

#### City of Saratoga Springs CITY ATTORNEY'S OFFICE CITY HALL

474 Broadway – Suite 21 Saratoga Springs, New York 12866

Telephone 518-587-3550, ext. 2414

ANTHONY J. IZZO CITY ATTORNEY

ROBIN MCFEE
EXECUTIVE ASSISTANT

February 9, 2023

<u>via ELECTRONIC MAIL ONLY</u> 96282-07260616@requests.muckrock.com

MuckRock News DEPT MR 96282 263 Huntington Avenue Boston, MA 02115

RE: FOIL Request – Saratoga Springs Police Department Misconduct Allegatons and

**Disciplinary Proceedings** 

#### Dear Sir/Madam:

In accordance with the provisions of New York State Public Officers Law §87, enclosed please find documents from the Saratoga Springs Police Department in response to your FOIL request noted above. Please note that these documents have been redacted pursuant to Public Officers Law §87(2)(e)(i) and/or §87(2)(b). Please be further advised that as additional records become available, they will be reviewed and disclosed as warranted.

Should you feel that you have been unlawfully denied access to records, you may appeal such denial in writing within thirty (30) calendar days. You may direct your appeal to this office.

Thank you.

Robin McFee FOIL Officer

Enc.



Supervisor Instructions:

### Saratoga Springs Police Department



### JOB PERFORMANCE COUNSELING MEMORANDUM

Identify and define the bel clearly explain the behavior Document the counseling	or expected of the m	ember; explain the p	otential conseque	nces of unacceptable beh	avior, if continue	or laws d;
TO: (Name & Rank)	:-				1	
FROM: (Name & Rank)						
SUBJECT:	failure to noti	fy change of duty	status			
DATE OF OCCURRENCE		TIME OCCURRE	D: 1200	1 1		
On the aforementioned Department that require To wit:	date and time you es counseling in a	u were involved in n effort to improve	an incident as a the quality of p	member of the Sarato erformance in your du	ga Springs Polic ties.	:e
On Thursday doctor's appointment a The doctor had provid returned from the search duty status.  You informed us that y for medical treatment a General Order 14.1,4,4 duties upon beginning note, you were not. It is the responsibility of let a superior know if it is of utmost importance capable of doing what the future I expect your duties.  This counseling memonly, and memonly approximate the counseling memonly and memonly	and, after that, yo ed you a slip starch warrant. The involved did not read and were issued a a,vli,2 (Rules of their tour. In this of all members of changes. This sign while planning a task is assigned, ou to promptly le	u came back and ting no running for note was issued the note until after a doctor's note the Conduct) refers to case it relates to this agency to be tuation involved and executing the the chain of cortination of cortination in the cortinatio	d assisted on a or 3 months, what o you at the dearch was at possibly affect the search was a search warrant that warrant know of the search warrant that warrand know of the search warrand know of th	nich you provided to a arrant, however the fa- ected your duty status shall be physically fit a mant execution and, particular ability to perform to a home with minure know every person	oncentent affected act that you we sis clear. to perform the per the doctor on their duties an involved is full	ent ir 's and to nce. It ully
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	_					
				Vs		

Original: Copy

Chief of Police via chain of command Shift/Unit Training folder & Counseled Employee

Page 1 of 2

Date

To Whom It May Concern:

Please be advised that is is/has been under my orthopedic care.

He was seen in office for appointment today.

•

Electronically signed by: Richard Alfred, MD Date:6/9/2016

Reliech H Alfred aus

1367 Washington Ave., Albany, NY 12206 - (518) 489-2666 - Fax (518) 489-5933 - www.caportho.com



Saratoga Springs Police Department
5 Lake Avenue
Saratoga Springs, New York 12866
(518) 584-1800
www.saratogapolice.org



# Memo

To:	
From	•
Date:	
Re:	
Message:	
Temporary Light Duty. If you have any qu	estions please notify your supervisor.



To Whom It May Concern:

Please be advised that is/has been under my orthopedic care.



Date

To Whom It May Concern:

Please be advised that is/has been under my orthopedic care.

### Saratoga Springs Police Department

Job Performance Counseling Form

1	RECEIVED
	MAY 2 1 2001
	SARATOGA SPRINGS

TO:		POLICE DEPT.
FROM:		
SUBJECT:	COUNSELING RE- PRISONER	SMPZYY-EVIDENCE
Date of occur		

On the above date and time you were involved in an incident during your performance of duties as a Department member. As a result of this incident, it is necessary that we review with you Department policy and procedures in an effort to improve upon your job performance.

TO WIT:

BN THE ABOVE DATE TIME VALUE OF THE BOXES.

WHICH YOU HAD SECUREN FROM SUBJECT.

AURINA THE COURSE OF THE BOXENE AND LAND EVIDENCE BY INDESTINE

LAND ABLE TO DESTROY SAID EVIDENCE BY INDESTINE

SAME. WHILE THE LOSS OF THE EVIDENCE IS IMPORTA

A MORE IMPORTANT ASSECT OF THIS INCLIDENT.

IS THE POSSIBLE NEGATIVE ANVERSE HEALTH IMPORTA

IT MIGHT HAVE THAN ON A PRISONER IN OUR CUSTONY

PER SEC 66 OF OUR OB MANUAL AND AK HEID BY

THE COURTS WE ARE DIRECTLY KUSTONISH FOR

USE THIS RS A LEARNING AND I RECOMMENDED.

NYNEX System @ C:\AMIPRO\PD-FORMS\COUNSEL.SAM

Printed:	
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#### **DETECTIVE'S SUPPLEMENTAL REPORT** Report #:

Page:

Department:

SARATOGA SPRINGS POLICE DEPARTMENT

Case Number.:

DD IAMINDAL :	SS01	Blotter/CC #:
SUSPENED FOR IN SAID VEHICLE WA INVENTORY/CONE SIDE. THE BAG COLEAFY SUBSTANCITRANSPORTED TO SCALE, MODEL #PITEM WAS SECURE PERFORMED A COI	NG DRIVEN. THE R NSURANCE LAPSE. S IMPOUNDED AND DITION REPORT OF NTAINED FIVE DVE E. THE MASON JAR HQ AND TURNED P.250B UNDER THE ED BY NTROLLED SUBSTA	TOWED TO WHILE OFF. WAS FILLING OUT THE VEHICLE F. FOUND A BROWN PAPER BAG IN THE REARSEAT PASSENGER O TAPES, CLOTHING, BOOTS, AND A MASON JAR CONTAINING A GREEN WAS SECURED BY OFF. AT APPROX 2:45PM AND WAS OVER TO OFF. ALSO FOUND A POCKET PRO ACCULAB E REARSEAT AREA BEHIND THE DRIVERS SIDE OF THE VEHICLE. SAID AT APPROX 5:17PM AFTER CONFERRING WITH ADA.  INCE FIELD TEST AND THE GREEN LEAFY SUBSTANCE PROVED
Signature		Field Recommendation:
.0.:	Sqd. Superv.:	C.O.:

Printed:			DETECTIVE'S S	SUPPLEMENTA Report #:	AL REPOR 2	RT	Page:	2
Department: DD Number :	SARA'	TOGA SP -01	RINGS POLICE D	EPARTMENT		Case Number.: Blotter/CC #:		
TOWED DUE TO TOWED DUE TO TOWED DUE TO TOWED DUE TO TAND HE WAS HAND DETAILS OF WHAT SUSPENDED PER BAIL REQUIRMENTO THE SCENE TO COMPLESO THAT SHE COLOCKETURNED TO POCLEARED (DMV OF THAT DURING AN YEGATABLE MATTER AND TEST TOWED TO THAT SHE DID NOT THAT SHE DID	OWED. IDCUFF I HAD ( MIT ON T. SECU LETE TH ILD CO LICE HO RDER A IMPOUT EN IN T ED POS OFFIC I KNOW COURT COURT	UPON OF ED AND OCCURRED HAD HAD RETHE DOME RECT TO WITH A THAND A THAT TO MAND A WITH UNLED 15/22/0	PRIGINAL STOP, PATTED DOWN A ED WERE DETERI WAS TRANSPORT OF A DOG IN HER VERY COG. REPORTING STIC INCIDENT IN CASE REPORTING TO CASE REPORTING TO CASE REPORTING AN ORDER FROM NORY OF THE VERY CASEAT AREA OF THE MARIJUANA WERE MARIJUANA WERE MARIJUANA WERE AWFUL POSSESS 11. SCERBO ALSO	AND PLACED IN MINED. DISPATED TO POLICE AND A GOFFICER TRAINED TO FILE AND THE VEHICLE. SEED TO ANSWEWAS IN THE VEQUESTIONS AND A CHARGED WAS IN THE VERY AND THE	TS SERVINTORY OF HACK HACK HACK HACK HACK HACK HACK HACK	THE VEHICLE FOR SCERBO EXIT TO SCERBO EXIT TO SCEND THAT SCERIOUS FROCESSING OF THE SUSPENSION OF THE SUSPENSION OF WAS TESTED FOR THE SUSPENSION OF WAS TESTED FOR THE SUSPENSION OF THE SUSPEN	ALLED TO THE PRIOR	TIL ND

MARIJUANA SINCE HE WAS OPERATING THE VEHICLE AND IT WAS FOUND IN BETWEEN PROPERTY

Field Recommendation:

OWNED BY BOTH PARTIES. SCERBO WAS ISSUED UTTS FOR AUO 3RD AND DRIVING WHILE

D.O.: \_\_\_\_\_ Sqd. Superv.: \_\_\_\_ C.O.: \_\_\_\_

REGISTRATION SUSPENDED.

Signature

Printed:	DETECTIVE'S SUPP Report	LEMENTAL REPORT Page: 3
Department: DD Number :	SARATOGA SPRINGS POLICE DEPAR SS01	TMENT Case Number.: Blotter/CC #:
THAT WAS AT MAIN THE REAR PAIN CHECKED THE R		TO DO A NARCOTICS SEARCH OF A SEARCH WITH K-9. K-9 ALERTED TO A SUIT CASE ATED A LARGE GLASS MARIJUANA BONG. OFFICER
Signature		Field Recommendation:

D.O.: \_\_\_\_\_ Sqd. Superv.: \_\_\_\_ C.O.: \_\_\_\_

**Printed:** 

#### **DETECTIVE'S SUPPLEMENTAL REPORT** Report #:

Page:

4

Department:

SARATOGA SPRINGS POLICE DEPARTMENT

**DD Number:** SS--01 Case Number.: Blotter/CC #:

DISPATCH ADVISED OFFICERS OF A DOMESTIC INCIDENT THAT WAS TRANSPIRING IN A VEHICLE TRAVELING WEST ON ROUTE 29 IN THIS CITY. ANOTHER VEHICLE WAS BEHIND THE VEHICLE IN QUESTION AND WAS FOLLOWING IT WHILE TALKING TO DISPATCHER. OFFICER WAS AHEAD OF MY PATROL VEHICLE AS WE TRAVELED WEST ON ROUTE 29. THE VEHICLE WAS OBSERVED AND OFFICERS BEGAN TO CONDUCT A TRAFFIC STOP ON ROUTE 29W AT THE OVERPASS. THEN ARRIVED ON THE SCENE. OFFICERS THEN APPROACHED THE VEHICLE. VEHICLE WAS NY RI AS OFFICERS APPROACHED THE VEHICLE THIS OFFICER OBSERVED A W/F SITTING IN THE PASSENGERS SIDE FRONT SEAT OF THE VEHICLE. A W/M WAS SITTING IN THE DRIVER SEAT AND WAS PERSON WHO HAD OPERATED THE VEHICLE. THE WINDSHIELD OF THE VEHICLE WAS SHATTERED ON THE PASSENGER SIDE. THIS OFFICER APPROACHED ON THE DRIVERSIDE OF THE VEHICLE AND SPOKE WITH THE OPERATOR WHO WAS ID AS I ASKED THE DRIVER TO EXIT THE VEHICLE SO HE COULD BE INTERVIEWED AWAY FROM THE FEMALE PASSENGER THAT WAS CRYING.AS HE EXITED THE VEHICLE AND SPOKE WITH APPEARED VERY AGGITATED. THIS OFFICER, WAS PATTED DOWN FOR WEAPONS. THIS OFFICER THEN PLACED OFFICERS SAFETY. SO OFFICERS COULD CONDUCT A FIELD INTERVIEW WITHOUT WHILE PATTING DOWN SCERBO BEFORE PLACING HIM THE PATROL VEHICLE THIS OFFICER FELT A OBJECT IN HIS FRONT PANTS POCKET. I ASKED WHAT THE OBECT WAS AND HE REPLIED A CELLPHONE. AS I REMOVED THE CELLPHONE IN AN ATTEMPT TO CONFIRM THE PHONE WAS NOT A WEAPON, A CLEAR ZIP LOCK PLASTIC BAG CAME OUT OF HIS POCKET ALONG WITH THE CELLPHONE.THE PLASTIC BAG CONTAINED 7 WHITE PILLS. THIS OFFICER ASKED WHAT THE PILLS WERE FOR. HE STATED THAT THE PILLS WERE ASPRIN GIVEN TO HIM BY HIS FATHER FOR HIS HEADACHES. THE PILLS HAD THE NUMBER 54210 INSCRIBED ON THEM. I THEN CALLED CVS DRUG STORE ON MY CELL PHONE AND SPOKE WITH THE PHARMACY DEPARTMENT. THIS OFFICER SPOKE WITH PHARMACIST SARA COLLINS. COLLINS ADVISED THIS OFFICER THAT THE PILLS WERE METHADONE PILLS. THIS OFFICER THEN SECURED THE PILLS FOR EVIDENCE. IT WAS DETERMINED AT THE SCENE THAT PRIVILEDGES WERE SUSPENDED IN NEW YORK STATE ALONG WITH THE REGISTRATION OF THE VEHICLE. WAS THEN ADVISED THAT HE WAS UNDER ARREST PER THE VEHICLE AND TRAFFIC OFFENSES ALONG WITH HIS POSSESSION OF THE PRESCRIPTION MEDICATION HE HAD IN HIS POSSESSION. CONDUCTED THE INTERVIEW WITH THE FEMALE PASSENGER AND ASKED ME TO TRANSPORT TO THE POLICE STATION. THIS OFFICER THEN TO THE POLICE STATION. AT THE STATION THIS OFFICER ENTERED THE BOOKING AREA AND BEGAN THE BOOKING PROCESS. SCERBO WAS HANDCUFFED WITH HIS HANDS BEHIND HIS BACK STILL AT THIS TIME. I THEN LEFT THE BOOKING AREA AND ATTEMPTED TO LOCATE INVESTIGATOR BARNEY TO ADVISE HIM OF THE PILLS THAT WERE SECURED BY THIS OFFICER FROM I COULD NOT LOCATE INVESTIGATOR BARNEY.I RETURNED TO THE BOOKING DESK AND BEGAN THE ARREST PAPERWORK. I THEN PLACED THE PILLS ALONG WITH HIS PERSONAL PROPERTY IN AT THAT TIME I OBSERVED HAD PLACED HIS LEGS THROUGH HIS ARMS ALLOWING HIS HAND TO NOW BE IN FRONT OF HIM. I THEN WENT AROUND THE COUNTER AND RESECURED THE HANDCUFFS BEHIND THE BACK OF AGAIN. AT THIS TIME THIS OFFICER REALIZED THAT THE PLASTIC BAG CONTAINING THE 7 PILLS WERE MISSING. I ASKED HAPPENED TO THE PLASTIC BAG. STATED WHAT ARE YOU TALKING ABOUT. I THEN NOTIFIED OF THE MISSING PLASTIC BAG CONTAINING THE PILLS. THEN SPOKE WITH CLOTHING WAS THEN REMOVED IN AN ATTEMPT TO LOCATE THE PLASTIC BAG CONTAINING THE PILLS. THE PLASTIC BAG WAS THEN RECOVERED ON . THE BAG WAS LOCATED IN THE CROTCH AREA OF HIS SHORTS. WAS THEN NOTIFIED OF PLASTIC BAG BEING LOCATED WITHOUT THE PILLS BEING IN IT. THEN ADVISED OFFICERS TO TRANSPORT EMERGENCY ROOM FOR MEDICAL TREATMENT. MEDICAL TESTS WERE ADMINISTERED( BLOOD AND URINE ) FOR MEDICAL REASONS. WAS TREATED AND RELEASED AND RETURNED TO THE POLICE

Printed:	DETECTIVE'S SUPPLEMENTAL REPORT	Page:	
	Report #: 4		
Department:	SARATOGA SPRINGS POLICE DEPARTMENT  Case Number.		

DD Number :	SS-	-01	Blotter/CC #:
POSSESSION O	F MARI. ITS RE IOWS	JUANA,AGGRAVA	CHARGED WITH TAMPERING WITH EVIDENCE, UNLAWFUL TED UNLICENSED OPERATION THIRD DEGREE AND OPERATING A S SUSPENDED. A REVIEW OF THE BOOKING TAPE BY POLICE THE 7 WHITE PILLS. BOOKING TAPE TO BE SECURED AS EVIDENCE
Signature			Field Recommendation:
D.O.:	5	ad. Superv.:	C.O.;

Tinted:		DETECTIVE'S SUPPLEMENTAL Report #:	REPORT 5	Page:	6
Department: DD Number :	SARATOGA S SS01	PRINGS POLICE DEPARTMENT	Case Number.: Blotter/CC #:		
advised researched then broknowledge of the booking room videating the pills.	showed me the pills were tought to the cell whereabouts of leo tape could be had also	Reporting officer assigned station prisoner and brought him to a plastic baggie containing several missing from the plastic baggie, a block area where he was strip-sea was immediate reviewed. The tape shows been advised of the incident and he amount of pills eaten by	to the booking area hando al white pills. A short time which now had a hole in it arched and celled. He der tely advised of the inciden	uffed benind in a later, was nied all to that the	
Signature		Fleid Rec	commendation:		

D.O.: \_\_\_\_\_ Sqd. Superv.: \_\_\_\_ C.O.: \_\_\_\_

NOTICE OF DISCIPLINE

Page 1 of 1

### STIPULATION OF SETTLEMENT

## In the Matter of Disciplinary Charges -Against-

WHEREAS, the City of Saratoga Springs, employer, has employee, dated whereas, has contested the charge control whereas, the City of Saratoga Springs and proceed through the disciplinary procedure under Civil S WHEREAS, the employer and employee have agreed Stipulation of Settlement.	ained in the Notice of Discipline, and lesire to resolve this matter without the need to
NOW, THEREFORE, in consideration of the mutual agreand between the parties as follows:	ements promised as set forth herein, it is agreed by
agrees to a loss of one (1) day from his misconduct. He acknowledges that the penalty is one (1) day shall be immediately deducted from acknowledges that he has been adequated Protective and Benevolent Association in the neacknowledges that, by signing this Stipulation of disciplinary charges and proceed to a hearing pur NYS Civil Service Law Section 75.  be placed in his personnel file and remain in said file.	2020 vacation accrual balance. Justely represented by the Saratoga Springs Police egotiation of this Stipulation of Settlement. He Settlement, he is waiving his right to answer the suant to the collective bargaining agreement and eknowledges that this Stipulation of Settlement will be indefinitely.
The effective date of this agreement shall be the date upon all the parties.	•
City of Saratoga Springs - Department of Public Safety, Sarato	ga Springs Police Department
Shane Crooks, Chief Saratoga Springs Police Department  CC: Daniel Mullen, PBA Unit Representative  CC: Christy Spadaro, Human Resources Representative  CC: Shane Crooks, Chief Saratoga Springs Police Department  CC: Employee Personnel File	9/25/2 <sub>6</sub> Date

# Memo





Attached are reports that I received from Law Enforcement Academy regarding the acrons or

On I had department member in my office and discussed these issues with him.

He fully admitted his errors and poor judgment and advised his attitude and conduct has changed.

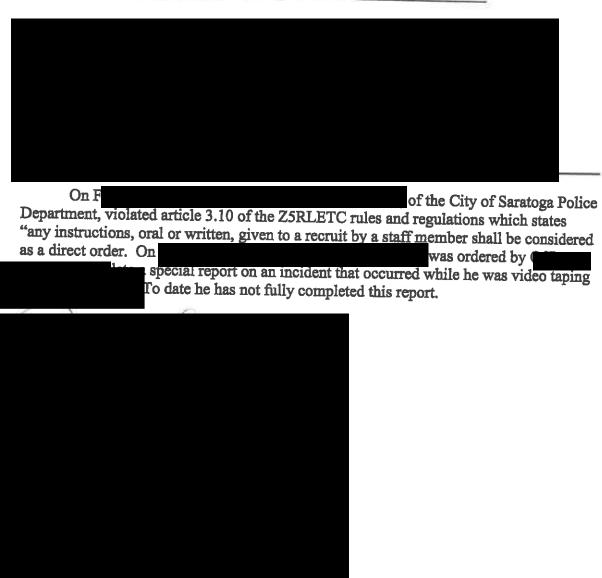
I told him that if there were any further reports of misconduct on his part, from school or during his probationary period he will be terminated from department employment.

Dep. Comm. R. King was present during the meeting and advised recruit Carter that the Commissioner of Public Safety concurred with my determinations.

Kenneth E. King Jr.

Chief of Police

### DEFICIENCY REPORT



Form No. Z5RLETC-15

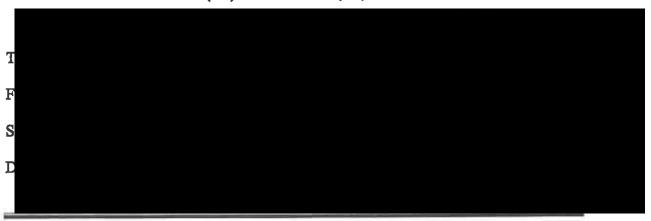
(rev. 5/96)

## **DEFICIENCY REPORT**

On Subsection 3.3 subsection A of the Zone 5 Regional Law Enforcement Training Center, which "a recruit will display a respectful and courteous attitude toward all persons either on or off the train center premises". During training for arrest techniques and aerosol devices was open video camera which is a permanent part of the training record. While operating the video camera heard on the tape calling the training ridiculous and when a fellow recruit was about to be he says "I hope she fucking cries and falls on her ass so we can get rid of her". The above statement show a lack of respect for both instructors and fellow recruits. This behavior is not to in this academy and has been referred to bwn department.	states ning ating the sprayed

#### Regional Law Enforcement Training Center, Inc.

Hudson Valley Community College Campus 80 Vandenburgh Avenue, Troy, New York 12180 Phone (518) 629-4581 > Fax (518) 629-4522



Attached you will find a copy of notification to Recruit(s), from your agency, who is attending the Basic Course for Police Officers, of his/her FAILURE TO PASS Physical Training Evaluation # 1 of 4.

During different stages of the training period Recruits are required to take practice evaluations of the FINAL physical fitness test. These evaluations are used as a diagnostic tool to base and compare the progress of each recruit.

During the final weeks of the Basic Course for Police Officers the Recruits must take and pass the final physical fitness training test in order to be certified.

The attached forms are used to inform the Recruits where they are weak and need improvement. Each Recruit is counseled and remedial training is set up.

We provide you with these copies to keep you informed of your Recruit (s) progress. If you have any further questions feel free to contact me at this office

PTS:bb cc: file

### Regional Law Enforcement Training Center, Inc.

Hudson Valley Community College Campus
80 Vandenburgh Avenue \* Troy, New York 12180
Phone (518) 270-1566 Fax (518) 270-1522

As of the above date you have failed to meet the Physical Fitness standards as set forth by the Zone Five Regional Law Enforcement Training Center.

You are deficient in the following areas:

(\*\*PUSH-UPS: achieved 34 Needs to do: 37

(\*\*SIT-UPS: achieved 38 Needs to do: 42

() FLEXIBILITY: achieved Needs to do: 42

You have been counseled and informed that pursuant to the Rules and Regulations of the Zone Five Regional Law Enforcement Training Center and the mandates of the Bureau for Municipal Police you must successfully pass the physical training portion of this course in order to be certified.

