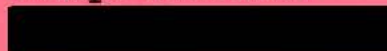

RAAP , MICHAEL G -
TROOPER

TYPE: Personnel

CASE# 20120295

FINDING: Founded

Complainant:



Complaint of Personnel Investigation 20120295

Type: Personnel Sub Type Troop: F Status: C
Incident Date/Time 6/18/2012 2:00 PM Mode Rec. In Person
Report Due 7/30/2012 Level Inv. T 3 CTV: F3666 - T/WALLKILL
Commissioned Officer Assigned No Report Location IAB 3/20/2013

Synopsis:

Complainant states that he reported a sexual assault to an unknown Trooper assigned to desk duties at SP Middletown but his complaint was dismissed by the Trooper.

Troop F to investigate.

Classification: SERVICE COMPLAINTS

Finding: F

Subjects:

Employee ID 051099065 Rank TROOPER DOE: 5/10/1999
Last Name RAAP First Name MICHAEL MI G
Troop F Location DEER PARK -SAT
CCC 1: IMPPA CCC 2: DISOD CCC 3:

Complainants:

Employee ID Last Name First Name MI M TZS
Shield Rank Sex M SP Employee DOE
Address 6 Sarah Lane City Middletown State NY Zip 10941
Home Phone (845) 381-3805 Work Phone (845) 283-7074 Ext

Administrative Personnel:

Employee ID 101981027 ID RECEIVING MEMBER TZS F021
Last TRIPODO First JOSEPH MI A Date/Time: 6/27/2012 10:00 AM
Employee ID 101981045 ID MEMBER AT TROOP NOTIFIED TZS F011
Last RASO First EDWARD MI Date/Time: 6/28/2012 11:30 AM
Employee ID 093085011 ID MEMBER WHO NOTIFIED TROOP TZS F200
Last CORLETT First KEITH MI M Date/Time: 6/28/2012 11:30 AM
Employee ID 092286069 ID MEMBER AT DIV NOTIFIED TZS H132
Last KEYSER First FRANK MI J Date/Time: 6/28/2012 11:45 AM

Employee ID 101981045 **ID** MEMBER WHO NOTIFIED DIV **TZS** F011
Last RASO **First** EDWARD **MI** **Date/Time:** 6/28/2012 11:45 AM

Employee ID 090902034 **ID** INVESTIGATOR **TZS** E211
Last CADY **First** PHILLIP **MI** D **Date/Time:** 8/25/2012

Employee ID 040483014 **ID** REVIEWER **TZS** H132
Last BEACH II **First** GEORGE **MI** P **Date/Time:** 1/7/2013



NEW YORK STATE POLICE
DIVISION HEADQUARTERS
1220 WASHINGTON AVENUE
ALBANY, NEW YORK 12226-2252

KEVIN T. GAGAN
FIRST DEPUTY SUPERINTENDENT

February 28, 2013

Trooper Michael G. Raap
New York State Police
Troop F
Middletown, New York

LETTER OF CENSURE

NOTICE OF SUSPENSION

Trooper Raap:

On June 18, 2012, while assigned to the desk at SP Middletown, you failed to investigate properly the complaint of a young man who reported to you that his ex-boyfriend was harassing him. Rather than gather basic information from the young man, including his biographical information, you purportedly called the alleged harasser to direct him to stop annoying the complainant. The target of the complaint was an adult who was engaged in a sexual relationship with the complainant, who was a minor. Another police agency ultimately arrested the subject of the complaint.

You neglected to enter the complaint into SJS and did not complete a Domestic Incident Report. Your failure to perform a basic investigation, and complete the associated paperwork, is unacceptable and demonstrates poor judgment and a neglect of your job duties.

Accordingly, you are hereby formally censured. You are also suspended without pay for two (2) days, March 11, 2013, and March 12, 2013.


