
Involved Member(s):
Trooper Alfonso I Burke

Case Type: Incident Review
Case Number: DCN2020-0077
Finding: Unfounded

Complainant: [REDACTED]

Personnel Complaint Work Sheet					Case Number	
Type: IR		Sub Type:		Incident Date: 2/7/20		Incident Time: 4:30 PM
Initiated By: <input checked="" type="checkbox"/> C = Citizen <input type="checkbox"/> S = NYSP			CTV: F3663	Detail or Troop T		Level of Investigation T 1
Mode Received	<input checked="" type="checkbox"/> EMail	<input type="checkbox"/> Fax	<input type="checkbox"/> In Person	<input type="checkbox"/> Letter	<input type="checkbox"/> Phone	<input type="checkbox"/> Survey
Synopsis of Complaint: Complainant alleged that he was unlawfully seized by Trooper ALFONSO I. BURKE by being stopped for a VTL offense that he did not commit. Complainant stated that he was alarmed that he was seized by Trooper BURKE whom he challenged in court several days before.						
Subject(s) of Complaint						
Employee ID #	Last Name	First Name	MI	EOD	Maiden Name	
[REDACTED]	Burke	Alfonso	I	6/28/04		
Complainant Information (if Member see below)						
Name		Address		City & State		Zip Code
[REDACTED]		[REDACTED]		[REDACTED] NY		[REDACTED]
Home Phone [REDACTED]		Work Phone		Cell Phone		
Member Information (if complainant)						
Employee ID #	Rank/Name					TZS
Administrative Notification Information – Dates are required – Times are desirable						
Receiving Member						
Employee ID #	Rank/Name			Date	Time	
[REDACTED]	Staff Inspector Mary A. Clark			3/2/20	11:11 AM	
Troop Notification						
Employee ID #	Rank/Name of Member at Troop Notified			Date	Time	
[REDACTED]	Captain Daniel G. Charleson			3/3/20	12:15 PM	
Employee ID #	Rank/Name of Member Notifying Troop			Date	Time	
Division Notification						
Employee ID #	Rank/Name of Member at Division (or Duty Officer) Notified			Date	Time	
Employee ID #	Rank/Name of Member Reporting Complaint to Division			Date	Time	
Employee ID #	Rank/Name of Investigating Member			Date	Time	
[REDACTED]	Sergeant/SC Steven F. Casabella			3/4/20	10:30 AM	

Some fields have a built-in Help feature that will work when opened with Word. With the cursor on the field, you may click F1 to invoke Help or check the status bar on the lower left for tips on data entry.

**PROFESSIONAL STANDARDS BUREAU
PERSONNEL COMPLAINT TRACKING**

DCN: 2020-0077	F3663	REGION: PSB - NRO	LEVEL: 1	TYPE: Incident Review
Subject(s): Trooper Alfonso I. Burke				
Investigated by: Sgt/Sc Steven F. Casabella			Troop or Detail: T	
Staff Inspector: Michael W. Lair			Date: 7/8/20	
SUBJECT HISTORY REVIEWED? Y				
AUDIO? <input type="checkbox"/>		VIDEO? <input type="checkbox"/>		ON PROBATION? <input type="checkbox"/>

ALLEGATION:

SYNOPSIS:

Complainant – attorney ██████████ - alleged that he was unlawfully seized by Trooper ALFONSO I. BURKE by being stopped for a VTL offense that he did not commit. Complainant stated that he was alarmed that he was seized by Trooper BURKE whom he challenged in court several days before.

██████████ was interviewed and stated that he now believes the traffic stop was coincidental. He advised that Tpr Burke was polite and courteous during the stop and made no further allegations of improper conduct.

Captain Daniel G. Charleson, Troop T Admin, recommended this Incident Review be Closed by Investigation. Acting Staff Inspector Michael W. Lair concurs.

