

Malone Village Police Department
2 Police Plaza
Malone, New York 12953

Ronald E. Reyome
Chief of Police

1-518-483-2424
MPDChief@westelcom.com

To: All Members

From: Chief Ronald E. Reyome

Date: April 5, 2004

Re: Officer Pickreign's resignation

As of today's date, Officer Pickreign has handed in his letter of resignation and is no longer a member of this Department. No one is allowed to say anything to anyone outside this Department in regards Mr. Pickreign's work performance or anything job related. This is a DIRECT ORDER and any member violating this order will be disciplined appropriately. This directive NEEDS to be followed. If you have any questions you can speak with me.

Read and Initial Below

Handwritten initials and signatures:

- JS
- RS
- MS
- CS
- DS
- MS
- DF
- BSM
- CO
- AS
- ZDF
- CVP
- DSM
- JAR

Malone Village Police Department
2 Police Plaza
Malone, New York 12953

Ronald E. Reyome
Chief of Police

1-518-483-2424
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February 26, 2004

TO: Officer Robert Pickreign
FROM: Asst/Chief Vernon N Marlow Jr

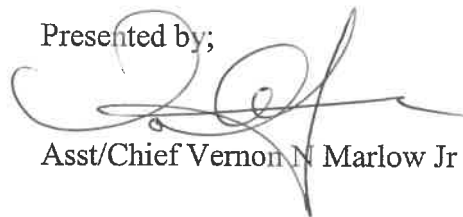
Subj: Inquiry for possible disciplinary action

Officer Robert Pickreign you are to make yourself available in Chief Ronald Reyomes office on Thursday, March 4th 2004 in the afternoon at 1400hrs.

The purpose of this meeting is to address concerns that the Chief and myself have that may lead to disciplinary action against you. In order to ensure that your interests are protected it is strongly suggested that you appear with counsel or at the very least your Union Representative.

Naturally any questions that you might have will be answered at that time and not before.

Presented by;



Asst/Chief Vernon N Marlow Jr

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2 ~~Police~~ Plaza
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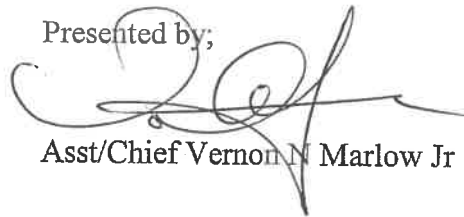
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Presented by;



Asst/Chief Vernon N Marlow Jr

Today's date is March 4th, 2004 the time is 11:55. The location is Chief Reyome's office at the Malone Village Police Department. Today meeting is for inquiry for possible disciplinary action against Patrolman Robert Pickreign.

In attendance are myself Chief Ronald Reyome, Asst. Chief Vernon Marlow, Patrolman Robert Pickreign, Union Attorney John Carrotty and ~~Union President Patrolman David Merriek~~.

Officer Pickreign was given a letter requesting his presence at this meeting on February 26, 2004 and advising him that he should appear with his counsel and or Union Representative. Officer Pickreign is represented by both his Union attorney and Union president.

Is this correct?

I want to start off by advising Officer Pickreign that he is not to discuss the details of this matter with anyone outside this room and any retaliation or harassment towards the witnesses in this matter will not be tolerated. This is whether it comes from Officer Pickreign himself or from his family and friends.

Is this understood?

I Been Given the Authority to give you
~~You have~~ the option to Resign.

If not we have no choice to pursue the
matter both Civilly and criminally.

Department Badge / ID

Personal Item's is locked

Tried Contact CLOTTY 4/15 3-6-04

Vacation / Holiday / Personal

Sick Leave Abuse

Review of Tape Recording

- 1) Acknowledgement of Letter of Notice
- 2) Acknowledged prior sick time use
- 3) Can see a definite pattern current sick time use
- 4) Tried not to take any sick miss the sick time Bonus check
- 5) Sure enough - ON Definite Pattern
- 6) Sometimes used sick time for lack of sleep
- 7) Insomnia? Under no Doctor
- 8) No explanation for sick use

Response Time call

- 1) Remembers incident on Sept. 15 03
- 2) STOP TO UNWATED before Responding to call
- 3) STATED he was heading to STATION to UNWATE But in FAET was heading AWAY from STATION
- 4) Admitted going up through Indian Trails then AROUND TO the Rec Point.
- 5) STATED he was only a second or two Behind BRIAN. (Impossible)
- 6) Denied meeting officer Smith
- 7) ADMITTED to the possible Dangers of A Domestic
- 8) AT the time it seemed prudent. I don't think so now sir.
- 9) What if there had been a weapon involved?
It didn't occur to me.
- 10) What did you learn in Basic Training about Domestic? (A) That there could be A weapon involved.

11) A lot of serious things could occur at a Domestic Complaint. Correct? ~~OK~~
(A) Correct Sir

12) What was happening when you arrived?
(A) Brian was sitting and talking

13) Dec 21, 2003 Nite Life Bar
Recalls the incident

14) Car stopped at CONSTABLE ST. NEAR Sgt Stone's residence

15) Did he (Mulvanhill) at scene before you.
I don't know maybe same time

16) Subject wasn't called before I got there.
(Mulvanhill says he was)

17) Did officer Mulvanhill arrive before you did?
(A) Yes I believe so

18) Can You explain why officer Mulvanhill arrived prior to you. (A) There's no reason why
Got there as fast as I could light & Siren. Fast
as I could

- 19) I have no explanation
- 20) I don't remember anything in front of me
- 21) Charges wrong. I think there was a car in front of me that few seconds getting over.

Give keys to the tow truck guy. How to my car.

(Check with Tow Truck Company)

- 22) Officer Mulvihill was trying to cuff him.

Burglary Complaint

- 1) Did she tell you that her ex-husband entered her apartment and stole some items.
(A) Yes I believe so.
- 2) Did she tell you that her son witnessed this?
(A) I believe so, yes
- 3) ~~Did she~~ Made assumption that the property was marital - Didn't ask something I should of asked
- 4) Is this in fact a civil complaint? ^(A) I would say No
- 5) Reason for Handling it that way? (A) I didn't see a Burglary.
- 6) Knew they did not live together
- 7) Looking Back on that could you see where there was A mistake involved. (Yes)

Waters' Camp Claim

- 1) checked Voluntary statements. Change afternoon to night. ~~Un~~truelled - says statement is ^{true} correct.
- 2) slipped, snow, ice sludge. Hit my leg on Door 5A
- 3) Didn't hit Ground
- 4) You had no problems with your leg until after the traffic stop (No)
- 5) ~~What~~ You had no problems with your leg during the actual traffic stop. (A) Don't believe so
- 6) What you mean you don't believe so-? (A) No No
- 7) How was your leg when you arrived to work on Feb 4th (A) It was fine
- 8) You didn't have any problem limping with your leg?
(A) No (Long Hesitation) My toe hurt a little bit But that's about it.
- 9) Toe Bothers quite often, BUT NOT A Limp

- 10) ~~that we had~~ Did your leg bother you on Feb 3rd the day before you returned to work? (A) No
- 11) My toe hurt, You weren't limping? Might have been light on it.
- 12) You ^{just} told me that you don't limp with toe.
(A) Well when it acts up I do (changes strong)
- 13) Repeated Question - On the day you came to work you were not limping? (A) I don't believe so -
- 14) ^(toe) It's not going to be an obvious limp where anyone is going to notice you: (A) I wouldn't believe so
- 15) B witness saw you limping in obvious pain
(A) That's possible

I remember it hurting the day before I got in that accident


- 16) Why do you remember that it hurt that day?
(A) (Cause you're making me remember it)

- 17) I'm pretty sure it was throbbing that night
It started the day before.
- 18) Why did start the day before? (A) weather
related, I don't know.
- 19) Did not go to Doctor for it.

Left to Garage to show how he fell

- 20) Conversation with Russell - Denies. Saying
Russell asked him if he sprained his ankle or
stepped on a nail - Nah something like that.
- 20) When you went into the store, did your leg
bother you or were you limping. ~~Yes~~
(A) I don't I believe I was. If it did it was
because of my boots and my toe
- 21) Video shows you were walking in the store with
an obvious limp - (A) That's possible ~~change~~
(Changed story)

Pickberger 19.12 per hour



160hr. Vacation x 19.12	=	\$1 3,059.20
12hrs Holiday x 19.12	=	\$ 229.44
Sick Time 169 x 19.12	=	3,231.28
3) Month Salary	=	3,314.18
		3,314.18
		<u>3,314.18</u>
		16,462.46

Health Insurance for a Period of Time
asked for a year.

