

[REDACTED]
LeRoy, N. Y.

Jan. 14, 1975

Chief [REDACTED]

LeRoy Police

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

My wife and I have both talked with Village Justice [REDACTED], and he directed us to contact you. My wife is a [REDACTED] th [REDACTED] at [REDACTED] We are living at [REDACTED] presently.

Jan. 12, My wife, two friends, and myself were heading to [REDACTED] [REDACTED] to watch a school basketball game. As we stopped at the exit from [REDACTED] 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 lot opposite [REDACTED], we were looking 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 lights on. 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, " Now 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 got was, "Don't you worry about that!" As we approached the road from [REDACTED] parking lot he stopped and 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 off 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 got a chance I asked him if I broke any laws. He said he could give me a ticket for running the stop sign at [REDACTED] (I have 3 others and myself who know that I did stop) and for driving 34 M.P.H. in a 30 zone, and reckless driving. He claimed that I purposely stepped quickly in the driveway of [REDACTED], trying to get him to run into the back of my car. When I tried to tell him why I stopped he said that he should have hit me, because it would have been my fault.

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

The policeman by this time threatened me by saying that he now knows the car, and there are 2 other police that are on [REDACTED] 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 [REDACTED]. The Policeman then started ranting about how awful [REDACTED] was. And how it should be closed down or moved out of LeRoy.

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 [REDACTED] 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 no one did any such thing. I always spoke to him politely.
9. His lack of something ^{better} 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 [REDACTED].

I think this whole 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 LeRoy 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, [REDACTED] or during the day at [REDACTED]. Thank-you for your time and attention to this problem.

Sincerely,

[REDACTED]

██████████
SERGEANT

Village of Le Roy
Department of Police

LE ROY, NEW YORK 14482

██████████
CHIEF OF POLICE



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 threatening 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.



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 [REDACTED], it was 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 separate interviews with Mr. and Mrs. [REDACTED] and Mr. [REDACTED] (all of whom have completed or are about to complete college educations), each states that you did say to Mrs. [REDACTED] "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. [REDACTED].

Also from my interview, Mr. [REDACTED] and Mr. [REDACTED] state and object to your saying that [REDACTED] 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 [REDACTED]. You deny saying all this and admit to saying that you said a majority of the Police calls come from [REDACTED]. The foregoing is a basis for me to find that you did stereotype all [REDACTED] residents, and that you did use insolent language to the complainants.

Also, in my interview with Mr. [REDACTED] and Mr. [REDACTED] 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

LE ROY, NEW YORK 14482

████████████████████
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 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 ██████████ occasionally going to ██████████. It is my findings that you did make the above statement about judges, and as you know, no police officer should tell a defendant how much 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 danger, 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 no logical 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, in 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 separate interviews with Mr. and Mrs. [REDACTED], [REDACTED] Street, Le Roy, and Mr. and Mrs. [REDACTED], [REDACTED], 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 [REDACTED] and Trustee [REDACTED], within 30 days to appeal your suspension.

Very truly yours,

[REDACTED]
[REDACTED]
Chief of Police

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

[REDACTED]

[REDACTED]

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 [REDACTED], Chief of Police,
Le Roy Police Department

TO: [REDACTED], Mayor of the Village of Le Roy, [REDACTED]-
[REDACTED], Trustee of the Village of Le Roy, and [REDACTED],
Chief of Police, Village of Le Roy Police Department:
The undersigned, GEORGE Mac KENZIE, by his attorney, [REDACTED]-
[REDACTED].., in Answer to the charges made against him
by [REDACTED], Chief of Police, alleges as follows:

1. By letter dated January 21, 1975, [REDACTED], Chief
of Police notified GEORGE Mac KENZIE, Patrolman of the Le Roy
Police Department that he was being suspended for two days without
pay effective January 22, 1975, for violation of Rules and Regu-
lations 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
[REDACTED], Chief of Police of Le Roy Police Department, and
written to GEORGE Mac KENZIE, Patrolman of the Le Roy Police De-
partment, he was notified that he was suspended for a period of
eight working days, effective January 24, 1975 upon the basis

[REDACTED]
ATTORNEY-AT-LAW
[REDACTED]
[REDACTED]
[REDACTED]

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

TO: [REDACTED] Chief LeRoy Police Department

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 [REDACTED] 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 legitimate 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.