Kevin Gagan
First Deputy Superintendent

FIRST ENDORSEMENT

TO: Major Edward Raso, Troop F
New York State Police, Middletown, New York

FROM: Trooper Michael G. Raap, Troop F, *MGR*
New York State Police, Middletown, New York

DATE: 2/26/13

SUBJECT: PERSONNEL INVESTIGATION

Pursuant to Rule 3.5 of the New York State Police, member:

- Accepts the penalty imposed by the First Deputy Superintendent.
- I decline to accept the penalty imposed by the First Deputy Superintendent. I request, pursuant to Rule 3.5(b), that formal charges be prepared and served upon me, that a hearing board be appointed and a hearing conducted. I understand that the penalty imposed by the First Deputy Superintendent will be withdrawn and will not be binding on the hearing board, or the Superintendent, once charges are executed.

SECOND ENDORSEMENT

TO: First Deputy Superintendent Kevin Gagan

FROM: Major Edward Raso, Troop F
New York State Police, Middletown, New York

DATE: 2/26/13

SUBJECT: PERSONNEL INVESTIGATION

Forwarded for appropriate action.

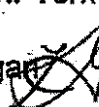
NEW YORK STATE POLICE

OFFICE OF THE FIRST DEPUTY SUPERINTENDENT

MEMORANDUM

Date: February 12, 2013

To: Trooper Michael G. Raap, Troop F
New York State Police, Middletown, New York

From: First Deputy Superintendent Kevin Gagan 

Subject: PERSONNEL INVESTIGATION

Pursuant to Rule 3 of the New York State Police, I have reviewed a report of an investigation into your conduct on June 18, 2012.

On that date, while assigned to the desk at SP Middletown, you failed to investigate properly the complaint of a young man who reported to you that his ex-boyfriend was harassing him. Rather than gather basic information from the young man, including his biographical information, you purportedly called the alleged harasser to direct him to stop annoying the complainant. The target of the complaint was an adult who was engaged in a sexual relationship with the complainant, who was a minor. Another police agency ultimately arrested the subject of the complaint.

You neglected to enter the complaint into SJS and did not complete a Domestic Incident Report. Your failure to perform a basic investigation, and complete the associated paperwork, is unacceptable and demonstrates poor judgment and a neglect of your job duties.

I find reasonable cause to believe that your behavior violated Regulations of the State Police, including Regulation 8A9.

It is my judgment that you be suspended without pay for two (2) days and be formally censured.

Rule 3.5 of the New York State Police Administrative Manual sets forth the procedures you are to follow.


NEW YORK STATE POLICE

OFFICE OF THE FIRST DEPUTY SUPERINTENDENT

MEMORANDUM

Date: February 12, 2013

To: Trooper Michael G. Raap, Troop F
New York State Police, Middletown, New York

From: First Deputy Superintendent Kevin Gagan 

Subject: PERSONNEL INVESTIGATION

Pursuant to Rule 3 of the New York State Police, I have reviewed a report of an investigation into your conduct on June 18, 2012.

On that date, while assigned to the desk at SP Middletown, you failed to investigate properly the complaint of a young man who reported to you that his ex-boyfriend was harassing him. Rather than gather basic information from the young man, including his biographical information, you purportedly called the alleged harasser to direct him to stop annoying the complainant. The target of the complaint was an adult who was engaged in a sexual relationship with the complainant, who was a minor. Another police agency ultimately arrested the subject of the complaint.

You neglected to enter the complaint into SJS and did not complete a Domestic Incident Report. Your failure to perform a basic investigation, and complete the associated paperwork, is unacceptable and demonstrates poor judgment and a neglect of your job duties.

I find reasonable cause to believe that your behavior violated Regulations of the State Police, including Regulation 8A9.

It is my judgment that you be suspended without pay for two (2) days and be formally censured.

Rule 3.5 of the New York State Police Administrative Manual sets forth the procedures you are to follow.

FIRST ENDORSEMENT

TO: Major Edward Raso, Troop F
New York State Police, Middletown, New York

FROM: Trooper Michael G. Raap, Troop F
New York State Police, Middletown, New York

DATE: _____

SUBJECT: PERSONNEL INVESTIGATION

Pursuant to Rule 3.5 of the New York State Police, member:

- Accepts the penalty imposed by the First Deputy Superintendent.

- I decline to accept the penalty imposed by the First Deputy Superintendent. I request, pursuant to Rule 3.5(b), that formal charges be prepared and served upon me, that a hearing board be appointed and a hearing conducted. I understand that the penalty imposed by the First Deputy Superintendent will be withdrawn and will not be binding on the hearing board, or the Superintendent, once charges are executed.