COMMENTS:

#### Regional Law Enforcement Training Center, Inc.

Hudson Valley Community College Campus 80 Vandenburgh Avenue, Troy, New York 12180 Phone (518) 629-4581 > Fax (518) 629-4522

To:

Captain Flanagan, Saratoga City Police Department

From:

Patrick T. Smith, Training Center Director

Subject:

Recruit's Failure to Pass Physical Training Evaluation

Date:

Attached you will find a copy of notification to Recruit(s), from your agency, who is attending the Basic Course for Police Officers, of his/her FAILURE TO PASS Physical Training Evaluation # 1 of 4.

During different stages of the training period Recruits are required to take practice evaluations of the FINAL physical fitness test. These evaluations are used as a diagnostic tool to base and compare the progress of each recruit.

During the final weeks of the Basic Course for Police Officers the Recruits must take and pass the final physical fitness training test in order to be certified.

The attached forms are used to inform the Recruits where they are weak and need improvement. Each Recruit is counseled and remedial training is set up.

We provide you with these copies to keep you informed of your Recruit (s) progress. If you have any further questions feel free to contact me at this office

PTS:bb

### Regional Law Enforcement Training Center, Inc.

Hudson Valley Community College Campus
80 Vandenburgh Avenue \* Troy, New York 12180
Phone (518) 270-1566 ← Fax (518) 270-1522

To:	Recruit			
From:	Physical Training Lead Instructor  AUG 3 0 2001			
Subject:	Failure to Satisfactorily Pass Physical Training SARAIOGA SPRINGS POLICE DEPT.  Evaluation # of			
Date:				
Recruit:				
As of t Zone Five Rep	he above date you have failed to meet the Physical Fitness standards as set forth by the gional Law Enforcement Training Center.			
You as	re deficient in the following areas:			
() PUSH-UPS	S: achieved Needs to do:			
() SIT-UPS:	achieved 35 Needs to do: 38			
() FLEXIBIL	ITY: achievedNeeds to do:			
() 1.5 mile rui	n: achievedNeeds to do:			
You have been counseled and informed that pursuant to the Rules and Regulations of the Zone Five Regional Law Enforcement Training Center and the mandates of the Bureau for Municipal Police you must successfully pass the physical training portion of this course in order to be certified.				
COMMENTS				
Physical Tr Instructor's	aining Lead Class Counselor's			
	this memorandum and acknowledge that my agency head will  Basic Course Director's Signature			

(rev.9/97)

Form No. Z5RLETC-10A

# Saratoga Springs Police Department

#### **Patrol Division**

# Memo

To: Personnel File PR. L Ennis



**RE: Civilian Driving Complaint** 

At approximately 1745hrs this date and reported the following: A short time ago I was northbound on St.Rt.87 in the third lane, passing several cars and traveling the speed limit. There were cars next to me and in front of me. A Saratoga Springs Police car pulled up behind me at a high rate of speed within one cars length, I became very nervous because I had been rear ended in the past. I put my four way flashers on to let them know they were too close without touching my brakes as to not scare the driver into taking evasive action and possibly endangering someone else. The Police car backed off then began tailgating me again. When I could move left with safety I did so. As the passed I indicated to the female operator, female passenger and male all in civilian clothing that I was going to call and report their actions. When I just pulled in to park I saw down there. I don't want to make a formal complaint however someone should speak to them.

At 1730hrs this date the recruits entered the Police Department. The property that they were traveling northbound on the Northway at approximately the speed limit in the third lane came up behind a blue Volvo station wagon. The operator put on his four way flashers then pulled to the left asset the Volvo the operator yelled something like "your supposed to be Police Officers?" then held his hand up to his ear as if to make a call.

I advised carefully and defensively with the utmost regard for the motoring public.

# Saratoga Springs Police Department

#### Patrol Division Third Watch

# Memo



# CONFIDENTIAL

regarding the allegations made about her behavior during this traffic stop. I advised her that there had been a complaint from a bystander that believed the motorcycle operator had been treated poorly and that he hadn't violated any laws.
She explained that she had conducted a traffic stop of an uninspected vehicle on the near the near the state of the state
stated that she approached the vehicle and asked the operator for his license and he replied that he didn't have it with him, to which she replied, "You should have thought of that before you decided to pass those cars like that." She then got his information, wrote the citation, and cleared. She did state that she heard someone speak to her back up,
who was interviewed by telephone in your office, stated that he did not see the violation and did not hear act unprofessionally at any time. He also stated that he was not present for the beginning of the conversation, which would have included her asking for his license.
We had a conversation about the applicability of VTL 1131, and when it is and isn't legal to pass on the right.  We had a conversation about the applicability of VTL 1131, and when it is and isn't legal to pass on the right.  It is a solution of the past but had been assured by that it was an appropriate charge for city streets.
Based on my investigation of the alleged incident, and my counseling of ( and the application of the VTL, no further action is necessary or appropriate in regard to this complaint.
Pagnactfully Submitted

# SARATOGA SPRINGS POLICE DEPARTMENT

5 Lake Avenue Saratoga Springs, NY 12866-2298 518-584-1800

Edward F. Moore Chief of Police

### Officers Explanatory Report



I was conducting a vehicle stop on in the area of had stopped NY Registration EBT9365 for a possible violation of 306b. Further investigation of the stop showed the registered owner had the vehicle inspected, the vehicle failed, and she had a 10-day temporary tag that was not affixed in the window. I had cleared from that stop with a verbal warning. Once I cleared, I kept my emergency lights activated because I was in heavy traffic and I was backing up through the intersection of and had intended to travel north on was backing, with my emergency lights still on, I observed a motorcycle passing vehicles on the shoulder He was driving West as I was backing East. He sounded his horn at me and I stopped with my emergency lights on, and he continued to make a right hand turn onto After he completed his turn, I completed backing my vehicle and then conducted a traffic stop. I called off with the traffic stop and approached the motorcycle. I advised the driver of the motorcycle why I was stopping him and asked for his license and registration. While I was walking back to my vehicle I was speaking with a man and I heard the man say he was a witness and the motorcycle did nothing wrong and he would be his witness in court. I did not speak with the man as I had my attention focused on the motorcycle. I had reviewed the section for 1131 and issued a citation for the same, driving on the shoulder. Sgt had instructed me in previous matters that was the section to use for instances such as this.

After writing the citation and supporting deposition I issued it to the driver of the motorcycle. As I do on every vehicle stop, I advised the driver of the return date to court and to please drive safely. At no time during this vehicle stop did I handle any matter unprofessionally. I did not use foul language and felt that given the circumstances I treated the driver of the motorcycle courteously. He did tell me to have a great day as I was walking back to my patrol vehicle, but I disregarded the comment and cleared from the vehicle stop.

For your convenience, I have attached both blotters from the vehicle stops mentioned above. I have also attached the citation and supporting deposition.

Respectfully,

	TO PLEAD BY MAIL (NOT TO BE USED FOR MISDEMEANORS)		
	- If you are pleading "GUILTY" by mail, place an "X" through SECTION B, then complete and sign SECTION A.		
	- If you are pleading "NOT GUILTY" by mail, place an "X" through SECTION A, then complete and sign SECTION B.		
	Mail this form to the Court noted on this ticket by Registered, Certified, or First Class Mail, with Return Receipt Requested.		
	DO NOT use this form for Misdemeanors or for a third or subsequent speeding violation in an 18 month period, instead you must appear in the Court noted on this tloket in person.		
	- If the Court denies your plea, you will be notified by mail to appear in the Court noted on the front of this ticket.		
	SECTION A - PLEA OF GUILTY		
	To the Court listed on the other side of this tloket:		
	residing at have been charged with the violation as specified on the other side of this ticket. I acknowledge receipt of the warning printed in bold type on the other side of this ticket, and I waive arraignment in open court and the sid of an Attorney. I plead GUILTY to the offense as charged and request that this charge be disposed of and a fine or penalty fixed by the court.		
	Additionally, I make the following statement of explanation (optional):		
	All statements are made under penalty of perjury:		
	Date: Signed:		
	SECTION B - PLEA OF NOT GUILTY		
THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW	The following notice applies to you if the officer did not issue you a supporting deposition with your ticket.  NOTICE: YOU ARE ENTITLED TO RECEIVE A SUPPORTING DEPOSITION FURTHER EXPLAINING THE CHARGES PROVIDED YOU REQUEST SUCH SUPPORTING DEPOSITION WITHIN THIRTY (30) DAYS FROM THE DATE YOU ARE DIRECTED TO RESPOND TO THE COURT NOTED ON THE OTHER SIDE OF THIS APPEARANCE TICKET. DO YOU REQUEST A SUPPORTING DEPOSITION?		
	SUPPORTING DEPOSITION PROVIDED WHEN THIS TICKET WAS ISSUED? NO SPEEDING (Gen 101)		
	Signature		
	Address		
A PLEA OF GUILTY TO THIS CHARGE IS			
EQUIVALENT TO A CONVICTION AFTER TRIAL. IF			
YOU ARE CONVICTED, NOT ONLY WILL YOU BE	City State Zip Code		
LIABLE TO A PENALTY, BUT IN ADDITION YOUR	NOTE: Mail this NOT GUILTY Plea within 48 hours. The court will notify you by First Class Mail of your trial date.		
LICENSE TO DRIVE A MOTOR VEHICLE OR MOTORCYCLE, AND YOUR CERTIFICATE OF	APPLICANTS UNDER 18 YEARS OF AGE		
REGISTRATION, IF ANY, ARE SUBJECT TO	MUST SUBMIT NAME AND ADDRESS OF PARENT OR GUARDIAN BELOW.		
SUSPENSION AND REVOCATION AS PRESCRIBED	Name of Parent or Guardian		
BY LAW.	Address		
Conviotion may subject you to a mandatory surcharge and/or Driver Responsibility Assessment as prescribed by law.	City State Zip Code		
Your failure to respond may result in a warrant for your arrest or suspension of your driver's license and/or a default judgement against you.	FAILURE TO ANSWER THIS TICKET WILL RESULT IN THE SUSPENSION OF YOUR LICENSE AND A DEFAULT JUDGEMENT AGAINST YOU.		

UTD-1.7 (4/02)

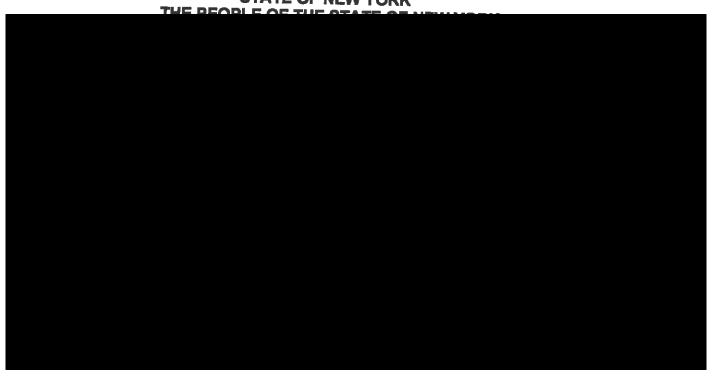
New York State - Department of Motor Vehicles

` Geni101a (2/01)

#### SUPPORTING DEPOSITION / CPL 710.30 NOTICE TO SUPPORT SIMPLIFIED TRAFFIC INFORMATION

COUNTY OF SARATOGA

LOCAL CRIMINAL COURT STATE OF NEW YORK



#### TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE THAT PURSUANT TO SECTION 710.30 OF THE CRIMINAL PROCEDURE LAW, THE PEOPLE INTEND TO OFFER AT A TRIAL OF THE ABOVE ENTITLED ACTION EVIDENCE OF A STATEMENT

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Laws of New York

Help

Search Word or Phrase

Search

Return to: Main Menu Laws Menu VAT Title 7 Article 25

§ 1131. Driving on shoulders and slopes. Except for bicycles and those classes of vehicles required to travel on shoulders or slopes, no motor vehicle shall be driven over, across, along, or within any shoulder or slope of any state controlled-access highway except at a location specifically authorized and posted by the department of transportation. The foregoing limitation shall not prevent motor vehicles from using shoulders or slopes when directed by police officers or flagpersons, nor does it prevent motor vehicles from stopping, standing, or parking on shoulders or slopes where such stopping, standing, or parking is lawful.

HAC W BBD LAC

0



# Stipulation of Settlement in a Disciplinary Action



This was a
This will confirm that pursuant to the provisions of the Collective Bargaining Agreement between the City of Saratoga Springs and the Saratoga Springs Police Protective and Benevolent Association, a pre
disciplinary meeting was held or the state of the state o
by were
The parties met to discuss certain
has agreed, as a result of his misconduct, to accept a
penalty of a Letter of Reprimand which will become a part of his permanent employment file.
To Wit:
Springs Police the Saratoga subdivisions:
subdivisions:
Count 1: GO 14.1 = 2.00(01)
digital shares of 14.1 2.00(01). did from his personal cellular telephone c
Sergiona Carinas D. 1: D.
and said actions reflected discredit
and did bring the department into disrepute.
Count 2: GO 55.11 - IV(D)
for personal use and while on duty  did use his non-department cellular phone excessively
The below signed mention
The below signed parties agree to resolution of the ongoing disciplinary matter as recorded in the terms of this document.



# Saratoga Springs Police Department LETTER OF REPRIMAND

Form SSPD-25A

Be advised that the aforementioned conduct constitutes violations of the department rules of conduct stipulated above. This notice is intended as a strong admonishment for you to immediately refrain from any further incidents of such conduct. The impropriety of your actions is of such a degree that future violations will subject you to further disciplinary proceedings in accordance with Section 75 of the New York State Civil Service Law.

#### STIPULATION AND AGREEMENT

This Stipulation and Agre	ement is entered into by	y and betwee		
(hereafter "Employee") and			(hereafter the	e
"City").				

WHEREAS, the Employee is currently employed by the City as a police officer; and

WHEREAS, the City has informed the Employee of its intentions to prefer

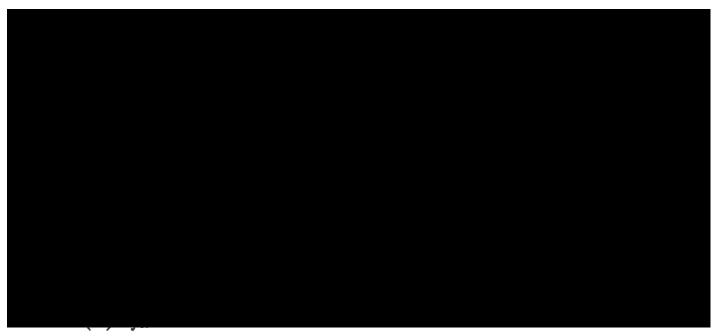
WHEREAS, the proposed charges arise out of the Employee's presence at an incident involving himself and other members of the City's Police Department which

WHEREAS, the City and the counsel for the Employee have had the opportunity to discuss the presentation of the Civil Service Law Section 75 Charges; and

WHEREAS, the Employee and the City are desirous of resolving this matter without the necessity for the filing of Charges and the parties have agreed to the terms and conditions of this resolution.

NOW THEREFORE, in consideration of the mutual undertakings and covenants herein contained, the parties hereby stipulate and agree as follows:

- 2. The Employee waives any right to a hearing with regard to any matter arising out of the Incident relating to the Employer/Employee relationship, together with any alleged violation of Employee's rights pursuant to the current Collective Bargaining Agreement between the City of Saratoga Springs Police Benevolent and Protective Association.
- 3. Except and sets forth herein, the City waives any rights it may have to prefer charges against the Employee pursuant to New York State Civil Service Law Section 75, the Collective Bargaining Agreement, or any other disciplinary rights held by it arising out of the Incident.



5. In the event that no Civil Service Law Section 75 charges are preferred against the Employee within one year of his execution of this Agreement, or if Civil Service Law Section 75 charges are preferred within one year of his execution of this Agreement but are not established at a subsequent hearing the stayed days of suspension

shall be vacated and the Employee will be subject to no further penalty arising out of the Incident.

6. The parties acknowledge that the Employee has signed a written copy of a



- 7. This Stipulation was reached in full and final settlement of all departmental discipline charges which were and/or could have been brought against John Guzek regarding, relating and arising out of the Incident.
- 8. The parties have reached the foregoing terms of settlement and by virtue of their execution of this instrument, acknowledge their understanding and acceptance of each of the items contained herein. The Employee further acknowledges that he has had an opportunity to review this Stipulation with legal counsel, has been fully and fairly by the City of Saratoga Springs Police Protective and Benevolent Association, and that he has entered into this Stipulation of his own free will.



5 Lake Avenue Saratoga Springs, New York 12866 (518) 584-1800



CHRISTOPHER J. COLE Chief of Police

Serving Since 1887

GREGORY J. VEITCH Assistant Chief of Police



This letter is to inform you that effective immediately, you are being placed on leave without pay

During the period of this suspension, you may not take any official action as a police officer for the City of Saratoga Springs. Pursuant to GO 14.4 you must surrender your department identification, badge(s), issued weapon(s) — including any personally owned weapons purchased based on your status as a police officer - and security access card.

This order shall remain in effect until such time it is rescinded by the Commissioner of Public







# Saratoga Springs Department of Public Safety

Christian E. Mathiesen, Commissioner Eileen Finneran, Deputy Commissioner

City Hall Saratoga Springs, New York 12866 518-587-3550





After consideration of your character and your overall record of performance during your career as a Saratoga Springs Police Officer and with a desire to establish a more immediate point of closure regarding the incident that resulted in disciplinary act

Stinulation and Agreement. I am unilaterally changing the terms of mac agreement. The period of the company of the terms of mac agreement. The period of the company of the terms of mac agreement. The period of the company of the terms of mac agreement. The period of the company of the terms of mac agreement. The period of the company of the terms of mac agreement. The period of the company of the terms of mac agreement. The period of the company of the terms of mac agreement. The period of the company of the co





## JOB PERFORMANCE COUNSELING MEMORANDUM

	Supervisor Instructions: Identify and define the behavior to be modified; Review any applicable rules and regulations, orders and operating procedures or laws; clearly explain the behavior expected of the member; explain the potential consequences of unacceptable behavior, if continued; Document the counseling effort and record the counseling in the member's shift/unit training and appraisal file.
	On the aforementioned date and time you were involved in an incident as a member of the Saratoga Springs Police Department that requires counseling in an effort to improve the quality of performance in your duties.
	I do not feel that this incident requires disciplinary action however; I do feel that it is necessary that I document my concerns in writing and this Job Performance Counseling Memorandum will serve as an additional training opportunity and not any form of negative discipline. A copy of this memorandum will along with a copy of the booking room video.
i	asked if you were experiencing any issues on or off duty that would be of concern or negatively affect your police performance. You assured me that you did not. I next showed you the video and asked you to explain why it was necessary to shove White onto the pench and then into the wall. You explained that he had to be forcibly placed in the police car for transport by yourself and
c	You further wrote in your report that White had repeatedly pulled away from officers luring the booking process. In addition, your explanatory report indicated that you felt blood and noisture from the booking process. In addition, your explanatory report indicated that you felt blood and noisture from the booking process. In addition, your explanatory report indicated that you felt blood and noisture from the booking process. In addition, your explanatory report indicated that you felt blood and noisture from the booking process. In addition, your explanatory report indicated that you felt blood and noisture from the booking process. In addition, your explanatory report indicated that you felt blood and noisture from the booking process. In addition, your explanatory report indicated that you felt blood and noisture from the booking process. In addition, your explanatory report indicated that you felt blood and noisture from the booking process. In addition, your explanatory report indicated that you felt blood and noisture from the booking process. In addition, your explanatory report indicated that you felt blood and noisture from the booking process. In addition, your explanatory report indicated that you felt blood and noisture from the booking process. In addition, your explanatory report indicated that you felt blood and noisture from the booking process. In addition, your explanatory report indicated that you felt blood and noisture from the booking process. In addition, your explanatory report indicated that you felt blood and noisture from the booking process. In addition, your explanatory report indicated that you felt blood and noisture from the booking process. In addition, your explanatory report indicated that you felt blood and noisture from the booking process. In addition, your explanatory report indicated that you felt blood and noisture from the booking process. In addition, your explanatory report indicated that you felt blood and your felt blood and your felt blood and your felt blood and
p	picture of an individual who is aggressively fighting police officers. You did not mention that you had a ossible blood-born exposure and have not done so to date. was not charged with resisting rest. Documentation of incidents is required by officers and parrative reports do not "paint a picture"

#### JOB PERFORMANCE COUNSELING MEMORANDUM

that a section necessitated a use of force. In addition, the video of the hallway leading to the booking room does not show attempting to pull away from your control and he is not shown pulling away while in the booking room. Finally, there is no verbal order from you to sit on the bench prior to your pulling him toward the bench and pushing him into the wall.

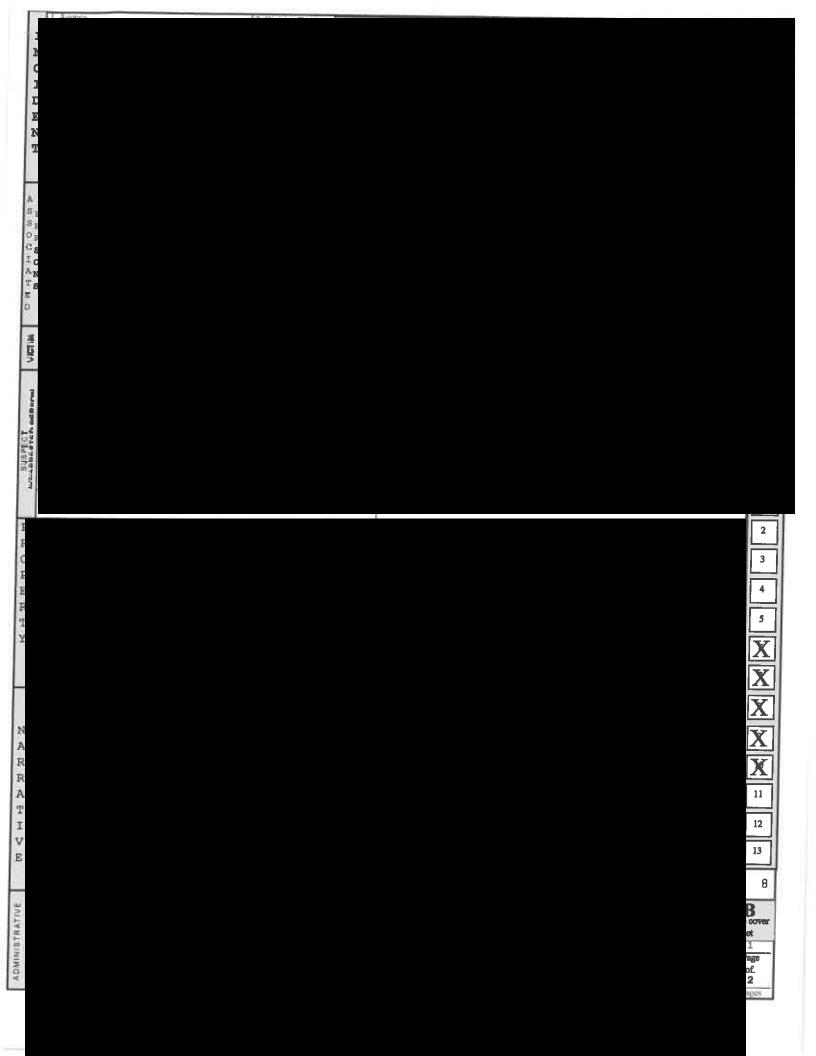
A critical part of any police officer's job is the appropriate use of force. SSPD training on the use of force has always included verbalization as a critical component of the use of force. The video does not show physical aggression or resistance on the part of that, in my opinion, would require his being shoved onto the bench. I realize that people who are intoxicated and belligerent sometimes require direct forceful action by police officers to control them safely. However, I find that since you had time from the location of the incident to the booking room to re-assess the necessity of using physical force to control White that other options were available to you. Specifically you could have ordered or requested White to sit on the bench prior to attempting to physically force him to do so. You also could have allowed him to stand in the booking room without comment.