LeRoy, New York 14482

[REDACTED]
SERGEANT

[REDACTED]
SERGEANT

Village of Le Roy
Department of Police
LE ROY, NEW YORK 14482



[REDACTED]
CHIEF OF POLICE

August 23, 1983

[REDACTED]
LeRoy, New York 14482

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

Dear Mrs. [REDACTED]:

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,

[REDACTED]
[REDACTED]
Chief of Police

[REDACTED]

██████████
SERGEANT

██████████
SERGEANT

Village of Le Roy
Department of Police
LE ROY, NEW YORK 14482



██████████
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 conscientious police officer. As you and I discussed we are only human but, 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,

██████████
██████████
Chief of Police

SERGEANT

SERGEANT

Village of Le Roy
Department of Police
LE ROY, NEW YORK 14502



CHIEF OF POLICE

January 12, 1984

TO: Sgt. [REDACTED]
FROM: Chief [REDACTED]
SUBJECT: Allegation of Misconduct By Ptlm. D.J. Fasano

While 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 [REDACTED] 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, and that [REDACTED] was tending bar at the time of the alleged occurrence.

Conduct an investigation in regards to this 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.

SUPPLEMENTARY INVESTIGATION REPORT

Departmental Investigation
Classification

NO. _____

NO. _____

Name of Complainant <u>D. J. FASANO</u>	Address	Phone No.
Offense <u>Allegation of Misconduct</u>	Case Assigned To: <u>Sgt. [REDACTED]</u>	

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:

Date Feb 6 1984

On January 12, 1984 I was instructed by Chief [REDACTED] to check on the allegation that Ptlm. D.J. Fasano had a female riding in a patrol car with him and that he had taken this female to [REDACTED], a local tavern, and this female had entered [REDACTED] and purchased a six pack of beer and then left the bar, re-entering the police vehicle and Ptlm. Fasano then drove the car away.

The following is a summary of the investigation conducted by me in regards to the above allegations

1-17-84 Contacted [REDACTED] owner-bar tender at [REDACTED] in regards to the above incident and he does recall the police car entering his parking area, exact date-time unknown. At the time he thought nothing of this as often the patrol vehicle enters there to check the rear building. When this young lady, approx. early 20's white female, entered the bar and purchased a six pack of beer and left immediately. [REDACTED] stated that he did not know this girl and when he looked outside she entered the patrol car and they then drove off. Present in the bar was [REDACTED] and [REDACTED]. A discussion as to the fact that this girl had exited the police vehicle driven by Ptlm. Fasano and then had re-entered the police vehicle after purchasing the beer. [REDACTED] then does not want to give any statement in regards to this matter as he feels that there might be possible re-persussions against his establishment.

27 INVESTIGATING OFFICER(S) <u>[REDACTED]</u>	28 REPORT MADE BY <u>Sgt. [REDACTED]</u>	DATE <u>2-6-84</u>
29 CASE FILED	30 THIS CASE IS	31 APPROVED BY
Yes <input type="checkbox"/> No <input type="checkbox"/>	Cleared by arrest <input type="checkbox"/> Unfounded <input type="checkbox"/> Inactive <input type="checkbox"/> Other <input type="checkbox"/>	BADGE #

SUPPLEMENTARY INVESTIGATION REPORT

Departmental Investigation

NO. _____

NO. _____

Name of Complainant <u>D. J. FASANO</u>	Address	Phone No.
Offense <u>Allegation of Misconduct</u>	Case Assigned To: <u>Sgt. [REDACTED]</u>	

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:

Date Feb 6 1984

1-18-84 Interview [REDACTED]
 Mr. [REDACTED] did remember being at [REDACTED], again no verification of date or time. Mr. [REDACTED] stated that he saw the police car being driven by Ptlm Dave Fasano enter the parking area at [REDACTED]. Then a young girl entered the barroom and purchased a six pack of beer and left immediately. [REDACTED] stated he saw this girl enter the police car and then Ptlm Fasano drove away with this girl. Asked [REDACTED] if he knew who this girl was and he wasn't sure of her name but remembers her being at the village hall before and thinks her name is [REDACTED] but was not positive.

[REDACTED] remembers [REDACTED] as being in the bar at this time. Mr. [REDACTED] does not want to give any statements in this matter as he feels he is too close to the Police and he does not want any problems.

