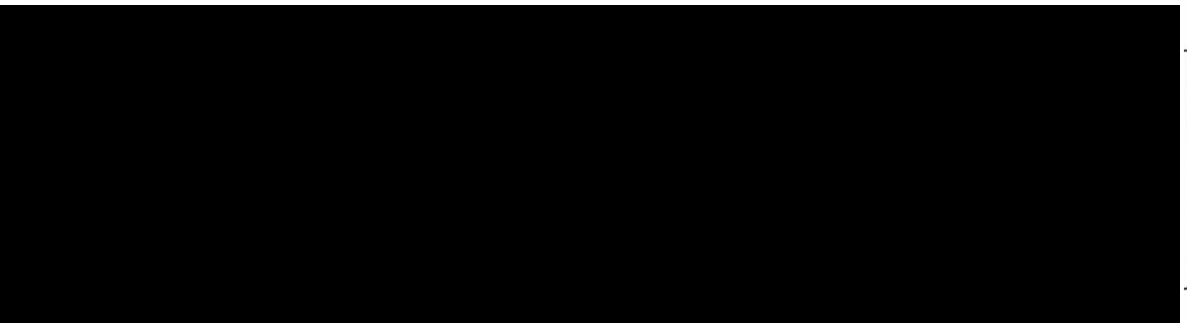
Signature of Complainant:
(must be signed in presence of)

Command Officer Receiving Complaint:

GENEVA POLICE DEPARTMENT
Complaint Action Form

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COMPLAINANT

Name:	
Address:	

ACCUSED OFFICER(S)

Name:	<u>Bret Steve</u>	Shield Number	_____
Name:	_____	Shield Number	_____

INCIDENT

Time/	<u>7:00 pm - 7:30 pm</u>	Location:	
Date:			

WITNESS(ES)

Name:	
Address:	
Name:	
Address:	

1. Are you making this complaint of your own free will: Yes ✓ No _____
2. 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 _____

To the Geneva Police Department:

I would like to file a complaint against Bret Steve for the misuse of his badge as a Police Officer of the Geneva Police Department, for racial harassment with intent to incite trouble with my tenant [REDACTED]

On [REDACTED] between 7:00 pm and 7:30 pm I was just entering the East end of the sidewalk which runs between my apartment buildings on [REDACTED] saw Bret Steve walk towards [REDACTED]'s apartment from the opposite end of the sidewalk and start to yell at [REDACTED]. He accused [REDACTED] of making trouble and bothering his uncle. [REDACTED] was in the process of filling some mosquito lamps with oil in front of his apartment. [REDACTED] stopped what he was doing and asked Bret what he was talking about. [REDACTED] and his accusations made [REDACTED] so angry that [REDACTED] went in to his apartment to call the [REDACTED] Police Chief. At this point, I called to [REDACTED] and told [REDACTED] to call either the Sheriff or the State Police while I went down to talk to Bret. Bret asked me if I knew who he was. [REDACTED] I told him that I knew who he was. He asked me who I was and what my name was. I said I am the landlord and that my name is [REDACTED]. I asked him what the problem was and he said [REDACTED] was causing trouble with his uncle. (There has been a feud or rivalry between Bret's uncle, [REDACTED] and [REDACTED] since their high school days in [REDACTED]. I told Bret that I knew there was a legal action in process between [REDACTED] and his uncle from an incident about two weeks ago.

About this time, [REDACTED] was back out, and I told [REDACTED] that I would handle the situation. Bret said, "I can have the Code Enforcement Officer close down your apartments for being a nuisance."

Then Bret remembered that he had seen me in a court judgment against a delinquent tenant many years ago, when he was with the [REDACTED]. At that time, the angry tenant yelled out false accusations against me in an effort to discredit me before the judge. The judge, of course dismissed her accusations. I was wondering why Bret was bringing this up at this time. As I listened to him, I perceived that Bret was trying to blackmail me to keep me quiet and out of this argument with his uncle and [REDACTED]. About that time, [REDACTED] Police Department drove up and stopped at the curb. He asked me what the problem was. I told him about Bret Steve trespassing on my property and provoking [REDACTED] in an attempt to have [REDACTED] retaliate and be arrested.

As [REDACTED] and I were talking, the State Police arrived on the scene. Both [REDACTED] and the trooper got out of their cars. [REDACTED] went over and talked to the trooper while Bret, [REDACTED] talked to me about loiterers that he felt had some connection with [REDACTED]. After a while, the discussion between all these people ended.

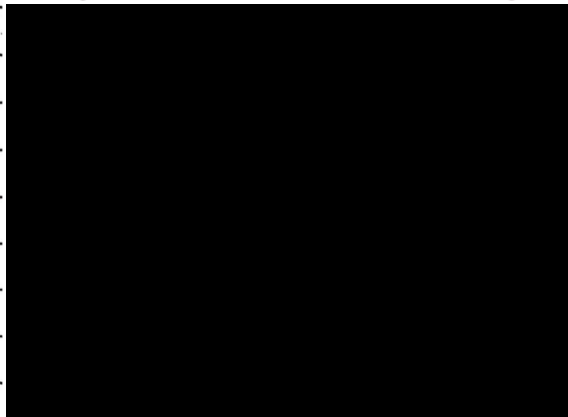
██████████ to intimidate both ██████████



Provoking to incite angry response

- Threatening me with Code Enforcement Officer
- Veiled attempt at blackmail
- Acting as front for his uncle
- Out of his police jurisdiction
- Racial Harassment

see the attached typed statement;




** 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

Signature of Complainant
(must be signed in presence of Command Officer)

Command Officer Receiving Complaint:

 12:35



**CITY OF GENEVA
POLICE DEPARTMENT**

255 EXCHANGE STREET
GENEVA, NEW YORK 14456



FRANK T. PANE
Chief of Police

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




To: Chief Frank Pane

From: Lt John M Cataline 

Date: December 29, 2004



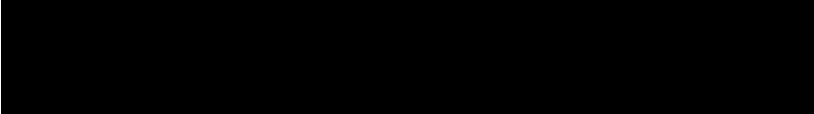
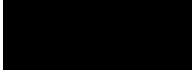
Subject: Internal Investigations 

Introductory Paragraph

On  I was assigned to conduct an internal investigation against PO Bret Steve. The investigation involves two separate complaints by two individuals involved in the same situation. This report will include both investigations. The two complainants are  and .

Findings Section for the Specific Allegation

The complaints alleged that Officer Steve:

1. Verbally abused 
2. Verbally abused 
3. 
4. Abused his position as a police officer by threatening  with retaliation.
5. Conduct unbecoming a police officer.

