LeRey, N. Y. Jan. 14,1975

Chief \_\_\_\_

LeRey Police

LeRey, N.Y.

Dear Chief of Police,

In response to our phone call of Jan. 13,1975, I am writing this letter to inform you of the circumstances surrounding the incident we discussed.

If you would like to check out my credibility, I would be pleased.

I work at I have been there for nearly a year. You can contact any of the people I work with, I have been there for nearly a year. They will vouch for my character.

My wife and I have both talked with Village Justice the and he directed us to contact you. My wife is a the are living at presently.

Jan. 12, My wife, two friends, and myself were heading to to watch a school basketball game. As we stopped at the exit from onto W. Main, we noticed a police car parked on the North side of Main, apparently as a speed trap. My friends and I glanced as we went past.

we continued down Main and turned left at the light. As we approached the parking let opposite the parking for the boys that we expected to see heading for the game. This is apparently when the patrol car closed in on us with his lightson.

None of us saw him.

When I turned into the parking lot my wife made some remark about the game not starting until 1:30. This caused me to stop suddenly. As I stopped I glanced in my rear view mirror, all I could see was the hood of a green car. I started forward in order to make room for the car to enter when my friend said it was a police car with its lights on. As I applied the brakes the patrol car streaked up alongside of us and stopped. The patrolman leaped out slammed the door and demanded my license, registration, and insurance card. As soon as I produced them He told me to get in the backseat of his car. As I did, he turned to my wife and says, "New we'll see who is playing games, Babe!" He then gets in his car and starts to leave.

I asked him where we were going and why. All I get was, "Den't you worry about that!" As we appeared the read from parking let he stepseand started asking me what I thought I was doing harassing him. I tried to tell him that I had no idea what he was talking about. When I tried to explain what I was doing he cut me eff and said that the Village Justice is out of town, and he is really glad because he's too lenient. Then he said he'd take me to Stafford where it'll cost me \$100 or 5 days or both. I'was still trying to figure out what he stopped me for.

When I finally get a chance I asked him if I broke any laws.

He said he could give me a ticket for running the step sign at

(I have 3 others and myself who know that I did step) and for driving

34 M.P.H. in a 30 zene, and reckless driving. He claimed that I

purposely stepped quickly in the driveway of trying to

get him to run into the back of my car. When I tried to tell him why

I stepped he said that he should have hit me, because it would have

been my fault.

By this time my wife and friends are wendering what's going en. My friend get out of the car and walked past the patrol car about 100 away and steed by a telephone pole. He was there in case we went somewhere, he wanted to know where.

The peliceman by this time threatened me by saying that he new knews the car, and there are 2 other pelice that tare on living, that he will have them on the look out for my car also. And if it even looks like it's doing something wrong, they'll pull it over.

As I mentioned before, we live at the The Policeman then started ranting about how awful was. And how it should be closed down or moved out of LeRey.

He then spotted my friend and told him to get into the car.

When my friend tried to find out what was going on and he mentioned how the policeman almost hit us, The policeman said he was going to arrest him for leaving the car without his permission. After a few more insulting remarks to us with only civil replies he cools down a little and said we could go, with which he handed back my license, ect.

We were not charged with anything! I'm sorry if I bored you with lengthy details but I wanted everything brought out clearly.

What I really objected to in this confrontation was:

- 1. His rude treatment to my wife and friends.
- 2. His insults upon my integrity and my friends'.
- 3. His threats to take me to the Stafford justice, because the village justice wasn't there and he loves to have him leave because he's too lenient.
- 4. He stereotyped all residents into one deviant group.
- 5. His threats to "be out to get me".
- 6. His reckless behavior and statement "he should have ran right into US".

- 7. His threatening to arrest my friend for leaving my car, and taking down his name, address, occupation, etc.
- 8. His accusing us of playing games and harassing him, when he eme did any such thing. I alwayed speke to him politely.
- 9. His lack of something to do than follow us and pull us over on the suspicion that we made faces at him. That seems to me to be a childish act on our part which we are above doing.
- 10. His apparent grudge against us because we live in

I think this whele incident was really unnecessary. Incidents such as this makes one really think about the police force. I'm writing to you on the advice of several other residents of LeRey who also feel that George McKenzie over steps his authority and in some cases harasses people unnecessarily. His attitude and tactics actually alienates people from the police department.

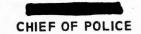
If you have any questions or want verification for any part of this incident, you can call me at home, or during the day at Thank-you for your time and attention to this problem.

Sincerely,

SERGEANT

### Village of Te Roy

### Department of Police 1E BOY, NEW YORK 14482





January 21, 1975

TO: George Mac Kenzie, Patrolman Le Roy Police Department Le Roy, New York 14482

On January 12, 1975, while on your tour of duty, 8 a.m. to 6 p. m., and at about twelve (12) o'clock in the afternoon you did stop a vehicle on Street being driven and operated by

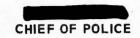
Le Roy, New York. At the said time and place, passengers in the car were his wife and Mr. and Mrs.

On January 13, 1975, I received a letter from Mr. objecting to: (1) Your rude treatment to his wife and friends, (2) your insults upon his integrity and his friends', (3) your threats to take him to the Stafford Justice, because the Village Justice was unavailable, and that you love to have him leave because he's too lenient, (4) you stereotyped all residents into one deviant group, (5) your threats to be out to get Mr. (6) your reckless behavior and statement that you should have run into his vehicle, (7) your threating to arrest his friend for leaving the vehicle and taking down his name, address, occupation, etc., (8) your accusing the four occupants in the vehicle of playing games and harassing you when no one did any such thing, (9) your lack of something to do better, than to follow him and pull him over on the suspicion that he and his passengers made faces at you, (10) your apparent grudge against him because he lives at

On January 19, 1975, I, as Chief of Police, did interview Mr. and his three passengers, and did tape their answers to my questions. I could not substantiate all of their objections to your behavior, but it is my opinion that you did violate some of the Rules and Regulations of this Department.