Payment at all accrued time

Continue on Pay Roll 90 Days.

Request extension on 8-day answer period



POLICE DEPARTMENT
Village of Malone
2 Police Plaza
Malone, New York 12953-1601

(518)-483-2424
(518)-483-2426 FAX

Ronald Reyome
Chief of Police

To: Whom it may concern

From: Robert A. Pickreign

Subj: Pay Check

It is my request that my union representative, David J. Merrick, be authorized to pick up any and all paychecks at the department that are for me and referenced to me. My union representative will forward these checks and pay stubs to me. This is the way that I would like to handle the issue of pay at this time and until further notice.

Thank you for your attention,

Ptl. Robert A. Pickreign

A handwritten signature in cursive script, appearing to read "R. Pickreign".

03-7-04

3/4/04 14W OES

Sick Leave Abuse

In May of 1995 disciplinary charges were brought against you for abuse of sick time. Called in with flu symptoms and later went to a party in town and drank alcoholic beverages. The charges were founded and warranted. Is this correct?

On January 9th 2004 you reported sick for your night shift tour. This fell on the day prior to your four day break or long weekend. It was brought to our attention that this was done on several occasions.

We checked and found that the last six sick days that you took came on the day just prior to either a 3 or 4 day break. They are broken down as follows.

06/11/02 - day prior to 3 day break and vacation

08/13/02 - day prior to 3 day break

02/07/03 - day prior to 4 day break

05/02/03 - day prior to 4 day break

09/05/03 - day prior to 4 day break

01/09/04 - day prior to 4 day break

01/29/04 - day after holiday leave

Can you explain why you only get sick on the day before a long break?
for why it fell not pattern

Do you see a definite pattern in your sick time use? *yes*

Do you have any explanation for this? *no explanation*

50 days of sick time used since January of 2002 *in January & September*

21 personal or holiday leaves taken prior to or after 3 or 4 day breaks

porate or otherwise, public or private, engaged in business, commercial, professional, industrial, eleemosynary, social, political or governmental activity.

2. "Business record" means any writing or article, including computer data or a computer program, kept or maintained by an enterprise for the purpose of evidencing or reflecting its condition or activity.

3. "Written instrument" means any instrument or article, including computer data or a computer program, containing written or printed matter or the equivalent thereof, used for the purpose of reciting, embodying, conveying or recording information, or constituting a symbol or evidence of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.

§175.05 Falsifying business records in the second degree.

A person is guilty of falsifying business records in the second degree when, with intent to defraud, he:

1. Makes or causes a false entry in the business records of an enterprise; or
2. Alters, erases, obliterates, deletes, removes or destroys a true entry in the business records of an enterprise; or
3. Omits to make a true entry in the business records of an enterprise in violation of a duty to do so which he knows to be imposed upon him by law or by the nature of his position; or
4. Prevents the making of a true entry or causes the omission thereof in the business records of an enterprise.

Falsifying business records in the second degree is a class A misdemeanor.

§175.10 Falsifying business records in the first degree.

A person is guilty of falsifying business records in the first degree when he commits the crime of falsifying business records in the second degree, and when his intent to defraud includes an intent to commit another crime or to aid or conceal the commission thereof.

Falsifying business records in the first degree is a class E felony.

§175.15 Falsifying business records; defense.

In any prosecution for falsifying business records, it is an affirmative defense that the defendant was a clerk, bookkeeper or other employee who, without personal benefit, merely executed the orders of his employer or of a superior officer or employee generally authorized to direct his activities.

§175.20 Tampering with public records in the second degree.

A person is guilty of tampering with public records in the second degree when, knowing that he does not have the authority of anyone entitled to grant it, he knowingly removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any record or other writ-

§175.25 Tampering with public records in the first degree.

A person is guilty of tampering with public records in the first degree when, knowing that he does not have the authority of anyone entitled to grant it, and with intent to defraud, he knowingly removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any record or other written instrument filed with, deposited in, or otherwise constituting a record of a public office or public servant.

Tampering with public records in the first degree is a class D felony.

§175.30 Offering a false instrument for filing in the second degree.

A person is guilty of offering a false instrument for filing in the second degree when, knowing that a written instrument contains a false statement or false information, he offers or presents it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant.

Offering a false instrument for filing in the second degree is a class A misdemeanor.

§175.35 Offering a false instrument for filing in the first degree.

A person is guilty of offering a false instrument for filing in the first degree when, knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation. (Eff. 11/1/98, Ch. 99, L. 1998)

Offering a false instrument for filing in the first degree is a class E felony.

§175.40 Issuing a false certificate.

A person is guilty of issuing a false certificate when, being a public servant authorized by law to make or issue official certificates or other official written instruments, and with intent to defraud, deceive or injure another person, he issues such an instrument, or makes the same with intent that it be issued, knowing that it contains a false statement or false information.

Issuing a false certificate is a class E felony.

§175.45 Issuing a false financial statement.

A person is guilty of issuing a false financial statement when, with intent to defraud:

1. He knowingly makes or utters a written instrument which purports to describe the financial condition or ability to pay of some per-

§195.16 Obstructing emergency medical services.

A person is guilty of obstructing emergency medical services when he or she intentionally and unreasonably obstructs the efforts of any service, technician, personnel, system or unit specified in section three thousand one of the public health law in the performance of their duties.

Obstructing emergency medical services is a class A misdemeanor.

(Eff. 11/1/03, Ch. 600, L. 2003)

§195.20 Defrauding the government.

A person is guilty of defrauding the government when, being a public servant or party officer, he:

(a) engages in a scheme constituting a systematic ongoing course of conduct with intent to defraud the state or a political subdivision of the state or a governmental instrumentality within the state or to obtain property from the state or a political subdivision of the state or a governmental instrumentality within the state by false or fraudulent pretenses, representations or promises and

(b) so obtains property with a value in excess of one thousand dollars from such state, political subdivision or governmental instrumentality.

Defrauding the government is a class E felony.

ARTICLE 200 - BRIBERY INVOLVING PUBLIC SERVANTS AND RELATED OFFENSES

Section

- 200.00** Bribery in the third degree.
- 200.03** Bribery in the second degree.
- 200.04** Bribery in the first degree.
- 200.05** Bribery; defense.
- 200.10** Bribe receiving in the third degree.
- 200.11** Bribe receiving in the second degree.
- 200.12** Bribe receiving in the first degree.
- 200.15** Bribe receiving; no defense.
- 200.20** Rewarding official misconduct in the second degree.
- 200.22** Rewarding official misconduct in the first degree.
- 200.25** Receiving reward for official misconduct in the second degree.
- 200.27** Receiving reward for official misconduct in the first degree.
- 200.30** Giving unlawful gratuities.
- 200.35** Receiving unlawful gratuities.
- 200.40** Bribe giving and bribe receiving for public office; definition of term.
- 200.45** Bribe giving for public office.

3/4/04 3/4/04 RT

3/4/04 Reaching Gordon & Peckham

1400 1400

Charge 210.45 Added

Charge 3 Not sick

Charge 8 add written STATEMENT

attorney on Bargaining Agent

Notice of Suspend pending completion

Affidavit of Service

Call the Mayor.

: Provided, However, that such hearing
will be held within 30 days of the date hereof

3/6/04 Inventory of lockers of Robert Pickveign

left locker

- black funeral badge band
- pants 46 R
- black leather pants belt
- MPD magnetic sticker
- NY S Union of Police Sticker
- black duty belt containing:
 - ring baton holder
 - OC spray + leather holder
 - ring flashlight holder
 - 4 belt keepers
 - expandable baton + leather holder
 - 2 pairs handcuffs + leather holders
 - 1 vinyl pouch containing 1 pr rubber (white) gloves + cpr face shield + pouch
 - holster
 - magazine holder containing 2 Glock magazines each w/ 15 rounds ammo in them
 - belt buckle

- MPD ball cap
- 2 empty handcuff cases
- fur collar for winter coat
- pair of Winchester sunglasses
- black vinyl pouch containing 1 pair white rubber gloves
- black duty belt with "Pick" name inside w/ belt buckle
- bottle Kiwi edge dressing

3/6/04 Inventory of lockers of Robert Pickreign
right locker

Summer uniform hat
pair white dress uniform gloves
2 black hat bands

2¢

3 boxes Federal 40 cal ammo 50 rounds each

Serving since 1994 silver pin inside plastic carrier

6 boxes Remington 40 cal ammo each containing 25 rounds

1 box " " " " containing 23 rounds

1 box " " " " containing 10 rounds

plastic cup containing 43 40 cal bullets

3 more pennies

1 cuff link

1 flag w/cross pin

1 master lock hanging inside

6 XXL short sleeved shirts

1 Dept windbreaker size 52-54 containing:

- NFFCU receipt
- raffle ticket
- check stub 02304
- 6 shopping receipts
- Dr Gallagher business card
- No Country Realty business card

Failed to Respond to calls in a timely fashion

On September 15th, 2003 you were counseled by Asst. Chief Marlow considering response time to complaints. You denied these allegations, but were advised that the situation would be monitored and if further incidents occurred corrective measures would be initiated.