Report writing is a skill that must be developed by a good police officer. In this instance a more descriptive report would establish a much greater need for the use of physical control techniques. Feeling moisture from a suspect's bloody mouth on your face is an example of a critical piece of information that must be documented at the time of an incident such as this. In addition, police officers should recognize when an arrest is likely to generate scrutiny, such as when a suspect is injured (either by police or someone else), when they state they are going to make a complaint or sue, when a situation is irregular or out of the ordinary etc... In these cases increased attention to detail in report writing is required. Should you have any questions about how to be more effective in your report writing you should seek guidance from your sergeant.

The appropriate use of force is essential for any police officer. Professional police officers do not use force in a manner that is inconsistent with training or applicable law. In this case, as outlined above there were other options available to you, specifically the use of verbal commands prior to the application of force.

The consequences of poor use of force decisions are many, including civil lawsuits, departmental disciplinary charges and other negative outcomes. Poor report writing can magnify these consequences. Please take this opportunity to evaluate your commitment to becoming an effective professional officer who utilizes force appropriately and works to develop excellent policing skills. Should you have any questions regarding this incident or memorandum feel free to contact me.







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## Internal Memorandum





### **CONFIDENTIAL ~ DO NOT COPY**



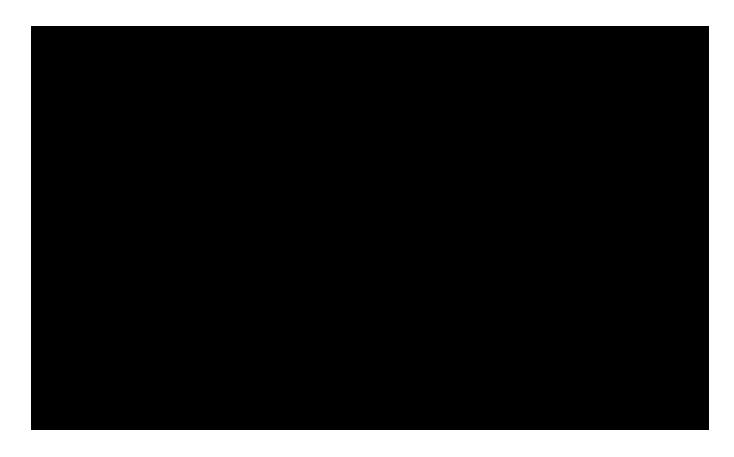




#### Saratoga Springs Police Department 5 Lake Avenue Saratoga Springs, New York 12866 (518) 584-1800 www.saratogapolice.org



# Memo







Gregory J. Veitch Chief of Police

John T. Catone Assistant Chief of Police

## JOB PERFORMANCE COUNSELING MEMORANDUM

procedures or laws; Clear	rly explain the behavior expected of the me	ole rules and regulations, orders and operating mber; Explain the potential consequences of and record the counseling in the members
TO: (Name & Rank)		
FROM: (Name & Rank)		
SUBJECT:		
DATE OF OCCURRENCE:		
On the aforementioned d Department that requires	ate and time you were involved in an incide counseling in an effort to improve the qual	nt as a member of the Saratoga Springs Police ity of performance in your duties.
To Wit-		
Vear old intovicated ma	lo with guisidal identions. With any	
into the Kitchen where	all three	rive on scene you enter the house and go  Mobil Crisis employees
sta	y by the main door to the residence	Is defiant and upset for his parents
contacting the police.	will not comply with officers and w	alks around the house at will, officers
control the scope and n	bly suicidal male. I expect that officers w	ho respond to a suicidal call for service
R	ot allow the subject out of your site or t the primary contact officer and should	urn their back on the subject. At this
located in one area or a	t a minimum kept him in site.	have done a better job keeping
After approximately tw	o minutes walks back into the kitch	then with his parents and Officer
Office	stays out by the main entrance to inte	erview the Mobile Crisis workers. At this
point have his came	his body worn camera activated and is a activated due to what he described as	recording the incident.
does state tha	it after putting his camera on the charge	r that it functioned properly It is the
department standard th	at officers utilize their body camera on a	all calls for service such as this. This is
where	allege that threa	stened to shoot their son. It is not clear
on body	camera what was said.	does state that his words were taken
threatening manner that	state that he was explaining that the the could potentially be shot. Though t	were to grab a knife and use it in a
the words used to explai	in it to a possibly suicidal juvenile were r	ne racis stated at this time are correct
department training or s	tandards. Our purpose on this call shou	ld be to control and attempt to
	Ing folder after all signatures obtained	Copy to employee

### **DISCIPLINARY ACTION REPORT**

deescalate the situation. Advising a suice that this is a turning point for the call. See policy 409.6 DE-ESCALATION for further.
At this point Officers let go upstairs unaccompanied, stands with his back to when the returns down stairs he is carrying a beer and attempts to consume it in front of the officers. This could easily have been a weapon or could have fled or self-harmed while upstairs. At this time takes the beer away from the and starts to lecture Carol about allowing her son to consume alcohol. While I agree that it is not in the best interest of to allow him to consume alcohol I feel that the timing and way the handled the discussion only created a more hostile environment. This should have been addressed with the parents after the was safely at the hospital. See policy 409.5 FIRST RESPONDERS for further.
As for not notifying a supervisor I do not believe that this was done to get out of completing a use of force report since Officers submitted the report the following day without it being requested. That said it is department standards that the officer have to notify a supervisor when force is used and I do not feel that the explanation that the situation was such a "high stress volatile situation" that it could not be done. Could have advised a supervisor any time after was secured in his patrol vehicle and it was safe to do so. See policy 300.5.1 NOTIFICATIONS TO SUPERVISORS for further.
A check of incident. A records check shows the he handled or was involved in a total of 113 plotters, primary and assist. Not all blotters should have required video, of the 115 I would expect the camera to be turned on 89 times. Some of those incidents was not primary on and showed an arrival and clear time being the same or within a few minutes. I spot checked four of the blotters that I thought should have video and located video for each though one was only for about 1 minute while the call was over 20 minutes. I spot checked four of the date of this incident even though he responded to two calls prior to this one. At this point there is no sign of a malfunction occurring with the camera and the standard has been advised to contact the becomes aware of any. See policy 424.4 Recording for further.
Though I agree that the use of force was consistent with policy the lack of body camera usage, the failure to notify a supervisor of a use of force, the lack of officer safety caused by the failure to control the scene and the failure to deescalate the situation by the choice of words used by during the incident are not consistent with policy or what is expected from officers within this department. I expect that in the future these deficiencies will be corrected or progressive discipline may result for failure to follow the above rules in a future incident.
This letter should represent a B in #2 Officer Safety, #5 Notify Supervisor, #7 rules, regulations and Instructions and #27 citizens for (



Performance Observation	n Form	
Applicable Job Task Number(s):  Section 66 IIIa of Department Rules & Regulations	☐ Exceeds Standard	Below Standard
Observed Behavior:		
On the above date, you were involved in an arrest with was subsequently arrested for disorderly conduct. During the proce to complete the required suicide screening form. This form is a nece that needs to be completed, especially for the personnel that is response of an incarcerated person.  Also, based on the complaints initiated by that docume of the extended legwork and answered some of the allegations made official reports maintained certain allegations in regards to his conductive observations were important and should have been reflected in the state is expected that in all further arrests, that all appropriate documents screening form will be properly completed.	essary & importa nsible for the ma ntation could ha by the arrested p luct & intoxicated uicide screening	ndatory checking ve reduced some party. Your d state. These form.
Supe		
Men		
TVACIE		
		12

8. - **18.** . . . .

#### Job Performance Counseling Form



On the above date and time you were involved in an incident during your performance of duties as a Department member. As a result of this incident, it is necessary that we review with you Department policy and procedures in an effort to improve upon your job performance.

#### TO WIT:

This spot is paid for and leased by a private citizen.

The leesee of the spot came into police HQ at about 7:30am and was irate that your vehicle was parked in his spot and stated it happens quite often. On a prior occassion, I received a complaint from that you had parked in his private, leased spot. You have been spoken to about this in the past by various supervisors including myself and were advised then to park your vehicle in a public parking spot. Your actions reflect unfavorably upon you and the department as evidenced by the complaints received, each with the knowledge that you are employed by the SSPD. It is also apparent that you have not taken these advisements by the supervisors, including myself, seriously. This is evident in the fact that I overheard you in the hallway near the locker room making light of my instructions to you to move your car.

Members remarks, if any:				
Supervisor:	Explain steps taken to remedy situation (i.e., training or re-training, counseling, etc.) in space below.			
The superviso	ors on the day shift will take this notice seriously and future complaints concerning be grounds for disciplinary action.			





file.

# **Personnel Complaint**



	Intermation		
Name: _			
Name: _	Address/Phone#: _		
Name: _	Address/Phone#: _		
Involved	Officer(s)		
Incident	Summary		
	-		

Summary of Incident: at approximately seventy-six (76) miles per hour in his personally owned vehicle. He was driving in the extreme left passing lane and stated traffic was somewhat tated that he observed a white vehicle that appeared to have police markings on it that he described as a "flat top", meaning it had no light bar on the roof, approaching from the rear at a fast pace. He did not pull over due to traffic congestion in all three lanes. The police vehicle pulled up on his bumper and flashed its headlights for him to move. When he did not, the police vehicle pulled to the middle lane and passed him on the right side. As the vehicle passed, he observed a blond female operator looking back at him and a male passenger, both Caucasian. The police vehicle accelerated past him and he alleges that it then cut in front of him and eventually moved up ahead in traffic. was concerned that the officers were driving erratically, in his opinion, and exceeding the speed limit by at least fifteen miles per hour or more. He observed the police car and proceed and he followed the unit to our HQ. It was apparent that the officers were not involved in any legitimate emergency operation of the vehicle, so filed this personal complaint about their aggressive operation of the police unit verbally to me at HQ. He further identified the officers by providing their unit This unit was signed out to the b was thanked for bringing this matter to my attention and advised that I would investigate the allegations and take the appropriate punitive action. This is a legation and take the appropriate punitive action. report to my office when the check out from work on Wednesday a Same is attached with this

also advised me that HQ received a telephone call from an unknown motorist complaining about the operation of this same unit on I-87 prior to this walk-in complaint. He advises that spoke with the caller. The caller did not wish to leave their name and advised him about the call and the allegations made.
Investigative Summary / Recommendation
and that she was traveling at about the city after the incident. He instructed to write a TO-FROM Explanatory report describing the incident to me and dismissed.  Interviewed shortly after the incident. She stated she was driving over the speed limit, acknowledged the incident regarding her flashing her headlights at the other car, and reports that the car then followed her into the city incident regarding her flashing her headlights at the other car, and reports that the car then followed her into the city incident regarding her flashing her headlights at the other car, and reports that the car then followed her into the city incident regarding her flashing her headlights at the other car, and reports that the car then followed her into the city incident regarding her flashing her headlights at the other car, and reports that the car then followed her into the city incident regarding her flashing her headlights at the other car, and reports that the car then followed her into the city incident regarding her flashing her headlights at a car in front of her, and that the car then followed her into the city incident regarding her flashing her headlights at a car in front of her, and that the car then followed her into the city incident regarding her flashing her headlights at the other car, and reports that the car then followed her into the city incident regarding her flashing her headlights at a car in front of her, and that incident inc
report was vague as to the specifics alleged by the complainant location and specifics regarding the allegations made.  He states was he mean as the location he was speaking about where the incident took place with the car. He stated that the speed he provided to me when we first spoke was his estimate, and that he did not really know the exact speed she was traveling at, but did acknowledge they were probably speeding. He advises they were not cutting in and out of traftic in an unsafe manner. I warned him of the consequences of any similar complaints of this nature, and faminded him of his responsibility to present an appropriate public image while representing our agency, and of the consequences of committing VTL violations or violations of our policies and rules of conduct. He apologized again for any ambamassment they two caused the department and promised this would not occur again.
I advised her I was not pleased with the vague and general nature of the report she provided on the incident. I asked her if this was an isolated incident or if they were flashing their lights often at vehicles to pass them. She admitted that it has happened on other occasions, and that she was probably going faster than the speed limit more than this occasion. I explained the negative perception her actions gives to the general public, and that if we people thought to complain about her driving, there were most likely ten times as many who observed it and didn't complain to us but took offense to it. She stated that she now fully understands the consequences of her actions and its negative impact upon our public image, and again apologized for her behavior, assuring it would not occur again. I explained to her how her probationary period works with the department, and placed her on notice that any such further action during her probationary period will result in her termination from employment. Beyond that period will result in disciplinary proceedings with severe penalties. She stated that she understood and assured me that she has learned her lesson, and will repeat this type of behavior.
Both officers appear aware of the negative implications of their behavior. They were advised the investigation would be closed, and the complainant made aware that his allegations were substantiated and that they were both disciplined. I have verbally reprimended both and advised them that the complaint will be filed as such in their personnel file along with the associated paperwork on this matter.

## Patrol Division 3rd Shift

# Memo



YOU ARE TO MEET WITH CHIEF MOORE UPON RETURNING FROM THE Z-5 LAW FOR SOME REASON HE IS NOT HERE WHEN YOU RETURN FROM THE ACADEMY, YOU ARE TO MEET MEETURN.



5 LAKE AVENUE SARATOGA SPRINGS, NY 12866-2298 518-584-1800 518-885-5910

KENNETH E. KING, JR. Chief of Police



While drivin home from the Zone 5 hodemy I floshed my headlighted the vehicle infront of no signaling the driver to move out of the way. I did this as the vehicle was drapping back away from the flow of traffic. After one mile the car hoved into the center lane of traffic and I provided to pass the car and catch up with the flow of traffic further down the northway the same invident occurred with another vishele. After the secret invitor the driver moved in behirds the patrol car and failyated us until we turned off on Caroline Street upon anywing to the station we were achief of the 2 amplaints. I was in the wrong on both invidents and now realize how this reflected on me, my partner and my police station. I applying for this this will not happen again. It's alleged that we were wearing in and out of traffic and speeching. We were not reposing in and out of traffic as traffic was to heavy. I did speech up after passing the other 2 cars until catching up with the flow of traffic. I didn't lock to see how fast I was guing.



5 LAKE AVENUE SARATOGA SPRINGS, NY 12866-2298 518-584-1800 518-885-5910

KENNETH E. KING, JR. Chief of Police

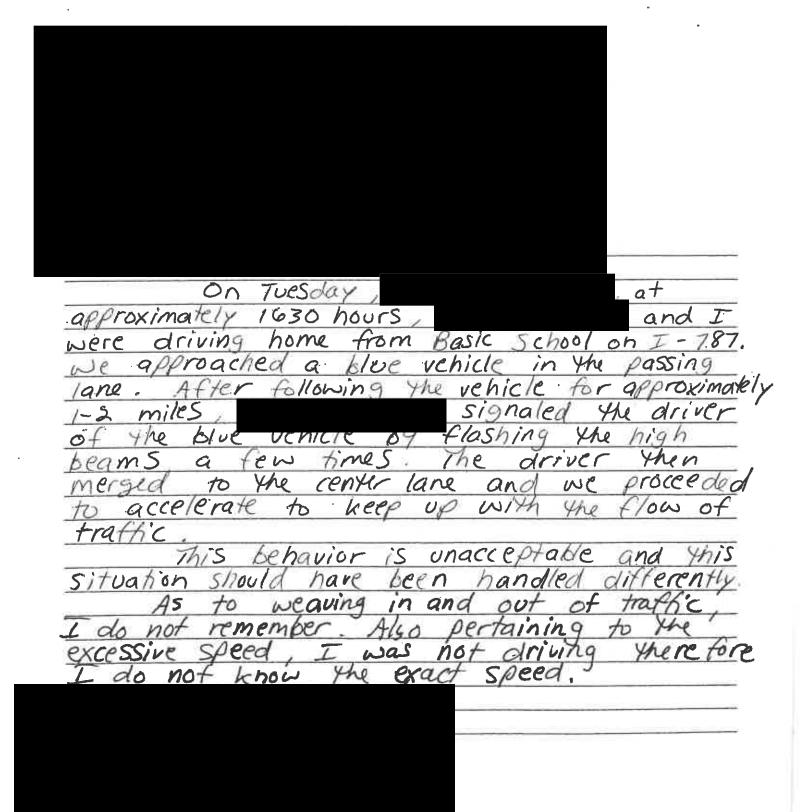
Officers Explanatory Report

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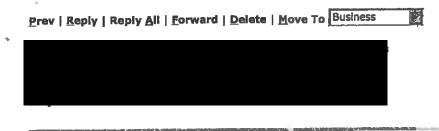


5 LAKE AVENUE SARATOGA SPRINGS, NY 12866-2298 518-584-1800 518-885-5910

KENNETH E. KING, JR. Chief of Police







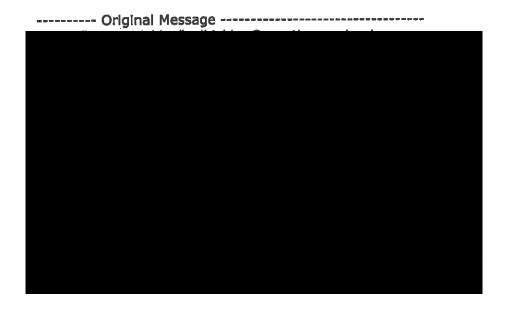
Thank you for the kind note. Again, thank you for taking the time and having the courage to report what you observed. Often times, members of the public who observe unprofessional police behavior will remark about it to friends and family, tarnishing the reputation of police in general. You chose to report the incident to the officer's supervisors so that the behvior could be corrected. I thank you for that.

I take great pride in the work done by the men and women of our department on a daily basis. They are very dedicated to their profession and well intentioned. Unfortunatly, there are lapses In judgement that surface in incidents like this. The officers involved were recruits returning from the police academy. Both have been spoken to personally by me. They acknowledged their actions, understand that they were wrong, and realize the negative repercussions their behavior has brought upon the department. Both officers have apologized for their behavior. The matter will be closed and both officers will be disciplined and placed under more intense scrutiny for the remainder of their academy tour.

Again, thank you for taking the time to communicate this incident to me.

Sincerely,

Ed Moore Chief of Police





# Stipulation of Settlement In a Disciplinary Action



This will confirm that pursuant to the provisions of the Collective Bargaining Agreement between the City of Saratoga Springs and the Saratoga Springs Police Protective and Benevolent Association, a pre disciplinary meeting was held of the Collective and Benevolent Association, a pre disciplinary meeting was held of the City were Assistant Chief was present with PBA representation by PBA Vice President Return renegation. The parties met to discuss certain allegations and investigative findings to such, with representation by PBA President Edward Lewis has agreed, as a result of his misconduct, to accept a penalty of a Notice of Admonishment to be placed in his confidential Personnel File maintained at the Saratoga Springs Police Department.

Count 1: Violation of Subdivision 5.03 Department Equipment, Operation of Department Vehicles:
did operate a marked police unit on Washington Street and became involved in a
personal injury motor vehicle accident which also resulted in the total loss of the police vehicle.
Subsequent investigation determined the cause of the accident was based upon
to yeild the right of way to an oncoming vehicle while attempting a left turn.

The below signed parties agree to resolution of the ongoing disciplinary matter as recorded in the terms of this document.



#### NOTICE OF ADMONISHMENT





The following violations been sustained as a result of this investigation:	Internal Investigation Authority, of Department policy, procedure, and / or rules have (Identify every charge designating the specific
offense alleged to have been committed and the charged).	specification of facts which constitutes the offense

I. 5.00, DEPARTMENT EQUIPMENT, subdivision 5.03, Operation of Department Vehicles, in that he failed to operate a department vehicle in a prudent and safe manner.

To Wit: At the aforesaid time and date you were operating a marked police unit and did become involved in a reportable personal injury motor vehicle accident

The subsequent investigation determined that your actions were the primary cause of the accident as you attempted to make a left turn and failed to yield the right-of-way to an oncoming vehicle. The police unit sustained major damage as a result of the accident and was in fact a total loss. Additionally, you as well as the driver of the second vehicle sustained injuries that necessitated treatment at Saratoga Hospital.

This notice is intended as a strong admonishment for you to immediately refrain from any further incidents of such conduct. Be advised that future violations regarding this type of incident will subject you to further disciplinary proceedings in accordance with Section 75 of the New York State Civil Service Law.

#### STATE OF NEW YORK COUNTY OF SARATOGA

#### **CITY OF SARATOGA SPRINGS**

#### STIPULATION OF SETTLEMENT

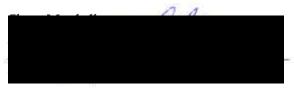
# In the Matter of Disciplinary Charges -Against-

The effective date of this agreement shall be the date upon which it has been properly signed and executed by all the parties.

#### Dated: 7/8/20

City of Saratoga Springs - Department of Public Safety, Saratoga Springs Police Department

Shane Crooks, Chief Saratoga Springs Police Department



CC: Daniel Mullen, PBA Unit Representative

CC: Christy Spadaro, Human Resources Representative CC: Shane Crooks, Chief Saratoga Springs Police Department

CC: Employee Personnel File

#### STIPULATION OF SETTLEMENT

Agreement made this day of between the City of Saratoga Springs (hereinafter "City") and

WHEREAS, Employee is employed by the City as a Police Officer, a position represented by the Saratoga Springs Police Protective and Benevolent Association (hereinafter "Association"); and

WHEREAS, certain behavior of Employee has come to the attention of the City and the City is prepared to serve a Notice of Discipline on Employee; and

WHEREAS, the City, Employee and the Association have engaged in discussions regarding Employee's behavior and the parties hereto wish to settle and resolve this matter without the service of a Notice of Discipline on Employee and subsequent proceedings.

NOW, THEREFORE, the parties hereto agree as follows:

1. Employee does hereby admit to engaging in the following misconduct:

unreasonable force against a person known to the department. The force used by Employee was not reasonably necessary given the facts and circumstances at the time. The force used by Employee was not necessary to effect an arrest or prevent escape. Employee's use of force violates Departmental Policy 300.3 and 320.5.9.

- 2. For engaging in the misconduct set forth in the previous paragraph, Employee shall serve a thirty (30) calendar day suspension without pay. Such suspension without pay shall begin July 16, 2020.
- 3. Employee hereby acknowledges and agrees that the disciplinary penalty set forth in the previous paragraph is reasonable considering his performance evaluations and his past disciplinary record. In exchange for Employee accepting the suspension without pay, the City agrees not to pursue disciplinary charges against him for the incidents referred to in this Agreement and any other matter involving Employee and known to the

City to date. The City further agrees that this Agreement is in full and final settlement of any disciplinary charges which could have been brought against the Employee relating to, or arising out of the incidents referred to in this Agreement and for any other matters known to the City involving the Employee up to and through the date of this Agreement.

- 4. Employee hereby knowingly and voluntarily waives the right to be served with disciplinary charges pursuant to the terms of the applicable collective bargaining agreement and NYS Civil Service Law Section 75. He is further knowingly and voluntarily waiving the right to a hearing and defend against any disciplinary charges pursuant to the applicable collective bargaining agreement and NYS Civil Service Law Section 75. Employee acknowledges and agrees that he is waiving his rights under both Section 75 of the Civil Service Law and the collective bargaining agreement to defend himself and that he is knowingly and voluntarily doing so after consultation with his Association representative.
- 5. Employee acknowledges that he has read this Stipulation of Settlement and enters this Stipulation of Settlement of his own free will and without coercion.
- 6. This Stipulation constitutes the entire agreement between the parties. This agreement will be interpreted in accordance with the laws of the State of New York.
- 7. Employee acknowledges that this Stipulation of Settlement shall become a permanent part of Employee's personnel file.







#### JOB PERFORMANCE COUNSELING MEMORANDUM

# Supervisor Instructions: Identify and define the behavior to be modified; Review any applicable rules and regulations, orders and operating procedures or laws; clearly explain the behavior expected of the member; explain the potential consequences of unacceptable behavior, if continued; Document the counseling effort and record the counseling in the member's shift/unit training and appraisal file.

On the aforementioned date and time you were involved in an incident as a member of the Saratoga Springs Police Department that requires counseling in an effort to improve the quality of performance in your duties.