SECOND ENDORSEMENT

TO: First Deputy Superintendent Kevin Gagan

FROM: Major Edward Raso, Troop F
New York State Police, Middletown, New York

DATE: _____

SUBJECT: PERSONNEL INVESTIGATION

Forwarded for appropriate action.


NEW YORK STATE POLICE


MEMORANDUM

TROOP F STATION Middletown

DATE December 18, 2012

TO: Deputy Superintendent Anthony G. Ellis

FROM: Major Edward Raso, Troop Commander 

SUBJECT: **COMPLAINT AGAINST PERSONNEL – 20120295 - LEVEL 3**
TROOPER MICHAEL G. RAAP, SP MIDDLETOWN


Reference is made to the attached report of Sergeant/SC Phillip D. Cady and cover memorandum of Captain Keith M. Corlett regarding the above subject.

I have reviewed the attached report and agree that it is founded. Trooper Raap violated Division Rules, Regulations, and Instructions, 8A2, specifically Article 1114(a), Article 32B2, and Article 33N(4)11 when he failed to conduct a complete and through investigation, failed to complete an SJS entry, and failed to complete a Domestic Incident Report regarding a reported violation.

Recommend appropriate administrative action at Troop level. Forwarded for your review.

Attach.

NEW YORK STATE POLICE

MEMORANDUM

Troop F Station Zone 2 HeadquartersDate December 12, 2012

To: Major Edward Raso, Troop Commander, Troop F

From: *KMC*
Captain Keith M. Corlett, Zone Commander, Zone 2Subject: COMPLAINT AGAINST PERSONNEL – 20120295
UNKNOWN MEMBER (LATER KNOWN AS: TROOPER MICHAEL G. RAAP)
COMPLAINANT: [REDACTED]

Reference is made to the attached Investigation Report of Sergeant/Station Commander PHILLIP D. CADY, SP Middletown, dated August 25, 2012 regarding the above-captioned subject.

I have reviewed the attached report submitted by Sergeant/SC CADY and concur with his findings. Investigation into this matter revealed that on June 27, 2012 the complainant alleged that on June 18, 2012 he reported a sexual assault to an unknown Trooper assigned to desk duties at SP Middletown but his complaint was dismissed by the Trooper (later identified as Trooper MICHAEL G. RAAP, EOD 05/10/99, SP Deerpark).

Trooper RAAP stated that Mr. [REDACTED] only reported being harassed by his ex-boyfriend (Mr. [REDACTED] [REDACTED]) and did not report any form of sexual crime. He asked Mr. [REDACTED] if he would like him to contact the ex-boyfriend and tell him to refrain from contacting him. Trooper RAAP provided Mr. [REDACTED] with a warning and to refrain from contacting Mr. [REDACTED] to avoid any future problems. Mr. [REDACTED] agreed and Trooper RAAP then advised Mr. [REDACTED] of same, as well as advising Mr. [REDACTED] to refrain from contacting Mr. [REDACTED]. Trooper RAAP stated that when he inquired as to what the nature of the relationship was, Mr. [REDACTED] became agitated and left the station.

Investigation determined that Trooper RAAP failed to obtain Mr. [REDACTED] pedigree information as required, which would have then had the foundation to believe a sexual crime could have been committed. Trooper RAAP failed to conduct a complete and thorough investigation into the reported violation, complete an SJS entry and a Domestic Incident Report. In doing so, Trooper RAAP violated the following Rules and Regulations of the New York State Police:

- 8A2 – failed to comply with the Rules, Regulations and Instructions, specifically, the instructions contained in:
- Article 11I4 (a) – by failing to ensure that every request for service was investigated when the complaint of Mr. [REDACTED] was not properly handled on June 18, 2012;
- Article 32B2 – by failing to conduct a basic investigation when Mr. [REDACTED] reported a harassment complaint on June 18, 2012;
- Article 33N(4)11 – by failing to complete a domestic incident as required; and
- failed to comply with the instructions contained in Executive Memorandum 10-10 and the SJS Manual which specifically states that an SJS incident will be created to document all calls for service.