Do you recall this session with Asst. Chief Marlow? *yes*

Do you remember what this particular incident was about?

Can you explain as to why it took you so long to respond to this call, when you were actually closer to the scene than the other officer?

stopped & waited, process of going to station to wait
On ~~February~~ ^{December} 9, 2004 do you recall an incident that took place at the Nite Life bar where an individual was armed with a knife and that a subject was injured? *yes*

Where were you when you received the complaint? *South Webster St. West end four wheels, remember could be snow*

How long did it take you to arrive at the scene? *got there as soon as I could*

What did you observe when you arrived?

Why did it take you so long to respond? When officer Mulverhill received the call at the station, dispatched you, then notified fire control and still arrived at the scene minutes before you did. Can you explain how that is possible? *not an exaggeration the response time*
possibly

Failed to investigate Burglary Complaint

On November 24, 2003 do you remember handling a criminal mischief complaint by a Tammy Rivers at 21 Shepard Street? *yes*

What did Ms. Rivers report to you that night? *Car DAMAGED*

Did she report any other crimes at the time involving her ex-husband?

in court several, got in the truck

Did she tell you that her ex-husband entered her apartment and removed several items from her residence? *yes please so. what's making complaint @ that time*

Did she tell you that her son had witnessed her ex-husband do this? *I please so*
yes

What was your response to her?

Did you advise that it was a civil matter and that the police department could not handle it? *Don't recall...*

If so why?

Failed to Assist Fatal Accident

Do you recall the John Tryon incident that took place on May 22nd 2001? *yes*

What did you observe when you arrived at the scene? *smell on fire going on ground Allen Smith*

Was there any possibility that the subject was still alive? *I don't believe so*

What did you do when you arrived at the scene of the accident? *told dispatch where Henderson Smith pulled him back away from*

Did Ptl. Smith tell you that the subject needed to be pulled out of the fire to assess him for any signs of life?

Did you assist? *yes*

Did Ptl. Smith ask you to help him do this? *may have, gave me a hand*

If so why did you not assist?

Did you refuse to help him?

Did you tell Ptl. Smith that it was his mess and that you were not going to touch the subject? *no*

Did you say that you did not want your fingerprints on the subject? *no (maybe)*
both wings, no idea why

Can you explain your actions?

I pulled him from steel on fire both wings

Filing False Workman's Comp Claim

How did you injure your leg? Explain in detail.

So it occurred after the traffic stop when you were getting back into the car, is that correct? *yes*

So you had no problems with your leg during the actual traffic stop? *no*

Have you ever injured that leg before?

How was your leg when you arrive to work on February 4, 2004? *fine*

Did you have any problems with it prior to reporting to work that day?

On February 4, 2004 did you report to your Supervisor Sgt. Fountain that you injured your leg while getting back into the car after a traffic stop? *yes*

Were you being truthful when you advised him of that? *yes*

On Feb 5, 2004 you came in the station and reported to me that you would be off of work at least until the 12th of February. I asked you how it happened and you informed me that after a traffic stop you were getting back into and you slipped and fell, hitting your leg against the car. Causing you to have a crack tibia. ~~Is~~ this correct? *yes*

Were you being truthful when you advised me of this? *yes*

Did your leg bother you on February 3rd the day before your returned to work on the 4th? *no for sure*

So you weren't limping? *light on it*

I have three eye witnesses saying that on Tuesday the 3rd of February you were limping and were in obvious pain. Do you deny this? *That's possible it bothered me what they, my foot*
Why would these people make this up?

So your saying that you were not hurt at all until after the traffic stop 21:34 hrs. Is this correct? *yes*

When you got to work on the night of the 4th of February you put your uniform on and went out on patrol is that correct? *yes*

What did you do when you first went on patrol?

Did you stop anywhere prior to your stop at 21:34hrs?

Did you stop at Sunoco that night for coffee prior to the stop? *yes*

Were you limping or did your leg bother you when you went into the store? *I don't know? so if I did it was my foot*

Are you aware that Sunoco has video surveillance at their store? *yes*

I have that video tape from the store on the night of February 4th. You walked into the store at approximately 2018hrs. Over an hour before you alleged that you were injured. It shows you walking into the store with a obvious limp. Can you explain this? *It was my foot, that's possible. To the hospital before my accident.*

Malone Village Police Department
2 Police Plaza
Malone, New York 12953

Ronald E. Reyome
Chief of Police


1-518-483-2424
MPDChief@westelcom.com

March 6, 2004

MEMO TO: PATROLMAN ROBERT A. PICKREIGN

FROM: POLICE CHIEF RONALD E. REYOME

In accordance with Section 2.4 of the Rules and Regulations of the Malone Village Police Department I am suspending you with pay for a period of thirty (30) days pending disciplinary action for your violations of said Rules and Regulations.

Received Copy
3-6-04 4:42 PM
x 

Robert A. Pickreign
43 Rennie Street
Malone, NY 12953

March 5, 2004

Re: Disciplinary Charges

Ptl. Robert A. Pickreign,

In accordance with the provisions of Section 75 of the Civil Service Law of the State of New York, you are hereby notified that the following charges are preferred against you;

CHARGES

- Charge 1** You have violated Article 6 of the Department's Rule of Conduct, specifically Article 6.2.34. Obey the laws and ordinances which he is obligated to enforce.
- Specification 1** On February 5th 2004 you violated New York State Penal Law Section 175.05 sub 1 by making a false entry into the log book of the Malone Village Police Department by signing out at 0155hrs and indicating that you were injured.
- Specification 2** On February 4th, 2004 thru March 4th, 2004 you violated New York Penal Law Section 110/195.20 Attempted Defrauding the Government by falsely claiming that you were injured during your shift of duty reporting same to your immediate supervisor and the Alice Hyde Hospital, logging out your injury in the Department's log book. Reporting the same to your personnel physician and to the Chief of Police. You also initiated paper work for the New York State Worker's Compensation Board.
- Specification 3** On February 7th, 2004 you violated New York Penal Law Section 210.40 Making an apparently sworn false statement the first degree. You issued a written statement to the Chief Police, falsely claiming injury while on duty and in fact were injured prior to reporting to work. You did this within the intent of misleading the Chief of Police in order to obtain New York State Worker's Compensation benefits.
- Specification 4** On February 7th, 2004 you violated New York Penal Section 210.45 Making a punishable false written statement. You issued a written statement to the Chief of Police, falsely claiming injury while on your tour of duty.

- Charge 2** You have violated Department Rules and Regulations, specifically Article 10.1.20 Knowing make a false report, written or oral.
- Specification 1** On February 4th, 2004 you falsely reported an injury to your immediate supervisor, Sgt. Dean Fountain.
- Specification 2** On February 5th, 2004 you falsely log out with an injury in the Malone Village Police Department's log book.
- Specification 3** On February 5th, 2004 you falsely reported to Chief Ronald Reyome that you were injured while working your tour of duty.
- Specification 4** On February 7th, 2004 you gave a false written statement to Chief Ronald Reyome in regards to you injuring yourself during your tour of duty.
- Charge 3** You have violated Department Rules and Regulations, specifically Article 10.1.7 Being absent from duty without proper authorization.
- Specification 1** You had disciplined charges in 1995 brought against you for abusive sick leave and they were found to be warranted. From January of 2002 thru January 9th, 2004 you have used a total of fifty sick days. During that period of time practically all of your individual sick days were used either prior to or after your three or for day break and you were not sick on all of the days of any.
- Specifically seven straight sick days used. Same being
06/11/02 - day prior to 3 day break and vacation
08/13/02 - day prior to 3 day break
05/02/03 - day prior to 4 day break
09/05/03 - day prior to 4 day break
01/09/04 - day prior to 4 day break
01/29/04 - day after holiday leave
- Charge 4** You have violated Department Rules and Regulations, specifically Article 10.1.9 Incompetency or inefficiency in the performance of duty.