The facts of the investigation support the findings of:

1. **SUSTAINED**
2. **SUSTAINED**
3. **UNFOUNDED**
4. **SUSTAINED**
5. **SUSTAINED**

Incident Synopsis

On [REDACTED] at about 1915, PO Steve, who was off duty and visiting relatives in [REDACTED] was informed by his uncle that he was having a problem with a subject named [REDACTED] who lived in an apartment adjacent to his uncle's [REDACTED]. PO Steve asked his uncle if he wanted him to speak with [REDACTED]. PO Steve then went out and confronted [REDACTED] about the situation with his uncle. He accused [REDACTED] of illegal drug activity and threatened [REDACTED] that he would conduct surveillance on his own time to arrest [REDACTED]. [REDACTED], who is [REDACTED]'s landlord was on the scene and asked PO Steve who he was and what he was doing. PO Steve identified himself as a Geneva Police Officer and told Mr Green about the trouble his uncle was having with residents of the apartment building. PO Steve asked [REDACTED] if he knew about nuisance laws and stated that his father and father-in-law are on the board and he will use his influence to close him down. PO Steve also told [REDACTED] that he would personally contact the [REDACTED] Code Enforcement Officer to shut him down. At a point [REDACTED] Police Officer [REDACTED] came on the scene along with New York State Troopers [REDACTED].

Evidence to Support the Specific Allegations

1. PO Steve verbally abused [REDACTED]

Admission of PO Steve.

2. PO Steve verbally abused [REDACTED].

Admission of PO Steve.

Report of the [REDACTED] Police Department, [REDACTED]

3. [REDACTED]

None.

4. PO Steve abused his position as a police officer by threatening [REDACTED]
[REDACTED] with retaliation.

Admission of PO Steve.

Deposition of Officer [REDACTED] Police Department.

5. PO Steve's actions constituted "Conduct Unbecoming an Officer."

Admission of PO Steve.

Deposition of Officer [REDACTED] Police Department.

Statement of Tpr [REDACTED] New York State Police.

Article III, A 1, 2A and 49A of General Order 305, Rules of Conduct,
Geneva Police Department dated 12-05-03.

Section 1.20, para 34-a (b) of the Criminal Procedure Law, State of
New York.

Evidence of Refute the Specific Allegation

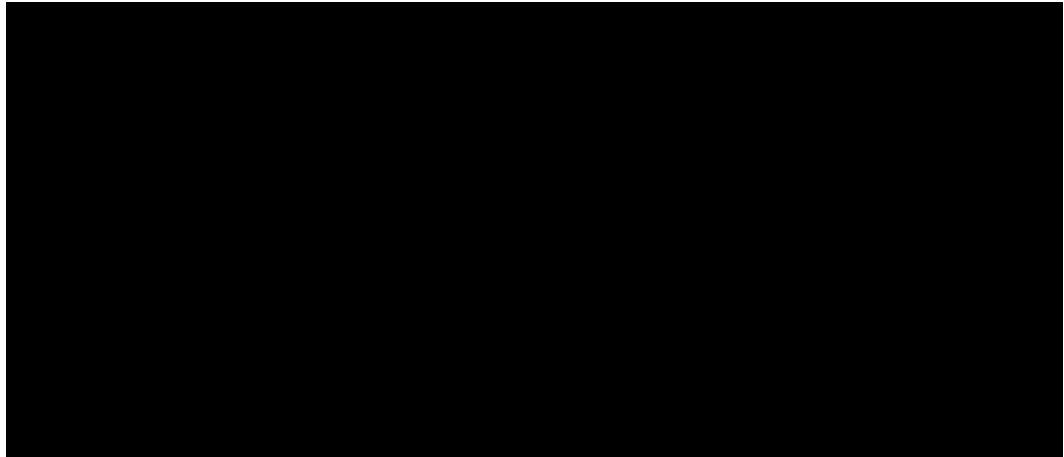
1. P O Steve verbally abused [REDACTED]

None.

2. P O Steve verbally abused [REDACTED].

None.

- 3.



4. PO Steve abused his position as a police officer by threatening [REDACTED]
[REDACTED] with retaliation.

None.

5. Conduct unbecoming a police officer.

None. Officer Steve firmly believed he was helping out his uncle with a problem no other agency was assisting him with.

**Identification and Explanation of Allegations
and Recommended Findings**

1. Verbally Abused [REDACTED]

Complainant & Involved Witnesses:

[REDACTED] in his written statement (Attachment #1) reported that Officer Steve berated him, yelling for him to stay away from his uncle and questioned him about his drug activity and threatened him by telling him that he would conduct surveillance on his own time to have him arrested.

[REDACTED], in his written statement, (Attachment #2) reported that he observed Officer Steve yell at [REDACTED] about bothering his uncle.

Officer & Involved Personnel:

Officer Steve in his statement, (Attachment #3) did not deny the allegation but insisted he was simply aiding his uncle.

Independent Witnesses:

None.

Recommended Finding:

Preponderance of evidence exists to support the finding of **SUSTAINED** for this allegation, as Officer Steve verbally abused [REDACTED]

2. Verbally abused [REDACTED]:

Complainant & Involved Witnesses:

[REDACTED] in his written statement, (Attachment #2), stated that Officer Steve berated him about having the [REDACTED] code enforcement officer close down his apartments for being a nuisance due to renting to [REDACTED] [REDACTED]. Also stated was an incident that PO Steve brought upon about [REDACTED] in [REDACTED] court involving an accusation made by a former tenant. [REDACTED] felt that this was an attempt to blackmail him about what he observed involving Officer Steve and [REDACTED] [REDACTED].

Officer & Involved Persons:

Officer Steve, in his statement (Attachment #3), does not deny the allegation.

Independent Witnesses:

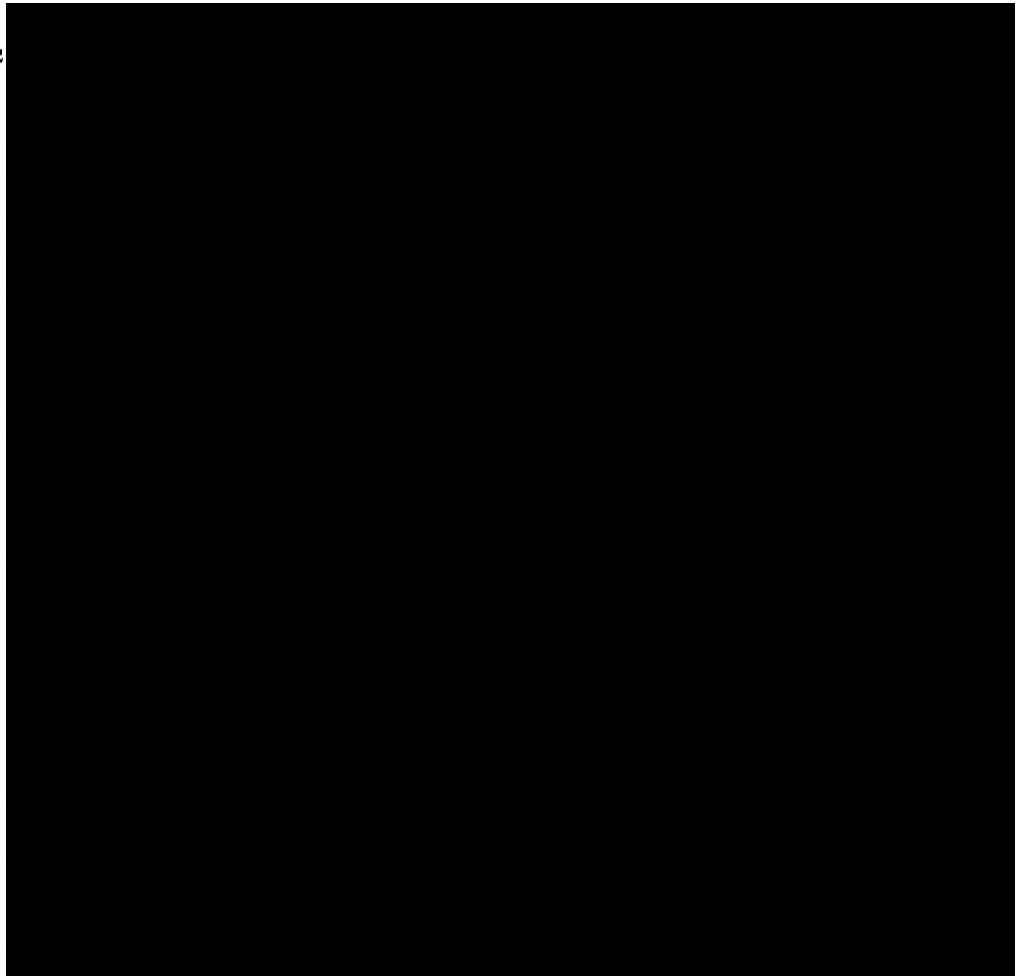
In Officer [REDACTED] deposition, (Attachment #4), he stated that when he arrived, he observed Officer Steve and [REDACTED] [REDACTED] in a heated argument. He had to step between them to calm the situation. As this was going on, Officer Steve continued to argue with [REDACTED] about the situation involving Officer Steve's uncle.

