
Involved Member(s):

Trooper Robert Costa

Trooper Freddy Lopez

Trooper John P Dirusso

Trooper Michael A Bayer

Case Type: Personnel Complaint

Case Number: DCN2019-0054

Finding: Founded

Complainant: Captain Paul M Dequarto

**PROFESSIONAL STANDARDS BUREAU
PERSONNEL COMPLAINT TRACKING**

DCN: 2019-0054	CTV: K1462	REGION: South	LEVEL: 3	TYPE: Personnel Complaint
Subject(s): Tprs Michael A Bayer, John DiRusso, Robert Costa and Freddy Lopez				
Investigated by: Sgt/SC Brian Williams			Troop or Detail K	
Staff Inspector: Robert C. Gregory			Date: 07/11/2019	
SUBJECT HISTORY REVIEWED? <input checked="" type="checkbox"/> AUDIO? <input type="checkbox"/> VIDEO? <input type="checkbox"/> ON PROBATION? <input type="checkbox"/>				

ALLEGATION: Failure to properly search Troop car before/after Shift

SYNOPSIS: On 02/06/19, a clear plastic bag of cocaine was discovered under the rear seat of 2K56 by AMI at Troop K HQ. This investigation revealed that Tprs Michael A Bayer, Robert Costa and Freddy Lopez, failed to adequately search 2K56 before and after their shift, in violation of Article 8A2, 5C1(a)1 and Troop Order 18-02. This investigation also showed that on 02/03/19, Tpr Bayer and Tpr. John P. DiRusso failed to properly seat a Member in the rear seat of the Troop car with the prisoner while being transported in the back seat of 2K56, in violation of Article 31E6(c)2 (both Members were in the front seat, with the prisoner alone in the rear seat, of a marked Division vehicle, which was not equipped with a cage).

Major Richard Mazzone, Troop K Commander, recommended that this matter be closed as Founded. Staff Inspector Robert C. Gregory concurs with the findings of Major Mazzone.

A Review of the PSB histories of the involved Members reveals Tpr Michael A. Bayer has a prior Founded PC for improper transport of a prisoner:

DCN2017-0163: summary describes "...transporting the defendant in the rear seat of a noncaged vehicle..." (apparent single Member transport).

Finding of Investigation: <input checked="" type="checkbox"/> Founded <input type="checkbox"/> Unfounded <input type="checkbox"/> Unsubstantiated <input type="checkbox"/> Closed by Investigation			
Recommended Level of Adjudication: <input checked="" type="checkbox"/> Troop Level <input type="checkbox"/> Division Level			
Adjudicated at Troop <input type="checkbox"/>	Date:	Disposition:	
Date Forwarded to Assistant Deputy Superintendent – Professional Standards Bureau 07/11/2019 – RCG.			

Assistant Deputy Superintendent – Professional Standards Bureau Date: 7/21/19

Comments: Bag found in area immediately inside the void between the lower and upper portion of the rear seat. Should have been readily discovered during routine searches described by members even without fully removing the bottom portion of the seat.

Finding of Investigation: <input checked="" type="checkbox"/> Founded <input type="checkbox"/> Unfounded <input type="checkbox"/> Unsubstantiated <input type="checkbox"/> Closed by Investigation			
Recommended Level of Adjudication: <input checked="" type="checkbox"/> Troop Level <input type="checkbox"/> Division Level			
			MSR

Date Forwarded to Deputy Superintendent – Professional Standards Bureau

Deputy Superintendent – Professional Standards Bureau Date: 7/23/19

Comments: Concur

<input type="checkbox"/> Division Level Recommended	<input checked="" type="checkbox"/> Troop Level Recommended	PJR
Date Forwarded to First Deputy Superintendent:		

First Deputy Superintendent Date:

Direction: *ACPB 7/24/19*

<input checked="" type="checkbox"/> Troop Level—Return to Chief Inspector	<input type="checkbox"/> Division Level -- Forward to Division Counsel
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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 K Station Headquarters

Date August 21, 2019

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

From: Major Richard L. Mazzone, Troop Commander, Troop K *RLM*

**Subject: COMPLAINT AGAINST PERSONNEL – #20190054
TROOPER ROBERT COSTA**

Reference is made to the previously submitted report regarding the above subject.

On August 21, 2019, Trooper ROBERT COSTA appeared before me and executed his consent to have me adjudicate this matter at Troop level.

Pursuant to Rule 3 of the New York State Police Administrative Manual, I have determined that he receive a Letter of Censure. I have attached a copy of the Letter of Censure and consent waiver. Additionally, Trooper COSTA was assessed the loss of one vacation day to be worked by him without additional compensation and/or overtime.

This matter is closed.



**State
Police**

KEITH M. CORLETT
Superintendent

RICHARD L. MAZZONE
Troop K Commander

LETTER OF CENSURE

August 15, 2019

Trooper Robert Costa
New York State Police
Troop "K"
East Fishkill, New York

Dear Trooper Costa:

On August 15, 2019, you appeared before me at Troop "K" Headquarters for the purpose of adjudicating a disciplinary matter arising from your failure to properly search your vehicle prior to the start of your shift. This occurred on February 1st, 2nd, 3rd, and 6th, and you subsequently requested via memorandum to have the matter adjudicated informally by me pursuant to Rule 3 of the Administrative Manual.

During the informal inquiry, we discussed the importance of always properly and thoroughly searching your Troop car, for contraband, both at the start and end of your shift. Specifically, we discussed how a bag of heroin and cocaine were located under the rear seat of your vehicle on the afternoon of February 6, 2019. Although the contraband was located, it does not mitigate the fact that you did not locate it at the start of your previous shift. I realize this is not reflective of your work ethic or attention to detail. I am confident something like this will not happen again and you will continue doing the good work you have done in the past.

I close this matter through the issuance of this Letter of Censure. Additionally, I assess you the loss of one vacation day to be worked by you without additional compensation and/or overtime. I trust this has been a learning experience.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Mazzone".

Richard L. Mazzone
Major - Troop Commander

NEW YORK STATE POLICE**MEMORANDUM**Troop K Station East FishkillDate August 21, 2019

To: Troop Commander, Troop K, Poughkeepsie, New York

From: Trooper Robert Costa, SP East Fishkill *RC*

Subject: DISCIPLINARY ACTION – COMPLAINT AGAINST PERSONNEL20190054

I hereby request to have the above captioned investigation adjudicated by the Troop Commander pursuant to Rule 3, disciplinary action, of the New York State Police Manual.

I waive the following:

1. The right to have this matter disposed of by the Superintendent or by a formal hearing.
2. Any right to appeal the Troop Commander's adjudication, which may be a determination of unfounded or, upon a finding of guilt, the imposition of the following penalties:
 - i. A letter of censure and/or
 - ii. An intra-troop transfer and/or
 - iii. A fine to be expressed in the loss of no more than five vacation days to be worked by me with no additional compensation or overtime.

NEW YORK STATE POLICE

MEMORANDUM

Troop K Station Headquarters

Date August 26, 2019

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

From: Major Richard L. Mazzone, Troop Commander, Troop K *rlm*

**Subject: COMPLAINT AGAINST PERSONNEL – #20190054
TROOPER MICHAEL A. BAYER**

Reference is made to the previously submitted report regarding the above subject.

On August 26, 2019, Trooper MICHAEL A. BAYER appeared before me and executed his consent to have me adjudicate this matter at Troop level.

Pursuant to Rule 3 of the New York State Police Administrative Manual, I have determined that he receive a Letter of Censure. I have attached a copy of the Letter of Censure and consent waiver. Additionally, Trooper BAYER was assessed the loss of one vacation day to be worked by him without additional compensation and/or overtime.

This matter is closed.



**State
Police**

KEITH M. CORLETT
Superintendent

RICHARD L. MAZZONE
Troop K Commander

LETTER OF CENSURE

August 26, 2019

Trooper Michael A. Bayer
New York State Police
Troop "K"
East Fishkill, New York

Dear Trooper Bayer:

On August 26, 2019, you appeared before me at Troop "K" Headquarters for the purpose of adjudicating a disciplinary matter arising from your failure to properly search your vehicle prior to the start of your shift and properly secure a prisoner for transport. This occurred in early February 2019, and you subsequently requested via memorandum to have the matter adjudicated informally by me pursuant to Rule 3 of the Administrative Manual.

During the informal inquiry, we discussed the importance of always properly and thoroughly searching your Troop car, for contraband, both at the start and end of your shift. Specifically, we discussed how a bag of heroin and cocaine were located under the rear seat of your vehicle on the afternoon of February 6, 2019. Although the contraband was located, it does not mitigate the fact that you did not locate it at the start of your previous shift. Additionally, we discussed the importance of properly transporting and monitoring prisoners, and how this responsibility was not met. I realize this is not reflective of your work ethic or attention to detail. I am confident something like this will not happen again and you will continue doing the good work you have done in the past.

I close this matter through the issuance of this Letter of Censure. Additionally, I assess you the loss of one vacation day to be worked by you without additional compensation and/or overtime. I trust this has been a learning experience.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Mazzone".

Richard L. Mazzone
Major - Troop Commander

NEW YORK STATE POLICE

MEMORANDUM

Troop K Station East Fishkill

Date August 26, 2019

To: Troop Commander, Troop K, Poughkeepsie, New York

From: Trooper Michael A. Bayer, SP East Fishkill 

Subject: DISCIPLINARY ACTION – COMPLAINT AGAINST PERSONNEL20190054

I hereby request to have the above captioned investigation adjudicated by the Troop Commander pursuant to Rule 3, disciplinary action, of the New York State Police Manual.

I waive the following:

1. The right to have this matter disposed of by the Superintendent or by a formal hearing.
2. Any right to appeal the Troop Commander's adjudication, which may be a determination of unfounded or, upon a finding of guilt, the imposition of the following penalties:
 - i. A letter of censure and/or
 - ii. An intra-troop transfer and/or
 - iii. A fine to be expressed in the loss of no more than five vacation days to be worked by me with no additional compensation or overtime.

NEW YORK STATE POLICE

MEMORANDUM

Troop K Station Headquarters

Date August 26, 2019

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

From: Major Richard L. Mazzone, Troop Commander, Troop K *RLM*

Subject: COMPLAINT AGAINST PERSONNEL – #20190054
TROOPER JOHN P. DIRUSSO

Reference is made to the attached report regarding the above subject.

On August 26, 2019, Trooper JOHN P. DIRUSSO appeared before me and executed his consent to have me adjudicate this matter at Troop level.

Pursuant to Rule 3 of the New York State Police Administrative Manual, I have imposed no penalty. I have attached a copy of the consent waiver.

This matter is closed.

NEW YORK STATE POLICE

MEMORANDUM

Troop K Station East Fishkill

Date August 26, 2019

To: Troop Commander, Troop K, Poughkeepsie, New York

From: Trooper John P. DiRusso, SP East Fishkill *D*

Subject: DISCIPLINARY ACTION – COMPLAINT AGAINST PERSONNEL20190054

I hereby request to have the above captioned investigation adjudicated by the Troop Commander pursuant to Rule 3, disciplinary action, of the New York State Police Manual.

I waive the following:

1. The right to have this matter disposed of by the Superintendent or by a formal hearing.
2. Any right to appeal the Troop Commander's adjudication, which may be a determination of unfounded or, upon a finding of guilt, the imposition of the following penalties:
 - i. A letter of censure and/or
 - ii. An intra-troop transfer and/or
 - iii. A fine to be expressed in the loss of no more than five vacation days to be worked by me with no additional compensation or overtime.

NEW YORK STATE POLICE

MEMORANDUM

Troop K Station Headquarters

Date August 15, 2019

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

From: Major Richard L. Mazzone, Troop Commander, Troop K *RLM*

**Subject: COMPLAINT AGAINST PERSONNEL – #20190054
TROOPER FREDDY LOPEZ**

Reference is made to the previously submitted report regarding the above subject.

On August 15, 2019, Trooper FREDDY LOPEZ appeared before me and executed his consent to have me adjudicate this matter at Troop level.

Pursuant to Rule 3 of the New York State Police Administrative Manual, I have determined that he receive a Letter of Censure. I have attached a copy of the Letter of Censure and consent waiver. Additionally, Trooper LOPEZ was assessed the loss of one vacation day to be worked by him without additional compensation and/or overtime.

This matter is closed.