Specification 1	<p>On September 14, 2003 you were dispatched to a possible domestic in process at 23 Branch Street Malone, New York. At the time of the call you were in fact closer to the scene that the officer that was also working your tour of duty. The other officer arrived a about five minutes prior to your arrival. Instead of immediately responding to the</p> <p>scene you intentionally drove away from it and failed to respond in a timely manner considering the possible nature of the call. Putting in jeopardy the well being of your fellow officer and civilians who were at the scene.</p>
Specification 2	<p>On December 21st, 2003 you were dispatched to a disorderly complaint at the Nite Life Bar located in the Village of Malone, New York. At the time that you were dispatched you were advised that there was a knife involved and that an individual had been injured. You failed to respond in a timely fashion putting in jeopardy the well being of your fellow officer and civilians who were at the scene.</p>
Charge 5	<p>You are in violation of Department Rules and Regulations, specifically</p> <p>Article 10.1.2 Failure to Perform Duty</p>
Charge 6	<p>Article 10.1.9 Incompetency or inefficiency in the performance of duty.</p>
Charge 7	<p>Article 10.1.56 Failure to take, record and act upon complaints except as prescribed by Department orders.</p>
Specifics 1 (Charges 5,6,7)	<p>On November 24, 2003 you were advised by the complainant Tammy Rivers that her ex-husband Cliff Rivers had entered her apartment without permission and stole several items belonging to the complainant. You failed to record and investigate this complaint and incorrectly advised the complainant that this was a civil matter.</p>
Charge 8	<p>Insubordination to Superior Officer</p>
Specifics 1	<p>On February 4th, 2004 you intentionally gave false information to your Supervisor Sgt. Dean Fountain, same being that you injured your leg during your tour of duty.</p>
Specifics 2	<p>On February 5th, 2004 you intentionally gave false information to Chief Ronald Reyome, same being that you injured your leg during your tour of duty.</p>

Specifics 3

On March 4, 2004 during an inquiry to possible disciplinary actions you intentionally gave false information to Chief Ronald Reyome and Asst. Chief Vernon Marlow, same being that you injured your leg during your tour of duty.

Specifics 4


On February 7th, 2004 you gave Chief Ronald Reyome a false written statement where you alleged that you were injured during your tour of duty.

You are allowed until the 14th day of March 2004, within which you may make and file your answer, in writing, to these charges. Such answer should reach this office of the undersigned, at 2 Police Plaza Malone, New York at or before 5:00pm on said 14th day of March 2004. You are entitled to a hearing on the attached charges and to be represented at such hearing by an attorney or bargaining agent. You should be prepared at such hearing to present such witnesses and other proof as you may have in your defense against these charges.

If you choose to have a hearing, it will be held at the earliest convenience to both parties involved.: Provided, however, that such hearing be held within thirty (30) days of the date hereof. It will be held on the first floor of the Village Offices at 14 Elm Street Malone, N.Y. The hearing will be conducted by a hearing officer who will be duly designated for that purpose in accordance with Section 75 of the Civil Service Law of the State of New York.

If you are found guilty of the above listed charges, the penalty, or punishment imposed on you, may consist of either dismissal from service, demotion in grade and title, suspension without pay for a period not exceeding two months, and fine not exceeding \$100.00, or a reprimand

All further notices and communications addressed to you in connection with these charges will be mailed to at your latest address on record in the Department's personnel records or will be personally handed to you.

 March 6, 2004
Ronald E. Reyome Date
Chief of Police

 March 6, 2004
Mayor Village of Malone Date

MALONE POLICE DEPARTMENT
INCIDENT REPORT

COMPLAINANT: Tammy Rivers

CASE# 8-A-5976

ADDRESS:

PHONE:

LOG: # 2822

RECEIVED: vnm

DATE/TIME: 11/24/03 0610hrs

OFFENSE: Criminal Mischief

DATE/TIME: overnight

LOCATION: same

ASSIGNED: Pickreign

SUSPECT: Clifford Rivers

NYSPIN ☐ YES ☐ NO

JUVENILE ENTRY ☐ YES ☐ NO

Comp called and reported that the above has damaged her vehicles parked in her driveway. Reported that the veh had been keyed and some windshield wipers on other veh's had been bent.

Pickreign assigned/vnm

Spoke with Tammy who stated that Last night at about 2300hrs she heard someone outside of her apartment in the driveway . She went out to her balcony and saw her exhusband Cliff Benware walking down the driveway beside her vehicles. She didn't think much of it at the time because Cliff's father lives in the apartment below hers but this morning when she went out to her vehicle to go to work she noticed that the windshield wiper and antenna were bent. After looking more closely at the car she discovered it had been keyed down the entire passenger side, the same location that she had seen Cliff. Standing. The vehicle is a 1995 Chrys bearing NY registration # AZL5859. After checking her car she checked her other vehicle which was also parked in the driveway a 1993 Dodge pick-up bearing NY registration # CKE8444 she found that someone had also bent the antenna on same.

Photos of the damage were taken by the camera in #702 Tammy was unable to give a statement at this time due to having to be at work she will come in as soon as she can to give one. Also advised her that we will need a estimate of the damage. She stated that she will get one and provide us with a copy.

Pending RAP

Tammy came into the station and gave a statement. Same forwarded to investigating officer. CJP

Attempted to contact Cliff Rivers concerning the complaint met with negative results will continue to try. The complainant supplied me with a copy of the estimate to the damage on her vehicle same was \$722.76 .

Pending RAP

12-09-03 Was able to locate Cliff Rivers at his fathers apartment [REDACTED] [REDACTED] downs stairs apartment. Cliff did not want to come to the station for an interview but did speak to me concerning the complaint. He denied doing the damage and stated the night the damage was done he had spent the night at his fathers but did not see or hear anyone outside because of his state of intoxication. He also stated that Tammy has a lot of people coming and going from her apartment and any one of them could have done it. He further added that a few weeks ago someone had put sugar in Tammy's gas tank and that she has many enemies.

Spoke with Sgt Fountain who advised me to speak to Det Collette and to possibly interview Cliff again along with him.

RAP

12-14-03 Set up an interview with Cliff Rivers for 12-17-03 1600hrs the first day that I and Det Collette are working together also spoke with Det Collette and advised him of the complainant .

Pending RAP

12-17-03 1600hrs

Interviewed: Clifford Rivers 12-4-69 Miranda 1604hrs

Met with Cliff at the station and he stated and he stated he would speak with me for the time being without his lawyer present. Conducted about 15 minute interview with Cliff. Upon bringing up his possible involvement and criminal charges he stated that he felt this is where he needs his lawyer. He also stated that he was not dumb enough to commit a crime where he could be seen, if he were to commit one, which he did not. Interview was terminated at 1620 hrs. NO further leads at this time. Investigating officer advised.

CJC

No other leads at this time

RAP

January 14th, 2004

TO: Chief Ronald Reyome
FROM: Asst/Chief Vernon N Marlow Jr
Subj: Ptlm Robert Pickreign (sick leave abuse)

Chief;

On January 9th, 2004 the aforementioned member called this department and booked sick for his night shift tour of duty indicating that he had "flu symptoms". (see page #364 and entry #4284 of log book #103).

This action by Ptlm Pickreign resulted in forcing one of the afternoon shifts members to stay over and work a double shift (16 hours straight). A further review of this action revealed that the use of the sick day happened to fall on the day prior to Ptlm Pickreigns four (4) day break or long weekend.

It was brought to this investigators attention that this member is constantly using his accrued sick leave in this manner in order to begin his long break early or extent his days off. A review of our departmental records revealed that within the past 18 months this member has in fact used his sick leave inappropriately.

The following dates have been recorded on this departments work schedule as sick days used by Ptlm Pickreign and all were taken either on the day prior to his scheduled days off or at the end of same in order to extent his time off:

06/06/02 - day prior to three (3) day break and vacation

08/13/02 - day prior to three (3) day break

02/07/03 - day prior to four (4) day break

05/02/03 - day prior to four (4) day break

09/05/03 - day prior to four (4) day break

01/09/04 - day prior to four (4) day break

01/29/04 DAY AFTER Holiday Leave

A review of Ptlm Pickreigns personnel file maintained by the Chief of Police revealed that in May of 1995 there were disciplinary charges brought against said member for Sick Leave abuse and said allegations were found to be warranted.