### SERGEANT

# Billage of Le Roy Department of Police LE ROY. NEW YORK 14482





Page 2
George Mac Kenzie, (con't)

- (1) Discipline-Acts Ordered, Paragraph 13 of the Rules and Regulations state that you must give your name and badge number to all persons when requested in a civil manner.
- a. In my interview with the brought out that you failed to give him your name and badge number.
- (2) General Rules and Regulations, Paragraph 3 state that you must not be guilty of conduct unbecoming an officer or of conduct prejudicial to the good reputation, the order or discipline of the Department of the Police.
- (3) General Rules and Regulations, Paragraph 4 of the General Rules state that every member of the department shall perform his duties in an efficient and orderly manner using patience at all times. He shall refrain from harsh or insolent language, but when required to act with firmness and sufficient energy to perform his duty.

In seperate interviews with Mr. and Mrs.

and Mr. (all of whom have completed or are about to complete college educations), each states that you did say to Mrs. "Now we'll see who is playing games, Babe". Even though you deny making this statement, it is the finding of the Chief of Police that you did make the above statement to Mrs.

Also from my interview, Mr. and Mr. state and object to your saying that is an awful place to live and that it should be closed down or moved out of Le Roy, and that 90% of all Police calls are from You deny saying all this and admit to saying that you said a majority of the Police calls come from The foregoing is a basis for me to find that you did stereotype all residents, and that you did use insolent language to the complaintants.

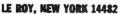
Also, in my interview with Mr. and Mr. they objected to the threat of being taken to the Stafford Justice because the Village Justice was not available and your

SERGEANT

### Village of Le Roy

## Department of Police

CHIEF OF POLICE





Page 3
George MacKenzie (con't)

statement that you love to have him leave because he is too lenient and that the fine in Stafford would be \$100.00 or five (5) days or both.

Here again, you deny saying these exact words. However, you admit saying that the Village Justice was out of town and one Town Justice was your uncle and the other was not available. Here, in my interview, Mr. did not pronounce the name of Judge correctly, but did pronounce a a name that would sound similar if pronounced by a stranger. Also, Mr. claims that you said the Village Justice was in and not available. It could not be a coincidence that Mr. would be familiar with Judge cocasionally going to the fine might be, or will be.

In stopping the said vehicle on a Sunday afternoon, in broad daylight, when, by your own admission, you had no cause to believe that your life was in danager, and when, (again, by your own admission), no arrest was made and no ticket issued, and by ordering Mr. into the back seat of the police car for hological reason whatsoever, I find that you were guilty of harassing him.

Mr. and Mr. object to be threatened by being told two other policemen lived on Street, and that you would have them on the lookout for the vehicle involved, and if it even looked like it was doing something wrong, they would pull it over. Here again you deny having made this statement. However, im my interview with Mr. he states you made this statement. He could not recall the name of the street that you said the policemen lived on, but pointed with his finger west and thinks it is Street, and he, living in New York would not know that two officers from this department live on the same street as you do.

Page 4
George Mac Kenzie (con't)

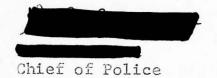
In view of the letter received by me, and seperate interviews with Mr. and Mrs.

Street, Le Roy, and Mr. and Mrs.

New York, I find that you violate the Rules and Regulations of this Department in that your conduct was unbecoming to an officer and that by the virtue of the authority vested in me, I hereby impose a penalty of eight (8) working days suspension, effective January 24, 1975.

You have the right to an Attorney and the right to produce any witnesses in you behalf before two hearing officers, Mayor and Trustee within 30 days to appeal your suspension.

Very truly yours,



In additional to personal interviews with complaintant's and attached hereto and made a part hereof are copies of the original complaint.

STATE OF NEW YORK
COUNTY OF GENESEE : VILLAGE OF LE ROY

In the Matter of Disciplinary Proceedings
Brought Against

GEORGE Mac KENZIE, Patrolman

ANSWER

by Le Roy Police Department

- 1. By letter dated January 21, 1975, Chief of Police notified GEORGE Mac KENZIE, Patrolman of the Le Roy Police Department that he was being suspended for two days withou pay effective January 22, 1975, for violation of Rules and Regulations of the Village of Le Roy Police Department, listed under "Discipline-Acts Forbidden, paragraph 7, loafing on duty."
- 2. By another letter dated January 21, 1975, signed by

  Chief of Police of Le Roy Police Department, and
  written to GEORGE Mac KENZIE, Patrolman of the Le Roy Police Department, he was notified that he was suspended for a period of eight working days, effective January 24, 1975 upon the basis

that he did violate Rules and Regulations of the Village of Le Roy Police Department, specifically as follows:

- (1). "Discipline-Acts Ordered, Paragraph 13 of The Rules and Regulations";
  - (2). 'General Rules and Regulations, Paragraph 3";
- (3). "General Rules and Regulations, Paragraph 4 of the General Rules".
- 3. The undersigned specifically denies each and every act in both charges and in both letters dated January 21, 1975, which constitute any violation of the Rules and Regulations of the Le Roy Police Department, therein referred to.
- 4. With regard to the specific charge of "Loafing of Duty", the undersigned specifically denies any such activity which constituted Loafing on Duty.
- 5. With regard to the violation, as set forth in the letter of January 21, 1975, of Paragraph 13, Acts Ordered of the Rules and Regulations, the undersigned denies the allegation set forth therein.
- 6. The undersigned specifically denies any violation of General Rules and Regulations, Paragraph 3, wherein the undersigned was guilty of conduct unbecoming an officer or of conduct prejudicial to the good reputation, the order or discipline of the Department of the Police.
- 7. The undersigned specifically denies any violation of General Rules and Regulations, Paragraph 4 of the General Rules



(1). "Discipline-Acts Ordered, Paragraph 13 of The Rules

Noy Police Department, specifically as follows:

that he did violate Rules and Regulations of the Village of Le

wherein it is alleged that the undersigned did not perform his duties in an efficient and orderly manner using patience at all times; nor did the undersigned use any harsh or insolent language, as therein alleged.