1-20-84 Interview [REDACTED] Street LeRoy
 Mr. [REDACTED] also remembered the night this incident occurred but does not recall exact date or time. He recalls the girl entering the bar and purchasing the beer and leaving. He also stated that a conversation at the bar occurred to the fact that she had gotten into the police car. He looked outside and saw the police car with this girl in it drive away. Mr. [REDACTED] does not want to make any statement in this matter as he is also afraid of possible repercussions.

27 INVESTIGATING OFFICER(S) [REDACTED] 28 REPORT MADE BY Sgt [REDACTED] DATE 2-6-84

29 CASE FILED Yes No 30 THIS CASE IS Cleared by arrest Unfounded Inactive Other 31 APPROVED BY _____ BADGE # _____

SUPPLEMENTARY INVESTIGATION REPORT

Departmental Investigation
Classification

NO. _____

NO. _____

Name of Complainant <u>Pt/m. D.J. Fasano</u>	Address	Phone No.
Offense <u>Allegation of Misconduct</u>	Case Assigned To: <u>Sgt. [REDACTED]</u>	

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:

Date 2-06-1984

Unable to contact [REDACTED] and [REDACTED] does not recall the incident.

Talked with Pt/m. Fasano in regards to the allegations and the fact that I was going to conduct an investigation and he neither denied or verified the allegation and he wanted to make no statement in regards to the allegation.

Also unable to locate a [REDACTED] to find out if in fact she was the female involved in this incident.

Conclusion:

It is my opinion that the allegation that Pt/m. D.J. Fasano did in fact drive a female to [REDACTED] on [REDACTED] St in the patrol vehicle that this unknown female did enter the bar and purchase a six-pack of beer. She then left the bar and re-entered the patrol vehicle being driven by Pt/m. D.J. Fasano and did drive away with Pt/m. D.J. Fasano.

No written statements were given during this investigation as all parties were reluctant to reduce their information to writing due to fear of retaliation.

Respectfully submitted
[REDACTED]

27 INVESTIGATING OFFICER(S) [REDACTED] 28 REPORT MADE BY [REDACTED] DATE 2-6-84

29 CASE FILED 30 THIS CASE IS 31 APPROVED BY BADGE #

Yes No Cleared by arrest Unfounded Inactive Other

SUPPLEMENTARY INVESTIGATION REPORT

Departmental Investigation
Classification

NO. _____

NO. _____

Name of Complainant <u>PTM. D.J. FASANO</u>		Address	Phone No.
Offense <u>Allegation OF Misconduct</u>	Case Assigned To: <u>Sgt. [REDACTED]</u>		

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:

Date Feb 10 1984

2-10-84 7:30pm. I interviewed [REDACTED] at [REDACTED], her place of employment, in regards to the incident.

She told me that David Fasano did take her to [REDACTED] in the patrol car where she did purchase a six pack of beer. She then left the bar and re-entered the patrol car where David then drove her home and dropped her off and David left. She stated that she had been having car trouble and that is why David gave her a ride. She does not remember the date but believes it was in early December. She did not want to make a written statement, but stated that if we needed any further information she would be available.

2-14-84 - I called [REDACTED] at her residence [REDACTED] and talked to her to verify the facts. She told me this time that David had picked her up at [REDACTED] and after purchasing the beer, ~~and~~ they drove back to [REDACTED] where David dropped her off at her car. She then took the beer and drove home in her car.

27 INVESTIGATING OFFICER(S) [REDACTED] 28 REPORT MADE BY Sgt. [REDACTED] DATE 2-10-84

29 CASE FILED Yes No Cleared by arrest 30 THIS CASE IS Unfounded Inactive Other 31 APPROVED BY _____ BADGE # _____

SUPPLEMENTARY INVESTIGATION REPORT

NO. _____

Departmental Invest.
Classification

NO. _____

Name of Complainant Ptlm. D. J. FASANO	Address	Phone No.
Offense Alleged Misconduct	Case Assigned To: Sgt. [REDACTED]	

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:

Date 3-01 1984

3-01-84 12:30 PM

Meet with Ptlm FASANO and Union Rep. [REDACTED] in regards to Ptlm FASANO giving a statement. ~~me~~ as to what happened on the night in question. After advising Ptlm. FASANO that he did not have the right to refuse to give a statement and then Ptlm. FASANO consulting with [REDACTED], Ptlm FASANO agreed to answer my questions. I advised Ptlm FASANO as to the fact that I was investigating an allegation that he had picked up a female, drove her to [REDACTED] where she entered the bar and purchased a six-pack of beer. She then left the bar re-entered the police car with David driving and they drove away.