Whereas it is not this departments policy to require members to furnish this agency with proof of illness when the days are used individually it is essential that this activity be monitored for possible abuses.

In light of the aforementioned revelations it is somewhat concerning to this investigator that there is a definite pattern that has developed and left un-checked will not be remedied voluntarily.

It is this investigators determination that Ptlm Robert Pickreigns decision to use his sick leave improperly has brought discredit to this department in violation of the Rules and Regulations of same being 10.1.1 and was consequently further absent from duty without proper authorization also in violation of the Rules and Regulations of same being 10.1.7.

Respectfully submitted

A handwritten signature in dark ink, appearing to read 'V. Marlow Jr', with a stylized flourish extending to the right.

Vernon N Marlow Jr
Assistant Chief of Police

Ron I was talking with Bob Fountain and he referred to me an incident that took place while he was still a Probationer.

It seems that the State Police had a report of a man with a gun at the Wagon Wheel and requested assistance from our patrol. Working that night were Bob and Pick. Bob was driving and when they got the call Bob responded immediately with Pick in the passenger seat. Pick instructed Bob to take his time getting to the scene and not drive so fast so that maybe the perp would be gone upon their arrival.

He went on to say that he remembers Pick saying that he wasn't going to risk his life for some drunken fool (or words to that affect).

Naturally by the time that they got there the subject was gone. But they did determine that the perp had discharged at least one round out in the parking lot.

I was going to take his statement but wanted to make you aware of this first.

View

*I believe this took place within the past
year or so!*

12-24-02

3:00 AM

Dolan LeClair

2-Round

*TPA's Eric Brunette
Samed Duffy*



February 15, 2004

TO: Chief Ronald Reyome
FROM: Assistant Chief Vernon N Marlow Jr

Ref: Ptlm Robert Pickreign (Violation of Department Rules/Regulations)

Chief;

The attached packet contains a complaint signed by a civilian member of the community, TAMMY L RIVERS, along with a Supporting Deposition belonging to Ptlm STEPHEN KEMP with respect to concerns with the manner which Ptlm ROBERT PICKREIGN refused to take appropriate action on a serious and legitimate felony complaint.

It additionally contains a voluntary statement from Ptlm SCOTT MULVERHILL along with an inner office memorandum authored by this investigating officer pertaining to Ptlm ROBERT PICKREIGN'S response time to complaints.

Complaint from civilian states that Ptlm PICKREIGN had responded to an unrelated incident and during the interview process the complainant revealed that she had been the victim of a Burglary and a Larceny that occurred at her home within the Village of Malone New York. She further revealed that she had personal knowledge that her ex-husband was the sole perpetrator of these crimes. The civilian complainant at the time cannot recall if she advised Ptlm PICKREIGN of an eye witness or not. This fact has very little weight on the final conclusion.

After receiving this information from complainant Ptlm PICKREIGN merely side stepped his responsibilities and refused the complaint by diminishing it's importance as being a civil concern and not falling under the jurisdiction of the Police Department.

Ptlm PICKREIGN also failed to report this incident to his supervisor or make any entry of same in the Malone Police Department log book. All of the aforementioned are direct violations of the departments Rules and Regulations.

The inner office memorandum dated 09/15/03 refers to a complaint received by this investigator from Ptlm BRIAN SMITH where he and Ptlm PICKREIGN were both dispatched to a possible family dispute in progress. According to Ptlm SMITH he and Ptlm PICKREIGN were in separate patrol units but in the same general area of the Village when initially dispatched.

After both units acknowledged receiving the complaint Ptlm SMITH responded directly while Ptlm PICKREIGN continued in the opposite direction of the complaint. Ptlm SMITH arrived at the scene alone without assistance and began the investigation. Ptlm SMITHS complaint goes on to state that Ptlm PICKREIGN did not arrive at the address until quite sometime later.

Given the local of both units at the time the complaint was broadcast and the potential for these types of complaints becoming dangerous for all involved there is no rational reasoning or excuse for both units not arriving at the scene either at the same time or within seconds of one another. At least this would be an officer safety issue.

Ptlm PICKREIGN'S actions showed a lack of concern for the well being of his fellow officer as well as the civilian personnel involved with this complaint and should be addressed.

The statement by Ptlm SCOTT MULVERHILL reveals once again a serious concern about Ptlm PICKREIGN'S performance of duties. A complaint of a disorderly and combative male subject with a weapon at a local establishment was received in the early morning hours of 12/21/03. Ptlm MULVERHILL was at the station and received the initial call while Ptlm PICKREIGN was on Constable Street within the Village. Once Ptlm MULVERHILL confirmed that a weapon was involved and that the rescue was needed he immediately advised Ptlm PICKREIGN of the seriousness of the situation via the radio. Ptlm MULVERHILL then placed a call to Fire Control in order to have rescue personnel dispatched to the scene. Officers MULVERHILL and SHOVA then left the station and responded to the location on East Main Street. Once at the scene Ptlm MULVERHILL evaluated the situation and eventually took a male subject into custody. It was not until after that took place that Ptlm PICKREIGN arrived to assist.

Given Ptlm PICKREIGN'S local at the time of the initial complaint and the seriousness of same there is no reasonable explanation for this officer not arriving on scene in a timely manner at or before Officers MULVERHILL or SHOVA.

Ptlm PICKREIGN'S careless manner with which he responded once again reinforces his lack of concern for the safety and well being of his fellow officers as well as the citizens of the Village of Malone.

In light of the aforementioned allegations it is this investigators opinion that Ptlm PICKREIGN be advised of same and present himself along with council of his choosing to the Chief of Police for possible disciplinary action.

Respectfully submitted


Asst/Chief Vernon N. Marlow Jr

VOLUNTARY STATEMENT

STATE OF NEW YORK
COUNTY OF FRANKLIN
DATE: 02-07-04

PAGE 1
TIME STARTED: 0823hrs

PLACE: Malone Village Police department

I, Robert A. Pickreign, [REDACTED]
My address is [REDACTED]
My occupation is Police Officer and education is 14hrs

That on 02-04-04 at about 2145hrs I was working ^{night} ~~afternoon~~ shift and was on routine patrol when witnessed a vehicle commit a minor traffic offense I initiated a traffic stop of the vehicle on West Main Street. After speaking to the driver of same I returned to my patrol unit. As I was attempting to enter my vehicle I slipped on the snow covered road twisting my right leg striking same against the door frame as I tried to stop myself from falling. I then enter my vehicle and returned to the Police Station and reported the incident to my supervisor.

I have read this statement (had this statement read to me) consisting of _1_ Page(s) 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 210.45 of the Penal Law of the State of New York.

Affirmed under penalty of Law this 7th Day of February 2004.

Signed: 

Witness: 

Witness:

Page 1 of 1 Page(s)
Time ended: 2037hrs

VOLUNTARY STATEMENT

STATE OF NEW YORK
COUNTY OF FRANKLIN

PAGE 1

TIME STARTED: 1330hrs

DATE: 02/24/2004 PLACE: 2 Police Plaza, Malone, NY.

I, Ptl. Brian M. Smith, am [REDACTED] My
occupation is Police Officer and education is 14years.

I have been asked by the Asst. Chief of Police Vernon Marlow to give this statement.

On September 14, 2003 I was working with Asst. Chief Marlow and Ptl. Robert A. Pickreign. At about 5:40PM I was running stationary radar on Finney Blvd at the Niagra Mohawk station. I was facing north. At about this time Asst. Marlow dispatched Ptl. Pickreign and myself to a domestic in progress at 23 Branch Street. As I was pulling out of the Niagra Mohawk parking lot I saw Ptl. Pickreign in his unit and he was turning off of Woodward Street and headed South on Finney Blvd away from the domestic call. I turned down Woodward Street and proceeded to the domestic call.

I arrived at [REDACTED] in less then two minutes. I then went to the door where I was met by Jim Boyea. I told him why I was there and asked to come in. Once inside I interviewed Jim Boyea, Sally Boyea and Kurt Boyea each individually. Ptl. Pickreign arrived about the time I had completed the interviews. This was about 5 minutes after I had arrived.

I have read this statement 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 210.45 of the Penal Law of the State of New York.

Affirmed under penalty of Law this 24th Day of February 2004.

Signed: *B. M. Smith*

Witness:

Chief R. E. Reyme

Page 1 of 1 Page

Witness:

VOLUNTARY STATEMENT

STATE OF NEW YORK
COUNTY OF FRANKLIN
DATE: February 9, 2004

PAGE 1 of 1
TIME STARTED: 9:42 PM

PLACE: Malone Village Police Department

I, Scott M. Mulverhill

On December 20, 2003 I was working the 8 PM to 4 AM shift and was on patrol with Ptl. Rose Shova. Ptl. Robert Pickreign was also working this shift and was also on patrol in a separate unit.