- 8. The undersigned specifically denies any act charged, as being a violation of the Rules and Regulations of the Le Roy Police Department, not specifically admitted.
- 9. The undersigned demands that a hearing be given to him upon all of the charges in both letters of January 21, 1975 as provided in the Village Law of the State of New York, section 8-804, and under Civil Service Law of the State of New York, section 75. It is specifically requested that a public hearing be afforded to the undersigned as soon as is conveniently possible on all charges brought against the undersigned, that a hearing officer be designated by the Chief of Police, and that a transcript be made of all the proceedings had herein, pursuant to the requirements of Civil Service Law, section 75.

WHEREFORE, the undersigned demands a determination by the Village of Le Roy that all charges brought against him be dismissed, that all suspensions be removed from his record, that he be reinstated as a member of the Le Roy Police Department, and that all pay denied him during any periods of suspension be returned to him, with all benefits afforded to him as a member of the Le Roy Police Department.

page 3-

GEORGE MacKENZIE

Kindly consider this a formal Complaint and a request for a formal internal investigation concerning the actions of one Officer O'Geen of the LeRoy Police Department.

My Complaint stems from an incident which occurred on July 27, 1983 at 1:15 p.m. at my residence at Street, LeRoy, New York. On that occasion, my son and his friends were rehearsing their musical group for a musical performance to take place in the future. Rehearsal was taking place in my garage, located on my premises and with the garage door closed. At approximately 1:15 p.m. the above-referred to Officer O'Geen appeared on my premises. I observed Officer O'Geen and I inquired of Officer O'Geen as to what his business was on my property. Officer O'Geen ignored my request and proceeded to the garage. Once Officer O'Geen reached the garage he proceeded to open the door. Neither at that time or at any other time did I observe Officer O'Geen to be in possession of a warrant with which to search my premises.

Upon opening the door, Officer O'Geen proceeded to yell and scream at my son and his friends located therein. Officer O'Geen was loud and abusive in both his remarks and the tone of his voice. The Officer proceeded to rant at my son and his friends, screaming at them "Do you want to get arrested". When one of the friends indicated that they believed they had the right to practice their musical instruments in the garage until the evening hours, Officer O'Geen responded in a loud and abusive tone saying, "you have nothing-do you want to get arrested."

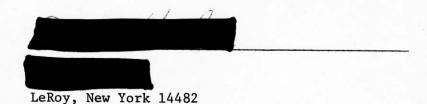
As I indicated earlier, my son and his friends were rehearsing their musical group and as such there was recording of the musical rehearsal. Due to the abrupt nature of Officer O'Geen's appearance, the recording equipment could not be turned off and all of the above-referenced remarks were taped. I do have that tape in my possession and can produce same for your inspection.

It is my understanding from Officer O'Geen's subsequent remarks that he believed that my son and his friends were in violation of Section 240.20 of the New York State Penal Code. My understanding of that Section provides that a person is guilty of disorderly conduct when with intent to cause public inconvenience, annoyance or alarm or, recklessly creating a risk thereof he makes unreasonable noise. I suggest that the conduct of my son and his friends is not proscribed by this Section. There was no intent on the part of my son and his friends to cause any inconvenience or alarm. My son and his friends were merely rehearsing musical instruments during the middle of the day and in a closed garage. I hardly believe that the actions of my son and his friends were unreasonable, or that an unreasonable noise was made, or that any intent was made to cause public inconvenience, annoyance or alarm. Accordingly, I believe that no breach of the peace has been occasioned by my son's actions and believe that Officer O'Geen's intrusion upon my premises to be unwarranted. Moreover, assuming

for a moment that there was some legitmate reason for Officer O'Geen's presence, his behavior in ignoring my request concerning his presence on my property, his unauthorized opening of my garage without a search warrant, and his engaging in loud and abusive language towards my son and his friends to be totally unwarranted and in my view necessary of investigation and appropriate sanction.

I am a law abiding citizen of this community, I pay taxes as and for the support of community services, such as our police department and I make this Complaint against Officer O'Geen out of a sense of shock and outrage. I sincerely hope that something is done about this matter so that future occurrences such as the one I outlined above will not happen.

I would be happy to answer any questions that you may have concerning this matter.



## Village of Le Aog Department of Police

LE ROY, HEW YORK 14482



August 23, 1983

LeRoy, New York 14482

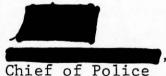
Re: Complaint against Patrolman C.P. O'Geen

Dear Mrs.

I received your letter complaining of the actions of Patrolman C.P. O'Geen on July 27, 1983.

Would you please contact me by phone, or in person so that we may make arrangements so that I may listen to the tape recording of the incident complained of.

Sincerely,





# Village of De Aoy Bepartment of Folice 16 600, Her volumes



CHIEF OF POLICE

October 11, 1983

LeRoy, New York 14482

Re: Conduct of Patrolman Charles P. O'Geen

Dear Mrs. ::

In regards to your complaint of the conduct of Patrolman Charles P. O'Geen on July 17, 1983 at 1:15 P.M., I have interviewed Mr. twice, met and spoke with you at least twice and listened to the tape recording made of the incident being questioned.

After reviewing the tapes and speaking to Patrolman Charles P, O'Geen it is my opinion that Mr. O'Geen did raise his voice and yell. Further, I would add that he did this after being yelled at.