During the course of the incident it was clear by your words and actions that you did not believe the victim who you had not seen or spoken to and had taken the side of the suspect. It was later determined that the victim had injuries consistent with her story while the suspect was caught changing his stories until he admitted to part of the allegations. While it is understandable that you were not totally convinced of the suspects guilt due to the lack of evidence at the scene it is not acceptable as to the way that you continued to express your doubt. As a police officer it is important that you maintain an impartial mindest until all the facts are known.

While some of your comments can be easily explained that when speaking with Guynup you were trying to build a rapport with him others cannot. Your actions would lead someone watching the video to believe that you were willing to be insubordinate to avoid arresting without having all the information involved in the matter. You demonstrated such disbelief in the allegations that there is no way the DA's office could call you to testify in this matter. Your actions not only were not consistent with department standards they portrayed the department in a negative way to outside agencies.

Your actions are a direct violation of but not limited to Lexipol policies 320.5.9 CONDUCT and 1030.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT. Future actions similar to this could result in disciplinary action being taken against you. This does not mean that you have to blindly believe someone or that you cannot have doubt. It does mean that I

Original: Chief of Police via chain of command

Copy: Shift/Unit Training folder & Counseled Employee

### **DISCIPLINARY ACTION REPORT**

expect that you will keep an open mind and portray that to the parties involved. Your job as a police officer is to investigate the incident and make an arrest where appropriate. Your discretion is limited when a domestic incident is involved and you are expected to handle those incidents appropriately. That said after reviewing your "To From" it appears that you understand that your actions were not consistent with department standards and I hope that it will not have to be addressed in the future.





# Stipulation of Settlement In a Disciplinary Action



This will confirm that pursuant to the provisions of the Collective Bargaining Agreement between the City of Saratoga Springs and the Saratoga Springs Police Protective and Benevolent Association, a pre disciplinary meeting.  In attendance for the city was Chief Christopher J. Cole. was present without PBA representation by his choosing The parties met to discuss certain allegations and investigative findings to such.
without representation has acreed as a result of his actions, to accept a penalty of a loss of two (2) vacation day
To Wit:  Department Operations Manual General Order Section 14.1, Rules of Conduct, under the following subdivisions:
Count 1: Did violate subsection 7A, Reporting for Duty/Attendance, in that he failed to report to a scheduled Force-on-Force training session as previsouly directed. had been given appropriate notice of said training.
The below signed parties agree to resolution of the ongoing disciplinary matter as recorded in the terms of this document.

Agreed upon between the parties



# Stipulation of Settlement in a Disciplinary Action



In accordance with the labor relations contract between the City of Saratoga Springs and the Saratoga Springs Police Protective and Benevolent Association, Article VI titled Disciplinary Action, the below signed parties agree to resolution of the ongoing disciplinary matter as recorded in the terms of this document.

Springs Ponce Department Operations Manual General Order Section 43.2 titled OFFICER
STATUS, under the following subdivisions:
Count 1: Violation of Subdivision IIIB-1 "All units/employees are required to go "in" and "out" of service with the communications center."
failed to notify the communications center that he would be "out of service" upon conducting an investigative stop on pedestrian nor did he advise the communication center upon being "in service" upon completion of the stop.
Springs Ponce Department Operations Manual General Order Section 14.1 titled RULES OF CONDUCT, under the following subdivisions:
Count 1: Violation of Subdivision 7.1A Leaving Assisgned Duty Post. "Officers shall remain in or at their assigned post, area or scene while on duty unless they become engaged in pursuit of a suspect, dispatched elsewhere by communications personnel, directed to or given permission to leave by a supervisor".  having been assigned to Traffic Division duties and assigned a Traffic Division vehicle for his tour of duty, did on his own accord and without permission or knowledge of a supervisor leave his assigned vehicle and partner with Patrol Division assigned vehicle for the purpose of conducting surveillence and a subsequent investigative stop of pedestrian on I
Count 2: Violation of Subdivision 7.1B Leaving Assigned Duty Post. "It shall be the responsibility of every officer to immediately notify the communications center whenever he/she must leave his/her assigned post, area, vehicle or scene".  failed to notify the communications center upon parking and leaving his assigned vehicle and then did partner with Patrol Division the purpose of conducting surveillance and a subsequent investigative stop of pedestria on Madison Street.



# Stipulation of Settlement in a Disciplinary Action



Police Department Operations Manual General Order Section 14.2 titled COURT APPEARANCE & DEMEANOR, under the following subdivisions:
Count 1: Violation of Subdivision IIIC-2 Appearances in Court. "Members shall be punctual when reporting to any court, hearing board or investigative body".
Having been notified in person on 11/12/09 by Application 11/12/09 by Applicat
Stipulation of Settlement:  and discussed the aforesaid allegations and the findings in the associated internal investigation.  with representation by the PBA  admits
responsibility for the aforesaid violations and has agreed to resolve this disciplinary matter in accordance with Article VI of the labor relations contract titled Disciplinary Action, as accepts a formal written reprimand in resolution of the aforementioned disciplinary action.
Agreed upon between the parties which will be permanently placed in his official personnel file.



# SARATOGA SPRINGS POLICE DEPARTMENT



5 LAKE AVENUE SARATOGA SPRINGS, NY 12866-2298 518-584-1800 Fax 518-584-1744

CHRISTOPHER J. COLE
Chief of Police

MICHAEL BISS
Assistant Chief of Police

### Letter of Reprimand

Pursuant to the Stinulation of Settlement according to the
is hereby issued this Letter of Reprimand based on the findings of an internal departmental investigation(s) concerning his alleged failure to obey policy(les) as outlined in the Saratoga Springs Police Department Rules and Regulations. been previously issued the policy(ies) and/or Directive(s) cited in this Letter of Reprimand and understands the content therein admits to said violations and acknowledges that it is his responsibility to understand and follow all issued Departmental Rules and Regulations. Future violations may warrant additional disciplinary action. This Letter of Reprimand will be retained and made a part of Officer Mullan Jr.'s permenant personnel file.
TO WIT:
Department Rules and Regulations.  that he was "  He further failed to notify the communications center upon completion of the investigative stop that he was "In Service"
Department Rules and Regulations.  and a Traffic Division vehicle, did on his own accord and without permission or knowledge of a supervisor, leave his assigned post/vehicle and did then partner with thicle for the purpose of conducting surveillance and a subsequent investigative stop of pedestrian
Department Rules and Regulations.  Solution is assigned post and vehicle and did partner with learning for the purpose of conducting surveillance and a subsequent investigative stop on pedestrian







## SARATOGA SPRINGS POLICE DEPARTMENT



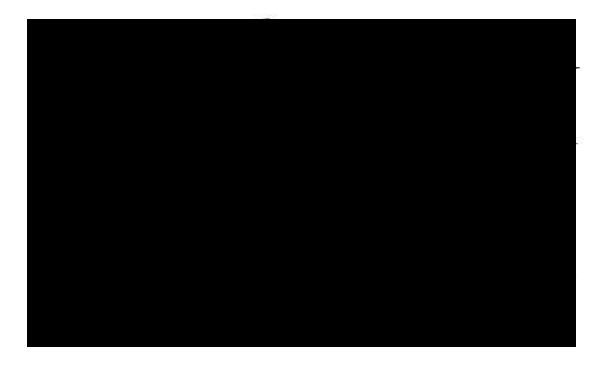
5 LAKE AVENUE SARATOGA SPRINGS, NY 12866-2298 518-584-1800 Fax 518-584-1744

CHRISTOPHER J. COLE
Chief of Police

MICHAEL BISS
Assistant Chief of Police

Regulations.
County Assistant District Attorn
pending case before the Court.

ADA Chauvin had personally communicated this request to









# Stipulation of Settlement In a Disciplinary Action



In accordance with the labor relations contract between the City of Saratoga Springs and the Saratoga Springs Police Protective and Benevolent Association, Article VI titled Disciplinary Action, the below signed parties agree to resolution of the ongoing disciplinary matter as recorded in the terms of this document.

titled RULES OF CONDUCT, under the following subdivisions:

Count 1: 1.00, PROFESSIONAL OBLIGATIONS, subdivision 01, GENERAL OBLIGATIONS, in that he did commit or omit any act which constitutes a violation of any of the rules, regulations, directives or orders of the department, whether stated in this General Order or elsewhere. It is alleged that General Order 14.2 titled COURT APPEARANCES, under III.A NOTICE TO APPEAR, subdivisions 1 and 3, as follows:

- 1. Members must appear before any court, hearing board or investigative body upon proper notification. A subpoena, notice of hearing, or written notification by a supervisor or other competent authority shall be deemed proper notification for the purpose of this order.
- 3. If for a valid reason a member is unable to appear as directed, he/she shall advise in writing the court, hearing board or investigative body, stating the reason for nonappearance, with enough advance notice so as not to inconvenience the court. If adjournment is not granted, it shall be the members obligation to appear as directed.

A subsequent investigation into this matter was conducted by the department which resulted in a pre-disciplinary meeting between the Internal Investigation Authority.

As a result of this meeting, the parties agree to settlement or this matter with a formal Letter of Admonishment to

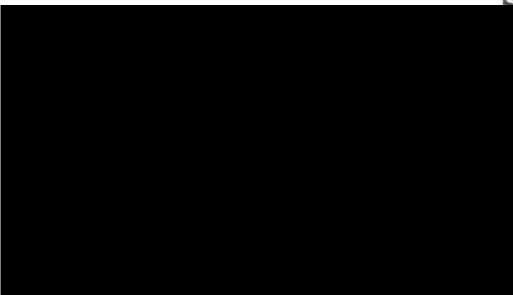
Stipulation of Settlement:

allegations and the findings in the associated internal investigation.

The below signed parties met and discussed the aforesaid allegations and the findings in the associated internal investigation.

Without representation by the PBA at his own choosing, admits responsibility for the aforesaid violations and has agreed to resolve this disciplinary matter in accordance with Article VI of the labor relations contract titled Disciplinary Action, as accepts a formal written reprimand in resolution of the aforementioned disciplinary action.

# Memo



olice HQ, 5 Lake Avenue ogu Springs, NY 12866-2298 518-584-1800 x-526 518-584-1744 Fax b Site: SaratogaPolice.org l: mbiss@saratogapolice.org



### Saratoga Springs Police Department

#### NOTICE OF ADMONISHMENT





Based upon my investigation of your unexcused absence from a scheduled City Traffic Court appearance which caused the dismissal of seventeen Uniformed Traffic Ticke a final determination has been reached in the disciplinary matter against you. Department policy, procedure, and / or rules have been sustained as a result of this investigation: (Identify every charge designating the specific offense alleged to have been committed and the specification of facts which constitutes the offense charged).

did violate General Order Section 14.2 titled COURT APPEARANCES and DEMEANOR, under the following subdivisions:

III. PROCEDURE subdivision A1, NOTICE TO APPEAR, in that you were properly notified of the pending court appearances and did fail to appear for same without valid reason or notification of the proper authority as directed in said General Order.

To Wit: At the aforesaid time and date you failed to appear for a scheduled City Traffic Court appearance that you were properly and timely made aware of, and did not make prior nor post notification that you could not appear and did not appear. Your failure to report as directed under General Order 14.2 COURT APPEARANCES caused the dismissal of 17 pending traffic cases you were responsible to testify in.

Be advised that the aforementioned conduct constitutes violations of the department rules of conduct stipulated above. This notice is intended as a strong admonishment for you to immediately refrain from any further incidents of such conduct. The impropriety of your actions is of such a degree that future violations will subject you to further disciplinary proceedings in accordance with Section 75 of the New York State Civil Service Law.

## Saratoga Springs Police Department

Job Performance Counseling Form

On the above date and time you were involved in an incident during your performance of duties as a Department member. As a result of this incident, it is necessary that we review with you
Department policy and procedures in an effort to improve upon your job performance.
you were scheduled to appear in Saratoga Springs City Court to tesitify at several Vehicle & Traffic related offenses that had been scheduled for 11:00AM. You were notified of the above mentioned trials via normal departmental procedures and your intitals indicate that you did in fact receive such notification. You did not appear in Saratoga Springs City Court on the above mentioned date nor did you notify the Court or the Police Department that you were unable to appear for the scheduled trials. This is in direct violation of Departmental Policy General Order 41.4 Court Appearance and Demeanor - Section III Procedures - Subsection A and Subsection C.  Your failure to appear at the scheduled Vehicle & Traffic trials resulted in 17 cases being dismissed and made a poor representation of the Police Department in the eyes of the Court and the District Attorney's Office. Further, you have been previously counsled by or similar actrions. This type of action is a poor reflection on the Police Department and the Traffic Safety Unit. Your attention to detail in regards to Court related issues needs improvement.
Members remarks, if any:
Supervisor: Explain steps taken to remedy situation (i.e., training or-re training ,counseling, etc.) in space below.



# STATE OF NEW YORK UNIFIED COURT SYSTEM SARATOGA SPRINGS CITY COURT

City Hall - 474 Broadway Saratoga Springs, NY 12866 Telephone: 518-581-1797 Fax: 518-584-3097

DOUGLAS C. MILLS
City Court Judge

JAMES E. D. DOERN City Court Judge ELIZABETH M. THORNHILL Chief Clerk

CAROLYN S. SAXTON Deputy Chief Clerk



With regard to your request, please find enclosed a report of all traffic tickets which were dismissed by this court or the scheduled trial.

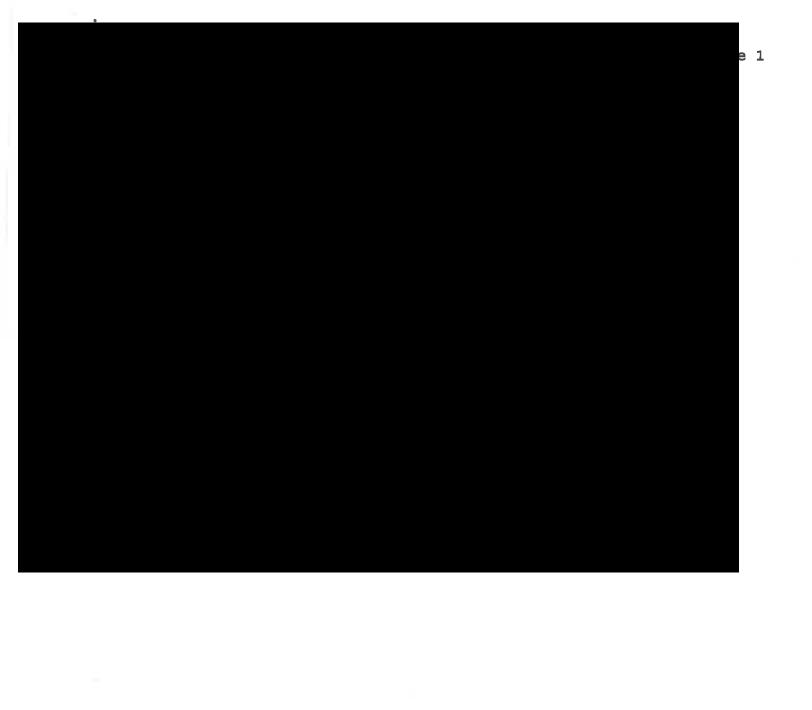
If you have any questions, please do not hesitate to contact this office.

Very truly yours,

Elizabeth M. Thornhill Chief Clerk

emt

enclosure





# SARATOGA SPRINGS POLICE DEPARTMENT



Officer Explanatory Report

5 LAKE AVENUE SARATOGA SPRINGS, NY 12866-2298 518-584-1800 Fax 518-584-1744

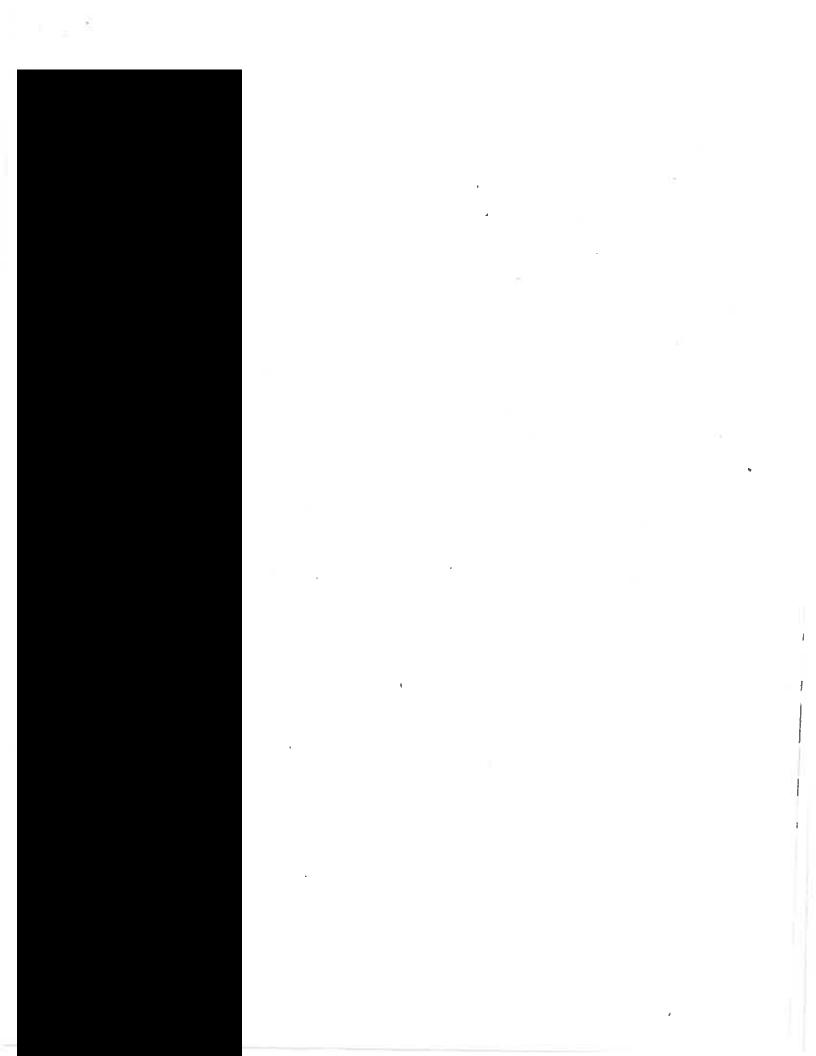
EDWARD F. MOORE Chief of Police

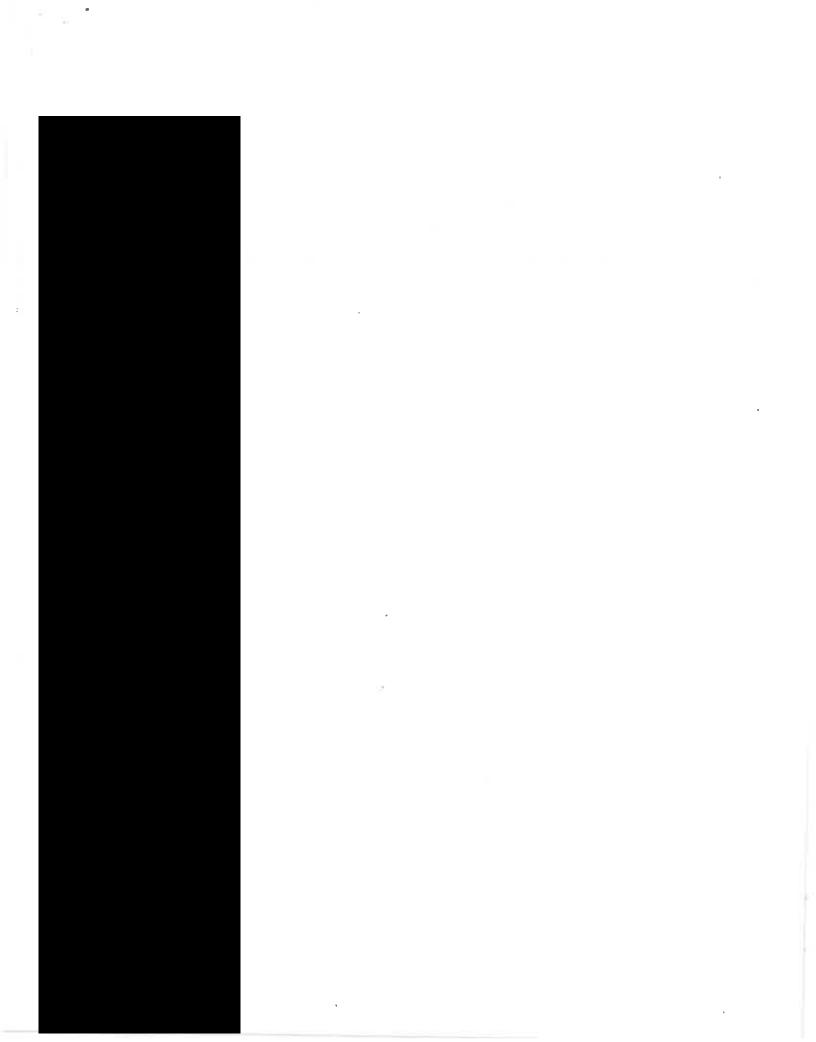
CHRISTOPHER J. COLE
Assistant Chief of Police

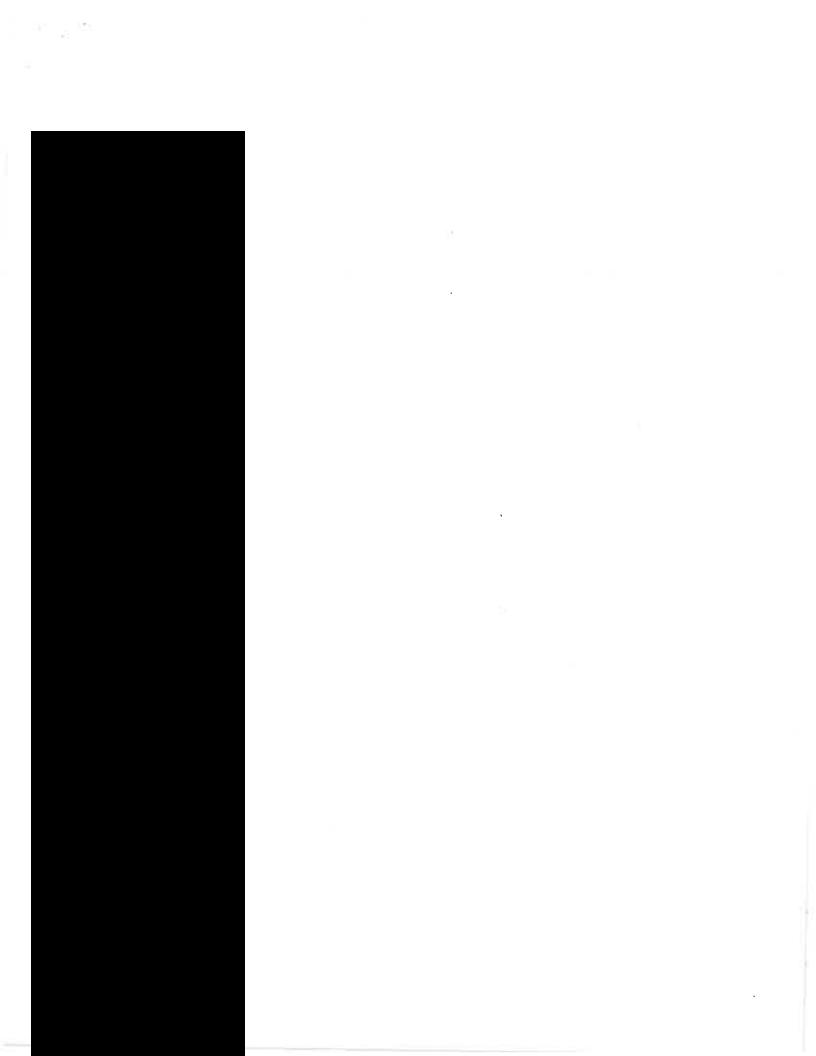
for V&T trials that was scheduled for 1100hrs. The reason that I could not be there was because I was sick. I did not notify the department of this on the day of the I apologize for any inconvenience this may have caused.