Based on this conclusion, it is recommended that this matter be classified as “founded” and the appropriate administrative action be taken.

Attachment

NEW YORK STATE POLICE
COVER PAGE

TITLE OF CASE Trooper MICHAEL G. RAAP (E.O.D. 05/10/99) Troop F, SP Deerpark Complainant [REDACTED] (D.O.B. [REDACTED]) [REDACTED] [REDACTED]	REPORTING TROOP F	MANAGING TROOP F	DATE OF REPORT (typed) August 25, 2012
	DATE OCCURRED June 18, 2012	TZS F221	CTV CODE F3666
	INVESTIGATIVE PERIOD 6/27/12 - 8/25/12		TYPED BY pdc <i>[Signature]</i>
	REPORT OF Sergeant/Station Commander PHILLIP D. CADY		SHIELD 4909
CHARACTER OF CASE - (CC CODE) Complaint Against Personnel	STATION SP Middletown		CASE # 2012-0295
	STATUS OF CASE <input type="checkbox"/> CA <input type="checkbox"/> C/EC <input type="checkbox"/> C/INV <input type="checkbox"/> C/JNF <input type="checkbox"/> C/UNS <input checked="" type="checkbox"/> C/FND <input type="checkbox"/> OPN		

REFERENCE: Report of Personnel Investigation No. 2012-0295

ENCLOSURES:

1. Insp. 11 Personnel Complaint Work Sheet
2. Town of Wallkill PD Police Report
3. Certified Letter to Mr. [REDACTED]
4. Deposition of Det. Kenney, T/Wallkill PD
5. Genl. 7 Memorandum of Trooper Christopher Bodisch
6. Genl. 7 Memorandum of Trooper Michael Raap
7. Genl. 4 Deposition of Ashley [REDACTED]

DISTRIBUTION: <input type="checkbox"/> DHQ <input type="checkbox"/> TROOP <input type="checkbox"/> OTHER:	FOR TROOP/DIVISION HEADQUARTERS USE ONLY	
APPROVED: ZONE <u>CAPTAIN</u> <i>[Signature]</i> TROOP <u>MAJOR</u> <i>[Signature]</i> DHQ	DESTROY IN 20 _____ INITIALS _____ PERMANENT RETENTION _____ INITIALS _____ RCN	

2013 JAN - 8 PM 2: 37

SYNOPSIS:

On June 27, 2012, at approximately 10:00 AM, Captain JOSEPH A. TRIPODO, Troop F BCI received information that the town of Wallkill Police Department had arrested [REDACTED] on June 19, 2012 for having sexual contact with a juvenile male by the name of [REDACTED] (DOB [REDACTED]). On June 18th, Mr. [REDACTED] had contacted [REDACTED] with his complaint and was then brought by them to the Town of Wallkill PD for an interview, as the alleged crime happened within the town. During the interview, [REDACTED] stated that earlier that day he went to the NYSP Troop F barracks to report the crime but the desk Trooper failed to investigate his complaint. After that, [REDACTED] resorted to calling [REDACTED] to make the report. I identified Trooper MICHAEL G. RAAP (E.O.D. 5/10/99, SP Deerpark) as the Trooper the incident was reported to. Trooper RAAP stated that [REDACTED] only reported being harassed by his ex-boyfriend and did not report any form of sexual crime. When pressed for information about their relationship, [REDACTED] abruptly left the building. Trooper RAAP stated that he did not obtain [REDACTED] pedigree information and that he did not appear to be underage. Trooper RAAP did admit that he failed to properly document the call for service and that he failed to complete a domestic incident report as required. This investigation will be closed as "founded." I recommend appropriate administrative action.