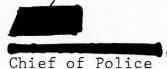
Patrolman O'Geen is a professional police officer. I feel it was the duty of Patrolman O'Geen to attempt to calm the situation that existed at the time. It is clear to me that he failed to attempt to get the matter under control. Therefore, I feel that Patrolman Charles P. O'Geen should receive an oral reprimand.

This has been done and I am sure that this particular type of behavior will not be typical of Patrolman O'Geen in the future.

Again, I would like to say that Patrolman Charles O'Geen is a very consciencious police officer. As you and I discussed we are only humnanbut, we must expect a higher standard from those that serve to protect.

In closing I would like to thank you for your concern, I truly do appreciate your interest.

Sincerely,





## Village of Ar Any Bepartment of Police LE ROY, HEW YORK 19882



January 12, 1984

TO:

Sgt.

FROM:

Chief

SUBJECT: Allegation of Misconduct By Ptlm. D.J. Fasano

Whibe at a Village Board meeting on the night of 1-9-84 I received a complaint that Ptlm. D.J. Fasano, at one time, had a female in the patrol vehicle with him. And that Ptlm. Fasano brought the female to where she purchased a six pack of beer, then she drove away in the patrol vehicle with Ptlm. Fasano.

I am led to believe that this occurred on a Sunday night, was tending bar at the time of the alledged and that occurance.

Conduct an investigation in regards to thes allegation, and submit your findings as soon as possible.

If for any reason you need time off from your regular duties or if overtime is required you have my consent to arrange your schedule accordingly.

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y	DETAILS OF OFFENSE, PROGRESS OF INVESTIGAT	ION, ETC.:
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		design to the second se	21	DATE 3-01-84
27 INVESTIGATING O	FFICER(S)	28 REPO	RT MADE BY	DATE 3-01-87
29 CASE FILED	30 THIS C	CASE IS	31 APPROVED BY	BADGE #
Yes No No	Cleared by arrest Unfound	ded Inactive Other		

## VOLUNTARY STATEMENT (NOT UNDER ARREST)

DAVID J. FASANO \_\_\_\_\_, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to SGT. OF THE LEROY POLICE DEPT. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve. years of age, and I live at\_\_\_ THAT AFTER BEING QUESTIONED IN REGUARDS TO AN ALLEGED INCIDENT IN WHICH I HAD HAD A FEMALE IN MY PATROL VEHICLE AND FURTHER STOPPED AT A LOCAL BAR WHERE THE FEMALE PURCHASED A SIX PACK OF BEER, I OFFER THE FOLLOWING INFORMATION FOR THE PURPOSE OF ASSISTING IN A FACTUAL MANNER MY ACTIONS? \*i) IT WAS A FRIDAY EVENING AND I WAS WORKING TP - 3A. MYSELF + HAD PLANNED ON HAVING A FEW BEERS TOGETHER PTL. AFTER OUR TOUR OF DUTY. AT APPROX. 155/AM I WAS IN THE PARKING LOT STOPPED . DUBING A GENERAL CONVERSATION I REMEMBER THAT I DIDN'T HAVE ANY BEER AT MY RESIDENCE. AT THIS POINT I ASKED IF SHE WOULD GET A SIX PACK FOR ME. SHE AGREED BUT ADVISED SHE DIDN'T HAVE ANYWAY OF GET-TING THERE . I THEN OFFERED TO DRIVE HER, WHICH I DID. I DROVE HER WHERE SHE BOUGHT THE SIX PACK, I RETURNED LEMMEDIATLY WHERE I DROPPED OFF, PLACED THE SIX PACK IN MY PERSONAL YEHICLE AND CONTINUED TO PATROL. AFTER FINISHING AT 3AM I WAITED FOR L WHO WAS FINISHING AT 4 AM. AFTER GOT OFF DUTY WE WENT TO MY HOUSE AND HAD A COUPLE OF BEERS AND WATCHED T.Y. ABOVE FACTS ARE TOTALLY TRUE AND I AFFIRM THIS UNDER PENALTY OF PORJURY. page (4), each page of which bears my signature, and corrections, if I have read each page of this statement consisting of \_\_\_\_ any, bear my initials, and I certify that the facts contained herein are true and correct. day of MARCH 19 34 WITNESS: Signature of person giving voluntary statement WITNESS:

## VOLUNTARY STATEMENT

PAGE NO.\_\_\_\_OF\_\_\_PAGES

(NOT UNDE	R ARREST)
	, am not under arrest for, nor am I being detained for any criminal
offenses concerning the events I am about to make known to	POU POLICE DEPARTMENT
Without being accused of or questioned about any criminal offenses mation of my own free will, for whatever purposes it may serve.	regarding the facts I am about to state, I volunteer the following infor-
I amyears of age, and I live at	STREET W.Y.
ON ONE NIGHT I	SAW DAVID FASANO, I
BELEIVE MY CAR WAS AT	ACKED IF T UNIVA
TO HIM AND HE SAID	TO THE TOURS HAVE
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OUTSIDE BACK INTO T	WE PATEOL CAR.
NE THEN GAVE ME	A RIDE BACK TO MY
CAR AND HE PUT THE	15 OR 20 MINUTES.
MY ANSWERS THAT WERE	E GIVEN BEFORE TO SET.
ARE DIFFERENT THAN WHA	T IS ON THIS PAPER. THE
REASON FOR THIS IS BECAU	ISE I WAS SCARED AND
MAILGHT ACC GUARD LINAT	I NAVE WRITTEN IS
TO MY KNOWLEDGE THE B I ALSO DIDN'T WANT T	EST THAT I REMEMBER.
I ALSO DIDN'T WANT ?	O GET DAVID FASALO
INTO TROUBLE BEFORE I	THOUGHT INE MATTER
THROUGH. IT DID NAPPEN P.	PWXILE AGO.
any, bear my initials, and I certify that the facts contained herein are	page(s), each page of which bears my signature, and corrections, it true and correct.
Dated at VILLAGE NALL	, this
WITNESS:	
WITNESS:	Signature of person giving voluntary statement