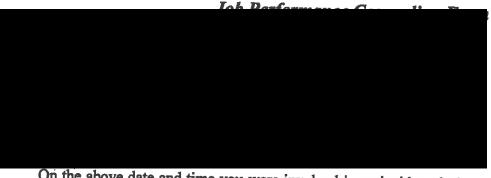








## Saratoga Springs Police Department



On the above date and time you were involved in an incident during your performance of duties as a Department member. As a result of this incident, it is necessary that we review with you Department policy and procedures in an effort to improve upon your job performance.

TO WIT: You attended a friend's wedding and forgot to take of your trials in city court. There were 3 VTL trials scheduled for you that day and all 3 defendant's had their cases dismissed. This made the department look bad, it sent the wrong message to other defendants in the court, and there was no pressing reason for you not to have notified the court secretary so she could arrange another date for the trials.



### SARATOGA SPRINGS POLICE DEPARTMENT



EDWARD E MOORE Chief of Police 5 LAKE AVENUE SARATOGA SPRINGS, NY 12866-2298 518-584-1800 Fax 518-584-1744

JAMES D. CORNICK Asst. Chief of Police







# Saratoga Springs Police Department PERFORMANCE OBSERVATION FORM



On this date you failed to attend a scheduled CPR training class from 1p-3p. Your explanation states you could not attend for personal reasons. Training assignments are considered a work assignment and any absences must be approved by either the course instructor or myself unless a verifiable emergency exists. A copy of your explanation is attached.

#### Saratoga Springs Police Department



# Memo

## CONFIDENTIAL

had secured my duty uniform.and equipment in my locker at SSPD. At that time and I had decided to go downtown in Saratoga. At about 0500 hours one of the workers from the Dept. of Public Safety, and One of my good friends, at the intersection of Broadway and Caroline Street working on a traffic light with Public Safety and I began walking toward the intersection. When we got to the intersection ! stopped manded north on Broadway toward comptons. Public Safety west side of Broadway facing south. had not seen me cross Broadway and was standing on the driver's side of the vehicle. From years of working at the DPS garage I knew the mechanics of the bucket which is located on the back of the vehicle. I climbed into the bucket and began to raise the bucket off the ground catching s attention immediately overroad the controls of the bucket and brought the bucket back to the ground, then explained to me that he was working and for me to leave. I then walked away north on Broadway.



# Saratoga Springs Police Department Personnel Complaint



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st name & address of each witness below	Telephone number(s)

### Complaint summary:

	Commissioner
Kon Kim had received a complaint from and reporting was	to contac
to memorialize the incident in this format. Reporting Sergeant telephoned	
stated he was comfortable talking over the	at telephone Vie
drives a lit is unknown by reporting Con-	cacpuone. He
which company he works for. states that at approximately	cam at this time
the street in front of the	Street N
the street in front of the was a white colored bucket truck. On	Sueet. Across
A young white male was with the truck. He had been	man Albanda at sa
working on the traine signal at the intersection of Broadway and Carolina China	ale a company of
white makes and a white female walked up from Caroline stated to Brand	Account on A 12
across Broadway. They all appeared to be carrying bottles of bear. They did not	oway, and then
to be laining down drunk, but they appeared they had have a laining down drunk, but they appeared they had have a laining down drunk, but they appeared they had have a laining down drunk, but they appeared they had have a laining down drunk.	- 0 -1
described only as tall with brown hair, rumped into the district of the charm sieles.	
working on the lights was up near the cab of the Buck of this simple of the	4 .4 4 .
Worked the controls and was raising the bucket from its' location. The Bonesia	oboto 56
berson who had gotten into the bucket knew how townself which at	_1 _
date octal working on the traine light saw and, he can to the said of established and did any	
the surject in the bucket then the priging he priging hereon to with	neuming which
The second state of the could be seen as the second	te me arm up,
The state of the s	
alarmed because the person who was in the bucket had obviously been developed	then became
working, and was still holding a bottle of beer. States he left the area in his to	poviously not
on duty Police Officer and start and to this.	
was unsuccessful iff aggregat to bill over	
and the bucket was down and the male subject was out of it	CENT 1.1.
and the bucket, but the original person who was fring the	. The white
states he only saw one person from the group that came up Carolie	name naut
into the bucket. States this group of 3 or 4 white males and 1 white female left	le Street get
was not interested in signing this personnel complaint. He just recent in the	I the area.
a large potential for a lawsuit if someone was injured	
advised by this Sergeant that the report would be actively investigated and be would be	was
reporting Sergeant will sign this report in	advised by
Signature of complainant	

## Initial Investigative Summary & Recommendation

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Attach copies of all associated Statements and Internal To-From Memorandums with report.

Routing: Shift / Unit Commander, then Division Commander, then Asst. Chief, then Chief for filing

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k & Signature of Division Commander	
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## Saratoga Springs Police Department



Shane L Crooks
Chief of Police

John T. Catone
Assistant Chief of Police

## JOB PERFORMANCE COUNSELING MEMORANDUM

#### Supervisor Instructions:

Identify and define the behavior to be modified; Review any applicable rules and regulations, orders and operating procedures or laws; Clearly explain the behavior expected of the member; Explain the potential consequences of unacceptable behavior, if continued; Document the counseling effort and record the counseling in the members shift/unit training file.

On the aforementioned date and time you were involved in an incident as a member of the Saratoga Springs Police Department that requires counseling in an effort to improve the quality of performance in your duties.

To William Saratega optings rouge Department.

Room and Evidence Management as part or you training for the newly assigned position. In he department switched from our internal policies to Lexipol policies and you were issued and received Policies 802, Criminal Investigations Division and 320 Standards of Conduct.

while assigned as the departments evidence custodian you destroyed a SANE kit that had returned from the State Police Lab after testing. The biological evidence that was produced during testing and had returned with the kit was kept as per policy. This SANE kit belonged to a felony sexual assault on a child and was destroyed within one year of the crime being committed. The SANE kit was destroyed in violation of Policy 802.8.1 and not consistent with the CPL 30.10 statute of limitations.

You have stated that at the time of the destruction of the SANE kit that you were not aware that the kit itself was considered evidence and needed to be preserved. You stated that you preserved the biological evidence that had returned from the NYSP lab along with the kit. You have also stated that you were not familiar with the policy pertaining to evidence. You have also stated that you do not believe that the original training that you attended did not sufficiently prepare you for the position of evidence custodian. It is unacceptable that the evidence custodian not be familiar with the policy that covers the primary duties of the position. In the case of the SANE kit I would refer you to the below policy

Original to Shift/Unit Training folder after all signatures obtained

Copy to employee

### DISCIPLINARY ACTION REPORT

#### Per policy **802.8.1 BIOLOGICAL EVIDENCE**

.. The evidence custodian shall ensure that no biological evidence held by this department is destroyed without adequate notification to the following persons, when applicable:

The defendant The defendant's attorney The appropriate prosecutor and Attorney General Any sexual assault victim The Investigation Division Division Commander

Biological evidence shall be retained for a minimum period established by the statute of limitations or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice, unless a motion seeking an order to retain the sample is filed and served on this department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division Commander.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Investigation Division Commander should be consulted and the sexual assault victim should be notified.

I would also refer you to 320.4 General Standards

#### 320.4 GENERAL STANDARDS

**Best Practice** 

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and New York Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

#### DISCIPLINARY ACTION REPORT

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

an investigator for the Saratoga County District Attorney's office. During this conversation information you relayed to was interpreted by him to portray the department in a negative light and did not reflect the actual situation. You stated that your intent was to inform of the progress that you have made and was not meant to be unfavorable to this department.

I would refer you to policy 320.5.9 Conduct

Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

Unreasonable and unwarranted force to a person encountered or a person under arrest. Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct. Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

Engaging in horseplay that reasonably could result in injury or property damage. Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

Use of obscene, indecent, profane or derogatory language while on-duty or in uniform. Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract, including fraud in securing the appointment or hire.

Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action. Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

While I understand that the above listed incidents were not done with malicious intent and that you have been honest and forthcoming with information pertaining to both incidents I want to make it clear that in both cases the behavior is not consistent with the department's standards.

#### DISCIPLINARY ACTION REPORT

As the evidence custodian the handling of evidence is your primary responsibility and you are expected to be familiar with all evidence related policies and procedures. I expect you to not only familiarize yourself with the policy but to continue to seek out clarification from your supervisors and seek out additional training related to evidence.

It is also the responsibility of every member of this department to make sure that the information they are relaying to subjects outside this agency is clear and portrays an accurate description of the department. I expect that in the future you clarify any comments made about this department that may be misinterpreted. It is extremely important the clear and precise communication be utilized and relayed in a professional manner so not to affect the integrity of this department. Continued behavior that does not meet the standards outlined above may result in progressive discipline.





#### **SARATOGA SPRINGS**



### POLICE DEPARTMENT

5 LAKE AVENUE SARATOGA SPRINGS, NY 12866-2298 518-584-1800 Fax 518-584-1744

CHRISTOPHER J. COLE Chief of Police

GREGORY J. VEITCH Assistant Chief of Police

#### Stipulation of Settlement In a Disciplinary Action

This will confirm that pursuant to the provisions of the Collective Bargaining Agreement between the City of Saratoga Springs and the Saratoga Springs Police Protective and Benevolent Association, a pre disciplinary meeting was held on the City and Benevolent Association, a pre disciplinary meeting was held on the City and Description of Police Gregory Veitch. Officer Stacy Rigano was present with PBA representation by Police Officer Travis Carter. The parties met to discuss certain allegations and investigative findings to such.
with PBA representation by Police has agreed, as a result of her misconduct, to accept a penalty of a reduction of three vacation days based upon the following allegation of misconduct:
Operations Manual General Order 14.1 titled Rules of Conduct under the following subdivision:
Count 1: Violation of Section 1.00 subsection 05:  hat she was to print hardcopies of all of her paperwork and present those hard copies to Sgt. Tetu for review prior to approval. On five occasions between did not present hard copies of her paperwork to for review as directed by
The below signed parties agree to the resolution of the ongoing disciplinary matter as recorded in the terms of this document.







#### **SARATOGA SPRINGS**



### POLICE DEPARTMENT

5 LAKE AVENUE SARATOGA SPRINGS, NY 12866-2298 518-584-1800 Fax 518-584-1744

CHRISTOPHER J. COLE Chief of Police

**GREGORY J. VEITCH**Assistant Chief of Police

#### Stipulation of Settlement In a Disciplinary Action

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with PBA representation beautiful to accept a penalty of a reduction of three vacation days based upon the following allegation of misconduct:
did violate the Saratoga Springs Police Department Operations Manual General Order 14.1 titled Rules of Conduct under the following subdivision:
Count 1: Violation of Section 1.00 substantial was given a verbal order by that she was to print hardcopies of all of her paperwork and present those hard copies to for review prior to approval. On five occasions between did not present hard copies of her paperwork to for review as directed by
The below signed parties agree to the resolution of the ongoing disciplinary matter as recorded in the terms of this document.







Saratoga Springs Police Department 5 Lake Avenue Saratoga Springs, New York 12866 (518) 584-1800 www.saratogapolice.org



# Memo



Message: As the result of an internal departmental matter has forfeited three vacation days. Please deduct three vacation days from any accruals she may have remaining. If you have any questions about this please contact me.

## Memo



I disagree with the reasoning of not completing a report because had no information to write a proper report. Just by nature of the detail devoted to her memo illustrates appropriate response and inquiry into the matter. I would call her memo "very detailed" and worthy of documenting as a case report, just to protect the responding officer and the department should this woman later become a DV victim, or report a rape to Rape Crisis worker down the road and tells them that the police spoke to her but did nothing. Although this may seem far fetched, trust me that it is not. I repeatedly have seen similar instances where police officers respond to cases just like this, do a great job, and then provide little or no documentation. Days, weeks, or months later, an inquiry is made about the incident through another organization or person and we have no documentation on what transpired, and frankly, look foolish and incompetent in the eyes of the person making inquiry.

This case is an example. Had this information been documented in a case report when the administration at Skidmore called wanting to know what our standard operating procedure was for dealing with a woman who was hysterical and stating "he's going to kill me". Most likely, that second woman who lived likely inquired to their staff about the police / security inaction. Needless to say, they documented what they did, and the caller was trying to determine if we could provide further information as to identity, outcome. It is embarrassing when my reply is to read the blotter narrative "Report late teen female req officer to scene, unknown further". The incident is closed as a good intent call. Not much to go on, unlike the memo.

is a good police officer and did the best she could with an uncooperative person. I can't understand why any employee would take the time to do good work, and then fail to document their work and take pride in their response. I expect this to be documented appropriately as a case report, and future incidents that require a police response and all police action taken to be documented in the appropriate records system module. Please re-instruct her in this and document such. I will follow this up with all supervisors.

#### SSPD

# Memo



I was dispatched to the corner of Regent St. and White St. to assist Skidmore with an unknown problem with a female. Upon arrival I observed a female sitting on the sidewalk crying, smoking and talking on her cell phone. I asked the Skidmore security guard, ( what was going on. It taked that he couldn't get much information from the crying party. She refused to tell them what was wrong, her name or if she needed any help. another woman that lived in Moore Hall were trying to figure out what was wrong with this woman by listening to her talk to another girl on the cell phone. They believed that she might have had some kind of problem with her boyfriend but couldn't make out what the problem was. They thought they overheard her mention something to the effect of "Oh, I couldn't, he'd kill me". They asked this female if she needed police assistance and if she would like to file a report. They thought they heard her say yes so they called the P.D. As I approached the female she refused to look at me. I asked if there was something wrong and if I could assist her in any way. She refused to answer me and tried to turn away from me. I once again asked her and she responded by snapping at me and telling me she didn't need me and asked why I was bothering her. I stated that people were concerned as she was sitting on the sidewalk and crying. I asked if I could get her name and address for a report but she refused to give me any information. It was obvious that this female was intoxicated. While I was trying to assist this female she started to dial her phone again. I asked her to put the phone down so we could sort this problem out. She put her phone down for a second and rudely stated that she didn't know why I was there and wanted me to leave her alone. At this time I told her that if I couldn't assist her she would have to go back home and call the P.D. if she would like our assistance at a later time. She got up and walked away down White St. I asked if there was anything else I could do for him and he stated no as she was being completely uncooperative. I didn't do a report as I had no information to write a proper report.

## Memo



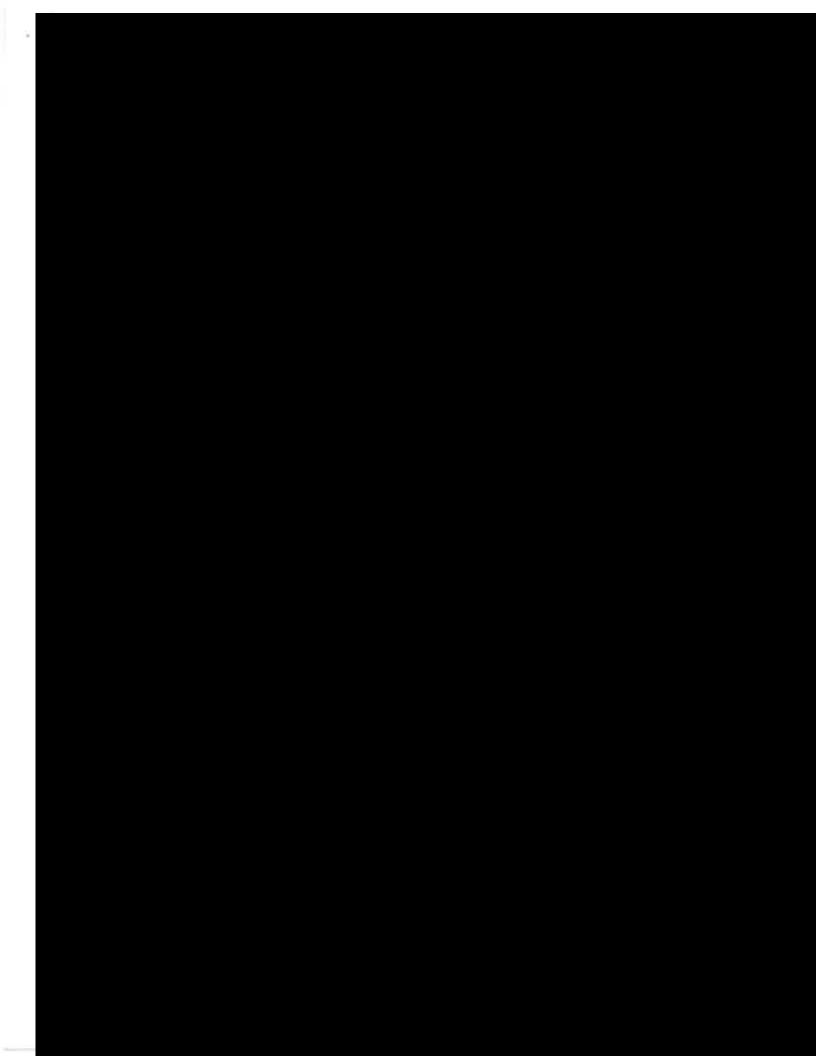


Police HQ, 5 Lake Avenue Saratoga Springs, NY, 12866-2298 518-584-1860 x-526 518-584-1744 Fax Web Site: SaratogaPolice.org e-mail: dnosker@saratogapolice.org

Chief,

I spoke with about this call and instructed her to write the included memo. From my recollection of the incident, the call from Skidmore Security was very vague (I believe took the call). The caller stated only that one of our Officers was requested to the scene as they had an upset female requesting to speak with the police. I spoke with the same information to me that is included in her memo. It appears that the young woman in question was intoxicated and uncooperative and did not in fact desire our assistance or changed her mind from the time of the original call.

had more information regarding this person it seems that he did not provide this to to HQ. If you can provide me with a copy of the Skidmore Security report I will attempt to contact the young woman in question and gather more information.





## **Personnel Complaint**



Other Officers Present at Incident	

**Incident Summary** 

Summary of Incident reports traveling northbound on I-87 at approximately seventy-six (76) miles per hour in his personally owned vehicle. He was driving in the extreme left passing lane and stated traffic was somewhat heavy. It is stated that he observed a white vehicle that appeared to have police markings on it that he described as a "flat top", meaning it had no light bar on the roof, approaching from the rear at a fast pace. He did not pull over due to traffic congestion in all three lanes. The police vehicle pulled up on his bumper and flashed its headlights for him to move. When he did not, the police vehicle pulled to the middle lane and passed him on the right side. As the vehicle passed, he observed a blond female operator looking back at him and a male passenger, both Caucasian. The police vehicle accelerated past him and he alleges that it then cut in front of him and eventually moved up ahead in traffic. Was concerned that the officers were driving erratically, in his opinion, and exceeding the speed limit by at least fifteen miles per hour or more. He observed the police car exit I-87 at exit 13N and proceed northbound on Rt. 9, and he followed the unit to our HQ. It was apparent that the officers were not involved in any legitimate emergency operation of the vehicle, so it is filled this personal complaint about their aggressive operation of the police unit verbally to me at HQ. He further identified the officers by providing their unit
aggressive operation of the police unit verbally to me at HQ. He further identified the officers by providing their unit
number. This unit was signed out to the basic school recruits identified above in this complaint.  was thanked for bringing this matter to my attention and advised that I would investigate the
allegations and take the appropriate punitive action. was instructed to leave a memo for both recruits to
report to my office when the check out from work on Wednesday afterno
file.

	also advised me that HQ received a telephone call from an unknown motorist complaining about the operation of this same unit on I-87 prior to this walk-in complaint. He advises that spoke with the caller. The caller did not wish to leave their name and advised him about the call and the allegations made.
_	Complainant's signature: Not and kho
	Investigative Summary / Recommendation
ET ET	incident regarding her flashing her heading its at the other car, and reports that the car then followed her into the city friding on her bumper" and the operator appeared to be angry with her. She apologized for driving too fast and understands gow that she used poor judgment and presented a poor image of the department. She was instructed to submit a TO-FROM Explanatory report describing the incident to me and dismissed.
なながら ではない はない はない 高い数を 高い数を 高い数を 高い数を 高いない 高いない 高いない 高いない 高いない 高いない 高いない 高いな	regarding his Explanatory report. I advised him that I thought his report was vague as to the specifics alleged by the complainant location and specifics regarding the allegations made. He states that he meant 1-87, not I-787 as the location he was speaking about where the incident took place with the car. He stated that the speed he provided to me when we first spoke was his estimate, and that he did not really know the exact speed she was traveling at, but did acknowledge they were probably speeding. He advises they were not cutting in and out of traffic in an unsafe manner. I warned him of the consequences of any similar complaints of this nature, and reminded him of his responsibility to present an appropriate public image while representing our agency, and of the consequences of committing VTL violations or violations of our policies and rules of conduct. He apologized again for any embarrassment they two caused the department and promised this would not occur again.
10年	I advised her I was not pleased with the vague and general nature of the report she provided on the incident. I asked her if this was an isolated incident or if they were flashing their lights often at vehicles to pass them. She admitted that it has happened on other occasions, and that she was probably going faster than the speed limit more than this occasion. I explained the negative perception her actions gives to the general public, and that if two people thought to complain about her driving, there were most likely ten times as many who observed it and didn't complain to us but took offense to it. She stated that she now fully understands the consequences of her actions and its negative impact upon our public image, and again apologized for her behavior, assuring it would not occur again. I explained to her how her probationary period works with the department, and placed her on notice that any such further action during her probationary period will result in her termination from employment. Beyond that period will result in disciplinary proceedings with severe penalties. She stated that she understood and assured me that she has learned her lesson, and will repeat this type of behavior.
11 m 15 h	Both officers appear aware of the negative implications of their behavior. They were advised the investigation would be closed, and the complainant made aware that his allegations were substantiated and that they were both disciplined. I have verbally reprimanded both and advised them that the complaint will be filed as such in their personnel file along with the associated paperwork on this matter.
)t	

#### Patrol Division 3rd Shift

# Memo



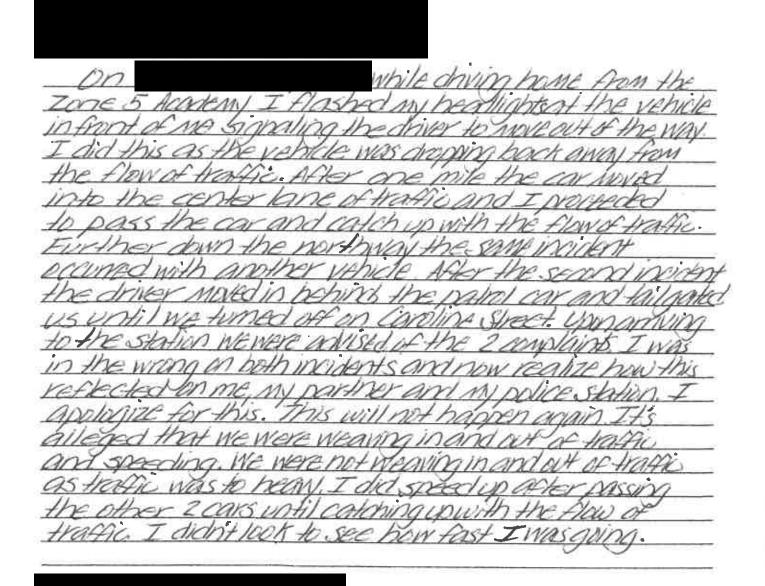
YOU ARE TO MEET WITH PROPERTY UPON RETURNING FROM THE Z-5 LAW ENFORCEMENT ACADEMY ON THE SOME REASON HE IS NOT HERE WHEN YOU RETURN FROM THE ACADEMY, YOU ARE TO MEET WITH HIM ON RETURN.



