



**POLICE DEPARTMENT**  
**Village of Malone**  
2 Park Place  
Malone, New York 12953-1601

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

James E. Phillips  
Chief of Police

PATRICK NICHOLS

PERSONNEL FILE

**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

January 6, 1994

Telephone: (518) 483-4330  
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Chief James Phillips  
Village of Malone Police Department  
2 Park Place  
Malone, New York 12953

PERSONAL & CONFIDENTIAL

Re: Patrick Nichols vs. Village of Malone

Dear Chief Phillips:

Enclosed is a copy of the entire personnel file of Officer Nichols as it was submitted into evidence at his disciplinary hearing in September 1993. I recommend that you use these documents to create a new personnel file for Officer Nichols. The original has become an exhibit. It is being submitted to Judge Plumadore in connection with the ongoing Article 78 proceeding. It will be quite awhile before I am able to return that document to you. Thank you for your understanding in this matter.

Very truly yours,



HUGHES & STEWART, P.C.  
by Brian S. Stewart

BSS/tlw  
enclosure

# POLICE PERSONNEL RECORD

Name Nichols, Patrick M.

Address Webster St. Malone

Date of Birth Mo. 4 Day 18 Year 63

Marital Status Married

No. Dependents 3

Date of Appointment 06-17-94 Phone

Civil Service Exam Passed on

Promotional Exam Passed on

Service Pistol Serial No.

| Date     | Personal Data  | Date     | Personal Data  |
|----------|--|----------|--|
| 06-17-88 | Date of Appointment  | 08-05-93 | Suspended on 46 counts of misconduct   |
| 05-26-89 | Completed breathalyzer cert.   | 09-16-93 | Disciplinary hearing (open to public) on charges   |
| 09-20-89 | Commended for his P.R. accomplishments   | 10-13-93 | Ptl. Nichols found guilty on 38 charges--hearing officer recommends dismissal                            |
| 10-03-90 | Commendation from American Legion  |          |  |
| 12-31-90 | Commended by supervisor for exceptional police work                                    | 10-20-93 | Village Board gives 60 day suspension, reprimand and \$100.00 fine.                                      |
| 03-02-91 | Commended for exceptional police work on burglary                                      |          |  |
| 03-01-91 | Completed D.A.R.E. School  | 11-20-93 | Returns from suspension  |
| 12-02-91 | Incident with Asst. Chief Marlow   | 11-26-93 | Ptl. Nichols submits memo stating that he read and understands dept. rules and regulations               |
| 12-22-91 | Letter from Barbara Lee Ref: DARE Teaching   |          |  |
| 04-17-92 | Reprimanded by Chief for causing over \$500.00 in O.T.                                 | 12-11-93 | Ptl. Nichols chases car outside Village and fails to notify station---advised of dept. policy----        |
| 08-30-92 | Insubordination w/Sgt. Moll Ref: Log Book  |          |  |
| 01-28-93 | Taken off D.A.R.E. classes due to problems   | 12-13-93 | Ptl. Nichols wife files personnel complaint against Sgt. Ritchie--invest. finds no wrong doing-----      |
| 01-28-93 | Letter from Thomas Kemp over DARE (same day)   |          |  |
| 01-28-93 | Letter from Flanders School over DARE (same day)                                       | 12-15-93 | Ptl. Nichols discusses wife's comp. with Trustee Dame---Ptl. Nichols counseled by Chief-----             |
| 02-04-93 | Two hour counsel session w/Ass't Chief, Chief & Ptl.                                   |          |  |
|          | Nichols informing him of several violations of rules                                   | 12-18-93 | Ptl. Nichols files appeal on disciplinary action   |
| 04-17-93 | Commended by Sgt. Ritchie for assisting at WICY  | 01-01-94 | All four Sergeants give Ptl. Nichols BELOW STANDARD rating on evaluations                                |
| 06-01-93 | Personnel comp. against Ptl. Nichols from Karon Russell                                |          |  |
| 07-13-93 | Letter of reprimand for conduct during Russell case                                    | 02-07-94 | Fails to notify Supervisor of behavior of another member that he felt was inappropriate & unprofessional |
| 07-13-93 | Personnel complaint filed against Ass't Chief Ref: Asst of Scott Mattimore on 04-03-93 |          |  |

# POLICE PERSONNEL RECORD

Name Nichols, Patrick M

Address \_\_\_\_\_

Date of Birth Mo. Day Year

Marital Status Mar

No. Dependents \_\_\_\_\_

Date of Appointment \_\_\_\_\_ Phone \_\_\_\_\_

Civil Service Exam Passed on \_\_\_\_\_

Promotional Exam Passed on \_\_\_\_\_

Service Pistol Serial No. \_\_\_\_\_

| Date     | Personal Data   | Date     | Personal Data  |
|----------|---|----------|--|
| 02-14-94 | Ptl. Nichols attempts to release paperwork on a<br>Incomplete criminal investigation to Jackie LaPlante   | 05-03-94 | Ptl. Nichols served with charges and suspended<br>without pay pending hearing for 06-01-94 |
| 02-17-94 | New York DCJS requests information on disciplinary<br>problems in order to review Ptl. Nichols keeping<br>his DARE Certification.   |          |  |
| 02-23-93 | Mayor finds Ptl. Nichols sitting in patrol car at<br>Abortion detail---advised of proper procedure  |          |  |
| 03-04-94 | Ptl. Nichols fingerprints assault suspect still wearing<br>his loaded duty weapon--advised of proper procedure--  |          |  |
| 03-04-94 | Ptl. Nichols leaves womans purse in patrol car after<br>arrest and is discovered by next shift.   |          |  |
| 03-14-94 | Supreme Court Justice Jan Plumadore hands down<br>decision of appeal and finds in favor of Village  |          |  |
| 03-17-94 | Ptl. Nichols questioned in Chief's Office over<br>several matters. Meeting is transcribed and Ptl.  |          |  |
| 04-11-94 | Nichols is suspended with pay--pending investigation--<br>Ptl. Nichols submits charges to D.A. Edwards against<br>Mayor, Chief & Ass't Chief, minutes after, reporter<br>Doug Buchanan of the "SUN" newspaper receives anonymous<br>call advising him of the paperwork that Ptl. Nichols<br>filled. |          |  |

**POLICE DEPT.**  
**VILLAGE OF MALONE**

2 Park Place • Malone, New York 12953 • (518) 483-2424 • FAX (518) 483-2426

**James E. Phillips**  
Chief of Police

**Gerald K. Moll**  
Assistant Chief

To: Chief James E. Phillips

From: Ass't Chief Gerald K. Moll

Date: February 21, 1994

Ref: DWI Arrest on Feb. 6, 1994

Attached are the statements in regards to the DWI Arrest that took place on Feb. 6, 1994. The only statement that was not secured was a statement from the College Intern. At this time I didn't feel that it was necessary to subject this intern to a internal police department problem.

In reviewing the statements, it is obvious that Ptl. Mulverhill discarded the small mouth piece on the ground at the arrest scene. This has been a common practice with our department and most officers for years. As noted in Trooper Bonner's statement, it is a common practice with the New York State Police as well. There is no department policy addressing on how Officers discard the breath test mouth piece.

As far as any inappropriate or unprofessional behavior on the part of Ptl. Mulverhill at the scene and in the station, Ptl. Nichols makes reference to Ptl. Mulverhill raising his voice. In any of the statements taken, no other Officers gives this indication on anything out of the ordinary took place. Our department rules and regulations do specify that members should treat each other with respect, courtesy and civil at all times. There was no mention of abusive or obscene language on the part of Ptl. Mulverhill. The level of loud tone of voice would be the question. In absence of any corroboration to Ptl. Nichols claim, I'm reluctant to say whether there is a clear violation.

**Recommendation:**

On discarding the small plastic mouth piece, at the present time there is no department policy on discarding the Breath Test mouth piece. However, the New York State V&T Law section 1220 does prohibit throwing refuse on highways. There isn't a definition for refuse in the V&T or whether a small mouth piece the size of a cigarette would constitute a violation. I would recommend a legal opinion from N.Y. State or the Franklin County D.A.s Office before final determination is made.

In regards to a loud tone of voice, this would be a weak case at it's best, especially without testimony from other Officers corroborating Ptl. Nichols claim. This could be viewed as a judgement call on an individuals opinion of loud tone of voice. There is an apparent conflict between the two members involved and their duties should be separated before the matter escalates.

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Unfortunately this incident has brought several concerns.

First and most important, I'm concerned with Ptl. Nichols at the scene and what his priorities are. Ptl. Nichols is not a supervisor but it seems that he is finding himself in a position to evaluate the conduct of other officers in the same rank while they are performing their duty. If in his mind he feels that an Officers conduct, no matter how minor, is inappropriate or unprofessional he takes immediate action himself. In this case, his immediate action diverted the attention of the arresting Officer. This type of conduct is very much a concern for the safety of the Officers.

Secondly, Ptl. Nichols is not a trained police supervisor but he is drawing conclusions and taking the matter into his own hands. This is evident in his statement,

To wit: I felt that his (Ptl. Mulverhill) actions were not only inappropriate but unprofessional as well. I made the determination while on patrol that at some point I would let Mulverhill know that it bothered me the way he conducted himself".

Ptl. Nichols has been the subject of many disciplinary charges from the departments rules and regulations. He is well aware that if he felt that an Officer conducted himself in an inappropriate or unprofessional behavior, he is to notify his superior. That way a trained Supervisor can look into the matter. I was the shift Supervisor during this incident and Ptl. Nichols had plenty of time to bring it to my attention but neglected to do so.

VILLAGE OF MALONE POLICE DEPT.

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

TO: Patrolman Nichols

DATE: 02-06-94

ADDRESS: \_\_\_\_\_

SUBJECT: \_\_\_\_\_

I have received word that you experienced a problem during the night shift of Feb. 5th 1994 which I was the supervisor. Apparently you discussed this in great length with Sgt. Fountain and was submitting a statement. Submit a detailed statement of the event and the problems that you had during my shift.

SIGNED: \_\_\_\_\_

A/C No 11

VILLAGE OF MALONE POLICE DEPT.

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

TO: Sgt. Fountain

ADDRESS: MVPD

DATE: 02-06-94

SUBJECT: Ptl. Nichols

I have received word that Ptl. Nichols had a problem during my shift on Feb. 6th 1994 and he discussed this with you in great length after I left at 0400 Hrs. If Ptl. Nichols had a problem during my shift, he neglected to bring it to my attention. Submit a detailed statement in regards to what Ptl. Nichols discussed with you and what action you took.

SIGNED: A/C Mo11



A.C. Moll,

As requested in your memo the following details surround two incidents that took place during the night shift on 2-6-94. My notes on the matters are at my residence therefore I will submit the details the best I can recall.

While at the scene of a D.W.I. arrest on Pearl St. during the shift Officer D. Fountain was having the defendant conduct field sobriety tests. Present were Officer Mulverhill, Trooper Bill Bronner, intern Troy and myself. Officer Mulverhill conducted the alco-sensor test on the subject. After noting her results Officer Mulverhill discarded the plastic tube at our feet. As he turned to walk away the following conversation took place:

Nichols: Officer Mulverhill

Mulverhill: What

Nichols: ( while Pointing to the tube ) That doesn't look too good

Mulverhill: I know I threw it there

Nichols: Well you could pick it up

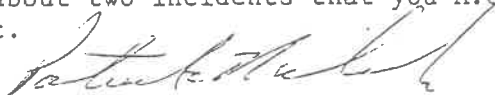
Mulverhill: I'm not picking anything up if you want to pick it then go ahead

Nichols: O.K. I will

I then bent over picked it up and then brought it to my patrol and put it in the car. That was the end of conversations at the scene as the defendant was removed to the station. My concern as to that incident was not <sup>only</sup> that Mulverhill had discarded trash on the ground in the presence of the others but that when I suggested tactfully that it didn't look good. He raised his voice and told me if I wanted it picked up to do it myself. At no time did I raise my voice loud enough for the defendant to hear nor did I order Mulverhill to pick it up. I only suggested it. I felt his actions were not only inappropriate but unprofessional as well. I had made the determination while on patrol that at some point I would let Mulverhill know that it had bothered me the way he conducted himself. I was not going to carry it any further.

While at the station at the end of my shift I was standing over the log book when [Mulverhill came over to my shoulder and stated he had told the intern that he ( Mulverhill ) probably shouldn't of done what he had done at the scene. I told Mulverhill " the only thing I didn't appreciate was that he spoke to me the way he did in front of everyone ". Mulverhill then stepped backed and in a loud voice stated " I'll say what I want, You not my boss and if you have a problem with me then go see the Chief". I then said "Scott you just brought it up to me". Continuing in a loud voice Mulverhill stated things such as I'll be damned if I'm going to put that in my pocket and If you want to make something of it then see the Chief. I turned back to the log book and ignored him. From that point on I did not say another word. Mulverhill continued in a loud voice. Sgt. Fountain had walked into the room and had to say just forget it twice before Mulverhill stopped. Again I felt that his actions were inappropriate and unprofessional therefore I began to address my complaint to A.C. Moll on paper in the processing room. Due to the other members in and around the processing room and comments referred to this matter I felt I would finish my complaint to you on my computer at home. Had <sup>you</sup> been present at the station I would have brought it to your immediate attention.

After changing clothes I requested to speak with Sgt. Fountain before I left. In the Sgt.'s room I advised Sgt. Fountain that I was submitting a formal complaint to A.C. Moll. The actual conversation with Fountain about this matter was not long at all. We had changed the Topic of discussion and ended up in the communications room for awhile. During my conversation with Fountain he suggested to me that the only result to filing a charge would be that more problems would develop between certain members. He also added that he would let Mulverhill know how I felt. Taking into ~~the~~ consideration what Fountain had told me and the recent problems within the department I decided not to submit a complaint. I would like to add that this statement is not a complaint about Mulverhill but it is only the details as I recall them about two incidents that you A.C. Moll have requested I put into a statement. End Statement.



I, SCOTT M. MULVERHILL am employed by the Village of Malone as a Police Officer and submit the following information for what ever purpose it may serve. I understand my Civil Service rights under Section 75 Sub. 2 to have representation by my certified recognized employee organization and that I wish to waive that right.

I WOULD LIKE TO STATE THAT ON 02/06/94 AT ABOUT 11:45 pm I WAS INVOLVED IN A D.W.I. ARREST WITH PATROLMAN DEAN FOUNTAIN OF A MARIANNE L. JOHNSTON, THE LOCATION OF WHICH WAS AT THE INTERSECTION OF PEARL @ MILWAUKEE STREETS. ASSISTING US IN BACKUP WAS PTL. PATRICK NICHOLS. ALSO AT THE SCENE WAS INTERM TROY DONALDSON, HE WAS RIDING WITH PTL. FOUNTAIN AND MYSELF.