## VOLUNTARY STATEMENT (NOT UNDER ARREST)

(1401.014	, am not under arrest for, nor am I being detained for any criminal
fenses concerning the events I am about to make known to $\underbrace{Sgt}$ ithout being accused of or questioned about any criminal offens ation of my own free will, for whatever purposes it may serve.	ses regarding the facts I am about to state, I volunteer the following infor-
amyears of age, and I live at	
On December 3rd 1983 at about 1:30	am I was working as a uniformed Police
Officer in the Village of LeRoy. At the	his time I heard Officer D.J.Fasano call
for data information on N.Y.S. REG.	. The information revealed that
the registered owner did not have a va	alid N.Y.S. drivers license. Officer
Fasano then advised the LeRoy police	dispatcher that he would be making a
traffic stop with the above vehicle or	n St. I responded to Officer Fasano'
	asked if I could take over for him be-
cause he had to meet to pick u	p some beer. The traffic stop on
St. took at least 10 (ten) minutes as	the driver of the vehicle did not belivve
had lost his N.Y.S. drive push the vehicle down the street to the have to tow the car. At one point the stating that I had no right to stop he quickly quieted down by myself and vehicle to the parking lot on Stater that evening the subjects were the arrest.  At a later date, date unknown, Officevening that he had taken in the subjects with the state of the state of the subjects.	the parking lot on St. or I would the parking lot on St. or I would the driver began yelling and running around aim and give him a summons. He was however The two subjects then pushed the st. while I followed them in the Police care
I have read each page of this statement consisting of	page(s), each page of which bears my signature, and corrections are true and correct.
WITNESS:	
WITNESS	Signature of person giving voluntary statement



## Billage of Le Roy **Depart**ment of Police

LE ROY, NEW YORK 14482



March 16, 1984

David J. Fasano, Patrolman LeRoy Police Department LeRoy, New York 14482

This will serve to notify you that you are charged with violation of the following rules and regulations of the Department of Police, of the Village of LeRoy, New York.

### CHARGE ONE

Rule Number 3, Subdivision Discipline - Acts Forbidden

Conduct unbecoming an officer and a gentleman, or of conduct prejudicial to the good reputation, the order, or discipline of the Department of Police.

SPECIFICATION:

In that on or about the later part of November or early December, 1983 at approximately 2:00 a.m. one Saturday morning, Patrolman David J. Fasano did while on duty and in uniform as a Village of LeRoy Police Officer and without permission or instruction of his superiors ask a year old female civilian, to enter and ride with him in an on-duty Village of LeRoy Police vehicle. Patrolman Fasano did drive the vehicle into the parking lot of a local exited the vehicle and entered to purchase a six pack of beer. Upon purchasing the six pack of beer, she left and again entered the waiting Village of LeRoy Police Department car driven by Patrolman David J. Fasano. Patrolman Fasano and I then drove out of the parking . Upon information and belief, there were eight lot at at the time who witnessed the (8) to nine (9) people in and Patrolman David J. Fasano above described details of Miss arriving in the parking lot, purchasing the beer and leaving together in the police car.

### CHARGE TWO

Departmental Order of July 31, 1981 issued by Chief which Orders formental Order of November 30, 1983 issued by Chief which Orders forbid an officer of taking a police department vehicle outside of the Village with only



### Billage of Te Roy Department of Police 1E ROY, NEW YORK 14482



certain exceptions, not applicable to your actions.

SPECIFICATION: In that on or about February 10, 1984 at 7:30 p.m., Sergeant, in conducting the departmental investigation of this incident, did receive an oral statement from Miss that Patrolman Fasano, on that morning in question did ask Miss to join him in the Police Department vehicle and drove her to where she purchased the beer. Miss was then driven by Patrolman Fasano according to her first story, to her home which, upon information and belief is outside of the Village jurisdiction at Street, New York. The circumstances surrounding this first statement make it the most credible of Miss statements and indicate that Patrolman David J. Fasano did leave the Village limits contrary to orders.

Details of the cicumstances surrounding the conduct of David J. Fasano at the foresaid time and place are contained in reports from Sergeant and are available at the Village of LeRoy Police Department to you and your attorney. Miss was first interviewed on February 10, 1984 by Sergeant and the summary of the statement is available at the Village of LeRoy Police Department. Miss was further interviewed on February 14, 1984 by Sergeant at the Village of LeRoy Police Department and the summary of that statement is available. Miss was further interviewed by Sergeant on March 9, 1984 in writing and that statement is available at the Village of LeRoy Police Department. Further, oral statements were given to Sergeant by Patrolman David J. Fasano and subsequently a written statement was made on March 1, 1984 which statement is available in the Village of LeRoy Police Department. Sergeant also interviewed patrons of who witnessed the incident and these patrons will be served with subpoenas to appear at the hearing and the names made available.

You have a right to submit an answer in writing by 5:00 p.m. of March 26, 1984.

You are advised that a public hearing will be held on these charges before designated Hearing Officer on April 5, 1984 at 2:00 p.m. in the Village Board room at the LeRoy Municipal Building, 3 West Main Street, LeRoy, New York. You have a right to produce witnesses to be heard at said hearing.

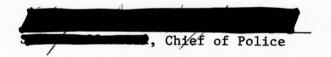
You are advised that you have the right to have counsel present at this hearing and that your counsel may examine copies of any investigative reports made concerning this incident.