Tpr [REDACTED] in his interview stated that when he arrived, Officer [REDACTED] had the parties separated. Officer Steve was hot and excited. He was directing his comments at [REDACTED] not at [REDACTED].

Recommended Finding:

Preponderance of evidence exists to support the finding of **SUSTAINED** for this allegation, Officer Steve verbally abused [REDACTED].

3.



Recommended Finding:

There is insufficient evidence to support this allegation. A finding of **NOT SUSTAINED** for this allegation [REDACTED]

[REDACTED]

4. **Abused His Position as a Police Officer by Threatening [REDACTED]**
[REDACTED]:

Complainant and Involved Witnesses:

In his written statement, (Attachment #2), [REDACTED] alleged that PO Steve threatened to notify the [REDACTED] code enforcement officer about [REDACTED]'s apartment house and the alleged drug activity and he would be closed down.

Officer and Involved Personnel:

Officer Steve in his statement (Attachment #3) admitted that he told [REDACTED] that he could notify the [REDACTED] code enforcement about the drug activity so nuisance laws would be enforced against [REDACTED]. He also in his statement stated that he never conducted any type of narcotic investigation at that location and he never arrested anyone at that location for narcotics violations including [REDACTED]. He further stated he knew of no drug activity being conducted at that location.

Independent Witnesses:

Both PO [REDACTED] and Tpr [REDACTED] could not be specific in what was said between [REDACTED] and Officer Steve.

Recommended Finding:

The preponderance of the evidence exists to support the finding of **SUSTAINED** for the allegation that PO Steve abused his authority as a police officer in threatening [REDACTED].

5. **Conduct Unbecoming A Police Officer:**

Complainant and Involved Witnesses:

In his written statement, (Attachment #1), [REDACTED] alleged that PO Steve approached him for no reason yelling at him to stay away from his uncle; accusing him of drug activity and threatening him with arrest.

In his written statement, (Attachment #2), [REDACTED] alleged that PO Steve accosted him, telling him that he could have the [REDACTED] code enforcement officer close his apartment down for nuisance violations. [REDACTED] also alleged that PO Steve brought up a civil case made against [REDACTED] referencing [REDACTED]'s background.

Officer and Involved Personnel:

In his statement PO Steve does not deny the allegations made but stated that he was only attempting to assist his uncle because no other agency was willing to do so. He denied being boisterous, loud, yell or swear at either [REDACTED] or [REDACTED]. He denied every being out of control.

Independent Witnesses:

In PO [REDACTED] deposition (Attachment #4), he stated that he observed PO Steve in a heated argument with [REDACTED]. He stepped in and tried to calm down PO Steve. He tried to speak with PO Steve but he continued the argument. PO [REDACTED] further indicated that PO Steve's conduct escalated the situation to a point where there may have been a physical altercation.

Tpr [REDACTED] stated that PO Steve was hot and excited and would classify him as out of control.

Recommended Findings:

Preponderance of the evidence exists to support the finding of **SUSTAINED** in this allegation that PO Steve's conduct was conducting unbecoming a police officer.

Scope of the Investigation

On September 23, 2004, I was assigned to conduct an internal investigation regarding five (5) allegations made against Police Officer Bret Steve involving an incident, which occurred on [REDACTED] in the village of [REDACTED], NY.

The complainants in these allegations are a [REDACTED] and [REDACTED] who owns the apartment house in which [REDACTED] resides. These are two separate complaints generated by the same situation. They will be reported in this single report.

The situation, which occurred on [REDACTED] involved PO Steve interceding for his uncle who owns a business in [REDACTED] near where [REDACTED] resides. Apparently there has been a problem with loiterers and possible narcotics activities and PO Steve's uncle wanted him to help him claiming that the local police were of no help. PO Steve initially confronted [REDACTED] threatening him with arrest if he continued to bother his uncle. He mentioned [REDACTED]'s past criminal record of which he stated he was the arresting officer. [REDACTED] contends that PO Steve was loud, yelling and vocal in his accusations. At one point, PO Steve told [REDACTED] that he would personally, on his own time, conduct surveillance of [REDACTED]'s activities and residence to seek information for an arrest. [REDACTED] became upset with these actions and left to go into his residence.

[REDACTED] [REDACTED] stated that he was observing the actions of PO Steve who apparently did not observe him. When [REDACTED] went to his residence he told him to call the Sheriff's Office or the State Police for assistance. PO Steve then asked [REDACTED] who he was and [REDACTED] the same. [REDACTED] stated that PO Steve [REDACTED] identified himself as the property owner and PO Steve began to yell at him about all of the drug

activity that was going on at his residence and that he would contact the [REDACTED], NY code enforcement officer for nuisance laws violations so that the apartment building would be closed. A heated argument erupted when Officer [REDACTED] of the [REDACTED] Police Department arrived to calm the situation. Around the same time New York State Police Officers [REDACTED] [REDACTED] arrived in separate vehicles. The parties were separated and complaints were made regarding PO Steve's conduct to the law enforcement personnel who advised the complainants to contact the Geneva Police Department.

On September 23, 2004, I interviewed both [REDACTED] and [REDACTED] during which they each completed a Geneva Police Department Complaint Action Form signing them in front of me. [REDACTED] had a two page written account of the event which was included in his complaint action form.

On November 16, 2004, I went to the [REDACTED] Police Department to interview Police Officer [REDACTED]. He was involved in another case at the time and would not be available until later in the afternoon. I spoke with Police Chief [REDACTED] who gave me a copy of the report that was made of the incident. He advised me that when PO [REDACTED] returned he would send him to Geneva to speak with me. I then went to the New York State Police barracks in Lyons to contact Tpr [REDACTED]. He was available and I interviewed him about the incident. He stated that himself and Tpr [REDACTED] arrived in separate vehicles about the time that Officer [REDACTED] had the parties separated. He stated that he knows Officer Steve from his days with the [REDACTED] Police Department. He described PO Steve as very hot and excited, loudly arguing with [REDACTED]. He was not directing anything to [REDACTED]. He characterized PO Steve as being out of control. He did not see PO Steve [REDACTED] although [REDACTED] later told Tpr [REDACTED] that he did and wanted to make a personnel complaint against PO Steve. Tpr [REDACTED] advised him to contact the Geneva Police Department. Tpr [REDACTED] had left the scene shortly after arriving.