DETAILS:

At SP Middletown, New York State Police

1. On June 27, 2012, at approximately 10:00 AM, Captain JOSEPH A. TRIPODO, Troop F BCI received information that a complainant had reported a sexual assault to an unknown Trooper assigned to desk duties at SP Middletown but his complaint was dismissed by the Trooper and no investigation was conducted. The alleged incident occurred on June 18, 2012, at approximately 2:00PM. Sergeant / SC PHILLIP D. CADY, SP Middletown, Troop F, Zone 2 was assigned to investigate. Refer to attached copy of Complaint of Personnel Investigation Form, identified as enclosure #1.
2. On June 27, 2012 I was advised that the town of Wallkill Police Department had arrested [REDACTED] on June 18, 2012 for having sexual contact with a juvenile male by the name of [REDACTED]. Mr. [REDACTED] had contacted [REDACTED] with his complaint and was then brought by them to Wallkill PD for an interview. The interview, subsequent investigation and statement were conducted by town of Wallkill PD Detective JESSICA KENNEY. Refer to attached copy of Wallkill Police Report and associated paperwork, identified as enclosure # 2.
3. On July 3rd, 4th, 5th and 9th 2012 attempts were made to contact Mr. [REDACTED]. On July 3rd and 4th, 2012 Mr. [REDACTED] called SP Middletown and left messages for me advising that he was very busy and wanted to enjoy his summer. Mr. [REDACTED] declined to leave a phone number for me to contact him at. On July 18, 2012 a letter was drafted requesting Mr. [REDACTED] to contact me at SP Middletown by August 3, 2012. On August 15, 2012 the letter was returned to me and stamped unclaimed, attempts to deliver the letter were made on 7/20, 7/25 and 8/5. Refer to attached copy and returned envelope of the "uncooperative complainant letter", identified as enclosure # 3.
4. On July 17, 2012 I interviewed Detective JESSICA KENNEY of the town of Wallkill Police Department ([REDACTED] 99 Tower Dr., Middletown, NY 10941). Detective KENNEY stated that she interviewed Mr. [REDACTED] on June 18, 2012. At some point during the interview Mr. [REDACTED] told Det. KENNEY that he had gone to SP Middletown earlier that day and reported that his ex-boyfriend was harassing and threatening to physically assault him. Mr. [REDACTED] explained that the Trooper called Mr. [REDACTED] and told him to refrain from threatening Mr. [REDACTED]. Mr. [REDACTED] told Det. KENNEY that he left the barracks and called [REDACTED] because he didn't feel the Trooper's actions would stop Mr. [REDACTED] from threatening him. Refer to attached correspondence from Det. KENNEY, identified as enclosure #4.

5. On July 18, 2012 I interviewed Trooper CHRISTOPHER R. BODISCH, EOD 10/28/96, SP Greenville (SAT). Trooper BODISCH was assigned to cover the SP Middletown front desk on June 18, 2012 from 7:00 AM until 1:00PM. Trooper BODISCH stated he did not speak with Mr. [REDACTED] about his complaint and did not make any calls to Mr. [REDACTED]. Refer to attached Genl. 7, memorandum of Trooper BODISCH, identified as enclosure # 5

6. On July 23, 2012 Sergeant GAIL SHERMAN, Troop F Communications checked all four recorded lines at SP Middletown. Sergeant SHERMAN advised there were no calls involving a State Police Member speaking to Mr. [REDACTED] about harassing Mr. [REDACTED]

7. On July 25, 2012 Sergeant JARED DUFFY interviewed Trooper MICHAEL G. RAAP, EOD 5/10/99, SP Deerpark (SAT). Trooper RAAP was assigned to cover the SP Middletown front desk on June 18, 2012, from 1:00 PM until 7:00PM. Trooper RAAP stated [REDACTED] came to the station on June 18, 2012, and reported being verbally harassed by his ex-boyfriend. Trooper RAAP said he asked [REDACTED] if he'd like him to call the ex-boyfriend and tell him to refrain from contacting him. [REDACTED] replied "yes", wrote down the ex-boyfriend's name and phone number and Trooper RAAP made the call. Trooper RAAP did so to provide [REDACTED] with a warning and to prevent any future problems. Trooper RAAP said he contacted the ex-boyfriend who denied harassing [REDACTED]. Trooper RAAP advised [REDACTED] to refrain from contacting [REDACTED] in any form to avoid future problems. [REDACTED] agreed to cease all contact. Trooper RAAP then gave the same warning to [REDACTED] who also agreed to cease all contact with [REDACTED]. Trooper RAAP recalled [REDACTED] being satisfied with the action taken. Trooper RAAP did not recall the name of the ex-boyfriend but did remember [REDACTED]. Additionally, he discarded the paper it was written on. Trooper RAAP said [REDACTED] then inquired if his ex-boyfriend could get in trouble for anything else at which point Trooper RAAP advised him that it appeared as though it was a harassment complaint. [REDACTED] then asked Trooper RAAP if his ex-boyfriend could get in to trouble for having a relationship with him. Trooper RAAP said he inquired as to what the nature of the relationship was, at which point [REDACTED] became agitated and abruptly left the station. Due to [REDACTED] quick departure, Trooper RAAP was unable to ask further questions. Trooper RAAP stated that although [REDACTED] identified [REDACTED] as an ex-boyfriend, he did not mention that the relationship was sexual and did not report a sexual crime. Trooper RAAP stated he didn't complete an SJS entry or Domestic Incident Report because he didn't have [REDACTED] identifying information and did not want to make an incomplete entry or report. He further stated that he failed to obtain the basic pedigree from [REDACTED] from the onset of the contact and did not think to call [REDACTED] back to obtain the necessary information. Additionally, he stated that [REDACTED] did not appear to be underage. Since he did not obtain [REDACTED] date of birth, he did not consider that a sexual relationship between the pair would constitute a crime. Refer to attached Genl. 7, memorandum of Trooper RAAP, identified as enclosure # 6.