WHILE GOING THROUGH THE ROUTINE D.W.I. FIELD SOBRIETY TESTING, PTL. FOUNTAIN ASKED ME TO CONDUCT A PRE-BREATH SCREENING TEST ON MS. JOHNSTON BY USING THE ALCOSENSOR, WHICH I DID. AS I WAS FINISHING THE TEST A NYS POLICE CRUISER PULLED UP BEHIND ME AND IN SAME WAS TROOPER WILLIAM BROWNER. TROOPER BROWNER ASKED IF EVERYTHING WAS OK AND I STATED YES AND SHOWED HIM THE RESULTS OF THE ALCOSENSOR WHICH READ .13%. I THEN TURNED AWAY FROM TROOPER BROWNER AND OFFICER NICHOLS BEGAN TO SPEAK WITH HIM BEHIND ME. AT THIS TIME I REMOVED THE HOLLOW PLASTIC MOUTHPIECE FROM THE ALCOSENSOR AND THREW SAME BEHIND MY BACK ONTO THE GROUND AND KEEP WATCHING THE DEFENDANT AND PTL. FOUNTAIN. AT THAT TIME MY ATTENTION WAS DRAWN FROM THE DEFENDANT AND PTL. FOUNTAIN BY PTL. NICHOLS AS HE WAS STATING, "PATROLMAN MULVERHILL" AND POINTED TO THE GROUND. I LOOKED AT THE MOUTHPIECE AND THEN TURNED BACK AROUND. PTL. NICHOLS THEN DREW AWAY MY ATTENTION FROM PTL. FOUNTAIN AND DEFENDANT AGAIN AND ADVISED ME THAT I SHOULD PICKUP THE MOUTHPIECE AS THIS DID NOT LOOK GOOD. I ADVISED HIM THAT I ALWAYS DID THIS WITH THE MOUTHPIECES AND THAT IF HE WANTED IT PICKED UP TO PICK SAME UP HIMSELF AND THEN TURNED AWAY AND FINISHED THE ARREST WITH PTL. FOUNTAIN AND LEFT THE SCENE. AT THE END OF SHIFT I TRIED TO EXPLAIN TO OFFICER NICHOLS WHY I DID SAME WITH THE MOUTHPIECE TO THE ALCOSENSOR AND HE BEGAN TO MAKE REMARKS TOWARDS THE FACT THAT HE DID NOT LIKE MY CONDUCT AND I TOLD HIM THAT I DID NOT LIKE HIS CONDUCT TOWARDS MYSELF. SGT. FOUNTAIN WAS PRESENT AT THIS TIME AND ASKED WHAT WE WERE SPEAKING ABOUT AND I INFORMED HIM AND HE STATED THAT HE ALWAYS THROWS THESE MOUTHPIECES OUT IN SAME MANNER AS I DO. IN THE PAST ON EVERY OCCASION THAT I HAVE MADE A DWI ARESST OR CONDUCTED FIELD SOBRIETY TEST FOR DWI'S AND HAVE USED THE ALCOSENSOR, I HAVE ALWAYS DISPOSED OF THESE MOUTHPIECES IN THIS MANNER. I HAVE DONE SAME WITH SUPERVISOR'S AND SENIOR PATROLMAN PRESENT AND HAVE NEVER BEEN ADVISED TO PICK THEM UP THAT IT WAS IMPROPER.

**POLICE DEPT.**  
**VILLAGE OF MALONE**

2 Park Place • Malone, New York 12953 • (518) 483-2424 • FAX (518) 483-2426

James E. Phillips  
Chief of Police

Vernon N. Marlow Jr.  
Assistant Chief

Voluntary Statement

February 8th 1994

Malone Police Dept.  
2 Park Place  
Malone, New York

On February 7th 1994 I was working the morning shift from 0400hrs. to 12/N. At around or shortly after 4:00am I walked into the communication room and sat down at the front desk. Ptlm. Mulverhill and Ptlm. Nichols were having a discussion of something I was unaware of. After asking three times I finally got an answer from Ptlm. Mulverhill. He stated that he had threw a mouth piece onto the ground in front of the intern and an arestee. Ptlm. Mulverhill then stated that Ptlm. Nichols had told him to pick the mouth piece up off of the ground. Ptlm. Mulverhill then told Ptlm. Nichols if he had a problem with it to speak with the Chief and that he wasn't his boss. I was then asked by Ptlm. Mulverhill what I did with the mouth piece after I used it and I told him that I threw it away at the scene. I then told the both of them that enough is enough and didn't want to hear anymore arguing between them. Within a few minutes later Ptlm. Nichols was sitting at the typewriter in the processing room starting on a statement directed to Assist. Chief Moll. One sentence was typed out and then the statement was pulled from the typewriter and shredded.

I was approached a short time later by Ptlm. Nichols asking to speak with me. Ptlm. Nichols stated that he was miss treated by Ptlm. Mulverhill when he approached him in the communication room. I told him that Ptlm. Mulverhill was giving him his opionion and in return Ptlm. Nichols was giving him his. At no time did I see any violation between them during the discussion. I stated to Ptlm. Nichols that what ever happened at the arrest scene I was unaware of. I then told him if he felt that he had a violation against Ptlm. Mulverhill then if he wished he should place that statement with the Assist. Chief. Again I told him what I observed infront of me in the communication room I didn't feel that neither were out of line. I then told Ptlm. Nichols that I would express my thoughts to Ptlm. Mulverhill on what occurred in the communication room.

  
Sgt. Christopher Fountain  
Malone Police Department

Date: 02/07/94  
To: A/C Moll  
From: Ptl. Dean J. Fountain

While working the night shift on 02/06/94 at about 11:45PM; Officer Durant who was off duty came in and advised us that a car was in the snow bank at Milwaukee and Pearl Streets. Officer Mulverhill and I along with our intern, Troy Donaldson went in the patrol car to the scene. Officer Nichols arrived later in the Chevy patrol car. What we found was a blue Grand Am had went up ontop of a snow bank and was stuck. The owner and operator of the car was there trying to get it out. While I was interviewing the operator, Marianne Johnston of Burke, I could smell an odor of alcohol coming from her. After doing several field sobriety test, I asked Ptl. Mulverhill to give her the alco sensor test. After getting the reading of this test I placed the operator under arrest for Driving While Intoxicated and placed the handcuffs on her.

The defendant was then placed in the rear seat of the patrol car and transported back to our station by Ptl Mulverhill and I for processing. After the processing was completed the defendant was released to a friend, Tina Smith.

I was later told by Ptl Mulverhill that after he gave the alco sensor test to the defendant that he threw the tube on the ground behind him and Ptl Nichols told him that he should pick it up as it isn't setting a good example. At 4:00AM which is the change of shifts, I was in the locker room getting ready to go home. Officer Mulverhill came in and said that he and Nichols had more words about him throwing the alco sensor tube on the ground. At the arrest scene I didn't hear the discussion between Mulverhill and Nichols as I was occupied with the defendant, placing her under arrest.

Ptl. Dean J. Fountain

*Pr. Dean J. Fountain*

**POLICE DEPT.**  
**VILLAGE OF MALONE**

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**James E. Phillips**  
Chief of Police

**Vernon N. Marlow Jr.**  
Assistant Chief

To: Chief James Phillips

From: Asst. Chief Gerald Moll

Ref: Personnel complaint from Jack R.  
Log # 3366 June 1st 1993  
Complaint against Ptl. Steve St.  
Ptl. Patrick Nichols

*Jack Russell*  
*Complaint*

I have completed the investigation on the above listed personnel complaint. The investigation shows cause of mishandling a complaint by the Officers from Jack Russell. Upon reviewing the statements, V&T Law and checking the area in question, the following department rules and regulations were violated:

- 6.1 General Duties                      Preservation of public peace
- 8.3 Attention to locations vulnerable of crime
- 8.12 Preventive action against development of crime
- 8.13 Enforcement of traffic violations

**RECOMMENDATION:**

In regards to not enforcing the V&T Law on the parking violation, I feel that verbal counseling and instruction on the law would clear up any misconception.

The most disturbing portion of this complaint is that the patrol officers left the area. This department has been hounded by complaints from the taxi companies and their on going disputes have led to several arrests. Both subjects have been arrested for violent acts involving public order. The officers took very little action and left both subjects in the immediate area knowing that several people would be leaving the K of C. This subjected the public to abusive and obscene language and easily could have escalated.

This type of officers response can not be tolerated and a written reprimand should be placed in their personnel file for a period of three years.

## OFFENSE REPORT

Complainant Karon Russell

Case No.

Address

Phone

Offense Personnel Comp.

Place of Occurrence

Report received by GKM at 2140 M. Date 06-01 19 93 How reported phone

Date and time offense committed Officer Assigned A/C Moll

Time of investigation M. Date

Suspects and/or persons arrested

## DETAILS OF OFFENSE (State fully all other circumstances of this offense and its investigation)

Comp. is regards to CR# 3366 (motor vehicle) involving Jack Russell and Ptl. Nichols. Jack Russell and Karon Russell wished to file statements against Ptl. Nichols for his conduct while handling the complaint. Statements taken from both the Russell's and their employee, Raymond Gero. Will follow up 06-05-93.

GKM

Completed statements and reviewed CR filed by Ptl. Nichols at 0200 Hrs. Interviewed Ptl. Stone and he typed out his own statement, completed at 0345. Will interview Ptl. Nichols and follow up when I return from days off, 06-05-93.

GKM

06-15-93 Interviewed Ptl. Nichols (see statement for details) He figured Bingo was letting out very soon and when second call came in, there were many people in the area when they arrived the second time.

06-15-93 Interviewed Lee LaFleur, he could not hear any of the comments Russell made but heard Ptl. Nichols state " If you don't shut up I'm going to arrest you" LaFleur felt that the police were there because he was blocking the driveway and figured he had to move. He was advised that he could park there providing that he

REPORT MADE BY

Date

# SUPPLEMENTARY REPORT

NO. \_\_\_\_\_

Classification \_\_\_\_\_

Name of Complainant \_\_\_\_\_

Address \_\_\_\_\_

Phone No. \_\_\_\_\_

Karon Russell

Offense \_\_\_\_\_

Personnel Comp.

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:  
(Investigating Officer must sign)

Page No. two

Date 06-15 19 93

move the car if someone wanted to go in or out.

Went to K of C and looked over the parking area in question. Lee LaFleur physically showed the location of the vehicle and that it was blocking half of the driveway.

GKM

07-05-93 Chief Reviewed paperwork and concurred with my recommendation, he further requested that I talk with the officers involved as he is currently on sick leave due to a back injury.

GKM

07-06-93 Reviewed paperwork with Chief and Mayor Feeley.

GKM

07-07-93 0400 Hrs. Talked with Ptl. Nichols and advised him of the personnel complaint again and further that there were four rules that were violated. Verbally went over each rule and Ptl. Nichols had a hard time understanding why we felt the rules were violated. He further gave the indication that he will dispute the findings and having a letter placed in his file. He was advised to review the procedure and was given a copy of his statement.

GKM

07-07-93 Interviewed Deny Lefebvre [REDACTED] Lefebvre was the other PDQ Cab driver. (see statement for details) Lefebvre stated that he had a 15 year old female in her cab at the time of the incident. This girl started crying and was scared because of Russell's actions.

GKM

INVESTIGATING OFFICER(S) \_\_\_\_\_

26 REPORT MADE BY \_\_\_\_\_

DATE \_\_\_\_\_

27 CASE FILED

28 THIS CASE IS

Active ☐ 29 APPROVED BY \_\_\_\_\_

Yes ☐ No ☐

Cleared by arrest ☐

Unfounded ☐

Inactive ☐

Other ☐

## OFFENSE REPORT

Complainant K of C Malone Case No. \_\_\_\_\_Address Elm St. Phone \_\_\_\_\_Offense Motor Vehicle Place of Occurrence \_\_\_\_\_Report received by GKM at 2134 M. Date 06-01 19 93 How reported phoneDate and time offense committed \_\_\_\_\_ Officer Assigned Stone/ Nichols

Time of investigation \_\_\_\_\_ M. Date \_\_\_\_\_

Suspects and/or persons arrested \_\_\_\_\_

## DETAILS OF OFFENSE (State fully all other circumstances of this offense and its investigation)

Patrol was dispatched to the K of C on Elm St. to investigate a car blocking a driveway. Upon arrival spoke with Lee Lafleur of P.D.Q. taxi who was parked on the street. His vehicle was parked facing east with the rear of the car at the edge of the driveway to the K of C. He stated he did not call us but that maybe Jack Russell of Adirondack Taxi did. AS I was speaking with Lafleur I observed a second PDQ cab parked in the driveway and across the sidewalk facing the street. Also noticed two Adirondack cabs beside the PDQ cab. The two adirondack cabs were also in the driveway and behind one another. I then approached Jack Russell and asked him if he called at which time he said yes a began to demand that the cabs from P.D.Q. be ordered to move as one was parked in the driveway and on the sidewalk. I told Jack that as long as the PDQ cabs moved when someone was gaining access or leaving or walking on the sidewalk that they were fine where they were unless a representative from the K of C wanted them out. At the time I was explaining this to Russell there were drivers in both of the PDQ cabs and none in Russell's cabs. I then advised the PDQ cab in the driveway that they would have to allow pedestrians to walk on the sidewalk. He was also told that if someone from the K of C wanted them to move they would have to. I went into the K of C and found BINGO in process and noone free to speak with. AS I was entering the K of C Russell was loudly using obscene language as he was speaking to someone in a parked car. I advised him not to use anymore obscene language or he would be arrested for same. He stated he was talking to his wife. I repeated and added this was the last time I would tell him. No further complaints. Closed PMN

REPORT MADE BY \_\_\_\_\_ Date \_\_\_\_\_



In regards to a motor vehicle complaint received on June 1, 1993 at 2134 hrs.. Myself and Officer Stone responded to the K of C on Elm St. to investigate a car blocking a driveway. Upon arrival Officer Stone parked the patrol in the eastbound lane beside a P.D.Q. cab. We both exited the patrol. I interviewed the driver of the P.D.Q. cab Lee LaFleur. He said that he was not the one that called but maybe Jack Russel of Adirondack cab called. At the time I was speaking to LaFleur I observed another P.D.Q. cab parked in the driveway facing Elm St. and same was partially on the sidewalk. The driver was in the car. I also noticed two adirondack cabs parked on the east side of the P.D.Q. cab facing the same direction and were also in the driveway. There were no drivers in the Adirondack cab. I then turned and approached Officer Stone and Jack Russell. I asked Jack if he wanted us at which time he began demanding that the P.D.Q. cabs be ordered to move as one was blocking the driveway and on the sidewalk. I asked Jack if he was the one that called and he said yes. I explained to him I would tell the cab drivers that if someone wanted to get in or out of the driveway they would have to move their cars but that I could not make them move if there was no one wanting to get in or out. I asked Jack if he was leaving and he said not until he gets his fares. Which I understood to be passengers. I then advised the P.D.Q. cabs of the matter. I told Officer Stone I would contact someone from the K of C to find out if they wanted the cabs out of the driveway. As I was walking to the K of C Officer Stone turned the car around to face West. I was walking up the stairs to the K of C at which time I heard Jack Russell using obscene language as he was speaking to someone in a very loud tone. Due to the many number of people in the area I advised Russell that he must stop yelling obscene language or it could result in his arrest./ He made another obscene comment at which time I advised him this was his last warning about the language. Once inside the K of C I could not get anyones attention due to BINGO. I walked out of the building and directly to the patrol car. About 3 or 4 minutes after departure we were advised to return. Upon arrival we spoke with Lee LaFleur at which time he stated that he was just harassed by Jack Russell and wanted us to know this because Russell had also made threats against members of the Police Dept.. Advised LaFleur we would make note of same. We then left for the final time.

A handwritten signature in dark ink, appearing to be 'Peter Stone', is written over the bottom right portion of the typed text.