Later that day, Officer [REDACTED] came to the Geneva Police Department and I advised him of the complaint and he gave me a deposition of what occurred.

On November 17, 2004, I prepared a letter notice to PO Steve about the investigation directing him to report to me on November 23, 2004 at 1000. I gave the letter in a sealed envelope to Sgt James Picchi to serve on PO Steve when he reported for duty that evening. I also directed Sgt Picchi to sign the memo indicating that he had served the letter.

On November 23, 2004, PO Steve arrived along with PO Jeffrey Trickler, who was his union representative. I gave PO Steve a Disciplinary/Counseling Interview Advisement of Rights Form, which he read and signed. PO Trickler also signed as a witness. I advised PO Steve of the nature of the investigation and audio taped the interview. In the interview, he did not deny that he accosted both [REDACTED] and [REDACTED] about the problems involving his uncle. He also admitted that he told both complainants that he would conduct surveillance on the narcotic activity and either make arrests or inform the code enforcement officer for action. He further admitted that while with the [REDACTED] Police Department, he never arrested [REDACTED] for any narcotics violation or did any type of surveillance activity on the apartment building. He obtained his information from his uncle on things that were rumored. The audiotape was transcribed and is listed in this report as Attachment #7.

Ancillary/Satellite Issues

None.

Documentation for Internal Investigations [REDACTED]

Attachment #1 - 3 Pg Statement of [REDACTED]

Attachment #2 - 4 Pg Statement of [REDACTED]

Attachment #3 - 1 Pg Deposition of PO [REDACTED]

Attachment #4 - 1 Pg NYS Incident Report, [REDACTED]

Attachment #5 - Notice to PO Steve re internal investigation,
dtd 11-17-04.

Attachment #6 - Memo signed by Sgt Picchi re service of letter
notice to PO Steve, dtd 11-17-04.

Attachment #7 - Signed Disciplinary/Counseling Interview
advisement of Rights. dtd 11-23-04.

Attachment #8 - 13 pg transcribed statement of PO Steve
on 11-23-04.

Attachment #9 - Copy of Signed Document Distribution Form for
Geneva Police Department, General Order #305,
Rules of Conduct, signed by PO Steve
on 12-05-03.

Attachment #10 Exerpt of Article III, A 1 & 2, General Order 305
of the Geneva Police Department dtd 12-05-03.

Attachment #11 Exerpt of Article III, A-49 A, General Order 305 of
the Geneva Police Department dtd 12-05-03.

VOLUNTARY STATEMENT WITNESS

STATE OF NEW YORK
COUNTY OF ONTARIO
CITY OF GENEVA

Date: November 16, 2004 Time: 1515 Place: Interview Room

I, [REDACTED] I am over the age of twenty one and I am employed as a Police Officer for the [REDACTED] NY.

On [REDACTED] at around 1915, I was detailed to a call on [REDACTED] in [REDACTED]. Upon my arrival, I observed [REDACTED] who I later identified as Brett Steve in a heated argument with another [REDACTED] who I know as [REDACTED]. Also present was [REDACTED] who I know as [REDACTED]. I stepped in and separated the parties and tried to calm down Brett. Also present was New York State Trooper [REDACTED]. He spoke to [REDACTED]. I tried to talk with Brett but he continued to argue with [REDACTED]. Brett was arguing about the problems [REDACTED] was having with [REDACTED] who is Brett's uncle. I was finally able to get the situation under control and all the parties left. [REDACTED] approached me to tell me that [REDACTED]. I did not see that. I told him that he would have to address that issue with the Geneva Police Department. Brett's conduct escalated the situation to a point where there may have been a physical altercation.

I have read this statement (had this statement read to me) consisting of 1 page and the facts contained herein are true and correct. I have also been told and I understand that making a false written statement is punishable as a Class A misdemeanor pursuant to section 210.15 of the Penal Law of the State of New York.

Signed: [REDACTED]

Witness: _____

Witness: _____

Subscribed and sworn to before me this 16 day of November, 2004.

[Signature] {{OfficialTitle}}
(Official's Signature)

INCIDENT	[Redacted]																	18. Weapon(s)	A.												
	DISTURBANCE																														
	[Redacted]																														
ASSOCIATED PERSONS	25. Person Type: CO=Complainant OT=Other PI=Person Interviewed PR=Person Reporting WI=Witness NI=Not Interviewed VI=Victim																	26. Victim also complainant <input type="checkbox"/> Y <input type="checkbox"/> N	E.												
	TYPE/NO.	NAME (LAST, FIRST, MIDDLE, TITLE)										Date of Birth	STREET NO., STREET NAME, BLDG. NO., APT. NO., CITY, STATE, ZIP					Telephone No.	F.												
	V	[Redacted]											[Redacted]						G.												
VICTIM	27. Date of Birth: Mo. Day Yr. 28. Age 29. Sex <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U 30. Race <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Unk. 31. Ethnic <input type="checkbox"/> Hispanic <input type="checkbox"/> Unk. <input type="checkbox"/> Non-Hispanic 32. Handicap <input type="checkbox"/> Yes <input type="checkbox"/> No 33. Residence Status <input type="checkbox"/> Temp Res. - Foreign Nat. <input type="checkbox"/> Resident <input type="checkbox"/> Tourist <input type="checkbox"/> Student <input type="checkbox"/> Other <input type="checkbox"/> Commuter <input type="checkbox"/> Military <input type="checkbox"/> Homeless <input type="checkbox"/> Unk.																		J.												
	34. Type/No.	35. Name (Last, First, Middle)										36. Alias/Nickname/Maiden Name (Last, First, Middle)					37. Apparent Condition <input type="checkbox"/> Impaired Drugs <input type="checkbox"/> Mental Dis. <input type="checkbox"/> Unk. <input type="checkbox"/> Impaired Alco <input type="checkbox"/> Inj/Ill <input type="checkbox"/> App Norm		K.												
	TABLE O																														
SUSPECT / ARRESTED PERSON	38. Address (Street No., Street Name, Bldg. No., Apt. No., City, State, Zip)																	39. Phone No. <input type="checkbox"/> Home <input type="checkbox"/> Work	40. Social Security No.	L.											
	41. Date of Birth: Mo. Day Yr.		42. Age	43. Sex <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U	44. Race <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Other <input type="checkbox"/> Indian <input type="checkbox"/> Asian <input type="checkbox"/> Unk.		45. Ethnic <input type="checkbox"/> Hispanic <input type="checkbox"/> Unk. <input type="checkbox"/> Non-Hispanic		46. Skin <input type="checkbox"/> Light <input type="checkbox"/> Dark <input type="checkbox"/> Unk. <input type="checkbox"/> Medium <input type="checkbox"/> Other		47. Occupation				M.																
	TABLE Q		TABLE R		TABLE S		TABLE T		TABLE U		TABLE V		TABLE P																		
PROPERTY	48. Height ft. in. 49. Weight 50. Hair 51. Eyes 52. Glasses <input type="checkbox"/> Yes <input type="checkbox"/> Contacts <input type="checkbox"/> No 53. Build <input type="checkbox"/> Small <input type="checkbox"/> Large <input type="checkbox"/> Medium 54. Employer/School 55. Address																		N.												
	56. Scars/Marks/Tattoos (Describe)																	57. Misc.													
	58. Victim or Suspect No. 59. Vehicle Status 60. License Plate No. 61. State 62. Exp. Yr. 63. Plate Type 64. Value																	Total													
NARRATIVE	73. ON THE ABOVE DATE AND TIME PATROL WAS CALLED FOR A DISTURBANCE IN [Redacted] (V) [Redacted] (RA) AND (OT) STEVE WERE ARGUING. (OT) STEVE TOLD (V) [Redacted] TO STOP HARASSING HIS UNCLE (PI) [Redacted] THE INCIDENT THEN ESCALATED AND (V) [Redacted] CALLED 911. PATROL AND THORAL [Redacted] RESPONDED. ALL PARTIES WERE SEPERATED. (PI) [Redacted] PUT UP NO TRESPASSING SIGNS ON THE SIDE OF HIS BUILDING. ALL TENANTS WERE TOLD THAT LOIZERS WILL BE PROSECUTED FOR HANGING OUT IN FRONT OF [Redacted] PATROL TOLD (PI) [Redacted] TO CALL 911 IF ANYONE OTHER THAN TENANTS ARE HANGING AROUND [Redacted]																	1	2	3	4	5	6	7	8	9	10	11	12	13	Total
	74. Inquiries (Check all that apply) <input type="checkbox"/> DMV <input type="checkbox"/> West/Marion <input type="checkbox"/> Sheriff																	75. NYSPIN Message No.		76. Complainant Signature											
	79. Supervisor's Signature (Include Rank)																	80. ID No.													
ADMINISTRATIVE	81. Status <input type="checkbox"/> Vict. Refused to Coop. <input type="checkbox"/> CBI <input type="checkbox"/> Juv. - No Custody <input type="checkbox"/> Open <input type="checkbox"/> Closed (if Closed, check box below) <input type="checkbox"/> Arrest <input type="checkbox"/> Pros. Declined <input type="checkbox"/> Arrest - Juv. <input type="checkbox"/> Offender Dead <input type="checkbox"/> Warrant Advised <input type="checkbox"/> Extrad. Declin. <input type="checkbox"/> Unknown																	82. Status Date: Mo. Day Yr.		83. Notified/TOT											
	[Redacted]																	[Redacted]		[Redacted]											
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Phone: (315) 789-1111
Fax: (315) 789-1814

