



GENEVA POLICE DEPARTMENT

EMPLOYEE WARNING RECORD



Employee Name: Trevor Wagner

Shift: Nights 10:30p-7a

Time: 5:30 AM

Date of Warning: 3/26/19

WARNING

Date of Violation: 3/14/2019

Nature of Violation: Substandard Work

Time of Violation: 2314

(If Other – Explain): GO 425 V A 3

Place of Violation:

COMPANY REMARKS

PO Wagner completed a domestic incident report and checked the following boxes: Suspect supervised, DIR repository checked, order of protection checked, order of protection in effect. PO Wagner never actually checked the status of the parties involved and when asked he stated "It must have just slipped my mind."

PO Wagner violated GO 425 V A 3 that states "Any required departmental report or form will be written promptly, accurately, comprehensibly and legibly.

See attached domestic incident report

Employee Has Been Warned Previously: ☐ YES ☒ NO

Form of Warning: -

Date of Previous Warnings:-

Warned by Whom: -

EMPLOYEE'S REMARKS RE: VIOLATION

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

ACTION TO BE TAKEN

Counseling Memo + GO 425 review

Approved by:

Michael J. Passalacqua

Name

Signature

Chief of Police

Title

Date:

3/18/19

I have read this "warning" and understand it.

EMPLOYEE COUNSELING MEMO

TO: PO Trevor Wagner
FROM: Sergeant Nicholas Bielowicz
RE: Domestic [REDACTED]
DATE: 3/14/2019



PO Wagner responded to [REDACTED] for a domestic. At the completion of the investigation, PO Wagner completed a domestic incident report and submitted it into the night sergeant's box for review. Upon further investigation by myself, I noticed both parties information wasn't on police mobile or ejustice, but PO Wagner did check the following boxes: Suspect supervisor box, dir respository checked, order of protection registry checked, order of protection in effect. I then messaged PO Wagner to respond to my office. I then asked PO Wagner when he checked the parties status and PO Wagner stated "It must have just slipped my mind."

PO Wagner violated GO 425 V A 3 that states "Any required departmental report or form will be written promptly, accurately, comprehensibly and legibly.

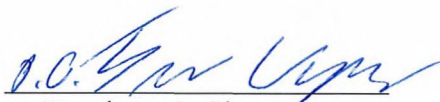
****See attached domestic incident report****

You must understand that this counseling memo is being completed so that you may take immediate corrective measures so it does not happen again. You must take precautions as stated in GO 230 II (A and C), so that this type of situation does not occur again.

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

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

DATED: 3/24/19


Employee's Signature


Supervisor's Signature

Agency: Geneva P.D.		A	New York State DOMESTIC INCIDENT REPORT		ORI: 03402
<div></div>					
Suspect	<div></div>				Suspect supervised? <input type="checkbox"/> Probation <input type="checkbox"/> Parole <input checked="" type="checkbox"/> Not Supervised <input type="checkbox"/> Status Unknown
					Do the suspect and victim have a child in common? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victim Interview	Emotional condition of VICTIM? <input checked="" type="checkbox"/> Upset <input checked="" type="checkbox"/> Nervous <input checked="" type="checkbox"/> Crying <input type="checkbox"/> Angry <input type="checkbox"/> Other:				
	<div></div>				
Suspect	<div></div>				
710.30 completed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
Witnesses	<div></div>				
	<div></div>				
Incident Narrative	<div></div>				
	<div></div>				
DIR Repository checked? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Order of Protection Registry checked? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No Order of Protection in effect? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Refrain <input type="checkbox"/> Stay Away					
Evid	Evidence Present? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Photos taken: <input type="checkbox"/> Victim Injury <input type="checkbox"/> Suspect Injury <input type="checkbox"/> Other:	Other Evidence: <input checked="" type="checkbox"/> Damaged Property <input type="checkbox"/> Videos <input type="checkbox"/> Electronic Evidence <input type="checkbox"/> Other:	Destruction of Property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, Describe: laundry bag	
Offense	Offense Committed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Was suspect arrested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, explain: No reasonable cause	Offense 1 criminal mischief 145.00	Law (e.g. PL) PL	Offense 2 Harassment 240.26 240.26 PL
POLICE COPY (Please make a copy for DA's office if appropriate)		NYS DOMESTIC AND SEXUAL VIOLENCE HOTLINE 1-800-942-6906		3221-03/2016 DCJS Copyright © 2016 by NYS DCJS	