JUNE 1st 1993

While on patrol was dispatched to a vehicle blocking a driveway at the K of C on Elm St. Upon arrival saw three taxis in the driveway of the K. of C., two Adirondack and one P.D.Q. , only the P.D.Q. taxi had a driver in it, this taxi was the closest to the street. There was another P.D.Q. taxi parked on the side of Elm St. but it was not blocking the driveway. Ptlm. Nichols and myself exited the patrol car and spoke first with the driver of the taxi parked on the side of Elm St. to see if he had called and he stated he had not. Also saw Jack Russell standing next to a car parked on Elm St. and asked if he had made the call, he stated yes that he could not get his taxi out because of the P.D.Q. taxi parked in the driveway. As we where speaking to Russell the P.D.Q. taxi pulled out of the driveway, asked Russell if he was going anywhere and he said not now but would when his fare came out. Advised Russell it was a private driveway and we could not issue any parking tickets and that all he had to do was asked them to move and they would have to. Spoke with the driver of the P.D.Q. taxi on the side of the street and he wanted to know if they could park there to pick up their fare. Advised them they could only do this if no one else was coming or going in the driveway and would have to move immediately if someone else came, at this point the taxi that had been parked there pulled back in, he was informed of what was said by radio from the driver we where speaking to. Russell was still standing a couple of car lengths down from our location and said " they never do anything for me, they never listen to me", advised Russell again that it was a private driveway and that we had not received any formal complaint form the owner yet. I then directed Ptlm. Nichols to check inside with someone from the K of C. as they had not yet come outside to speak with us. Ptlm. Nichols then walked towards the front doors and I went to move the patrol car out of traffic. Before leaving the driver of the P.D.Q. taxi parked on the side of the street, asked what to do if Russell came over to him as he was sure he would. Advised him to stay in his vehicle and not to exchange words but to call this dept. I then went up the street and turned the patrol car around and picked up Ptlm. Nichols, we had only reached Main St. when we where dispatched back to the scene for Russell harassing one of P.D.Q.s drivers. Responded back and spoke with the driver on the side of the street as the taxi that was in the driveway was gone, he said Russell had come over calling him and the other driver obscene names, and he wanted him to stop as this has been an ongoing problem. Advised him that there was not much we could do about name calling, and the driver said that everyone was leaving for tonight and he would speak with his boss later. Patrol headed down Elm St. and saw both Adirondack taxi headed same way and saw P.D.Q. pulling away from K. of C. also.

Ptlm J.G. Stone

VOLUNTARY STATEMENT

DATE: 06-02-93

TIME: 0025 HRS.

I, Raymond N. Gero, am 29 years of age and my address is 28  
[REDACTED]

I would like to state that I'm employed by Adirondack Taxi and was working on June 1st 1993. At about 9:10 pm. I brought my cab to the K of C because bingo was getting out. We do this every Tuesday. I parked my cab in the driveway off to the side so other vehicles could get by. Adirondack also had two other cabs at the K of C. One in front of me in the driveway and the other on Elm St. in front of the building. PDQ cab driver, Lee Lafleur, drove up and parked behind a vehicle that was parked in front of the K of C. The PDQ cab was blocking part of the driveway to the K of C. My boss, Jack Russell had a delivery to make but couldn't get out of the driveway without possibly causing some damage to the vehicles. Jack had the dispatch call the village police and they showed up. Officer Nichols got out of the patrol car and talked with Lee first. Officer Nichols then asked Jack if he called the police. Jack told him yes and that he needed the PDQ cab moved because he had a call. Officer Nichols told Jack that he had no business calling the police because Jack didn't own the K of C. The other officer stated that he was going to move the patrol car and told Officer Nichols to go inside. The patrol car pulled away, Jack and I were near the cab that was parked in the street. Officer Nichols walked towards the building and Jack was talking to his wife. Officer Nichols stopped near the top step of the K of C, turned around and said "if you don't watch your foul language, I will arrest you". Jack told Officer Nichols that he wasn't speaking to him that he was talking to his wife. Just before Officer Nichols turned and said this, Jack said to his wife, "I'm going to have this fucking thing checked out in the morning". Jack did not yell this. It was a tone of voice just like when you are talking to someone. After a short time the officers left the area and the PDQ cabs were still there blocking everyone in. People started walking out of the K of C and Lee started hollering at Jack Russell and challenging him to the fight. Lee was calling Jack a mother fucker. This was when there was about 20 to 30 people outside of the K of C. There was alot hollering between Jack and Lee. The PDQ cab that was backed in left the area. The police car returned after the hollering was over. It pulled along Lee Lafleur's cab and they talked to Lee. The police car then pulled away and the PDQ cab started to move. We then were able to drive away.

Affirmed under penalty of law this 1st day of June 1993

*Raymond N. Gero*

sk [signature]

VOLUNTARY STATEMENT

DATE: 06-01-93

TIME: 2330 HRS.

I, Karon Russell, am 34 years of age and my address is [REDACTED]  
[REDACTED]

I would like to state that I'm co-owner of Adirondack Taxi and on June 1st 1993 at about 9:00 pm. I brought my cab to the K of C because bingo was to be let out. I parked in front of the K of C on the side of the street. My husband and Raymond zero brought two other cabs to the K of C and parked them in the driveway. This is something that our taxi cabs do every night that K of C has bingo. When we park the cabs in the driveway, we pull to the far side so other vehicles can enter or exit. The K of C has never complained about this. Tonight PDQ Taxi brought two cabs to the K of C. One parked on the side of the street which was driven by Lee Lafleur. The other cab showed up and backed into the driveway on an angle. This cab blocked the driveway and across the sidewalk. My husband couldn't get his cab out of the driveway and he had a delivery to go on. We then had our dispatcher call the police and the Village Police arrived. One of the officers asked Jack if he called the police and we told him yes. Jack and Raymond went to Officer Nichols and I heard Officer Nichols say that Jack didn't own the driveway. Jack then came over to talk to me and the officers went and talked to the PDQ cab drivers. I think the PDQ cab backed up a little. Officer Nichols walked to the front of the K of C and was ready to go inside. Officer Nichols then turned around and he looked like he was upset and he hollered something at Jack. Jack didn't say anything to Officer Nichols before this, but was talking to me. After Officer Nichols hollered this to Jack, Jack told him that he was talking to his wife. I yelled the same thing but was not sure if the officer heard me. Officer Nichols then came back from the K of C, and the patrol car left the area. The PDQ cabs were still blocking the driveway and no vehicles including our two cabs were able to leave the K of C. Jack and Raymond started to go to their cabs and Lee Lafleur got out of his cab and tried to pick a fight with my husband. By that time the people were leaving the K of C. People got into the cabs Jack had to wait about five minutes before he could get out.

Affirmed under penalty of law this  
1st day of June 1993.

Karon Russell

*[Handwritten signature/initials]*

VOLUNTARY STATEMENT

DATE: 06-01-93

TIME: 2225 HRS.

I, JACK RUSSELL

AM [REDACTED]  
[REDACTED]

I would like to state that I own Adirondack Taxi and on June 1st 1993 at about 9:30 pm. I had three of my taxi cabs near the K of C because of Bingo. Every week I bring my taxi cabs to the K of C when bingo lets out. Many times I have parked my cabs on the east side of the driveway. The driveway is wide enough so we can park cabs in the driveway and vehicles can still exit or enter. Tonight I had two cabs in the driveway at that location and one cab parked on the side of the street in front of the K of C. PDQ Taxi then pulled a cab on the side of the street behind my cab, partially blocking the driveway and blocking both the cab in the street and the cab in the driveway. Another PDQ cab backed into the driveway on an angle, completely blocking the driveway and was also across the sidewalk. I then had my radio dispatcher notify the Police. Village Police arrived and Officer Nichols got out of the car and asked me if I called the police. I told him yes because my cars were blocked and we couldn't get out. Officer Nichols then told me that I didn't own the driveway or the road. The other officer told Officer Nichols that he had to move the patrol car because it was blocking traffic. Officer Nichols started to walk to the K of C and the other officer moved the patrol car. My wife was in the cab that was parked on Elm St. and we were discussing what was going on. I told my wife that I couldn't understand that nothing could be done because of the way PDQ parked their cabs. Officer Nichols was standing on the steps of the K of C and turned around and yelled to me, "watch your dirty mouth or I'm gonna arrest you like I did before". I then said "what for, putting in a complaint". Raymond Jeror and my wife was present when Officer Nichols said this.

The Officers left the area and the PDQ cabs were never moved and I was still blocked in. A short time later the officers came back. They pulled up along side of the PDQ cab that was parked in the street, stopped and the driver of the cab, Lee Lafleur, started yelling something. The police then pulled away and Lee started yelling at me and saying that I was a cop calling cock sucker. The police car was about 10 to 20 feet up the road when he said this. Lee then threatened to punch me in the mouth. About five minutes later the PDQ cab finally moved so I could pull from the driveway.

AFFIRMED UNDER PENALTY OF LAW THIS  
1ST DAY OF JUNE 1993.

*Jack A. Russell*

I'm giving this statement in regards to an incident that took place in June 1993 and it was a bingo night at K of C. I drive taxi for PDQ Taxi and I parked my cab with the back end of my cab across the driveway. Jack Russell also had cabs at the same location. The Malone Police showed up and went to talk with the other PDQ cab driver, Lee Lefleur. Lee transmitted over the CB to me "Deny, move your car". I started to move my cab and then while the police were still standing near Lee's cab, Lee again transmitted over the CB saying never mind, they said that I didn't have to move it. Lee was pointing to the police officers when he said that. I put the cab back in park and waited there. Then the police walked over to Jack Russell, for a short time, not even two minutes and left. While the police were driving away, Jack started yelling that he pays taxes and that the police don't do anything. The Police left the area and drove down Elm St. towards Main St.

Bingo had already let out and I had a customer in my cab. Jack continued to yell "Fuck-you, and Fuck This" and he tried to pick a fight with Lee LeFleur. The customer that I had in my cab was a 14 or 15 year old female and she started crying and she was scared that Jack was going to start a fight with Lee. This girls name is Crissy Rich and lives 34 Rennie St. Crissy came out when the police were talking to Jack and got in my cab. I waited for my cab to fill up and then left the area.

Affirmed under penalty of law  
this 7th day of July 1993

X 

**POLICE DEPT.**  
**VILLAGE OF MALONE**

2 Park Place • Malone, New York 12953 • (518) 483-2424 • FAX (518) 483-2426

James E. Phillips  
Chief of Police

Vernon N. Marlow Jr.  
Assistant Chief

To: Patrolman Patrick Nichols

From: Chief James E. Phillips

Date: July 10th 1993

Ref: Personnel Complaint from Jack Russell


The investigation into alleged acts of mishandling a complaint involving Jack Russell has been completed and submitted to me by Ass't Chief Gerald Moll.

I have carefully reviewed the statements and feel that the action taken during this complaint did not comply with several departmental rules.

Specifically:

- 6.1 General Duties (Preservation of peace)
- 8.3 Attention to locations vulnerable of crime
- 8.12 Preventive action against development of crime
- 8.13 Enforcement of traffic violations

As you have been informed by Ass't Chief Moll, a letter of reprimand will be placed in your personnel file for one year. Although you were required to review all the department rules and regulations on 05-11-93, you are directed to reread the rules and regulations again. Any misunderstanding that you have on any department rules should be brought to the attention of your first line supervisor.

  
Chief James E. Phillips

**POLICE DEPT.**  
**VILLAGE OF MALONE**

2 Park Place • Malone, New York 12953 • (518) 483-2424 • FAX (518) 483-2426

**James E. Phillips**  
Chief of Police

**Vernon N. Marlow Jr.**  
Assistant Chief

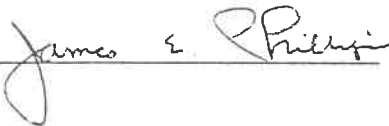
PATRICK NICHOLS

I, THE UNDERSIGNED, ACKNOWLEDGE THAT I HAVE RECEIVED A COPY OF THE SET OF CHARGES PREFERRED AGAINST ME BY THE MALONE POLICE DEPARTMENT AND SET FORTH IN A LETTER TO ME FROM CHIEF JAMES E. PHILLIPS DATED JULY 10, 1993.

DATED July 13- 1993



WITNESS





*Insubordination  
with Sgt.  
Moll*

VILLAGE OF MALONE POLICE DEPT.

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

TO: Patrolman Nichols ADDRESS: MYPD

DATE: 08-30-92 SUBJECT: Improper entries in police log

On August 26th 1992 you were advised of the improper entries that you were making in the police log when signing off and on duty. I made several corrections in your presence and your only response was that A/C Marlow signs off different also. Do to your total disregard for this oral instruction, it has become necessary to give you a direct order in writing. You will make complete and proper entries in the police log such as NICHOLS OFF DUTY or NICHOLS ON DUTY. You also expressed a concern about the shift supervisor's not being uniform when supervising your shift. I will bring this up at the next supervisor's meeting in order to correct any complications you have been having along with the contents of this memo.

SIGNED: *G. K. Moll*  
Sergeant Gerald K. Moll

Chief Phillips,

In regards to item # 1057. It was necessary to call overtime from midnight until 4:00 a.m. and then from 4:00 a.m. until 12/N. Mental Health could not deem the patient mentally incapacitated therefore the Hospital could <sup>not</sup> conduct a medical workup unless they had a court order. Speaking with John Wool he stated that the county judge is the only judge who can issue such an order. Judge Main is out of town for the Holiday. The soonest Wool can get to an adjoining county judge is Saturday afternoon. Therefore the Police Dept., according to section 9.41 of the Mental Hygiene law, is responsible for assuring the safe and clean care of the patient until such legal admission to hospital can be made. Speaking with Norm Gervais he stated he can not allow the patient to stay without continual Police observation until such time the court order arrives and then his staff will assume responsibility.

Pat Nichols

The only thing that we are responsible for is to bring the patient to the hospital what they do with them once they get them is their problem not ours. If you feel that the patient is a mental person than you arrest same and bring before local judge.

Also a patrolman is not authorized to call in persons for overtime for special details such as this. You were also in violation of department policy by not calling in a supervisor for the OT.

This episode cost the Village over \$500 dollars in OT

  
Chief Phillips

Reprimand by  
Chief  
Phillips

VILLAGE OF MALONE POLICE DEPT.  
21 PEARL STREET  
MALONE, NEW YORK 12953

TO: PTLM NICHOLS

ADDRESS: \_\_\_\_\_

DATE: 12/02/91

SUBJECT: Alain Rioux request f/Supporting

Ptln Nichols:

A review of the Justice Court file brought this to my attention. Your response to Judge Coughlin is not acceptable. The fact that you cannot recall the specifics of this incident is irrelevant. You have all pertinent information needed on the ticket itself to comply with the defendants request for a Supporting Deposition. I strongly suggest that you do so and place a copy of same in my box so I can review it.

If you have difficulty in recalling the events in the future I further suggest that you utilize the "hard copy" reverse side marked OFFICER NOTES provided.

SIGNED: Asst/Chief Vernon N. Marlow Jr.

VILLAGE OF MALONE POLICE DEPT.  
21 PEARL STREET  
MALONE, NEW YORK 12953

TO: CHIEF PHILLIPS

ADDRESS: \_\_\_\_\_

DATE: 12/02/91

SUBJECT: Ptln Nichols

Chief;

Attached you will find a copy of a request for a Supporting Deposition from one Alain Rioux with reference to a ticket issued by Ptln Nichols and signed by Judge Coughlin. Also attached there is Ptln Nichols response to the request. A review of the Justice Court file by me revealed this situation. You will also find a copy of my memo to Ptln Nichols instructing him to comply with the request immediately. This is just for your information as I feel that you will be approached by the Officer involved.

SIGNED: VNM

VILLAGE OF MALONE POLICE DEPT.  
21 PEARL STREET  
MALONE, NEW YORK 12953

TO: Chief

ADDRESS: \_\_\_\_\_

DATE: 12-4-91

SUBJECT: \_\_\_\_\_

At 7:30 p.m. on 12-3-91 A.C. Marlow requested I join him in your Office. Once inside your Office he advised me to take a seat. As soon as I did he confronted me in regards to the personnel complaint that I had made against him. As he did so he was standing facing me. He was pointing and yelling to me a majority of the time. His actions towards me in your Office only support my allegations of Harassment. I was not aware that Marlow would be allowed to confront me on a one to one basis in regards to my complaint. He did so in a very intimidating fashion and environment. I am bringing this to your attention for my own records. No further action requested on your part.

SIGNED: P. Nichols

# Justice Court

14 Elm Street  
MALONE, NEW YORK 12953

Telephone (518) 483-5210

TO: Officer Patrick Nichols, MVPD  
FROM: M. J. Coughlin, Malone Village Justice  
RE: Alain Rioux - DOB: 3/28/47  
CHARGE: 1180d (48/30) - 10/26/91  
DATE: 11/19/91

PLEASE BE ADVISED THAT THE ABOVE-NAMED  
INDIVIDUAL HAS BEEN ARRAIGNED BY M. J. Coughlin,  
TOWN/VILLAGE JUSTICE, AND HAS REQUESTED A SUPPORTING  
DEPOSITION TO BE SERVED ON Justice Court,  
~~ATTORNEY FOR THE~~ ~~WANT~~

Judge,

For some reason  
I cannot recall  
this incident.