Ptlm FASANO then agreed to give me a written statement containing the facts of the event. Also I had started interviewing Ptlm FASANO before an agreement was reached to let him write his statement. I asked him the date. Does not recall (agrees late Nov - early Dec)
 time: Friday night - Sat morning, working 7A-3A shift, approx 1:55 AM
 Place: stated he saw [REDACTED] pull in Village Hall parking lot and he went over to talk to her. This is where he asked her to buy him a six pack of beer. She agreed.
 Where did you go: Took her to [REDACTED] and then back to her car at [REDACTED]

At this point it was agreed to allow Ptlm FASANO to write statement. I was also advised by [REDACTED] that there would be no Civil Service hearing on this, that they would insist on following the contract.

27 INVESTIGATING OFFICER(S) [REDACTED] 28 REPORT MADE BY Sgt. [REDACTED] DATE 3-01-84

29 CASE FILED Yes No 30 THIS CASE IS Cleared by arrest Unfounded Inactive Other 31 APPROVED BY _____ BADGE # _____

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

PAGE NO. 1 OF 1 PAGES

I, 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. [REDACTED] 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.

I am [REDACTED] years of age, and I live at [REDACTED].

THAT AFTER BEING QUESTIONED IN REGARDS 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?

- *1) IT WAS A FRIDAY EVENING AND I WAS WORKING 7P-3A. MYSELF & PTL. [REDACTED] HAD PLANNED ON HAVING A FEW BEERS TOGETHER AFTER OUR TOUR OF DUTY.
- *2) AT APPROX. 1⁵⁵/AM I WAS IN THE [REDACTED] PARKING LOT WHEN [REDACTED] STOPPED. DURING A GENERAL CONVERSATION I REMEMBER THAT I DIDN'T HAVE ANY BEER AT MY RESIDENCE. AT THIS POINT I ASKED [REDACTED] IF SHE WOULD GET A SIX PACK FOR ME. SHE AGREED BUT ADVISED SHE DIDN'T HAVE ANYWAY OF GETTING THERE.
- *3) I THEN OFFERED TO DRIVE HER, WHICH I DID. I DROVE HER TO [REDACTED] WHERE SHE BOUGHT THE SIX PACK. I RETURNED TO THE [REDACTED] IMMEDIATELY WHERE I DROPPED [REDACTED] OFF, PLACED THE SIX PACK IN MY PERSONAL VEHICLE AND CONTINUED TO PATROL.
- *4) AFTER FINISHING AT 3AM I WAITED FOR [REDACTED] WHO WAS FINISHING AT 4AM. AFTER [REDACTED] GOT OFF DUTY WE WENT TO MY HOUSE AND HAD A COUPLE OF BEERS AND WATCHED T.V.
- *5) ABOVE FACTS ARE TOTALLY TRUE AND I AFFIRM THIS UNDER PENALTY OF PERJURY.

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at LEROY VILLAGE HALL, this 1ST day of MARCH 19 84.

WITNESS: [REDACTED] [REDACTED]
Signature of person giving voluntary statement

WITNESS: _____

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

PAGE NO. _____ OF _____ PAGES

I, _____, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to LEROY POLICE DEPARTMENT. 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.

I am _____ years of age, and I live at _____ STREET _____ N.Y.

ON ONE NIGHT I SAW DAVID FASANO. I BELIEVE MY CAR WAS AT THE STATION. I TALKED TO HIM AND HE ~~SAID~~ ASKED IF I WOULD BUY SOME BEER FOR HIM SO HE COULD HAVE IT AFTER WORK. I THINK HE WAS GOING TO BE DONE WITH WORK SHORTLY.

HE GAVE ME A RIDE TO _____ WHERE HE WAITED IN THE CAR. I WENT INSIDE, PURCHASED A 6 PACK OF BEER, THEN I WENT OUTSIDE BACK INTO THE PATROL CAR.

HE THEN GAVE ME A RIDE BACK TO MY CAR AND HE PUT THE BEER IN HIS CAR. THIS TOOK MAYBE 15 OR 20 MINUTES.