At about 1:20 AM on 12/21/03 I initiated a traffic stop of a 1988 GMC pickup truck and subsequently arrested the operator for driving while intoxicated. Recore's towing was called to tow the vehicle and Ptl. Pickreign stood by with the vehicle while Ptl. Shova and I brought the individual to the station for processing.

While at the station processing the arrestee at about 1:42 AM we received a call at the station of a fight in progress at the Nite Life bar involving an individual armed with a knife and that the subject was injured and a rescue was needed. I hung up the phone and radioed to Ptl. Pickreign and advised him of the complaint and informed him that a knife was involved and he advised me the wrecker was at the scene. I then called Franklin County Fire Control and advised them of the situation and to send rescue personal. Ptl. Shova and I then responded to the scene and arrived to find the bouncer Donald Tambini holding a male subject on the ground and the male subject was bleeding from the hand and forehead. I asked Donald what had happened and he advised me and I told the subject that he was under arrest and started to place him in hand irons. A short time later Ptl. Pickreign arrived and assisted in placing the subject into the back seat of his patrol unit as it was taking the rescue some time to get there and we transported the subject to the Alice Hyde Medical Center for treatment.

I have read this statement (had this statement read to me) consisting of _1 Page(x) 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 210.45 of the Penal Law of the State of New York.

Affirmed under penalty of Law this 9th Day of February, 2004.

Signed: *Scott M. Mulverhill*

Witness:

Chief Donald E. Lyons

Witness:

Page 1 of 1 Page(x)

Time ended: 10:00 PM

VOLUNTARY STATEMENT

STATE OF NEW YORK
COUNTY OF FRANKLIN

PAGE 1

TIME STARTED:

DATE:01/21/04 PLACE:Malone Police Department

I, Tammy L Rivers [REDACTED]
[REDACTED]

My occupation is Diecut operator and education is

I would like to state that in the latter part of November 2003 I had called the Village Police Department and lodged a complaint against my ex-husband with respect to damages to my vehicle. Ptlm Robert Pickreign responded and was speaking to me about the complaint.

There came a time in the conversation that I made Ptlm Robert Pickreign aware of another incident that took place at my home and that involved my ex-husband entering my apartment and removing several personal items from it. I explained to Ptlm Pickreign that my ex, Cliff Rivers entered my apartment and removed several CD's, VCR tapes and jackets that were all purchased by me after our marriage had been dissolved. I cannot recall with clarity if I had further informed Ptlm Pickreign that our son had witnessed Clifford entering without permission but I did know about that fact when I initially reported it to him.

Ptlm Pickreign then informed me that this complaint was that of a civil matter and that he, meaning the Police Department would not be handling it.

I have read this statement (had this statement read to me) consisting of __Page(s) 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 210.45 of the Penal Law of the State of New York.

Affirmed under penalty of Law this 21st Day of January 2004.

Witness:



Witness:

Signed:

X Tammy Rivers

Page of Page(s)

Time ended:

The People of the State of New York
against

SUPPORTING DEPOSITION

Robert A. Pickreign

Defendant

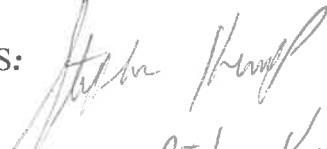
I, Ptlm Stephen T. Kemp, am a police officer in the Village of Malone, New York, and by this supporting deposition make the following allegation of fact in connection with an accusatory instrument filed with this court against the above named defendant:

While working as a police officer for the Village of Malone on 12-02-03 I was dispatched along with Ptl Rose Shova by Asst Chief Vernon Marlow to [REDACTED] to speak to Tammy Rivers in reference to a Falsely Reporting complaint. During the initial dispatch I was informed that Tammy's ex-husband, Cliff Rivers, who lives below her at the same address was the suspect in this complaint. During the interview, Tammy related how she felt that Cliff was causing her a lot of problems lately to include possibly causing damage to her car and entering her apartment without her permission and removing VHS and CD movies, and her winter coats. At that time I remembered seeing a Criminal Mischief complaint in regards to the damaged car, but I did not remember seeing a complaint about a larceny or burglary committed by Clifford or reported by Tammy. It was determined that Tammy had advised the assigned officer, Ptlm Robert Pickreign, at the time of the Criminal Mischief complaint that her husband had committed the burglary. She further stated that at that time, Ptlm Pickreign had informed her that the burglary complaint she referred to him was in fact a civil matter and would not be handled by this department.

This matter was referred to Asst Chief Vernon Marlow.

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 law this: 14th Day of January, 2004.

WITNESS:


PTL KEMP

VOLUNTARY STATEMENT

STATE OF NEW YORK
COUNTY OF FRANKLIN
DATE: 03-06-04

PLACE: MVPD

PAGE 1
TIME STARTED: 03:30

I, Robert D Fountain, [REDACTED]
My address is [REDACTED]
My occupation is Police Officer and education is 12 years .

I would like to state that on 12-24-04 I was assigned to work from 20:00 to 04:00 Hrs. At approximately 3:00 AM I was dispatched to a possible altercation with Encon violations at the Wagon Wheel bar. We were asked to respond due to the New York State Police being approximately 20 minutes away. I was then radioed that the Encon violations were a man shooting a shotgun off in the parking lot. I was operating the patrol car and Ptlm. Pickreign was in the passenger seat. I started to head towards the call at an increased rate of speed when Ptlm. Pickreign looked at me and asked me what I was doing. There was a pause and then he told me to slow down and that maybe he would be gone when we arrived. Due to Ptlm Pickreign's seniority I slowed down my response time. Ptlm Pickreign then stated that I don't know about you but I don't want to get shot over a drunk person. Upon arrival the man with a gun had already left the scene but had discharged two shotgun rounds in the parking lot.

I have read this statement consisting of 1 Page(s) 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 210.45 of the Penal Law of the State of New York.

Affirmed under penalty of Law this 6th Day of March 2004.

Witness:

Witness:

Signed:

Page 1 of 1 Page(s)

Time ended: 03:42

VILLAGE OF MALONE POLICE DEPT.

2 PARK PLACE
MALONE, NEW YORK 12953
(518) 483-2424

TO: Chief Ronald Reyome

ADDRESS: _____

DATE: 09/15/03

SUBJECT: Ptln Robert Pickreign

Chief:

Ptln Pickreign was counseled this date with respect to a complaint received concerning his response time to complaints. It was reported that this member would intentionally avoid responding to complaints expeditiously. It seemed that he would for the most part be the last unit arriving on scene. MEMBER denies allegation(s) but was advised that this situation would be monitored and if further incidents occurred corrective measures would be initiated.

Copies to all supervisors

SIGNED:  Asst Chief Vernon N. Marlow Jr

FORM MSD 426
(CP - 9/71)

Report all personnel changes on this form.
Send ONE copy to payroll affected by this change.

DATE

05/22/04

Month / Day / Year

REPORT OF PERSONNEL CHANGE

TO: FRANKLIN COUNTY Personnel Officer
Department of Civil Service

FROM: Village of Malone

CITY COUNTY TOWN VILLAGE OR DISTRICT
(Name only one)

Malone Village Police Department
DEPARTMENT

N/A

NAME AND TITLE OF LAST EMPLOYEE IN POSITION

Robert A. Pickreign

NAME OF EMPLOYEE

ADDRESS

Police Officer

TITLE OF POSITION

SALARY

Veteran ☒

Disabled Veteran ☐

Non-Veteran ☐

Exempt Volunteer Fireman ☐

Date of Birth

Social Security Number

APPOINTMENTS

TERMINATIONS

OTHER CHANGES

Check nature of Personnel Change

DATE EFFECTIVE

Action necessary by Appointing Officer

Permanent

Return report of certification

Provisional

Attach application (MSD 330)

Temporary

From To

State length of employment

Substitute

From To

Give facts under Remarks

For Term of Office

From To

Give facts under Remarks

Permanent Promotion

Return report of certification

Provisional Promotion

Attach nomination

Non-Competitive Class

Attach application (MSD 330)

Exempt Class

Submit this form only

Labor Class

Attach application

Resignation

Submit Signed Resignation

Retirement

Give Effective Date

Deceased

Indicate Date

Removal

Attach copy of proceedings

Lay-off (Lack of Work or Funds)

Give facts under Remarks

Military leave of absence

Give facts under Remarks

Other leave of absence

From To

Give facts under Remarks

Transfer

Give facts under Remarks

Demotion

Give facts under Remarks

X Suspension

03/06/04 to 04/05/04

Give facts under Remarks

Reinstatement

Give facts under Remarks

Change in Classification

Give facts under Remarks

New Position

Submit Form MSD 222

Change in salary

Indicate New Salary

Change in name

Give facts under Remarks

Other

Give facts under Remarks

REMARKS: (Continue on back if necessary)

Suspended with pay.