I've reviewed  
the ticket and  
still cannot  
recall it.

P. Nichols

Problem with  
Assistant Chief  
Marlow

State of New York  
Village of Malone Civil Service Law §75

Village of Malone,

Complainant,

v.

Patrick Nichols,

Respondent.

CHARGES

The Village of Malone hereby charges Police Officer Patrick Nichols pursuant to Civil Service Law §75 as follows:

- 1) On or about July 13, 1993, Patrick Nichols filed with the Chief of Police a written complaint against a fellow officer regarding an incident on April 2, 1993 which was lacking in grounds sufficient to result to ~~result~~ in discipline and which was filed purely as a retaliatory act in reaction to a letter of reprimand placed in respondent's personnel file on July 13, 1993. This action violated the following departmental rules and regulations:

6.2.33 Requirement to immediately notify Desk Officer of an unusual occurrence.

10.1.1 Discredit upon Department.

10.1.4 Insubordination or disrespect to a superior officer.

- 2) On or about July 16, 1993, respondent met with a non-member of the Department, the Franklin County District Attorney, to discuss the charges relating to the April 2, 1993 incident, without the permission of a superior officer. This action violated the following departmental rules and regulations:

10.1.1 Discredit to Department.

10.1.4 Insubordination or disrespect to a superior officer.

10.1.27 Public criticism of a member of the Department.

10.1.28 Releasing departmental information without permission.

10.1.40 Communicating with other police agencies concerning police matters except as provided by departmental procedures.

10.1.77 Seeking the influence or intervention of a person outside the Department for purpose of advantage.

11.5 Disclosing official business of the Department without permission.

- 3) On or about July 27, 1993, the respondent called Police Chief Phillips "stupid" in the presence of Detective Michael Fleury. This action violated the following departmental rules and regulations.

6.2.7 Treat members of the Department with respect.

10.1.4 Insubordination or disrespect to a superior officer.

10.1.17 Failure to treat any person civilly.

- 4) On or about July 27, 1993, without reasonable grounds, respondent accused Police Chief Phillips of engaging in a "cover-up" in front of Patrolman Clyde LaChance. This action violated the following departmental rules and regulations:

6.2.7 Treat members of the Department with respect.

10.1.4 Insubordination or disrespect to a superior officer.

10.1.17 Failure to treat any person civilly.

- 5) Once, between July 13, 1993 and August 5, 1993, the respondent met with a civilian, former Police Chief Richard Brown, to discuss the alleged incident on April 2, 1993. This meeting occurred in the presence of Patrolman Scott Mulverhill. This action violated the following departmental rules and regulations:

10.1.1 Discredit to Department.

10.1.4 Insubordination or disrespect to a superior officer.

10.1.27 Public criticism of a member of the Department.

- 10.1.28 Releasing departmental information without permission.
- 10.1.77 Seeking the influence or intervention of a person outside the Department for purpose of advantage.
- 11.5 Disclosing official business of Department without permission.

6) Between July 13, 1993 and August 5, 1993, respondent met with a civilian, Scott Mattimore, to discuss the April 2, 1993 incident for the purpose of conducting an unauthorized investigation. This action violated the following departmental rules and regulations:

- 8.1 Patrol officers shall be under the direction and control of...[the] commanding officer...
- 10.1.1 Discredit to the Department
- 10.1.4 Insubordination or disrespect to a superior officer.
- 10.1.27 Public criticism of a member of the Department.
- 10.1.28 Releasing departmental information without permission.
- 10.1.77 Seeking the influence or intervention of a person outside the Department for purpose of advantage.
- 11.5 Disclosing official business of the Department without permission.

7) On August 2, 1993, the respondent met with Malone Village Mayor James Feeley to discuss the April 2, 1993 incident, without the permission of a superior officer. This action violated the following departmental rules and regulations:

- 10.1.1 Discredit to the Department.
- 10.1.4 Insubordination or disrespect to a superior officer.
- 10.1.28 Releasing information without permission.
- 10.1.77 Seeking the influence or intervention of a person outside the Department for purpose of advantage.

11.5 Disclosing official business of the  
Police Department without permission.

8) On August 4, 1993, the respondent telephoned Malone Village Mayor James Feeley to discuss the April 2, 1993 incident, without the permission of a superior officer. This action violated the following rules and regulations:

10.1.1 Discredit to the Department.

10.1.4 Insubordination or disrespect to a  
superior officer.

10.1.28 Releasing information without permission.

10.1.77 Seeking the influence or intervention of  
a person outside the Department for  
purpose of advantage.

11.5 Disclosing official business of the  
Police Department without permission.

WHEREFORE the Village of Malone recommends that the respondent be punished pursuant to the provisions of Civil Service Law §75.

Brian S. Stewart, Esq.  
HUGHES & STEWART, P.C.  
Special Village Attorney  
P.O. Box 788 - 31 Elm Street  
Malone, New York 12953  
(518) 483-4330

TO: Patrolman Patrick Nichols  
146 Webster Street  
Malone, New York 12953

Thomas P. Halley, Esq.  
297 Mill Street  
Poughkeepsie, New York 12601



PATRICK NICHOLS

I, THE UNDERSIGNED, ACKNOWLEDGE THAT I HAVE RECEIVED A COPY OF THE SET OF CHARGES PREFERRED AGAINST ME BY THE VILLAGE OF MALONE, NEW YORK AND SET FORTH IN A LETTER TO ME DATED ON THE 5 DAY OF AUGUST 1993.

DATED 8-5 1993



WITNESS



WITNESS



**THOMAS P. HALLEY**

**ATTORNEY AT LAW**

August 10, 1993

**297 MILL STREET  
POUGHKEEPSIE, N. Y. 12601  
(914) 452-9120  
FAX (914) 452-9192**

James N. Feeley, Mayor  
Village of Malone  
16 Elm Street  
Malone, New York 12953

RE: Disciplinary Charges - Patrick Nichols

Dear Mayor Feeley:

Please be advised that the undersigned represents the above Patrolman with regard to disciplinary charges issued on August 5, 1993.

On behalf of Patrolman Nichols, we hereby enter a denial of the charges. Patrolman Nichols did not violate any of the rules and regulations of the Malone Village Police Department, nor any of the provisions of the Civil Rights Law, Public Officers Law, or New York State Penal Law.

In addition, Patrolman Nichols specifically asserts as a defense, in the rights provided under Section 75-b of the Civil Service Law of the State of New York.

Please provide me with the name, address and telephone number of the hearing officer who will be conducting the hearing.

Please take notice that Patrolman Nichols demands a public hearing pursuant to the provisions of the Civil Service Law.

Please provide me with as soon as possible with copies of any and all documents in the possession of the Village which relate to the this matter and these charges, whether or not said documents are intended to be introduced at the hearing.

Please also provide me with a complete copy of the Malone Village Police Department Rules and Regulations.

Please also provide me with a complete copy of his personnel file.

All further notices and communications should continue to be addressed to Patrolman Nichols at [REDACTED] Malone, New York, and, in addition, should be sent to this office at the above address.

If you have any questions concerning any of the above, please feel free to contact me.

Very truly yours,



THOMAS P. HALLEY

cc: Patrick Nichols  
146 Webster Street  
Malone, New York 12953

McKee and James  
Investigative and Security Services  
Incorporated  
11 Charles Street  
Malone, New York 12953

J. Brian McKee  
Luddrick M. James, Jr.



(518) 483-4998  
(518) 483-4200

13 October 1993

Honorable James N. Feeley  
Mayor, Village of Malone  
16 Elm Street  
Malone, New York 12953

Re: Village of Malone vs.  
Patrick Myron Nichols

Dear Mayor Feeley:

Pursuant to your letter of 11 August 1993, I have conducted a hearing in the matter of disciplinary proceedings against Police Officer Patrick Myron Nichols and my report, with recommendations, is forwarded herewith.

My statement for services rendered is also enclosed.

Should you or the Village Board desire to meet with me to discuss my report and recommendations, I am willing to make myself available for that purpose.

Respectfully,

J. BRIAN MCKEE



**J. Brian McKee**  
11 Charles Street  
Malone, New York 12953-1209

Residence  
(518) 483-4998  
Office  
(518) 483-1013  
(518) 483-4200  
(800) 551-0611

STATE OF NEW YORK  
COUNTY OF FRANKLIN

:::

VILLAGE OF MALONE

-----  
In the Matter of a Disciplinary Hearing of PATRICK NICHOLS, a  
Patrolman on the Village of Malone Police Department, pursuant  
to Section 75 of the Civil Service Law:

Village of Malone,

Complainant

- against-

Patrick Myron Nichols,

Respondent  
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REPORT AND RECOMMENDATIONS

To: Honorable James N. Feeley, Mayor  
Village of Malone

By your designation dated 11 August 1993, made part of the record herein, the above entitled matter was referred to me to hear and report with recommendations pursuant to Section 75(2) of the Civil Service Law.

Transmitted herewith is the record, with exhibits.

The notice and statement of charges was served on the Respondent on 5 August 1993 and he signed a written receipt for them (see Volume I, page 5, of the record). The respondent, through his counsel, answered the charges by letter dated 10 August 1993; denied the charges; and asserted as a defense, his rights provided under Section 75b of the Civil Service Law ("Retaliatory Action by Public Employers").

A hearing was held before me at the offices of the Village of Malone on 16 and 17 September 1993. The Respondent, Patrick Myron Nichols, appeared in person and by Thomas P. Halley, Esq., 297 Mill Street, Poughkeepsie, New York 12601. Special Village Attorney Brian S. Stewart, Esq., appeared in behalf of the Village of Malone.

### SUMMARY OF TESTIMONY

The following witnesses testified at the hearing on 16 September 1993:

For the Village of Malone -

Chief James Phillips  
Mayor James N. Feeley  
Sergeant William Ritchie  
Police Officer Scott Mulverhill  
Police Officer Clyde LaChance

For the Respondent -

Mr. Scott Mattimore  
Mrs. Betsy Nichols  
Mr. Robert Hanna  
Sergeant Vernon Marlow  
Mr. Steve Hardy

All witnesses were duly sworn and their testimony is summarized as follows:

Chief James E. Phillips - testified that he has 18 years experience with the Village Police Department, including 3 years as the Assistant Chief and 3 years as the Chief, as well as 24 years of military service - currently as a Major in the Army Reserve (Inactive). Chief Phillips testified as to the need for strict accountability and discipline within the police department and indicated that Police Officer Nichols, who was hired in June 1988, was fully aware of and familiar with the rules and regulations of the Department and had so signified his complete awareness of their requirements as late as 11 May 1993.

Continuing, Chief Phillips testified that on or about 1 June 1993, he received a complaint concerning Police Officer Nichols' performance during police activity at the Knights of Columbus building on Elm Street, Malone, and referred the complaint to Assistant Chief Gerald Moll for investigation and recommendations. According to Chief Phillips, he subsequently received Assistant Chief Moll's report; agreed with its findings of inadequate performance on the part of Police Officer Nichols; and, after consultation with the Mayor, downgraded the disciplinary action to a letter of reprimand to be retained in file for a period of one year. Six weeks after receiving the complaint, Police Officer Nichols was personally advised of the disciplinary action being awarded by Chief Phillips during a meeting at the Police Headquarters on 13 July 1993.

Chief Phillips further testified that when advised he was being given a letter of reprimand, Police Officer Nichols stated his intentions to appeal the punishment and that within an hour or two returned to the Chief and filed a complaint against Assistant Chief Moll for an incident which occurred at the Police Headquarters on 2 April 1993. Chief Phillips testified that as the next senior member of the department, he immediately undertook an investigation predicated upon the complaint by Police Officer Nichols. After taking statements from the police officers immediately involved in the alleged incident and collecting data concerning the extensive criminal record of the prisoner involved, Mr. Scott Mattimore, he began to make notes in his personal computer, a part of the Police Headquarters computer system, concerning his findings.

Chief Phillips testified that on or about 21 July 1993, Police Officer Nichols sent him a memorandum asking for the status of the Chief's investigation relative to the complaint he (Police Officer Nichols) had made concerning Assistant Chief Moll's actions toward Mr. Mattimore. The Chief related that he responded by memorandum on the same date; advising that the matter was under active investigation; and assuring Nichols that if disciplinary action was required, it would be awarded.

As background, Chief Phillips testified that supervisory personnel had experienced prior performance problems with Police Officer Nichols, including his failure to perform fully his police duties when not actively involved with DARE instructional assignments. When certain administrative actions were taken in that regard, Police Officer Nichols reportedly went outside the department to discuss those actions with a Village Trustee who subsequently encouraged the Police Chief to return Police Officer Nichols to DARE duties.

Chief Phillips stated that until 13 July 1993, no member of the department had complained concerning the incident of 2 April 1993 and, at no time, has the union filed any type of grievance or complaint concerning the disciplinary action awarded Police Officer Nichols.

Continuing, the Chief testified as to Police Officer Nichols unauthorized contacts with District Attorney Richard Edwards, former Police Chief Richard Brown, and Mayor James Feeley. In addition, Chief Phillips entered into evidence, without objection, the Malone Police Department personnel file for Police Officer Nichols. It was also reported that Police Officer Nichols had been formally counselled on 4 February 1993 and asked to again review the department's Rules and Regulations and to certify his complete understanding of those documents.

Mayor James Feeley testified as to his conversations with Police Officer Nichols, between 13 July and 5 August 1993, relative to Police Officer Nichols' charges against Assistant Chief Moll and showed him documentation from Police Department files concerning the matter and Chief Phillips' ongoing investigation of the matter. In addition, Police Officer Nichols reported to the Mayor that he had consulted District Attorney Edwards concerning the matter and that he suspected a "cover-up" on the part of the Chief's investigation. Continuing, Mayor Feeley testified that Police Officer Nichols further indicated his plan to notify the Federal Bureau of Investigation concerning the matter and, also, that he had been in contact with the prisoner involved in the April 1993 incident at Police Headquarters and was keeping that individual (Mattimore) apprised of "his own investigation"; of Chief Phillips' investigation; and of the individual's civil rights and his possible redress through a civil suit against the Village.

Mayor Feeley testified that he did not believe it proper for a police officer to be in his office inquiring as to the Mayor's conversations with the Police Chief over police department internal matters. According to the Mayor, Police Officer Nichols asked the Mayor to hold as confidential his (Police Officer Nichols) meetings with the Mayor. When reminded of the department's rules and regulations about unauthorized outside contacts, Police Officer Nichols, according to the Mayor, terminated the conversation.

Sergeant William Ritchie testified as to Police Officer Nichols' stated intentions to consult with the District Attorney and the Federal Bureau of Investigation concerning the Moll-Mattimore incident and how Police Officer Nichols actions and comments were disrupting the department; creating mistrust among the personnel; and causing extensive preoccupation with non-police activity. Sergeant Ritchie indicated he did not believe Police Officer Nichols could return to duty as a police officer without causing further disruption.



Police Officer Scott Mulverhill testified that before doing so, Police Officer Nichols told him that he intended to file charges against Assistant Chief Moll for "misusing a prisoner, for abuse of a prisoner" and that sometime between 13 July and 5 August 1993, he was present when Police Officer Nichols consulted with former Police Chief Richard Brown concerning the proper chain of command "to go above the chief." Police Officer Mulverhill testified that he warned Police Officer Nichols that if he intended to go the Mayor, he had to talk to the Chief. Police Officer Mulverhill testified that he did not tell Sergeant Ritchie that he did not believe Police Officer Nichols could return to duty without causing a disruption within the Police Department, but did acknowledge that he felt that way and would not want to work in the future with Police Officer Nichols who had been his partner in the past.