MY ANSWERS THAT WERE GIVEN BEFORE TO SGT. _____ ARE DIFFERENT THAN WHAT IS ON THIS PAPER. THE REASON FOR THIS IS BECAUSE I WAS SCARED AND CAUGHT OFF GUARD. WHAT I HAVE WRITTEN IS TO MY KNOWLEDGE THE BEST THAT I REMEMBER. I ALSO DIDN'T WANT TO GET DAVID FASANO INTO TROUBLE BEFORE I THOUGHT THE MATTER THROUGH. IT DID HAPPEN AWKWARD.

I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at VILLAGE HALL, this 9 day of MARCH 19 84.

WITNESS: _____
Signature of person giving voluntary statement

WITNESS: _____

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

I, [REDACTED], 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. [REDACTED]. 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.

I am _____ years 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 this time I heard Officer D.J.Fasano call for data information on N.Y.S. REG. [REDACTED]. The information revealed that the registered owner did not have a valid 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 on [REDACTED] St. I responded to Officer Fasano's location. At this time Officer Fasano asked if I could take over for him because he had to meet [REDACTED] to pick up some beer. The traffic stop on [REDACTED] St. took at least 10 (ten) minutes as the driver of the vehicle did not believe his license was not valid. I attempted to explain the events to him that usually are associated with a suspended license. As the passenger in the vehicle, [REDACTED] had lost his N.Y.S. drivers license I told the subjects they could push the vehicle down the street to the parking lot on [REDACTED] St. or I would have to tow the car. At one point the driver began yelling and running around stating that I had no right to stop him and give him a summons. He was however quickly quieted down by myself and [REDACTED]. The two subjects then pushed the vehicle to the parking lot on [REDACTED] St. while I followed them in the Police car. Later that evening the subjects were at the office speaking to Sgt. [REDACTED] about the arrest.

At a later date, date unknown, Officer Fasano told me that it was the above evening that he had taken [REDACTED] in the Police car to [REDACTED] to pick up the ^{BEER} beverage and that he placed the beverage in his vehicle at the parking lot at the station.

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at March 28th 1984, this _____ day of _____ 19 _____

WITNESS: _____
WITNESS: _____

[REDACTED]
Signature of person giving voluntary statement

SERGEANT

SERGEANT

Village of Le Roy
Department of Police
LE ROY, NEW YORK 14482



CHIEF OF POLICE

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 [REDACTED] year old female civilian, [REDACTED] 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 [REDACTED]. [REDACTED] exited the vehicle and entered [REDACTED] to purchase a six pack of beer. Upon purchasing the six pack of beer, she left [REDACTED] and again entered the waiting Village of LeRoy Police Department car driven by Patrolman David J. Fasano. Patrolman Fasano and [REDACTED] then drove out of the parking lot at [REDACTED]. Upon information and belief, there were eight (8) to nine (9) people in [REDACTED] at the time who witnessed the above described details of Miss [REDACTED] and Patrolman David J. Fasano 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 [REDACTED] and Departmental Order of November 30, 1983 issued by Chief [REDACTED] which Orders forbid an officer of taking a police department vehicle outside of the Village with only

Village of Le Roy
Department of Police
LE ROY, NEW YORK 14482



CHIEF OF POLICE

certain exceptions, not applicable to your actions.

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

Details of the circumstances surrounding the conduct of David J. Fasano at the foresaid time and place are contained in reports from Sergeant [REDACTED] and are available at the Village of LeRoy Police Department to you and your attorney. Miss [REDACTED] was first interviewed on February 10, 1984 by Sergeant [REDACTED] and the summary of the statement is available at the Village of LeRoy Police Department. Miss [REDACTED] was further interviewed on February 14, 1984 by Sergeant [REDACTED] at the Village of LeRoy Police Department and the summary of that statement is available. Miss [REDACTED] was further interviewed by Sergeant [REDACTED] 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 [REDACTED] 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 [REDACTED] also interviewed patrons of [REDACTED] 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 [REDACTED], 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.

Village of Le Roy
Department of Police
LE ROY, NEW YORK 14482



S. C. STEFFENILLA
CHIEF OF POLICE

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

[REDACTED]
[REDACTED], Chief of Police

[REDACTED]
Sergeant [REDACTED]

Village of Le Roy

INCORPORATED IN 1834

THE GATEWAY TO GENESEE COUNTRY

LE ROY, NEW YORK 14482

March 16, 1984

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

Dear Sam:

Please serve [REDACTED] 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,

[REDACTED]
[REDACTED], ESQ.
Village Attorney

[REDACTED]
Enc.