Finding of Investigation: **Founded** **Unfounded** **Unsubstantiated** **Closed by Investigation**

Recommended Level of Adjudication: **Troop Level** **Division Level**

Adjudicated at Troop

Date:
Disposition:

Date Forwarded to Assistant Deputy Superintendent – Professional Standards Bureau _____

Assistant Deputy Superintendent – Professional Standards Bureau _____ **Date:** _____

Comments:

Finding of Investigation: **Founded** **Unfounded** **Unsubstantiated** **Closed by Investigation**

Recommended Level of Adjudication: **Troop Level** **Division Level**

Date Forwarded to Deputy Superintendent – Professional Standards Bureau _____

Deputy Superintendent – Professional Standards Bureau _____ **Date:** _____

Comments:

Division Level Recommended **Troop Level Recommended**

Date Forwarded to First Deputy Superintendent: _____

First Deputy Superintendent _____ **Date:** _____

Direction:

Troop Level—Return to Chief Inspector **Division Level -- Forward to Division Counsel**

Date Forwarded to Counsel or the Chief Inspector: _____

Troop Level **Rank/Name of Member Notified** _____

Date Notified: _____ **Notified by Whom:** _____

NEW YORK STATE POLICE

MEMORANDUM

Troop T Station Headquarters

Date May 28, 2020

To: Deputy Superintendent Patrick J. Regan - Professional Standards Bureau

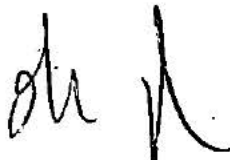
From: Major Jennifer H. Gottstine, Troop Commander, Troop T

Subject: **ADMINISTRATIVE INQUIRY - #20200077**
TROOPER ALPHONSO I. BURKE

Reference is made to the above captioned administrative inquiry involving allegations made by Mr. [REDACTED] [REDACTED].

Enclosed please find the Zone Inquiry of Sergeant/SC STEVEN F. CASABELLA, Zone 1. Also enclosed, is related material which is forwarded for your information and files.

I have reviewed this inquiry and concur with the findings. Evidence revealed the incident to be coincidental and no Division Rules or Regulations were violated. Therefore, I recommend this matter be closed by investigation, with no further administrative action required.



Enclosures

Administrative Investigation Report	PC # 20200077	RCN #
	SJS #	Date: 02/07/2020

Type of Investigation			
Incident Review	<input checked="" type="checkbox"/>	Level 1 PC	<input type="checkbox"/>
Injury/Illness to Person Prior to Custody	<input type="checkbox"/>	Injury/Illness to Person Being Taken into Custody	<input type="checkbox"/>
Division Vehicle PDAA	<input type="checkbox"/>	Division Vehicle PIAA	<input type="checkbox"/>
		On-Duty Injury/Illness	<input type="checkbox"/>
		Injury/Illness to Person While in Custody	<input type="checkbox"/>
		Damage/Loss of Division Property	<input type="checkbox"/>

Member Receiving Initial Complaint				
Name (Last, First, MI)	Rank	Employee ID #	TZS	Shield
Clark, Mary, A.	Staff Inspector	[REDACTED]	H133	727
Reported By: Email				
Date Occurred: 02/07/2020	Time Occurred: 4:30 pm	Date Reported: 03/02/2020	Time Reported: 11:11 am	
Place of Occurrence: Interstate 87 Southbound at Exit 17				
County: Orange	CITY: T/Newburgh	CTV Code: F3663		
Synopsis: Complainant alleged that Trooper Burke conducted an erroneously traffic stop on him.				