8. On August 17, 2012 Mr. [REDACTED] telephonically contacted SP Middletown and was interviewed by Sergeant RONALD FENDT. Mr. [REDACTED] stated he told the Trooper at the desk about being harassed by Mr. [REDACTED]. After telling the Trooper how he was being harassed, the Trooper told him there was nothing he could do since there wasn't anything sexual in nature. At that point Mr. [REDACTED] said he told the Trooper the relationship was sexual. Mr. [REDACTED] said the Trooper just stood there and looked at him like he had ten eyes. Mr. [REDACTED] said he repeated that he and Mr. [REDACTED] had a sexual relationship and the Trooper just stood there, looked at him and again stated there was nothing he could do other than calling him so he just left the station. Mr. [REDACTED] identified the person with him when he came to file his complaint as [REDACTED]. Mr. [REDACTED] said he was now in Pennsylvania visiting friends at an undisclosed location and would not be able for further interview nor would he give a deposition.

9. On August 19th and 20th 2012, I attempted to contact Ms. [REDACTED] with negative results.

10. On August 25, 2012, Ms. [REDACTED] contacted SP Middletown and was interviewed by Sergeant RICKY D. WILLIAMS Jr.. Ms. [REDACTED] confirmed she was with Mr. [REDACTED] when he went to SP Middletown to file his complaint on June 18, 2012: Ms. [REDACTED] said Mr. [REDACTED] told the Trooper on the desk that his ex-boyfriend, Mr. [REDACTED] was harassing him and threatened to beat him. Ms. [REDACTED] said the Trooper took Mr. [REDACTED] phone number, went to another room and came back a few

minutes later and said he told Mr. [REDACTED] to stay away from Mr. [REDACTED]. Ms. [REDACTED] said Mr. [REDACTED] said "ok" and they left the station. Refer to attached Genl. 4, deposition of Ms. [REDACTED] identified as enclosure # 7.

Conclusion:

Investigation in to this matter revealed Trooper RAAP was working at the front desk of SP Middletown from 1:00PM until 7:00 PM on June 18, 2012, when the complainant, Mr. [REDACTED] came to the station to report being verbally harassed by his ex-boyfriend [REDACTED]. Trooper RAAP called Mr. [REDACTED] and advised him and Mr. [REDACTED] to refrain from contacting each other. [REDACTED] left the building before Trooper RAAP could ascertain [REDACTED] pedigree information or specifics about the pair's relationship. Although [REDACTED] claimed during his interview with Sergeant FENDT that he told Trooper RAAP their relationship was sexual in nature, that claim is unsubstantiated by the interviews of Trooper RAAP, Detective KENNEY and Ms. [REDACTED]. The information provided by Mr. [REDACTED] does not appear to have indicated the incident involved any form of sexual abuse and Trooper RAAP stated that the complainant did not appear to be underage. However, Trooper RAAP failed to obtain [REDACTED] pedigree information as required. Had this information been secured, Trooper RAAP would have had the foundation to believe a sexual crime could have been committed. Additionally, Trooper RAAP failed to conduct a complete and thorough investigation into the reported violation or assign another member to do so, did not complete an SJS entry and did not complete a Domestic Incident Report.