██████████
SERGEANT

██████████
SERGEANT

Village of Le Roy
Department of Police
LE ROY, NEW YORK 14482



██████████
CHIEF OF POLICE

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 ██████████ 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.

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

Attachment

March 21, 1984

TO: [REDACTED], Chief of Police

FROM: [REDACTED], Administrator [REDACTED]

SUBJECT: Hearing Officer Designation

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

March 21, 1984

TO: Patrolman David J. Fasano
FROM: [REDACTED], Chief of Police [REDACTED]
SUBJECT: Change of Hearing Officer

You are advised that Administrator [REDACTED] 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.

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

██████████
SERGEANT

██████████
SERGEANT

Village of Le Roy
Department of Police
LE ROY, NEW YORK 14482



██████████
CHIEF OF POLICE

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 ██████████ 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.

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

██████████
Attachment

March 22, 1984

TO: [REDACTED], 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,
[REDACTED]

April 3, 1984

TO: D.J. Fasano, Patrolman
FROM: [REDACTED], Chief of Police [REDACTED]
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.

SERGEANT

SERGEANT

Village of Le Roy
Department of Police
LE ROY, NEW YORK 14482



CHIEF OF POLICE

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

Attachment

Village of Le 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 [REDACTED] has given Patrolman Fasano a choice of 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.

[REDACTED]
SERGEANT

[REDACTED]
SERGEANT

Village of Le Roy
Department of Police

LE ROY, NEW YORK 14482



[REDACTED]
CHIEF OF POLICE

[REDACTED],
Chief of Police

David J. Fasano,
Patrolman

██████████
SERGEANT

██████████
SERGEANT

Village of Le Roy
Department of Police
LE ROY, NEW YORK 14482



██████████
CHIEF OF POLICE

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) to nine (9) people in ██████████ at the time who witnessed 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.

Village of Le Roy
 Department of Police
 LE ROY, NEW YORK 14482



CHIEF OF POLICE

CHARGE TWO

Departmental Order of July 31, 1981 issued by Chief [REDACTED] and Departmental Order of November 30, 1983 issued by Chief [REDACTED] 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 [REDACTED], in conducting the departmental investigation of this incident, did receive an oral statement from Miss [REDACTED] that Patrolman Fasano, on that morning in question did ask Miss [REDACTED] to join him in the Police Department vehicle and drove her to [REDACTED] where she purchased the beer. Miss [REDACTED] 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 [REDACTED] Street, [REDACTED] New York. The circumstances surrounding this first statement make it the most credible of Miss [REDACTED] 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, [REDACTED] 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

OR

Village of Le Roy
Department of Police
LE ROY, NEW YORK 14482

[REDACTED]
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 or 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 [REDACTED] 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 possible 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 your right to a hearing, you should be aware that the penalty shall still be ten (10) days off your work without pay.

Yours truly,

[REDACTED]
Chief of Police

██████████
SERGEANT

██████████
SERGEANT

Village of Le Roy
Department of Police
LE ROY, NEW YORK 14482



██████████
CHIEF OF POLICE

April 18, 1984

██████████
Chief of Police
LeRoy Police Department
LeRoy, New York 14482

Dear Chief ██████████:

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

April 20, 1984

[REDACTED]
Chief of Police
Leroy Police Dept.
Leroy, N.Y. 14482

Dear Chief [REDACTED]:

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 gentelman, 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,

[REDACTED]
David J. Fasano
Patrolman

March 22, 1984 .

TO: [REDACTED], 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,

[REDACTED]

April 3, 1984

TO: D.J. Fasano, Patrolman
FROM: [REDACTED], Chief of Police [REDACTED]
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

He states he would like to
~~submit~~ challenge 10 days discipline only
not charge one!

also clarify word charges
also last paragraph on waiver

4-23-84

██████████
SERGEANT

██████████
SERGEANT

Village of Le Roy
Department of Police

LE ROY, NEW YORK 14482



██████████
CHIEF OF POLICE

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.

Also, 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.

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.

Sincerely,

██████████
██████████
Chief of Police