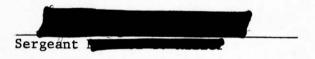
## Billage of Le Roy Department of Police LE ROY, NEW YORK 14482



You should be made aware that the possible penalties you face if found guilty of one or both of these charges include the following:

- (a) written reprimand
- (b) a fine not to exceed one hundred dollars (\$100.00)
- (c) suspension without pay for a period not to exceed two (2) months
- (d) demotion from present rank
- (e) termination of employment





## Hillage of Le Roy

THE GATEWAY TO GENESEE COUNTRY
LE ROY, NEW YORK 14482

March 16, 1984

Chief of Police LeRoy Police Department 3 West Main Street LeRoy, New York 14482

Dear Sam:

Please serve with a signed statement designating him as Hearing Officer and also a letter from the Village of LeRoy Police Department containing the charges against David J. Fasano.

Yours truly,

ESQ.

Village Attorney

Enc.



## Village of Te Kon Department of Police

LE ROY. NEW YORK 14482



March 16, 1984

Administrator of the Village of LeRoy Municipal Building 3 West Main Street LeRoy, New York 14482

Dear Mr.

Patrolman David J. Fasano has been charged with violation of the following rules and regulations of the Department of Police, of the Village of LeRoy, New York:

### CHARGE ONE

Rule Number 3, Subdivision Discipline - Acts Forbidden

Conduct unbecoming an officer and a gentleman, or of conduct prejudicial to the good reputation, the order, or discipline of the Department of Police.

### CHARGE TWO

Departmental Order of July 31, 1981 issued by the partmental Order of November 30, 1983 issued by which Orders forbid an officer of taking a police department vehicle outside of the Village with only certain exceptions.

The specifications of these charges are included in a letter dated March 16, 1984 which I attach.

I am designating you as Hearing Officer for these charges. The hearing will be held on April 5, 1984 at 2:00 p.m. in the Village Board room at the LeRoy Municipal Building, 3 West Main Street, LeRoy, New York. The hearing will be conducted in accordance with the Civil Service Law of the State of New York.

Yours truly,
Chief of Police

TO:

, Chief of Police

FROM:

, Administrator



SUBJECT: Hearing Officer Designation

I refuse to accept the appointment as hearing officer in the matter of departmental charges against Patrolman D.J. Fasano.

TO:

Patrolman David J. Fasano

FROM:

, Chief of Police

SUBJECT: Change of Hearing Officer

You are advised that Administrator of the Village of LeRoy has not accepted the designation of hearing officer for the charges to be heard against you on April 5, 1984 at 2:00 P.M.

of the City of Batavia Chief I Police Department has been designated to hear the charges against you and has been appointed to hearing officer.



### Village of Te Kon Department of Molice LE ROY, NEW YORK 14482



March 21, 1984

Chief of Police City of Batavia West Main Street Batavia, New York 14020

Dear Chief

Patrolman David J. Fasano has been charged with violation of the following rules and regulations of the Department of Police of the Village of LeRoy, New York:

### CHARGE ONE

Rule Number 3, Subdivision Discipline - Acts Forbidden

Conduct unbecoming an officer and gentleman, or of conduct prejudicial to the good reputation, the order, or discipline of the Department of Police.

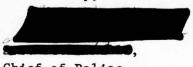
### CHARGE TWO

Departmental Order of July 31, 1981 issued by Departmental Order of November 30, 1983 issued by Orders forbid an officer of taking a police department vehicle outside of the Village with only certain exceptions.

The specifications of these charges are included in a letter dated March 16, 1984 which I attach.

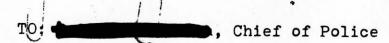
I am designating you as Hearing Officer for these charges. The hearing will be held on April 5, 1984 at 2:00 P.M. in the Village Board room at the LeRoy Municipal Building, 3 West Main Street, LeRoy, New York. The hearing will be conducted in accordance with the Civil Service Law of the State of New York.

Yours truly,



Chief of Police





From: David J. Fasano, Patrolman

Subject: Departmental charges

This letter is a response to your advisement dated March 16, 1984 of departmental charges being brought against this writer. Specifically:

#1- Rule #3, Subdivision Discipline - Acts forbidden

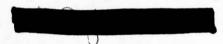
#2- Taking a police department vehicle outside the Village without authorization.

I offer the following pleas to the above charges:

#1- Guilty

#2- Not guilty

Respectfully submitted,



TO:

D.J. Fasano, Patrolman

FROM:

a, Chief of Police

SUBJECT: Acceptance of Plea Departmental Charges

This memo is in response to your memo dated March 22, 1984, a copy of which is attached.

I hereby accept your plea of guilty to charge #1, Rule Number 3, Subdivision Discipline - Acts Forbidden: Conduct unbecoming an officer and a gentleman, or of conduct prejudicial to the good reputation, the order, or discipline of the Department of Police.

Further, at this time I am dismissing charge #2, taking a Police Department vehicle outside the Village without authorization.

After a final review of all circumstances, I will contact you in regards to my decision in regards to punishment.



## Billage of Te Roy Department of Holice

LE ROY, NEW YORK 14482



April 9, 1984

David J. Fasano, Patrolman LeRoy Police Department LeRoy, New York 14482

Dear Patrolman Fasano:

Thank you for your written response to the charges brought against you by letter dated March 16, 1984 in which you plead guilty to Charge One, namely violating Rule Number 3, conduct unbecoming an officer and a gentleman. You have denied Charge Two concerning Departmental Orders forbidding the leaving of the jurisdiction while on duty.