All facts obtained during this investigation conclude that Trooper RAAP did violate the following cited Regulations of the New York State Police:

8A2 Failed to comply with the Rules, Regulations and Instructions, specifically, the instructions contained in:

Article 11 I 4 (a)- by failing to ensure that every request for service was investigated when the complaint of Mr. [REDACTED] was not properly handled on June 18, 2012.

Article 32B2- by failing to conduct a basic investigation when Mr. [REDACTED] reported a harassment complaint on June 18, 2012.

Article 33N(4)11- by failing to complete a domestic incident as required.

Failed to comply with the instructions contained in Executive Memorandum 10-10 and the SJS Manual which specifically states that an SJS incident will be created to document all calls for service.

I recommend that this matter be classified as "Founded" and recommend appropriate administrative action.



3

JOSEPH A. D'AMICO
SUPERINTENDENT

NEW YORK STATE POLICE
BUILDING 22
1220 WASHINGTON AVE.
ALBANY, N. Y. 12226-2252

July 18, 2012

CERTIFIED MAIL RETURN RECEIPT



Dear Mr. [REDACTED]

On July 3rd, 4th, 5th and 9th, attempts were made to contact you regarding a complaint against a member of the New York State Police. If you decide to proceed further with this complaint, please contact Sergeant Phillip Cady at [REDACTED]. If we do not hear from you by August 3, 2012, we will have no choice but to assume you do not wish to participate in this investigation and it will, therefore, be completed without your input.

Thank you for your attention.

Sincerely,

Captain Keith M. Corlett
Troop F, Zone 2 Commander



Town Of Wallkill
Police Department

8
4

Detective Bureau

August 9, 2012

From: Detective Jessica Kenney, Town of Wallkill Police
To: Sergeant Phil Cady, New York State Police
Subject: [REDACTED] Case

1. On June 18, 2012, at approximately 2230 hours, the undersigned received notification from [REDACTED]

2. In sum and substance the complaint alleged that the subject [REDACTED] was involved in a relationship with the victim ([REDACTED]). The relationship ended and [REDACTED] was threatening to physically assault the victim.

3. The victim was located and brought back to the Town of Wallkill Police station for interview and statement purposes. The victim stated that he initially had responded the New York State Police Troop F Barracks on Crystal Run Road in Middletown to make a complaint on June 18, 2012 at approximately 1400 hours. The victim stated that he spoke with a trooper who was present at the front desk. He advised the trooper of the fact that he had been in a relationship that did not end well. The victim then advised the trooper that his ex-boyfriend was harassing and threatening to physically assault him. The trooper obtained [REDACTED] phone number and went to another room. The trooper then returned and reported to the victim that [REDACTED] was called and warned about threatening the victim. According to the victim's account, nothing else was done and he left the trooper barracks. [REDACTED]

4. For your information.

Sincerely,

Jessica Kenney
Detective

NEW YORK STATE POLICE**MEMORANDUM**Troop F Station SP Greenville (SAT)Date July 18, 2012**To: Major Edward Raso, Troop Commander, Troop F, Middletown NY****From: Trooper Christopher R. Bodisch** *CRB***Subject: COMPLAINT AGAINST PERSONEL - 20120295**

I was advised of my rights to representation pursuant to Article 16.2 of the contract by Sergeant / SC Phillip D. Cady on July 18, 2012. I provide the following written account.