GENEVA POLICE
DEPARTMENT
EMPLOYEE WARNING
RECORD



Employee Name: PO Trevor Wagner
Shift: 22:30-07:00

Time: 2:46AM

Date of Warning: RECEIVED MAR 12 2020
02/09/2020

WARNING

Date of Violation: 01/16/2020 Nature of Violation: Neglect of Duty GO 305, III, a
Time of Violation: 02:46 am (If Other, Explain)
Place Violation Occurred: Public Safety Building

COMPANY REMARKS

Officer was watching streaming video service on vehicle MDT. Employee was previously reprimanded to about using streaming media on the MDT 10/23/2019.

Refer to attached documents

Employee Has Been Warned Previously: ☒ YES ☐ NO

Form of Warning: Verbal

Date of Previous Warnings: 10/23/2019

Warned by Whom: SGT Bielowicz

EMPLOYEE'S REMARKS RE: VIOLATION

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

~~Refer to attached statement.~~

ACTION TO BE TAKEN

Counseling Memo + Sit Down Discussion w/
Sgt + Shift Supervisor

Approved by:

Michael J. Passaniti

POD

[Signature]

2/10/2020

Name

Title

Date

I have read this "warning" and understand it.

P.O. G.W. Wynn 2/15/20
Employee Signature Date

Peterson #862 2/15/2020
Supervisor Signature Date

DISTRIBUTION OF COPIES: ☒ Employee ☒ Chief of Police ☐ Personnel Dept. ☒ Supervisor ☐ Union Rep.

EMPLOYEE COUNSELING MEMO

TO: Police Officer Trevor Wagner



FROM: Sergeant Patrick Nolin

RE: Pursuit [REDACTED]

On January 16, 2020, at about 02:46 hours Unifrom Officer Trevor Wagner was in operation of marked Geneva Police Patrol Vehicle GV-8. He engaged in a vehicle pursuit on [REDACTED]. Prior to engaging in the pursuit Officer Wagner had neglected his duty by viewing streaming internet video media for personal use on the computer in the car. Officer Wagner had been verbally counseled by Sergeant Bielowicz on the use of streaming internet video media for personal use on the computer in the patrol vehicle on October 23, 2019.

In the future, you will not use any internet streaming media service for personal use on computers in police vehicles. If the use of an internet streaming media service is needed for a work-related matter you will receive clearance from your on-duty supervisor to use such a service. This type of activity builds a complacent mindset for an officer. This leads to a safety risk for the public your fellow officers and yourself.

You must understand that this counseling memo is being completed so that you may take immediate corrective measures so it does not happen again. You must take precautions as stated in GO 305 III a Neglect of Duty, so that this type of situation does not occur again.