Member(s) Involved					
Name (Last, First, MI)	Rank	Employee ID #	TZS	Shield	Race
Burke, Alfonso, I.	Trooper	[REDACTED]	T131	5116	Black

Involved Person #1 - COMPLAINANT						
Name (Last, First, MI)		DOB	Race		Sex	
[REDACTED]		[REDACTED]	White		M	
Address		City	State	Zip	Phone	
[REDACTED]		[REDACTED]	NY	[REDACTED]	[REDACTED]	
If Member:	Rank	Employee ID #	TZS	Shield	Duty Time Lost	ARS #
					hrs	

Injury or Illness	Nature:
	How Occurred:
	Name of Hospital/EMS:
	Treated by:
	Treatment Refusal Witnessed by:
	If Prisoner - Charges:
	Use of Force:

Administrative Investigation Report	PC #	20200077	
	SJS #		Date: 02/07/2020

Person Interviewed #1					N/A
Name (Last, First, MI)		DOB	Race	Sex	
Address		City	State	Zip	Phone

Person Interviewed #2					N/A
Name (Last, First, MI)		DOB	Race	Sex	
Address		City	State	Zip	Phone

Vehicle #1					N/A
Operator (Last, First, MI)		DOB	Race	Sex	
Make	Model	Year	Color	Reg. State	Reg. #
Division Vehicles:	Mileage	VAN #			

Vehicle #2					N/A
Operator (Last, First, MI)		DOB	Race	Sex	
Make	Model	Year	Color	Reg. State	Reg. #
Division Vehicles:	Mileage	VAN #			

Property #1					N/A
Type	Reason for Damage/Loss		VAN #	Reg. #	
Make	Model	Year	Cal/Ga	Serial #	
Property Description	Damage Description			Property Value	
				\$	
Owner (Last, First, MI)		DOB	Race	Sex	
Address		City	State	Zip	Phone

Administrative Investigation Report	PC #	20200077	
	SJS #		Date: 02/07/2020

Enclosures Check List (Check all that apply)

Memo(s)	<input checked="" type="checkbox"/>	Last Name of Person(s) Submitting Memo(s): Burke		
Depositions and/or Statements	<input type="checkbox"/>	Last Name of Person(s) Signing Deposition(s) and/or Statement(s):		
Medical Deposition(s)	<input type="checkbox"/>	Title and Last Name	EMS Service or Medical Facility	
AMS Message	<input type="checkbox"/>	[REDACTED]		
IJ Portal Message	<input type="checkbox"/>			
GENL-34D Photo Record	<input type="checkbox"/>			
GENL-89 Use of Chemical Agent	<input type="checkbox"/>			
GENL-90 Use of Taser X26/X26P	<input type="checkbox"/>			
GENL-91 Vehicle Pursuit Report	<input type="checkbox"/>			
MV-104A Police Accident Report	<input type="checkbox"/>			
Non-SP Collision/Incident Report (TRACS)	<input type="checkbox"/>			
Audio Recording	<input type="checkbox"/>	# Enclosed:	Transcript enclosed:	Enter Source:
Video Recording	<input type="checkbox"/>	# Enclosed:	Transcript enclosed:	Enter Source:
GENL-81 Medical Release	<input type="checkbox"/>	Last Name(s):		Records Enclosed: Yes <input type="checkbox"/> No <input type="checkbox"/>
GENL-81E Medical Release	<input type="checkbox"/>	Employee(s) Last Name:		Records Enclosed: Yes <input type="checkbox"/> No <input type="checkbox"/>
GENL-81M Medical Release	<input type="checkbox"/>	Member(s) Last Name:		Records Enclosed: Yes <input type="checkbox"/> No <input type="checkbox"/>
Other Enclosures	<input checked="" type="checkbox"/>	Describe: Email of Mr. [REDACTED]		

Administrative Investigation Report	PC #	20200077
	SJS #	Date: 02/07/2020

Report of:			
Name	Rank	Employee ID #	TZS
Steven F. Casabella	Sergeant/SC	[REDACTED]	T131
Signature	Date		
<i>Sgt/SC Steven F. Casabella</i>	05/18/20		

Reviewed by:			
Name	Rank	Employee ID #	TZS
Brian T. Ferrone	Lieutenant	[REDACTED]	T100
Signature	Date		
<i>LT. Brian T. Ferrone</i>	05/18/2020		