**State
Police**

KEITH M. CORLETT
Superintendent

RICHARD L. MAZZONE
Troop K Commander

LETTER OF CENSURE

August 15, 2019

Trooper Freddy Lopez
New York State Police
Troop "K"
East Fishkill, New York

Dear Trooper Lopez:

On August 15, 2019, you appeared before me at Troop "K" Headquarters for the purpose of adjudicating a disciplinary matter arising from your failure to properly search your vehicle prior to the start of your shift. This occurred on February 5, 2019, and you subsequently requested via memorandum to have the matter adjudicated informally by me pursuant to Rule 3 of the Administrative Manual.

During the informal inquiry, we discussed the importance of always properly and thoroughly searching your Troop car, for contraband, both at the start and end of your shift. Specifically, we discussed how a bag of heroin and cocaine were located under the rear seat of your vehicle on the afternoon of February 6, 2019. Although the contraband was located, it does not mitigate the fact that you did not locate it at the start of your previous shift. I realize this is not reflective of your work ethic or attention to detail. I am confident something like this will not happen again and you will continue doing the good work you have done in the past.

I close this matter through the issuance of this Letter of Censure. Additionally, I assess you the loss of one vacation day to be worked by you without additional compensation and/or overtime. I trust this has been a learning experience.

Sincerely,

Richard L. Mazzone
Major - Troop Commander

NEW YORK STATE POLICE

MEMORANDUM

Troop K Station East Fishkill

Date August 15, 2019

To: Troop Commander, Troop K, Poughkeepsie, New York

From: Trooper Freddy Lopez, SP East Fishkill *F.L.*

Subject: **DISCIPLINARY ACTION – COMPLAINT AGAINST PERSONNEL 20190054**

I hereby request to have the above captioned investigation adjudicated by the Troop Commander pursuant to Rule 3, disciplinary action, of the New York State Police Manual.

I waive the following:

1. The right to have this matter disposed of by the Superintendent or by a formal hearing.
2. Any right to appeal the Troop Commander's adjudication, which may be a determination of unfounded or, upon a finding of guilt, the imposition of the following penalties:
 - i. A letter of censure and/or
 - ii. An intra-troop transfer and/or
 - iii. A fine to be expressed in the loss of no more than five vacation days to be worked by me with no additional compensation or overtime.

NEW YORK STATE POLICE

MEMORANDUM

Troop K Station Headquarters

Date June 26, 2019

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

From: Major Richard L. Mazzone, Troop Commander, Troop K *Rhm*

Subject: COMPLAINT AGAINST PERSONNEL #20190054
 TROOPER MICHAEL A. BAYER, EOD 9/26/05, SP EAST FISHKILL
 TROOPER JOHN P. DIRUSSO, EOD 1/13/14, SP EAST FISHKILL
 TROOPER ROBERT COSTA, EOD 3/28/16, SP EAST FISHKILL
 TROOPER FREDDY LOPEZ JR, EOD 5/08/06, SP EAST FISHKILL

Reference is made to attached NYSP Cover Page Report of Sergeant/SC BRIAN M. WILLIAMS, dated May 23, 2019, and cover memorandum of Captain PAUL M. DEQUARTO, Zone 2 Commander, dated May 31, 2019, both concerning titled subject.

I have reviewed the report and discussed the contents of same with Captain DEQUARTO, Zone Two Commander, and I concur with the report findings.

On February 6, 2019, Trooper ROBERT COSTA drove 2K56 to Troop K AMI for radio repair. While working on 2K56, NYCOMCO employee Mr. JOHN L. ZELKER removed the rear seat locating a bag of cocaine and heroin. Investigation identified Troopers COSTA, MICHAEL A. BAYER and FREDDY LOPEZ, Jr. as the primary drivers of 2K56 from February 1 through 6, 2019. During this time frame two prisoners were transported in 2K56, one in the front passenger seat and one in the back seat. However, the investigation could not determine the origin of the contraband. Troopers COSTA, BAYER and LOPEZ all stated they inspected the vehicle each shift, but did not remove the rear seat due to concern of damaging the seat, however, they all failed to notify their supervisor of the issue as directed by Troop Order 18-02. Additionally, Troopers BAYER and JOHN P. DIRUSSO transported a prisoner in the rear seat of 2K56, which is not equipped with a security screen while Trooper DIRUSSO was seated in the front passenger seat.

The investigation has determined that Troopers BAYER, COSTA and LOPEZ by their actions, violated the following NYSP Rules and Regulations:

Regulation 8A2: Failed to comply with the Rules, Regulations and Instructions, specifically:

Article 5C1(a)1: At the start of the tour and before going on patrol, search the vehicle to ensure it is clear of contraband.

Trooper Order 18-02 Inspection and Security of Division Patrol Vehicles: All Members utilizing a patrol vehicle for any purpose, will carefully raise and/or remove the rear seat and visually check the area underneath the seat as part of their daily vehicle inspection.

The investigation also determined that Troopers BAYER and DIRUSSO by their actions, violated the following NYSP Rules and Regulations:


Regulation 8A2: Failed to comply with the Rules, Regulations and Instructions, specifically:

Article 31E6(c)2: When transporting a single prisoner, and are assisted by another Member, seat the prisoner on the passenger side of the rear seat and the assisting Member shall sit in the rear seat, behind the driver and continuously watch the prisoner throughout the trip.

Recommend appropriate administrative action.

NEW YORK STATE POLICE**MEMORANDUM**Troop K Station Z/2 WappingerDate May 31, 2019

To: Major Richard L. Mazzone, Troop Commander, Troop K

From: Captain Paul M. DeQuarto, Zone II Commander 

Subject: **COMPLAINT AGAINST PERSONNEL – DIVISION FILE #20190054**
TROOPER MICHAEL A. BAYER, EOD 9/26/05, SP EAST FISHKILL
TROOPER JOHN P. DIRUSSO, EOD 1/13/14, SP EAST FISHKILL
TROOPER ROBERT COSTA, EOD 3/28/16, SP EAST FISHKILL
TROOPER FREDDY LOPEZ JR., EOD 5/08/06, SP EAST FISHKILL

Reference is made to the attached administrative report of Sergeant/ SC Brian M. Williams, dated 5/23/19, concerning the captioned subject.

I discussed this matter with Sergeant/SC Williams and concur with his findings. On February 6, Trooper Robert Costa was assigned 2K56 for the 1-shift and drove it to Troop K AMI to have the radio antenna line replaced when a NYCOMCO employee located a bag of cocaine and heroin under the rear seat. This investigation has determined that from February 1, 2019 through February 6, 2019 the following Members were the primary operators of 2K56: On February 1, 2 and 3 Trooper Costa during the 1-shift and Trooper Michael A. Bayer during the 2-shift. On February 4, 2K56 was not used on the 1 or 2-shift. On February 5, 2K56 was not used on the 1-shift but was operated by Trooper Freddy Lopez Jr. during the 2-shift. During the timeframe in question (Feb 1-6) there were two subjects transported in 2K56; one in the front seat and the other in the rear. The defendant who was transported in the front seat never had access to the rear seat. Additionally, he was interviewed and denied placing any contraband in 2K56. The defendant that was transported in the rear seat on February 3, refused to be interviewed. The bag that contained the contraband was tested for latent prints with none found. On February 1, 2019, Trooper Costa completed a Genl-44 UF Patrol Vehicle Inspection Form and indicated he checked the backseat; however, he failed to remove the back seat as directed in Troop Order 18-02, out of fear of breaking the seat. This investigation was unable to determine the origin of the contraband. Furthermore, this investigation has determined that although Troopers Costa, Bayer and Lopez searched 2K56 before and after their tours, their searches were inadequate resulting in the contraband being located by Mr. Zelker. Lastly, it has been determined that on February 3, 2019 at about 2:00am, Troopers Bayer and Dirusso transported a prisoner in the rear seat of 2K56 while Trooper Bayer was driving and Trooper Dirusso was in the front passenger seat.

The personnel complaint against Troopers Bayer, Costa and Lopez is founded. All facts obtained during this investigation concluded that Troopers Bayer, Costa and Lopez did violate the following cited Regulation of the New York State Police:

Regulation 8A2: Failed to comply with the Rules, Regulations, and Instructions Specifically:

Article 5C1(a)1 (B) 1: At the start of the tour and before going on patrol, search the vehicle to ensure it is clear of contraband. At the end of your tour, before securing the vehicle, search the vehicle to ensure it is clear of contraband.

Troop Order 18-02 Inspection and Security of Division Patrol Vehicles: All Members utilizing a patrol vehicle for any purpose, will carefully raise and/or remove the rear seat and visually check the area underneath the seat as part of their daily vehicle inspection.

Trooper Michael A. Bayer

To wit: On February 1, 2, and 3, 2019, Trooper Bayer used 2K56 on the 2-shift and failed to adequately search the vehicle resulting in contraband being located under the rear seat on February 6, 2019.

Trooper Robert Costa

To wit: On February 1, 2, 3 and 6, 2019, Trooper Costa used 2K56 on the 1-shift and failed to adequately search the vehicle resulting in contraband being located under the rear seat on February 6, 2019.

Trooper Freddy Lopez Jr.

To wit: On February 5, 2019, Trooper Lopez used 2K56 on the 2-shift and failed to adequately search the vehicle resulting in contraband being located under the rear seat on February 6, 2019.

The personnel complaint against Troopers Bayer and Dirusso is founded for failure to properly transport a prisoner. Troopers Bayer and Dirusso did violate the following cited Regulation of the New York State Police:

Regulation 8A2: Failed to comply with the Rules, Regulations, and Instructions Specifically:

Article 31E6(c)2: When transporting a single prisoner and are assisted by another member, seat the prisoner on the passenger side of the rear seat and the assisting member shall sit in the rear seat, behind the driver and continuously watch the prisoner throughout the trip.

To Wit: On February 3, 2019 at approximately 2:00am, Troopers Bayer and Dirusso had a subject under arrest for DWI and transported her in 2K56 which is not equipped with a security screen. The prisoner was seated in the rear seat while Trooper Bayer was driving and Trooper Dirusso was seated in the front passenger seat.

Recommend appropriate administrative action.

NEW YORK STATE POLICE
COVER PAGE

TITLE OF CASE Trooper Michael A. Bayer EOD 09/26/05, SP East Fishkill Trooper John P. DiRusso EOD 01/13/14, SP East Fishkill Trooper Robert Costa EOD 03/28/16, SP East Fishkill Trooper Freddy Lopez Jr. EOD 05/08/06, SP East Fishkill	REPORTING TROOP K	MANAGING TROOP K	DATE OF REPORT 05/23/2019
	DATE OCCURRED 02/06/2019	TZS K261	CTV CODE K1462
	INVESTIGATIVE PERIOD 02/06/19 – 05/23/19		TYPED BY bmw
	REPORT OF Sgt/SC Brian M. Williams <i>BMW</i>		SHIELD 3514
CHARACTER OF CASE - (CC CODE) COMPLAINT AGAINST PERSONNEL (PCT0100)	STATION SP East Fishkill	CASE # 20190054	
	STATUS OF CASE () CA () C/EC () C/INV () C/UNF () C/UNS (X) C/FND () OPN		

REFERENCE: Report of Personnel Investigation # 20190054, dated 05/23/2019

- ENCLOSURES:
1. Gen'l 34d Digital Photo Record and associated photo's
 2. Genl. 2 Evidence record for SJS [REDACTED]
 3. Genl. 4 Supporting Deposition of John Zelker
 4. SJS Incident Report [REDACTED]
 5. Pers 29 Member Attendance Records, SP East Fishkill
 6. Tour Strength, SP East Fishkill, February 1 through 6, 2019.
 7. Genl. 44 Uniform Patrol Vehicle Inspection
 8. Genl. 7 Memorandum of Trooper Freddy Lopez Jr
 9. Genl. 7 Memorandum of Trooper Michael A. Bayer
 10. Genl. 7 Memorandum of Trooper John P. DiRusso
 11. Genl. 7 Memorandum of Trooper Robert Costa
 12. SJS Incident Report # [REDACTED] Arrest Report # [REDACTED]
 13. SJS Incident Report # [REDACTED] Arrest Report # [REDACTED]
 14. FIU Latent Prints Report
 15. Genl. 7 Memorandum of Sergeant Nicholas S. Gallipani
 16. Genl. 4 Supporting Deposition of Michael Thomson
 17. Troop Order 18-02 dated 11/20/2018