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

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

DATED: 2/15/20

P.O. Trevor Wagner
Employee's Signature

P. Nolin #862
Supervisor's Signature

TITLE

ID 837

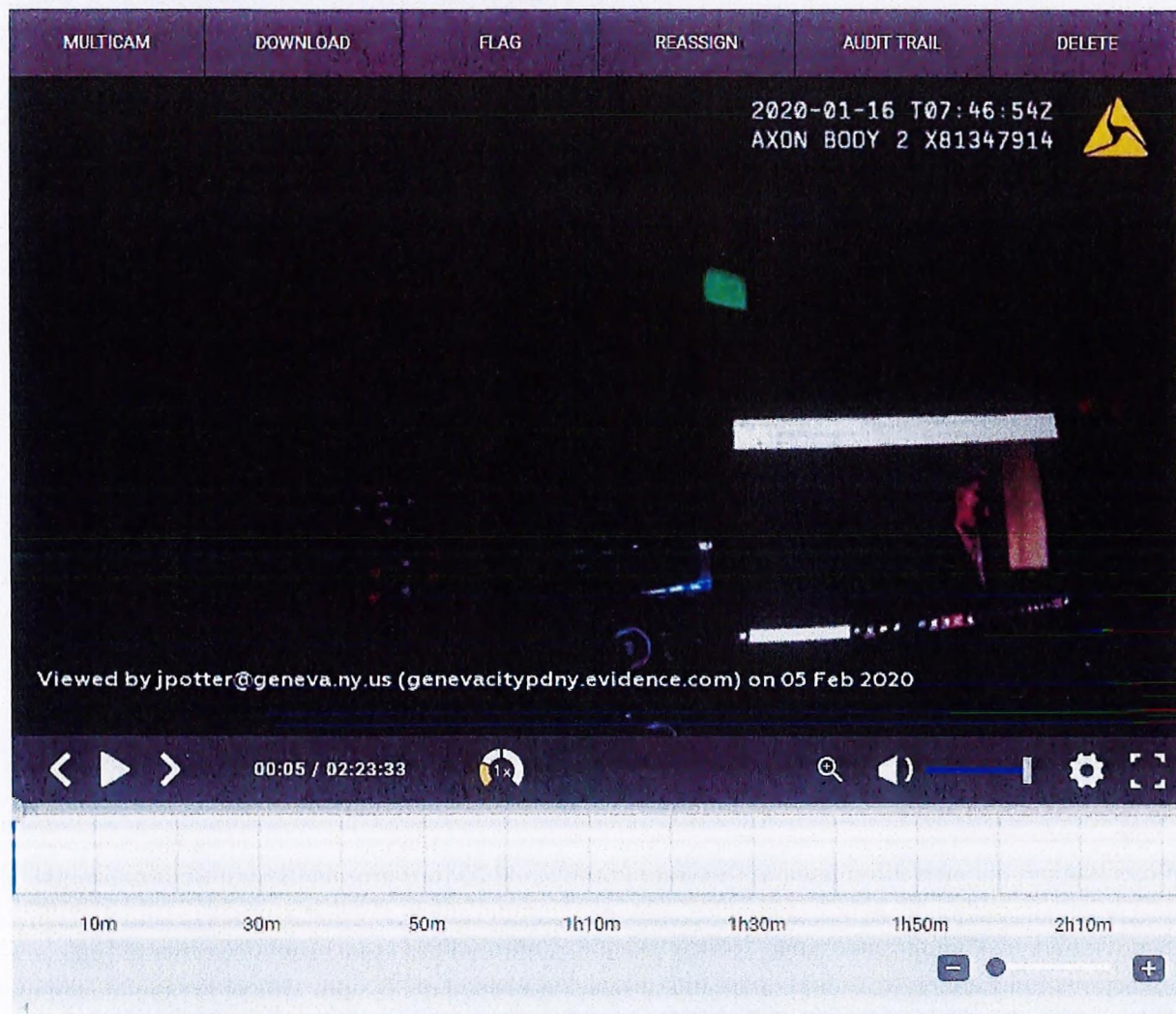
CATEGORIES

PD / MVA

Use of Force

Traffic Stop

Misdemeanor



This violates the following Geneva Police Department General Order policy:

- G.O. 305: Rules of Conduct

III. Neglect of Duty

- a. Officers and employees shall not engage in any activities or personal business which would cause them to neglect or be inattentive to their duties.