5 LAKE AVENUE SARATOGA SPRINGS, NY 12866-2298 518-584-1800 518-885-5910

KENNETH E. KING, JR. Chief of Police

Officers Explanatory Report





5 LAKE AVENUE SARATOGA SPRINGS, NY 12866-2298 518-584-1800 518-885-5910

KENNETH E. KING, JR. Chief of Police

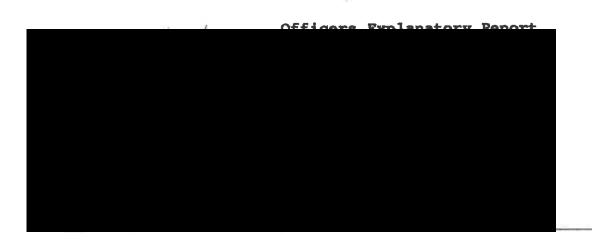
Officers Explanatory Report

Date:
To:
From:
Subject:
Date of Occurance://
I apologize for my flashing of the headlights trying to get these vehicles to mire. I should have moved to an atternate lane to pass if safe.



5 LAKE AVENUE SARATOGA SPRINGS, NY 12866-2298 518-584-1800 518-885-5910

KENNETH E. KING, JR. Chief of Police



Tuesday a +approximately 1630 hours and driving Basic were home trom School oh vehicle assing roachea 5/00 vehicle approximately ane miles signale driver clashin Yhe Bluc time S driver YREN ew Center proceeded The 10 lane and accelerate WIY 10 000 unacceptable ehavior and been ituation Shoul 17 ana remem Taining not Speed no espect fully Submitted:

Prev | Reply | Reply All | Forward | Delete | Move To Business

Thank you for the kind note. Again, thank you for taking the time and having the courage to report what you observed. Often times, members of the public who observe unprofessional police behavior will remark about it to friends and family, tarnishing the reputation of police in general. You chose to report the incident to the officer's supervisors so that the behvior could be corrected. I thank you for that.

I take great pride in the work done by the men and women of our department on a daily basis. They are very dedicated to their profession and well intentioned. Unfortunatly, there are lapses in judgement that surface in incidents like this. The officers involved were recruits returning from the police academy. Both have been spoken to personally by me. They acknowledged their actions, understand that they were wrong, and realize the negative repercussions their behavior has brought upon the department. Both officers have apologized for their behavior. The matter will be closed and both officers will be disciplined and placed under more intense scrutiny for the remainder of their academy tour.

Again, thank you for taking the time to communicate this incident to me.

Sincerely,

Ed Moore Chief of Police

>Good Morning Chief Moore:

>

>I appreciate your kind attention yesterday afternoon!

>I felt a little like Gomer Pile chasing Barney Fife around Mayberry yelling "citizens areeest, citizens areeest!" Sorry, but living in North Carolina for several years leaves me sometimes experiencing life through the eyes of the Andy Griffith show.

>Thanks for validating my concern. I hope you have a great day.

430 pm 4205 fenck donier make pass

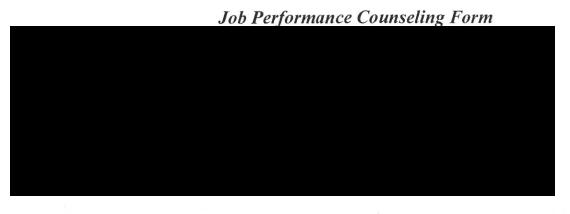
I-87 N-600e It Q /eft lone 74 mph

Polne ear up in burn obriptly

Perform	ance Observatio	n Form	
A		Exceeds Standard	Below Standard
Observed Behavior:	Counseling Men	-	
Sa Millera	Counseling Men	.0.	

1 .

#### Saratoga Springs Police Department



On the above date and time you were involved in an incident during your performance of duties as a Department member. As a result of this incident, it is necessary that we review with you Department policy and procedures in an effort to improve upon your job performance.

#### TO WIT:

checking DCJS' records, I found that you, as a certified Instructor Evaluator, filed evaluation
paperwork with DCJS after reviewing presentation of a NYSPIN training course
given or You failed to notify me of this re-evaluation request and to date you have failed
to supply me with any associated paperwork. SSPD Department Rules and Regulations section
31 sub VIII-D, states that "All certified instructors within the department will be evaluated by a
DCJS Certified Instructor Evaluator on a regular basis as directed by the Chief of Police or his
designee". You were not directed by either Chief Moore or me - as the department training
coordinator - to perform this evaluation. Unless first directed by the Chief or me, it is your
obligation to inform me of any such requests from department instructors. At that time a
decision will be made as to whether to grant the request. After completing an evaluation, copies
of all paperwork are to left for my review so it can be placed in the proper personnel files.
· · · · · · · · · · · · · · · · · · ·

**Supervisor:** Explain steps taken to remedy situation (i.e., training or re-training, counseling, etc.) in space below.

A copy of the above referenced Rules and Regs (section 31 subdivision VIII-D) has been provided to the disalso attached to this document.

Approved videotapes will be assigned a departmental library number for record keeping and storage purposes.

A lesson plan will be prepared by a certified instructor

to accompany the video presentation;

A certified instructor will be available during videotape training to answer the trainee's questions, and initiate

appropriate discussions.

As a measure for the effectiveness of video training there will be a written test on its subject matter prior to the video presentation, testing pre-training knowledge of the topic. Upon completion of the video training there will be a final written test. Comparison of pretest & post-test results can aid in determining trainee benefit from viewing the tape.

Adequate records documenting the video training shall be maintained and shall include the following components:

a. Title and library number, and/or other information that can be used to identify the videotape;

b. Length of the tape;

c. Nature and length of any follow-up training associated with viewing of the tape; (i.e. classroom discussion, roll call training for clarification of tape viewed, handout material, question & answer period, etc.)

d. The date(s) on which the tape was shown; and

e. A list of those who viewed the tape.

Any videotape used as the primary method of instruction for a training program will be kept indefinitely by the Department.

#### VIII. PLANNING AND ADMINISTRATION OF TRAINING

A Department Training Coordinator shall be designated by the Chief of Police, and will have overall responsibility for management of the training process within the Department.

The Chief of Police will designate a certified instructor to coordinate and manage the video training program conducted in

association with LETN.

All Certified Instructors within the department shall meet on at least a semiannual basis, as directed by the Chief of Police, for the purpose of planning future training programs to be conducted within the Department. Following such meeting, a proposed schedule of planned training programs will be submitted in a timely manner to the Chief of Police for final approval.

All Certified Instructors within the Department will be evaluated by a DCJS Certified Instructor Evaluator on a regular basis as directed by the Chief of Police or his designee.

SECTION I		RATINGS		COMN ENTS
	U	А	NA	
E. TRAINEE PARTICIPATION				
1. ATTENTION		1		
2, DISCUSSION		1		
3. EXERCISE		/		
4. QUESTIONS		1		· ·
5. RESPONSE GIVEN		1		*
OVERALL		1		
F. PRESENTATION METHOD	1.			
1. SUBJECT KNOWLEDGE		/		
2. SEQUENCE OF CONCEPTS		./	1	
3. CLARITY OF EXPLANATION	-	/		
4. LESSON PLANNED		/		*
5. CONVINCING		<b>✓</b>	1	
6. POLITENESS			1	
7. COMPREHENSION		<b>√</b>		
8. SUMMARIZED		V		
OVERALL		✓	1	
G. TRAINING AIDS				
1. SUPPORT OF PRESENTATION		V		
2. QUALITY		1		
3. USE		V		
OVERALL		/		
H. FIREARMS INSTRUCTOR ONLY			}	
1. MAINTAINED FIREARMS SAFETY **		,	~	
2. CLEAR, UNDERSTANDABLE COMMANDS			V	
			1	

SECTION II: IMPROVEMENT RECOMMENDATIONS (Required for items checked "U"



#### State of New York

Division of Criminal Justice Services

# Municipal Police Training Council

Hereby Acknowledges and Declares that

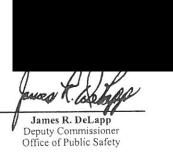


drawcay G. Park

Director of New York State Criminal Justice and Commissioner of Criminal Justice Services

Ronald G. Spike
Chairman

Chairman
Municipal Police Training Council

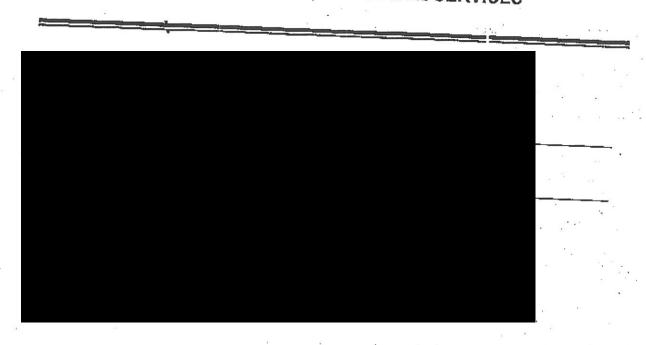






#### STATE OF NEW YORK

## DIVISION OF CRIMINAL JUSTICE SERVICES



Call 485-7619 if you experience any problems with transmissions or if you did not receive the proper number of pages.

OPS FAX number is [518] 457-0145

This facsimile transmission may contain confidential or privileged information which is intended only for use by the individual or entity to which the transmission is addressed. If you are not the intended recipient, you are hereby notified that any cisclosure, dissemination, copying or distribution of this transmission is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately so that we can arrange for the return of the documents to us at no cost to you fax blank word.

# Memo

# CONFIDENTIAL



Regarding attached life, PBA President Joseph Carey appeared representing
regarding this matter
time only as previously admitted to, and denies versions provided
Situation appears to be a personality clash between the two officers, but does not excuse
the condu Based upon the lack of clear cut evidence and differing
versions,
to treat all employees of this department with respect, as well as their property and
department office property. He was informed to play no more practical jokes of this
nature, and that future incidents will be dealt with formally as disciplinary issues.
This matter is closed

## Memo

#### CONFIDENTIAL



Saratoga Springs, NY 12866-2298 518-584-1800 x-534 518-584-1744 Fax www.saratogapolice.org mail: emoore@saratogapolice.org

Police HQ, 5 Lake Avenue

Please review the attached complaints. Apparently according to this situation is part of a long term series of incidents involving both their personal equipment as well as department property.

Conduct a thorough investigation into this matter. Press and others for the names of officers who are witnesses. If you have a witness, interview them first as to what they know, then seek guidance from either or I regarding formal statements.

Complete your reports on this matter using the form located on the network location as follows:

You are assigned full responsibility as the IIA to conduct this investigation and all shift commanders are to consider your requests for their cooperation as requests generated from this office.

Please meet with and I regarding this investigation prior to initiating your interviews. There is to be no discussion regarding this matter with any other personnel than those interviewed as witnesses or victims, except through not duplicate any paper from this case. Tou will have the only original file, which shall be kept in a secure location at all times.





CONFIDENTIAL

Chief,

On the morning of the came into the TSU office and found there was no chair at my desk. I checked the entire PD and the common city hall hallway without finding the chair. The Assistant Chief lent me one of the spare chairs from his office.

I had order me a new chair for the office and it has arived.

The missing chair is a standard blue computer desk chair that has no serial number or identifying marks that I am aware of. This is the second chair that I have lost from my desk. The other disappearred a couple years ago and was reported to the A/C.

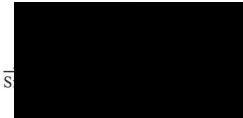






#### CONFIDENTIAL

upon my arrival to work I found the chair that goes to my desk was missing. This chair was removed from my desk along with a city cable lock that locks the chair to my desk. The chair had been secured to the radiator previously but I was now trying to keep it locked to the desk as it is an inconvience to unlock the chair every morning and embarrassing when conducting an interview or taking a sworn statement. In the past the office chair has been removed for a week at a time then returned after a complaint was made to Capt Biss. After the chair went missing the first time it was locked to the desk, officers have advised me from both the ( who wish not to get involved ) that they previously saw taking the locked chair apart and removing the chair from the Traffic Division. was also observed taking the chair out of the Traffic Divison on a different date and placing it on top of the lockers in the locker room. When the chair was taken down from the top of the lockers it was found to have been cut with a knife on the backrest area. observed by a member of the midnight shift going through my desk that is LOCKED at all times unless I am sitting at it. This member advised me be careful of what I put in my has a key to it and looks though it occasionaly. I have no idea of who has removed the chair from the Traffic Division this time, but I have spoke to my direct supervisor about this repeatedly and he is fully aware of the events and asked me to complete this document.





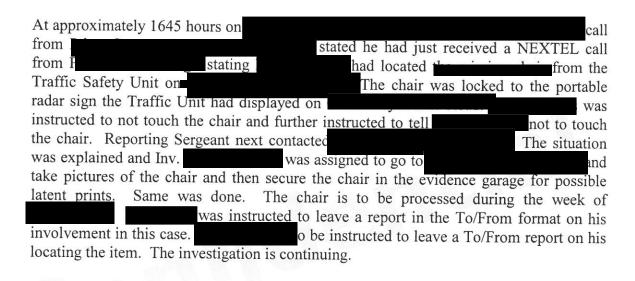
Upon coming to work on the morning of Reporting Sergeant became aware through a written memorandum that he was tasked as the IIA concerning this investigation. At approximately 1000 hours reporting Sergeant met discussed the case and an initial course of action was determined. At approximately reporting at the truck weigh station. Reporting Sergeant spoke with privately and advised him that reporting Sergeant had been tasked with this investigation. poke briefly of ongoing larcenies from the Traffic Safety Unit offices and vehicles. He further states that some of these had been reported in the past and he believes there were written reports. as advised that reporting Sergeant would need him to write and in depth overview of the larcenies. stated he would be tied up all o ping truck inspections and then was heading for for a vacation, but he would do the report upon his return. was advised that this investigation is confidential, and he should discuss it with no one except for reporting Sergeant, the Chief of Police, or the Chief's designee. was also going to be tied up doing truck inspections the entire day Reporting Sergeant decided to wait until advised. Investigation continuing.



At approximately 1100 hours this date Reporting Sergeant interviewed reporting Sergeant's office. No one else was present in the JAU. Reporting Sergeant explained the he was tasked with investigating the larceny from the Traffic Safety Unit. Reporting Sergeant then asked for the name of the witnesses he referred to in his Internal Memorandum dated stated he wanted to speak with the witnesses first to see if they minded being named. telephoned one witness who was hesitant to come forward, but stated if he had to he would. This witness was identified by states that witnessed take apart a chair that was in the Traffic Safety Unit chained to the desk. The chair was re-assembled and placed on top of some lockers in the locker room. states he will check with his other witness to see if he is willing to come forward and let reporting Sergeant know the outcome. Reporting Sergeant told that this interview was confidential and is to be discussed with no one other than reporting Sergeant, the Chief of Police, or the Chief's was also advised to write a report concerning a verbal altercation designee. between himself and that ocurred at approximately 0800 hours on as well as a report on an overview of the larcenies as best he could remember them. stated he would comply. advised. Investigation continuing.

Sont Marrew H. Wildy

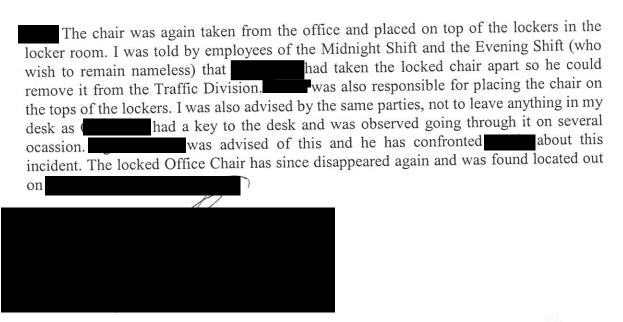






Sir:

As per your request I am completing this requested document. As of the last 18 have had numerous police and personal items taken months or so myself and from our assigned police venicle. I have previously compiled a list of the missing items and have already submitted that document to you. Other miner items have gone missing but it is not worth reporting. Before we were granted permission to take our assigned cars home by the past administration there were numerous incidents with the vehicles and gear they contained. I have come to work to find Condoms ( not in their package ) place in the vehicles dash or shifting levers along with Vaseline placed on the interiors dash and he desk area we occupy has been doors. This can be confirmed with subjected to numerous tamperings and have been occurring for approximately 2 years. ( shared the area with us his telephone was glued together and desk was broken into numerous times.) I have had the phone wire cut to the telephone on two different ocassions. Undeveloped Film of accident scenes have disappeared from the desk and have never been located. My desk has been broken into on several occassions and now who ever is responsible has decided to remove the lock that I had to be attached to the chair to keep it in the Traffic Division. A \$ 30 dollar cable lock was used to secure the chair in the Traffic Division. The reason the chair had to be secured was officers would take the chair out of the Traffic Division daily and re-adjust the tension settings and the chairs back so they could recline in the chair and take their breaks, the chair then began to break at the base of the seat mount due to its use as a recliner. I was once involved in a over him refusing to return the chair to the desk. I came verbal dispute wit in from off the road to complete paperwork to find him in the reclined chair with his feet up on the break table. I advised him I needed my chair back so I could do work at my nat the chair was not mine, it belonged to the desk. I was then advised by city and he was not going to get up from it. A heated verbal exchange then transpired between us over the use of the chair. I advised him the chair belonged to the desk in the Traffic Division and I needed to use it. He did not comply with the request. ( witnessed by To this date we do not speak over this event. I would come to work daily and have to search for where ever the chair was left and then return it back to the Traffic Division. I would then have to reset the chair for normal use. This then became a hassle so I began to lock it so it would not be damaged any further. The chair was then taken apart as it was locked around the base and then removed from the office again. The chair was eventually returned to the Traffic Division after a complaint was made to





Sir:

On this date at 06:30am I went to the gas pumps to re-fuel my vehicle. The desk person for DPW advised me that the gas card

The desk person then went through all of the slots that the gas cards are stored in and could not locate it. I then used the gas card that is used for general use for the police station. The last time the card was used by me was

I was then later called by DPW and advised that the gas card was found in the Fire Departments file. This is the second time the gas card has came up missing. In the earlier months (winter -early spring) of this year the gas card was complete taken and not returned. DPW had to make a new gas card for replacement. This is the same time frame as when the items on my desk began to disappear and the desk chair being taken apart and removed from the Traffic Division or placed on the top of lockers.



Reporting Sergeant has asked  altercation with  from  hours. This Sergeant has still not received any report. It appears as though Patrolman is only interested in assisting in this investigation as long as the investigation is
pointing in one direction.  Reporting Sergeant interviewed an office chair from TSU and place it on top of the lockers in the locker room. Reporting Sergeant learned through another source that the second witness Patrolman spoke will not come forward.
Reporting Sergeant met with reporting Sergeant's office.  any of the incidents, but he had heard "Unsubstantiated locker room talk". PO stated the rumors he heard were that least one incident in taking the chair from TSU, but not this last time. According to the locker room chat, were responsible for removing the chair and taking it out to where it was eventually recovered. He also stated the are now referred to
Reporting Sergeant met with office. Reporting Sergeant explained the investigation he was tasked with and asked PC if he had any involvement. Stated that this all started because one night had taken into the locker room to eat his lunch. PC hade a big deal of it and said he didn't want stated that the next day he too and hid it in the shower of the bathroom in the locker room. He states he did this to "bust had made such a big deal of sitting in his chair.
states the day after that vas screaming about someone stealing his chair, that he had looked everywhere, and that he was going to arrest someone. stated later that day he took the chair out of the shower and returned it to TSU. stated he never took anything from the room again. Reporting Sergeant specifically asked him about taking the chair and putting it on top of lockers. tates he never did that. He states he came to work one time and saw it on top of the lockers, but he didn't had no idea about the last incident and has not even heard gos





Reporting Sergeant interviewed n Reporting Sergeants' office. The reason for the interview was explained to nd he stated the following. He never took a chair from the TSU. He is aware been taken. but he never saw anyone do it and he was never told who did it. The topic of keys to the lenied any knowledge of this topic. When pushed TSU desk came up. At first used to carry a caribinier full of keys attached to his duty bag. At he stated that old him he had keys to the TSU desk, but one point he states saw in the desk. states he telephoned o advise him of ould take the appropriate steps to secure ad told him so tha what his property. At his date Reproting Sergeant interviewed in Reporting Sergeants' office. The reason for the interview was explained to and he stated the following. He never took a chair from the TSU and he has no idea who did take the chair, but he is aware it has been taken in the past. states that this all started over someone using hair during the dinner hour and mad over the incident. was not a witness to this incident and doesn't know who was involved, he has just heard the story. On the morning of came into work and vas standing by the table in the locker room. began yelling about his chair being gone. According to then decided to tease bout the chair. became f taking the chair. irate and accused states he did not take the chair and he has no idea wno did. He states came to him the next day over the still has no idea who may have taken the chair on any incident with occassion. Reporting Sergeant then questioned about anyone having keys to wasn't sure how he had heard it, but he believes that if anyone the TSU desk. has keys, it is I asked how he knew this. old him that had accused never admitted to never saw him in anyone's desk. Chief Moore to be advised. The interview was concluded a

# Memo



Chief.

Now that the patrol car situation is better, can we get the Traffic Cars out of Patrol? We carry so much equipment it is not practical to empty the cars out after each tour. We have had some problems with the cars being in general use.

#### 4227

Newly purchased Tint meter missing
35 mm point and shoot camera missing
Pocket Flashlight missing
Pocket Calculator missing
Windows left open during rainstorm – COMPUTER damaged by water
Window left open during snowstorm – damage to reference books
Dent to vehicle

#### 4224

Revo Sunglasses missing \$200.

4 Boxes of 35 mm film missing from the accident reconstruction kit
Mag- Lite rechargeable Flash Light \$ 90. missing

4 boxes of self purchased 45 cal ammunition missing

2 bottles of hand cleaner along with 2 cans of marking paint missing

2 containers of hand wipes used for commercial vehicle inspection missing

Coffee spilled on passengers seat

Paint damage rear drivers side door area

2 Dents to the vehicle

Thank you

# Saratoga Springs Police Departme

### **Internal Memorandum**



Reporting Sergeant re-interviewed
clarified his earlier interview. What he saw was
removing the cable from around the chair in the TSU office.
was present. Left the area and went to the front desk area. Upon returning to the locker room approximately 10 minutes later, the chair from the TSU office was on top of
the lockers.  ssumes the chair was placed there by  further
states that he was approached b last week inquiring as to whether
spoken to Reporting Sergeant regarding this investigation.
that he had. hen inquired as to why PO Tetu did not give him a "heads up"?
replied that he was instructed by this Sergeant not to discuss this case with
anyone.
from the TSU office and placed it into the shower adjacent
to the mens' locker room sometime in the late summer. This is known by
Sometime in was seen removing the chair from
the TSU office and it was found approximately 10 minutes later on top of the lockers in
the men's locker room. This is known through the independent witness of the last time when it was found o
Temoved the chair this last time when it was round o



Santos in the shown who was responsible for at least some of was asked what he wanted to happen to the perpetrate then said, "If it's one of my boys just busting balls, then I don't want anything to happen. But if it's that asshol I want to hang him." Again he was advised that the name of the perpetrator was irrelevant. Santos said he would consult with any get back to me. It has been of weeks with no reply for at least some of the perpetrator was irrelevant. Case closed and sent to Chief Moore for perusal.