DISTRIBUTION: () DHQ () TROOP () OTHER:	FOR TROOP/DIVISION HEADQUARTERS USE ONLY	
APPROVED: <i>Capt. Paul [Signature]</i> ZONE _____ TROOP <i>MAJ. Paul [Signature]</i> DHQ _____	DESTROY IN 20 _____ INITIALS _____ PERMANENT RETENTION _____ INITIALS _____ RCN _____	

REPORT**SYNOPSIS:**

On February 6, 2019, at approximately 1:50pm, Trooper ROBERT COSTA, SP East Fishkill, drove 2K56 to Troop K AMI to have the radio antenna line replaced. While working on 2K56, NYCOMCO employee JOHN L. ZELKER removed the rear seat and discovered a clear plastic bag of cocaine and heroin. Investigation into this matter revealed the operators and 2 shift partners of 2K56 from February 1st through February 6th to be Trooper COSTA, Trooper MICHAEL BAYER, SP East Fishkill and Trooper FREDDY LOPEZ JR, SP East Fishkill. On two separate dates during this time frame 2 subjects were transported in 2K56; one in the back seat and the other in the front passenger seat. However, the investigation has been unable to determine the origin of the found contraband. It has been determined that Troopers BAYER, COSTA and LOPEZ failed to adequately search their assigned vehicle 2K56 at the beginning and end of their shifts. Additionally, it has been determined that Troopers BAYER and DIRUSSO failed to properly position themselves while transporting a prisoner in a Division vehicle not equipped with a security screen. The personnel complaint against Troopers BAYER, COSTA and LOPEZ is founded for failing to adequately search 2K56 and founded for Troopers BAYER and DIRUSSO for the improper prisoner transport. Recommend appropriate administrative action

DETAILS:

1. On February 6, 2019, at approximately 1:50pm, Trooper ROBERT COSTA drove 2K56 to Troop K AMI to have the radio antenna line replaced. NYCOMCO employee JOHN L. ZELKER removed the rear seat of 2K56 and found a clear plastic bag of cocaine and heroin under the rear seat. Mr. ZELKER notified AMI Supervisor MICHAEL THOMSON who then advised First Sergeant MATTHEW SCHLOTTMANN, Troop K. First Sergeant SCHLOTTMANN notified Captain DAVID L. KOLB, Troop K Admin Captain, who advised Captain PAUL DEQUARTO, Zone II Commander. I, Sergeant BRIAN M. WILLIAMS, SP East Fishkill, was assigned to investigate under DCN# 20190054.

AT SP POUGHKEEPSIE, NEW YORK

2. On February 6, 2019, Investigator SHANNON ALPERT, Troop K FIU, took photographs of the contraband in 2K56 and completed a Genl. 34D, Digital Photo Record, a copy which is attached as **ENCLOSURE #1**.

AT SP EAST FISHKILL, NEW YORK

3. On February 6, 2019, Sergeant NICHOLAS S. GALLIPANI, SP Poughkeepsie, secured the evidence, completed a Genl-2 Evidence Record and placed the evidence in the SP Poughkeepsie UF evidence locker. A copy of the Genl-2 Evidence Record is attached as **ENCLOSURE #2**.

4. On February 6, 2019, Sergeant MICHAEL FRONTINO, SP Poughkeepsie, interviewed NYCOMCO employee JOHN L. ZELKER, [REDACTED] who stated in sum and substance that he removed the rear seat to 2K56 to run a radio antenna line when he discovered a bag of drugs under the seat. He then advised AMI Supervisor MICHAEL THOMSON. A copy of Mr. ZELKER'S supporting deposition is attached as **ENCLOSURE #3**.

5. On February 6, 2019, Sergeant FRONTINO created SJS #8737921 in connection with this found property investigation. A copy of the SJS #8737921 is attached as **ENCLOSURE #4**.

6. On February 10, 2019, I reviewed the Pers. 29, Member Attendance Records for SP East Fishkill for the 1 and 2 shifts encompassing February 1, 2019 through February 6, 2019. This revealed that on February 1, 2 and 3 Trooper COSTA operated 2K56 during the 1 shift and Trooper BAYER operated 2K56 during the 2-shift. On February 4, 2K56 was not used on the 1 or 2-shift. On February 5, 2K56 was not used on the 1-shift but was operated by Trooper LOPEZ during the 2-shift. On February 6, Trooper COSTA operated 2K56 during the 1-shift. See chart below. Copies of the Pers. 29s are attached as **ENCLOSURE #5**.

Primary Operators of 2K56 from February 1-6, 2019

Day	Feb. 1, 2019	Feb. 2, 2019	Feb. 3, 2019	Feb. 4, 2019	Feb. 5, 2019	Feb. 6, 2019
1-Shift	Tpr. COSTA	Tpr. COSTA	Tpr. COSTA	No used	Not used	Tpr. COSTA
2-Shift	Tpr. BAYER	Tpr. BAYER	Tpr. BAYER	No used	Tpr. LOPEZ	

7. On February 10, 2019, I reviewed the Tour Strength encompassing February 1, 2019 through February 6, 2019 which showed on February 1, 2 and 3 Trooper COSTA operated 2K56 during the 1-shift and Trooper BAYER operated 2K56 during the 2-shift. Additionally, on February 1st and 2nd Trooper DIRUSSO was the passenger in 2K56 from 12am – 5am with Trooper BAYER. During Trooper BAYER'S 2-shift on February 3 he was partnered with Trooper DIRUSSO from 12am – 5am in 2K54. On February 4, 2K56 was not used on the 1 or 2-shift. On February 5, 2K56 was not used on the 1-shift but was operated by Trooper LOPEZ during the 2 shift. However, during the hours of 12am – 5am Trooper LOPEZ did not operate 2K56 because he was the passenger in 2K54 with Trooper ROBERT STANTON. On February 6, Trooper COSTA operated 2K56 during the 1-shift. Copies of the Tour Strength are attached as **ENCLOSURE #6**.

8. On February 10, 2019, I reviewed the Genl. 44 UF Patrol Vehicle Inspection for 2K56 dated February 1, 2019 which indicates Trooper COSTA wrote in the comments/remarks section "Rear seat checked" indicating he checked the rear seat for contraband but did not specify that he removed the rear seat during the inspection. A copy of the Genl 44 UF Patrol Vehicle Inspection form is attached as **ENCLOSURE #7**.

9. On February 10, 2019, I interviewed Trooper FREDDY LOPEZ JR, SP East Fishkill. Trooper LOPEZ stated in sum and substance that on February 5, 2019, he operated 2K56 during his 2-shift and did not transport anyone in the vehicle. During the hours of 12am – 5am Trooper LOPEZ did not operate 2K56 because he was the passenger in 2K54 with Trooper STANTON as the driver. On that date, he inspected the driver and passenger seats of 2K56 for contraband prior to going on patrol and after his shift. He did so by using search gloves and a flashlight and did not observe any contraband. He attempted but was unable to remove the rear seat of 2K56 in fear he may break it. Trooper LOPEZ'S memorandum is attached as **ENCLOSURE #8**.

10. On February 12, 2019, I interviewed Trooper MICHAEL BAYER, SP East Fishkill, Trooper BAYER stated in sum and substance that on Friday February 1, 2019 he operated 2K56 during his 2-shift. Between the hours of 12am – 5am Trooper DIRUSSO was his passenger. No one else was in 2K56 during that time. On Saturday February 2, 2019, he operated 2K56 during his 2 shift. Trooper DIRUSSO was his 2-shift partner from 12am – 5am as the passenger. In the early morning hours of Sunday February 3, 2019, at approximately 2:00am Troopers BAYER and DIRUSSO arrested [REDACTED] (SJS [REDACTED] for DWI. Trooper BAYER searched [REDACTED] and placed her in the rear passenger side seat of 2K56. [REDACTED] was transported from the scene to SP East Fishkill for arrest processing. During the transport, Trooper DIRUSSO sat in the front passenger seat not positioning himself in the rear seat with [REDACTED]. On Sunday February 3, 2019 Trooper BAYER operated 2K56 during his 2-shift. During the hours of 12am – 5am he was the passenger of 2K54 with Trooper DIRUSSO as the driver. Trooper BAYER did not transport anyone else in 2K56. Additionally, Trooper BAYER stated he did physically check the rear seat of 2K56 prior to going on patrol and at the end of each of his tours on February 1, 2 and 3rd. He did so by spreading the seat cushion and back rest apart while visually inspecting. He stated he did not fully remove the rear seat in fear he would damage from exerting too much force upon it. Trooper BAYER'S memorandum is attached as **ENCLOSURE #9**.

11. On February 12, 2019, I interviewed Trooper JOHN DIRUSSO, SP East Fishkill who stated in sum and substance that on Friday February 1, 2019 he worked a 2-shift in 2K54. Between the hours of 12am – 5am he was the passenger in 2K56 with Trooper BAYER as the driver. On Saturday February 2, 2019, he worked a 2-shift in 2K54. Between the hours of 12am-5am he was the passenger in 2K56 with Trooper BAYER as the driver. On February 3, 2019 (during the February 2nd, 2 shift) at approximately 2:00am he and Trooper BAYER arrested [REDACTED] for DWI. Trooper DIRUSSO explained, Trooper BAYER searched [REDACTED] and placed her in the rear passenger side seat of 2K56. During the transport from the scene back to SP East Fishkill Trooper DIRUSSO sat in the front passenger seat not positioning himself in the rear seat with [REDACTED]. Additionally, at no time did Trooper DIRUSSO search the rear seat of 2K56. On Sunday February 3, 2019, he worked a 2-shift in 2K54. Trooper BAYER was his passenger from 12am-5am. At no time on during Trooper DIRUSSO'S 2-shift on February 3rd was he in 2K56. Trooper DIRUSSO'S memorandum is attached as **ENCLOSURE #10**.

12. On February 12, 2019, I interviewed Trooper ROBERT COSTA, SP East Fishkill who stated in sum and substance that on February 1, 2019, he operated 2K56 during his 1-shift. Prior to going on patrol, Trooper COSTA completed a Genl. 44 UF Patrol Vehicle Inspection for [REDACTED]. He stated he visually inspected the rear seat of 2K56 and physically checked the crevasses with negative results. He explained he attempted multiple times to remove the rear seat but was unsuccessful. He was concerned he would damage the seat by forcefully pulling on it. On February 1, 2019, Trooper COSTA did not transport anyone in 2K56. On February 2, 2019 Trooper

COSTA operated 2K56 during the 1-shift. He did not transport anyone on that date. On February 3, 2019, Trooper COSTA operated 2K56 during his 1-shift. At approximately 6:15pm Trooper COSTA arrested [REDACTED] SJS [REDACTED] for DWI. Trooper COSTA transported [REDACTED] in the front passenger seat of 2K56 from the scene to SP East Fishkill. [REDACTED] never had access to the rear seat of 2K56. On February 6, 2019, Trooper COSTA operated 2K56 during his 1-shift. At approximately 12:30pm he drove 2K56 to Troop K Headquarters for an antenna repair. At approximately 1:30pm he was notified by First Sergeant MATTHEW C. SCHLOTTMANN that heroin was found under the rear seat of 2K56 while being worked on. Trooper COSTA stated prior to going on patrol each of his shifts he visually checked the rear seat of 2K56 by spreading the rear seat and back rest apart while using a flashlight to inspect the area. He additionally used his hands in the crevasses while feeling for contraband. He again stated, although he attempted to remove the seat several times he was unsuccessful in doing so and stopped he fear he would cause damage. Additionally, he stated at the completion of his tours he again searched the rear seat of 2K56 with negative results. Trooper COSTA'S memorandum is attached as **ENCLOSURE #11**.

13. On February 17, 2019, I telephonically contacted [REDACTED] who was arrested by Trooper COSTA on February 3, 2019. [REDACTED] respectfully declined an interview without consulting with his attorney CHRISTOPHER YORKE.

14. On February 17, 2019, I spoke with Mr. CHRISTOPHER YORKE [REDACTED] who advised he would talk with [REDACTED] and get back to me regarding an interview.

15. On February 17, 2019, I attempted to contact [REDACTED] who was arrested by Trooper BAYER and DIRUSSO on February 3, 2019. I left a multiple voice messages requesting her to contact me with negative results. A copy of [REDACTED] SJS incident [REDACTED] and arrest report ([REDACTED] are as **ENCLOSURE #12**.