I am prepared to offer you an acceptance of your plead to Charge One in satisfaction of all charges brought against you on the condition that you agree to the following terms of discipline:

a) You are to be given ten (10) regular work days off without pay on every Wednesday and Thursday for a period of five
 (5) consecutive weeks commencing the first Wednesday after the acceptance of this penalty

OR

b) You are to perform fifteen (15) additional work days without pay to the Village Police Department consisting of one week day for each week commencing on the first Monday after the acceptance of this penalty. On these fifteen (15) work days Patrolman Fasano shall be expected to perform his regular duties without reimbursement.

The choice of the ten (10) days off without pay (a) or fifteen (15) additional work days on duty without pay (b) is yours to make. I ask you to agree to one (1) of these and sign the attached stipulation as to your choice of disciplinary action.

Yours truly,

Chief of Police



### Billage of Te Roy

## Department of Police.

LE ROY, NEW YORK 14482



CHIEF OF POLICE

April 9, 1984

### STIPULATION OF SETTLEMENT

The Department of Police of the Village of LeRoy, having brought formal charges on March 16, 1984 against Patrolman David J. Fasano, an officer of the Department, for having violated Rule Number 3, namely conduct unbecoming an officer and a gentleman and these charges having been admitted by Patrolman Fasano, it is agreed and stipulated as follows:

- 1. Patrolman David J. Fasano, by this document does admit his guilt to the charges and waives all further rights to a hearing to contest said charges.
- 2. Chief of Police two disciplinary actions in full settlement of this matter. They are as follows:
  - a) Ten (10) regular work days off without pay on every Wednesday and Thursday for a period of five (5) consecutive weeks commencing the first Wednesday after the acceptance of this penalty

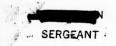
OR

b) Fifteen (15) additional days of work without pay to the Village Police Department consisting of one (1) week day for each week commencing the first Monday after the acceptance of this penalty. On these fifteen work days, Patrolman Fasano shall be expected to perform his regular duties without reimbursement.

Patrolman Fasano having been advised of and given a choice of ten (10) days off duty without pay or fifteen additional days of regular work as a Village Police Officer without pay has opted for:

b) Fifteen (15) additional days of work without pay to the Village Police Department consisting of one (1) weekend day for each week commencing the first weekend after the acceptance of this penalty. On these fifteen work days, Patrolman Fasano shall be expected to perform his duties without reimbursement.

It is agreed by the Village of LeRoy Department of Police and by Patrolman David J. Fasano that the penalty stipulated in this document shall be in full satisfaction of all charges brought against Patrolman David J. Fasano.



## Billage of Le Roy Department of Police LE ROY, NEW YORK 14482



Chief of Police

David J. Fasano, Patrolman

# Billage of Te Roy Bepartment of Holice LE ROY, NEW YORK 14482



April 18, 1984

David J. Fasano, Patrolman LeRoy Police Department LeRoy, New York 14482

Dear Patrolman Fasano:

You were served by a letter dated March 16, 1984 which informed you that you were being charged with violating the following rules and regulations of the Department of Police of the Village of LeRoy:

### CHARGE ONE

Rule Number 3, Subdivision Discipline - Acts Forbidden

Conduct unbecoming an officer and a gentleman, or of conduct prejudicial to the good reputation, the order, or discipline of the Department of Police.

SPECIFICATION:

In that on or about the later part of November or early December, 1983 at approximately 2:00 a.m. one Saturday morning, Patrolman David J. Fasano did while on duty and in uniform as a Village of LeRoy Police Officer and without permission or instruction of his superiors ask a year old female civilian, to enter and ride with him in an on-duty Village of LeRoy Police vehicle. Patrolman Fasano did drive the vehicle into the parking lot of a local bar known as Miss exited the vehicle and entered to purchase a six pack of beer. Upon purchasing the six pack of beer, she left and again entered the waiting Village of LeRoy Police Department car driven by Patrolman David J. Fasano. Patrolman Fasano and Miss then drove out of the parking lot at . Upon information and belief, there were eight (8) at the time who witnessed to nine (9) people in the above described details of Miss and Patrolman David J. Fasano arriving in the parking lot, purchasing the beer and leaving together in the police car.

# Billage of Le Roy Department of Holice LE ROY, NEW YORK 14482



### CHARGE TWO

Departmental Order of July 31, 1981 issued by Chief and Departmental Order of November 30, 1983 issued by Chief which orders forbid an officer of taking a police department vehicle outside of the Village with only certain exceptions, not applicable to your actions.

SPECIFICATION: In that on or about February 10, 1984 at 7:30 p.m., Sergeant , in conducting the departmental investigation of this incident, did receive an oral statement from Miss that Patrolman Fasano, on that morning in question did to join him in the Police Department vehicle ask Miss and drove her to where she purchased the beer. was then driven by Patrolman Fasano according to her first story, to her home which, upon information and belief is outside of the Village jurisdiction at New York. The circumstances surrounding Street, this first statement make it the most credible of Miss statements and indicate that Patrolman David J. Fasano did leave the Village limits contrary to orders.

You were advised that a public hearing would be held on these charges on April 5, 1984 at 2:00 p.m. in the Village Board room at the LeRoy Municipal Building, 3 West Main Street, LeRoy, New York. You were also advised that you had the right to produce witnesses to be heard at said hearing along with all the other rights which were detailed in the letter of March 16, 1984.

You informed Chief of Police, before the date of the hearing (April 5, 1984) that you would admit to Charge One but denied Charge Two. In turn, the hearing was suspended pending an effort to reach a stipulated settlement as to the disciplinary action to be imposed as a result of your violation.

You were given a choice by letter dated April 9, 1984 and served upon you April 11, 1984 to the following terms of discipline:

(a) You are to be given ten (10) regular work days off without pay on every Wednesday and Thursday for a period of five (5) consecutive weeks commencing the first Wednesday after the acceptance of this penalty





# Pillage of Le Roy Department of Police LE ROY, NEW YORK 14482



CHIEF OF POLICE

(b) You are to perform fifteen (15) additional work days without pay to the Village Police Department consisting of one week day for each week commencing on the first Monday after the acceptance of this penalty. On these fifteen (15) work days Patrolman David J. Fasano shall be expected to perform his regular duties without reimbursement.