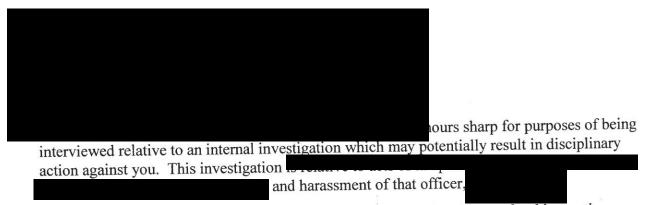
re Police Departmer Saratoga S<sub>1</sub>



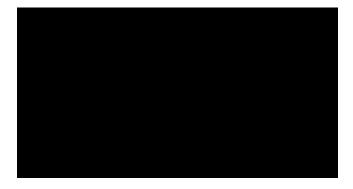


EDWARD F. MOORE Chief of Police 5 LAKE AVENUE SARATOGA SPRINGS, NY 12866-2298 518-584-1800 Fax 518-584-1744

JAMES D. CORNICK Asst. Chief of Police

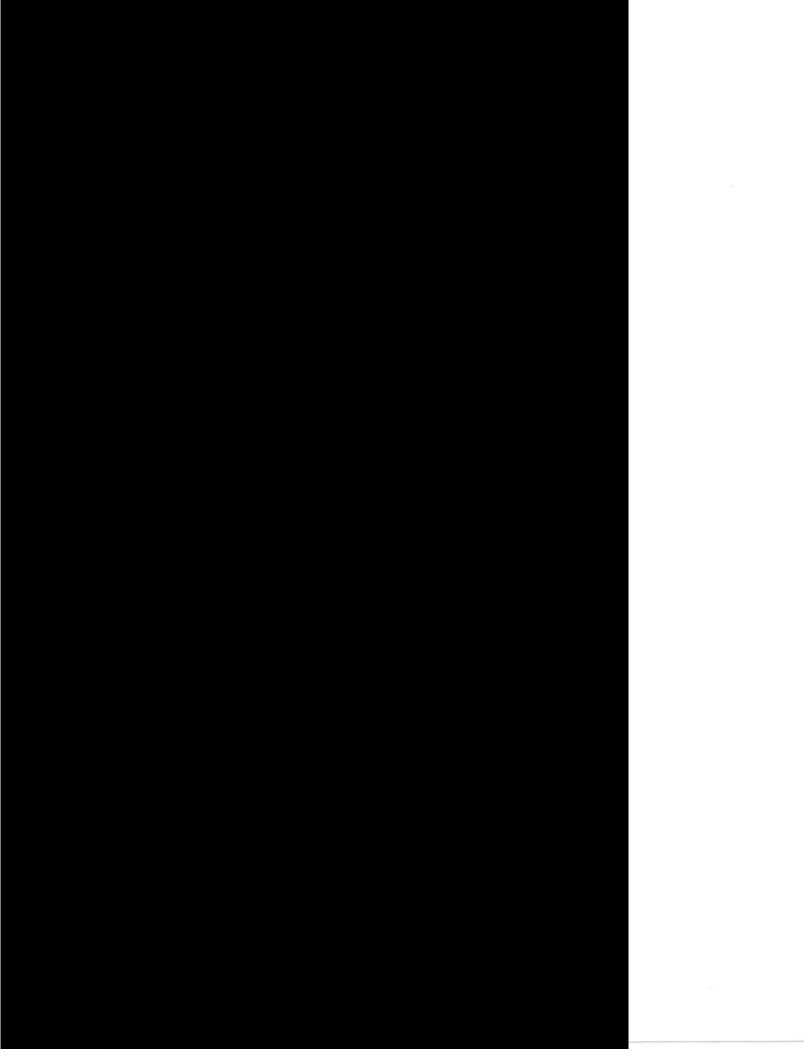


I would strongly urge you to have a PBA representative present with you for this meeting.











# Saratoga Springs Police Department Personnel Complaint



Complainant Information	
AND CONTROL OF THE SECONDARY SHEET CONTROL OF THE C	
Incident Summary	
Complaint against (list all by name & rank)  Other Departme	nt members present at incident

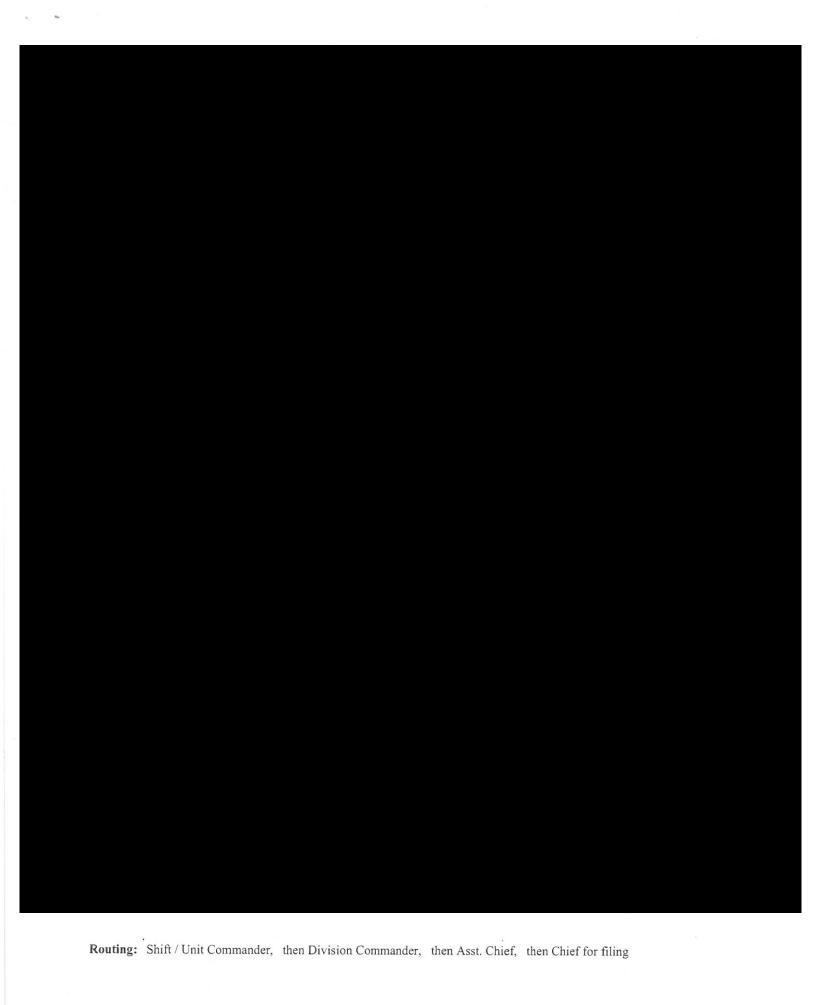
NOTICE: KNOWINGLY MAKING A FALSE STATEMENT HEREIN, IS PUNISHABLE AS A CLASS A MISDEMEANOR, PURSUANT TO SECTION 210.45 OF THE NEW YORK STATE PENAL LAW.

Complaint summary:





NOTICE: KNOWINGLY MAKING A FALSE STATEMENT HEREIN, IS PUNISHABLE AS A CLASS A MISDEMEANOR, PURSUANT TO SECTION 210.45 OF THE NEW YORK STATE PENAL LAW.



Initial Investigative Summary & Recommendation

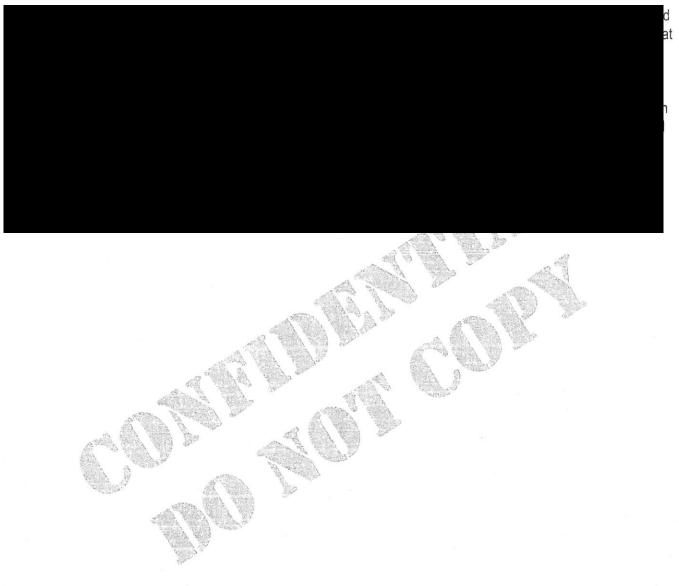




Routing: Shift / Unit Commander, then Division Commander, then Asst. Chief, then Chief for filing

Form SSPD-25PC

#### Command Review Summary & Recommendation





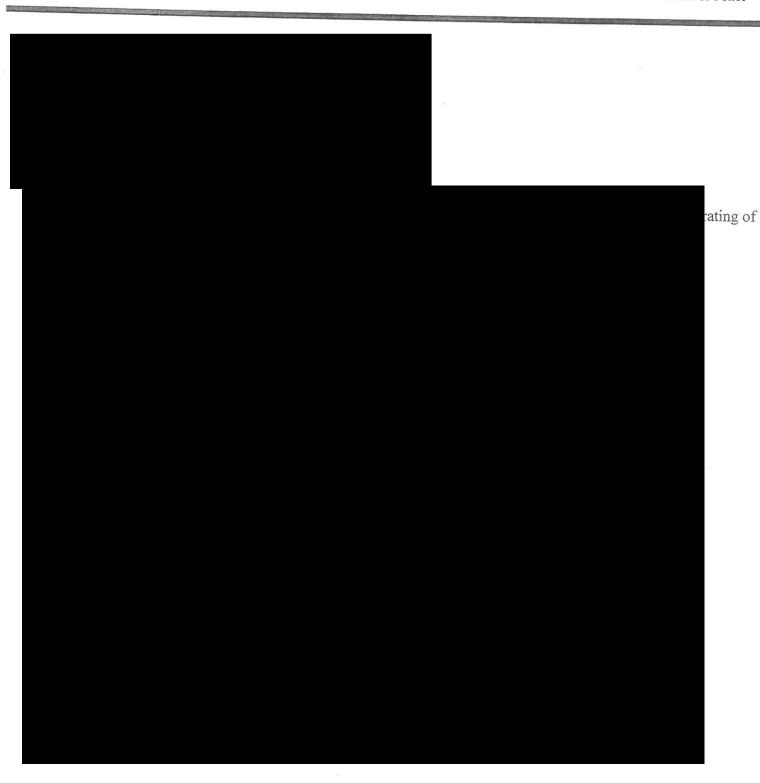


5 Lake Avenue Saratoga Springs, New York 12866 (518) 584-1800



JOHN T. CATONE
Assistant Chief of Police

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#### JOB PERFORMANCE COUNSELING MEMORANDUM

Supervisor Instructions:

Identify and define the behavior to be modified; Review any applicable rules and regulations, orders and operating procedures or laws; clearly explain the behavior expected of the member; explain the potential consequences of unacceptable behavior, if continued; Document the counseling effort and record the counseling in the member's shift/unit training and appraisal file.

r D and event	ually transported to Eilis Hospital for medical treatment.
Upon	receiving th
documentati	on was found in reference to any injury and refusal of medical assistance.
Troy F	PD provided police reports indicating that they had spoken wi
of injuries t	n question and that Sgt. Mitchell had advised them that SSPD officers were aware
T	t that he had refused medical attention while in SSPD custody. ecordings were reviewed and indicate that the called you on a non-
department p	phone line which was not recorded. This conversation consisted of you and Sgt.
	was never brought to SSPD and therefore no
booking room	n video exists that would verify officer's accounts regarding the refusal of
night of	dical assistance. Additionally, all officers who had contact with
	chose not to activate their assigned body cameras.  t any documentation to refute the claims an internal investigation
	Explanatory reports were requested of all officers involved with the arrest and
transport of S	chifano.
Original:	Chief of Police via chain of command
Сору:	Shift/Unit Training folder & Counseled Employee

Page 1 of 3

you were given a directive to explain your actions during the
specifically whether or not he requested medical attention and his response
The central issue that will be necessary to prove in a civil defense again
claims is the issue of his advisement of injury and refusal of medical assistance. All officers involved must be exceptionally clear about this point. Absent proper documentation, all facts surrounding this question must be addressed and accounted for; including on what phone(s) the conversation between you and was had.  Officers are accountable for not only their actions, but also how they conduct their duties. If officers conduct police department business via personal phones, email etc they are accountable through the chain of command for their use. Should officers conduct department business on personal communication devices or accounts, then those devices are
handling our civil defense are aware of all facts and circumstances involving a claim of inappropriate officer conduct.
Your inability to recall on what phone you had had the conversation
required a follow up directive from me for additional clarification. My logical concern was that since this conversation regarding the medical condition of a person in SSPD custody was had by two employees utilizing unidentified phones that are not recorded; the integrity and proficiency of the officers could be called into question. Using phones or other personal communication devices that are not recorded and then being unable to account for their use, could be construed as being an effort by an officer to avoid accountability for their actions.  Your second response indicated that you still were unable to recall on what phone you had the conversation with
with a lad taken place.
In addition has advised me that he specifically directed you to document the injuries to and his refusal to accept medical assistance. You did not do so.  Despite the fact that alled you on a non-department phone line, you are
still accountable for that discussion. Your inability to recall on what phone you had the
conversation on, while on duty and employed by SSPD and your failure to complete a directive given to you by a superior officer could call into question your proficiency as an officer and therefore requires job counseling to assist you in performing in a manner consistent with the standards of the Saratoga Springs Police Department.
SSPD members are required to obtain medical attention for persons who are in their custody and injured in accordance with General Order 64 subsection D.5 which states:  "Persons in custody being transported who complain of being sick or injured should

receive appropriate medical attention without unnecessary delay. Notification shall be made to

the immediate supervisor of such prisoner's illness or injury."

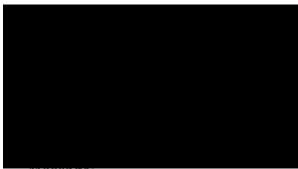
	ALER ON THE PROPERTY OF THE PR	
issued orally or in writing b	ng directed to do so by states: ers: Officers have a duty to ob	is in violation of General Order ey every lawful order or command fficer, including orders relayed by an perior officer."
preventing any reoccurrence	o do so, as outlined above, req	and standards in your official duties. uire your attention and diligence in iduct. In order to improve your ving:
specifically Generally V.v., and forward such review and must be received 2) Adhere to all ord accordance with 3) Provide medical document any re 4) All of your official	d a memorandum to any questions you may have red by pricular pricular graph of the second of the sec	nd General Order 14.1 Subsection ndicating when you have completed egarding same. This memorandum y personnel of this department in r custody as appropriate and you will any person in your custody. via department communication
Further failure to add disciplinary action.	nere to SSPD standards in the	future may subject you to negative



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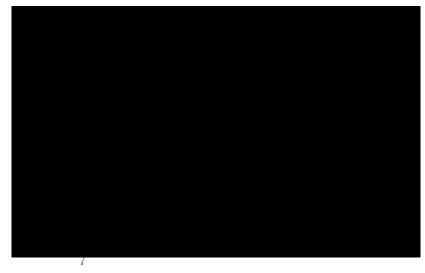


# Memo



message:

As a result of the Counseling Memorandum. For purposes annual appraisal the counseling memorandum will count as one rating of the counseling by the counseling of the counseli







#### JOB PERFORMANCE COUNSELING MEMORANDUM

Supervisor Instructions:

Identify and define the behavior to be modified; Review any applicable rules and regulations, orders and operating procedures or laws; clearly explain the behavior expected of the member; explain the potential consequences of unacceptable behavior, if continued; Document the counseling effort and record the counseling in the member's shift/unit training and appraisal file.

On the aforementioned date and time you were involved in an incident as a member of the Saratoga Springs Police Department that requires counseling in an effort to improve the quality of performance in your duties.

To wit:

You have

completed two explanatory reports related to this incident and I understand that you have reflected on your actions. This job counseling memorandum is intended to reinforce the high priority that this department places on officers behaving in a professional and respectful manner at all times. Furthermore, in accordance with our department policies (General Order 14.4) this job counseling memorandum is designed to identify behavior that needs to be modified, call your attention to applicable rules and regulations, explain the behavior expected from you, and possible consequences of continued unacceptable behavior. This job counseling in non-punitive in nature and is intended to be corrective and educational.

During your interaction with a female and male suspectivou were observed to yell extensively at both parties. Your interaction with the female party was overbearing and coercive. Your interaction with the male was less so however this was still not a respectful interaction. Understanding that the body camera footage may not have captured any offensive behavior on the part of the two parties, this still does not justify the treatment they received from you during this encounter.

Original:

Chief of Police via chain of command

Copy:

Shift/Unit Training folder & Counseled Employee

Page 1 of 2

Specifically, threatening to arrest the female if she lied, berating her for an extended period of time after you decided not to arrest her, and coercing a confession out of her by giving her a count-down; are all not respectful or professional behaviors of an officer with your years of experience. Repeatedly yelling at the male subject to shut up, threatening to arrest him for a minor violation and other offenses for which you have no evidence or support and making comments such as "this is not your house, this is my house" are not conducive to effective, respectful or professional police work.

During the past three years you have received multiple communications from me and other members of the command staff, either through department email or written memorandums in which it has been stressed that members of SSPD are expected to be professional and act with respect towards members of the community and within the department at all times. The department has invested in multiple training events and provided those opportunities to officers to attend training focused on respect and professionalism;

It should be abundantly clear that I and the administration of this police department expect professional and respectful conduct from employees. To improve you performance in similar situations you are advised of the following:

- 1) You will treat members of the public with courtesy and respect, including those suspected of criminal activity and those who have been arrested.
- 2) You will refrain from using overbearing and officious language, berating individuals or giving extensive lectures to those who are not going to be arrested, and intimidating or coercive behavior that is inappropriate for the situation.
- 3) You will activate your body camera in accordance with department policy without exc are body camera footage will be monitored sporadically by supervisory personnel at my direction to ensure your further compliance with department policy.

You have already indicated that you believe you could have handled this situation differently and that is important. Keep the above guidance in mind, and if you have any questions you should consult with your supervisors. Should you receive guidance from a supervisor, or a message that is in conflict with what is contained in this counseling memorandum you are to notify me immediately. Further failure to adhere to the standards and expectations of the police department may subject you to punitive discipline.

#### STIPULATION OF SETTLEMENT

#### **BETWEEN**

#### CITY OF SARATOGA SPRINGS

#### AND

# SARATOGA SPRINGS POLICE PROTECTIVE AND RENEVOLENT ASSOCIATION

WHEREAS

is currently employed by the City of Saratoga

Springs ("City") as Police Officer; and

WHEREAS, the Employee and the Saratoga Springs Police Protective and Benevolent Association ("PBA") met with the Chief of Police regarding an incident involving the Employee during the arrest and booking of an individual

WHEREAS, in accordance with Article VI of the Collective Bargaining Agreement, the City and the Employee are desirous of resolving this matter without a formal procedure and have agreed to the terms and conditions of this resolution.

NOW, THEREFORE, in consideration of the mutual undertakings and covenants contained herein, the parties hereby stipulate and agree as follows:

- 1. A Letter of Reprimand in the form attached hereto as **Exhibit** "A" shall be placed in the Employee's personnel file.
- 2. This Stipulation of Settlement was reached in full and final satisfaction of all charges which could have been brought relating to or arising out of the arrest and booking of an





GREGORY J. VELTCH Chief of Police

#### Saratoga Springs Police Department

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JOHN T. CATONE Assistant Chief of Police

ad additional que

ad additional questions based upon what you had told me.

Specifically that you had used the leg restraints in similar situations in the past and that Berbrick, not you, had called off medical attention.

After viewing the body camera footage and the radio transmissions, it is clear that you told that the decision for medical attention would be made at the station and therefore she could reasonably have assumed that medical to the scene should be called off and she did exactly that. Given the disparity in your years of service it can be assumed that any directive from you (regarding medical, the restraints used on the prisoner, etc...) carries great deal of weight and could reasonably be considered as an order. Given the lack of seniority of the midnight shift to which you are assigned. I suggest that you keep your seniority in mind and recognize the effect that your behavior and decisions will have on the junior officers that work with you.

You did not provide me with any examples of previous instances of using the leg shackles to secure an arrestee's feet to the retaining bar in the booking room. Furthermore, I have determined that the shackling of detainee's feet to the retaining bar is not a pattern or practice of this department that supervisors are either aware of or have approved of in the past. The critical element in this analysis is the fact that there is no indication that Smith neither intended to, nor actually attempted to kick at any officers after she had been placed into custody.

As a result of the internal investigation you are receiving a written reprimand for your actions on the night

Specifically, your directive to to attach the leg shackles to the retaining bar in the booking room was not justified and in violation of General Order 302.7 Application of Leg Restraint Devices.

Your failure to summon medical attention after the prisoner fell, face-first with her hands cuffed behind her back in the booking room, struck her head and lay motionless for approximately 30 seconds violated General ick or Injured Arrestee. In addition you were issued a job counseling memorandum in which you were directed to, "Provide medical attention to all persons in your custody as



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GREGORY J. VEITCH Chief of Police

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Appropriate and you will document any refusal of medical attention by any person in your custody."

Finally, your failure to respond to the arrestee's repeated request for your name (by either not responding, responding with the arrestee unnecessarily, may be considered disrespectful, and is in violation of General Order 320.5.9 Standards of Conduct. An arresting officer's name is not protected information for any call for service. In addition, or would were issued a job counseling memorandum in which you were advised to the following, "You will treat all members of the public with courtesy and respect, including those suspected of criminal activity and those who have been arrested."











## JOB PERFORMANCE COUNSELING MEMORANDUM

Supervisor Inst. Identify and def laws; clearly ex continued; Docu	ructions:  ine the behavior to be modified; Review any applicable rules and regulations, orders and operating procedures or plain the behavior expected of the member; explain the potential consequences of unacceptable behavior, if unent the counseling effort and record the counseling in the member's shift/unit training and appraisal file.
On the aforem Department th	entioned date and time you were involved in an incident as a member of the Saratoga Springs Police at requires counseling in an effort to improve the quality of performance in your duties.
were the arr PD and even Upon documentati Troy I on the night of injuries SSPD phone i department i booking room to accept men night of	that he informed SSPD personnel that he had been injured prior to his being also alleged that SSPD officers refused his requests for medical attention. You esting officer and the case number was turned over to Troy tually transported to Ellis Hospital for medical treatment.  The receiving the Notice of Claim cas was reviewed and no on was found in reference to any injury and refusal of medical assistance.  PD provided police reports indicating that they had spoken with in question and the had advised them that SSPD officers were aware but that he had refused medical attention while in SSPD custody. This conversation consisted of you an was never brought to SSPD and therefore no had exists that would verify officer's accounts regarding the refusal of dical assistance. Additionally, all officers who had contact with Schifano of the chose not to activate their assigned body cameras.  It any documentation to refute the claims of Explanatory reports were requested of all officers involved with the contact with the contact with the chose of all officers involved with the contact with the contact with the chose of all officers involved with the contact with the chose of all officers involved with the contact with the chose of all officers involved with the chose of all officers involved with the chose of the chose of the chose of all officers involved with the chose of the chose of the chose of all officers involved with the chose of the chose
Original: Copy:	Chief of Police via chain of command Shift/Unit Training folder & Counseled Employee Page 1 of 3

arrest of pecifically whether or not he requested medical attention and his response, along with a directive to identify on which phone you had the conversation with alleged injury. Your response indicated that you could not recall on what
8
The central issue that will be necessary to prove in a civil defense against
involved must be exceptionally clear about this point. Absent proper documentation, all facts surrounding this question must be addressed and accounted for; including on what phone(s) the conversation between you and was had
Officers are accountable for not only their actions, but also how they conduct their
duties. If officers conduct police department business via personal phones, email etc they are accountable through the chain of command for their use. Should officers conduct department business on personal communication devices or accounts, then those devices are subject to discovery in court proceedings and it is essential that both the department and those handling our civil defense are aware of all facts and circumstances involving a claim of

inappropriate officer conduct.

Your inability to recall on what phone you had had the conversation with required a follow up directive from me for additional clarification. My logical concern was that since this conversation regarding the medical condition of a person in SSPD custody was had by two employees utilizing unidentified phones that are not recorded; the integrity and proficiency of the officers could be called into question. Using phones or other personal communication devices that are not recorded and then being unable to account for their use, could be construed as being an effort by an officer to avoid accountability for their actions.

Your second response indicated that you still were unable to recall on what phone you had the conversation with You provided your cell phone number without indicating whether or not you believed that was the phone number on which the conversation with the conversation had taken place.

the injuries to and his refusal to accept medical assistance. You did not do so.

Despite the fact that called you on a non-department phone line, you are still accountable for that discussion. Your inability to recall on what phone you had the conversation on, while on duty and employed by SSPD and your failure to complete a directive given to you by a superior officer could call into question your proficiency as an officer and therefore requires job counseling to assist you in performing in a manner consistent with the standards of the Saratoga Springs Police Department.