**GENEVA POLICE
DEPARTMENT**

DETECTIVE BUREAU

Memo

To: SGT PICCHI

From: LT CATALINE

CC:

Date: 11/17/04

Re: DETAIL

I NEED YOU TO PERSONALLY DELIVER THE ATTACHED LETTER TO PO BRET STEVE THIS EVENING WHEN HE REPORTS FOR DUTY. UPON COMPLETION OF THIS DETAIL, PLEASE SIGN THE BOTTOM OF THIS MEMO.

THANKS.

I, SGT JAMES PICCHI PERSONALLY SERVED TO PO BRET STEVE A LETTER FROM LT JOHN M CATALINE.

SIGNATURE

SGT JAMES PICCHI

DATE

11-17-04

TIME

2245

Disciplinary/Counseling Interview Advisement of Rights

The purpose of this interview is to solicit responses that will assist in determining whether disciplinary action or counseling is warranted. The answers furnished may be used in disciplinary proceedings that could result in administrative action against you, including dismissal.

You are advised that you are being questioned as part of an official investigation of the Geneva Police Department. You will be asked questions specifically and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and Constitution of this State and the Constitution of the United States and to have an attorney (or union representative) of your choice, or both, present during the questioning.

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

P.O. B. 
(Signature)

Witness: 

Witness: 

Date: 11-23-04

It's Tuesday, November 23rd, it's approximately 10:22 in the morning and this is an interview with Officer Bret Steve along with Officer Jeff Trickler as his Union representative. This is in regards to an allegation made by [REDACTED] [REDACTED] First Bret I want to give you this advisement of rights and I want you to read it and when you are satisfied with it, you can sign it.

S - Okay.

C - Basically what the scope of this investigation is the allegations made by [REDACTED] [REDACTED] but an incident that occurred in [REDACTED] on [REDACTED] approximately at 7:15 in the evening. They are alleging that you accosted them, threatened them with arrest, threatened to bring code enforcement on them, and this is two separate incidents, but it is the same incident with two different complainants so that is why we are tying it into just one report and one real investigation. Do you understand that?

S - There were two incidents – no?

C - There were two people.

S - Oh, all right –

C - One incident, two people that's why we are tying it into one investigation, do you understand that?

S - Yep.

C - Basically, just tell me your side of the story of what happened. Talk up so the tape recorder can pick up your voice.

S - All right. Two weeks prior to that Lieutenant, what happened is my parents own a business with my uncle down, right next to their apartment complex. There was an on-going problem with those guys, not [REDACTED] but [REDACTED] himself and other subjects who lived in that apartment with smoking weed, swearing on the street. So one day my uncle went over there and just asked them "Guys, can you quiet down, I'm trying to run a business here". So one thing led to another and [REDACTED] spits in my uncle's face and threatens to kill him so an officer was called down and nothing was done. So my Dad went down there with my father-in-law to speak with the Chief about it. Finally [REDACTED] was arrested. They think this is 2 weeks later I'm down in [REDACTED] lifting. I go home, my mother says your uncle had to call 911 again. I was like, well, was anything done? And she was like "No" so I went down there, spoke to my uncle, he explained to me what was happening, [REDACTED] was in the alleyway next to my uncle's business again. He then told me what happened – I said do you want me to say something, so I went out there, [REDACTED] was in there, [REDACTED] Just went out there, asked "do you guys remember me, and I said [REDACTED] I have dealt with you, [REDACTED] I've dealt with you (which I have arrested both of those guys before. I just said [REDACTED], is there a problem with my uncle? He said who's your uncle? I said the guy who