Police Officer Clyde LaChance testified that in July 1993, Police Officer Nichols told him that he felt he had sufficient information to file some type of charges against Assistant Chief Moll and that he intended to make his charges to the Chief. In mid-July 1993, while reviewing the department computer system from the desk terminal, he found a file entitled "Jim"; retrieved the file; found it to be Chief Phillips' notes concerning his investigation of Police Officer Nichols' complaint concerning Assistant Chief Moll; invited Nichols' attention to the screen; and, at the request of Nichols, made a copy of Chief Phillips' documentation and gave it to Police Officer Nichols. In addition, Police Officer LaChance testified as to Police Officer Nichols' stated intention to go to the Mayor concerning the Chief's investigation - which he considered, for unstated reasons, to be a "cover-up" - and of the fact that he (LaChance) counselled Nichols to first consult with the Union Attorney as to proper procedures. Continuing, LaChance testified that Police Officer Nichols declined his suggestion and indicated he planned to consult the Mayor and the District Attorney. Further, LaChance testified as to other conversations with Police Officer Nichols wherein he confirmed his contact with the District Attorney and also with the prisoner in the April incident (Scott Mattimore). When he again counselled Police Officer Nichols to follow proper procedure in his complaint against Assistant Chief Moll, Police Officer Nichols again declined his suggestions and stated he "wanted to make them sweat like they made him sweat." Police Officer LaChance testified that he did not believe that Police Officer Nichols had any basis for believing that Chief Phillips was conducting any type of coverup in his investigation of Assistant Chief Moll based on Police Officer Nichols complaint.

At this point in the proceedings, Counsel for the Village of Malone withdrew charge number three relating to an alleged remark by Police Officer Nichols wherein he reportedly described Chief Phillips as "stupid."

Mr. Scott Mattimore testified as to his arrest and incarceration on 2 April 1993 and he subsequent conversations with Police Officer Nichols about his "treatment" in the police station and Police Officer Nichols intent "to look into it." Mr. Mattimore outlined his criminal history and of the fact that now Assistant Chief Moll had previously arrested him for the theft of a school bus. Mr. Mattimore stated that he never complained concerning his "treatment" on the night of 2 April 1993.

Mrs. Betsy Nichols, wife of Police Officer Nichols, testified as to telephone conversations Police Officer Nichols allegedly had with Sergeant Ritchie of the Police Department concerning the Moll - Mattimore incident.

Mr. Robert Hanna was called by the Respondent's Counsel and asked to give testimony concerning what he (Hanna) believed to be a "coverup" in the Police Department. In response to an objection by Counsel for the Village of Malone as to a lack of relevancy, I did not allow questioning to proceed if the anticipated testimony of Mr. Hanna related to some prior incident or incidents not related to the charges at hand.

Sergeant Vernon Marlow testified that his supervisory problems with Police Officer Nichols related to "a few minor things."

Mr. Steve Hardy testified that Police Officer Nichols had previously worked for him (1983 to 1987); that he was a good worker; and that he (Police Officer Nichols) had no problem following direction.

The following witnesses, being duly sworn, testified on 17 September 1993 and their testimony is summarized as follows:

Police Officer Ronald Reyome  
Mrs. Kathy Cunningham  
Police Officer Patrick Nichols  
Mr. Ken Cring  
Mayor James Feeley  
Mr. Bobby Peacore  
Sergeant Chris Fountain  
Sergeant William Ritchie

Police Officer Ronald Reyome testified that during a conversation with Police Officer Nichols concerning Nichols' stated

desire to "fight" the letter of reprimand he had been given, he should first consult with the Union Attorney and when Police Officer Nichols exhibited unspecified charges he intended to bring against Assistant Chief Moll, he counselled him again to seek the guidance of the Union Attorney inasmuch as it appeared that his planned actions against Assistant Chief Moll were in retaliation for the letter of reprimand he had just received. Reyome further testified that he counselled Police Officer Nichols that it was not his responsibility to conduct an investigation of the Moll - Mattimore incident. When asked why he had waited 102 days to bring charges against Assistant Chief Moll, Police Officer Nichols reportedly indicated to Officer Reyome that "he would tell people he was doing a thorough investigation." When Police Officer Nichols told Police Officer Reyome that he had been in contact with Mr. Mattimore, Reyome reportedly "told him right then and there he was definitely going against rules and regulations." In addition, Police Officer Reyome testified as to Police Officer Nichols possession of information from the police computer system which had been prepared by Chief Phillips, which he stated he felt he had a right to possess. In addition, Nichols reportedly told Reyome that if the charges he intended to give to Chief Phillips concerning Assistant Chief Moll "wasn't solved promptly, that he was going to the Mayor and going to go to the District Attorney for possible criminal prosecution. He later told Reyome that he had seen the Mayor and the District Attorney. Police Officer Reyome testified as to the disruption caused the department by what he termed as retaliatory actions by Police Officer Nichols.

Mrs. Kathy Cunningham testified as a character witness on behalf of Police Officer Nichols.

Police Officer Patrick M. Nichols testified as to his second-hand knowledge of the Moll-Mattimore incident and of his history of service as the DARE instructor for the Malone Police Department. In regards to his personal investigation into the Moll-Mattimore incident, Police Officer Nichols stated that all members of the department, other than the Chief and Assistant Chief, talked to him concerning the investigation during its pendency. He confirmed that Police Officer LaChance had given him documentation from the department's computer system which had apparently been entered by Police Chief Phillips concerning his investigation of Police Officer Nichols' complaint concerning Assistant Chief Moll and further testified that after reviewing the Chief's notes in the computer, he suspected that the Chief had made up his mind and he therefore suspected a possible coverup by the Chief to protect Assistant Chief Moll.

Police Officer Nichols acknowledged his contact with the District Attorney "several days after I submitted my report" and stated he did so because of allegations he had received of "past situations that were inappropriately dealt with" and because Chief Phillips had not made a log entry of the personnel complaint he had filed concerning Assistant Chief Moll. Police Officer Nichols also related that he had gone to the Federal Bureau of Investigation concerning the matter and to the Mayor who allegedly asked him to keep him advised of developments. In addition, Police Officer Nichols testified that Sergeant Vernon Marlow, who was aware of his actions to seek redress outside the police department, told him his actions were protected as a "whistleblower."

In response to questions by the Hearing Officer, Police Officer Nichols testified that he consulted with Sergeant Fountain, his Union President, who agreed with his plans to report his complaint concerning Assistant Chief Moll to the Mayor and the Village Board without the approval of the Chief of Police.

Mr. Ken Cring testified as a character witness for Police Officer Nichols.

Sergeant Chris Fountain was called by the Hearing Officer and testified that he was told by Police Officer Nichols that he intended to file a complaint with the Chief of Police concerning Assistant Chief Moll and that when Police Officer Nichols indicated his intent to go to the Mayor concerning the matter, he (Sergeant Fountain) urged him to first consult with the Union Attorney and to follow proper channels.

Mayor James Feeley testified that he told Police Officer Nichols that it was all right for him to maintain contact with the Mayor.

Supply Sergeant Bobby Peacore gave testimony concerning National Guard procedures and discharges as they relate to information in Police Officer Nichols personnel file that he received a General Discharge under Honorable Conditions from the New York National Guard.

Sergeant William Ritchie testified that he was on duty on the morning of 3 April 1993 and stated that it was never reported to him by anyone that Mr. Scott Mattimore wished to make a complaint about his treatment as a prisoner nor that he had made such a complaint to Police Officer Nichols nor that Police Officer Nichols was conducting an investigation of such a matter.

A closing memorandum was provided by Counsel for the Village of Malone on 7 October 1993 and is forwarded herewith for information and review. A closing memorandum was not provided by Counsel for the Respondent as of the date of this report. Two contacts were made with Respondent on 7 and 13 October 1993 to alert him to this fact.

#### ANALYSIS OF TESTIMONY

Respondent does not challenge the charges as they relate to Police Officer Nichols meeting with non-members of the Malone Village Police Department to discuss the charges relating to the 2 April 1993 incident involving Scott Mattimore and Assistant Chief Moll; nor does he deny that he failed to apprise Assistant Chief Moll's immediate senior, Chief James Phillips, of his receipt of what he perceived to be a complaint by Scott Mattimore against Assistant Chief Moll or of his intention to personally conduct a criminal investigation of what he believed to be mistreatment of Mattimore while he was in custody (holding room) at the Malone Village Police Department Headquarters on the night of 2 April 1993. In addition, Police Officer Nichols acknowledges that he waited until 13 July 1993 to file said charges with Chief Phillips; that act following immediately Police Officer Nichols being awarded a letter of reprimand for misconduct in a separate and unrelated incident. The investigation of that personnel complaint was conducted by Assistant Chief Moll and there is no evidence submitted to suggest that the investigation was not fairly and impartially conducted. It is noted that the Chief of Police, after discussion with the Mayor, downgraded the punishment recommended by Assistant Chief Moll for Police Officer Nichols.

Police Officer Nichols does not contest the charge that he suspected Chief Phillips of engaging in a "cover-up" and there is testimony from various members of the Department, supervisory and non-supervisory, that he made comments to this effect to them and to others.

While there is evidence that Police Officer Nichols met with former Chief Richard Brown; the only evidence provided is that he questioned Brown on the chain of command. There is no evidence introduced that he discussed the alleged incident of 2 April 1993; that he engaged in unsubordination or disrespect, except possibly by innuendo.

Police Officer Nichols does not contest the charge that he met with Scott Mattimore on more than one occasion to discuss the 2 April 1993 incident or that he was conducting a criminal investigation of the Assistant Chief of Police without formally notifying the Chief of Police prior to 13 July 1993.

Police Officer Nichols does not contest the charge that he met with the Mayor, in direct violation of departmental rules and regulations, of which he indicated complete awareness and understanding, with the District Attorney or with the Federal Bureau of Investigation to further his investigation of the Assistant Chief of Police and his reassignment to duties other than that of the DARE instructor.

I do not find convincing the claim of Police Officer Nichols that he engaged in the aforementioned prohibited conduct because he suspected that the Chief of Police might engage in a "cover up" and fail to take appropriate action regarding suspected wrongdoing by the Assistant Chief of Police. This position by Police Officer Nichols is further weakened by the fact that he waited until 13 July 1993, just after he was disciplined for another offense, to raise charges against the investigating officer (Moll) for alleged conduct on 2 April 1993 and then waited only a few days before bypassing the chain of command and making unauthorized contacts and disclosures outside the department - despite being assured, in writing, by the Chief of Police that he was conducting an investigation of the charges made by Police Officer Nichols concerning Assistant Chief Moll and would take disciplinary action where warranted by the facts.

Police Officer Nichols' personnel file reflects laudatory conduct as the department's DARE instructor and a series of incidents involving his failure to follow established departmental procedures. Police Officer Nichols further testified as to his departure from a prior place of employment because of "problems" with superiors.

There is testimony by members of the department, supervisory and non-supervisory, that they counselled Police Officer Nichols not to violate departmental rules and regulations in his quest to investigate and charge the Assistant Chief of Police with misconduct. In fact, each testified that Police Officer Nichols declined their recommendations/suggestions and moved forward to engage in the prohibited conduct.

There is adequate testimony to believe that return of Police Officer Nichols to full duty within the department would be disruptive and lead to additional confrontation of established departmental authority by Police Officer Nichols.

#### FINDINGS OF FACT

From the evidence submitted, I find the following:

- (a) Charge 1 - that Police Officer Nichols failed to report his concern relative to the alleged actions of Assistant Chief Moll to competent authority within the Police Department or to allow Chief Phillips sufficient time to conduct his investigation of the allegations. As a result, his laying of charges against Assistant Chief Moll gives every indication of being retaliatory in nature.
- (b) Charge 2 - that Police Officer Nichols, fully aware that his actions were contrary to departmental rules and regulations, made unauthorized contacts with non-departmental personnel, including a known criminal, to discuss his intentions to levy charges against Assistant Chief Moll, whose conduct of an unrelated internal investigation resulted in a letter of reprimand being awarded to Police Officer Nichols.
- (c) Charge 3 - withdrawn by the Village of Malone.
- (d) Charge 4 - that Police Officer Nichols, without reasonable grounds, publicly accused Chief Phillips of engaging in a "coverup" in his investigation of the allegations made by Nichols against Assistant Chief Moll.
- (e) Charge 5 - As previously stated, there is insufficient evidence introduced to show that Police Officer Nichols discussed the alleged incident of 2 April 1993 with former Police Chief Brown.

(f) Charge 6 - that Police Officer Nichols met with Mr. Scott Mattimore, a known criminal, to discuss the 2 April 1993 incident for the purpose of conducting an unauthorized investigation.

(g) Charges 7, 8 and 9 - that Police Officer Nichols, aware that his actions were not authorized, met repeatedly with the Mayor to discuss the 2 April 1993 incident and his termination as the department's DARE instructor.

Therefore:

As to Charge 1, I find Respondent guilty with regard to violations of departmental rules and regulations 6.2.33, 10.1.1 and 10.1.4

As to Charge 2, I find Respondent guilty with regard to violations of departmental rules and regulations 10.1.1, 10.1.4, 10.1.27 and 10.1.28, 10.1.40, 10.1.77 and 11.5

As to Charge 4, I find Respondent guilty with regard to violations of departmental rules and regulations 6.2.7, 10.1.4 and 10.1.17

As to Charge 5, I find Respondent Not Guilty with regard to all aspects of the charge.

As to Charge 6, I find Respondent guilty with regard to violations of departmental rules and regulations 8.1, 10.1.1, 10.1.4, 10.1.27, 10.1.28 and 11.5. I find the Respondent Not Guilty of violation of section 10.1.77.

As to Charges 7, 8 and 9 - I find Respondent guilty of violations of departmental rules and regulations 10.1.1, 10.1.4, 10.1.28, 10.1.77 and 11.5. I find the Respondent not guilty of violation of section 10.1.78.



### RECOMMENDATIONS

The Respondent has knowingly, and without good cause, violated the rules and regulations of the Malone Village Police Department; accused supervisors and co-workers of misconduct which was not proved by subsequent investigation; thereby brought unwarranted discredit upon the Department

I am convinced that the misconduct of Police Officer Nichols requires serious disciplinary action, but this is tempered, to a degree, by his obvious excellent performance as a DARE instructor for the department. I am not convinced of his ability to perform adequately as a full-time patrol officer and give due consideration to the fact that the department can not afford a full-time DARE instructor.

The claim by Respondent, through his counsel, that he violated the rules and regulations cited in the charges and is protected under Section 75-b of the Civil Service Law (Retaliatory Actions by Public Employers) is not convincing due to the lengthy delay in filing of the complaint by Police Officer Nichols and because of his failure to make a good faith effort to provide the allegations to competent authority and to give "reasonable time to take appropriate action unless there is imminent and serious danger to public health or safety."

While Police Officer Nichols alone is fully responsible for his misconduct, I must stress for the record that Sergeants Marlow, Ritchie and Fountain appear to have been fully aware, or at least highly suspect, of Police Officer Nichols openly stated intent to violate the departmental rules and regulations cited in this case. They could have, and should have, taken positive supervisory action long before the matter resulted in the filing of allegations by Police Officer Nichols on 13 July 1993. They must share in the criticism for the misconduct of Police Officer Nichols reaching the point that it did. In addition, Police Officer LaChance, by his actions, only incited Police Officer Nichols to further misconduct; must be made aware through appropriate disciplinary action of his improper actions in improperly disclosing police information to Police Officer Nichols.

In view of the foregoing and with full consideration to all aspects of this matter, I respectfully recommend that Police Officer Nichols be demoted in grade and title and reassigned to duties within the government of the Village of Malone and outside the Malone Village Police Department. If this is not possible due to an inability to place Police Officer Nichols elsewhere in Village Government, then I recommend that he be discharged from employment by the Village of Malone.