On Wednesday July 18, 2012 I was assigned to SP Middletown desk from 7:00 AM until 1:00 PM. While working the front desk during those hours I do not recall anyone by the name of [REDACTED] coming in to the station to report a sex offense or any type of harassment. Nor did I call anyone by the name of [REDACTED] and tell him to stay away from Mr. [REDACTED]

#6

NEW YORK STATE POLICE

MEMORANDUM

Troop F Station SP DeerparkDate July 25, 2012

To: Major EDWARD RASO, Troop Commander, Troop F

From: Trooper MICHAEL G. RAAP *MR*

Subject: PERSONNEL COMPLAINT

On July 25, 2012, I was advised of my rights to representation pursuant to Article 16.2 of the contract by Sergeant JARED DUFFY. I provide the following account:

I was assigned to SP Middletown desk duties on the afternoon of June 18, 2012. A white male complainant, identified to me as [REDACTED] by Sgt DUFFY on July 25, 2012, entered the lobby with a female friend. [REDACTED] stated he was being harassed by his ex-boyfriend. He stated that on an earlier date the ex-boyfriend came to the male's home where [REDACTED] was inside and he was yelling at him to come outside. I asked [REDACTED] if he would like the ex-boyfriend to be contacted telephonically. I wanted to provide the suspect with a warning and prevent any further problems. He stated yes. [REDACTED] provided me with his ex-boyfriend's name and phone number by writing it down on a piece of paper, which I subsequently discarded. [REDACTED] also advised me that the ex-boyfriend, whose name I do not recall, [REDACTED]. I contacted the ex-boyfriend telephonically and advised him that [REDACTED] came to the police station and told me that he harassed him at a residence by yelling at him to come outside. He denied harassing [REDACTED] or going to the residence to yell at him. I advised him to refrain from making any phone calls or sending text messages to [REDACTED] to avoid any future problems. He agreed. I then gave [REDACTED] the same warnings and advised him to end any contact with the ex-boyfriend. He agreed. [REDACTED] stated he was satisfied with the warning given to the ex-boyfriend.

[REDACTED] then inquired if the ex-boyfriend could get in trouble for anything else. Based on the information provided, I advised [REDACTED] that it appeared to be a possible harassment complaint. [REDACTED] then asked if the ex-boyfriend could get in trouble for having a relationship with him. I asked what the nature of the relationship was. [REDACTED] became agitated and abruptly left the station lobby. Although he stated they were ex-boyfriends, he never mentioned that the relationship was sexual and did not report a sexual crime. Since he left abruptly, I did not have the chance to ask further questions.

I did not generate a SJS entry or complete a domestic incident report because I was unable to obtain any pedigree information from [REDACTED] and I did not want to make an incomplete entry. I failed to obtain this information from [REDACTED] from the onset of the

conversation. It did not occur to me to call the ex-boyfriend back to obtain [REDACTED] contact information. [REDACTED] did not appear to be underage and since I didn't have his date of birth, I did not consider that a sexual relationship between them would be a crime. I continued to man the front desk at SP Middletown for the rest of the afternoon. At no time did [REDACTED] return to the station for me to obtain further information regarding his initial complaint. In the future, I will be certain to obtain pedigree information immediately and document cases in SJS.

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK.
- VS.

7

DEFENDANT(S)

LOCATION OF INCIDENT:
STATE OF NEW YORK COURT
COUNTY OF
OF

LOCATION OF DEPOSITION:
STATE OF NEW YORK
COUNTY OF ORANGE
TOWN OF

On DATE 8/25/12 at TIME STARTED 12:55 pm, FULL NAME

state the following: I am voluntarily providing this statement to Sgt. Brian D. Williams in the presence of my mother, [redacted] at my home at [redacted] on June 18 2012, I went with [redacted] to the Middletown Barracks where he reported being harassed by his ex-boyfriend, [redacted] he told the trooper that his ex-boyfriend came to his house and threatened to beat him. The trooper stated that he didn't have any proof so he couldn't do anything. But he told [redacted] that he could call his ex-boyfriend and tell him to stay away. [redacted] they gave the trooper his ex-boyfriend's name and number. The trooper then left the room and [redacted] ex-boyfriend. He then came back out and told us that he told his ex-boyfriend to stay away, and that if he didn't call us back, [redacted] said okay and we just left. Sometime during the beginning of [redacted] conversation with the trooper he told him that he was 16 and his ex-boyfriend was a 27-year-old cop.

NOTICE

(Penal Law § 210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury
this 25 day of August, 2012

- OR -

* Subscribed and Sworn to before me
this day of

[redacted] (WITNESS)
[Signature] (NAME OF PERSON TAKING DEPOSITION)
TIME ENDED: 1:13 p.m.

* This form need be sworn to only when specifically required by the court