owns the [REDACTED] over here, and I go [REDACTED]. I hear you're doing drugs in the alleyway and he proceeded to tell me "no" and so forth. I said [REDACTED], I've arrested you myself 3 times. I don't want to hear your lies. I said if I had to on my own spare time [REDACTED]. I will sit here and take pictures of the drug activity that's going on here. It's not like it's an unknown thing. Everybody in this [REDACTED] knows that you do it, you're selling it and you're dealing it. If I have to in my spare time, I will take pictures of it. [REDACTED] at that time sat there and said who are you? And I said "who are you"? He goes - well I own this apartment. I go "Good". I just said to him, have you heard of a nuisance law? He was just like yeah. Well, I will inform you my Dad's on the Board and my father-in-law is on the Board. I said the cops have been called down here numerous times. There is drug activity going on down here and I just said that if I have to talk to [REDACTED] I've worked in [REDACTED] and I know [REDACTED] you know [REDACTED] because you own apartments in [REDACTED] also and you can be closed down for this. Nothing else was said. I go over to my - back to my uncle. I explain to him get the reports you know, get them all set up and just keep on telling the police that you want reports, you want reports so that you can go to [REDACTED] and sit there and have this guy closed down. All of a sudden [REDACTED] shows up and I go out there and they're sitting there trying to say that I harassed them. I said "no way". I said "what did I say"? They had nothing to say. I said "exactly". I told [REDACTED] I said if they are sitting here trying to say that I threatened them, [REDACTED] take a statement cuz then I will prove otherwise because at no time did I threaten them. I just told them there are legal actions and that is it, that can be taken. And he goes well Bret, what should I do and he's asking me what I should do, and I just told time, so that one thing leads to another, the guy puts up No Trespassing signs after that, and nothing else is done. That was it - situation over with - and my whole problem with this is why two months later is this being brought up? Do you see what I am saying Lieutenant? My Dad, in my opinion, this is nothing but a political move with problems I had with [REDACTED] to begin with and for one thing [REDACTED] has a problem with my father and my father-in-law because the whole thing with the whole Town Board he got under the whole Town Board. My Dad wanted nothing to do with that cuz there was legal suits and actions with that. My father-in-law said no, so [REDACTED] sits there and thinks that my father and [REDACTED] got something against him, that they don't want him there, which, and [REDACTED] brought that up at that situation, and I was like [REDACTED] it's got nothing to do with you. I said the problem here is that you don't live here, you live in [REDACTED] your family lives in [REDACTED] you're setting [REDACTED] up for a lawsuit. My father-in-law and my Dad were right there the whole time and so when [REDACTED] was talking to them, he said alright, let bygones be bygones and shook my hand or whatever. And I've had problems, my Dad and my father-in-law have been trying to prove situations with [REDACTED] had been doing stuff illegally with the Police Department. I've been trying to sit there and give pointers for them to look for certain things as far as grants and so forth and it is just common knowledge, even if you speak to Officer [REDACTED] - he knows all about illegal activities because [REDACTED] knows about illegal activities that are going on in [REDACTED] and I was trying to

T - Is this something to do with this investigation?

S - Alright, well I'm just thinking this is like a critical move, because if I had threatened one, I didn't do nothing wrong, and two months later, after this incident with where my Dad's no longer in office – this is getting brought up – is my point.

C - Well, it wasn't brought up two months ago –

S - Oh it wasn't?

C - It was brought up just two days after it happened

S - Oh, alright

C - I'm just getting to it because I had three other ones I had to review

S - Alright

C - That's why

S - Okay.

C - Are we okay. Two (months) after the fact that they made a complaint, I think, on [REDACTED]

S - Alright

C - Okay?

S - Yeh.

C - Why did you go talk to [REDACTED] on that day?

S - Just because of this threats towards my uncle.

C - He made threats?

S - Yes.

C - Did you take this upon your own to do it?

S - I went and spoke to my uncle about it first.

C - Did he ask you to do it?

S - He said he wanted me to talk to him, he wasn't getting no assistance from [REDACTED].

C - When you went to talk to [REDACTED], [REDACTED]

S - [REDACTED] did tell him I worked for Geneva [REDACTED]

C - [REDACTED]

S - No, I said "do you remember me, I work for Geneva now"?

C - If you arrested him 3 times before, why didn't you think he wouldn't recognize you?

S - Well, just the fact that I didn't work for [REDACTED] anymore. I didn't know, I haven't seen or spoke to the guy since I worked in [REDACTED], and what was that - 4 years ago.

C - Did you ever threaten [REDACTED] with arrest?

S - No, I had nothing to arrest him on. I just said as I told you before, if I have to sit here and take pictures, you know, and do an investigation myself of the drug activity that is going on here, on my own free time, I will.

C - When you were having this discussion with [REDACTED], were you loud, boisterous?

S - No, it was just like I said - those guys and me, didn't swear or none of that

C - No swearing, you weren't boisterous, you didn't bring any attention to the incident?

S - No.

C - Did you ever threaten [REDACTED] with use of force?

S - No.

C - You said you knew [REDACTED] because you had arrested him before?

S - Yes, I dealt with him on numerous occasions before that.

C - And when you talked to [REDACTED] what were the circumstances?

S - Just as far as the nuisance laws, is the only thing I talked to him about and that's it.

C - But what prompted you to talk to him - because he was there?

S - No, he started talking to me - I really didn't bring a conversation with him on. I only knew him - I didn't know that he owned that apartment - I just thought he was sitting there hanging out with those guys.

C - When's the first time you saw him there?

S - He was there the whole time.

C - When you were talking to [REDACTED]?

S - Yes.

C - You saw him when you were talking to [REDACTED]?

S - Yes.

C - [REDACTED]

S - No, I just said I worked for Geneva Police Department, that's it.

C - Did you ever threaten him with arrest?

S - No, I just explained to him what the Nuisance Law was.

C - And did you threaten him with reprisals for Code Enforcement violations?

S - What's that – did I –

C - Did you threaten him that you were going to bring action against him through the Code Enforcement?

S - I told him that I would talk to [REDACTED] myself.

C - Who is [REDACTED]

S - He is the Code Enforcement Officer

C - For who?

S - [REDACTED] As far as me, myself. I have no power.

C - Did you know [REDACTED] before that day?

S - No, not personally, I know of him because his name in the past, but that's it.

C - Did you ever have a confrontation with him in –

S - No.

C - In a [REDACTED] Court?

S - No

C - [REDACTED] Court?

S - No. I was in court with him – not against him, but I was there on a V&T incident and he was there on a civil suit with a female.

C - And did you bring that to his knowledge about that civil suit with that female to use against him?

S - Yes.

C - Now, I will go back and ask you a question. [REDACTED]

S - No

C - [REDACTED]

S - No, I just told him that you were in civil court once [REDACTED] and he said "yes". And I said, because he kept denying that he did not know what was going on in the apartment as far as drug activity and so forth, and I was just like – [REDACTED] – cuz during that time he said he was a man of God or whatever, and I said alright, you honestly can sit here and tell me with a straight face, that you do not know that drugs are being sold out of this apartment. And he told me well, then I saw a man and I said, well I was in there the day that you were talking to ----- ----you can even, she's a [REDACTED] but sexual charges or what, she tried to sit there and say that her renter, he was making sexual advances to her for rent money and stuff like that, and that was the end of it – I didn't bring threats or bring up

C - Did she make any allegations to the police in [REDACTED] about that?

S - That I do not know. I didn't handle the investigation. I was just there during court.

C - Is this while you were still employed by [REDACTED]?

S - Yes

C - You were on the PD?

S - Yes

C - How much narcotic investigation did you do for that location while you were on the [REDACTED] PD?

S - Just self-exploring with [REDACTED] I was in on a couple of arrests with [REDACTED] and a couple of other places where we made busts.

C - But that specific location. do you have personal knowledge

S - No, he wasn't living there at the time

C - Who?

S - [REDACTED]

C - How about [REDACTED] He owned the property, right?

S - I don't know if he owned it back then

C - But you had no knowledge that there was drug activity at that location?

S - When I was in [REDACTED], no.

C - So why did you tell him that you knew about the drug activity –

S - No, when [REDACTED] live in there.

C - You have me confused.

T - I think what he was saying is

C - Did you have knowledge of drug activity at that location?

S - Only as far as the problems with [REDACTED] [REDACTED]

C - When you arrested him for – did you arrest him for drug violations?

S - No.

C - So how did you know that there was drug activity in that apartment?

S - With [REDACTED] – from my parents and

C - So just hearsay, not through your own investigation. not through your own knowledge, just hearsay?