This pursuit continued east on State Route 5 and 20, then south of State Route 96a. Sgt Nolin checked the speed with Officer Wagner @ 0247. Officer Wagner reported via radio 83 mph. In Officer Wagner's incident report, he documented "I reached speeds of over 100 mph" and it should be noted that Officer Wagner's observations of the vehicle placed it at 95 mph, with a Radar confirmation of 96 mph. Other

Review of Vehicle Pursuit and Accident with Fleeing Vehicle Debris

CR: [REDACTED]

Incident Date: January 16, 2020

Officers Involved: Sgt Patrick Nolin, Sgt Nicholas Bielowicz, Officer Trevor Wagner

Dear Chief Passalacqua,

This Lieutenant has completed a comprehensive review of the events surrounding this Pursuit and the Motor Vehicle Crash that occurred at the conclusion of this pursuit, where Geneva City Police Vehicle GV 8 struck debris from the fleeing vehicle, a [REDACTED] following the crash of said vehicle.

Officer Wagner, initiated this pursuit at [REDACTED] when an eastbound vehicle passed his stationary patrol vehicle, GV 8 at a visually estimated 95 mph in the marked 45 mph speed zone. Officer Wagner confirmed his visual estimate with a set-up, stationary Kustom Talon (S/N: T4468) radar unit, displaying a speed of 96 mph. Officer Wagner began to pursue said vehicle. Officer Wagner activated his BWC (body worn camera) about 10 second into the pursuit. Its should be noted that the officer had a movie or show displaying on the City owned, patrol mounted computer at the start of his BWC video. See Photo:

Conclusion:

Overall, this pursuit was handled per policy. Sgt Nolin and Bielowicz closely followed this pursuit physically and policy wise. This department has had issues with many officers entering a pursuit due to it's exciting nature. That did not occur in this case. Officer Lloyd was who covering the east, floated and stationed at [REDACTED] and monitored the pursuit. Officer Steve, covering the west, did not involve himself at all. Officer Wagner pursued and the Sergeants followed at a 5-minute follow time frame. Ontario County 911 patched Seneca County into the radio system, so all jurisdictional law enforcement agencies could assist. This allowed Seneca County to follow the pursuit at a 3-minute follow time frame coming from their Safety Facility. When the suspect crashed, Officer Wagner was alone for approximately 2-minutes before Seneca County Deputy [REDACTED] arrived and the Sergeants arriving 5-minutes after the crash.

Areas for improvement:

Sergeants:

- With 2 Sergeants working, one Sergeant should have stayed in the City covering.
- Sgt Nolin: based on the radio traffic, should have demanded the air clear to directly check Officer Wagner's status; speed, location, etc. Relying on the radio traffic solely to follow Officer Wagner's status, works, but does not allow for all the critical risks listed in G.O. 410 (B.) Evaluation of Risks to be properly evaluated by the Sergeant, i.e. speed of the pursuit.
- Sgt Nolin – radio etiquette: being that Officer Wagner was in a pursuit, in the rain (wipers activated), sirens activated, and his heightened physical status, it is crucial that your microphone position, voice modulation and authoritative voice should be used during these situations. Upon reviewing your BWC video, your voice is faint and flat, making it difficult for this Lieutenant to hear what was said in an office setting, so it made sense that Officer Wagner replied with "can't copy" during this incident.

Officer Wagner:

- Officer Wagner was running stationary radar at [REDACTED] east on [REDACTED] on the south side of the road. When Officer Wagner activated his BWC, the patrol vehicle is in motion, no emergency lights were yet activated and a movie or TV show was playing on the City owned, patrol car mount computer.
- This is a direct violation of G.O. 305: **Rules of Conduct:**

III. Neglect of Duty

- b. Officers and employees shall not engage in any activities or personal business which would cause them to neglect or be inattentive to their duties.
 - Officer Wagner will receive progressive discipline on this by the Sergeants at this Lieutenant's direction.