16. On March 12, 2019, [REDACTED] contacted me telephonically and agreed to an interview with [REDACTED] in a three-way phone call. On date [REDACTED] confirmed he was arrested by Trooper COSTA on February 3, 2019. [REDACTED] stated he was thoroughly searched by Trooper COSTA and handcuffed behind his back and then placed in the front seat of 2K56 and secured with the seatbelt. I asked [REDACTED] if at any time he secreted any contraband in the rear seat of 2K56 and he replied, "No.". [REDACTED] stated at no time was he placed in the rear seat of 2K56 or have access to rear seat of 2K56. [REDACTED] and Mr. YORKE declined to provide a written statement. A copy of [REDACTED] SJS incident [REDACTED] and arrest report [REDACTED] are attached as **ENCLOSURE #13**.

AT TROOP K HEADQUARTERS, NEW YORK

17. On April 22, 2019, at the request of Captain DEQUARTO, item #1 was forwarded to Troop K FIU for latent print processing.

18. On May 13, 2019, Investigator CHELSEA A. GAGLIARDI, Troop K FIU, advised that no latent prints were obtained from Item #1. A copy of the Latent Print Report is attached as **ENCLOSURE #14**.

19. On May 20, 2019, I interviewed Sergeant NICHOLAS S. GALLIPANI, SP Poughkeepsie who stated in sum and substance that on February 6, 2019, at about 2:00pm, he was advised by First Sergeant MATTHEW SCHLOTTMANN that drugs were discovered under the back seat of 2K56 while getting work done in AMI. Sergeant GALLIPANI stated he was instructed by First Sergeant SCHLOTTMANN to secure the drugs as evidence which he did and placed said evidence in the SP Poughkeepsie UF Evidence Locker. Additionally, Sergeant GALLIPANI completed a Genl. 2, Evidence Record and a Genl. 40, Evidence Tag. Sergeant GALLIPANI'S memorandum is attached as **ENCLOSURE #15**.

20. On May 20, 2019, I interviewed MICHAEL THOMSON, Troop K AMI Supervisor, who stated in sum and substance that on February 6, 2019, at approximately 1:50pm, he was advised by NYCOMCO employee Mr. ZELKER that he found a bag of drugs under the rear seat of 2K56 while running a radio antenna line. Mr. THOMSON immediately advised First Sergeant SCHLOTTMANN. A copy of Mr. THOMSON'S supporting deposition is attached as **ENCLOSURE # 16**.

21. Major RICHARD L. MAZZONE, Troop K Commander, issued Troop Order #18-02 on November 20, 2018 titled Inspection and Security of Division Patrol Vehicles. A copy of this Troop Order is attached as **ENCLSOURE #17**.

CONCLUSION:

Investigation into this matter has determined that on February 1, 2 and 3 Trooper COSTA operated 2K56 during the 1-shift and Trooper BAYER operated 2K56 during the 2-shift. On February 4, 2K56 was not used on the 1 or 2-shift. On February 5, 2K56 was not used on the 1-shift but was operated by Trooper LOPEZ during the 2-shift. On February 6, Trooper COSTA was assigned 2K56 for the 1-shift and drove it to Troop K AMI to have the radio antenna line replaced when NYCOMCO employee located a bag of cocaine and heroin under the rear seat. The bag was tested for latent prints with none found. This investigation was unable to determine the origin of the contraband. Furthermore, this investigation has determined that although Troopers COSTA, BAYER and LOPEZ searched 2K56 before and after their tours, their searches were inadequate resulting in the contraband being located by Mr. ZELKER. Lastly, it has been determined that on February 3, 2019 at about 2:00am, Troopers BAYER and DIRUSSO transported a prisoner in the rear seat of 2K56 while Trooper BAYER was driving and Trooper DIRUSSO was in the front passenger seat.

The personnel complaint against Trooper MICHAEL A. BAYER, ROBERT COSTA and FREDDY LOPEZ JR. is founded. All facts obtained during this investigation concluded that Troopers BAYER, COSTA and LOPEZ did violate the following cited Regulation of the New York State Police:

Regulation 8A2: Failed to comply with the Rules, Regulations, and Instructions Specifically:

Article 5C1(a)1 (B) 1: At the start of the tour and before going on patrol, search the vehicle to ensure it is clear of contraband. At the end of your tour, before securing the vehicle, search the vehicle to ensure it is clear of contraband.

Troop Order 18-02 Inspection and Security of Division Patrol Vehicles: All Members utilizing a patrol vehicle for any purpose, will carefully raise and/or remove the rear seat and visually check the area underneath the seat as part of their daily vehicle inspection.

Trooper MICHAEL A. BAYER

To wit: On February 1, 2, and 3, 2019, Trooper BAYER used 2K56 on the 2-shift and failed to adequately search the vehicle resulting in contraband being located under the rear seat on February 6, 2019.

Trooper ROBERT COSTA

To wit: On February 1, 2, 3 and 6, 2019, Trooper COSTA used 2K56 on the 1-shift and failed to adequately search the vehicle resulting in contraband being located under the rear seat on February 6, 2019.

Trooper FREDDY LOPEZ JR

To wit: On February 5, 2019, Trooper LOPEZ used 2K56 on the 2-shift and failed to adequately search the vehicle resulting in contraband being located under the rear seat on February 6, 2019.

The personnel complaint against Troopers BAYER and DIRUSSO is founded for failure to properly transport a prisoner. Troopers BAYER and DIRUSSO did violate the following cited Regulation of the New York State Police:

Regulation 8A2: Failed to comply with the Rules, Regulations, and Instructions Specifically:

Article 31E6(c)2: When transporting a single prisoner and are assisted by another member, seat the prisoner on the passenger side of the rear seat and the assisting member shall sit in the rear seat, behind the driver and continuously watch the prisoner throughout the trip.

To Wit: On February 3, 2019 at approximately 2:00am, Troopers BAYER and DIRUSSO had a subject under arrest for DWI and transported her in 2K56 which is not equipped with a security screen. The prisoner was seated in the rear seat while Trooper BAYER was driving and Trooper DIRUSSO was seated in the front passenger seat.

Recommend appropriate administrative action.

DIGITAL PHOTO RECORD

INSTRUCTIONS: Complete a separate form for each investigation.
Print or type all entries

STATION	CASE NUMBER	FIU LEAD NUMBER	INCIDENT DATE	PHOTO DATE	TIME	
K Headquarters			2/6/2019	2/6/2019	BEGAN 2:07 PM	COMPLETED 2:10 PM
INVESTIGATING MEMBER			PHOTOGRAPHER'S NAME			
Sgt. Michael Frontino			Inv. Shannon Alpert			

CASE TYPE	COMPLAINANT - DEFENDANT - OPERATOR - DECEASED
Found property	
COUNTY	ADDRESS OR LOCATION
Dutchess	Troop K Garage

GENERAL DESCRIPTION OF SCENE / ITEM(S)	ACTION REQUESTED
2K56 - vehicle/evidence photos	<input type="checkbox"/> Burn to CD/DVD <input type="checkbox"/> Print _____ x' s <input checked="" type="checkbox"/> Retain

CAMERA	IMAGE TYPE OR FILE FORMAT	DATE SUBMITTED TO FIU	MANNER SUBMITTED: (Check one)
Nikon D60	<input checked="" type="checkbox"/> JPEG <input type="checkbox"/> TIF <input type="checkbox"/> Raw	2/6/2019	<input checked="" type="checkbox"/> CD/DVD <input type="checkbox"/> E-Mail <input type="checkbox"/> Other _____

PAGE # 1 OF 1

IMAGE #	CAMERA PHOTO ID #	DESCRIPTION:	IMAGE #	CAMERA PHOTO ID #	DESCRIPTION:
1	DSC_0001	VAN - 160380 2K56			
2	DSC_0002	VIN sticker 2K56			
3	DSC_0003	Rear plate - 2K56			
4	DSC_0004	Rear seat - 2K56			
5	DSC_0005	Rear seat - 2K56			
6	DSC_0006	Rear seat - 2K56			
7	DSC_0007	Rear seat - 2K56			
8	DSC_0008	Rear seat - 2K56			
9	DSC_0009	Rear seat - 2K56			
10	DSC_0010	Rear seat - 2K56			
11	DSC_0011	Rear seat - 2K56			
12	DSC_0012	Rear seat - 2K56			

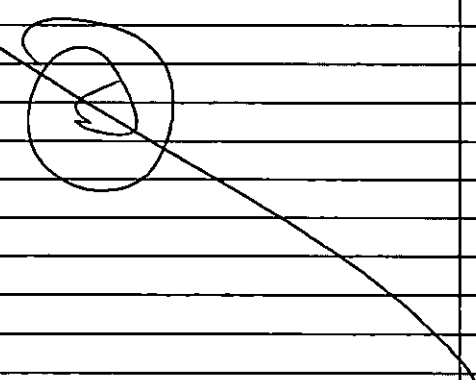
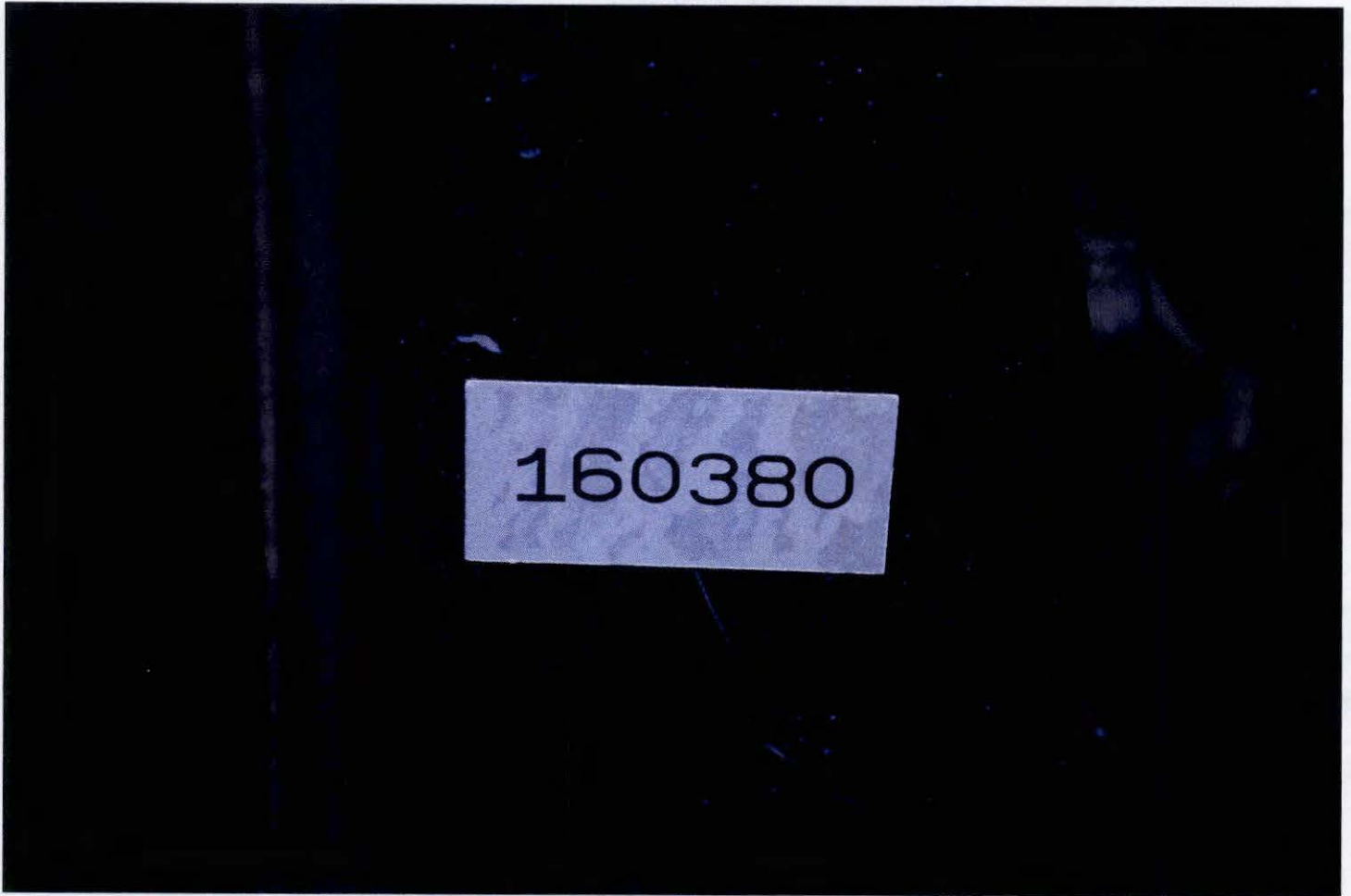