You informed the Chief of Police on April 16, 1984 that you would not accept either stipulated settlement of discipline. The Department has no choice, therefore, but to continue with the charges and to set a hearing date at May 2, 1984 at 2:00 p.m. in the Village Board room at the LeRoy Municipal Building, 3 West Main Street, LeRoy, New York.

The hearing officer shall be Chief of the City of Batavia Police Department. You may give any additional written answers by April 27, 1984.

You should be made aware that the possibile penalty you face if found guilty of Charge One is:

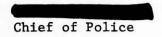
(a) ten (10) work days off without pay.

If you are found guilty of Charge Two alone or Charge Two and Charge One, then the possible penalties you face are:

- (a) written reprimand
- (b) a fine not to exceed one hundred dollars (\$100.00)
- (c) suspension without pay for a period not to exceed two (2) months
- (d) demotion from present rank
- (e) termination of employment.

You should be aware that you may plead guilty to these charges in writing and waive your right to a hearing in writing. If you do plead guilty to Charge One and waive you right to a hearing, you should be aware that the penalty shall still be ten (10) days off your work without pay.

Yours truly,



# Beparinent of Holice LE ROY, NEW YORK 14482



April 18, 1984

Chief of Police LeRoy Police Department LeRoy, New York 14482

Dear Chief Town

I have received your letter of April 18, 1984 which updates your previous letter of March 16th and details the charges against me. By this signed reply, I admit to Charge One which is as follows:

Rule Number 3, Subdivision Discipline - Acts Forbidden

Conduct unbecoming an officer and a gentleman, or of conduct prejudicial to the good reputation, the order, or discipline of the Department of Police.

I deny Charge Two which is as follows:

Departmental Order of July 31, 1981 issued by and Departmental Order of November 30, 1983 issued by which orders forbid an officer of taking a police department vehicle outside of the Village with only certain exceptions, not applicable to your actions.

I have been informed by you that by pleading to Charge One, that Charge Two shall be dropped and I shall be disciplined only for violation of Charge One.

By this document, I further waive my right to a hearing to defend myself on these charges. I do not, however, waive my right to appeal the disciplinary action which I understand will be taken against me, namely, ten (10) work days off without pay. It is my intention to appeal the disciplinary action though I am waiving my right to a hearing on the specifications contained therein.

Sincerely,

DAVID J. FASANO Patrolman

Chief of Police Leroy Police Dept. Leroy, N.Y. 14482

Dear Chief

I have recieved your letter of April 18, 1984 which updates your previous letter of March 16th and details the charges against me. Consistant with my responce dated 3-22-84 to the departmental charges brought against me, I admit to charge #1 which is as follows:

Rule #3, Subdivision Discipline - Acts forbidden

Conduct unbecoming of an officer and a gentalman, or of conduct prejudicial to the good reputation, the order, or discipline of the Police Department.

By this document, I further waive my right to a hearing to defend myself on this charge. I do not, however, waive my right to appeal the disciplinary action which I understand will be taken against me, namely, ten (10) work days off without pay.

As for charge #2, leaving the Village limits with a police department vehicle. I ask you to refer to my responce dated 3-22-84 in which I plead not guilty to that charge. You then accepted the not guilty plea and dismissed that charge by a letter to me dated 4-3-84.

Attached are copies of the two letters in which I refer to in the body of this letter.

Respectfully submitted,

David J. Fasano Patrolman TO: Chief of Police

From: David J. Fasano, Patrolman

Subject: Departmental charges

This letter is a response to your advisement dated March 16, 1984 of departmental charges being brought against this writer. Specifically:

#1- Rule #3, Subdivision Discipline - Acts forbidden

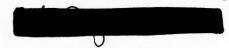
#2- Taking a police department vehicle outside the Village without authorization.

I offer the following pleas to the above charges:

#1- Guilty

#2- Not guilty

Respectfully submitted,



TO:

D.J. Fasano, Patrolman

FROM:

A, Chief of Police

SUBJECT: Acceptance of Plea Departmental Charges

This memo is in response to your memo dated March 22, 1984, a copy of which is attached.

I hereby accept your plea of guilty to charge #1, Rule Number 3, Subdivision Discipline - Acts Forbidden: Conduct unbecoming an officer and a gentleman, or of conduct prejudicial to the good reputation, the order, or discipline of the Department of Police.

Further, at this time I am dismissing charge #2, taking a Police Department vehicle outside the Village without authorization.

After a final review of all circumstances, I will contact you in regards to my decision in regards to punishment.

Dave submitted letter in place April 18,1984 letter written for him to sign ye states the would like to states the would like to not charge one!

also clarify word charges also last paragraph on waiver

4-23-84

### Billage of Le Roy Department of Holice

LE ROY, NEW YORK 14482



April 24, 1984

David J. Fasano, Patrolman LeRoy Police Department LeRoy, New York 14482

Dear Patrolman:

In response to your letter of April 20, 1984 regarding the departmental charges brought against you, namely:

Rule #3 Subdivision Discipline, Acts Forbidden - Conduct unbecoming of an officer and a gentleman, or of conduct prejudicial to the good reputation, the order or discipline of the Police Department.

I accept your admission to Rule #3 Subdivision Discipline Acts Forbidden and dismiss the second charge of taking a Police Department vehicle outside of the Village.

I hereby discipline as follows:

Ten (10) work days off without pay, the work days to be April 25, 26 and May 2, 3. 9, 10, 16, 17, 23 and 24, 1984.

Chief of Police