1st Endorsement			
To: Troop Commander			
From: Lieutenant Brian T. Ferrone		I concur with the findings of this investigation: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Signature: <i>LT. Brian T. Ferrone</i>	Date: 05/18/2020		

2nd Endorsement			
To: Division Headquarters			
From: CAPT DANIEL G. CHARLSON		I concur with the findings of this investigation: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Signature: <i>DGC</i>	Date: 5/26/20		

If Division Vehicle Collision check appropriate status:			
Preventable	<input type="checkbox"/>	Non-Preventable	<input type="checkbox"/>

If Personnel Complaint check appropriate status:			
Founded	<input type="checkbox"/>	Unfounded	<input type="checkbox"/>
Unsubstantiated	<input type="checkbox"/>	Closed by Investigation	<input type="checkbox"/>

If Founded, complete the following:			
Date:	Rule 3 Waiver Form attached	<input type="checkbox"/>	Copy of Memorandum of Disposition to Member Attached
		<input type="checkbox"/>	<input type="checkbox"/>

Disposition Imposed under Rule 3:			
No Action Warranted	Letter of Censure	Intra - Troop Transfer	Probation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			# of days:
			# of days:

Administrative Investigation Report Narrative	PC #	20200077	
	SJS #		Date: 02/07/2020

On March 2, 2020, the New York State Police Professional Standards Bureau received an emailed complaint from [REDACTED] Mr. [REDACTED] alleged that on February 7, 2020, he was unjustly stopped by Trooper ALFONSO I. BURKE (SP Newburgh) for a vehicle inspection violation. Mr. [REDACTED] specified that during the traffic stop, Trooper BURKE stated he mistook the red 2020 inspection sticker for an expired 2019 yellow inspection sticker. Trooper BURKE then admitted his error, apologized, and released Mr. [REDACTED] without further incident. Mr. [REDACTED] further stated that on January 21, 2020, he represented a client at a DMV Refusal Hearing in which Trooper BURKE testified as the assisting Trooper in that arrest. Mr. [REDACTED] believed he was intentionally stopped by Trooper BURKE because Mr. [REDACTED] ultimately won that hearing for his client.

I interviewed Mr. [REDACTED] regarding his complaint. Mr. [REDACTED] stated that at the time he wrote his original emailed complaint, he was suspicious of the circumstances of the traffic stop. Mr. [REDACTED] stated that at the time of the traffic stop, Trooper BURKE was polite, courteous, admitted his mistake, and made no mention of the refusal hearing. Mr. [REDACTED] further stated that he now believed that if Trooper BURKE was truly being retaliatory toward him, Trooper BURKE could have kept him at the traffic stop longer or found another violation to issue a ticket for, which Trooper BURKE did not do. Mr. [REDACTED] acknowledged the traffic stop as coincidental and declined to provide a written statement.

I interviewed Trooper BURKE, who denied Mr. [REDACTED] allegations. Trooper BURKE was unaware of the DMV Refusal Hearing ruling, and only learned of same during this investigation. Trooper BURKE further stated that at the time of the traffic stop, he did not recognize Mr. [REDACTED] as the defense attorney in that case.

Investigation revealed the incident was coincidental and that no Division Rules or Regulations were violated by Trooper BURKE. It is recommended that this incident be closed by investigation with no further administrative action necessary.

NEW YORK STATE POLICE**MEMORANDUM**Troop T Station SP TarrytownDate March 6, 2020

To: Major Jennifer H. Gottstine, Troop Commander, Troop T

From: Trooper Alfonso I. Burke *AIB*

Subject: INCIDENT REVIEW

I was advised of my rights to representation pursuant to Article 16.2 of the contract by Sergeant/SC STEVEN F. CASABELLA on March 6, 2020. I provide the following written account.