Photo Sheet

Photo 1 of 12

Case # 20190054



160380

Photo Sheet

Photo 2 of 12

Case # 20190054

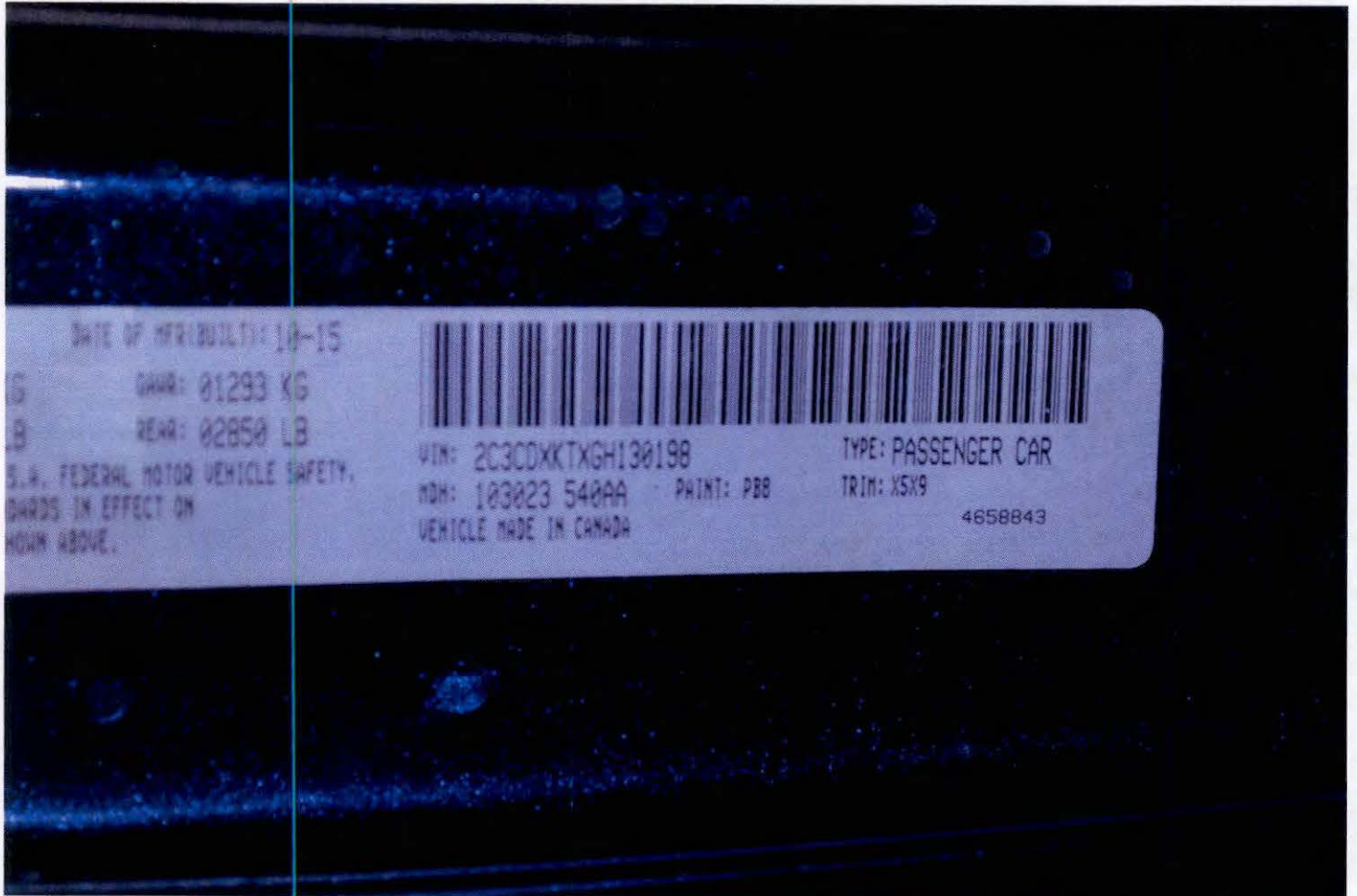


Photo Sheet

Photo 3 of 12

Case # 20190054



Photo Sheet

Photo 4 of 12

Case # 20190054



Photo Sheet

Photo 5 of 12

Case # 20190054



Photo Sheet

Photo 6 of 12

Case # 20190054

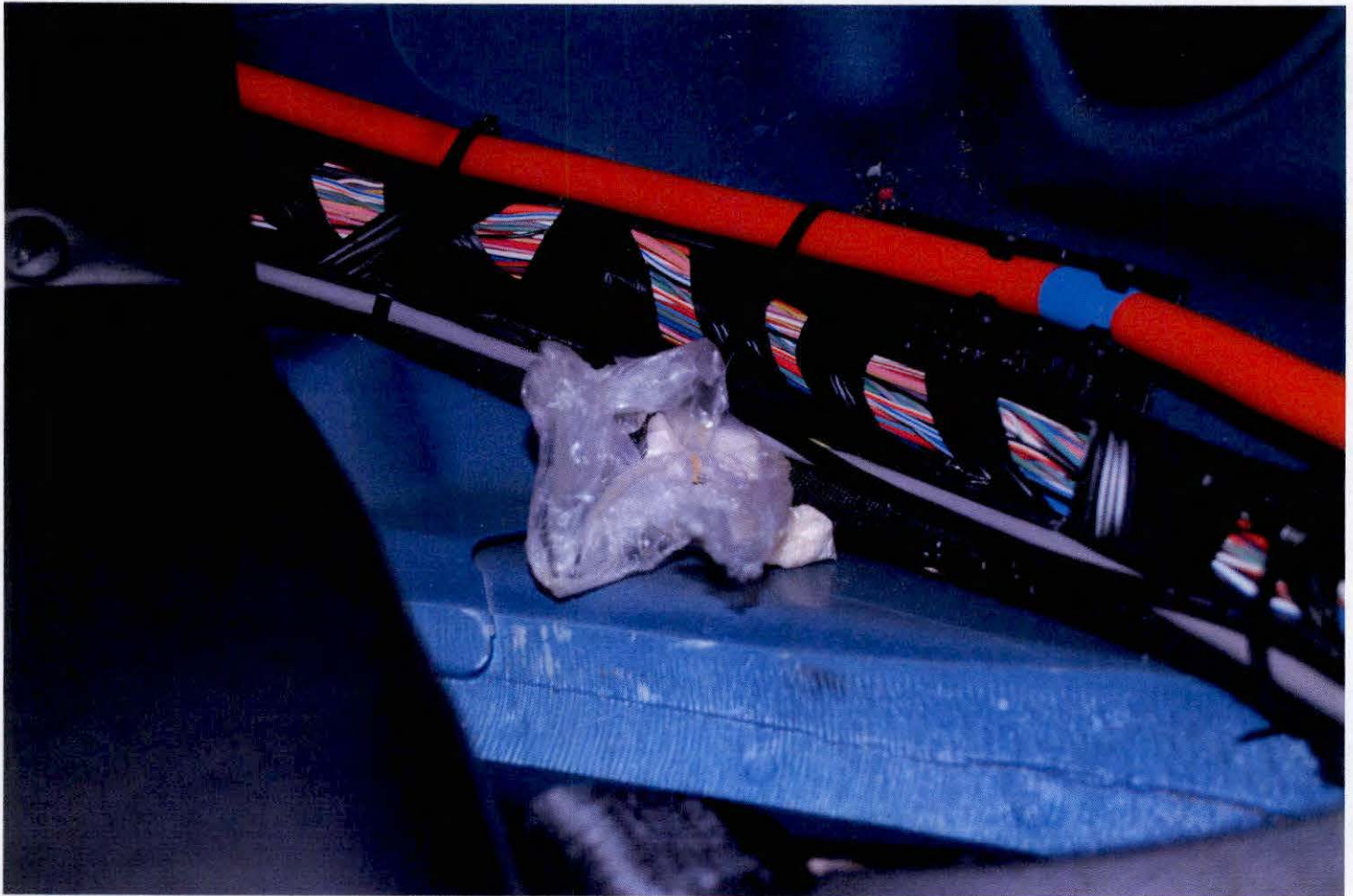


Photo Sheet

Photo 7 of 12

Case # 20190054



Photo Sheet

Photo 8 of 12

Case # 20190054



Photo Sheet

Photo 9 of 12

Case # 20190054



Photo Sheet

Photo 10 of 12

Case # 20190054



Photo Sheet

Photo 11 of 12

Case # 20190054

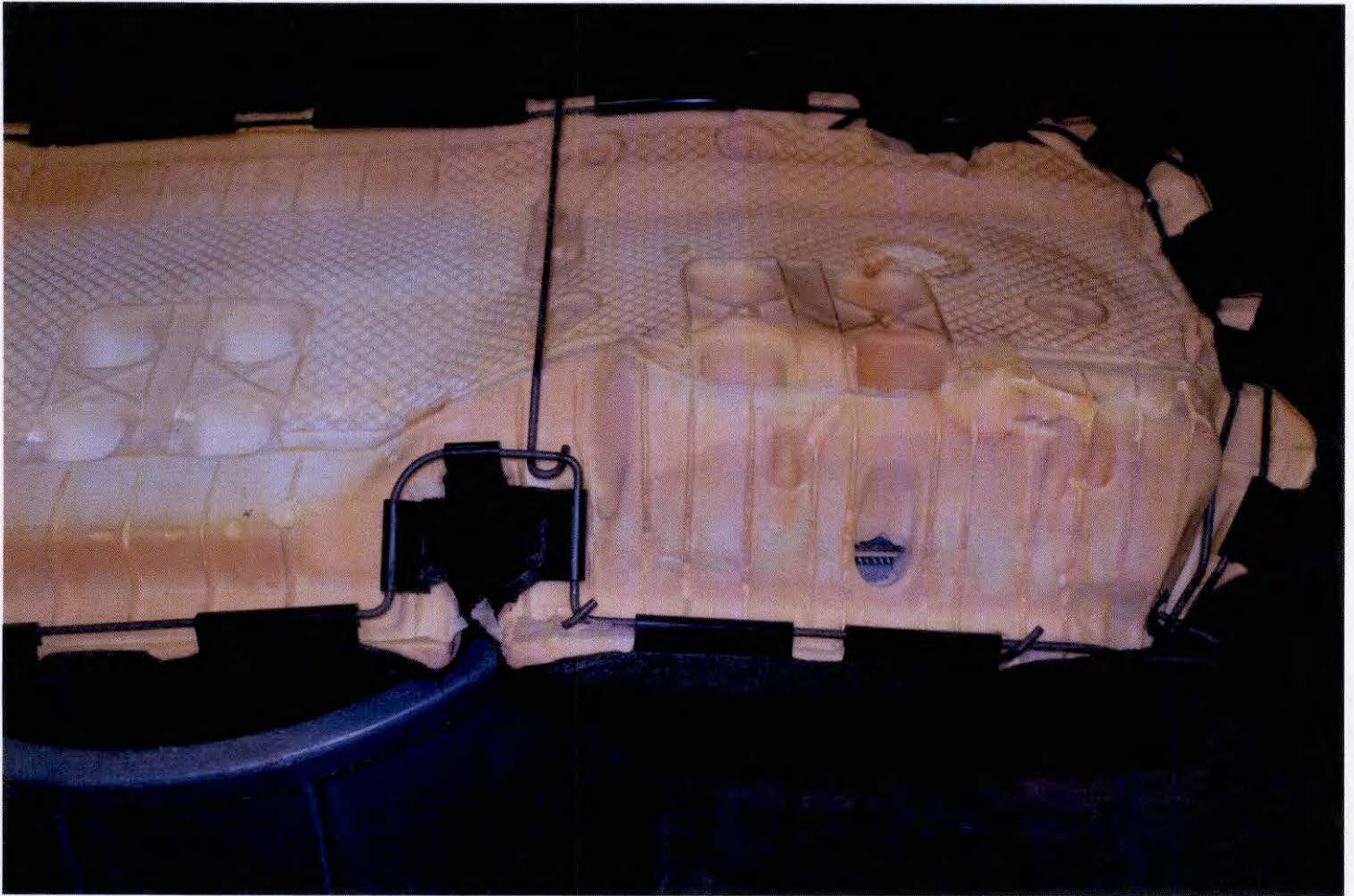
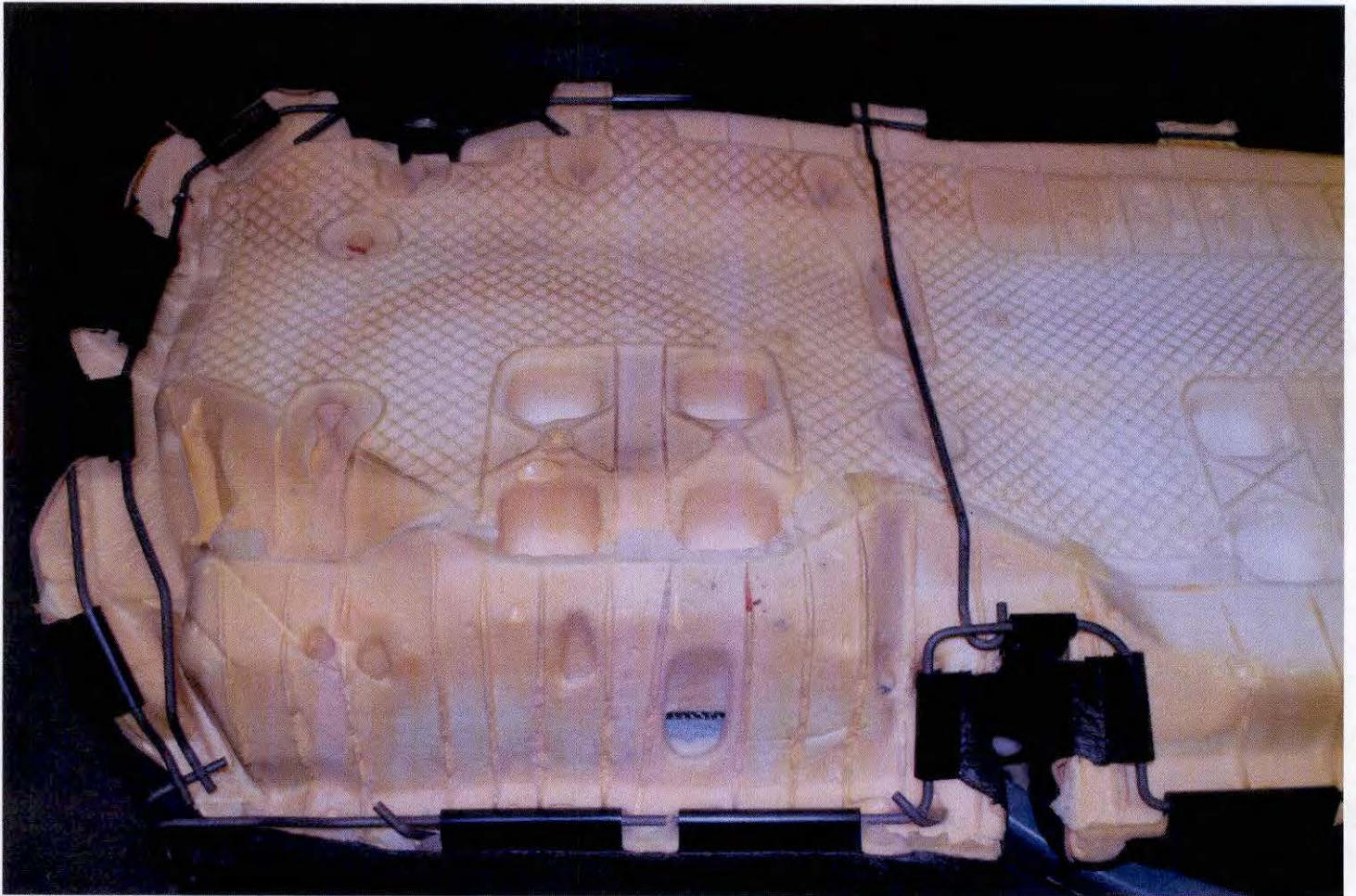