13 October 1993

J. BRIAN MCKEE  
Hearing Officer

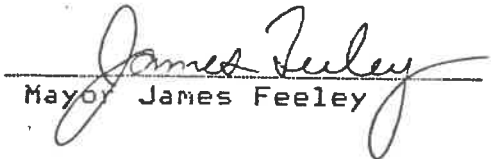
VILLAGE OF MALONE  
16 Elm Street  
Malone, New York 12953  
(518) 483-4570

TO: Patrolman Patrick Nichols  
FROM: Mayor James Feeley  
DATE: October 22, 1993  
RE: Punishment Imposed On You By Village Board

After careful review of the report and recommendations of the hearing officer and the disciplinary proceedings against you on the charges contained in my letter of August 5, 1993, addressed to you, the Village Trustees have in fact decided that you are guilty of the charges as outlined in the hearing officer's report.

You are hereby reprimanded for your actions and violations of the department's duties and rules of conduct and this reprimand shall be attached to the hearing officer's report and made a permanent part of your personnel file.

I am also directing you to reread and acknowledge your understanding of the duties and rules of conduct of the police department. If you have any misunderstanding of the department's rules, please bring them to the attention of your immediate supervisor.

  
\_\_\_\_\_  
Mayor James Feeley

# *Village of Malone New York*

16 Elm Street  
MALONE, NEW YORK 12953

Telephone: (518) 483-4570

## RESOLUTION

At a special meeting of the Village Board of Trustees, Village of Malone, New York, on October 20, 1993, it was moved by Trustee Robert Fraser and seconded by Trustee Earl Lavoie that the following resolution be duly adopted:

BE IT RESOLVED that the Malone Village Board takes the following actions against Malone Village Police Officer Patrick Nichols:

- A. A reprimand
- B. A fine of \$100.
- C. Suspension without pay for a period of sixty (60) days, thirty (30) of which have already been served.

Ayes 3 Nays 0

RESOLUTION HEREBY ADOPTED

Elizabeth J. Bessette  
Elizabeth J. Bessette  
Malone Village Clerk

I, Elizabeth J. Bessette, Village Clerk of the Village of Malone, do hereby certify that the foregoing is a true and correct copy, and the whole thereof, of a resolution adopted at a meeting of the Village Board of Trustees held October 20, 1993.

SEAL

Elizabeth J. Bessette  
Elizabeth J. Bessette  
Malone Village Clerk

VILLAGE OF MALONE POLICE DEPT.

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

TO: Chief Phillips

ADDRESS:

DATE: 11-26-93

SUBJECT:

I have reread the rules and regulations and understand them. PMN

SIGNED:

A handwritten signature in dark ink, appearing to be "P. Phillips", written over a horizontal line.

STATE OF NEW YORK

SUPREME COURT

COUNTY OF FRANKLIN

PATRICK NICHOLS,

Petitioner,

-against-

VILLAGE OF MALONE,

Respondent.

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Index #93-755  
CC #16-1-93-0275.P  
Our File #P-1545

HON. JAN H. PLUMADORE  
SUPREME COURT JUSTICE

DECISION

Petitioner filed the instant petition challenging the results of a Civil Service Law §75 disciplinary hearing. The Hearing Officer found he had violated a variety of police departmental rules with respect to his reporting, investigation and discussion of an incident involving the treatment of a prisoner and Petitioner's termination as a DARE instructor. Petitioner challenges:

- the Hearing Officer's impartiality;
- the failure of Respondent and the Hearing Officer to provide him with the results of the Malone Police Chief's investigation regarding the prisoner incident via Civil Rights Law §50-a;
- the prevention of his inquiry into alleged "other cover-ups" in and by the Malone Police Department;
- the Hearing Officer's application of Civil Service Law §75-b's "whistleblower" provisions to these charges and the facts underlying them;
- Petitioner's own personnel file was used against him without notice or an opportunity to be heard as to its contents.

There has been no showing of partiality by the Hearing Officer sufficient to overturn the results of the hearing. The fact that two years earlier the Hearing Officer praised members of the Malone Police Department generally for their response to an alarm at his business and inappropriately offered them free accommodations does not mean he had an interest or conflict sufficient to preclude him from presiding. There has been no showing of the extent of his friendship with the Police Chief nor how, in a community the size of Malone (village population 6,777), that alone would require disqualification under the Code of Judicial Conduct (see, e.g., Grant v. Senkowski, 146 AD2d 948). Indeed, the Hearing Officer arguably could still have heard the case even if Petitioner had pending a separate legal proceeding directly against him (H.O.) (People v. Muka, 72 AD2d 649; Judiciary Law §14, Washington County Cease, Inc. v. Persico, 120 Misc.2d 207; King v. United States, 434 F.Supp. 1141, 576 F.2d 432, cert. denied 439 U.S. 850).

The Petitioner has also not persuasively argued that he was entitled to the results of Chief Phillips' investigation into the prisoner mistreatment allegations as a matter of law. If he had made application to a court pursuant to Civil Rights Law §50-a subdivisions 1.-3. he may well have been granted access to the material sought (Becker v. City of New York, 162 AD2d 488), but he did not. The instant result may seem to be inequitable given that the Village Attorney could have obtained and/or released the computer memo and notes in question under the authority of §50-a subdivision 4. and that the results thereof (exoneration of the Assistant Chief) had already been made public, but that is the state of the law in this area.

The alleged "other cover-ups" were irrelevant to the proceedings challenged here.

The Hearing Officer considered Petitioner's "whistleblower" (Civil Service Law §75-b) arguments and proof,

except as he excluded it supra, and made findings with respect thereto. The challenge to these findings, and to those not directly related to the "whistleblower" defense, raise questions regarding whether they were supported by substantial evidence. Since, as set forth supra, there are no dispositive objections in point of law akin to affirmative defenses raised herein (CPLR 3211 (a); Hop-Wah v. Coughlin, 118 AD2d 275, rev'd on the other grounds 69 NY2d 791), this matter will be transferred to the Appellate Division Third Department pursuant to CPLR 7804(g).

Finally, Petitioner's own personnel file was offered and received into evidence without objection. He cannot be heard to challenge its admission now.

Mr. Halley to submit order on notice. Counsel are hereby notified that the Appellate Division will not hear this matter based solely on any physical transfer of the papers before this Court (see 22 NYCRR §800.4 and attachment hereto).

ENTER:

DATED: March 14, 1994  
Chambers, Saranac Lake, New York

Jan H. Plumadore  
HON. JAN H. PLUMADORE  
SUPREME COURT JUSTICE



# *Village of Malone New York*

16 Elm Street  
MALONE, NEW YORK 12953

Telephone: (518) 483-4570

May 3, 1994

Mr. Patrick Nichols  


Dear Mr. Nichols:

In accordance with the provisions of Section 75 of the Civil Service Law, and provisions of your collective bargaining agreement, you are hereby notified that the attached charges are preferred against you.

Pending the determination of these charges, you are suspended without pay for an indefinite period (not exceeding 30 days without pay), effective immediately upon service on you of a copy of this notice and attached charges.

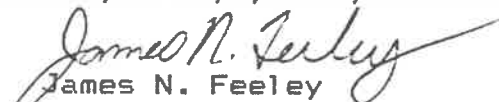
You are allowed until the 11th of May, 1994, to make and file your answer, in writing, to these charges. Such answer should reach the office of the undersigned, at 16 Elm Street, Malone, New York, on or before 5:00 o'clock in the afternoon on said 11th day of May 1994.

You are entitled to a hearing on the above charges and to be represented at such hearing by an attorney, or a representative of your union. You should be prepared, at such hearing, to present such witnesses and other proof as you may have in your defense against these charges. Such hearing will be held at 9:00 a.m. on June 1, 1994, in the Malone Village Meeting Room, located at 14 Elm Street, Malone, New York.

If you are found guilty of any of the charges, the penalty or punishment imposed on you may consist of either dismissal from the service, demotion in grade and title, suspension without pay for a period not exceeding two months, a 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 your latest address on record in the personnel office of the Village of Malone, which is [REDACTED] Malone, New York, unless you request in writing that the same be sent to you at a different address.

Very truly yours,

  
James N. Feeley  
Mayor

JNF:ejb  
Enc

CIVIL SERVICE LAW §75

VILLAGE OF MALONE,

Employer,

v.

CHARGES OF MISCONDUCT

PATRICK NICHOLS,

Employee.

The Village of Malone hereby charges Police Officer Patrick Nichols pursuant to Civil Service Law §75 as follows:

- 1) During the first part of September 1993, Police Officer Patrick Nichols, while on suspension, did knowingly and intentionally solicit four persons to sign a petition, the object of which was to influence the opinions and votes of the Board Members of the Village Board of the Village of Malone with respect to a personnel matter then pending in front of such Board involving Officer Patrick Nichols. This action violated the following Departmental Rules and Regulations:

Regulation Section:

10.1.1 Discredit upon Department

10.1.77 Seeking the influence or intervention of a person outside the Department for purpose of personal preferment or advantage.

10.1.27 Publicly criticizing the official actions of a Department member.

10.1.34 Deliberate violation of regulations pertaining to police management and control.

- 2) On March 17, 1994, while being questioned by superiors regarding the solicitation of signatures on the aforesaid petition, Officer Nichols failed to disclose the full scope of his behavior in soliciting signatures for such petition. His answers to direct questions about the direct solicitation of such signatures were misleading and false. This action violated the following Departmental Rules and Regulations:

Regulation Section:

10.1.4 Insubordination.

10.1.20 Knowingly making a false report, written or oral.

- 3) In the Malone Telegram published on August 17, 1993, the respondent did criticize the Police Department stating "There's somebody else who should be suspended for 30 days". This action violated the following Departmental Rules and Regulations:

Regulation Section:

11.5 A member of the Force or Department shall treat as confidential the official business of the Police Department. He shall not talk for publication, nor be interviewed, nor make public speeches, nor shall impart information relating to the official business of the Department.

10.1.27 Publicly criticizing the official actions of a Department member.

10.1.34 Deliberate violation of regulations pertaining to police management and control.

- 4) In the Plattsburgh Press Republican publication dated August 17, 1993, the respondent did publicly criticize the actions of the Police Department stating "In June 1988, I took an oath to serve the public. I did what I did because it was in the best interest of the public, and this attempt to shut me up isn't going to work. Does it make sense to take a man out of work for 30 days for doing the right thing"? This action violated the following Departmental Rules and Regulations:

Regulation Section:

11.5 A member of the Force or Department shall treat as confidential the official business of the Police Department. He shall not talk for publication, nor be interviewed, nor make public speeches, nor shall impart information relating to the official business of the Department.

10.1.27 Publicly criticizing the official actions of a Department member.

10.1.34 Deliberate violation of regulations pertaining to police management and control.

- 5) In the Plattsburgh Press Republican publication dated August 18, 1993, respondent did publicly criticize the official business of the Police Department stating that he feared retaliation from the Chief of Police and also stating "Retaliation is the number one reason I waited so long, that is the reason a lot of others are waiting before they say anything. They fear retaliation too. But I made the decision I'd see this through, and I want the public to know what's going on." Respondent also confirmed that he also filed a complaint against another officer earlier in the year regarding another unrelated incident. This action violated the following Departmental Rules and Regulations:

Regulation Section:

11.5 A member of the Force or Department shall treat as confidential the official business of the Police Department. He shall not talk for publication, nor be interviewed, nor make public speeches, nor shall impart information relating to the official business of the

Department.

10.1.27 Publicly criticizing the official actions of a Department member.

6.2.7 Treat Superior Officers with respect.

10.1.4 Insubordination.

10.1.34 Deliberate violation of regulations pertaining to police management and control.

- 6) On October 21, 1993 at 12:10 p.m., Mayor Feeley notified Officer Nichols by telephone from his office, while Chief Phillips and Elizabeth Bessette were present, that even though he was suspended, he was still a member of the Malone Police Department and as such was still covered by the department rules and regulations. The Mayor told Officer Nichols to read rule 11.5 before he made any statements to Channel 5 WPTZ News. Even after Officer Nichols was advised by the Mayor to read section 11.5 of the rules and regulations regarding talking publicly, Officer Nichols gave an interview to a reporter for Channel 5 WPTZ News. This action violated the following Departmental Rules and Regulations:

Regulation Section:

11.5 A member of the Force or Department shall treat as confidential the official business of the Police Department. He shall not talk for publication, nor be interviewed, nor make public speeches, nor shall impart information relating to the official business of the Department.

10.1.34 Deliberate violation of regulations pertaining to police management and control.

10.1.4 Insubordination.

WHEREFORE, the Village of Malone intends to conduct a hearing pursuant to Civil Service Law §75 in order to make determinations with respect to these charges and to determine the appropriate and legal response.

PLEASE TAKE NOTICE, that written answers to the foregoing charges must be served upon the attorneys for the Village within eight days of the service of these charges upon the respondent.

Dated: April 20, 1994

Yours, etc.  
HUGHES & STEWART, P.C.  
Attorneys for the Village of Malone  
31 Elm Street, P.O. Box 788  
Malone, New York 12953  
Telephone: (518) 483-4330

To: Patrolman Patrick Nichols

From: Ass't Chief Gerald Moll

Ref: Performance Evaluations

Date: January 25th 1994

Your first line supervisors have completed your last evaluation and all the Sergeants have rated your performance as below standard. These documents will become part of your personnel file. A below standard rating is not acceptable from members in order for this department to achieve it's goals. I suggest that you check with your supervisors in order to improve your rating. Another below standard rating may result in disciplinary action brought against you.

Ass't Chief Moll

**POLICE DEPT.**  
**VILLAGE OF MALONE**

2 Park Place • Malone, New York 12953 • (518) 483-2424 • FAX (518) 483-2426

**James E. Phillips**  
Chief of Police

**Vernon N. Marlow Jr.**  
Assistant Chief

PATROLMANS PERFORMANCE RATING

OFFICER: PATRICK NICHOLS

PERIOD: MAY, JUNE, JULY 1993

ARREST DURING THREE MONTH PERIOD: 4

TICKETS DURING THREE MONTH PERIOD: 6

AVERAGE PERFORMANCE FOR DEPARTMENT DURING PERIOD:

ARREST: 9.5 PER PATROLMAN

TICKETS: 20.4 PER PATROLMAN

NOTE: PATROLMAN NICHOLS PERFORMANCE RATING IS THE LOWEST IN  
THE DEPARTMENT FOR THE THREE MONTH PERIOD.





## POLICE OFFICER EVALUATION

PAGE TWO OF \_\_\_\_\_ PAGES

92

\_\_\_\_\_  
EMPLOYEE'S NAME\_\_\_\_\_  
PR #\_\_\_\_\_  
DATE:\_\_\_\_\_  
Employee's Signature\_\_\_\_\_  
Date:\_\_\_\_\_  
Rater's Signature\_\_\_\_\_  
Date:

| CATEGORIES   | - STAND. +                                      | NA-NO |
|--|---|-------|
| 20. INVESTIGATIVE SKILLS/<br>PROCESSING CRIME SCENES | 1 2 3 <input checked="" type="checkbox"/> 5 6 7 |       |
| 21. TEAMWORK   | 1 2 3 <input checked="" type="checkbox"/> 5 6 7 |       |
| 22. IMPARTIALITY                                     | 1 2 3 <input checked="" type="checkbox"/> 5 6 7 |       |
| 23. APPEARANCE                                       | 1 2 3 4 <input checked="" type="checkbox"/> 6 7 |       |
| 24. ATTITUDE   | 1 2 <input checked="" type="checkbox"/> 4 5 6 7 |       |
| 25. ATTENDANCE                                       | 1 2 3 4 <input checked="" type="checkbox"/> 6 7 |       |
| 26. ORIENTATION SKILL/<br>RESPONSE TO ASSIGNMENT     | 1 2 3 4 <input checked="" type="checkbox"/> 6 7 |       |

EVALUATION NARRATIVE COMMENTS

ALL ratings Lower than FOUR or HIGHER than FOUR must have a Narrative comment. It shall start with the category Number of the Category you are commenting on, then the Comment. Also any NOT OBSERVED shall have a Narrative comment explaining why this was not observed.