S - Yes.

C - So basically, you didn't know if there was any drug activity there?

S - To my own personal knowledge I did not

C - But you told [REDACTED] that he didn't know about drug activity and you did?

S - There were reports done on it though.

C - By who?

S - My uncle has all the reports

C - I'm talking about somebody in law enforcement? Did law enforcement do any intelligence gathering information at that location for narcotics?

S - No.

C - So if law enforcement didn't know about it, how would you expect [REDACTED] to know about it? Follow me?

S - Yeh.

C - You familiar with General Order 305 in the Police Department?

S - No sir

C - It deals with Rules of Conduct – you're not familiar with that at all, did you ever read it?

S - Yes

C - Let me refresh you – 305 calls for your total conduct, rules and regulations and it also specifies Section 349(A)(2)(a) about dealing with relatives, do you remember what it says about that? Dealing with relatives?

S - No sir

C - It basically you don't get into any involvement with relatives' deals.

S - Alright

C - If you have a relative who has a problem, you refer them to some other agency or to some other officer. You don't get involved in it if they come asking for your help. The same thing if you get involved in a case where it involves one of your relatives – you are to back off immediately, notify your supervisor and have your supervisor detail somebody else to take care of it. Just because of these kinds of incidents so that preferential treatment can't be given to the relatives and others. That's why we have that there so you back away from that so now nobody can point a finger and say hey. Are you familiar with Section 120 of the Criminal Procedure Law of the State of New York?

S - No, not off the top of my head sir.

C - It covers geographical boundaries. geographical jurisdiction of your employment.

S - I know I know I can't make that arrest.

C - You can't make an arrest for a violation outside of your geographical territory where you are employed. Okay?

S - Yes

C - Crimes are different – you can make it if it is exigent circumstances or refer it to the local agency. Okay?

S - I know what you are talking about.

C - You are living in [REDACTED] now, right?

S - Yes.

C - So why would the status of that building in [REDACTED] be so important to you?

S - Really it doesn't. It's just the fact that it's effecting my uncle and my parents business.

C - So basically you interceded on behest of your uncle and your parents' business?

S - Yes

C - So you actually didn't see any violation of the law take place?

S - As far as a violation, yes – drug activity no.

C - What violation did you see?

S - Them swearing and hanging out on the public street next to my parents' place of business – they were asked to move

C - Who?

S - The whole group constantly

C - How about that night, [REDACTED]

S - Oh that night, no

C - Did you observe any violation of law take place?

S - No

C - And again, you weren't loud and boisterous?

S - No

C - You weren't out of control?

S - No, Lieutenant, I was just talking to them. I've had people smashed. I'm not going to lose my job over this

C - I am advising you again because I have witness statements and I will advise you again and ask you the question – were you out of control, were you loud, were you boisterous?

S - No

C - Were you nose to nose with either [REDACTED]

S - No sir, they were in the alleyway and I was on the sidewalk the whole time

C - You didn't come into contact them at all?

S - No sir.

C - [REDACTED]

S - No sir.

C - To either one of them?

S - No, I said I worked in Geneva, that's all.

C - So your basic side of the story is that you interceded on behest of your uncle and your father and mother because of supposed statements or allegations by [REDACTED] against your uncle?

S - Yes, it was going on for about two months.

C - And you also have no direct knowledge of any illegal activities at that apartment house other than what people have told you?

S - Yes I have.

C - And you weren't loud and boisterous during this allegation?

S - No sir

C - To either [REDACTED]

S - No

C - But you knew [REDACTED] because of a dealing in court and you did mention to [REDACTED] about the fact of the accusation made by this female tenant at one time?

S - Yes

C - And you also stated that you were going to inform the Code Enforcement Office for the Village of [REDACTED] to do what?

S - If the activity kept up – I was just going to like I said do an investigation on myself if I had to and notify [REDACTED] of the problems that were going on there. and that's it.

C - Do you have a private investigator's license by the State of New York?

S - No.

C - Is there anything else that you want to add?

S - No sir

C - Is there anybody that you can name as a witness in your behest to verify your side of the story that I should talk to that was present at the time of this incident when it took place?

S - During what part? An Officer was there, my father and then my father-in-law were there.

C - What's your father-in-law's name?

S - [REDACTED]

C - Do you have a phone number?

S - Yes - [REDACTED]

C - What's your father's first name?

S - [REDACTED]

C - Any what's his number?

S - [REDACTED]

C - Nobody else there to verify what you did?

S - No

C - Were they there for the entire duration of the incident?

S - No

C - When you went to see [REDACTED] [REDACTED] where did you come from?

S - My uncle's business

C - You were inside of the store?

S - Yes

C - So did anybody go with you as you walked out of the store?

S - I don't know if my uncle was – no I don't think so

C - And you walked to where [REDACTED] was?

S - Yes, about 5-10 feet

C - What was he doing

S - He was just hanging out with [REDACTED]

C - Was he doing anything

S - No

C - He was just standing there – was he cutting the grass?

S - No, there's no grass

C - Was he filling bug lights – lanterns?

S - No, I wasn't paying attention to that.

C - But you said you were on the sidewalk and they were in the alley – that's where the confrontation happened?

S - Yes

C - And now you say you walked 5 or 6 feet into the alley?

S - No, the business is very near the ----- . If you just walk out. I walked 5 feet

north, the alleyway is right there so he's in the alleyway and I'm just sitting on the side – if you see the alleyway is right here. he's in the alleyway here and I am on the sidewalk right here.

C - So you never really – how far away were you from him?

S - 15-20 feet

C - You never came face to face with them. nobody had to break you up?

S - No. I just advised him as ----- and went in and told my uncle what to do and that was the end of it.

C - Is there anything else you want to add?

S - No sir.

C - That concludes the interview –

T - So I'll see where we go next

C - But this is all of the information I have, the statements I have from other people that saw it or heard it and we will go from there. I will do a report and give it to the Chief and it's the Chief's decision of what he wants to do.

T - Do we get an opportunity to see any of the allegations?

C - This isn't a criminal investigation, it's an internal affairs matter. I just told him what the allegations were, okay, but these guys are saying that he threatened them, [REDACTED] threatened them with arrest, threatened them with code enforcement violation retribution.

T - That's it

C - That's the end of the interview. it is approximately 10:47 a.m.



Geneva Police Department

DOCUMENT DISTRIBUTION FORM

TO: Sgt. Brian Travis/Sgt. James Picchi 11P-7A Shift Supervisors
UNIT: 11PM-7AM Shift
DISTRIBUTION: All Sworn Personnel

Attached to this form is a copy of **G.O. 305- Rules of Conduct**. Please circulate this form and the attached copy amongst each member of your Shift, or Bureau in accordance with General Order 115, § V (A.1). Have each member sign the form after they have read, and indicated they understand, the attached copy. Please make a copy of the completed form for your records and forward the original to Lt. Liberatore.

I hereby acknowledge that I have read the attached copy of G.O. 305- Rules of Conduct. I further acknowledge that it is my responsibility to understand and comply with this General Order. If I do not understand this General Order, or any portion of it, I am responsible to request clarification through the chain-of-command.