Photo Sheet

Photo 12 of 12

Case # 20190054



GENL 2 (REV 01/07) EVIDENCE RECORD

U F	NAME OF STATION OR AGENCY EAST FLICKILL		B C I	NAME OF STATION OR AGENCY		TERM, MESSAGE NO. & FILE		NO. OF CONT. SHEETS 4
	T/Z/S K231	CASE NUMBER E727921		T/Z/S K261	CASE NUMBER	DATE OCCURRED 02/06/19	LABORATORY CASE NO. 1902 374	
COUNTY OF OCCURRENCE DUTCHESS			INVESTIGATING MEMBER SGT/SC BRINN WILLIAMS			SUBMITTED BY SGT NS BALLIPANI (BT) 4259		
LAB USE ONLY		NAME (L/F/M), ADDRESS & DOB OF DEFENDANT/VICTIM			NAME (L/F/M), AND ADDRESS OF COMPLAINANT/ OWNER NYSP			
		NUMBER OF ADDITIONAL DEFENDANTS: 4			(LIST ALL ADDITIONAL DEFENDANTS IN THE EVIDENCE SECTION BELOW OR ON A GENL 2A CONTINUATION SHEET)			
		CHARACTER OF CASE:						
		DESCRIPTION OF EVENTS: ITEM 1 COLLIDED IN 2 CSB DURING VEHICLE MAINTENANCE						

ITEM #	DESCRIPTION	EXAMINATION REQUESTED	ID	CHECK INITIAL STATUS		
				HOLD AT STA.	TO TROOP	TO LAB
1	ONE PLASTIC BAGGIE CONTAINING (HACK COCAINE AND HEROIN WITH THE APPROXIMATE APPROXIMATE WEIGHT OF 4.0 GRAMS	TEST FOR NARCOTICS * SEPARATE & PRESERVE FOR * DNA & LATENTS				

TRANSFER RECORD						
DATE	TIME	ITEMS INVOLVED	FROM	TO	SIGNATURE	
01/01/19	7:15 AM	1	K231	SGT NS BALLIPANI	SGT NS Ballipani #4259	
01/06/19	3:00 PM	1	SGT NS BALLIPANI	K231 NY EVIDENCE LOCKER	SGT NS Ballipani #4259	
2/21/19	8:05 AM	1	K231 NY EVIDENCE LOCKER	TROOP K EVIDENCE	AN SCA #1665	
4/23/19	11:50 AM	1	TROOP K EVID	MASCL	#3404	
4/23/19	12 PM	1	MASCL	TROOP K EVID	AN KM Camp #3314	
4/23/19	2:30 PM	1	TROOP K EVID	TROOP K FIU	AN KM Camp #3314	
4/23/19	2:59 PM	1	TROOP K FIU	TROOP K EVID	AN KM Camp #3314	
5/2/19	11:00 AM	ID	FIG - ALBANY	TROOP K EVID	#3404	
5/2/19	3:46 PM	ID	TROOP K EVID	TROOP K FIU	#3404	#69

INSTRUCTIONS TO EVIDENCE CUSTODIAN:

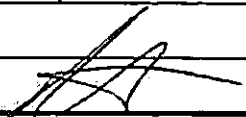
NAME AND ADDRESS OF LABORATORY:

FINAL DISPOSITION OF EVIDENCE: ITEM NUMBERS - DATE OF DISPOSITION

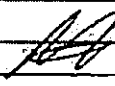

AUTHORITY FOR DISPOSITION:

LIST ADDITIONAL REPORTS OR PHOTOGRAPHS SUBMITTED TO THE LAB:

ADDITIONAL INFORMATION:

LAB USE ONLY	U	NAME OF STATION OR AGENCY SP East Fishkill		B	NAME OF STATION OR AGENCY		CONTINUATION SHEET NUMBER 1	
		F	T/ZS K231		CASE NUMBER 8737921	C	T/ZS	CASE NUMBER
	DATE OCCURRED 02/06/2019		LABORATORY CASE NO. 19ML-00379		COUNTY OF OCCURRENCE Dutchess			
	INVESTIGATING MEMBER Sgt/SC B Williams				SUBMITTED BY S/Inv Holtman 			
NAME ONLY (L/F/M) OF DEFENDANT / VICTIM					NAME ONLY (L/F/M), OF COMPLAINANT / OWNER NYSP			

EVIDENCE				CHECK INITIAL STATUS		
ITEM #	DESCRIPTION	EXAMINATION REQUESTED	ID	HOLD AT STA.	TO TROOP	TO LAB
<i>TRANSFER RECORD ONLY</i>						

TRANSFER RECORD				
DATE & TIME	ITEMS INVOLVED	FROM	TO	SIGNATURE
05/03/2019	ID	Troop K FIU	Troop K Evidence	 2568 

ADDITIONAL INFORMATION:

WHITE - Laboratory YELLOW - Troop PINK - Station GOLD - Member/FIU



NEW YORK STATE POLICE
 Mid Hudson Satellite Crime Laboratory
 224 Breunig Road, P.O. Box 4077, New Windsor, NY 12553-0077 |
 (845) 564-4330 | www.troopers.ny.gov

Amended
 PK 2/21/19

Crime Laboratory Case Receipt Record

Lab Number **19ML-00379** Agency Case Number 8737921
 Submitting Agency **K261-SP-EAST FISHKILL**

Submission Date-Time 2/21/2019 - 12:02 pm Received By Renee M. Rose
 Submitted By TPR HOBSON
 Comments

Associated Names

<u>Last Name</u>	<u>First Name</u>	<u>Middle Name</u>
NYSP		

<u>Item</u>	<u>Description / Source</u>
1	One (1) sealed plastic bag containing: Chunk Substance BAG, GLASSINES W/ POWDER & RUBBERBAND.



E-2



NEW YORK STATE POLICE
Forensic Investigation Center
Building 30, 1220 Washington Avenue, Albany, NY 12226-3000 |
(518) 457-1208 | www.troopers.ny.gov

Return to Submitting Agency - Pick Up

K261-SP EAST FISHKILL

05/02/2019

Lab Case: 19ML-00379

Dept Case No: 8737921

Item	Container	Description / Source
1D <i>KL</i>		One (1) sealed plastic bag containing: Item(s) for Fingerprint Processing packaging

No Items remain at Lab.

TRANSFER RECORD				
DATE	ITEMS INVOLVED	FROM	TO	SIGNATURE
05/02/2019	Above Listed Items	Forensic Investigation Center	TRP HOBSON-TROOP K VAULT	<i>[Signature]</i> # 34104

ADDITIONAL INFORMATION:

The items and/or sub-items listed on this receipt were assigned by the laboratory and are returned in sealed packages. The accountability for the contents of these sealed packages is the responsibility of the submitting officer and/or laboratory scientist.



E-2



NEW YORK STATE POLICE
Mid Hudson Satellite Crime Laboratory
224 Breunig Road, P.O. Box 4077, New Windsor, NY 12553-0077
(845) 564-4330 | www.troopers.ny.gov

Return to Submitting Agency - Pick Up

K261-SP EAST FISHKILL

04/22/2019

Lab Case: 19ML-00379

Dept Case No: 8737921

Item	Container	Description / Source
1	1	One (1) sealed plastic bag containing: Chunk Substance BAG, GLASSINES W/ POWDER & RUBBERBAND
1A	1	One (1) sealed plastic bag containing: Chunk Substance BAG Change in form: Packaging added
1B	1	One (1) sealed plastic bag containing: Chunk Substance 1 GLASSINE W/ POWDER Change in form: Packaging added
1C	1	One (1) sealed plastic bag containing: Chunk Substance 4 GLASSINES W/ POWDER Change in form: Packaging added

Additional Items remain at Lab

TRANSFER RECORD				
DATE	ITEMS INVOLVED	FROM	TO	SIGNATURE
04/22/2019	Above Listed Items	Mid Hudson Satellite Crime Laboratory	INV K. CAMPOS	<i>Inv K. Campos</i>

ADDITIONAL INFORMATION:

The items and/or sub-items listed on this receipt were assigned by the laboratory and are returned in sealed packages. The accountability for the contents of these sealed packages is the responsibility of the submitting officer and/or laboratory scientist.



NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- vs. --

Defendant(s)

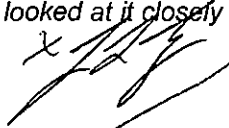
<p align="center"><u>INCIDENT LOCATION:</u></p> <p>STATE OF NEW YORK <u>LOCAL CRIMINAL</u> COURT</p> <p>COUNTY OF <u>DUTCHESS</u></p> <p>TOWN <u>PLEASANT VALLEY</u> of <u>PLEASANT VALLEY</u></p>	<p align="center"><u>LOCATION OF DEPOSITION:</u></p> <p>STATE OF NEW YORK</p> <p>COUNTY OF <u>DUTCHESS</u></p> <p>TOWN <u>PLEASANT VALLEY</u> of <u>PLEASANT VALLEY</u></p>
---	--

On <u>02/06/2019</u> at <u>02:20 PM</u> I, <u>JOHN L ZELKER</u>

Date of Birth <u>11/29/1970</u>	No. and Street <u>53 WEST CEDAR ST</u>	CITY <u>POUGHKEEPSIE</u>	State <u>NY</u>
------------------------------------	---	-----------------------------	--------------------

State The Following:

On February 6, 2019 at approximately 1:50pm, I was working at Troop K Headquarters in AMI. I was replacing the antenna line for the radio antenna in 2K56. In order to complete this job I had to remove the rear seat. After I removed the rear seat, I saw a plastic baggie stuffed behind the rear seat near the passenger door. I thought it was a bag that was left by the manufacturer that covered the seatbelt buckles. Once I looked at it closely I saw that there were drugs inside the bag. I immediately notified Mike Thomson, the AMI supervisor.



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.

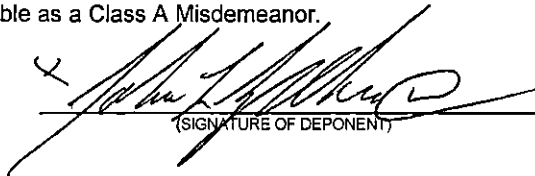
Affirmed under penalty of perjury

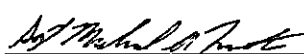
this 06 TH day of FEBRUARY, 2019

- OR -

* Subscribed and Sworn to before me

this _____ day of _____


(SIGNATURE OF DEPONENT)

(WITNESS)	Time Ended <u>02/06/2019 02:30 PM</u>
 (NAME OF PERSON TAKING DEPOSITION)	

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

UF Patrol Vehicle Inspection	Station: SP East Fishkill	Plate # 2K56
	Date Inspected: 02/01/2019	

Vehicle Information				
Van #	Year	Make	Model	Odometer Reading
160380	2016	Dodge	Charger	124,491
Last Operator's Name (Last, First, MI)		Inspected By (Last, First, MI)		
Costa, Robert		Costa, Robert		
Instructions: • Make notes as needed to clarify. • Retain monthly inspection in files until after next inspection, then destroy. • Retain supervisory quarterly inspection in files until after next quarterly inspection, then destroy.			Codes: ✓ or S = Satisfactory U = Unsatisfactory N = Not Applicable M = Missing Item R = Repair Needed X = Needs Replacement	
Exterior		Interior		Trunk
✓ Appearance	✓ Windshield	✓ Appearance (Neat and Organized)		
✓ Tires	✓ Glass (Also, Rear Windows Disabled?)	✓ AED Pad 1 Exp Date: 02/01/2018		
✓ Wipers & Washers	✓ Slick Top / Cite Lights	✓ AED Pad 2 Exp Date: 02/01/2018		
✓ Push Bumper	✓ Inspection Sticker Exp Date: 06/01/2019	✓ AED Battery 1 Exp Date: 08/01/2018		
R Headlights	✓ E-ZPass # G400407157890	✓ AED Battery 2 Exp Date: 08/01/2018		
✓ Grille or Push Bumper Lights	Dashboard / Center Console	✓ Naloxone Exp Date: 09/01/2019		
✓ Parking Lights	✓ Gauges	✓ DWI Blood Kit Exp Date: 06/30/2019		
✓ Taillights	✓ Warning Lights	✓ First Aid Kit (See GENL-111)		
✓ Brake Lights	✓ Heater - Defroster	✓ Biohazard Kit		
✓ Backup Lights	✓ Air Conditioner	✓ Crime Scene Kit		
✓ License Plate Light	✓ Horn	✓ Flares		
✓ Arrow Stick	✓ Emergency Flashers	✓ Fire Extinguisher		
N Roof Light Bar	✓ Turn Signals	Charged? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
N Highway Bar (Elevated Light Bar)	✓ Siren	6 Yr. Maintenance Due Date: 05/01/2025		
✓ NYS Decals (Including Roof)	✓ Shotgun Release	✓ 50' Rope		
✓ Fluids (Oil and Windshield Washer)	✓ Trunk Release	✓ 100' Measuring Tape		
Interior		✓ Police Radio(s) / Radio Tested <input checked="" type="checkbox"/>	✓ Spare Tire	
✓ Appearance	✓ PA Mic, Computer, Monitor, Printer, Keyboard, Scanner, AVL, LPR, and Connections	✓ Jack & Handle		
✓ Ballistic Sticker - Front Door Panels (No Ballistic Panel on '12-13 Dodge Chargers)	Fuel & Oil Book	✓ 4 Way Lug Wrench		
✓ Door Locks (Rear Lock Disabled?)	✓ Self-Insured Form	✓ Trunk Lid Lights		
✓ Seatbelts	✓ Preventative Maintenance Schedule	✓ Shotgun Serial # AB505827M		
✓ Spotlights	Service up to date? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Condition		
✓ Dome Light	✓ Speedometer Deviation Record	✓ Secured In Shotgun Rack		
✓ Res-Q-Me Tool	Date Completed: 10/09/2018	✓ Loaded (4 slugs in Tubular Magazine)		
✓ Steering Wheel Aux Buttons	Glove Compartment	✓ Extra Ammo (5 Slug / 5 Buckshot)		
✓ Brake Condition - Pedal (Firm)	✓ DV Tags	✓ Rifle Plates		
✓ Parking Brake	✓ Deer Tags	✓ Front Serial # 16260035015182		
✓ Radar # FP-19940	✓ Tire Tread Gauge	✓ Back Serial # 16260035015189		
✓ AlcoSensor # F00015701				
Was vehicle test driven? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Is any unauthorized equipment installed? (If yes, describe below.)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Was an officer safety check for deadly weapons/dangerous instruments conducted on the vehicle's interior?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Comments / Remarks:				
DRIVER'S SIDE DAYTIME RUNNING LIGHT OUT, NEEDS REPLACEMENT. REAR SEAT CHECKED				

NEW YORK STATE POLICE

MEMORANDUMTroop K StationDate February 11, 2019**To: Major Richard L. Mazzone, Troop Commander, Troop K****From: Trooper Freddy Lopez Jr 5435 F.L.****Subject: PERSONNEL COMPLAINT – FOUND CONTRABAND**

I have been ordered by SC/SGT BRIAN M. WILLIAMS, SP East Fishkill, to provide a written account of CONTRABAND located in 2K56. I have been advised of my Article 16 rights. I am being represented by Trooper MAURICE COLEY, Troop K Delegate, and provide the following account:

On February 5, 2019 I was scheduled to work a 2 tour at SP East Fishkill. Prior to going on patrol, I performed a daily inspection of 2K56 in accordance with the MEMBERS MANUAL ARTICLE 5; DIVISION VEHICLES I checked both driver and passenger seats for any contraband utilizing search gloves and the aid of a flashlight with negative results. I conducted a search of possible places contraband could be placed by a subject being transported in the rear seat of 2K56 with negative results. I attempted to physically remove the backseat but was unsuccessful in doing that knowing I could possibly cause damage to the rear seat if not removed properly. I did not notify a supervisor because I did not think this warranted a notification due to no reported damage to the backseat while attempting to remove same.

During my shift I effected no arrests and did not place any subjects in my vehicle during patrol. I also conducted a secondary inspection of 2K56 prior to the end of my shift with no reported finding of contraband located in the vehicle. Additionally between the hours of 12am – 5am I was the passenger in 2K54 with Trooper ROBERT STANTON as the driver.

NEW YORK STATE POLICE

MEMORANDUM

Troop K Station SP East Fishkill

Date February 12, 2019

To: Major RICHARD L. MAZZONE Troop Commander, Troop K

From: Trooper MICHAEL BAYER 

Subject: PERSONNEL COMPLAINT – FOUND CONTRABAND

I was advised of my rights to representation pursuant to Article 16.2 of the PBA contract by Sgt/SC BRIAN WILLIAMS on February 12, 2019. I am represented by my PBA Delegate MAURICE COLEY and I provide the following written account.

At 7pm on Friday February 1, 2019, I operated marked state police patrol vehicle 2K56 during my assigned "2" tour. Prior to going on patrol I visually inspected the rear seat of 2K56 and physically checked its crevasses with negative results. I was unable to remove the rear seat of 2K56 for inspection and was concerned about potentially causing damage to it by exerting too much force upon it. I therefore lifted the seat and inspected it with a flashlight spreading the back rest from the seat cushion to conduct my inspection. The inspection was completed with negative results.

From 12am to 5am on Saturday February 2, 2019 Trooper JOHN DIRUSSO was my passenger in 2K56. No one else was in 2K56 during my tour. At the end of my tour I visually inspected the rear seat of 2K56 and physically checked its crevasses with negative results. I was unable to remove the rear seat of 2K56 for inspection and was concerned about potentially causing damage to it by exerting too much force upon it. I therefore lifted the seat and inspected it with a flashlight spreading the back rest from the seat cushion to conduct my inspection. The inspection was completed with negative results.

At 7pm on Saturday February 2, 2019 I operated marked state police patrol vehicle 2K56 during my assigned "2" tour. Prior to going on patrol I visually inspected the rear seat of 2K56 and physically checked its crevasses with negative results. I was unable to remove the rear seat of 2K56 for inspection and was concerned about potentially causing damage to it by exerting too much force upon it. I therefore lifted the

seat and inspected it with a flashlight spreading the back rest from the seat cushion to conduct my inspection. The inspection was completed with negative results.

From 12am to 5am on Sunday February 3, Trooper DIRUSSO was my passenger in 2K56. Trooper DIRUSSO sat in the front passenger seat during those hours. On Sunday February 3, 2019 at approximately 2am I arrested [REDACTED] for 1192 (SJS [REDACTED]) by handcuffing her behind the back and double locking the handcuffs. Upon taking [REDACTED] into custody I searched her while simultaneously being cognizant of my search limitations due to her sex. I searched [REDACTED] utilizing the back of my hand first searching her waistline, then her pockets making her 2 front pockets inside out. I then went from the bottom of [REDACTED] left leg to her waist, then down to the bottom of her right leg to her right foot. After checking [REDACTED] waist and lower half I checked her left arm, her back, her right arm, and her abdomen. After taking [REDACTED] into custody I placed her in the rear passenger seat of 2K56 and secured her with the seatbelt. During my search of [REDACTED] and placement of her in 2K56 Trooper DIRUSSO conducted an inventory of [REDACTED] vehicle. [REDACTED] was transported from the scene back to SP East Fishkill in the rear passenger seat of 2K56 while trooper DIRUSSO sat in the front passenger seat. No one else was in 2K56 during my tour. At the end of my tour I visually inspected the rear seat of 2K56 and physically checked its crevasses with negative results. I was unable to remove the rear seat of 2K56 for inspection and was concerned about potentially causing damage to it by exerting too much force upon it. I therefore lifted the seat and inspected it with a flashlight spreading the back rest from the seat cushion to conduct my inspection. The inspection was completed with negative results.

At 7pm on Sunday February 3, 2019 I operated marked state police patrol vehicle 2K56 during my "2" tour. Prior to going on patrol I visually inspected the rear seat of 2K56 and physically checked its crevasses with negative results. I was unable to remove the rear seat of 2K56 for inspection and was concerned about potentially causing damage to it by exerting too much force upon it. I therefore lifted the seat and inspected it with a flashlight spreading the back rest from the seat cushion to conduct my inspection. The inspection was completed with negative results.

I was the passenger in 2K54 from 12am to 5am on Monday February 4, 2019 with Trooper DIRUSSO as the driver. No one else was in 2K56 during my tour. At the end of my tour I visually inspected the rear seat of 2K56 and physically checked its crevasses with negative results. I was unable to remove the rear seat of 2K56 for inspection and was concerned about potentially causing damage to it by exerting too much force upon it. I therefore lifted the seat and inspected it with a flashlight spreading the back rest from the seat cushion to conduct my inspection. The inspection was completed with negative results. I did not notify a supervisor of my non-removal of the rear seat as I believed my search would have detected any contraband and as previously stated was concerned about damaging the rear seat upon its repeated removal, I did not believe making a notification would alleviate that concern.