#2 Officer has questioned authority#3 Has recieved counseling for violations of rule, regulation and policy which resulted in suspension#4 Officer failed to demonstrate knowledge of operation manual and did not understand policy and procedures set forth#11 Has shown to have reports neatly written and legible. Grammer and spelling is shown to be above average#18 Has always shown proper radio procedure, transmits clear#23 Dresses in a neat manner. Always clean and shows proper fitness#24 Has shown criticism as personal attack. Had engaged in an unprofessional manner which brought discredit to himself#25 Officer has shown not to be abusive in sick leave and has always been prepared for duty in a timely manner#26 Has shown to respond very well to locations throughout the village in a timely manner. Knows business and residential areas well.

## POLICE OFFICER EVALUATION

92

Nichols, Patrick, M  
Employee's Name

Employee #

1/1/94  
DateEvaluation Period: From: 8/1/93 To: 1/1/94 Date Hired 06/17/88Assignment During Evaluation Period: Patrolman

RATING INSTRUCTIONS: Rate observed behavior with reference to the scale provided. While you are encouraged to comment on any behavior you wish, you are required to comment on, and support, all above standard and below standard ratings. Mark box NA/NO if not applicable or not Observed.

RATER: Please initial appropriate line.

BELOW STANDARD ☒  
Employee rated below  
Standard in 4 or more  
tasks.

STANDARD ☐  
Employee rated below  
Standard in no more  
than 3 tasks or has no  
below standard ratings.  
but has fewer than 17  
above standard ratings.

ABOVE STANDARD ☐  
No below standard  
ratings and rated above  
17 or more tasks.

I agree with this  
Evaluation.

☒ I disagree with  
this Evaluation.

*Patrick M. Nichols*  
Employee Signature

1/1/94  
Date:

*W. J. Ferry, Jr.*  
Raters Signature

Date:

*W. J. Ferry, Jr.*  
Reviewer's Signature

12-28-93  
Date:

NOTE: Reviewer must be  
one rank above Rater.

DIV. COMMANDER Signature

Date:

| CATEGORIES  | - STAND. +      | NA-NO |
|---|-----------------|-------|
| 1. KNOWLEDGE USE & CARE OF EQUIPMENT/WORK AREA                      | 1 2 3 (4) 5 6 7 |       |
| 2. FOLLOWING INSTRUCTIONS   | 1 2 (3) 4 5 6 7 |       |
| 3. COMPLIANCE WITH OPERATION MANUAL                                 | 1 (2) 3 4 5 6 7 |       |
| 4. KNOWLEDGE OF DEPARTMENTAL POLICIES AND PROCEDURES                | 1 (2) 3 4 5 6 7 |       |
| 5. KNOWLEDGE OF CRIM. CODE MUNICIPAL CODE, V&T LAW AND CIVIL LAW.   | 1 2 3 (4) 5 6 7 |       |
| 6. KNOWLEDGE OF COMMUNITY EVENT/CRIME PATTERNS                      | 1 2 3 (4) 5 6 7 |       |
| 7. KNOWLEDGE OF CRIME PREVENTION CONCEPTS                           | 1 2 3 (4) 5 6 7 |       |
| 8. DRIVING SKILLS NORMAL CONDITIONS                                 | 1 2 3 (4) 5 6 7 |       |
| 9. DRIVING SKILLS STRESS OR EMERGENCY SITUATIONS                    | 1 2 3 (4) 5 6 7 |       |
| 10. REPORT/WRITING ORGANIZATION/DETAILS                             | 1 2 3 (4) 5 6 7 |       |
| 11. REPORT/WRITING - GRAMMAR/ SPELLING/NEATNESS                     | 1 2 3 4 (5) 6 7 |       |
| 12. REPORT/WRITING APPROPRIATE TIME USED/ PUNCTUALITY OF ASSIGNMENT | 1 2 3 4 (5) 6 7 |       |
| 13. PROBLEM SOLVING/ DECISION MAKING                                | 1 2 (3) 4 6 7   |       |
| 14. PERFORMANCE UNDER PRESSURE                                      | 1 2 3 (4) 5 6 7 |       |
| 15. SELF INITIATIVE   | 1 2 3 (4) 5 6 7 |       |
| 16. OFFICER SAFETY  | 1 2 3 4 (5) 6 7 |       |
| 17. CONTROL OF CONFLICT   | 1 2 3 (4) 5 6 7 |       |
| 18. USE OF RADIO  | 1 2 3 (4) 5 6 7 |       |
| 19. INTERPERSONAL SKILLS  | 1 2 3 (4) 5 6 7 |       |

CONTINUED ON PAGE TWO OF 2 PAGES.

## POLICE OFFICER EVALUATION

PAGE TWO OF \_\_\_\_\_ PAGES

92

EMPLOYEE'S NAME \_\_\_\_\_

PR # \_\_\_\_\_

DATE: \_\_\_\_\_

Employee's Signature \_\_\_\_\_

Date: \_\_\_\_\_

Rater's Signature \_\_\_\_\_

Date: \_\_\_\_\_

| CATEGORIES   | - STAND. +      | NA-NO |
|--|-----------------|-------|
| 20. INVESTIGATIVE SKILLS/<br>PROCESSING CRIME SCENES | 1 2 3 (4) 5 6 7 |       |
| 21. TEAMWORK   | 1 2 3 (4) 5 6 7 |       |
| 22. IMPARTIALITY                                     | 1 2 3 (4) 5 6 7 |       |
| 23. APPEARANCE                                       | 1 2 3 4 (5) 6 7 |       |
| 24. ATTITUDE   | 1 2 (3) 4 5 6 7 |       |
| 25. ATTENDANCE                                       | 1 2 3 4 (5) 6 7 |       |
| 26. ORIENTATION SKILL/<br>RESPONSE TO ASSIGNMENT     | 1 2 3 4 (5) 6 7 |       |

EVALUATION NARRATIVE COMMENTS

ALL ratings Lower than FOUR or HIGHER than FOUR must have a Narrative comment. It shall start with the category Number of the Category you are commenting on, then the Comment. Also any NOT OBSERVED shall have a Narrative comment explaining why this was not observed.

- #2 - Officer has difficulty following through with lawful orders and will often question authority. Reluctantly complies w/instructions.
- #3 - Officer has recieved counseling for violations of rules and regulations and has resulted in formal charges and hearing resulting in suspension and repeated reprimands.
- #4 - Officer demonstrate some knowledge of departmental policies and procedures but continually fails to utilize them in the proper manner.
- #10 - Officers reports are well written and are a detailed account of events from start to finish.
- #11 - Officers reports are well organized w/o any spelling or grammatical errors.
- #12 - Officers reports are completed in a timely manner w/minimal effort.
- #13 - Officer is indecisive and often times will question supervisor's opinion.  
Has difficulty in making routine decisions.
- #16 - Officer follows proper safety procedures and is aware of the devolopment of potentially dangerous situations.
- #23 - Officers dress is always neat and orderly. Uniforms are clean and crisp.
- #24 - Officer perceives supervisor's criticism as a personal attack. He should try and understand that the criticism should be used to better himself.
- #25 - Officer rarely uses sick time and is always prompt and ready for duty.
- #25 - Officer respond to assignments in timely manner and knows patrol area and surrounding problems.

## POLICE OFFICER EVALUATION

92

NICHOLS, PATRICK

Employee's Name

Employee #

Date

Evaluation Period: From: July 31st To: January 1st Date Hired \_\_\_\_\_Assignment During Evaluation Period: Patrol responsibilities

RATING INSTRUCTIONS: Rate observed behavior with reference to the scale provided. While you are encouraged to comment on any behavior you wish, you are required to comment on, and support, all above standard and below standard ratings. Mark box NA/NO if not applicable or not Observed.

RATER: Please initial appropriate line.

BELOW STANDARD  
Employee rated below Standard in 4 or more tasks.

STANDARD  
Employee rated below Standard in no more than 3 tasks or has no below standard ratings, but has fewer than 17 above standard ratings.

ABOVE STANDARD  
No below standard ratings and rated above 17 or more tasks.

I agree with this Evaluation.

I disagree with this Evaluation.

Employee Signature

Date:

Raters Signature

Date:

Reviewer's Signature

Date:

NOTE: Reviewer must be one rank above Rater.

DIV. COMMANDER Signature

Date:

| CATEGORIES  | - STAND. +    | NA-NO |
|---|---------------|-------|
| 1. KNOWLEDGE USE & CARE OF EQUIPMENT/WORK AREA                      | 1 2 3 4 5 6 7 |       |
| 2. FOLLOWING INSTRUCTIONS   | 1 2 3 4 5 6 7 |       |
| 3. COMPLIANCE WITH OPERATION MANUAL                                 | 1 2 3 4 5 6 7 |       |
| 4. KNOWLEDGE OF DEPARTMENTAL POLICIES AND PROCEDURES                | 1 2 3 4 5 6 7 |       |
| 5. KNOWLEDGE OF CRIM. CODE MUNICIPAL CODE, V&T LAW AND CIVIL LAW.   | 1 2 3 4 5 6 7 |       |
| 6. KNOWLEDGE OF COMMUNITY EVENT/CRIME PATTERNS                      | 1 2 3 4 5 6 7 |       |
| 7. KNOWLEDGE OF CRIME PREVENTION CONCEPTS                           | 1 2 3 4 5 6 7 |       |
| 8. DRIVING SKILLS NORMAL CONDITIONS                                 | 1 2 3 4 5 6 7 |       |
| 9. DRIVING SKILLS STRESS OR EMERGENCY SITUATIONS                    | 1 2 3 4 5 6 7 | NO    |
| 10. REPORT/WRITING ORGANIZATION/DETAILS                             | 1 2 3 4 5 6 7 |       |
| 11. REPORT/WRITING - GRAMMAR/ SPELLING/NEATNESS                     | 1 2 3 4 5 6 7 |       |
| 12. REPORT/WRITING APPROPRIATE TIME USED/ PUNCTUALITY OF ASSIGNMENT | 1 2 3 4 5 6 7 |       |
| 13. PROBLEM SOLVING/ DECISION MAKING                                | 1 2 3 4 5 6 7 |       |
| 14. PERFORMANCE UNDER PRESSURE                                      | 1 2 3 4 5 6 7 |       |
| 15. SELF INITIATIVE   | 1 2 3 4 5 6 7 |       |
| 16. OFFICER SAFETY  | 1 2 3 4 5 6 7 |       |
| 17. CONTROL OF CONFLICT   | 1 2 3 4 5 6 7 |       |
| 18. USE OF RADIO  | 1 2 3 4 5 6 7 |       |
| 19. INTERPERSONAL SKILLS  | 1 2 3 4 5 6 7 |       |

CONTINUED ON PAGE TWO OF \_\_\_\_\_ PAGES.

## POLICE OFFICER EVALUATION

PAGE TWO OF \_\_\_\_\_ PAGES

92

Nichols, Patrick  
EMPLOYEE'S NAME

PR # \_\_\_\_\_

DATE: \_\_\_\_\_

Employee's Signature \_\_\_\_\_

Date: \_\_\_\_\_  
[Signature]  
Rater's Signature

Date: \_\_\_\_\_

| CATEGORIES   | - STAND. +           | NA-NO |
|--|----------------------|-------|
| 20. INVESTIGATIVE SKILLS/<br>PROCESSING CRIME SCENES | 1 2 3 <u>4</u> 5 6 7 |       |
| 21. TEAMWORK   | 1 2 3 <u>4</u> 5 6 7 |       |
| 22. IMPARTIALITY                                     | 1 2 3 <u>4</u> 5 6 7 |       |
| 23. APPEARANCE                                       | 1 2 3 4 <u>5</u> 6 7 |       |
| 24. ATTITUDE   | 1 2 3 <u>4</u> 5 6 7 |       |
| 25. ATTENDANCE                                       | 1 2 3 <u>4</u> 5 6 7 |       |
| 26. ORIENTATION SKILL/<br>RESPONSE TO ASSIGNMENT     | 1 2 <u>3</u> 4 5 6 7 |       |

## EVALUATION NARRATIVE COMMENTS

ALL ratings Lower than FOUR or HIGHER than FOUR must have a Narrative comment. It shall start with the category Number of the Category you are commenting on, then the Comment. Also any NOT OBSERVED shall have a Narrative comment explaining why this was not observed.

2) IN PAST MEMBER HAD TO BE GUIDED

3) MEMBER RETURNING TO SUSPENSE DUE TO NUMEROUS VIOLATIONS

7) SHOWS KNOWLEDGE OF DRUG PROSECUTION SKILLS THROUGH D.A.R.E. INSTRUCTION

11) REPORTS ARE GOOD RE: GRAMMAR, NEATNESS + SPELLING

12) REPORTS ARE PUNCTUAL

15) IN PAST MEMBER HAD TO BE GIVEN SPECIFIC GOALS BUT IS IMPROVING

18) RADIO USE IS GOOD

19) COMMUNICATES WELL WITH OTHERS

23) HAS PRIDE IN HIS APPEARANCE

26) SAME AS #2 + #15

## POLICE OFFICER EVALUATION

92

Patrick Nichols

Employee's Name

Employee #

Date

Evaluation Period: From: 8/1/93 To: 12/31/93 Date Hired \_\_\_\_\_Assignment During Evaluation Period: Patrol

RATING INSTRUCTIONS: Rate observed behavior with reference to the scale provided. While you are encouraged to comment on any behavior you wish, you are required to comment on, and support, all above standard and below standard ratings. Mark box NA/NO if not applicable or not Observed.

RATER: Please initial appropriate line.

BELOW STANDARD ☒  
Employee rated below  
Standard in 4 or more  
tasks.

STANDARD \_\_\_\_\_  
Employee rated below  
Standard in no more  
than 3 tasks or has no  
below standard ratings.  
but has fewer than 17  
above standard ratings.

ABOVE STANDARD \_\_\_\_\_  
No below standard  
ratings and rated above  
17 or more tasks.

\_\_\_\_\_ I agree with this  
Evaluation.

☒ I disagree with  
this Evaluation.

*Patrick Nichols*  
Employee Signature

11-4-94  
Date:

*W. M. R. P.*  
Raters Signature

12/31/93  
Date:

*W. M. R. P.*  
Reviewer's Signature

1-8-94  
Date:

NOTE: Reviewer must be  
one rank above Rater.