Appointing Officer Chief Ronald E. Reyome

Title Chief of Police

Address 2 Police Plaza

Malone, New York 12953

HUGHES & STEWART, P.C.

Attorneys and Counselors at Law
31 Elm Street
P.O. Box #788
Malone, New York 12953

BRYAN J. HUGHES
BRIAN S. STEWART
NATHAN N. RACE

Telephone: (518) 483-4330
Fax: (518) 483-4005
E mail: bjhughes@twcny.rr.com
bstewart@twcny.rr.com
nrace@twcny.rr.com

VIA FACSIMILE AND FIRST CLASS MAIL

March 30, 2004

Dear Mr. Crotty:

Pursuant to our telephone conversation, it is my understanding that Mr. Pickreign may resign from service rather than face the consequences of the pending disciplinary proceeding. If Mr. Pickreign chooses to do so, the position of the Village of Malone Police Department would be the following:

1. The Police Department is not required to drop the pending charges if Mr. Pickreign chooses to resign. However, if Mr. Pickreign submits a letter of resignation to be effective on or prior to April 5, 2004, the Police Department shall accept his resignation and shall not pursue prosecution of the charges. If Mr. Pickreign does not resign by April 5, 2004, the Police Department will proceed to prosecute the charges.

2. Pursuant to Mr. Pickreign's terms of employment, he would be entitled to amounts owed for unused vacation time and unused compensatory time in lieu of holidays in the aggregate amount of \$3,028.61. He would not be entitled to receive any other amounts, including unused sick time or extended health coverage.

On March 10, 2004, I agreed to temporarily suspend the eight (8) days provided to Mr. Pickreign to make and file a response, in writing, to the charges. If Mr. Pickreign chooses not to resign, this letter is to provide you, as Mr. Pickreign's attorney, with notice that Mr. Pickreign must file a written response to the charges with Chief Reyome at 2 Police Plaza, Malone, New York by 5:00 p.m. on April 5, 2004. A Section 75 disciplinary hearing will then be scheduled. In addition to the disciplinary hearing, Chief Reyome will take all other actions which he deems appropriate.

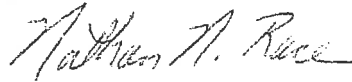
If Mr. Pickreign chooses to resign rather than proceed with the disciplinary hearing, please deliver an original executed letter of resignation to me at the address listed above by 5:00 p.m. on April 5, 2004. The letter of resignation should become effective by no later than April 5, 2004. If I am not in receipt of a letter of resignation by such date, I will presume Mr. Pickreign wishes to proceed with the hearing.

It is my understanding that you received the letter from the Franklin County District Attorney's Office that you requested. If not, please advise and I will ask that they send again.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

HUGHES & STEWART, P. C.

A handwritten signature in cursive script that reads "Nathan N. Race".

Nathan N. Race

NNR/ks



DEREK P. CHAMPAGNE
District Attorney

OFFICE
OF
**FRANKLIN COUNTY
DISTRICT ATTORNEY**

COURT HOUSE
355 WEST MAIN STREET
MALONE, NY 12953

Phone (518) 481-1544
Fax (518) 481-1545
Email - frccoda@northnet.org

JOHN D. DELEHANTY
Chief Assistant District Attorney

GLENN MACNEILL
Assistant District Attorney

ANDREW G. SCHRADER
Assistant District Attorney

JOHN T. ELLIS II
Assistant District Attorney

Southern Franklin County Office
56 Lake Street

Tupper Lake, New York 12986
Phone: (518) 359-9191/ Fax: (518) 359-7311

March 30, 2004

John M. Crotty
1 Spring Square, Business Park
Newburgh, New York 12550

RE: Robert A. Pickreign

Dear Mr. Crotty:

I have reviewed for criminal prosecution the alleged actions of your client on February 4th, 5th and 7th. A review of these alleged events would appear to warrant criminal charges. In the event that Mr. Pickreign is still an employee of the Malone Village Police Department after April 5th, 2004, my office will proceed with a referral of his alleged conduct to the Franklin County Grand Jury.

In the event that your client is no longer employed by the Village Police on April 5th, I will not allocate resources towards the prosecution of his conduct, as the civil punishment of losing his career is adequate enough punishment.

You can feel free to check with the Inspector General's Office of DOC regarding our office policy on cases similar to your clients situation, where a resignation the day of the alleged criminal conduct consistently warrants a declination of criminal prosecution or an ACD of the criminal charges, if already filed.

Should you have any questions or concerns please feel free to contact me or my Chief ADA Jack Delehanty at 518-481-1544.

Sincerely,

Derek P. Champagne
District Attorney

cc: Nathan Race, Esq.

STIPULATION OF SETTLEMENT

THIS STIPULATION OF SETTLEMENT IS ENTERED INTO this 5th day of April 2004 by and between the Village of Malone (hereinafter "Village") and Police Officer Robert Pickreign (hereinafter "Officer Pickreign"), hereinafter collectively referred to as the "parties".

WHEREAS, disciplinary charges were brought by the Village against Officer Pickreign on March 5, 2004; and

WHEREAS, the parties, by and through their designated agents and representatives, have engaged in discussions in an effort to settle and resolve the disciplinary charges; and

WHEREAS, the parties have reached an agreement in settlement and resolution of the disciplinary charges without precedent and without admission against interest;

NOW, THEREFORE, IT IS HEREBY AGREED AND STIPULATED as follows:

1. Officer Pickreign will resign from his employment with the Village effective at the close of business on April 5, 2004.
2. By April 19, 2004, Officer Pickreign shall be paid by separate check for all unused vacation time and compensatory time in lieu of holidays in an amount the parties understand to be approximately \$3,028.00 in the aggregate, from which only those withholdings required by law shall be made.
3. If any agent of the Village should be contacted by any person making an inquiry regarding Officer Pickreign's employment status, the Village, including all of its agents, shall make available only the dates of his employment, position title(s) and final salary unless Officer Pickreign consents, in writing, to a broader release of information.

4. Officer Pickreign agrees that, except as required by applicable law or compelled by process of law, at any time following the date hereof, neither he nor anyone acting on his behalf shall hereafter (i) without the Village's prior written consent, release information relating to this Agreement or the underlying disciplinary charges to any person; (ii) make any derogatory, disparaging or critical statement about the Village or any of the Village's current employees, officials or agents or any persons who were employees, officials or agents of the Village; or (iii) without the Village's prior written consent, communicate directly or indirectly with the press or other media concerning past or present employees, officials or agents of the Village or business of the Village.
5. This Agreement and the underlying disciplinary charges will be maintained in a separate litigation file which will not be released to any person unless there has been compliance with New York State Civil Rights Law § 50-a.
6. The parties agree to execute any documents reasonably necessary to effectuate this Agreement.
7. Officer Pickreign acknowledges that he has been represented by an attorney throughout the disciplinary proceeding and the settlement discussions and that he has had the opportunity to obtain all of the advice and information he deemed necessary and relevant to this Agreement. Officer Pickreign acknowledges that he has read this Agreement, understands its terms and conditions, and voluntarily enters into this Agreement.
8. This Agreement contains the entire agreement between the parties and supersedes any and all previous agreements. This Agreement may only be modified in writing upon consent of all parties.

8. Upon final execution, this Agreement shall become binding upon all parties, their agents and representatives.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties have executed the foregoing Stipulation of Settlement.

FOR THE VILLAGE OF MALONE

POLICE OFFICER ROBERT PICKREIGN

By: Mayor Scott S. Scars

By: [Signature]

Dated: 04-05-04

Dated: 04-05-04

04-02-04

To whom it may concern

I Robert A Pickreign do formally resign my position of
patrolman for the Malone Village Police department effective 04-05-04

Robert A Pickreign

A handwritten signature in cursive script, appearing to read "R. A. Pickreign", written in dark ink.