Upon reviewing the Evaluation of Risks G.O 410:

B. Evaluation of Risks

1. The Officer must constantly evaluate the risks involved in initiating or continuing a pursuit. Factors to be considered are:

- | | |
|---|------------------------|
| a. reason for the pursuit/seriousness of the offense committed; | SPEEDING VIOLATION |
| b. traffic density/pedestrian volume; | TRAFFIC LITE |
| c. weather conditions (fog, snow, ice, rain, etc.); | RAINY |
| d. road type and conditions; | COUNTRY, 2 LANE, WET |
| e. time of day; | 0246 |
| e. police vehicle capability and reliability; | 2016 FORD PIU, AWD |
| f. danger to the public if the offender is not apprehended; | UNKNOWN |
| g. knowledge of the offender's identity; | UNKNOWN |
| h. operating skills and experience of the officer; | TRAINED 2009 |
| j. speeds involved. | 83 mph, "over 100 mph" |

The two unknowns, "Danger to the public if not apprehended" and the "offender's identity" support the continuation of this pursuit. These two criteria not being met, raise the risk verses reward level higher. It could be more of a public safety issue if this subject was not pursued and apprehended. These unknowns are inherently difficult to navigate.

Pursuit Termination G.O. 410.:

I. Termination of Pursuits

1. Officers shall immediately terminate pursuit under any of the following conditions:
 - a. when directed to do so by a Supervisor;
 - b. when circumstances develop indicating there is an unreasonable risk in continuing the pursuit;
 - c. when the identity of the offender becomes known and an arrest can be made at a later time, without risk of creating an unreasonable danger to the public;
 - d. when the location of the vehicle being pursued is no longer known by the pursuing officers;
 - e. when radio contact is lost with the Dispatcher;
 - f. when the pursuing officer becomes unfamiliar with the area and is unable to notify the Dispatcher of his location.

Upon review of all the circumstances of this pursuit, none of the Termination of Pursuit G.O. conditions were met calling for the officer to immediately terminate the pursuit.

- Based on the G.O., the Evaluation of Risks include the operating skills and experience of the officer is a factor in continuing a pursuit. Officer Wagner became an officer in May of 2009. His training file does not show EVOC training (assuming training was received in the Academy) since the Academy. The Sergeants were relying on his 10 years of service and experience operating police vehicles.
- Another factor is weather conditions. This night it was rainy and cold. During the entire pursuit, Officer Wagner, as well as Sgt Bielowicz (operating the vehicle with Sgt Nolin as the passenger) both had their windshield wipers on high.
 - a) Sergeants allowed the continuation.
 - b) No apparent unreasonable risk developed for cancelling the pursuit.
 - c) There no suspect information and the vehicle's information was not known.
 - d) Suspect vehicle was always in sight.
 - e) Radio contact was intact.
 - f) Officer Wagner continually gave cross road information as he passed them and his direction of travel, thus always able to notify dispatch of his location.

than the 0247 time, the Sergeants did not re-check Officer Wagner's status, including speed checks. An attempt was made to communicate with Officer Wagner, but the transmission was faint, thus Officer Wagner reports he could not copy Sgt Nolin, which led the 911 to the repeat the question of "do you have a visual on the vehicle." Officer Wagner reported he did have a visual on the vehicle, following this, there was no further communication from the Sgt Nolin to Officer Wagner.

The Sergeant's responsibility G.O. 410.:

G. Supervisor's Responsibility

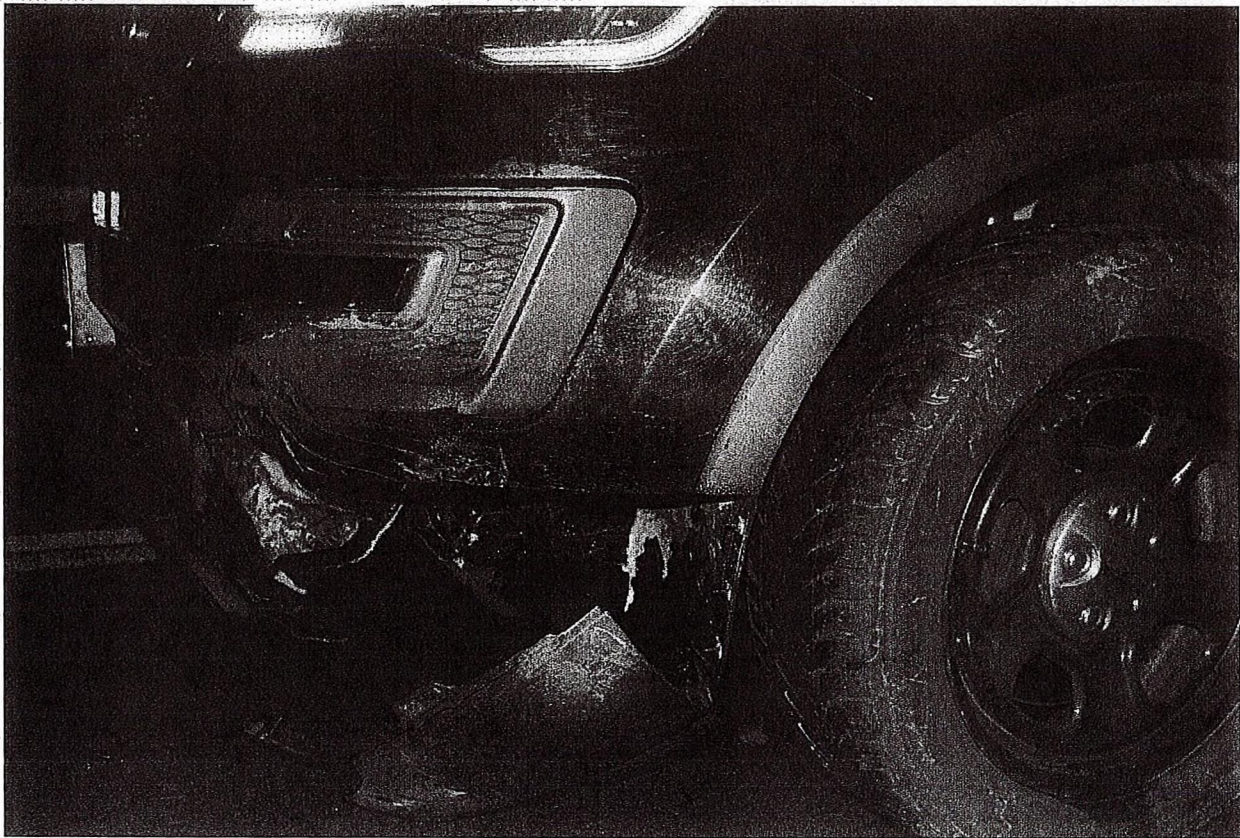
1. The duty Supervisor, or in his absence the OIC, upon notification of a vehicle pursuit in progress shall assume responsibility for monitoring and management of the pursuit. The Supervisor shall continuously monitor and evaluate the circumstances of the pursuit in order to determine if the pursuit should continue or be terminated. The Supervisor shall:
 - a. designate the primary and secondary unit for the pursuit;
 - b. approve and coordinate pursuit tactics;
 - c. direct additional units to assist when necessary; and
 - d. direct units to terminate the pursuit, when appropriate.
2. Whenever a pursuit ends in the apprehension of the suspect, the Supervisor shall respond to the scene and assume control of the investigation

"Continuously monitor and evaluate the circumstances of the pursuit" is mentioned. Sgt Nolin attempted to communicate directly with Officer Wagner, but had difficulty. When Sgt Nolin was questioned about this, he stated that when Seneca County 911 was patched in, it was difficult to communicate with Officer Wagner. Sgt Nolin was monitoring and evaluating the circumstances by actively listening to information from both 911 Centers and Officer Wagner to follow this portion of the policy.

- If Sgt Nolin asked for the air to be held and took control of the radio, could this have led to more direct communication with Officer Wagner? This may have given Sgt Nolin an opportunity to question current speed, thus learning speeds got over 100 mph, which may have led to a termination of the pursuit, possibly avoiding the crash of the suspect's vehicle, property damage and potentially serious injury to the suspect.