DIV. COMMANDER Signature

Date:

| CATEGORIES  | - STAND. +           | NA-NO |
|---|----------------------|-------|
| 1. KNOWLEDGE USE & CARE OF EQUIPMENT/WORK AREA                      | 1 2 3 <u>4</u> 5 6 7 |       |
| 2. FOLLOWING INSTRUCTIONS   | 1 2 <u>3</u> 4 5 6 7 |       |
| 3. COMPLIANCE WITH OPERATION MANUAL                                 | 1 2 3 5 6 7          |       |
| 4. KNOWLEDGE OF DEPARTMENTAL POLICIES AND PROCEDURES                | 1 2 <u>3</u> 4 5 6 7 |       |
| 5. KNOWLEDGE OF CRIM. CODE MUNICIPAL CODE, V&T LAW AND CIVIL LAW.   | 1 2 3 <u>4</u> 5 6 7 |       |
| 6. KNOWLEDGE OF COMMUNITY EVENT/CRIME PATTERNS                      | 1 2 3 <u>4</u> 5 6 7 |       |
| 7. KNOWLEDGE OF CRIME PREVENTION CONCEPTS                           | 1 2 3 <u>4</u> 5 6 7 |       |
| 8. DRIVING SKILLS NORMAL CONDITIONS                                 | 1 2 3 <u>4</u> 5 6 7 |       |
| 9. DRIVING SKILLS STRESS OR EMERGENCY SITUATIONS                    | 1 2 3 <u>4</u> 5 6 7 |       |
| 10. REPORT/WRITING ORGANIZATION/DETAILS                             | 1 2 3 <u>4</u> 5 6 7 |       |
| 11. REPORT/WRITING - GRAMMAR/ SPELLING/NEATNESS                     | 1 2 3 <u>4</u> 5 6 7 |       |
| 12. REPORT/WRITING APPROPRIATE TIME USED/ PUNCTUALITY OF ASSIGNMENT | 1 2 3 <u>4</u> 5 6 7 |       |
| 13. PROBLEM SOLVING/ DECISION MAKING                                | 1 2 <u>3</u> 4 5 6 7 |       |
| 14. PERFORMANCE UNDER PRESSURE                                      | 1 2 3 <u>4</u> 5 6 7 |       |
| 15. SELF INITIATIVE   | 1 2 3 <u>4</u> 5 6 7 |       |
| 16. OFFICER SAFETY  | 1 2 3 <u>4</u> 5 6 7 |       |
| 17. CONTROL OF CONFLICT   | 1 2 3 <u>4</u> 5 6 7 |       |
| 18. USE OF RADIO  | 1 2 3 <u>4</u> 5 6 7 |       |
| 19. INTERPERSONAL SKILLS  | 1 2 <u>3</u> 4 5 6 7 |       |

CONTINUED ON PAGE TWO OF \_\_\_\_\_ PAGES.

## POLICE OFFICER EVALUATION

PAGE TWO OF \_\_\_\_\_ PAGES

92

Patrick Nichols  
EMPLOYEE'S NAME

PR #

DATE:

Employee's Signature

Date:

*[Signature]*  
Rater's Signature

12/31/93

Date:

| CATEGORIES   | - STAND. +    | NA-NO |
|--|---------------|-------|
| 20. INVESTIGATIVE SKILLS/<br>PROCESSING CRIME SCENES | 1 2 3 ④ 5 6 7 |       |
| 21. TEAMWORK   | 1 2 ③ 4 5 6 7 |       |
| 22. IMPARTIALITY                                     | 1 2 3 ④ 5 6 7 |       |
| 23. APPEARANCE                                       | 1 2 3 ④ 5 6 7 |       |
| 24. ATTITUDE   | 1 2 ③ 4 5 6 7 |       |
| 25. ATTENDANCE                                       | 1 2 3 ④ 5 6 7 |       |
| 26. ORIENTATION SKILL/<br>RESPONSE TO ASSIGNMENT     | 1 2 3 ④ 5 6 7 |       |

## EVALUATION NARRATIVE COMMENTS

ALL ratings Lower than FOUR or HIGHER than FOUR must have a Narrative comment. It shall start with the category Number of the Category you are commenting on, then the Comment. Also any NOT OBSERVED shall have a Narrative comment explaining why this was not observed.

"See Attached Sheet"

POLICE OFFICER EVALUATION  
EVALUATION NARRATIVE COMMENTS

EMPLOYEE NAME: Patrick Nichols

DATE: 12/31/93

EMPLOYEE SIGNATURE: \_\_\_\_\_

RATER'S SIGNATURE

*2m RHP*

- Category # 2 It is unclear if officer does not understand instructions or simply chooses not follow them.  
officer does not indicate that he does not understand.
- Category # 4 Again it is unclear if officer does not understand or is simply choosing to circumvent procedure.
- Category # 13 officer sets sight on one solution to a problem and fails to explore other avenues. has an end justifies the means mentality
- Category # 19 Officer has a hard time working with authority figures, displays a closed minded attitude that sets other on the defense.
- Category # 21 Category #19 reflects in the same manner with teamwork,
- Category # 24 Officer takes constructive criticism as a personal attack upon him. Displays his dislike of supervisors and policy to other members.





## GATEWAY MOTEL

Finney Blvd. • Rt. 30 • Malone, NY 12953  
(518) 483-4200

J. Brian McKee  
L.M. "Rick" James, Jr.

14 March 1991

Chief Richard Brown  
Malone Police Department  
21 Pearl Street  
Malone, New York 12953

Dear Dick,

Yesterday, 13 March 1991, one of our desk clerks accidentally activated the duress signal and the central station asked your department to respond to the alarm.

I sincerely regret the "false" nature of the alarm and know the serious consequences of a serious response to hold-up alarms, but as a former member of your department, I could not have been prouder of the performance of the responding police officers. Their approach to the area and their entry to the building were textbook correct and polished by a lot of obvious street smarts! As a veteran of 32 years in the business who got his start in the profession in the Malone PD, believe me when I say that I have never seen it done any better.

Please remember that courtesy accommodations are always available here to any member of the police department or those outside the department to whom you would like to extend free lodging. It's our way of saying thanks to your department for the outstanding service provided every day of the week. Remember, the coffee pot is always on and you and all your people are always welcome.

With a lot of respect, admiration and recollection of the "good old days",

Sincerely,

J. BRIAN MCKEE

Richard C. Brown  
Chief of Police



Telephone  
518-483-2424

**VILLAGE OF MALONE**

21 Pearl Street  
Malone, New York 12953

DATE: October 2, 1990

TO: American Legion Post 219

FROM: Chief Richard Brown

SUBJECT: Letter of Recommendation  
Patrolman Patrick Nichols

It is with great pride that I recommend Patrolman Patrick Nichols to receive The American Legion Certificate of Commendation.

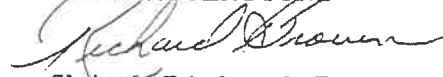
Patrolman Nichols joined the Malone Police Department in June of 1988. During the spring of 1989 Patrolman Nichols wanted to do something for people with Diabetes as he had a friend that had the disease. Patrolman Nichols decided to raise money for the NYS American Diabetes Association by bicycling from Malone to Plattsburgh and then back to Malone. Patrolman Nichols called his ride for Diabetes.

" WHEELS OF HOPE "

Patrolman Nichols spent many hours collecting pledges and training for the race, when his ride was over he had collected more than \$5,500.00 for the American Diabetes Association. Because of Patrolman Nichols effort he was named Northeastern Chapter of the American Diabetes Association volunteer of the year.

Patrolman Nichols is a credit to the Malone Police Department and to the Village of Malone.

CONGRATULATIONS

  
Chief Richard Brown

# THE AMERICAN LEGION

## Certificate of Commendation



PRESENTED TO

*Patrick M. Nichols*

FOR OUTSTANDING SERVICE TO THE COMMUNITY THROUGH  
CARRYING OUT THE DUTIES OF A POLICE OFFICER IN A MANNER  
WHICH REFLECTS CREDIT UPON ALL LAW ENFORCEMENT  
OFFICERS AND FOR DEDICATION TO THE PROFESSION ABOVE  
AND BEYOND THE CALL OF DUTY.

*Richard M. Lewis* *Vincent Colasacco*  
DEPARTMENT ADJUTANT DEPARTMENT COMMANDER

*Ronald E. Quann* *Robert Salina*  
POST ADJUTANT POST COMMANDER

MALONE AMERICAN LEGION

POST NO. 219

DEPARTMENT OF NEW YORK

3 October 19 90

# *Village of Malone New York*

14 Elm Street

MALONE, NEW YORK 12953

Telephone: (518) 483-4570

September 20, 1989

Mr. Patrick Nichols  
82 Park Street  
Malone, New York 12953

Dear Pat:

Please accept my personal congratulations on your recent fund raising ride to Plattsburgh.

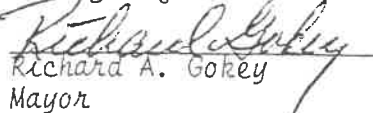
We are most fortunate to have a person of your dedication in our employ.

I am sure that you have received a great deal of satisfaction in helping some very needy people.

With best personal regards, I remain,

Very truly yours,  
Village of Malone

By

  
Richard A. Gokey  
Mayor

RG/cdy

cc: Chief Richard Brown

Richard C. Brown  
Chief of Police



Telephone  
518-483-2424

Chief Richard C. Brown  
Chief of Police  
Malone Police Department  
Malone, New York 12953

December 31, 1990

Ref: letter commending Patrolmen Nichols and Mulverhill


On December 24, 1990 I was the night shift supervisor working with Patrolman Nichols and Mulverhill. At about 2130 Hrs. the department received a burglary complaint from [REDACTED] street and Ptlm Nichols and Mulverhill were assigned.

During the course of their investigation the patrolmen followed tracks that had been left in knee deep snow and frigid cold until they discovered that another home had been burglarized at [REDACTED]. Their investigation continued for approximately two and a half hours in the course of this time the two patrolmen checked from ten to fifteen houses until they developed a footprint that had positively come from the suspect. They then continued the search until they came to [REDACTED]. Once at that location they found that the matching footprint had gone into the upstairs apartment. Their investigation revealed that the apartment occupant was Robert Richards. They were instructed by me to pick-up Richards at this time and bring him to the station for questioning, but Richards would either not open his door or had left the apartment. (it was later determined that he had in fact left).

Upon completing their report it was turned over to Det. Fleury who then confronted Richards with the information developed by Ptlm Nichols and Mulverhill. Once confronted Richards confessed to not only the two burglaries that night but four other prior burglaries. as a result six burglaries were cleared and most of the stolen property recovered.

I would like to commend these two patrolmen for their outstanding work and devotion to police work. This was not just a case of following footprints from point to point but instead a dedicated effort in adverse conditions, and as such set an outstanding example for the rest of the department.

Sincerely,

  
SGT Wm Ritchie  
Malone Police Dept.  
Malone, New York

December 22, 1991



Dear Sir:

My husband I are very pleased with Officer Nichols' DARE work. I sit in on each of my daughter's sessions so am very aware of his enthusiasm, preparedness, and patience. A feeling of empathy and interest toward the children is very evident. We are so thankful that our community and police have made such a committ-



January 28, 1993

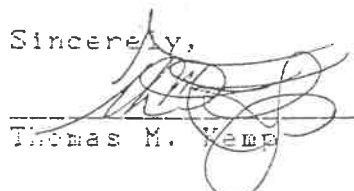
Dear Officer Nichols,

The attached letter was written by the fifth grade students at Flanders, thanking four high school students for sharing their time and thoughts with the Flanders fifth grade D.A.R.E. students.

The future looks bright and rosy when you see fine young women and men like Melissa Anderson, Lorraine Holland, Jason Pelkey and Jay Quenville interact so sensitively and unselfishly with younger students. The future of the fifth grade students is also brighter and rosier as a result of this interaction.

You can be very proud of the fact that you and your fellow police officers have made this a reality in Malone. We'll all reap the benefits in the future. Please accept my thanks on behalf of my students for the D.A.R.E. program. Keep up the exceptional work.

Sincerely,

  
Thomas M. Kemp

Malone

Greetings

from Flanders School  
East Main Street  
Malone, NY 12953

D.A.R.E.  
TO KEEP KIDS  
OFF DRUGS

January 28, 1993

Dear

Thank you for coming to Mr. Kemp's D.A.R.E. class to explain drugs and what they are. It was very nice of you to give up your time and come to our D.A.R.E. class and we all appreciate it.

We're sure you changed alot of peoples' minds about being embarrassed when they make a mistake and about drugs. Thank you for telling us about strength in numbers with the right group.

Once again thanks alot, we all appreciate it.

Sincerely,

Gregory Latreille; President

Clint Soulia; Vice-President

Madonna Snyder; Treasurer

Tyler Ashlaw; Secretary

cc: Mr. Richard Spatara  
Officer Patrick Nichols  
Mr. Dean Vando  
Mr. Thomas Helmer



# DIVISION OF CRIMINAL JUSTICE SERVICES

## STATE OF NEW YORK

Be it hereby known that

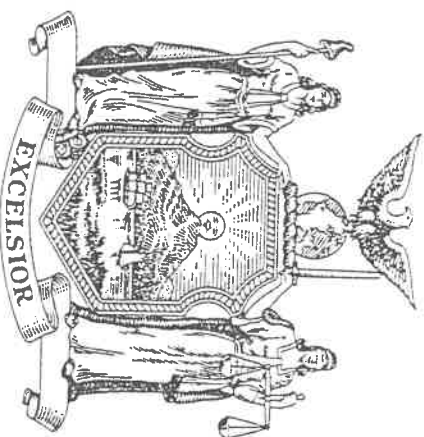
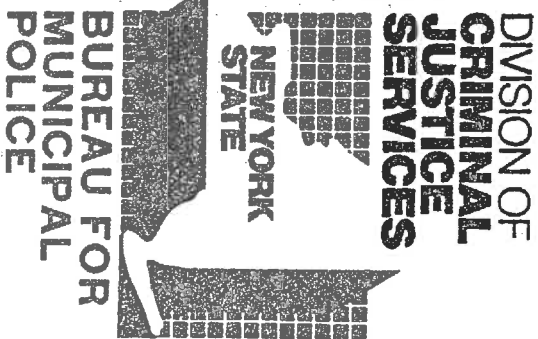
PATRICK NICHOLS

has attended a course  
in

DRUG ABUSE RESISTANCE EDUCATION (D.A.R.E.)  
IN-SERVICE TRAINING

given under the auspices of  
the

NEW YORK STATE D.A.R.E. OFFICERS  
ASSOCIATION  
JANUARY 15 - 16, 1993



Director of Criminal Justice  
and Commission

Deputy Commissioner, Division of  
Criminal Justice Services

# POLICE DEPT.

## VILLAGE OF MALONE

2 Park Place • Malone, New York 12953 • (518) 483-2424 • FAX (518) 483-2426

James E. Phillips  
Chief of Police

Vernon N. Marlow Jr.  
Assistant Chief

Chief James Phillips  
Malone Police Department  
2 Park Place  
Malone, New York 12953

Ref: commendable action by three Malone Police Officers.

Sir;

On the evening of April 17, 1993 Officer Nichols who was off duty and at home was listening to the local radio station when something on the radio lead him to believe that there was some sort of problem going on at the radio station. Officer Nichols then called the duty desk and explained his concerns to the On-duty personnel.

At this time Officer's Collette and Simonsen went up to the WICY station on the Porter road. At the station they found an employee of WICY, Patrick Murtagh in a very confused and disoriented state. The two Officers kept Murtagh calm until Murtagh's mother arrived. It was at that time that the Officers learned that Murtagh is a Diabetic and was in Diabetic shock. With the assistance of the two Officers Murtagh's mother was able to administer sugar to Patrick and bring him out of this condition.

Had it not been for the quick action of all three Officers, Mr Murtagh may have suffered further injury or worst. Therefore I would like to recognize them for a job well done and add my personal congratulations.

Respectfully,

  
Sgt William Ritchie  
Malone Police Dept.

16 April 1993

Chief James Phillips  
Malone Village Police  
2 Park Place  
Malone, New York 12953

Dear Chief Phillips,

My son, Patrick, is a radio announcer for WICY. On Saturday, April 16 at about 10 p.m., Patrick went into insulin reaction while he was working at the station. Officer Pat Nichols, who was off-duty at the time, heard Patrick and thought there was something wrong. He called Officer Bruce Cox at the Station and Officers Mark Simonsen and Craig Collette responded to the call with Trooper Kelvis Melo. They arrived before Patrick lost consciousness and he let them into the building.

By the time my husband and I arrived, Patrick was unconscious. Had the police not arrived when they did, we may not have been able to get into the building in time to help Patrick and that could have been fatal.

As a taxpayer, as a mother, as a citizen and as a human being, I want you to know how very grateful I am to Officers Nichols, Simonsen, Collette and Cox for acting quickly and averting a disaster. I also want to tell you that we were extremely impressed with their genuine concern for Patrick and their total cooperation with us.

It's a great comfort to us to know that New York's Finest are there for us when we need them.

Patrick is fine. And for that, We will never forget those officers and we will always be extremely grateful to them.

Sincerely yours,



KATHRYN B. MURTAGH



Copy to: Mayor James Feeley