

SUFFERN POLICE DEPARTMENT

Disciplinary Report

Date of Report: 04/28/04

Report by: Chief Finch

Officers Name & Shield#: Off. Lance Weinstein #132

Squad# 4

Date of Offense: on or about 04/17/04 Time of Offense: at about 1530 hrs

Location of Offense: Suffern PD H.Q.

Witnesses to Offense: Dispatcher Colleen Mueller

Infraction Committed (explain briefly):

VIOLATION of DUTIES & RULES OF CONDUCT

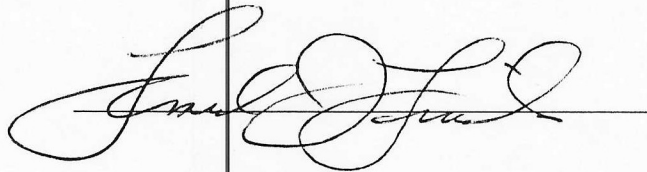
ARTICLE XII.1.4 - INSUBORDINATION OR DISRESPECT TOWARD A SUPERIOR OFFICER

I have reviewed the facts pertaining to the April 17th, 2004 incident as they have been reported to me in special reports submitted by you and Sergeant Bonkoski, and find as follows: It is alleged by Sergeant Bonkoski that you were insubordinate in that after learning of the dog leash complaint made against you, you responded to the station where you engaged in an argument with Sergeant Bonkoski regarding his interpretation of the leash law and his response to the reported violation of the law, and that upon conclusion of the argument you made the statement; "why don't you grow a set of balls". It is further alleged that after being advised that "such statements could get you written up", you replied "I'll give you the pen and paper". Although there's no mention of such comments in the report you submitted, these statements, which were made within earshot of another employee, are corroborated by Dispatcher Mueller in her report written at the direction of Lieutenant Nugent. Although you are not accused of refusing to obey an order, in my opinion your actions constitute a violation of Article XII.1.4 of the Duties and Rules of Conduct in that you were insubordinate (defiant), and disrespectful toward a superior officer.

After reviewing the information I have been provided regarding the April 17th incident, it's my determination that you violated the aforementioned article of the police department's Duties & Rules of Conduct, and that such a violation of insubordination and disrespect cannot be overlooked.

In determining the appropriate response to this violation, I favorably considered your excellent work ethic and the lack of any previous disciplinary matters in your record, and determined that a letter of reprimand would be appropriate.

This disciplinary report will serve as a letter of reprimand, and shall be part of your personnel record.



WAIVER IN LIEU OF DEPARTMENTAL CHARGES

I, the undersigned, agree to accept Departmental Discipline in lieu of Departmental Charges, and I hereby waive my right to a hearing under ARTICLE 75 of the Civil Service Law.

DATE: 4-30-04

SIGNED: 

Officer's Signature

TO: Chief Finch

FROM: Sergeant Bonkoski

DATE: April 18, 2004

RE: Insubordination by Officer Weinstein

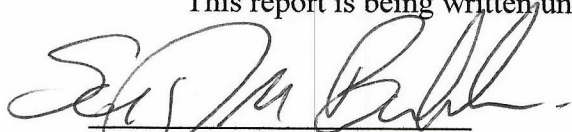
On April 17, 2004 at approximately 15:25 hours, I was reviewing the reports from the tour when Dispatcher Mueller received a phone call regarding Officer Weinstein not having his dog on a leash at a residence other than his. Dispatcher Mueller stated to the caller that she was not sure if it was a violation of the law but she would check and if so, she would have an officer respond accordingly.

Dispatcher Mueller asked me if I believed if this was a violation and I proceeded to check the quick reference guide, that was in the communications room, for the V.O.. Under Section 122.1, it stated any animal not on the owners premise must be leashed. I then notified Officer Cawley via the Nextel to respond to Maplewood Boulevard and advise Officer Weinstein of the complaint regarding his dog not being on a leash.

A short time later, I re-entered the communications room and Officer Weinstein entered shortly thereafter. Officer Weinstein made a statement to the effect of "someone around here should tell the people the fucking law". Officer Weinstein then made another statement to the effect of "the dog wasn't even loose, I just went to get gas and he was sitting in my truck". I advised Officer Weinstein that I checked the quick reference guide prior to sending Officer Cawley to speak to him. Officer Weinstein then stated "show me the law" and I proceeded to show him the quick reference guide Section 122.1. Officer Weinstein then stated his in-laws boarded the dog for him. I replied that that is not true and Officer Weinstein continued to say prove it. I then told Officer Weinstein to provide me a receipt showing that his in-laws indeed did board his dog. At this point Officer Weinstein started walking down the hall towards the rear door and turned and stated "why don't you grow a set of fucking balls". I then told him that talk would get him written up and he stated "I'll give you the fucking pen and paper".

I then walked down the hall to Lt. Nugents office where Officer Weinstein had also stopped. I advised Lt. Nugent that I want Officer Weinstein disciplined for his statements. Officer Weinstein then walked away and Lt. Nugent advised me to come into his office and close the door and I explained the events of the incident.

This report is being written under the direct order from Lt. Nugent regarding this incident.



Sergeant John Bonkoski