On February 7, 2020, I was working a 1 shift out of SP Newburgh, operating marked patrol unit 1T33. At approximately 4:30 PM, I observed what I believed was an uninspected motor vehicle traveling southbound on Interstate 87, in the Town of Newburgh. I activated my emergency lights and conducted a traffic stop. Upon approaching the vehicle, I introduced myself and informed the vehicle operator why he was being stopped. Upon further investigation, I informed the operator that his vehicle was stopped in error and that his light red inspection sticker had appeared to me to be yellow when he passed me. I apologized to him and then cleared the traffic stop.

On March 6, 2020, Sergeant/SC CASABELLA informed me of a complaint that was made against me. Sergeant/SC CASABELLA advised that the complainant, identified to be Mr. [REDACTED] was the operator I had stopped on February 7, 2020, and was also the defense attorney at a DMV refusal hearing, held January 21, 2020, that I provided testimony in. Sergeant/SC CASABELLA further advised me that the administrative law judge had ruled in favor of Mr. [REDACTED] client, which I was not aware of. At the time of my traffic stop on Mr. [REDACTED] I did not recognize him or know he was the defense attorney from the DMV refusal hearing. I conducted myself in a professional manner during my entire interaction with Mr. [REDACTED]. The traffic stop I conducted on Mr. [REDACTED] was conducted in good faith and was coincidental.

----- Original Message -----

From: "troopers.sm.h.professional.standards" <jaffairs@troopers.ny.gov>

Date: Mon, Mar 2, 2020, 11:11 AM

To: [REDACTED]
Subject: RE: Complaints

Mr. [REDACTED]

The New York State Police Professional Standards Bureau in Albany, NY, acknowledges your email. Your correspondence has been forwarded to the Local Troop for review.

Thank you,

Mary A. Clark

Staff Inspector/Professional Standards Bureau
Northern Region Office

New York State Police

1220 Washington Avenue, Building 22
Albany, NY 12226-2252

From: [REDACTED] [mailto:[REDACTED]]
Sent: Saturday, February 29, 2020 3:24 PM
To: troopers.sm.h.professional.standards <jaffairs@troopers.ny.gov>
Subject: Complaints