Robert A. Pickreign
43 Rennie Street
Malone, NY 12953

March 5, 2004

Re: Disciplinary Charges

Ptl. Robert A. Pickreign,

In accordance with the provisions of Section 75 of the Civil Service Law of the State of New York, you are hereby notified that the following charges are preferred against you;

CHARGES

- Charge 1** You have violated Article 6 of the Department's Rule of Conduct, specifically Article 6.2.34. Obey the laws and ordinances which he is obligated to enforce.
- Specification 1** On February 5th 2004 you violated New York State Penal Law Section 175.05 sub 1 by making a false entry into the log book of the Malone Village Police Department by signing out at 0155hrs and indicating that you were injured.
- Specification 2** On February 4th, 2004 thru March 4th, 2004 you violated New York Penal Law Section 110/195.20 Attempted Defrauding the Government by falsely claiming that you were injured during your shift of duty reporting same to your immediate supervisor and the Alice Hyde Hospital, logging out your injury in the Department's log book. Reporting the same to your personnel physician and to the Chief of Police. You also initiated paper work for the New York State Worker's Compensation Board.
- Specification 3** On February 7th, 2004 you violated New York Penal Law Section 210.40 Making an apparently sworn false statement the first degree. You issued a written statement to the Chief Police, falsely claiming injury while on duty and in fact were injured prior to reporting to work. You did this within the intent of misleading the Chief of Police in order to obtain New York State Worker's Compensation benefits.
- Specification 4** On February 7th, 2004 you violated New York Penal Section 210.45 Making a punishable false written statement. You issued a written statement to the Chief of Police, falsely claiming injury while on your tour of duty.

Charge 2 You have violated Department Rules and Regulations, specifically Article 10.1.20 Knowing make a false report, written or oral.

Specification 1 On February 4th, 2004 you falsely reported an injury to your immediate supervisor, Sgt. Dean Fountain.

Specification 2 On February 5th, 2004 you falsely log out with an injury in the Malone Village Police Department's log book.

Specification 3 On February 5th, 2004 you falsely reported to Chief Ronald Reyome that you were injured while working your tour of duty.

Specification 4 On February 7th, 2004 you gave a false written statement to Chief Ronald Reyome in regards to you injuring yourself during your tour of duty.

Charge 3 You have violated Department Rules and Regulations, specifically Article 10.1.7 Being absent from duty without proper authorization.

Specification 1 You had disciplined charges in 1995 brought against you for abusive sick leave and they were found to be warranted. From January of 2002 thru January 9th, 2004 you have used a total of fifty sick days. During that period of time practically all of your individual sick days were used either prior to or after your three or four day break and you were not sick on all of the days of any.

Specifically seven straight sick days used. Same being
06/11/02 - day prior to 3 day break and vacation
08/13/02 - day prior to 3 day break
05/02/03 - day prior to 4 day break
09/05/03 - day prior to 4 day break
01/09/04 - day prior to 4 day break
01/29/04 - day after holiday leave

Charge 4 You have violated Department Rules and Regulations, specifically Article 10.1.9 Incompetency or inefficiency in the performance of duty.

Specification 1

On September 14, 2003 you were dispatched to a possible domestic in process at 23 Branch Street Malone, New York. At the time of the call you were in fact closer to the scene than the officer that was also working your tour of duty. The other officer arrived about five minutes prior to your arrival. Instead of immediately responding to the

scene you intentionally drove away from it and failed to respond in a timely manner considering the possible nature of the call. Putting in jeopardy the well being of your fellow officer and civilians who were at the scene.

Specification 2

On December 21st, 2003 you were dispatched to a disorderly complaint at the Nite Life Bar located in the Village of Malone, New York. At the time that you were dispatched you were advised that there was a knife involved and that an individual had been injured. You failed to respond in a timely fashion putting in jeopardy the well being of your fellow officer and civilians who were at the scene.

Charge 5

You are in violation of Department Rules and Regulations, specifically

Article 10.1.2 Failure to Perform Duty

Charge 6

Article 10.1.9 Incompetency or inefficiency in the performance of duty.

Charge 7

Article 10.1.56 Failure to take, record and act upon complaints except as prescribed by Department orders.

**Specifics 1
(Charges 5,6,7)**

On November 24, 2003 you were advised by the complainant Tammy Rivers that her ex-husband Cliff Rivers had entered her apartment without permission and stole several items belonging to the complainant. You failed to record and investigate this complaint and incorrectly advised the complainant that this was a civil matter.

Charge 8

Insubordination to Superior Officer

Specifics 1

On February 4th, 2004 you intentionally gave false information to your Supervisor Sgt. Dean Fountain, same being that you injured your leg during your tour of duty.

Specifics 2

On February 5th, 2004 you intentionally gave false information to Chief Ronald Reyome, same being that you injured your leg during your tour of duty.

Specifics 3

On March 4, 2004 during an inquiry to possible disciplinary actions you intentionally gave false information to Chief Ronald Reyome and Asst. Chief Vernon Marlow, same being that you injured your leg during your tour of duty.

Specifics 4

On February 7th, 2004 you gave Chief Ronald Reyome a false written statement where you alleged that you were injured during your tour of duty.

You are allowed until the 14th day of March 2004, within which you may make and file your answer, in writing, to these charges. Such answer should reach this office of the undersigned, at 2 Police Plaza Malone, New York at or before 5:00pm on said 14th day of March 2004. You are entitled to a hearing on the attached charges and to be represented at such hearing by an attorney or bargaining agent. You should be prepared at such hearing to present such witnesses and other proof as you may have in your defense against these charges.

If you choose to have a hearing, it will be held at the earliest convenience to both parties involved.: Provided, however, that such hearing be held within thirty (30) days of the date hereof. It will be held on the first floor of the Village Offices at 14 Elm Street Malone, N.Y. The hearing will be conducted by a hearing officer who will be duly designated for that purpose in accordance with Section 75 of the Civil Service Law of the State of New York.

If you are found guilty of the above listed charges, the penalty, or punishment imposed on you, may consist of either dismissal from service, demotion in grade and title, suspension without pay for a period not exceeding two months, and fine not exceeding \$100.00, or a reprimand

All further notices and communications addressed to you in connection with these charges will be mailed to at your latest address on record in the Department's personnel records or will be personally handed to you.

Ronald E. Reyome
Chief of Police

Date

Mayor Village of Malone

Date

Violations of Rules and Regulations

Article 10.1.1

Conduct which brings discredit upon the Department

Article 10.1.2

Failure to Perform Duty

Article 10.1.5

Inattention to Duty

Article 10.1.9

Incompetency or inefficiency in the performs of duty.

Article 10.1.56

Failure to take, record and act upon complaints except as prescribed by Department orders.

Article 6.2.1

Know and conform to Department Rules and Regulations, Orders and procedures.

Insubordination - Instructed by the Chief of Police to review the Department Rules and Regulations, did so and failed to obey same.

Fail to respond and act on complaints

Violation of Department Rules & Regulations

Article 10.1.1

Conduct which brings discredit upon the Department.

✓Article 10.1.20

Knowingly make a false report, written or oral.

Article 10.1.14

Violation of any duly constituted law.

✓Article 6.2.34

Obey the laws and ordinances which he is obligated to enforce.

Article 6.2.1

Know and conform to Department Rules and Regulations, Orders and Procedures.

Insubordination: Instructed by the Chief of Police to review the Department's Rules and Regulations, did so and failed to obey same.

Additional possible Penal Law violations

175.35 - Offering False Instrument for Filing E-Felony

175.05 - Falsifying business records in the second degree A-misdemeanor

175.10 - Falsifying Business Records first degree E- Felony

195.20 - Defrauding the Government E-Felony

210.40 - Making a False Written Statement A-Misdemeanor

w/c

3-4-04

PTL Pickersen Right Toe & Foot





Received a call from Sharon stating that she has Pickering on tape limping into the store at around 8:18 PM on the night he supposedly hurt his leg at 9:31.

Sharon also stated that Ptl. Smith was in North Franklin when Pickering was walking out of Post Office.

Obtained tape from Sharon and it does show Pickering limping.

Spoke with Ptl. Smith. He stated he saw Pickering limping down the stairs at the Post Office and to his car in North Franklin Parking lot. This was on Tues 2-3-04.

2-5-04 10:50 hrs. Ptl. Pickering came in with Dr. Ship saying he would be off until 2/12/04. Asked him how it happened and he told me that he fell getting into the Patrol Car and hit his leg against the car. He had x-rays done and has a crack Tibia. Requested Medical Records from him. He stated that he would get them to me. Requested both E/R and his own Doctors Report