	Employee Name	Employee Signature	Date Read
1	Sgt. B. Travis	<i>Sgt. B. Travis</i>	12-05-03
2	Sgt. J. Picchi	<i>Sgt. J. Picchi</i>	12-07-03
3	PO C. Reale	<i>P.O. C. Reale</i>	12-5-03
4	PO M. Valenti	<i>P.O. M. Valenti</i>	12-5-03
5	PO C. Kear	<i>P.O. C. Kear</i>	12-5-03
6	PO B. Steve	<i>P.O. B. Steve</i>	12-5-03
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Geneva Police Department GENERAL ORDERS		RULES OF CONDUCT	
<input type="checkbox"/> new: <input checked="" type="checkbox"/> rescinds: Policy & Procedure 14.1; 14.3 <input type="checkbox"/> amends:		cross-reference: GO 310 ; GO 400 NYS Election Law; Alcohol Beverage Control Law; Racing Wagering and Breeding Law General Municipal Law	
effective date: 12-5-03		issue/amend date: 12-5-03	
		Accreditation/Recognition standards: C.A.L.E.A.: 26.1.1 NYS L.E.A.P.: 14.1; 14.3	

I. PURPOSE	The purpose of this General Order is to establish policies and procedures for the general conduct of the members of the Geneva Police Department so that each member will understand what is expected. Certain rules of conduct concern behavior while off duty and these are limited to the extent that official status, police authority or other job-relatedness is involved. The rules as set forth in this order are not exclusive, and members are expected to meet the standards of the law enforcement profession at all times, to uphold to public trust, and to act in a manner which is a credit to the department and the profession at all times.
II. POLICY	It is the policy of the Geneva Police Department that all members become familiar with and adhere to the Rules of Conduct as set forth herein and that any violation of the rules shall constitute grounds for disciplinary action.
III. RULES OF CONDUCT	<p>A. The following are the Rules of Conduct for the Geneva Police Department:</p> <ol style="list-style-type: none"> 1. Violation of Rules- Officers and employees shall not commit any acts or omit any acts which constitute a violation of any of the rules, regulations, directives or orders of the department, whether stated in this General Order or elsewhere. 2. Unbecoming Conduct- <ol style="list-style-type: none"> a. Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department. Conduct unbecoming an officer shall include that which brings the department into disrepute or reflects discredit upon the officer as a member of the department, or that which impairs the operation or efficiency of the department or officer. b. Any officer who is under investigation, is arrested, or is summoned to appear to answer any offense, by any other law enforcement agency, shall, within 24 hours of becoming aware of such investigation, arrest, or summons, notify the Chief of Police. 3. Immoral Conduct- Officers and employees shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Officers/employees shall not participate in any incident involving moral turpitude, which impairs their ability to perform as law enforcement officers or causes the department to be brought into disrepute. 4. Conformance to Laws- <ol style="list-style-type: none"> a. Officers and employees shall obey all laws of the United States and of any state and local jurisdiction in which the officers/employees are present. b. A conviction of the violation of any law shall be prima facie evidence of a violation of this section.

to prevent any member
officer may or may not
police officer. Sworn
Attorney in writing
whether the
as a

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UCT (CONT.)

iii. The annual filing of financial disclosure forms required by certain employees
GML, §806 (1) (b)

48. Labor Activity

- A. Officers and employees shall have the right to join labor organizations, but nothing shall compel the department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law.
- B. Officers and employees shall not engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purposes of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

49. Conflict of Interest

- A. Officers will not take police or enforcement action, whether on duty or off duty, in cases that involve a conflict of interest, potential conflict of interest, or that may have the appearance of a conflict of interest or other impropriety. For purposes of this section, circumstances involving a "conflict of interest, potential conflict of interest, or that may have the appearance of a conflict of interest or other impropriety" include but are not limited to situations involving circumstances or persons in which the officer has a personal or family relationship with one or more of the involved parties, or has a personal, family, financial, business, or other private interest in the matter or its outcome. If such circumstances exist or may exist the officer will refrain from taking any police action and refer the matter to a supervisor, except that officers may take action in an emergency situation to deal with an imminent threat to the safety of any person or to prevent the imminent damage, destruction, or theft of property.

Approved By


FRANK T PANE
CHIEF OF POLICE

EMPLOYEE COUNSELING MEMO

TO: PO Bret Steve
FROM: Lt. Peter J Liberatore
RE: Personnel Complaint of [REDACTED]
[REDACTED] alleging Unbecoming Conduct on [REDACTED]

Written Narrative: PO Steve

This memo is to serve as a counseling memo in regards to the aforementioned matter. Mr. [REDACTED] and [REDACTED] allege that on the above stated date while in [REDACTED] NY, you did conduct yourself in other than a professional manner. Through an investigation that you were made aware of by Lt. Cataline, this allegation is sustained.

Referring to General Order 305 "Rules of Conduct" § III (A)(2)(a), "Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department." You did not adhere to such Order as was evidenced through independent witness statements. Also, you failed to adhere to § III (49)(A) "Conflict of Interest" by becoming involved in a family matter that had no concern to you and should have been referred to the local law enforcement agency with jurisdiction. There was no "emergency situation to deal with an imminent threat to the safety of any person or to prevent the imminent damage, destruction, or theft of property."

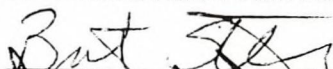
Being police officers, you must realize that we are held to a higher standard than the ordinary population and when police officers become involved in matters outside of their jurisdiction especially those matters involving family, it tends to lead to the appearance of improprieties, even though none might occur.

Also, when dealing with family matters, you must realize that although people feel that they are in control, the involved person, such as yourself, would not have gotten involved unless they thought it was for a just cause whereby there is a preconceived bias in the situation to begin with. This too leads to allegations of unbecoming conduct on part of the officer.

This matter has been reduced to writing so as to bring it to your attention that this incident violated the Geneva Police Department's General Orders in the hope that nothing of this nature will happen again and any future occurrences may be cause for disciplinary action.

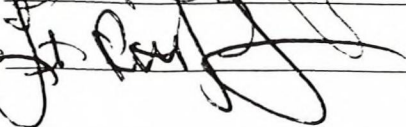
My signature acknowledges that I have read and received a copy of this counseling memo. It does not mean that I agree with the contents. I know I have the right to attach a rebuttal.

Employee's Signature



Date 2-10-05

Supervisor's Signature



Date 2-10-05



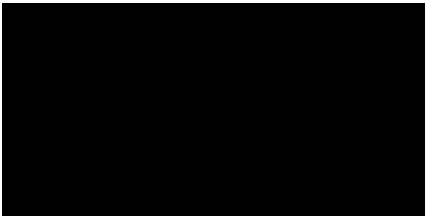
**CITY OF GENEVA
POLICE DEPARTMENT**

255 EXCHANGE STREET
GENEVA, NEW YORK 14456

FRANK T. PANE
Chief of Police

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

January 5, 2005



The Police Department has completed the investigation concerning the personnel complaint that you filed on [REDACTED]. Your complaint alleged that Geneva Police Officer Bret Steve abused his authority. The investigation included information from you, from witnesses and the involved officer.

At the conclusion of the investigation we have sustained your allegation. The act complained of did occur and constitutes a violation of our rules.

The matter will be handled internally within the Police Department. I appreciate your bringing this matter to my attention so corrective measures can be taken. If you would like further information about your complaint, please feel free to contact Lieutenant John Cataline at 789-1111.

Very truly yours,


FRANK T. PANE
Chief of Police

FTP/liz



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