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good Afternoon,

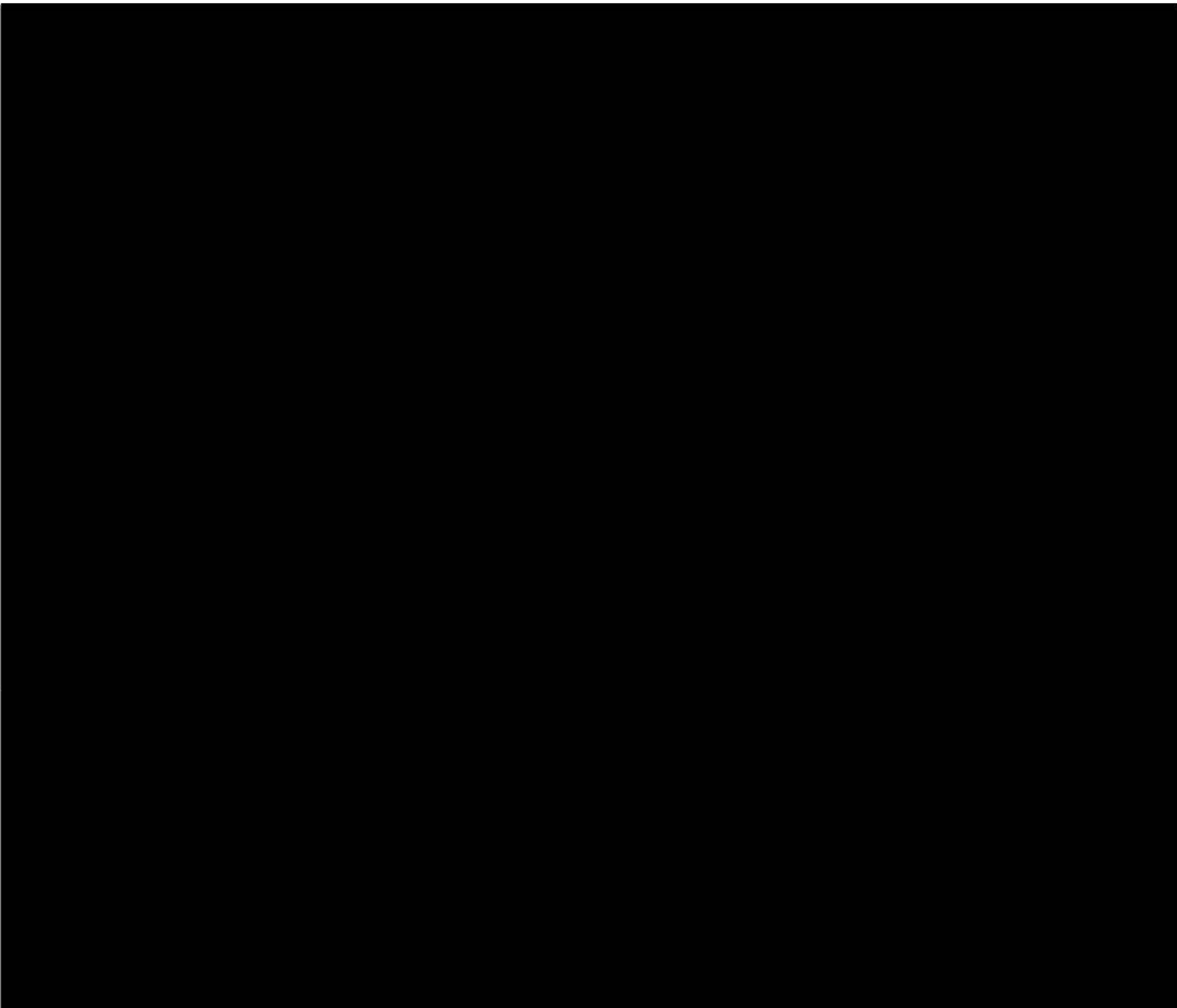
I am a retired police officer. I became an attorney while I was still employed as a police officer. Now, I exclusively practice criminal defense.

On January 21, 2020 I represented a client at a DMV refusal hearing. Trooper Burke and Trooper Gigante both testified at the hearing. [REDACTED]

[REDACTED] DMV re-instated my client's license because my client was not properly advised of the refusal warning. Unfortunately, I am writing this complaint regarding Trooper Burke for a different reason.

On February 7, 2020 at approximately 4:30 in the afternoon I was traveling south on the New York State Thruway in the vicinity of Exit 17. I was in the right lane. I was about to exit the thruway to travel west on Route 84 to my home in Pennsylvania. Suddenly, a State Police car was behind me and activated its emergency lights. I immediately pulled over to the right shoulder. I committed no offense and was surprised that I was being pulled over. A second state police vehicle pulled up behind the vehicle that stopped me almost immediately. The immediate arrival of the second vehicle was even more alarming. However, nothing could have been more alarming than when I saw Trooper Burke, who I recognized from a hearing where his and his partner's credibility was called into question, exit the vehicle. Trooper Burke exited his vehicle and walked backwards to the second state police vehicle. After a brief interaction, Trooper

Burke approached my vehicle. Trooper Burke told me that he stopped me because the inspection on my vehicle was expired. My inspection was not expired. My vehicle, which was leased new from a dealership in April of 2019, has a valid inspection through April of 2020. When Trooper Burke stated his basis for seizing me was based upon his belief that the red inspection sticker on my window was yellow, Trooper Burke released me. Trooper Burke was polite and courteous. However, I am alarmed that I was unlawfully seized by the same trooper whom I challenged in court just days before.



[REDACTED]. I can be reached at this email or on my cellular phone at [REDACTED]. I look forward to your response.

[REDACTED]
Sent from [Mail](#) for Windows 10