SSPD members are required to obtain medical attention for persons who are in their custody and injured in accordance with General Order 64 subsection D.5 which states:

"Persons in custody being transported who complain of being sick or injured should receive appropriate medical attention without unnecessary delay. Notification shall be made to the immediate supervisor of such prisoner's illness or injury."

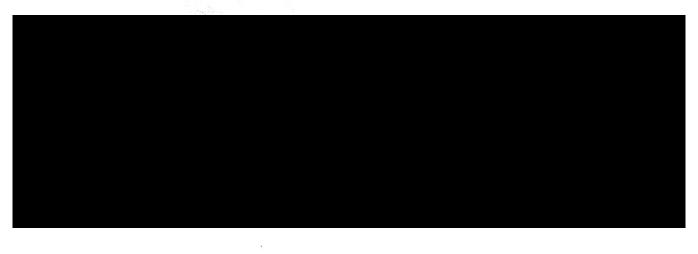
In addition, your failure to document the injuries and subsequent refusal of medical attention after being directed to do so by Sgt. Mitchen is in violation of General Order 14.1 subsection IV.v which states:

"Obedience to Orders: Officers have a duty to obey every lawful order or command issued orally or in writing by any supervisor or superior officer, including orders relayed by an officer of equal or lesser rank which originated from a superior officer."

You are required to adhere to department policy and standards in your official duties. These instances of failing to do so, as outlined above, require your attention and diligence in preventing any reoccurrence of similar unsatisfactory conduct. In order to improve your performance in the areas identified, you will do the following:

- 1) Review the policy sections identified in this job counseling memorandum, specifically General Order 66 Sub section D.5 and General Order 14.1 Subsection IV.v, and forward a memorandum to Lt. Crooks indicating when you have completed such review and any questions you may have regarding same. This memorandum must be received by Lt. Crooks prior to
- 2) Adhere to all orders given to you by supervisory personnel of this department in accordance with General Order 14.1.
- 3) Provide medical attention to all persons in your custody as appropriate and you will document any refusal of medical attention by any person in your custody.
- 4) All of your official business must be conducted via department communication equipment such as department email (Zimbra and IMPACT) and recorded department phone lines.

Further failure to adhere to SSPD standards in the future may subject you to negative disciplinary action.







#### JOB PERFORMANCE COUNSELING MEMORANDUM

#### Supervisor Instructions:

Identify and define the behavior to be modified; Review any applicable rules and regulations, orders and operating procedures or laws; clearly explain the behavior expected of the member; explain the potential consequences of unacceptable behavior, if continued; Document the counseling effort and record the counseling in the member's shift/unit training and appraisal file.



On the aforementioned date and time you were involved in an incident as a member of the Saratoga Springs Police Department that requires counseling in an effort to improve the quality of performance in your duties.

To wit:

You have reflected two explanatory reports related to this incident and I understand that you have reflected on your actions. This job counseling memorandum is intended to reinforce the high priority that this department places on officers behaving in a professional and respectful manner at all times. Furthermore, in accordance with our department policies (General Order 14.4) this job counseling memorandum is designed to identify behavior that needs to be modified, call your attention to applicable rules and regulations, explain the behavior expected from you, and possible consequences of continued unacceptable behavior. This job counseling in non-punitive in nature and is intended to be corrective and educational.

During your interaction vita for the following property of the parties observed to yell extensively at both parties. Your interaction with the female party was overbearing and coercive. Your interaction with the male was less so however this was still not a respectful interaction. Understanding that the body camera footage may not have captured any offensive behavior on the part of the two parties, this still does not justify the treatment they received from you during this encounter.

Original:

Chief of Police via chain of command

Сору:

Shift/Unit Training folder & Counseled Employee

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Specifically, threatening to arrest the female if she lied, berating her for an extended period of time after you decided not to arrest her, and coercing a confession out of her by giving her a count-down; are all not respectful or professional behaviors of an officer with your years of experience. Repeatedly yelling at the male subject to shut up, threatening to arrest him for a minor violation and other offenses for which you have no evidence or support and making comments such as "this is not your house, this is my house" are not conducive to effective, respectful or professional police work.

During the past three years you have received multiple communications from me and other members of the command staff, either through department email or written memorandums in which it has been stressed that members of SSPD are expected to be professional and act with respect towards members of the community and within the department at all times. The department has invested in multiple training events and provided those opportunities to officers to attend training focused on respect and professionalism; including trainings conducted by Jay Rifenbary, Rich Johns, Dr. Kevin Gilmartin and Dr. Bobby Smith. In addition department policy already identified to you reinforces the message of the department that respect and professional behavior is expected of all officers and includes our interactions with criminal suspects (General Order 14.1 VI.a, VI.a.i, VI.b.i).

It should be abundantly clear that I and the administration of this police department expect professional and respectful conduct from employees. To improve you performance in similar situations you are advised of the following:

- 1) You will treat members of the public with courtesy and respect, including those suspected of criminal activity and those who have been arrested.
- 2) You will refrain from using overbearing and officious language, berating individuals or giving extensive lectures to those who are not going to be arrested, and intimidating or coercive behavior that is inappropriate for the situation.
- 3) You will activate your body camera in accordance with department policy without exception, and through your body camera footage will be monitored sporadically by supervisory personnel at my direction to ensure your further compliance with department policy.

You have already indicated that you believe you could have handled this situation differently and that is important. Keep the above guidance in mind, and if you have any questions you should consult with your supervisors. Should you receive guidance from a supervisor, or a message that is in conflict with what is contained in this counseling memorandum you are to notify me immediately. Further failure to adhere to the standards and expectations of the police department may subject you to punitive discipline.





## JOB PERFORMANCE COUNSELING MEMORANDUM

Supervisor Instructions: Identify and define the behavior to be modified; Review any applicable rules and regulations, orders and operating procedures claws; clearly explain the behavior expected of the member; explain the potential consequences of unacceptable behavior, if continued; Document the counseling effort and record the counseling in the member's shift/unit training and appraisal file.
Department that requires counseling in an effort to improve the quality of performance in your duties.
To wit:
you stopped conducted field sobriety tests and arrested him for DWI. You did not activate your body worn camera however during the traffic stop, assisting officers arrived and did record some of your interaction with body cameras and dash board cameras.
being arrested for DWI, nor was any mention made in your report of his performance of the field sobriety tests or why he was arrested for DWI at the scene but not charged with DWI.
with the officer waiting for the tow truck recognized as having been arrested for
went to HQ anticipating that he would assist with the administration of a DATA Master test as
had already been released by you; spoke to you about the incident and they netified
the command stall,
dash camera videos, and reviewed your case report and associated documents.
As a result of investigation you are being issued this job counseling memorandum:

Original:

Chief of Police via chain of command

Copy:

Shift/Unit Training folder & Counseled Employee

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After reviewing the documentation related to your arrest of associated videos the following issues needing improvement were noted with your investigation:

- Your Standardized Field Sobriety Test (SFST) procedures were inadequate for accepted standards of DWI investigative procedures. You appeared to be unsure of your directions for the walk and turn test and the one leg stand test. The directions you did give for the tests were not in accordance with SFST protocols. The finger count test, while acceptable for use as an investigative tool, it is not one of the three SFSTs.
- A pre-screening device was offered to an above another officer and you witnessed him refuse the device after he was told that he would be issued a ticket for the refusal. was never charged with the appropriate VTL section for this offense.
- has a previous conviction for DWI in 2013. This conviction is clearly noted on his DMV record. You are on the booking room camera showing the his DMV record and explaining to him that his record shows that he had a suspended license. Yet you made no mention to him or anywhere in your documentation of the incident that he had a previous conviction and therefore you were investigating a possible felony DWI. You told that you did not know that had a previous conviction. This indicates a lack of attention to detail in your investigation of this incident.
- Nowhere in the documentation or during your conversations with she was she describes in her explanatory report) is seed level of intoxication addressed. In your explanatory report you advised that you felt was not "overly intoxicated". It is not documented anywhere why you felt this or on what basis you made this determination. The body camera footage of your back-up officers clearly shows failing the one leg stand test and refusing the pre-screening device.
- The original case report is not accompanied by copies of the DMV record or the note created by dispatch indicating your IMPACT numbers. advised that she does not have these documents. This is a violation of the Rosario ruling that all notes associated with a case must be kept by officers for later court proceedings.
- You brought to an area of the police department that is not covered by video and audio and you did not activate your body camera to document your efforts at finding someone to turn over to. This indicates that you felt was in no condition to drive home. No custody release forms are attached to the case report. These actions leave both you and the department open to accusations of misconduct that cannot be refuted, as well as civil liability.
- Arresting an individual for DWI (felony) and then releasing the individual without charges, a breath test, or any documentation does not set a good example for junior officers and does not meet the standards of conduct and professionalism expected of Saratoga Springs Police Officers.

While investigating the crime of DWI or should have documented your field sobriety tests in a case report and if his performance of those tests did not indicate to you that he was intoxicated you should have not arrested him for DWI. If during your transport of you felt he was not intoxicated you should have conducted further investigation to determine whether or not he was legally intoxicated, including additional or repeated field sobriety tests and/or a breath test. All of which should have been documented in the case report.  The fact that you administered field sobriety tests, told he was under arrest for DWI, told was not "overly intoxicated", and your transport of to his residence, indicates that you believed that he was, or could be, legally intoxicated yet you did not conduct a detailed and thorough investigation to determine his BAC.	
In order to improve your performance in the investigation of DWI offenses you will be sent to DWI training at the direction of the administration. This may include the changing of your schedule or work hours to accommodate the training. This may include more than one training event. This requirement that you attend DWI training at the direction of the administration will expire or In addition, you will ensure that any DWI investigation is conducted in a thorough manner and that prior to releasing any DWI suspect or arrestee you will fully brief the officer in charge regarding the facts and circumstances around the incident.  All documents and notes related to any arrest will be attached to future case reports in accordance with the requirements of the Rosario decision.	
This Job Counseling Memorandum will close In	
The attached performance observation form will be included in you appraisal.	

Job Performance Counseling Form



On the above date and time you were involved in an incident during your performance of duties as a Department member. As a result of this incident, it is necessary that we review with you Department policy and procedures in an effort to improve upon your job performance.

#### TO WIT:

this department became aware through a member of the Saratoga County Snerijs Department that an officer named "ED" may be in possession of a Chopper brand motorized scooter valued at \$600.00, color red, that was reported stolen by
Investigation into this
matter by determined that you possessed the scooter in question at your
residence. Tou reported that you received the scooter from during the summer of
reported that they received the property from a juvenile
neighbor who told them he found it in the woods. This same juvenile was later arrested by the
Saratoga County Sheriffs Department on unrelated burglary and theft charges. He was questioned about the larceny of the Chopper brand motorized scooter stolen in Milton, and he stated he found it in the woods and gave it to his neighbor, a Saratoga Springs Police Officer named "Ed".
Although this property was in fact stolen, there is no evidence to suggest you or any other member of this agency was aware of such. The property was known to be lost property by PO requiring specific action by law and department policy. You report that you do not recall least telling you this was found property. He states he did tell you it was found by a neighbor and given to and himself.
This incident ultimately placed our agency in a bad light with a fellow law enforcement agency. Although inquiry into this matter deems there was no intentional misconduct on your part, it is appropriate at this time to review with you two important issues in hopes that should a similar situation occur, you will explore the situation more deeply to ensure you do not find yourself in a similar situation

Officers of our agency have certain professional obligations, including conformance to laws. Please review NY Penal Law Section 155.05 sub 2.(b), Larceny; defined, regarding obtaining lost property and the requirements for determining ownership or turning over to police custody

for safekeeping. Also please review General Order Section 24 titled Rules of Conduct; Subdivision 2.00 Professional Conduct, Rule 2.17, titled Processing Evidence and Property. Any found property or evidence has specific requirements of action by officers of this agency. Members remarks, if any: Supervisor: Explain steps taken to remedy situation (i.e., training or retraining, counseling, etc.) in space below. Member reviewed department policy and legal requirements for acquisition of lost property and will take steps to be more inquisitive in the future should another person offer him property.

#### Performance Observation Form





A = Above Standard B = Below Standard / Mark those that apply with A or B and explain below.

1.	TEAMWORK  INTEGRITY (Mandatory Task) - Possesses knowledge of organizational standards as set forth within Department Rules and Regulations. Adheres to laws and Department standards of ethical behavior. Does not allow personal friendships, prejudices or animosities to influence official decisions or law enforcement action.
2.	OFFICER SAFETY (Mandatory Task) - Minimizes hazards to self and others by following Department policies and procedures as they relate to the member's current assignment. Recognizes dangerous and potentially dangerous situations and reacts to minimize them.
3.	SHARE INFORMATION - Exchanges ideas and information with other members regarding criminal activity and community concerns.
<del>4</del> .	ASSIST OTHERS - Assists other members when requested or required. Displays respect and courtesy towards others in the workplace.
5.	NOTIFY SUPERVISOR - Keeps the supervisor informed of all important matters within member's assigned area and reports without delay any unusual conditions or occurrences.
6.	RESPONSE - Responds to scene or incident when required. Exercises common sense regarding response when not specifically required.
<u>B</u> 7.	ADMINISTRATION RULES, REGULATIONS AND INSTRUCTIONS (Mandatory Task) - Maintains working knowledge of department policy, procedures, rules, regulations and other instructions, and applies them in a manner consistent with the member's current assignment and the departments mission, goals, and objectives.
8.	EQUIPMENT / VEHICLE MAINTENANCE - Maintains vehicles and equipment, including personally issued equipment, uniforms and the department operations manual in compliance with Department standards. (Supervisor will inspect manual during rating)
9.	STATION ADMINISTRATION - Completes station administrative duties delegated by supervisory personnel. Participates in station maintenance to facilitate a clean and efficient work place.
10.	TIME MANAGEMENT - Regularly prioritizes tasks and manages time allowing assignments to be completed in a timely fashlon.
	REPORTS / PAPERWORK - Completes clear and accurate documents requiring minimal correction. Regularly submits in a timely fashion.
12.	STATION OPERATIONS - Takes responsibility for station operations such as radio, telephone, NYSPIN terminal and computerized records system commensurate to assignment.
46	
13.	PERSONAL APPEARANCE - Exercises proper care and attention to person, clothing, and equipment consistent with Department Rules and Regulations and current assignment.
14.	Rules and Regulations and current assignment.
14. 15.	Rules and Regulations and current essignment.  SICK TIME - How many sick days were used by employee during rating period?
14. 15. 16.	Rules and Regulations and current assignment.  SICK TIME - How many sick days were used by employee during rating period?  TARDINESS - How many times was employee late during rating period?  INVESTIGATION  EVIDENCE PROCEDURES - Follows Departmental procedures in collecting evidence, examining and securing scenes.  Documents all investigative steps taken and is able to account for steps not taken. Is familiar with the current available forensic
14. 15. 16. 17.	Rules and Regulations and current assignment.  SICK TIME - How many sick days were used by employee during rating period?  TARDINESS - How many times was employee late during rating period?  INVESTIGATION  EVIDENCE PROCEDURES - Follows Departmental procedures in collecting evidence, examining and securing scenes. Documents all investigative steps taken and is able to account for steps not taken. Is familiar with the current available forensic identification techniques and their appropriate use.  CRIMINAL / NON-CRIMINAL CASES - Conducts thorough criminal and non-criminal investigations. Documents information received and investigative steps taken, and can account for those steps not taken. Informs complainant of case status and/or refers
14. 15. 16. 17. 18.	Rules and Regulations and current assignment.  SICK TIME - How many sick days were used by employee during rating period?  TARDINESS - How many times was employee late during rating period?  [INVESTIGATION]  EVIDENCE PROCEDURES - Follows Departmental procedures in collecting evidence, examining and securing scenes. Documents all investigative steps taken and is able to account for steps not taken. Is familiar with the current available forensic identification techniques and their appropriate use.  CRIMINAL / NON-CRIMINAL CASES - Conducts thorough criminal and non-criminal investigations. Documents information received and investigative steps taken, and can account for those steps not taken. Informs complainant of case status and/or refers complainant to appropriate resource.  ACCIDENT INVESTIGATION - Secures scene to ensure public safety, requests assistance as necessary, conducts interviews and documents information to determine cause. Clears scene in a timely manner. Takes appropriate corrective and/or enforcement
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14 15 16 17 18 19 20.	Rules and Regulations and current assignment.  SICK TIME - How many sick days were used by employee during rating period?  TARDINESS - How many times was employee late during rating period?  INVESTIGATION  EVIDENCE PROCEDURES - Follows Departmental procedures in collecting evidence, examining and securing scenes. Documents all investigative steps taken and is able to account for steps not taken. Is familiar with the current available forensic identification techniques and their appropriate use.  CRIMINAL / NON-CRIMINAL CASES - Conducts thorough criminal and non-criminal investigations. Documents information received and investigative steps taken, and can account for those steps not taken. Informs complainant of case status and/or refers complainant to appropriate resource.  ACCIDENT INVESTIGATION - Secures scene to ensure public safety, requests assistance as necessary, conducts interviews and documents information to determine cause. Clears scene in a timely manner. Takes appropriate corrective and/or enforcement action.  CRIME PREVENTION - Conducts checks of commercial, residential, and/or remote areas, as well as high crime areas, in an effort to prevent and detect crime. Provides information to the public regarding crime prevention.  ENFORCEMENT  PENAL LAW - Maintains working knowledge of the Penal Law and other criminal laws. Applies them in a manner consistent with
1415161718192021.	Rules and Regulations and current sasignment.  SICK TIME - How many sick days were used by employee during rating period?  TARDINESS - How many times was employee late during rating period?  INVESTIGATION  EVIDENCE PROCEDURES - Follows Departmental procedures in collecting evidence, examining and securing scenes. Documents all investigative steps taken and is able to account for steps not taken. Is familiar with the current available forensic identification techniques and their appropriate use.  CRIMINAL / NON-CRIMINAL CASES - Conducts thorough criminal and non-criminal investigations. Documents information received and investigative steps taken, and can account for those steps not taken. Informs complainant of case status and/or refers complainant to appropriate resource.  ACCIDENT INVESTIGATION - Secures scene to ensure public safety, requests assistance as necessary, conducts interviews and documents information to determine cause. Clears scene in a timely manner. Takes appropriate corrective and/or enforcement action.  CRIME PREVENTION - Conducts checks of commercial, residential, and/or remote areas, as well as high crime areas, in an effort to prevent and detect crime. Provides information to the public regarding crime prevention.  ENFORCEMENT  PENAL LAW - Maintains working knowledge of the Penal Law and other criminal laws. Applies them in a manner consistent with member's current assignment.  CRIMINAL PROCEDURE LAW - Maintains working knowledge of the Criminal Procedure Law and applies it in a manner consistent

## **Performance Observation Form**

	KNOWLEDGE OF PATROL AREA - Has working knowledge of roads and landmarks in assigned area. Is able to select direct routes of travel from one point to another. Is aware of unique geographical conditions and hazarda in assigned area.
25.	KNOWLEDGE OF COMMUNITY - Interacts with community to address their concerns and crime problems. Identifies resources and develops lines of communication.
	COMMUNICATION  MEDIA - Utilizes the news media to Insure dissemination of accurate Information to the public or assist in investigations with the least possible disruption of Department activities.
27.	CITIZENS - Displays respect, courtesy and sensitivity in citizen contacts. Is open-minded and communicates without bias or prejudice. Readily conveys information and maintains open lines of communication with complainants, victime, witnesses and citizens.
	PUBLIC SPEAKING - Is knowledgeable about, and prepared to present subject matter during speaking assignments. Speaks clearly so that information is readily understood. Listens well, interacts and gives appropriate responses.
29.	OTHER AGENCIES - Maintains working relationship with various agencies consistent with current assignment. Provides and requests assistance when appropriate.
30.	COURT / DISTRICT ATTORNEY - Prepares for court, confers with DA when applicable. Testifles in a clear and articulate manner.
	MEDIATE DISPUTES - Mediates non-criminal disputes, offering possible avenues of resolution, in an effort to maintain order and prevent the commission of any criminal offense.
	SUPERVISION  ASSUME LEADERSHIP ROLE (Mandatory Task - Supervisors) - Sets example for others by regularly performing at or above all standards. Enables others to enhance performance by providing resources, advice, and support. Supports actions of members with supervisors when necessary. Is open to suggestions and credits others for their contributions. Identifies and properly uses the best attributes of others. Promotes fair treatment of others.
	DELEGATING/DECISION MAKING (Mandatory Task - Supervisors) - Obtains sufficient information to exercise a decision making role. Displays willingness to make decisions when necessary and/or required and accepts responsibility for decisions made. Delegates tasks to ensure efficient operation.
	EVALUATING PERFORMANCE (Mandatory Task - Supervisors) - Continuously and accurately documents subordinate's behavior and compares that with standards. Confers with subordinates and helps set professional goals.
35.	ADMINISTRATIVE INVESTIGATIONS - Conducts thorough investigations of administrative matters involving personnel in compliance with Department procedures. Takes investigative actions when necessary and makes appropriate notifications.
36.	PLANNING - Schedules and deploys personnel consistent with the routine needs of assigned area. identifies and documents unusual events and concerns affecting assigned area and plans to deal with potential incidents.
Explain	<b>:</b>

## Performance Observation Form

24.	KNOWLEDGE OF PATROL AREA - Has working knowledge of roads and landmarks in assigned area. Is able to select direct routes of travel from one point to another. Is aware of unique geographical conditions and hazards in assigned area.
25.	KNOWLEDGE OF COMMUNITY - Interacts with community to address their concerns and crime problems. Identifies resources and develops lines of communication.
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Explain:

#### INTEROFFICE MEMORANDUM



Enclosed are the three explanations. There are some inconsistencies but only whether a noun was used or a pronoun when referring to the chief of police. Sometimes a phrase is spoken and the listener fills in the blanks. The general information in each explanation seems consistent.

# Memo



Sir,

were dispatched to a call and upon completion of the call a discussion began about nd if in fact he had been fired during the day as that was the rumor that had been floating around. and was wondering if the rumor was in concerned for fact true. I told that I did not think so, but investigated in regards to his Workers Comp. Claim and that I had heard a rumor that he was on videotape riding a quad in the woods while still out on injury. After discussing it a little further I relayed a rumor that I had heard at least 3-4 months earlier that a camera was asked to be placed into the range by the Chief in order to tape At the time I originally heard the rumor it was that the Chief had asked to place the camera there. I told that I did not believe the rumor to be true, but anyone that was out on a work related injury should be aware that they may be followed and video taped if in fact they were doing something wrong. My intention in speaking with on the subject was not to imply that there was a camera at the range, or that a camera was placed there illegally, or relay a rumor that I did not know to be true or false, only to be aware that if you are out on injury not to be doing something that can jeopardize your career.

#### INTEROFFICE MEMORANDUM



checking the residence, we started talking about several things. He mentioned to me that Officer had been called in on Friday in reference to his injury been videotaped riding an atv in the woods while out on injury time had heard that "they" had asked the PBA to allow them to put a hidden camera in the weight room of the PBA to catch see lifting weights. It said they were not given permission from the PBA board. Paul stated that other injured officers have also been videotaped while on injury including I had not heard of any of this before and was surprised. At some point after this discussion I mentioned it to my brothe remember exactly what was said about it. I had also asked if he had been videotaped while he was injured and he told me that he knew they were driving by his house repeatedly videotaping him. I mentioned videotaped in the woods, but do not believe I said anything about a camera at the range never named anyone who had asked about placing a camera in the weight room. He just referred to that party as "they". I have not spoken about it to anyone else until alled me at home to tell me that it wasn't true and they were very upset and angry over the rumor. He asked where I had heard it and I told him that told me about it.

## Memo



He asked my opinion of a movie I saw the night before and I told him length my opinion of the film and asked him if he working that night and he told me he had talked to the He said was told that Chief had asked the PBA board for permission to install hidden cameras in the weight room at the PBA range. I then told was about to eat dinner and he said he had to go as well. That was the end of our conversation. The entire conversation lasted less than six minutes.