- During the pursuit, Officer Wagner maintained a professional, calm demeanor on the radio. This was a key factor in the pursuit being allowed to continue.
- At the conclusion of this pursuit, the suspect's vehicle was involved in a dramatic, violent crash, which destroyed the vehicle. Having first hand and a direct visual of this event is traumatizing and can cause hyper-focusing, or tunnel vision to anyone. Officer Wagner allowed this to cloud his judgment on how close to the actual accident scene he entered with his patrol vehicle, thus striking a large piece of the suspect's vehicle, namely the driver's side steering knuckle, wheel and strut assembly that was tore from the vehicle during the crash. Upon striking this, it caused severe damage to GV8. The following items were damaged:
 - Radiator: caused all the anti-freeze (coolant) and transmission fluid to leak out.
 - A/C condenser
 - Bumper cover
 - Driver's side grill light
 - Alignment
 - Engine cradle





- Total damages - \$5657.83
- Incidents like this will happen, but are avoidable. Officer Wagner should use this moving forward as a learning event and build on it. This is a huge officer safety issue with the unknowns in this incident, as spoken about in this report. If Officer Wagner needed to retreat quickly or depend on the GV 8 patrol vehicle to function properly for whatever reason, the vehicle only had about 10 minutes before overheating, rendering the vehicle unusable due to no coolant.

This concludes this Lieutenant's review of CR [REDACTED]

Respectfully submitted,

Lt. Jeffrey M Potter, 803
Geneva Police Department
Uniformed Lieutenant

Enclosures:

-  Geneva Police Department TraCS MV-104A
-  Geneva Police Department Incident Report
-  Seneca County Sheriff's Office TraCS MV-104A
-  Seneca County Sheriff's Office Incident Report
-  Ontario County 911 Center CAD Outline, Audio CD



GENEVA POLICE DEPARTMENT

EMPLOYEE WARNING RECORD



Employee Name: Trevor Wagner

Shift: Nights 10:30p-7a

Time: 0420 AM

Date of Warning: 1/12/2020

WARNING

Date of Violation: 1/9/2020

Nature of Violation: Substandard Work

Time of Violation: 0315 (If Other - Explain): GO 305 (11)

Place of Violation: [REDACTED]

COMPANY REMARKS

PO Wagner responded to a disturbance at [REDACTED] PO Wagner interviewed [REDACTED] briefly, and let [REDACTED] walk away into a room and shut the door. PO Wagner failed to maintain any visual with the suspect and went back into the office. A short time later, [REDACTED] came into the doorway of the office and started arguing with PO Lloyd. PO Wagner stood there facing PO Lloyd instead of the suspect with his hands tucked into his vest. PO Wagner then walked over to the suspect and tried to close the door and ended up in a pushing match with [REDACTED] and ended up slamming his left toe in the door. PO Wagner never gave the suspect any verbal commands. Once the door was closed, PO Wagner turned his back and walked away from the door.

PO Wagner violated GO 305 (11) that states "a. Officers shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Officers shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, grade, or position; the failure to take appropriate action, the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance; repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the department.

**See attached incident reports, supplements reports and body camera video.

Employee Has Been Warned Previously: ☒ YES ☐ NO

Date of Previous Warnings: 3/14/2019

Form of Warning: Counseling Memo

Warned by Whom: Sgt. Bielowicz

EMPLOYEE'S REMARKS RE: VIOLATION

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

ACTION TO BE TAKEN

Counseling Memo / BWC Review / Closer Supervision for 2 weeks + re-evaluate performance

Approved by: Michael J. Passelacqua *[Signature]* Chief of Police
Name Signature Title
Date: 1/10/2020

I have read this "warning" and understand it.

Employee Signature *[Signature]* Date 1/17/2020 Supervisor Signature *[Signature]* Date 1/17/2020
DISTRIBUTION OF COPIES:
☒ Employee ☒ Chief of Police ☒ Personnel Dept. ☒ Supervisor ☐ Union Rep.