NEW YORK STATE POLICE



MEMORANDUM

Troop K Station SP East Fishkill

Date February 12, 2019

To: Major RICHARD L. MAZZONE Troop Commander, Troop K

From: Trooper JOHN DI RUSSO *J*

Subject: PERSONNEL COMPLAINT – FOUND CONTRABAND

I was advised of my rights to representation pursuant to Article 16.2 of the PBA contract by Sgt/SC BRIAN WILLIAMS on February 12, 2019. I am represented by my PBA Delegate MAURICE COLEY and I provide the following written account.

On Friday February 1, 2019, I worked a 2 shift in my assigned vehicle 2K54. Between the hours of 12am – 5am I was the passenger in 2K56 with Trooper BAYER as the driver. At no point during my tour on Friday February 1, did I search 2K56.

On Saturday February 2, 2019, I worked a 2 shift in my assigned vehicle 2K54. Between the hours of 12am-5am I was the passenger in 2K56 with Trooper BAYER as the driver. At no point during my tour on Saturday February 2, did I search 2K56. On February 3, (during the February 2nd, 2 shift) at approximately 2:00am Trooper BAYER arrested [REDACTED] (SJS [REDACTED] for DWI. Once myself and Trooper BAYER safely placed [REDACTED] in handcuffs, I began to conduct an inventory of [REDACTED] vehicle. Trooper BAYER searched [REDACTED] and placed her in the passenger side rear seat of 2K56. After the completion of the vehicle inventory, I returned to 2K56 and sat in the front passenger seat. [REDACTED] was transported in the rear passenger side seat in 2K56 to SP EAST FISHKILL for processing. At no point after arrival at the barracks did I search or check 2K56.

On February 3, 2019, I worked a 2 shift in my assigned vehicle 2K54. Trooper BAYER was my passenger from 12am-5am. At no time during my 2 shift of February 3 was I in 2K56.

As previously stated, I did not search 2K56 for any contraband therefore never attempted to remove the rear seat of 2K56 and never made any notifications of such.

NEW YORK STATE POLICE

MEMORANDUM

Troop K Station SP East Fishkill

Date February 12, 2019

To: Major RICHARD L. MAZZONE Troop Commander, Troop K

From: Trooper ROBERT COSTA (RC)

Subject: PERSONNEL COMPLAINT – FOUND CONTRABAND

I was advised of my rights to representation pursuant to Article 16.2 of the PBA contract by Sgt/SC BRIAN WILLIAMS on February 12, 2019. I am represented by my PBA Delegate MAURICE COLEY and I provide the following written account.

On Friday February 1, 2019, I operated marked state police patrol vehicle 2K56 during my assigned "1" tour. At the beginning of my tour, I completed a GEN'L 44 Vehicle Inspection for 2K56. During the inspection, I visually inspected the rear seat of 2K56 and physically checked the crevasses for drug contraband or weapons with negative results. I did this by spreading the rear seat and back cushion apart while running my hand between the cushions to feel for anything and using a flashlight to visually inspect the crevasses. I was unable to remove the rear seat of 2K56 during the inspection. I attempted multiple times to remove the rear seat with negative results. I was concerned about potentially damaging the vehicle by forcefully trying to remove the rear seat. I also visually checked under the front driver's seat and passenger seat by using a flashlight. No one else was in 2K56 for the duration of my tour. At the end of my tour, I again visually and physically checked 2K56 for contraband with negative results. I did this by spreading the rear seat and back cushion apart while running my hand between the cushions to feel for anything and using a flashlight to visually inspect the crevasses. I also visually checked under the front driver's seat and passenger seat by using a flashlight.

On Saturday February 2, 2019, I operated marked state police patrol vehicle 2K56 during my assigned "1" tour. No one else was in 2K56 for the duration of my tour. At the beginning of my tour, I searched 2K56 for drug contraband or weapons with negative results. I did this by spreading the rear seat and back cushion apart while running my hand between the cushions to feel for anything and using a flashlight to visually inspect the crevasses. I also visually checked under the front driver's seat and passenger seat by using a flashlight. At the end of my tour, I again visually and physically checked 2K56 for

contraband with negative results. I did this by spreading the rear seat and back cushion apart while running my hand between the cushions to feel for anything and using a flashlight to visually inspect the crevasses. I also visually checked under the front driver's seat and passenger seat by using a flashlight.

On Sunday February 3, 2019, I operated marked state police patrol vehicle 2K56 during my "1" tour. At the beginning of my tour, I searched 2K56 for drug contraband or weapons with negative results. I did this by spreading the rear seat and back cushion apart while running my hand between the cushions to feel for anything and using a flashlight to visually inspect the crevasses. I also visually checked under the front driver's seat and passenger seat by using a flashlight. At approximately 6:15pm, I arrested [REDACTED] [REDACTED] for 1192 (SJS [REDACTED]). Subsequent to my arrest, I searched [REDACTED] and placed him into the front passenger seat of 2K56. I transported [REDACTED] to SP East Fishkill. At no time was [REDACTED] placed in the rear seat of 2K56 or have access to the rear seat of 2K56. No one else was in 2K56 for the duration of my tour. At the end of my tour, I again visually and physically checked 2K56 for contraband with negative results. I did this by spreading the rear seat and back cushion apart while running my hand between the cushions to feel for anything and using a flashlight to visually inspect the crevasses. I also visually checked under the front driver's seat and passenger seat by using a flashlight.

On Wednesday February 6, 2019, I operated marked state police patrol vehicle 2K56 during my assigned "1" tour. At the beginning of my tour, I searched 2K56 for drug contraband or weapons with negative results. I did this by spreading the rear seat and back cushion apart while running my hand between the cushions to feel for anything and using a flashlight to visually inspect the crevasses. I also visually checked under the front driver's seat and passenger seat by using a flashlight. At approximately 12:30pm, I relayed 2K56 up to Troop Headquarters for an antenna repair. I waited at Troop while NYCOMCO worked to repair the antenna for 2K56. At approximately 1:30pm, First Sgt. MATTHEW C. SCHLOTTMANN advised me that NYCOMCO had located drugs under the rear seat of 2K56.

Prior to going on patrol each day, and at the end of each tour, I visually inspected the rear seat of 2K56 including the crevasses by spreading the seat from the back rest and using a flashlight to check the crevasses as well as physically feeling around with my hand with negative results for any illegal drugs or contraband. I was unable to completely remove the rear seat of 2K56 to check underneath. I did not notify a supervisor of my inability to remove the rear seat as I believed my search would have detected any contraband and did not believe making a notification would alleviate the concern of possibly damaging the rear seat of 2K56. On each occasion the inspection was completed with negative results.



**State
Police**

**FORENSIC IDENTIFICATION UNIT
TROOP K**

E-14

ANDREW M. CUOMO
Governor

KEITH M. CORLETT
Acting Superintendent

LATENT PRINT REPORT

TO: Sgt/SC Brian Williams
SP East Fishkill
P.O. Box 41
Stormville, NY 12582

May 13, 2019
FIU Case #: 19-107
Agency Case #: 8737921
SP East Fishkill

SUBJECT: NYSP - Complainant
2/6/2019

ITEMS:

Item #1D - One (1) sealed plastic bag containing: Item(s) for fingerprint processing packaging

EXAMINATION/CONCLUSION:

Item #1D consists of a piece of wax paper and a plastic baggie. Item #1D was processed with black powder and visually examined for friction ridge impressions, with no friction ridges observed.


(CPL 190.30(2) Certification)

I, Shannon M. Alpert, Investigator, hereby certify that I am a public servant and a fingerprint technician in the employ of the New York State Police, and that I performed an examination on the above referenced evidence. The above report contains the results of the examination I personally performed and is the original report of my examination.

Shannon M. Alpert


Investigator
Latent Print Examiner

Michael P. Holtman


Senior Investigator
Latent Print Examiner

Daniel P. Smith


Lieutenant
Bureau of Criminal Investigation

Gen 7

E-15

NEW YORK STATE POLICE

MEMORANDUM

Troop K Station SP Poughkeepsie

Date May 20, 2019

To: Major Richard L. Mazzone, Troop Commander, Troop K

From: Sergeant Nicholas S. Gallipani *NSG*

Subject: PERSONNEL COMPLAINT – FOUND CONTRABAND

On February 6, 2019, I was working a scheduled 11C out of SP Poughkeepsie. At approximately 2:00 pm, I was in SP Poughkeepsie's patrol room when I was advised by First Sergeant MATTHEW C. SCHLOTTMANN that drugs were discovered in a marked patrol car 2K56. JOHN L. ZELKER, a NYCOMCO employee had discovered drugs underneath the rear seat of 2K56 while running a radio antenna line in Troop K AMI. I was instructed by First Sergeant SCHLOTTMANN to take the drugs into evidence.

In Troop K AMI, ZELKER showed me where the drugs were in 2K56. I took possession of said drugs and placed them in an evidence bag. I then completed a General 2 and General 40 and placed the evidence in SP Poughkeepsie's uniform evidence locker.

SUPPORTING DEPOSITION (CPL § 100.20)

E-16

THE PEOPLE OF THE STATE OF NEW YORK
VS

DEFENDANT(S)

LOCATION OF INCIDENT:	
STATE OF NEW YORK, <u>LOCAL CRIMINAL</u> COURT	
COUNTY OF <u>DUTCHESS</u>	
TOWN <u>OF PLEASANT VALLEY</u>	

LOCATION OF DEPOSITION:	
STATE OF NEW YORK	
COUNTY OF <u>DUTCHESS</u>	
TOWN <u>OF PLEASANT VALLEY</u>	

On

DATE: 05/20/19

 at

TIME STARTED: <input type="checkbox"/> AM <input type="checkbox"/> PM
--

 I,

FULL NAME: MICHAEL R. THOMSON

STATE THE FOLLOWING:

On February 6, 2019 I was working at Troop K Headquarters AMI. NYCOMCO employee John L. Zelker was at AMI to replace the antenna line for the radio antenna in 2K56 which runs under the rear passenger seat. At approximately 1:50pm John L. Zelker notified me he had found a bag a drugs under the rear seat of 2K56. I immediately contacted Troop K First Sergeant Matthew Schlottmann.

NOTICE

(Penal Law Sec. 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 _____ day of _____ MONTH, 20 _____
- or -

*Subscribed and Sworn to before me

this _____ day of _____, 20 _____


(SIGNATURE OF DEPONENT) – MICHAEL R.
THOMSON

(WITNESS)

TIME ENDED AM
 PM

(NAME OF PERSON TAKING DEPOSITION)

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

Troop Order 2018

KO # 18-02

Subject: INSPECTION AND SECURITY OF DIVISION PATROL VEHICLES Issued: 11/20/18

From: Major Richard L. Mazzone, Troop Commander, Troop K Page 1 of 1

Attn: All Troop "K" Members

Reference is made to the above captioned subject and associated NYSP Member's Manual Article 5C1(a, b) pertaining to a driver's daily vehicle inspection and operation of uniform patrol vehicles. Recent incidents involving the discovery of contraband concealed under and around the rear seats of patrol vehicles have prompted a review of how inspections of Division patrol vehicles will be conducted. Effective immediately, all Members utilizing a patrol vehicle for any purpose, will carefully raise and/or remove the rear seat and visually check the area underneath the seat as part of their daily vehicle inspections. This can be accomplished by pulling upward against the rear seat latches to release them (depending on the make/model of the patrol vehicle). Additionally, the inspection of the back-rest area of the seat and associated seatbelt anchor point locations that are not removable, should be viewed with a flashlight or similar device to ensure that no contraband or weapons are secreted behind those areas. To date, all marked patrol vehicles in our fleet are designed to have the rear seat portion removed or positioned for access for these purposes. Please be mindful not to damage any of the vehicle components that may be housed under the rear seat area of these vehicles. Any incidents of rear seating that appear to be unable to be safely removed or lifted out of the viewable area, should immediately be brought to the attention of a station supervisor for follow-up and determination on how to rectify the issue. Members are reminded that patrol vehicle inspections will occur prior to the start of their tour or operation of that vehicle and subsequent to the transport of any non-Division member in that vehicle.

In addition, during the monthly patrol vehicle inspection conducted by the vehicle MIC in accordance with NYSP Member's Manual Article 11L4(a, b), the required officer safety check for deadly weapons/dangerous instruments conducted on the vehicle's interior will include the removal of the rear seat and search underneath it. The corresponding Genl. 44 will include the comment "rear seat removed" in the comments/remarks section to denote the action taken. The quarterly supervisor's verification will require the same action to be taken.